CORVALLIS
CITY COUNCIL AGENDA

July 5, 2006
12:00 pm and 7:00 pm

(Planning Commission Interviews at 5:30 pm)

Downtown Fire Station
400 NW Harrison Boulevard

COUNCIL ACTION

PLEDGE OF ALLEGIANCE

NATIONAL ANTHEM – Nathan Boal, Osborn Aquatic Center Staff

I. ROLL CALL

II. CONSENT AGENDA

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

A. Reading of Minutes
   1. City Council Meeting – June 19, 2006
   2. City Council Work Session – June 26, 2006
   3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Airport Commission – June 6, 2006
      b. Committee for Citizen Involvement – May 4 and June 1, 2006
      c. Corvallis-Benton County Public Library Board – April 5 and May 3, 2006
      d. Downtown Parking Commission – May 24, 2006
      e. Planning Commission – May 17, 2006
      f. Watershed Management Advisory Commission – June 6, 2006

B. Reappointments to Advisory Boards, Commissions, and Committees

C. Announcement of Vacancies on Advisory Boards, Commissions, and Committees

D. Schedule a public hearing for July 17, 2006, to consider a Comprehensive Plan Amendment (CPA05-00004 – Industrial Welding)

E. Approval of an application for "Full On-Premises Sales" and"Brewery Public House" liquor licenses for McMenamins on Monroe, 2001 NW Monroe Avenue, Suite 106 (New Outlet)

F. Acknowledgment of Comcast Rate Filings

III. ITEMS REMOVED FROM CONSENT AGENDA

IV. UNFINISHED BUSINESS

A. Telecommunications Service Tax ordinance implementation [oral report provided]
   1. Implementation Date
   2. Voters' Pamphlet

B. Selection of a Planning Commissioner (evening meeting)

C. Deliberations on the Remanded Stipulated Order from Oregon Land Use Board of Appeals Relating to Phase I of the Land Development Code Update (evening meeting)
   ACTION: *An ordinance amending Ordinance 2000-43, as amended,* **to be read by the City Attorney**

V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

   1. Proclamation of National Recreation and Parks Month – July 2006

B. Council Reports

   1. Chamber of Commerce/Economic Development Partnership Merger Information

C. Staff Reports

   1. Council Request Follow-up Report – June 29, 2006

VI. VISITORS' PROPOSITIONS – 7:00 pm *(Note that Visitors' Propositions will continue following any scheduled public hearings, if necessary and if any are scheduled)*

VII. PUBLIC HEARINGS – 7:30 pm

A. A public hearing to consider a Comprehensive Plan Amendment (CPA05-00005 – Schlosser)

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

A. Human Services Committee – June 20, 2006
   1. Benton County Needs Assessment/Social Services Priority Setting
   2. Social Services Allocations – Fiscal Year 2006-2007
   3. Social Services Third Quarter Report
   4. Boys and Girls Club Update
   5. Corvallis-Albany Farmers' Market Annual Report

B. Urban Services Committee – None.

C. Administrative Services Committee – June 22, 2006
   1. Philomath Water Agreement
   2. Infrastructure Cost Recovery for NW Circle Boulevard
   3. Corvallis Tourism Third Quarter Report
   4. Follow-up on Economic Development Allocations for Business Enterprise Center, Downtown Corvallis Association, and Majestic Theatre

D. Other Related Matters

   1. *An ordinance amending Corvallis Municipal Code Chapter 2.08, "Systems Development Charge," as amended,* **to be read by the City Attorney**

   2. *A resolution establishing Systems Development Charge rates, per Municipal Code Chapter 2.08, "Systems Development Charge," as amended,* **to be read by the City Attorney**

   3. *A resolution accepting a grant from Oregon Department of Fish and Wildlife ($21,650) for Oak Creek barrier removal project and authorizing the City Manager to sign grant documents,* **to be read by the City Attorney**

X. NEW BUSINESS

A. Chamber of Commerce/Economic Development Partnership Merger Assignments

XI. ADJOURNMENT

For the hearing impaired, a sign language interpreter can be provided with 48 hours' notice prior to the meeting. Please call 766-6901 or TTY/TDD telephone 766-6477 to arrange for such service.

A LARGE PRINT AGENDA CAN BE AVAILABLE BY CALLING 766-6901

A Community That Honors Diversity

CITY OF CORVALLIS

ACTIVITY CALENDAR

JULY 3 - 16, 2006

TUESDAY, JULY 4

- City Holiday – all offices closed

WEDNESDAY, JULY 5

- City Council - 12:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- No Human Services Committee
- No Urban Services Committee
- City Council - 5:30 pm - Downtown Fire Station, 400 NW Harrison Boulevard (work session: Planning Commission applicant interviews)
- City Council - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

THURSDAY, JULY 6

- No Administrative Services Committee

FRIDAY, JULY 7

- Bicycle and Pedestrian Advisory Commission - 7:00 am - Madison Avenue Meeting Room, 500 SW Madison Avenue

SATURDAY, JULY 8

- Government Comment Corner (host to be determined) - 10:00 am - Library Lobby, 645 NW Monroe Avenue

TUESDAY, JULY 11

- Open Space Advisory Commission - 4:00 pm - Parks and Recreation Conference Room, 1310 SW Avery Park Drive

WEDNESDAY, JULY 12

- Citizens Advisory Commission on Transit - 8:15 am - Madison Avenue Meeting Room, 500 SW Madison Avenue

THURSDAY, JULY 13

- Citizens Advisory Commission on Civic Beautification and Urban Forestry - 8:00 am - Parks and Recreation Conference Room, 1310 SW Avery Park Drive

- Riverfront Commission - 4:00 pm - Parks and Recreation Conference Room, 1310 SW Avery Park Drive

SATURDAY, JULY 15

- Government Comment Corner (School Board Member Kari Rieck) - 10:00 am - Library Lobby, 645 NW Monroe Avenue

SUNDAY, JULY 16

- Ward 5 (Councilor Rob Gándara) - 4:00 pm - Franklin Square Park, NW15th/16th Streets and NW Polk/Taylor Avenues)

CITY OF CORVALLIS
COUNCIL ACTION MINUTES

June 19, 2006

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Consent Agenda Pages 392-393			
Unfinished Business 1. City Council Goal Update – "Evaluate Strategies to Maximize Delivery of Parks and Recreation, Youth, and Cultural Services" Pages 393-394			• Direct 2007-2008 Council to adopt goal of developing multi-year funding strategies • Encourage organizations to form collaborative advocacy group • Adopt goal of comprehensive review and analysis of volunteer programs
Council Reports 1. Corvallis' 150th Birthday (Tomlinson) 2. Chinese Delegation Visit (Tomlinson) 3. COI Open House (Tomlinson) 4. Benton Habitat for Humanity Wall-Raising Event (Tomlinson) 5. Downtown Strategic Plan (Tomlinson) 6. EVP Strategic Planning Effort (Tomlinson) 7. Government Comment Corner (Daniels) 8. Ward 5 Meeting (Gándara) 9. Chinese National Anthem (Gándara) 10. WMAC public workshop (Brauner) Pages 395-396	Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes		
Staff Reports 1. HRC Recruitment Process 2. Letter to ODOT – Pedestrian/Bicycle Link – Corvallis to Albany 3. City Manager's Report – May 2006 4. Council Request Follow-Up Report – June 15, 2006 5. Letter Request – Pacific Power 6. Citizen Inquiry – Petition Signature Gathering Locations Pages 396-397	Yes Yes Yes Yes Yes Yes		
Items of HSC Meeting of June 6, 2006 1 Rental Housing Program Sunset Review 2. Boards and Commissions Sunset Review: • Citizens Advisory Commission on Civic Beautification and Urban Forestry 3. Organizational Diversity Efforts Pages 397-398	Yes		• ORDINANCE 2006-16 passed U (see USC report)

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Items of USC Meeting of June 6, 2006 1 Permit to Occupy Public Right-of-Way (Highland Medical Center) 2. Boards and Commissions Sunset Reviews: • Airport Commission • Downtown Parking Commission 3. Pleasant View/Stoneybrook Subdivision Zone of Benefit Pages 398-402			• Approved permit and waived annual permit fee • ORDINANCE 2006-17 passed U • Approved zone of benefit request passed 7 to 2
Items of ASC Meeting of June 8, 2006 1 Third Quarterly Operating Report 2. City Charter Review 3. Ambulance Rate Review 4. PEG Access Management Pages 403-404	Yes		• Accepted report • Adopted ballot title • Approved new fee schedule
Other Related Matters 1 Municipal Judge Pro Tempore – Bach 2. Grant – Oregon Economic and Community Development Department 3. Funding Transfer – Contingencies to Risk Management Pages 404-405			• RESOLUTION 2006-19 passed U • RESOLUTION 2006-20 passed U • RESOLUTION 2006-21 passed U
New Business 1. Labor Agreement CRCCA Page 405			• Approved agreement
Visitors' Propositions 1. Smoke-Free Bars and Workplaces (Becker, Edwards) Pages 405-406	Yes		
Public Hearing 1. Parks Systems Development Charges Pages 406-414			• Staff to draft ordinance

Glossary of Terms

ASC	Administrative Services Committee
CM	City Manager
COI	Community Outreach, Inc.
CRCCA	Corvallis Regional Communications Center Association
EVP	Economic Vitality Partnership
HRC	Historic Resources Commission
HSC	Human Services Committee
ODOT	Oregon Department of Transportation
PEG	Public, Education, Government
U	Unanimous
USC	Urban Services Committee
WMAC	Watershed Management Advisory Commission

CITY OF CORVALLIS
COUNCIL ACTION MINUTES

June 19, 2006

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:00 pm on June 19, 2006, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Berg presiding.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

PRESENT: Mayor Berg, Councilors Grosch, Davis, Gándara, Hagen, Brauner, Tomlinson, Griffiths, Zimbrick, Daniels

Mayor Berg directed Councilors' attention to items at their places, including:

- A memorandum from Parks and Recreation Director Conway regarding parks systems development charge (SDC) rate calculation methodology update and a list of parks SDC update stakeholder group representatives (Attachment A).
- A memorandum from League of Oregon Cities (LOC) Interim Executive Director Bryant regarding opportunities for positions on the LOC Board of Directors (Attachment B).
- A letter from Pacific Power Regional Community Manager Johnston requesting that the Council write a letter to the Oregon Public Utility Commission (PUC) supporting a recommendation in the Administrative Rule 499 rule-making proceeding (Attachment C).
- An e-mail from Dave Picray regarding where persons may gather petition signatures (Attachment D).
- A proposed Permit to Occupy Public Right-of-Way for Highland Medical Center), relating to the Urban Services Committee's report (Attachment E).

II. CONSENT AGENDA

City Manager Nelson reviewed two changes to the June 5th Council meeting minutes:

- Page 349 – The first sentence of the third paragraph should read, in part, ". . . which would be developed by senior-level Community Development staff."
- Page 353 – The first and second sentences of the third paragraph should read, in part, ". . . a proposed corridor plan for Monroe Avenue between 14th and 26th Streets. OSU expects to prepare a plan design by early-July."

Councilors Hagen and Griffiths, respectively, moved and seconded to adopt the Consent Agenda as follows:

A. Reading of Minutes
   1. City Council Meeting – June 5, 2006
   2. City Council Work Session – June 12, 2006
   3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Citizens Advisory Commission on Civic Beautification and Urban Forestry – May 11, 2006

b. Citizens Advisory Commission on Transit – May 10, 2006
c. Historic Preservation Advisory Board – May 8, 2006
d. Housing and Community Development Commission – May 17, 2006
e. Open Space Advisory Commission – May 9, 2006
f. Parks and Recreation Advisory Board – May 18, 2006
g. Riverfront Commission – March 9, 2006

B. Schedule a public hearing for July 5, 2006, to consider a Comprehensive Plan Amendment (CPA05-00005, ZDC-05-00014, PLD05-00023 – Schlosser)

C. Approval of an application for a "Wholesale Wine" liquor license for Vino International, LLC, 4237 NW Douglas Avenue, New Outlet

D. Authorization to enter into and for the City Manager to sign a Flexible Service Maintenance Agreement with Oregon Department of Transportation for shared highway maintenance services

The motion passed unanimously.

III. ITEMS REMOVED FROM CONSENT AGENDA – None.

IV. UNFINISHED BUSINESS

A. City Council goal update – "Evaluate Strategies to Maximize Delivery of Parks and Recreation, Youth, and Cultural Services"

Councilor Gándara reported that ArtCentric, the Parks and Recreation Advisory Board (PRAB), and the Library Board met to discuss the services each entity provides and the future provision of those services. The subcommittee learned that each entity has a method of recruiting volunteers for the extensive work it conducts. It would be worthwhile for the entities to consider coordinating volunteer efforts.

Based upon the subcommittee's recommendation, Councilor Gándara moved:

1. To direct the 2007-2008 Council to adopt a goal of developing, with public and private partners, multi-year funding strategies to support parks and recreation, library, cultural, and youth services. (The subcommittee determined that these services are critical and valuable to the community and that additional supportive work is needed.)
2. To encourage organizations representing various cultural services, such as ArtCentric, Majestic Theatre, daVinci Days, Fall Festival, and Red, White, and Blues Festival, to consider forming a collaborative group to advocate for and represent their mutual interests. (By working together, the groups could find common ground and develop funding strategies that would benefit all of the groups.)
3. To adopt a goal to perform a comprehensive review and analysis of the City's many volunteer programs and provide recommendations for action.

Councilor Daniels seconded the motion.

Councilor Daniels urged that the second initiative of the motion be emphasized as a strong suggestion, rather than a formal Council directive.

Councilor Davis said the initial Council Goal was large in scope. The advisory groups, staff, and others providing input indicated that an extensive amount of effort is occurring. Similarly, many efforts may not be occurring because of insufficient funding. The Parks and Recreation Department has several service plans, which are supported and needed by the community. The subcommittee reduced the scope of the Goal and viewed it as a multi-year objective. The subcommittee believes the parks and recreation, library, cultural, and youth services are critical to the community, as evidenced by the annual Citizen Attitude Survey. Future funding strategies for the programs will be beneficial for the community.

Councilor Griffiths concurred with Councilor Davis' comments. The original goal was very large, which staff and the community worked hard to reduce to an achievable objective. She commended everyone involved in the goal effort. She noted that Corvallis Tourism may be a logical organization to assist with the second initiative of forming a collaborative group of the various event representatives. Many of the events relate to tourism and community amenities that draw visitors. She suggeseted encouraging Corvallis Tourism to become involved in the collaboration effort.

In response to Councilor Griffiths' inquiry, Ms. Conway explained that Parks Maintenance Technician McGettigan serves as the Park Operation Volunteer Coordinator, oversees the Youth Park Corps, and coordinates Boy Scout projects and other activities involving park maintenance and special projects.

Councilor Brauner concurred with Councilors Davis and Griffiths and the suggestion that Corvallis Tourism be included in the event-collaboration group. He noted that the Council allocates economic development funding to Corvallis Tourism, which works with some event groups in various ways. The Council's suggestion would extend the current collaboration effort.

Councilor Gándara commented that Majestic Theatre and various events and festivals attract visitors and are some of the few activities that bring together the community on a regular basis. The Council Goal was intended to quantify the value of the festivals to the quality of life in Corvallis. The festivals should be treated with as much respect as essential City services. He said the festivals are part of the "fabric of the community," and the Council should find a way to support the festivals by means other than indirect economic development funding.

The motion passed unanimously.

Mayor Berg cautioned that the City must have sufficient revenue before the Council discusses funding any of the programs discussed today.

V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports – None.

B. Council Reports

Councilor Tomlinson announced that Corvallis will celebrate its 150th "birthday" during 2007. A birthday committee is working on developing celebration activities. He passed among the Council a draft celebration guide, which will be distributed to community organizations to assist them in participating in the celebration. A celebration website was created.

Councilor Tomlinson reported that Marlan Carlson of Oregon State University's (OSU) Music Department hosted a delegation from China last week. The delegation presented to the City an engraved dish from 900 BC; he presented the dish to Mayor Berg, who was unable to attend last week's delegation event. The Chinese delegation toured Korvis Automation. He expressed appreciation to Mr. Carlson and Peter Leung for coordinating the delegation's visit.

Councilor Tomlinson reported that he was at Community Outreach, Inc.'s well-attended open house last week, and the agency is doing good work in the community.

Councilor Tomlinson reported that he participated in Benton Habitat for Humanity's wall-raising event at its development site along NE Conifer Boulevard.

Councilor Tomlinson reported that he attended the Downtown Corvallis Association's (DCA) strategic planning meeting last week. The DCA will update the Council during the next few months regarding its strategic plan for the Downtown area. There is extensive interest in the plan, and the group is progressing well.

Councilor Tomlinson reported that he attended the Economic Vitality Partnership's town hall meeting, which was attended by a significant cross-section of the Corvallis community representing different perspectives. He said it was interesting to observe the electronic polling process and results. Another town hall meeting will be held during the Fall. The Partnership is progressing well with its strategic planning efforts.

Councilor Daniels reported that she hosted Government Comment Corner June 17th, and people spoke with her regarding various issues, including.

- Citizen Review Board – A citizen was concerned regarding representation on the Board of diverse groups within the local population and whether specific types of incidents, such as shootings or deaths, would prompt the Board to meet. The citizen was relieved to learn of the Council's work session discussion regarding the need to include representatives of diverse segments of the community that may be concerned about law enforcement procedures.
- Buildings Along the Riverfront – A citizen was concerned about standards allowing buildings they perceived as being too tall and negatively impacting the atmosphere of Riverfront Commemorative Park. Councilor Daniels directed the citizen to appropriate staff regarding the process of amending the standards.

- Sidewalk Café Settings – A citizen was concerned that people seated at tables outside establishments often tether their dogs to parking meters; and the dogs lie across the pedestrian walkways, creating intimidating situations for young children and people afraid of dogs. The sidewalk cafés also create environments for people to smoke; however, at some establishments patrons are smoking too close to building entrances, violating City laws regarding smoking.

Councilor Gándara thanked staff for attending the City-sponsored Ward 5 meeting last week, which included good discussions of various topics, including weed abatement and economic vitality.

Councilor Gándara reported that he learned the Chinese national anthem during the Chinese delegation's reception and was able to play the anthem on bagpipes. Councilor Tomlinson acknowledged Councilor Gándara's musical talents.

Councilor Brauner announced that the Watershed Management Advisory Commission will conduct a public workshop June 20th to receive citizen input regarding the Commission's continuing efforts to develop a stewardship plan for the City-owned watershed on Mary's Peak. He invited attendance at the workshop. Mayor Berg also encouraged attendance at the workshop so citizens better understand the Commission's recommendations regarding the watershed.

C. Staff Reports

1. Historic Resources Commission recruitment process

Mr. Nelson referenced the Commission recruitment proposal in the Council meeting packet. Barring the Council's objection, staff will proceed with the proposed process. The Council will need to develop interview questions.

Councilor Griffiths reported that she spoke with Senior Planner Schlesener regarding including in the Commission application packet an explanation of *quasi-judicial* decisions and *ex-parte* contacts.

Mr. Nelson concurred with Councilor Griffiths' suggestion, adding that these issues will also be addressed in the Commissioner training process.

Mr. Nelson referenced from the Council meeting packet a draft letter from Mayor Berg to Oregon Department of Transportation supporting a pedestrian/bicycle link between Corvallis and Albany. Barring the Council's objections, the letter will be finalized and mailed. The Council indicated concurrence with the letter.

2. City Manager's Report – May 2006

Mr. Nelson asked Council members to call him if they have questions regarding the Report.

3. Council Request Follow-up Report – June 15, 2006

Mr. Nelson said the Report item regarding parking lot requirements for large, multi-dwelling residential developments particularly pertains to neighborhoods surrounding the OSU campus. The Report outlines staff's research and the need to balance parking requirements, alternative transportation modes, and citizens' concerns regarding impervious surfaces. Staff suggested that the issue be addressed through the 2007-2008 Counil's review of the Planning Division's prioritized work plan, unless the current Council wants to undertake the issue now.

Mr. Nelson reported that Pacific Power asked that the City Legislative Committee (CLC) write a letter supporting the Oregon Administrative Rule 499 rule-making proceeding. The LOC will not become involved in the issue. The CLC could be convened to consider Pacific Power's request, and staff would compile additional information from the LOC's perspective.

Councilor Grosch, a member of the CLC, said he was inclined not to address the issue. He elaborated that Pacific Power is a well-represented organization with familiarity in working with the Public Utility Commission (PUC). He is familiar with Senate Bill 408. He agrees with some of Pacific Power's concerns but has other concerns. He does not believe the Council should become involved in advocating before the PUC on behalf of corporations, when the Council is responsible for representing the local community. He believes Pacific Power can appropriately represent its interests to the PUC. He appreciate's Pacific Power's partnerships with the City, but he would prefer to not become involved in the issue.

Councilors Brauner and Daniels and Mayor Berg, the remaining members of the CLC, concurred.

Mr. Nelson offered to respond to Mr. Picray's e-mail through a Council Request Follow-up Report. Councilor Grosch suggested that the staff response include research into the case of Marbet vs. City of Estacada.

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

A. Human Services Committee – June 6, 2006

1. Rental Housing Program Sunset Review

Councilor Daniels reported that the Committee conducted a sunset review of the Rental Housing Program (RHP). Several people, including landlords and property managers who originally opposed the RHP, testified in support of continuing the RHP. All testimony was positive and praised Housing Program Specialist Loewen, who manages the RHP. The Committee unanimously recommended that the Council continue the Rental Housing Code, as it currently operates within the RHP. She said staff recommended that the sunset provision be deleted from the RHP.

City Attorney Fewel read an ordinance amending Corvallis Municipal Code Chapter 9.02, "Rental Housing Code," as amended, by repealing the sunset provision.

Mr. Nelson confirmed that the Council will receive annual reports regarding the RHP.

ORDINANCE 2006-16 passed unanimously.

Mayor Berg said she initially did not believe the RHP was necessary; however, it became very valuable to the community, based upon its implementation process. The RHP serves tenants and landlords very well. She noted that Eugene, Oregon, wants to emulate the City's RHP.

2. Boards and Commissions Sunset Review:

- Citizens Advisory Commission on Civic Beautification and Urban Forestry

  Councilor Daniels reported that the Committee reviewed information from staff and testimony from the Commission chair and unanimously recommended that the Council continue the Commission. The relevant ordinance will be considered as part of Urban Services Committee's report.

3. Organizational Diversity Efforts

Councilor Daniels reported that the Committee received a report from Assistant City Manager Volmert regarding organizational diversity efforts in relation to the Council's approval of a diversity enhancement funding request for Fiscal Year 2006-2007. The Committee discussed staff's efforts, cooperation with Corvallis School District 509J, and hiring of a Promise intern.

This issue was presented for information only.

B. Urban Services Committee – June 6, 2006

1. Permit to Occupy Public Right-of-Way (Highland Medical Center)

Councilor Grosch explained that the Highland Medical Center developer, in attempting to connect a storm water drainage line to the City's storm water main line, found a fiberoptic line in the public right-of-way (ROW). To connect to the City's main line, the developer had to install a "bubbler" under the fiberoptic line. The Committee considered the permit request during April and requested more information from staff regarding whether the City should issue a permit to occupy the public ROW and whether the bubbler should be classified as a public or private facility. Staff recommended that the City issue a permit to occupy the public ROW and waive the annual permit fee.

Councilor Grosch explained that the situation occurred because the City and the developer did not know (and could not have known) of the fiberoptic line's existence in its location. Bubblers are rarely installed. Staff was concerned that a non-standard facility that is considered a public facility could create a liability and expense for the City and its taxpayers, should a problem occur. The size of the development's storm water drainage line would warrant an annual fee of $621.72 to occupy the public ROW. The developer asked the City to waive the fee and offered to assume responsibility for maintenance of the bubbler. The line with the bubbler is connected to the medical facility's parking lot; any problems with the bubbler would result in flooding of the parking lot. The bubbler will need to be checked routinely for sediment accumulation.

The Committee extensively discussed the request and agreed that the non-standard facility is workable. Since the property owner is willing to accept responsibility and expense for maintenance of the bubbler system, the $621.72 annual fee was deemed unnecessary.

Councilors Grosch moved to approve a permit for Highland Medical Center to occupy the public right-of-way and to waive the annual permit fee. Councilor Gándara seconded the motion.

Mayor Berg noted that the Council received a revised, proposed permit document.

Councilor Gándara added that the City typically asks a utility to move its fiberoptic lines to allow installation of infrastructure. In this case, relocating the fiberoptic line would be extremely expensive. The Committee's recommendation would allow all involved parties to achieve their objectives.

Councilor Grosch noted that the situation arose because, over the past few years, the City changed its procedure for issuing development permits. The current phased development process allows developers to obtain permits as development progresses. In this case, the situation was not apparent until the property had been graded, construction was well underway, and the storm water drainage line was being installed; the phased development process worked against the City and the developer. Ultimately, the situation was resolved to the satisfaction of everyone involved. Public Works staff is satisfied that there will not be a continuing problem with the bubbler and that the property owner will maintain the system.

Councilor Griffiths noted that the revised permit document is for a term of 50 years, unless the City acquires the facility; and the permit provisions may be renegotiated every three years.

The motion passed unanimously.

2. Boards and Commissions Sunset Reviews:

- Airport Commission

  Councilor Grosch reported that the Commission is one of the City's oldest advisory bodies and is functioning well. The Committee recommended that the Council continue the Commission for four more years.

- Downtown Parking Commission

  Councilor Grosch reported that staff is working with the DCA on a Downtown Master Plan, which may include establishment of a Downtown Commission that may assume some or all of the Downtown Parking Commission's responsibilities.

  Councilor Grosch noted that the Commission is comprised of 11 members representing specific aspects of the community, restricting appointment options.

  Councilor Grosch reported that the Committee recommended that the Council continue the Commission for four more years, recognizing that it may be discontinued if a Downtown Commission is established. The Committee also recommended that the Council reduce the Commission's membership to nine people with a less-restrictive representation profile.

Mr. Fewel read an ordinance relating to boards and commissions and sunset reviews, amending Corvallis Municipal Code Chapter 1.16, "Boards and Commissions," as amended.

Councilor Grosch noted that the ordinance includes the Citizens Advisory Commission on Civic Beautification and Urban Forestry, the Airport Commission, and the Downtown Parking Commission.

Councilor Griffiths commented that she has enjoyed serving as Council Liaison to the Citizens Advisory Commission on Civic Beautification and Urban Forestry. The Commission members are very dedicated and are seeking fund-raising options to continue their efforts.

Councilor Tomlinson noted that the ordinance also includes the Committee for Citizen Involvement, sunset review of which was approved at an earlier Council meeting.

ORDINANCE 2006-17 passed unanimously.

3. Pleasant View/Stoneybrook Subdivision Zone of Benefit

Councilor Grosch explained that, when the City requires developers to extend infrastructure to adjoining property, the developer is allowed a zone of benefit to

recover the cost of the additional infrastructure. The City has written legislation for calculating zone of benefit assessments. The Pleasant View/Stoneybrook Subdivision was begun during 2000, and the developer had one year in which to request a zone of benefit; this requirement was met. The City requires specific, written, detailed invoices of costs for zones of benefit. The developer of the Pleasant View/Stoneybrook Subdivision was not able to provide detailed invoices of materials and labor for the infrastructure extension. The project's general contractor changed mid-project, and the subsequent contractor utilized a lump-sum contract with a "not to exceed" price. The developer worked with City staff to develop a methodology to quantify the actual cost without having detailed invoices. The developer, contractor, and engineering firm developed a methodology based upon costs for other infrastructure associated with the Subdivision.

Councilor Grosch reported that the Committee extensively discussed the zone of benefit request and the lack of detailed invoices and ultimately agreed to accept the cost assessment methodology.

Councilor Grosch moved to approve the Pleasant View/Stoneybrook Subdivision zone of benefit request, based upon good documentation of project costs and the understanding that the cost estimates are reasonable, in lieu of actual cost receipts. Councilor Gándara seconded the motion.

Councilor Grosch reported that the Committee requested an opinion from the City Attorney's Office, which is attached to the Committee's meeting minutes, regarding the City's potential legal exposure for not following existing Municipal Code provisions. Deputy City Attorney Brewer's opinion indicates that some legal exposure is created by the proposed exception. Councilor Grosch commented that the City would have legal exposure regardless of its actions. City staff made a good faith effort to determine the costs, and the zone of benefit assessment methodology is fair and clear but does not comply with the City's Municipal Code. The City's failure to comply with the Municipal Code subjects it to legal exposure in terms of challenge. If the zone of benefit is not approved, based upon the existing documentation and the Committee's belief that the assessment calculation methodology is fair and reasonable, the developer may challenge the City to grant the zone of benefit when the developer met the City's requirements. Regardless of the Council's decision, there is potential for legal challenge.

Councilor Griffiths noted that the Committee intended to make an exception to Municipal Code Section 2.16.030 2) d) regarding the requirement for cost recovery documentation. The Committee believed the developer had sufficient documentation, albeit not detailed invoices for material and labor. The Committee disagreed with the developer's belief that Municipal Code Section 2.18.040 2) b) 3] was applicable.

Councilor Grosch added that Municipal Code Chapter 2.18 addresses infrastructure cost recovery, which does not apply to this case.

Councilor Daniels expressed opposition to the motion before the Council. The relevant Municipal Code provision (Chapter 2.16) is extremely specific, as quoted in Mr. Brewer's legal opinion: "... the actual recovery charge shall be based on the developer's actual incurred costs, as indicated by detailed invoices for labor and materials devoted exclusively to the improvements for which a recovery charge is sought to be established." She said this provision does not provide for interpretation. The Committee's belief that it had sufficient documentation of costs is the only reason she would approve the zone of benefit request. She said Mr. Brewer's legal opinion addresses the issue of Council intent: "Because the SDC methodology was in place when the zone of benefit methodology was enacted, we would suggest that if the Council had meant to allow alternate methods of establishing costs, the Council would have included those alternates in Chapter 2.16." She noted that the relevant Municipal Code provision was amended during 1999 – one year before the infrastructure construction. She observed that approving the zone of benefit would imply that the City trusts the developer in that the specific requirements of the Municipal Code is included in the general information the developer provided. However, the City requires specific information of all developers requesting zones of benefit. Granting flexibility to one developer constitutes "special treatment" not extended to other developers. For these reasons, she opposes the motion.

Councilor Griffiths said she approved the zone of benefit at the Committee meeting. However, the legal opinion from Mr. Brewer and Councilor Daniels' arguments caused her to change her opinion and oppose the motion.

Councilor Gándara observed that the infrastructure construction was completed, and the zone of benefit cost estimates were less than the actual costs. He acknowledged that approving the motion would constitute an exception, as explained. He will support the motion.

Councilor Grosch concurred with Councilor Gándara, adding that the decision was diffuclt to make. In principle he agreed with Councilor Daniels. The developer made more than a good-faith effort to comply with the City's requirements. The case is complex, and "things happen." The developer is not trying to recover more cost than she would normally be entitled to recover. He is willing to grant an exception in this case. The cost allocation methodology is detailed and is based upon actual costs incurred in other projects associated with the development. He expressed his concern that a property owner assessed for the infrastructure cost recovery may ask staff to produce the cost documentation. In that situation, staff would not be able to produce detailed invoices but could provide total project costs and the methodology for assessing the costs. The Committee considered the cost calculation methodology fair, equitable, and clear.

The motion passed seven to two on the following roll call vote:

AYES: Grosch, Davis, Gándara, Hagen, Brauner, Tomlinson, Zimbrick
NAYES: Griffiths, Daniels

C. Administrative Services Committee – June 8, 2006

1. Third Quarterly Operating Report

Councilor Brauner reported that the Committee reviewed a comprehensive report. All activities are on schedule with the revised budget projections. Two funds appeared to be behind in terms of revenues and expenditures; however, the issue involves the timing of grant reimbursements. The projected carry-over balances for the next fiscal year will be met.

Councilor Brauner moved to accept the third quarter operating report for Fiscal Year 2005-2006. Councilor Davis seconded the motion. The motion passed unanimously.

2. City Charter Review

Councilor Brauner reported that the Council adopted a City Charter amendment for the November 2006 ballot. The amendment would ensure that the City meets diversity goals and would comply with State statutes. The City Attorney's Office drafted a ballot title, which the Committee recommended the Council adopt.

Councilor Brauner moved to adopt the City Charter amendment ballot title, as recommended by the City Attorney. Councilor Davis seconded the motion. The motion passed unanimously.

3. Ambulance Rate Review

Councilor Brauner said the proposed ambulance rates are included in the Committee meeting minutes packet. Staff recommended increasing the rates to cover the costs of providing the ambulance service. Charges not covered by ambulance rates must be paid from the City's General Fund. The recommended ambulance rates would be within the rates of neighboring communities; Albany is currently reviewing ambulance rates. The Committee determined that it is necessary to increase the rates in order to continue providing ambulance services in a financially solvent manner.

Councilor Brauner moved to approve the new ambulance fee schedule for the Corvallis Fire Department, as proposed by staff. Councilor Davis seconded the motion. The motion passed unanimously.

Mayor Berg commented that she participates in FireMed, which helps ensure funding for the City's ambulance service.

4. PEG Access Management

Councilor Brauner explained that PEG access refers to public, education, and government programming on select television channels. The revised agreement with Comcast Cable includes funding to help the City provide studio operations for

production of films for presentation on the public-access channels. The City does not have staff, nor funding from a settlement with Comcast Cable, to operate a studio. The City unsuccessfully sought operating cost quotes.

Corvallis School District 509J (509J) expressed interest in partnering with the City in managing the studio. The Committee, staff, and 509J representatives worked extensively on the issue; 509J is interested in a joint agreement with the City to provide a PEG-access studio for the public. The City has approximately $300,000 available; $30,000 per year could be invested over a ten-year period to support studio operations. Some funding for capital expenses is also available. A 509J instructor submitted grant proposals to operate a studio. The Committee received information from staff, 509J, and a private vendor who cannot operate the studio independently but would like to partner with the City.

Councilor Brauner asked Council members to offer feedback to staff regarding the issue of PEG-access program development. Staff will work with 509J representatives to develop an intergovernmental agreement for the Council's consideration. He believes a good partnership opportunity with 509J is available, which would benefit students and the community and fulfill the Council's obligation regarding public-access television.

This issue was presented for information only.

Councilor Davis commented that the Committee viewed a video developed by 509J students, which was very professionally prepared.

D. Other Related Matters

1. Mr. Fewel read a resolution appointing Audrey Bach as Municipal Judge Pro Tempore for July 29, 2006, for the purpose of performing a wedding ceremony.

Councilors Tomlinson and Gándara, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2006-19 passed unanimously.

2. Mr. Fewel read a resolution accepting a grant from the Oregon Economic and Community Development Department in the amount of $29,166 for the purpose of completing the Corvallis Municipal Airport Industrial Park Wetland Delineation and Functional Assessment and authorizing the City Manager to execute the appropriate agreements.

Councilors Tomlinson and Gándara, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2006-20 passed unanimously.

3. Mr. Fewel read a resolution transferring $50,000 from Contingencies to the City Manager's Office (Risk Management Fund) for Fiscal Year 2005-2006.

Councilors Tomlinson and Gándara, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2006-21 passed unanimously.

X. NEW BUSINESS

A. Approval of a three-year labor agreement with Corvallis Regional Communications Center Association

Mr. Nelson explained that the Council was briefed during Executive Session June 5th regarding a proposed three-year labor agreement between the City and the Corvallis Regional Communications Center Association, whose members staff the 9-1-1 dispatch center. The Council supported the negotiations but did not approve the agreement because it had not been ratified by the Association. The agreement has been ratified, with all terms the same as those presented to the Council June 5th.

Councilor Tomlinson moved to approve a three-year labor agreement with Corvallis Regional Communications Center Association and authorize the City Manager to sign the agreement. Councilor Brauner seconded the motion. The motion passed unanimously.

Mayor Berg noted that the contract will become effective July 1st.

Mayor Berg recessed the Council at 1:15 pm and reconvened the Council at 7:00 pm in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon.

I. ROLL CALL

PRESENT: Mayor Berg, Councilors Grosch, Davis, Gándara (7:03), Hagen, Brauner, Tomlinson, Griffiths, Zimbrick, Daniels

VI. VISITORS' PROPOSITIONS

Bob Becker, 3406 NW Polk Avenue, thanked the Council for ordinances it previously adopted regarding health issues. He described a recent study sponsored by the American Cancer Society (ACS) which measured particulate matter in bars in 12 Oregon cities, including Corvallis, and distributed the executive summary of the report (Attachment F). (CThe particulates of concern measure less than 2.5 microns in diameter and can cause lung damage. Particulate measurements in Corvallis, where bars are smoke-free, were close to the baseline level; Eugene measurements were similar. In cities were smoking is allowed in bars, such as Hillsboro, particulate levels were quite high. He said the experiment illustrates the effectiveness of Corvallis' smoking restriction in bars.

Mr. Becker noted that approximately 800 non-smoking Oregonians die each year of lung cancer, with various causes of the disease. Oregon has 35,000 employees exposed to second-hand smoke in bars, bowling alleys, and bingo parlors, where smoking is allowed. Smoking by youth has

decreased substantially but is stabilizing; if the issue of smoking hazards is not kept before the public, the rate may increase.

Councilor Tomlinson suggested that particulate levels in Benton County bars be measured for comparison with the measurements of Corvallis bars. Mr. Becker noted that the bars included in the experiment were selected randomly.

Stacey Edwards, 427 NW 27th Street, explained that the ACS randomly selected cities for inclusion in the study. A study of Benton County bars can be conducted; particulate monitors are available through the Oregon Department of Human Services, and the data can be compiled and analyzed.

Ms. Edwards thanked the Council for its 1997 ordinance prohibiting smoking in all workplaces. The health of Corvallis employees, customers, and clients is now protected, as evidenced by the study.

Because there were no other citizens in attendance desiring to speak to the Council under Visitors' Propositions, and the public hearing was advertised to begin at 7:30 pm, Mayor Berg recessed the meeting from 7:08 pm until 7:30 pm.

VII. PUBLIC HEARINGS

A. A public hearing to consider Parks Systems Development Charges

Mayor Berg reviewed the order of proceedings and opened the public hearing.

Staff Report

Parks and Recreation Director Conway introduced Don Ganer, the City's consultant on the parks SDC update.

Ms. Conway explained that the parks SDC update process began last October under Council direction to review the SDC rate calculation methodology. Based upon tonight's Council decision, staff will draft an ordinance for the Council's consideration and potential adoption. As allowed by Oregon Revised Statutes (ORS), the SDC rate calculation methodology presented tonight can be amended without the necessity of another public hearing.

Ms. Conway reviewed the parks SDC update process:

- Urban Services Committee (USC) and stakeholder group representatives conducted seven meetings to review the SDC rate calculation methodology.
  - » The meetings included opportunities for public testimony.
- USC's recommendation was presented to the Council March 20th and was then made available for public review April 19, in accordance with ORS requirements.

In addition, Ms. Conway said "frequently asked questions" and responses were developed and provided to stakeholders and interested parties. She and Mr. Nelson met with representatives of the *Corvallis Gazette-Times* and provided the newspaper with the "frequently asked questions" and responses. A press release regarding tonight's meeting was published and sent to stakeholders, interested parties, and City advisory body members.

Ms. Conway reviewed the issues the Council asked USC and stakeholder group representatives to consider:

- Infrastructure Cost – Should the cost of infrastructure related to park development be included in the cost basis in the methodology?
  - » Costs of park improvements include sanitary sewers, water, transportation, half-street improvements, and storm water drainage.
    - → *Recommendation:* Include the related costs in the calculation of parks SDCs.

- Gateway Improvements – Should the cost to acquire and develop gateway improvements be included in the cost basis for parks SDCs?
  - » *Recommendation:* The gateway park type was not included in the Parks and Recreation Facilities Plan (PRFP), which was the basis for the SDC rate calculation methodology; therefore, gateway improvement should not be included in the parks SDC rate calculation methodology. The gateway park type should be considered for inclusion in the future update of the PRFP.

- Reimbursement Fee – Should the City develop a reimbursement fee to collect parks SDCs for facilities that have been identified as having "excess capacity"?
  - » ORS allows SDC rates to include improvement fee and reimbursement fee components.
  - » Reimbursement fees reimburse extra-capacity costs previously paid by the community.
  - » The City's parks system has only one park type with potential extra capacity; the excess dollar value was not sufficient enough to warrant assessing a reimbursement fee.
    - → *Recommendation:* Reimbursement fees should not be part of the parks SDC funding strategy.

- Non-Residential Fee – Should a non-residential fee be included in the SDC rate calculation methodology to collect fees from commercial developments?
  - » ORS allows assessing park SDCs to commercial developments.
  - » The City charges parks SDCs only on residential developments and has never charged parks SDCs on commercial developments.
  - » The PRFP does not indicate the types of parks and recreation facilities that may benefit businesses.
    - → *Recommendation*: A non-residential fee is not appropriate at this time but should be considered when the PRFP is updated.

- Allocation of Parks SDC Percentages – Should the City allocate a percentage of collected parks SDCs for expenditure on designated park types?
  - » USC and stakeholder group representatives wanted to give the Council as much flexibility as possible in allocating SDC funding for parks projects.
    - → *Recommendation:* Do not allocate percentages of SDC funding within allowable allocation guidelines to specific park types, as doing so is very restrictive.

Ms. Conway summarized that the recommended SDC rate calculation methodology utilizes the improvements-based approach. USC reviewed projects and park types identified in the PRFP and determined the park types to not fund with SDCs, which reduced the proposed parks SDC rate. If the Council approves USC's recommendation, parks SDCs will not be used for the park types USC removed from SDC funding, specifically, swimming pools and special use areas. The PRFP identifies the Morse Bros. ponds east of the Willamette River as a potential special use area.

The current parks SDC rates, based upon the methodology established during 2000, are $2,075 per single-family unit and $1,556 per multi-family unit. USC recommended charging 60 percent of the full cost of service, resulting in proposed SDC rates of $4,893 per single-family unit and $3,627 per multi-family unit. These rates, based upon USC's recommendation, would not include funding for swimming pools and special use areas.

Staff seeks Council direction regarding the recommended SDC rate calculation methodology and will then prepare an ordinance and implementation schedule for the Council's consideration.

Questions of Staff

Councilor Gándara observed that the proposed, increased SDC rates would pay for only 60 percent of park development costs. He inquired as to the percentage of park costs have been paid by SDCs prior to the proposed increase.

Ms. Conway responded that, since the 2000 PRFP was adopted, approximately 11 percent of capital improvement program costs have been funded through parks SDCs; the remaining costs have been funded with bond issues, grants, and some property taxes. The City uses parks SDCs to leverage as much other funding as possible.

Councilor Gándara summarized that project costs are divided by the projected population over a planning horizon. If the projected population level was reduced, the anticipated projects needed for the reduced population level would also decrease by a proportionate ratio.

Mr. Ganer responded that projects identified in the PRFP were evaluated to 2020 and 2030 and population projections for each planning horizon. The different planning factors would have some impact on the proposed SDC rates because a different total project cost would be spread over a different population level. With the longer planning horizon and higher population level, the debt service credit would be decreased.

Ms. Conway added that reducing growth percentage for a specific time period would result in a higher SDC rate per person, as the same costs would be spread over fewer people. The Council would need to consider which projects to fund, the planning horizon and how many new residents it might include, and the debt service and then recalculate the proposed SDC rate. In order to reduce the proposed SDC rate, with an assumed lower growth rate, the projects funded with SDCs would also need to be reduced.

Ms. Conway confirmed for Councilor Griffiths that most of the special use areas listed in PRFP Table B-3 are fully or partially developed. The extent of existing development of these areas prompted USC to not include special use areas as a park type for SDC funding.

Councilor Griffiths noted that Osborn Aquatic Center (OAC) is listed in PRFP Table B-3 as a special use area, but USC classified the facility as a swimming pool. Ms. Conway confirmed that OAC is slightly different from a traditional outdoor swimming pool. The PRFP included discussion of developing another water feature, such as a spray park, elsewhere in the community.

Councilor Daniels noted that the population projections were obtained from the Metropolitan Planning Organization's (MPO) 2020 estimates. Corvallis Area Chamber of Commerce (Chamber) Business Advocacy Committee, Corvallis-Benton County Economic Development Partnership, Willamette Association of Realtors, and Willamette Valley Home Builders Association (all of whom were represented during USC's review of parks SDCs) submitted a June 16th memorandum to the Council (Attachment G) and asserted that the population projections are high but did not provide an alternate source for population projections.

Ms. Conway responded that the memorandum suggests a population growth rate of 0.87 percent per year (18.31 percent for the period from 1990), and she surmised that the organizations were suggesting evaluating actual population growth rates since 1990. (No Chamber members were present at the public hearing.) She recalled that USC discussed that some years have more population growth than other years; over a 20-year period, the growth rate could normalize. She surmised that the organizations suggested using a population growth rate closer to the actual growth rate since 1990. She reiterated earlier explanations that decreasing population projections but not decreasing identified projects for funding would increase SDC costs and proposed SDC rates. Similarly, the debt service credit, which credits those who have already paid, may need to be adjusted. She emphasized that decreasing the proposed SDC rate involves adjusting more than one SDC rate calculation methodology factor.

Councilor Griffiths commented that USC discussed population projections several times, struggled with which projection was most accurate, and reviewed the projections of the City's Comprehensive Plan and various master plans. The PRFP did not indicate a population projection. USC determined that the MPO's population projection would be the most appropriate to use, even though it may appear high.

Mayor Berg observed that USC made the best possible estimates of the various factors involved in the SDC rate calculation methodology, with no objective of impacting the proposed SDC rate, considering only potential population, project needs, and project costs. This action complies with ORS requirements. The proposed SDC rates were more than USC and stakeholder group representatives wanted to assess, so the rates were reduced to 60 percent of their full amounts. She opined that the estimates were clearly made with no effort to hide any aspects of any of the calculation factors involved. Ms. Conway confirmed.

In response to Councilor Davis's inquiry, Ms. Conway confirmed the meaning of open space acquisition and enhancement and identified Riverfront Commemorative Park and Marys River as linear park topology.

Public Testimony

Charles Fisher, a stakeholder group representative for the PRAB during the parks SDC update, has lived in Corvallis 25 years. He believes that stakeholder group representatives reflected a variety of population segments, offered much input and interest in the SDC update, and thoroughly discussed the update issues. He supports USC's recommendation and believes the Council's endorsement of the recommendation would greatly assist the Parks and Recreation Department.

Mr. Fisher served on the PRAB during the mid-1980s. He said it is exciting to see that issues and projects presented and approved during his first tenure on the PRAB are now developed and viable parts of the community. He believes approving the recommended SDC rate calculation methodology will allow continued development of parks and recreation facilities.

Mr. Fisher noted that the demands, expectations, and requests on the PRAB regarding prioritizing funding needs for facilities and programs are more difficult than during the 1980s. He believes staff manages its funds well but needs resources, such as SDC funds, to leverage more grant funding. He is confident that in 2020, Corvallis citizens will say that the Council did a good job during 2006 to ensure future growth in Corvallis and the continuation of parks and recreation programs.

Bill York was a stakeholder group representative on behalf of the Capital Improvement Program Commission during the SDC update. He was satisfied with the update process and USC's recommendation. He believes development should pay its way, which is the approach USC followed until it calculated proposed SDC rates, which it believed would adversely affect affordability within the community. A percentage reduction was applied to moderate the proposed rates. He believes USC followed a positive, open process, which resulted in a good recommendation. He urged the Council to approve USC's recommendation.

Kent Daniels was an alternate stakeholder group representative for the PRAB. He thanked USC members for conducting collaborative meetings. He noted that everyone involved attempted to reach consensus, and he did not recall any representative objecting to any of the recommendations.

Mr. Daniels stated that the SDC rate calculation methodology is clear and well developed. He concurred with USC's recommendations. He believes all SDCs are critical to ensuring that some of the costs of growth are paid by new developments. He also believes that periodic revisions of SDCs are logical.

Mr. Daniels commented that Chepenafa Springs Park and Riverbend Park were created by the respective residential developers in lieu of SDC payments. He pondered how the parks

would have been created without SDCs. The existence of the City's SDC program allowed creativity in development of the parks.

Mr. Daniels noted that SDCs comprise a small percentage of funding for parks and recreation capital projects. He opined that parks are as vital to the community as all other City-provided services and are a key factor in the local quality of life and the attractiveness of the community when economic prosperity is at stake.

Cary Stephens joined the Open Space Advisory Commission (OSAC) one year before the 2000 open space bond measure. He has observed the City's investment in open space from creating acquisition criteria through management. He supports the parks SDC rate calculation methodology and reminded the Council that the community supports parks; and citizens understand the relationship of parks, livability, and property value. He is glad that the parks SDC rate calculation methodology included open space acquisition and enhancement, as work remains on the City's existing open space properties. The proposed SDC rates would provide funds to complete actions promised in the open space bond measure.

Mr. Stephens noted that several City master plans provide for using natural systems to accomplish what is typically done with pipes and pavement, and open space properties can be utilized to achieve this objective. The North Corvallis Area Plan encompasses streams that are storm water drainage systems and are included in the Natural Features Inventory. SDC funds can be used for multiple purposes; open space property can be purchased and used for storm water drainage. The City's various master plans are interconnected.

In response to Councilor Gándara's inquiry, Mr. Stephens said he has done a great deal of work on the Timberhill open space property, including development of a new trail system that will connect the Timberhill neighborhood with Chip Ross Park and McDonald Forest.

In response to Councilor Gándara's inquiries, Mr. Stephens referenced an unnecessary "tension" between growth and protection of natural resources. He noted that Corvallis has tried to plan for growth and for having natural infrastructure in place for future growth. He emphasized the need to plan ahead, establish a long-term SDC program, and stay aware of changing circumstances. In the long term, using natural drainage systems can save some expenses associated with installing piped drainage lines.

Councilor Daniels noted that the City was fortunate to have Jane Lubchenco on the OSAC when the open space acquisition criteria were developed; Dr. Lubchenco contributed greatly to the criteria.

Mr. Stephens commented that several of the City's open space properties have attributes of clean water, fish, and wildlife. The issue of acquiring open space is not focused on using the property; the issue is how the property serves the entire community.

Mayor Berg closed the public hearing.

Questions of Staff

Councilor Zimbrick said the memorandum from the Chamber and others references USC's recommendation to double the population growth rate and the fact that the proposed parks SDC rate would be three times more than Albany's parks SDC rate. From Ms. Conway's memorandum, distributed earlier today, he noted that Albany's parks SDC rates are $1,500 for single-family and multi-family units. He inquired whether Albany has a means of funding parks other than SDCs.

Mr. Ganer responded that Albany has been updating its SDC rates for several years; the rates have not increased since the mid- to late-1990s. Three or four years ago he assisted Albany in reviewing its SDC rate calculation methodology, but no rate adjustments have been made since that review.

Councilor Zimbrick noted that Corvallis and Albany are two different communities, and it is difficult to compare the SDC rates because he does not know Albany's SDC plan, infrastructure development, or future development plans.

Mr. Ganer responded that Albany has a very different plan from Corvallis. During the last review of Albany SDC rates, proposed rates were comparable to the rates currently under consideration for Corvallis. Albany will need to implement significant SDC rate increases in order for SDCs to pay a greater share of the costs of growth. Albany plans many new facilities that the current SDC rates are insufficient to cover.

Councilor Griffiths noted that the administrative cost was included in the overall SDC rate reduction calculation, and she inquired why the administrative cost was not assessed at 100 percent. She noted that the proposed SDC rate was reduced to 60 percent to achieve a rate USC deemed would be accepted within the community.

Mr. Ganer responded that the administrative cost could be assessed at its full value. Doing so would slightly increase the overall SDC rate.

In response to Councilor Hagen's inquiry, Ms. Conway stated that USC and stakeholder group representatives did not discuss the ratio of parks per capita for Albany and Corvallis, and she does not have Albany's parks inventory information readily available. A straight acreage-per-capita ratio would not truly reflect how SDCs would be invested in either community. For a valid comparison with Corvallis' intended SDC investments, staff would need to know the acreage of Albany parks related directly to parks SDC funding.

Mayor Berg questioned whether the presence of a large university student population could impact Corvallis residents' desires for more park facilities.

Councilor Grosch acknowledged that SDCs impact overall housing costs; however, SDCs have a greater impact on overall up-front costs for developers. Corvallis has a higher per-capita income basis than Albany. The proposed SDC rate increase will perpetuate the scenario of Corvallis employees choosing to live in surrounding communities. As a Realtor, no potential buyer has told him that they would base their purchase decision on SDC rates. The amenities of comparable homes are upgraded in Corvallis, compared to Albany. He

noted that Albany has more land available for new housing development. The scarcity of land in Corvallis increases land values in Corvallis, compared with land values in Albany. He opined that part of the issue involves community values. Corvallis citizens emphasize the high value they place on acquisition and maintenance of open space and parks. He noted that USC and stakeholder group representatives extensively discussed the issues broached in the Chamber's memorandum and agreed by consensus that the chosen SDC rate calculation methodology supports Corvallis' plans. He believes SDC rates for Corvallis and Albany cannot be equitably compared.

Councilor Gándara added that USC reviewed SDC rates for communities other than Albany, and Corvallis' rates were in the middle of the range of rates. The proposed SDC rate was reduced to 60 percent to maintain Corvallis' mid-range position. He understood that the overall rate, including the administrative rate, was reduced to 60 percent, which USC deemed was affordable and comparable with other communities.

Councilor Griffiths said it is difficult to compare SDC rates for different communities because of the various factors involved in calculating SDC rates. The date of the last SDC rate adjustment is an important factor. Corvallis established a fairly aggressive schedule of SDC rate adjustments every five years. It is known that some communities have not updated their rates within the last several years.

Councilor Griffiths commented that following the Chamber's suggestion of applying a different population growth rate would result in a higher SDC rate. She passed among the Council the population projection information utilized in the SDC rate calculation methodology update.

Councilor Daniels referenced a recent e-mail to Council members regarding a national ranking of communities in terms of affordability. Corvallis is currently ranked 132nd in terms of over-value. Medford, Bend, Portland, Eugene, and Salem have more-inflated housing prices than Corvallis. SDC rates for Medford, Bend, and Portland are much higher than Corvallis' current SDC rates. She does not perceive a connection between parks SDCs and affordability.

Mayor Berg emphasized the importance of making the best-possible estimates, calculating SDC rates in accordance with State requirements, and demonstrating the basis of the rate calculation methodology. Similarly, it is important to compare local rates with a large number of Oregon communities and to maintain a SDC rate that is in the mid-range of the comparator communities.

Councilor Griffiths invited comments from Council members regarding assessing the administrative cost at 100 percent, rather than 60 percent, which would make a minor, permitted adjustment in the SDC rate calculation methodology.

Mr. Nelson commented that Councilor Griffiths' suggestion would increase the overall SDC rate by approximately $70.

Councilor Brauner said the proposed adjustment is a relatively small amount, justifying assessing the administrative cost at 100 percent. The impact on overall revenue would be

minimal. From a political perspective, it would be better to assess all parks SDC-related components at 60 percent. He believes it is not worth potential adverse politics to assess administrative costs at 100 percent and other SDC-related components at 60 percent.

Councilor Gándara expressed support for USC's recommendation, which was based upon consensus with stakeholder group representatives.

Councilor Griffiths said she had not thought about assessing the administrative cost at the full or reduced rate. She suggested that it be considered in the next SDC rate update.

Councilor Brauner observed that USC did a good job conducting its review, and stakeholder group representatives advocated for a wide variety of community perspectives.

Deliberations and Final Decision

Councilor Brauner moved to direct staff to draft an ordinance implementing Urban Services Committee's recommendation regarding a parks systems development charge rate calculation methodology. Councilor Davis seconded the motion. The motion passed unanimously.

XI. ADJOURNMENT

The meeting was adjourned at 8:36 pm.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY RECORDER

MEMORANDUM

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

To: Mayor and City Council
From: Julee M. Conway, Director
Date: June 15, 2006
Subject: Park System Development Charge Methodology Update-Supplemental Information

---

Attached is supplemental information regarding the Park System Development Charge Methodology Update process that will be discussed at the Monday, June 19th 7:30pm public hearing. The *Frequently Asked Questions* summary has been prepared as a public information document, and; the comparable cities data had been previously provided to the Urban Services Committee during the review process and is provided to City Council for its information.

1. Frequently Asked Questions-Park System Development Charge Methodology Update
2. Comparable Oregon Parks SDC Rates-5/1/06

City of Corvallis
Park System Development Charges
Frequently Asked Questions

1. What is a System Development Charge, also known as SDC's?

System Development Charges (SDCs) are one-time fees charged to new development to help pay a portion of the costs associated with building capital facilities, such as roads, parks, trails, water lines, etc, which meet the needs created by growth. Park SDCs are collected at the time a building permit is issued on new construction for multi-family and single family homes. SDCs are authorized for five types of capital facilities including transportation, water, sewer, stormwater, and parks and recreation.

2. What types of SDC's are charged in Corvallis?

The City Council has enacted ordinances to collect SDC's for water, sanitary sewer, streets, stormwater and parks.

3. Who gives the City of Corvallis the authority to charge SDC's?

The source of authority for the adoption of SDCs is found in Oregon State Statute. While SDCs have been in use in Oregon since the mid-1970's, State legislation regarding SDCs was not adopted until 1989, when the Oregon Systems Development Act (ORS 223.297 - 223.314) was passed.

One of the purposes of this Act was to "provide a uniform framework for the imposition of system development charges". Legislative additions and modifications to the Act were made in the 1990's and in early 2000. The Oregon SDC Act requires local governments that enact SDCs to:

• adopt SDCs by ordinance or resolution;
• develop a methodology outlining how the SDCs were developed;
• adopt a plan and project list to designate capital improvements that can be funded with "improvement fee" SDC revenues;
• provide credit against the amount of the SDC for the construction of certain "qualified public improvements";
• separately account for and report receipt and expenditure of SDC revenues, and develop procedures for challenging expenditures; and
• use SDC revenues for capital improvements and costs associated with complying with the Act only - operations and maintenance uses are prohibited.

4. What is the City's current Park SDC amount?

Based on the methodology established by City Council in 2000, the current park SDC's are:

$2,075 per new single-family unit
$1,556 per new multi-family unit

5. Why is Corvallis reviewing its methodology for Park SDC's?

The City's current Parks SDC methodology was prepared in 2000. Based on City Council direction at that time, the Park SDC methodology was slated for review and update within 5 years. Prior to the 2000 update of all of the City's SDC's, the city had not reviewed or updated its methodologies since the early 1990's. The process of review began in the mid-1990's, which culminated in the City Council adopting updated methodologies in 2000, for all its SDC's at that time. The Park SDC methodology was reviewed to assure that the appropriate approach was being taken to calculate the SDC. This included incorporating the current park development cost structure. In addition, current and relevant changes in the statute were reviewed and applied, as appropriate. Finally, the City Council wanted to assure that the community had an opportunity to reevaluate the methodology, as it related to the prioritization of park improvements, as identified in the adopted 2000 Park and Recreation Facilities Plan. This included the review of all projects identified to meet the future demands as a result of growth

6. When did the review process begin for the Park SDC's?

In August 2005, the City engaged Don Ganer & Associates, Inc. to provide the technical support and guidance for the update of the existing methodology, which would reflect the current costs of growth needs identified in the City's 2000 Park and Recreation Facilities Plan. The City followed a similar process to update its other City utility SDC rate methodologies. Beginning in October 2005, the Urban Services Committee (USC), a standing committee of the City Council, joined by a 11-member community stakeholder group, met seven (7) times over the period of 6 months to review and analyze the information and develop a draft methodology.

7. Who participated in the review process?

The 11-person stakeholder group included a broad representation of he community including members of the business community, park, recreation and citizen advisory committees, homebuilders and realtors associations, housing services and the environmental community. Public comment was taken at each USC meeting and the minutes of each meeting were forwarded to the City Council in the subsequent monthly Council packets.

8. How was the Park SDC calculated?

The methodology used to update the City's Parks and Recreation SDCs establishes the required connection between the demands of growth and the proportionate need of each type of park facility for use by current and future residents. The Parks and Recreation SDCs are based on the park, trail and open space acquisition and development needs, as identified in the adopted 2000 Park & Recreation Capital Facilities Plan. The planning horizon used to calculate the population projection is 2020, which mirrors the adopted Facilities Plan.

Based on state statute, the SDC rates are calculated using a series of sequential formulas which, when completed, yield the total SDC rates for each new dwelling unit in the City. The formulas identify:

a) ***the park improvements cost per capita population***
b) ***the improvements cost per dwelling unit***
c) ***the SDC debt service credit per dwelling unit***.- This is applied to credit new development for its share of debt service that will be funded by current residents for the costs of future park improvements.
d) ***the total SDC per dwelling unit***
e) ***the discounted SDC per dwelling unit*** – Based on statute, the City may discount the SDC rate to collect less than 100% of growth costs. The proposed park SDC has been discounted. Said another way, the proposed Park SDC rates will collect a percentage of the new growth costs needed to provide for the park improvement needs.

9. What was the recommendation of the Committee?

Based on the updated methodology, the Committee recommended discounted rates of:

$4,893 per new single-family units
$3,627 per new multi-family units

10. What would have been the 100% Park SDC rate and why did the Committee recommend a discounted Park SDC rate?

Based on the revised methodology, the 100% rate was calculated at:

$6,590 per single-family unit
$5,144 per multi-family unit

The Committee recommended to discount the rate due to the substantial increase in the rate from the existing rate structure. The Committee recommended that the difference in costs be funded through other City of Corvallis funding sources other than charging new residents.

11. What are Park SDC's used for in Corvallis?

The City of Corvallis has been collecting Park SDC's since its fiscal year 1991-1992. The funds have been used to purchase property, build and improve new parks and trail facilities. The funds are collected and dedicated for use only for park and recreation facility improvements.

12. Who decides how Park SDC's are used?

The City of Corvallis City Council ultimately decides how Park SDC's are used to fund park capital improvements. Each year, the City Council delegates the process to screen, identify and prioritize park and recreation projects to the Park and Recreation Advisory Board, a 9 member volunteer citizen committee. The Advisory Board has an open public process to accept suggestions and evaluate the merits of each project. The Capital Improvement Program is a 5-year plan that is funded through a variety of sources, including SDC's.

13. How do Park SDC's contribute to the cost of park and recreation improvements?

Over the past 5-6 years, Park SDC's have contributed a relatively small but important share of the cost of park & recreation improvement projects. Since 2000, Park SDC's have contributed approximately 12% of the revenue needed to fund park & recreation improvement projects. The remaining required funding has come from grants, donations, property taxes, city general fund and general obligation bond proceeds.

14. How much is collected annually in Corvallis in Park SDC's?

The amount collected annually is dependent upon the level of new residential construction activity. Since the inception of collection, the amount generated annually has varied widely from $10,157 in 1991-92 to a high of $422,628 in 2001-2002. Due to the unpredictability of this revenue source, the City uses a conservative budget estimate when projecting the Park SDC revenue each year.

15. How does this amount compare with other agencies in Oregon?

The City of Corvallis Park SDC rate is currently in the lower middle 1/3 of comparable Park SDC rates in the state. If City Council adopts the recommended rates, it would rank in the upper 1/3 of the comparable rates. The single-family rates vary from a high of $8,029 in West Linn to $1,000 for Willamalane Park & Recreation District in Springfield.

14.What is the next step in the review process?

The Corvallis City Council will consider the recommendation of its Urban Services Committee to increase the Park System Development Charges at its public hearing slated for Monday, June 19th, 2006, beginning at 7:30 P.M. It will be held at the Downtown Firestation conference room, located at 400 NW Harrison Blvd. The public is invited to attend and comment on the proposed changes. Depending upon the public hearing results, the City Council is anticipated to make its final decision regarding the Park SDC methodology in July 2006.

For more information, contact Corvallis Parks & Recreation Director, Julee Conway, at 541-766-6918 or at julee.conway@ci.corvallis.or.us

Prepared: April, 2006

SELECTED OREGON PARKS SDC RATES as of 05/01/06

City or Parks District	Single Family	Multi-Family	*Non-Residential
West Linn	$ 8,029	$ 5,677	$ -
Gresham (Springwater Area)	7,299	7,299	152
Sherwood	6,661	4,999	69
Gresham (Pleasant Valley Area)	6,603	6,603	115
North Plains	4,941	4,941	-
Canby	4,725	3,869	129
Happy Valley	4,222	4,222	-
Tigard	4,023	3,234	273
Tualatin	3,697	3,697	-
Troutdale	3,600	3,600	-
Bend Metro PRD (Bend)	3,199	2,870	-
Tualatin Hills PRD (Beaverton)	2,981	2,293	93
Portland	2,960	1,925	-
North Clackamas PRD (east of I-205)	2,860	2,277	-
Lake Oswego	2,825	2,888	264
Oregon City	2,839	2,245	186
Hillsboro	2,685	2,685	382
Medford	2,544	1,769	44
North Clackamas PRD (west of I-205)	2,399	1,996	-
Wilsonville	2,394	1,820	63
**Corvallis	2,075	1,556	-
Forest Grove	2,000	2,000	-
McMinnville	2,000	2,000	-
Sandy	2,000	1,334	-
Hood River Valley PRD	1,635	1,169	-
Albany	1,500	1,500	-
Chehalem PRD (Newberg)	1,471	1,075	-
Woodburn	1,448	1,556	26
**Eugene	1,345	1,345	-
***Gresham (current City Limits)	1,167	1,167	-
Ashland	1,041	815	-
**Willamalane PRD (Springfield)	1,000	692	-

* Non-residential rates are per employee except for Hillsboro, which is per parking space.

** Parks SDC methodologies and rates are currently being reviewed and updated.

*** New Gresham rates effective July 1, 2006 are $2,350 per residential unit, $35 per employee.

Stakeholders Task Force for Park SDC Update Process

	Organization	Nominated Representative	E-Mail Address	Telephone Number
1	Willamette Valley Home Builders Association	Lori Hickey, Executive Officer PO Box 440 Tangent, OR 97389	lori@wvhba.com	928-5159
2	Corvallis Area Chamber of Commerce	Robert Best Lincoln Financial Network 420 NW 2nd Street Corvallis, OR 97330	bestr@peak.org	760-8156
3	Economic Development Partnership	Mysty Rusk, President 420 NW Second Street Corvallis, OR 97330	mrusk@corvallisedp.com	757-1507
4	Willamette Association of Realtors	Amanda Dalton, Government Affairs Director Willamette Association of REALTORS PO Box 981 Salem, OR 97308	amanda@directnorthwest.com	503-364-7233 Phone 503-364-7234 Fax
	Willamette Association of Realtors (alternate)	Debbie Weaver 632 NW Third Street Corvallis, OR 97330	dweaver@proaxis.com	752-9926
5	Open Space Advisory Commission	Paul Hohenlohe 1038 NW 32nd Street Corvallis, OR 97330	hohenlo@yahoo.com	760-9233
	Open Space Advisory Commiession (alternate)	Philip Schary 1140 NW Fernwood Circle Corvallis, OR 97330		752-1629
6	Committee for Citizen Involvement	Tom Powell, Chair 2035 SE 3rd Street Corvallis, OR 97333	tompowell@proaxis.com	752-0805
7	Park and Recreation Advisory Board	Charles Fisher 33705 SE Terra Lane Corvallis,OR 97333	suchar@pacifier.com	757-9860
	Park and Recreation Advisory Board (alternate)	Kent Daniels 329 SW Eighth Street Corvallis, OR 97333		753-4039
8	Capital Improvement Program Commission	Bill York 3765 SW Fairhaven Drive Corvallis, OR 97333	yorkb@peak.org	752-2535
9	Budget Commission	John "Jack" Davis 2940 NW Aspen St Corvallis, OR 97330	john.r.davis@att.net	753-2906
10	Corvallis Neighborhood Housing Services	Brigetta Olson 257 SW Madison Ave, Suite 113 Corvallis, OR 97333-4757	olsonb@corvallisnhs.org	752-7220
11	Corvallis Environmental Center	Tracy Noel 214 SW Monroe Ave. Corvallis, OR 97333	farm4thefuture@hotmail.com	753-9211
12	Betty Griffiths, Councilor, Ward 8	Betty Griffiths 3248 NW Taft Avenue Corvallis, OR 97330	ward8@council.ci.corvallis.or.us	766-6498
13	Rob Gandara, Councilor, Ward 5	Rob Gandara 419 NW 18th Street Corvallis, OR 97330	ward5@council.ci.corvallis.or.us	766-6495
14	George Grosch, Councilor, Ward 3	George Grosch 720 SE Atwood Avenue Corvallis, OR 97333	ward3@council.ci.corvallis.or.us	766-6493

League of Oregon Cities
Local Government Center
1201 Court St. NE, Suite 200
Salem, Oregon 97301-4194

P.O. Box 928
Salem, Oregon 97308-0928

(503) 588-6550 or
1-800-452-0338
Fax: (503) 399-4863
E-mail: loc@orcities.org
Web: www.orcities.org

OFFICERS

PRESIDENT
Jim Fairchild
Mayor, Dallas

VICE-PRESIDENT
Bob Austin
Mayor, Estacada

TREASURER
Tom Hughes
Mayor, Hillsboro

PAST PRESIDENT
Helen Berg
Mayor, Corvallis

DIRECTORS

Chuck Becker
Mayor, Gresham

Jim Bennett
City Manager, Newberg

Nancy Boyer
Asst. City Manager, Newport

Bud Hart
Councilor, Klamath Falls

Colleen Johnson
Mayor, La Grande

Shirley Kalkhoven
Mayor, Nehalem

Rex Mather
City Manager, Boardman

John McArdle
Mayor, Independence

Jim Randall
Councilor, Salem

Erik Sten
Commissioner, Portland

Bob Strosser
Councilor, Medford

Alan Unger
Mayor, Redmond

Steve Bryant
Interim Executive Director

RECEIVED
JUN 21 2006
CITY MANAGERS OFFICE

Copies for CC plse gm

June 5, 2006

TO: Oregon Mayors
City Managers, Administrators and Recorders

FROM: Steve Bryant, Interim Executive Director SB

RE: LOC Policy Development Process
LOC Board Election Process

During this year's Annual Conference, LOC members will elect a new Board of Directors for 2007 and vote on resolutions brought forward by your fellow cities during the Annual Business Meeting on Saturday, September 30. If your city is considering submitting a resolution for adoption by the League membership, or if you are interested in running for a seat on the Board of Directors beginning in January 2007, now is the time to act.

Applications Sought for LOC Board of Directors

Continuing the quality programs provided by LOC depends on the involvement of city leaders. One avenue for involvement is service on the LOC Board of Directors.

Open slots for the 2007 Board will include the treasurer position and five directors at large. The treasurer position traditionally leads to the office of LOC President. Any **elected** city official is eligible to run for one of these open seats on the LOC Board. City managers who are interested in serving on the Board should contact Scott Lazenby, president of the Oregon City/County Management Association (*slazenby@ci.sandy.or.us*).

The League's Nominating Committee, made up of past League presidents, may recommend up to two candidates for each open position. During the Annual Business Meeting the entire membership will make the final decision where there are competitive races. It is important for your city to be represented at the conference in order to cast your ballot for the candidate you prefer.

How to Apply

If you are interested in running for the LOC Board, send a note or an e-mail message to incoming Executive Director Mike McCauley at *mmccauley@orcities.org*. You will be asked to fill out a background information form and describe why you want to be considered for service on the Board. Completed information forms will be due to the League office by Friday, **September 1**. You will also be invited to make a presentation to the Nominating Committee at the Annual Conference on Friday, September 29, and, if you are nominated for a Board position, to campaign for the seat with your fellow city officials.

(Over)

Serving on the LOC Board is both an honor and a responsibility. The Board has the final say on League policies, both in terms of legislative items and in programs and services. Your involvement will help the League reflect the values you and your citizens have in making cities a better place to live.

LOC's Policy Development Process; Call for Resolutions

At last year's Annual Conference, city officials saw a few changes regarding the development of lobbying positions and resolutions for the League. As a result, the Legislative/Resolutions Committee was discontinued and is no longer meeting as a separate policy group.

As a reminder, the following is the current policy development process:

Resolutions

Each year the League invites all members to submit resolutions for consideration. Resolutions are statements of opinion on various topics and may or may not reflect standing policy positions of the League. Resolutions are due in the League office no less than 30 days prior to the Annual Conference. This year resolutions must be submitted to the League office by **August 29**, 2006, ATTN: Mike McCauley, Executive Director.

During the Annual Conference, the League Board will then review submitted resolutions and approve them for consideration by the full membership. Copies of the resolutions will be made available for all members to review. They will then be considered for adoption by all members, meeting as a committee of the whole, at the Annual Business Meeting. Amendments to the *Oregon Municipal Policy*, our basic legislative principles and positions, will follow a similar review process, and will be referred to a vote of all League members.

Policy Committees

During each legislative interim year (even-numbered years), LOC's nine Standing Policy Committees meet to discuss issues and formulate policy recommendations. These recommendations are considered for adoption by the LOC Board during the annual conference as our official legislative positions for the upcoming session.

The best way for city officials to be involved in the development of League policies is through participation as a member of one of our Standing Policy Committees. You can find a list of the committees and their current membership on the LOC Web site, *www.orcities.org*, by clicking on the Policy Committee link under the About Us menu.

Whether or not you are involved in a policy committee, your participation as a "Hometown Voice" helps us all carry a unified message to our state legislators.

If you have any questions, please feel to contact me at (503) 588-6550 or *sbryant@orcities.org*. Thank you for your continued support of the League and participation in its programs.

SB:kab

PACIFIC POWER
A DIVISION OF PACIFICORP
P. O. Box 248
Albany, OR 97321

RECEIVED
JUN 16 2006
CITY MANAGERS
OFFICE

June 15, 2006

M/cc:
To Legislative Committee
JRN
6-16-06

Jon Nelson
City of Corvallis
P. O. Box 1083
City of Corvallis, OR 97330-1083

RE: Letter of Support

Dear Jon:

Pursuant to our conversation on June 14th, I am asking the Corvallis City Council to consider writing a letter to Lee Beyer, Chair of the Oregon Public Utility Commission supporting the recommendation from staff in the AR 499 rulemaking proceeding. Their recommendation advocates for the "with or without" proposal which will encourage the adoption of reasonable, rationale rules of implementation that promotes a healthy business climate for Oregon.

Thank you for your consideration of this request. I would be happy to discuss this issue further if the council needs additional information.

Sincerely,

Doris R Johnston

Doris R. Johnston
Regional Community Manager
Pacific Power

Encl

Senate Bill 408
Background on Permanent Rule Making Process

Legislative History

- Senate Bill 408 was introduced during the 2005 legislation session with the stated intention of addressing the "Enron problem" The Enron problem occurred when a utility, as part of its rates, collected more in taxes than it or its parent company paid to units of government. This problem resulted from the fact that, to protect utility customers from the financial risks of the parent company, utility rates, including taxes, are calculated on a stand alone basis which means that the tax expense is based on the utility's earnings from regulated operations only. However, when the consolidated parent company's taxes are calculated, losses in unregulated subsidiaries sometimes offset most or all of the utility's tax liability. This resulted in taxes being collected in rates but not being paid to units of government.

- SB 408 sought to address this issue by requiring a true-up mechanism that compares taxes collected by the utility in its rates to the "properly attributed" taxes actually paid by the utility or its parent corporation to units of government. This is the so called "dollar in – dollar out" requirement. If the utility or its parent paid less in taxes than what was collected in rates, the utility's rates would be adjusted down by the amount of the difference.

Public Utility Commission Rule Making

- While relatively simple in concept, the new law deals with the intersection of two very complex areas: tax law and utility regulation. In recognition of the complexity of the issue, the legislature left to the Oregon Public Utility Commission the definition of some of the key elements of the act, including that of taxes paid and "properly attributed" to the utility. The OPUC is scheduled to issue its definition of this key phrase by late June or early July 2006.

- The definition of taxes paid and "properly attributed" to the utility is a critical issue for utilities, such as Pacific Power, that are owned by large corporate parent companies such as Berkshire Hathaway. It is critical because Berkshire owns approximately 600 companies, the vast majority of which, such as See's Candies, Dexter Shoes and Fruit of the Loom, have no connection to Pacific Power other than being owned by the same parent company.

- While SB 408 was intended to address the very specific Enron issue, during the OPUC rule making process, some interest groups have sought to expand the scope of the bill to require rate reductions even when the parent company pays all of its taxes. These interest groups have urged the OPUC to define

"properly attributed" in the broadest possible terms so as to capture tax benefits from unrelated companies to artificially reduce rates. Under their definition of properly attributed, even if the parent company actually paid millions or even billions more in taxes than what was collected in its utility subsidiary's rates, isolated tax credits or deductions from companies far removed from the utility would be taken to artificially lower utility rates.

- The interest group proposal goes far beyond the intent of SB 408 and violates the dollar in – dollar out concept, essentially demanding more than a dollar out for each dollar in.

- Pacific Power customers benefit from our association with Berkshire Hathaway because the parent company's AAA bond rating, and strong financial backing mean a lower cost of borrowing for the utility as it invests in system improvements and new equipment and infrastructure made necessary by economic development. The interest group proposal would discourage companies like Berkshire from investing in Oregon because they would essentially pay a penalty for being a well run, tax paying company.

Pacific Power Compromise

- Pacific Power is not opposed to rules that implement the Legislature's intent in passing SB 408, requiring that a tax dollar collected in rates is actually paid to units of government. In fact, Pacific Power has suggested ways in which such rules can be written to ensure that customers receive the benefit of the lowest possible tax calculation. Pacific Power proposes a three-part test that would look at the utility's taxes on a stand alone basis; the actual tax payments of the consolidated parent company; and a final calculation that would look at the consolidated parent taxes both with and without the utility, in order to determine what tax benefit the consolidated parent reaps from having the utility in the consolidated group. Customers would receive the benefit through lower rates of the lowest outcome of all three tests.

- Pacific Power believes this is a fair, straightforward and objective method for matching taxes collected with taxes paid. It solves the Enron problem without penalizing well-managed tax paying companies. It would also discourage highly leveraged companies from purchasing utilities to serve as "tax mules" for other ventures.

- The OPUC staff also believes that this three-part test strikes the right balance in implementing SB 408. **They have recommended this method to the OPUC commissioners as the best solution**. The commissioners will consider the staff recommendation and are currently scheduled to issue their decision in late June or early July 2006.

Other Perspectives

Some interest groups continue to object to the three-part test. Concerns are in the following areas.

- Rate Case. These interest groups argue that the rate reduction in PacifiCorp's most recent general rate case proves that a more expansive definition of "properly attributed" is justified. The commission issued the rate case order before it began the ongoing rule making proceedings. The rate case order did not address or attempt to define taxes paid and properly attributed. This rate case order did not look at actual taxes paid, and instead made projections of taxes that *might* be paid. These projections were inaccurate due to changes in Pacific Power's ownership structure. Pacific Power believes the loose application of SB 408 in its rate case was flawed and has asked the commission to reconsider the rate order. In granting Pacific Power's request for reconsideration of the rate order, the commission admitted that the order was hurried, issued before the legislative history on SB 408 was published and without the guidance of implementing rules that provide the legal standards for implementation.

- Temporary Rule. Some argue that the Temporary Rule adopted by the commission shortly after SB 408 became law also proves that a more expansive definition of "properly attributed" is justified. The Temporary Rule provides for allocation of affiliate tax benefits to lower the utility's rates whether or not the consolidated parent actually paid millions or even billions in taxes. However, the commission adopted and the OPUC staff supported the Temporary Rule not because it was fair or correct, but because it was the best they could do in the short time allowed by the law. Since then, the Attorney General has provided a legal opinion on SB 408, SB 408's legislative history has been published, and numerous groups have participated in a public rule making process. In light of this information, OPUC staff have reconsidered the Temporary Rules and concluded that they are neither fair nor required by the law. Instead, staff support the three-step test proposed by Pacific Power, which captures all of the tax benefits that are due customers by measuring *actual* taxes collected.

- Interest Deduction. Some argue that the staff recommendation doesn't go far enough because it doesn't allocate a sufficient proportion of interest deductions from a parent company to the utility. There are two flaws in this thinking. The first is that SB 408 requires that taxes paid must equal taxes collected – not that the taxes of the utility must be lowered if the parent company or one of its subsidiaries has a tax credit or tax deduction, regardless of the actual taxes paid by the consolidated parent. Second, it ignores the fact that the parent company's interest deduction comes from payments on debt that the parent borrowed on behalf of many of its subsidiaries. The interest groups that have proposed to decrease taxes paid and properly attributed to account for parent interest deductions do not provide any means for the OPUC

to first determine if the parent debt is even related to the utility. The three-part test resolves this issue by allocating all of the tax benefits that result from the utility's existence within the consolidated group to the customers.

- Double Leverage. Some interests argue that the staff recommendation doesn't capture the interest deduction on borrowing used to purchase the utility. This argument is faulty in at least two respects. First, the three-part test captures all of the tax benefits caused by the utility's existence within the consolidated group. Second, investors, and not utility ratepayers, bear the burden of paying this debt. The borrowed funds are equal to the non-equity portion of the purchase cost – the good will value of the company rather than the capital value. The OPUC only allows a return on the capital equity of the company, not the good will. Therefore any premium over the capital value paid is an investment risk born entirely by investors and not ratepayers. It would be unfair and irrational for the interest groups to demand to receive the value of the interest deduction on debt that is not repaid through rates.

- Proportional Share. Some interests argue that the SB 408 rules must be crafted to ensure that a utility doesn't pay an "unfair share" of the parent company's consolidated tax burden. Under a proportional share approach, utility ratepayers would get lower rates if any one of the consolidated parent's subsidiaries suffered a loss, even if the loss had nothing to do with the utility and the consolidated parent actually paid millions or billions in taxes. For example, if one of the subsidiaries suffered losses from Hurricane Katrina, Oregon ratepayers would get lower utility rates. Such a method skips an important step—it asks *how* other companies' tax benefits should be allocated to the utility before it asks *if* they should be allocated to the utility. An arbitrary proportional share methodology would be taking from shareholders in unregulated, unrelated businesses who solely bore the risks of their investments, and have nothing to do with the regulated utility. The three-part test is not arbitrary and it does not skip a step: it asks what tax benefits the consolidated group gets as a result of having the utility and it allocates all of those benefits to the utility ratepayers.

June 15, 2006

Holzworth, Carla

From: Dave Picray [dpicray@yahoo.com]
Sent: Monday, June 19, 2006 10:37 AM
To: Holzworth, Carla
Subject: Letter to Mayor and City Council--Please Distribute

Ladies and Gentlemen:

After walking away from the Corvallis Farmer's Market on Saturday (June 17, 2006), I was approached by a petition signature gatherer nearly a block from the market on a somewhat abandoned side street. After listening to his pitch and signing his petition, I asked him why he wasn't at the market where all the people were, and was told that he had been restricted from gathering signatures there. I became furious knowing that the Farmer's Market and the city of Corvallis has a policy of intimidating people into relinquishing their constitutional rights--knowing that they have no legal basis for doing so. I then found the market director, Rebecca Landis, who confirmed that she had told the signature gatherers that they could not go past the entrance to the market. I scolded her for knowingly violating their constitutional rights and asked her if it would take a court order to force her to stop harassing and intimidating people so as to prevent them from exercising their rights.

I was harassed at the Farmer's Market for collecting petition signatures at the old location approximately five years ago, and was again harassed for distributing leaflets at the current location about two years ago. Thus, I know from personal experience that the city's policy seems to be to intimidate people so that only the most assertive and knowledgeable are allowed to exercise their rights--this is just one step short of arresting someone with no probable cause and no intent of charging them with a crime. Moreover, intimidating people to prevent them from exercising their right of free speech doe not just violate their right to express their views but also violates my right to be exposed to, and informed by, the views of others.

Be advised that I intend to alert all petition signature gathering groups or organizations of what is taking place in the once progressive community of Corvallis. I also intend to file a formal complaint with the Secretary of State against the Farmer's Market and the city of Corvallis for maintaining a policy which places unconstitutional restrictions on the initiative process. And, if necessary, I intend to picket the market urging shoppers to boycott the vendors unless the policy and practice of harassing those exercising their constitutional rights is immediately stopped.

FYI, I have pasted below a quote from the prevailing attorney in a case in which Chief Judge Ancer L. Haggerty of the U.S District Court in Portland ruled that both the U.S. and Oregon constitutions allow persons to gather petition signatures on public property--even if that property has been leased, rented, or otherwise placed under the temporary control of a private organization. Therefore, I strongly urge you to abide by the U.S. and Oregon constitutions and stop discriminating against people who submit to unlawful intimidation simply because they aren't aware of their rights or aren't willing to stand-up to harassment.

Finally, your policy, as enforced by Ms. Landis, is mean-spirited, shameful, and a great disappointment in a community whicl once enjoyed the progressive leadership of open-minded, rational, and caring people.

****

"A city cannot lease a public park to the Chamber of Commerce or to any other private group for a day or a week or a year and then claim that the park is somehow private property," said Meek. "That would be like renting a city park to the Ku Klux Klan and then claiming that only white people are allowed to enter the park, because it is suddenly no longer a public park."

Permit to Occupy Public Right-of-Way

This permit is granted by the City of Corvallis, an Oregon municipal corporation, hereinafter referred to as "City", to Tandem Real Estate L.L.C. (Highland Medical Center), hereinafter referred to as "Permittee".

Section 1 Authority

1. The Permittee shall be subject to applicable Municipal Codes and Ordinances of the City including but not limited to those guidelines detailed in Corvallis Municipal Code chapter 3.02, relating to utilities, unless otherwise noted herein. Code chapter 3.02 is attached as Addendum "A".

2. Unless otherwise specified in this permit, any action authorized or required to be taken by the City may be taken by the Council or by an official or agent designated by the Council.

Section 2 Rights Granted

Subject to the provisions and restrictions of this permit and the Municipal Codes and Ordinances of the City, the City grants to Permittee the non-exclusive privilege to use 44 feet of the public right-of-way to extend one 15-inch storm water discharge pipe and manhole, privately owned and maintained by the permittee (Addendum "B") from the Permittee's Highland Medical Center project located at the intersection of Highland and Circle Boulevard.

This permit is granted subject to the City Manager's authority to prescribe which public right-of-ways will be used and the location within the public right-of-way. Permittee's use shall comply with the standard specifications of the City, and all other applicable Federal, State, and local laws and regulations. No work affecting the public right-of-way shall be performed by the Permittee without the express written consent of the City. Permittee shall register the private utility with the Oregon Utility Notification Center and shall keep the registration current for as long as the utility occupies the public right-of-way.

Section 3 Compensation

In consideration of the privileges and permit granted, Permittee shall pay to the City a one-time initial fee of $100. Annual permit fees are waived.

Section 4 Term of Permit

This permit shall continue and be in force for a period of fifty (50) years from and after the date this permit becomes effective, provided, however, that the City does not acquire ownership of the facilities subject to this permit and either the City or Permittee may, upon at least thirty (30) days written notice to the other prior to the expiration of each three (3) year period from the effective date, open this agreement to negotiate provisions therein including the annual permit fee. Otherwise, this agreement remains in effect.

Section 5 Hold Harmless Clause

Permittee shall indemnify, protect, defend, and hold the City of Corvallis and its officers, agents, and employees harmless against any claim for injury or damage and all loss, liability, cost, or expense, including court costs and attorney's fees, growing out of, or resulting directly or indirectly from any use by the Permittee of the public right-of-way.

Section 6 **Notices**

Whenever this permit calls for the providing of written notices to the parties, it shall be sufficient for notice to be sent by regular mail or delivered personally to the following locations:

For the Permittee: Tandem Real Estate L.L.C.
Highland Medical Center
Attention: Sammi Molvi
956 NW Circle Blvd.
Corvallis, OR 97330-1410

For the City: City of Corvallis
Public Works Department
Attention: Franchise Utility Specialist
PO Box 1083
Corvallis, OR 97339-1083

Section 7 **Effective Date**

This permit shall take effect _____.

The signatures below indicate the full acceptance of all of the terms and conditions provided herein.

_____ _____
Permittee Representative and Title Date

_____ _____
Jon S. Nelson, City Manager Date
City of Corvallis

Approved As To Form:

_____
James K. Brewer, Deputy City Attorney

Executive Summary

of the Oregon Air Monitoring Project Report

American Cancer Society

American Heart Association
Learn and Live

AMERICAN LUNG ASSOCIATION® of Oregon

TOFCO
Tobacco-Free Coalition of Oregon

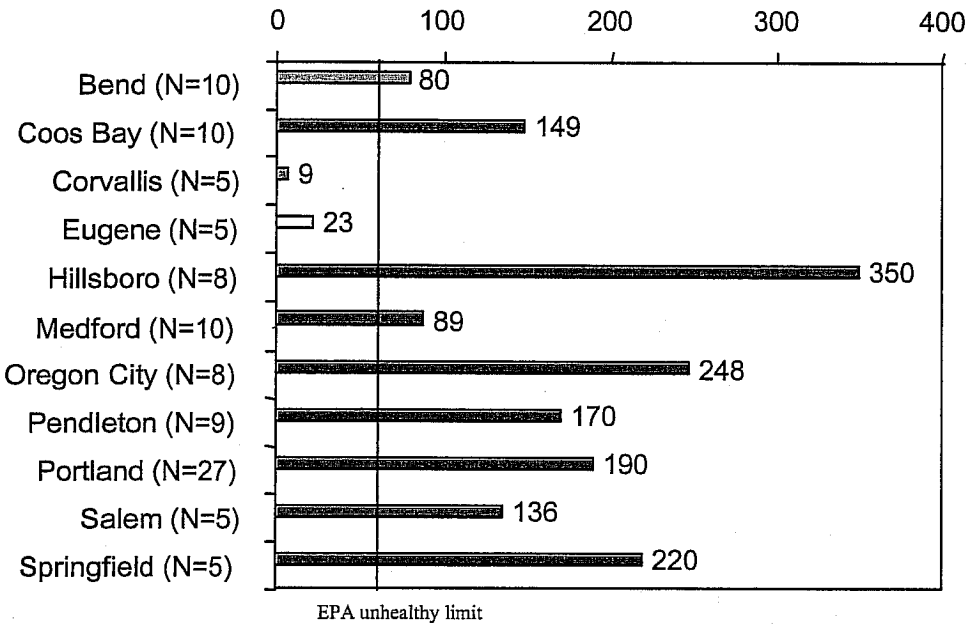
Secondhand smoke is the third leading preventable cause of death in the United States and is classified as a Group A, or known human, carcinogen, as are asbestos and benzene. Breathing secondhand smoke increases a person's risk of heart attack and stroke and causes asthma attacks and upper respiratory illness. Secondhand smoke increases the risk of contracting lung cancer. In fact, food service workers have a 50% greater risk of dying from lung cancer than the general population, with much of the increased risk attributable to secondhand smoke in their workplaces.

In response to the dangers of exposure to secondhand smoke, the American Cancer Society tested indoor air quality in bars and restaurants with bars on two weekends in March 2006. Volunteers used a small aerosol monitor that tests for concentrations of particulate matter in the air smaller than 2.5 microns in diameter ($PM_{2.5}$). These tiny particles are released in significant amounts from burning cigarettes and are easily inhaled deeply into the lungs. The Environmental Protection Agency (EPA) has established guidelines for safe levels of $PM_{2.5}$ microns per cubic meter.

US EPA Air Quality Index

Air Quality	$PM_{2.5}$ ($\mu g/m^3$)	Health Advisory
Good	<15	
Moderate	16-40	Unusually sensitive people should consider reducing prolonged or heavy exertion.
Unhealthy for Sensitive Groups	41-65	People with heart or lung disease, older adults, or children should reduce prolonged or heavy exertion.
Unhealthy	66-150	People with heart or lung disease, older adults, or children should avoid prolonged or heavy exertion. Everyone should reduce prolonged or heavy exertion.
Very Unhealthy	151-250	People with heart or lung disease, older adults, or children should avoid all physical activity outdoors. Everyone else should avoid prolonged or heavy exertion.
Hazardous	>251	People with heart or lung disease, older adults, and children should remain indoors and keep activity levels low. Everyone elseshould avoid all physical activity outdoors.

Average Level of Indoor Air Pollution in Tested Oregon Establishments by City



Secondhand smoke, a known human carcinogen, is responsible for an estimated 3,000 lung cancer deaths in the US annually in people who never smoked, as well as over 35,000 deaths from coronary heart disease. Secondhand smoke causes respiratory infections, asthma and Sudden Infant Death Syndrome in children. Exposure to secondhand smoke causes an estimated 800 deaths annually in Oregon alone.

Methods

American Cancer Society volunteers tested the indoor air quality in 47 bars and 60 restaurants with bars in twelve cities throughout Oregon. These establishments included bars that allow smoking as well as bars that are smokefree. Volunteers were trained to use the aerosol monitor, TSI SidePak Personal Aerosol Monitor, by the Tobacco Prevention and Education Program of the Department of Human Services. The TSI SidePak has been used in numerous air quality studies worldwide. Volunteers tested air quality during evening hours, spending approximately ½ hour in each establishment.

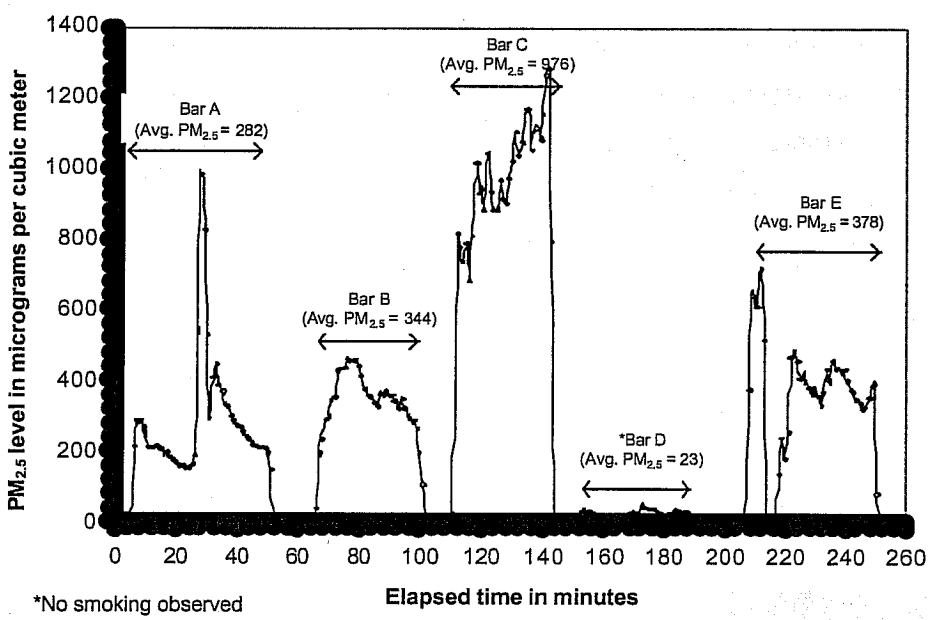
Air testing was conducted in twelve cities across Oregon. Analysts with TPEP and the Environmental and Occupational Epidemiology section of DHS used Geographic Information System (GIS) software to randomly select bars within each city in which to conduct air testing.

TSI Sidepak Personal Aerosol Monitor

Analysis

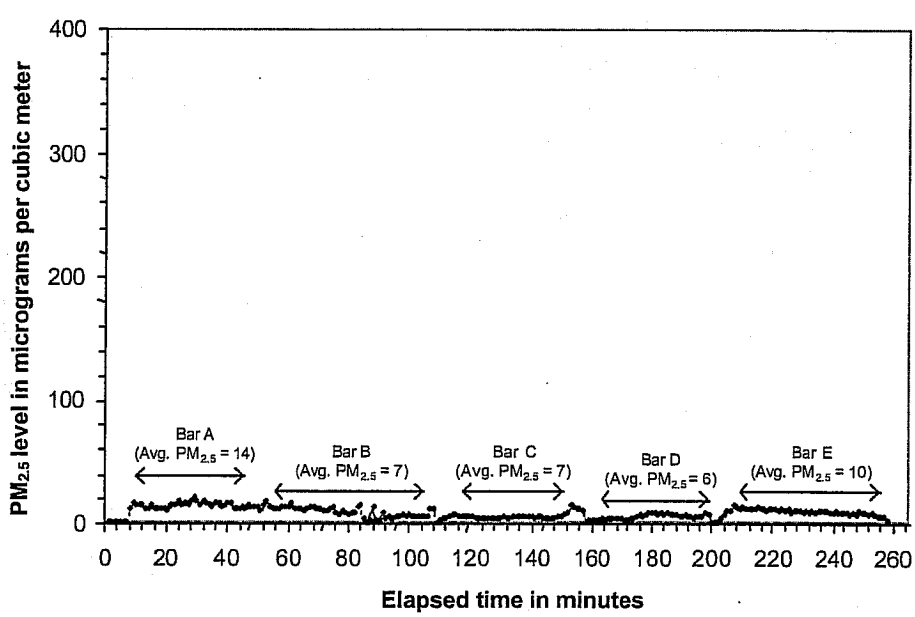
Scientists at Roswell Park Cancer Institute, the national leader in the effects of secondhand smoke on indoor air quality, analyzed Oregon data gathered by ACS volunteers. Scientists calculated the levels of $PM_{2.5}$ in each establishment taking into account the room volume. Data from individual bars with all identifiers removed as well as local data from tested counties are available in the full report. Examples of data gathered during one night of testing by two groups of volunteers are below.

Hillsboro, OR – smoking permitted in all bars surveyed



*No smoking observed

Corvallis, OR - all bars are smokefree



Key Findings

- In the Oregon Air Monitoring Project, the level of indoor air pollution measured was 622% higher in venues that allow smoking than in those where smoking was prohibited. That is more than 3 times greater than what the EPA considers "unhealthy" for outdoor air.

- Cities with policies prohibiting smoking in all indoor workplaces such as Corvallis and Eugene are protecting all workers, bar and restaurant personnel included, from the dangers of secondhand smoke.

Summary

Laws requiring all workplaces, including bars, to be smokefree, effectively reduce $PM_{2.5}$ to levels judged by the EPA to be safe for human health. Reducing exposure to secondhand smoke will mean healthier work sites, healthier workers, and a healthier Oregon. Many other states and other countries have passed comprehensive smokefree workplace laws, including California, Montana, New York, Washington, Ireland and Italy. Oregon should act now for the health and safety of workers and consumers and make all indoor workplaces smokefree.

The American Cancer Society greatly appreciates the expertise and guidance of its partners on this project. Partners include: American Heart Association, American Lung Association of Oregon, Department of Human Services' Tobacco Prevention and Education Program, Roswell Park Cancer Institute and the Tobacco Free Coalition of Oregon.

For a full copy of the Oregon Air Monitoring Project report, please contact the American Cancer Society at
0330 SW Curry Street, Portland, OR 97239
(503) 295-6424

General facts about the health effects of secondhand smoke in this Executive Summary were accessed on April 27, 2006 at http://www.cdc.gov/tobacco/factsheets.

Oregon specific facts about smoking and secondhand smoke can be found in *Oregon Tobacco Facts*, 2004, Department of Human Services Tobacco Prevention and Education Program.

Memorandum

To: Mayor Helen Berg & the Corvallis City Council

From: Business Advocacy Committee, EDP, Willamette Association of Realtors, Willamette Valley Home Builders Association

Date: June 16, 2006

RE: Parks Systems Development Charges

CC: Jon Nelson, Julie Conway

We would like to express our appreciation to the members of the Citizens Advisory Committee and City of Corvallis staff who worked to adjust the Systems Development Charges (SDCs) for parks. We understand that reviewing and updating the methodology by which they are calculated was a lengthy process requiring several meetings and a number of considerations. We are convinced, too, that our high quality parks are a valuable asset appreciated by residents and businesses alike.

As we reviewed the work done by the advisory committee, we did find an area of concern. Implemented as proposed, Corvallis' total SDCs will be three times higher than those of neighboring Albany. Many families already consider housing a comparative bargain in our neighboring city. The proposed scenario will serve to perpetuate the phenomenon of Corvallis workers choosing to live in surrounding communities and could affect the ability of local businesses to recruit and retain employees.

We request that the Council carefully consider the planning horizon used to adjust the Parks SDC methodology, as this detail directly affects cost. Collecting out to 2020, as opposed to longer horizon is reasonable, but the population estimates are high.

Since 1990, the Corvallis population growth rate has averaged 0.87% per year, or 18.31% total for the period. The estimates used to calculate the new rates have the Corvallis population growing 27% over the next 14 years, or 1.9% per year. This projection is double our actual annual average growth over the past 16 years. If Corvallis remains uncompetitive with Albany and other surrounding communities in terms of housing costs, such a growth rate is especially unlikely.

We would like to suggest that the Council consider adjusting the projections to the more plausible estimate of 15% growth over the next 14 years. Thank you for your work.

CITY OF CORVALLIS
COUNCIL WORK SESSION MINUTES

June 26, 2006

The work session of the City Council of the City of Corvallis, Oregon, was called to order at 5:37 pm on June 26, 2006, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Berg presiding.

I. ROLL CALL

PRESENT: Mayor Berg, Councilors Daniels, Tomlinson, Gándara, Griffiths

ABSENT: Councilors Davis, Hagen, Brauner, Zimbrick, Grosch (all excused)

Also present, representing the Downtown Corvallis Association (DCA), were Kent Daniels, Dee Wendel, Dave Gazeley, Joan Wessell, Pat Lampton, Dave Livingston, Malcolm Dundas, Kirk Bailey, and Eric Blackledge.

II. UNFINISHED BUSINESS

A. Downtown Strategic Plan Report

1. Downtown Systems Development Charge Review

Community Development Director Gibb said the Downtown housing study conducted two years ago prompted several ideas for stimulating Downtown housing development, including whether Downtown systems development charges (SDCs) should be adjusted. Staff conducted a thorough study of the option and potential impacts on stimulating Downtown housing from reducing SDCs. Staff contracted with Financial Consulting Solutions (FCS) Group, which worked with staff on previous SDC reviews. John Ghilarducci of FCS Group conducted a presentation of basic SDC concepts for the Downtown Strategic Planning Committee. Council direction is sought regarding his report, which was presented to the Committee. The Committee does not currently have a recommendation for the Council regarding Downtown SDCs.

Mr. Ghilarducci reviewed his April 20th memorandum to Mr. Gibb and Public Works Director Rogers (Attachment A). He explained that he researched the City's existing SDC program and legally defensible, cost-based approaches to reduce SDCs in the Downtown core area.

Mr. Ghilarducci reviewed from his memorandum actions the City is taking that reduce SDCs in the downtown area.

- SDC Credits – Redevelopments benefit from credits carried forward on sites.
- Transportation SDC – By classifying the entire Downtown area as "Shopping Center," certain properties benefit on trip generation calculations for transportation SDCs; otherwise, different land uses would have different trip

generation characteristics and a variety of transportation SDCs. This classification is not extended to residential developments in the Downtown area.

- Parks SDCs – Parks SDCs are only assessed on residential developments.

Mr. Ghilarducci reviewed from his memorandum the options he proposed.

- If an extensive amount of existing infrastructure had been funded from tax sources and the Downtown area had paid more in taxes than other geographic areas of Corvallis, the tax-funded deduction to the reimbursement fee could be divided among the various geographic areas, resulting in a larger deduction for the Downtown area and a lower reimbursement fee SDC component.
  - » Water infrastructure was the only facility that could be materially affected by the proposal. During the past 50 years, the City funded a large amount of water improvements with general obligation bond debt, backed by taxes, but repaid the debt through rates, resulting in no tax-funded water infrastructure for which deductions could be applied.
  - » This proposal would not produce significant benefits.
- Older infrastructure has lower initial costs, which, if divided among geographic areas of Corvallis, may result in a lower reimbursement fee SDC component for the Downtown area.
  - » Infrastructure repairs and replacements are paid through rates.
  - » Older infrastructure requires more repairs and replacements, so any SDC reduction for the Downtown area would be minimal because the lower original cost is offset by higher replacement costs.
- Trip-generation estimates could be extended to residential developments in the Downtown area, as Downtown residents would probably generate fewer trips.
  - » Research indicates residential trip reductions of six to 15 percent in downtown areas with access to public transit.
  - » Reduced trip generation estimates for residential developments could result in SDC reimbursement fee component reductions of $307.61 for a single-family residence, $213.11 for an apartment, and $178.72 for a condominium or townhouse.
  - » This proposal seems reasonable and would result in a material SDC reduction.
- Several Downtown properties have already been extended SDC credits for reduced infrastructure demand. The property owners will not benefit from the credits, unless a market exists to purchase the credits from existing property owners and sell the credits to developers.
  - » The property owner possessing the credit would receive some cash for the credit. The new development would receive the benefit of a discounted SDC.
  - » Future redevelopment of the property would be assessed the full SDC because it would not have the credit.
  - » This seemed to be a potential means of creating a voluntary market for discounted SDCs for redevelopment in the Downtown area. Current SDC credits for the Downtown area are estimated at $200,000.

- If fewer capital improvement projects are planned for the Downtown area, the Downtown area could be assessed a lower SDC, while other geographic areas of Corvallis are assessed a higher SDC.
  - » The percentage of planned projects in the Downtown area compared to the percentage of area represented by the Downtown does not merit pursuing this option.
- Downtown SDCs could be bought with non-SDC funds.
  - » SDCs could not be used to reduce SDCs, as State law requires that SDCs be established according to rate-making principles. Other sources could be used, however.

Mr. Ghilarducci concluded that the most-promising options included extending the trip-generation reduction to Downtown residential developments (affecting only transportation SDCs), considering the voluntary sale of SDC credits, and SDC buy-down with non-SDC funding sources.

Mr. Ghilarducci, Mr. Rogers, and Mr. Gibb responded to questions from Council members and DCA representatives.

- The trip-generation estimates are based upon an extensive Institute of Transportation Engineers Trip Generation Manual with estimates for a vast variety of development types. Condominiums and townhouses are believed to generate a different volume of trips than apartment complexes.
- It is unknown whether other jurisdictions purchase and resell SDC credits. There may be only a few credits in existence. Property owners would need to decide whether they want to sell their credits.
- There was no specific reason for suggesting purchasing SDC credits at 50 percent of their value. The rate at which the City decides to purchase SDC credits should include the City's administrative costs. Credits should be resold so that the City does not financially gain or lose from the transaction. The discount rate would be a policy choice.
- SDC credits purchased would be based upon current SDC rates.
- SDC credits should be purchased and sold on a first-come-first-served basis.
- Staff work would involve determining the current dollar value of existing SDC credits. The cost of managing the purchase/resale system must be determined so it can be balanced against the potential benefit of the system.
- A delicate balance will be needed to establish a selling price that will attract credit holders and make a difference in redevelopment while still covering program costs. Some property owners with credits may sell their SDC credits and not have opportunity to purchase discounted credits when they redevelop.

Mr. Bailey noted that the concept of selling SDC credits was discussed five years ago during the Land Development Code Update Phase I. That discussion did not address specific geographic areas of Corvallis and addressed the general concept of selling and purchasing SDC credits with or without the City's involvement. Most SDC credits are associated with properties in the Downtown area, but future development might be planned for other areas of Corvallis, creating concern that the concept might cause a termination of building activity in the Downtown area. A program involving the City could be designed so that SDC credits purchased from

Downtown properties could only be resold to Downtown properties. Another concern is that property owners might "mine" their properties for short-term cash gains, such as demolishing buildings to develop parking lots and cashing out SDC credits; then, in the future, the higher SDCs may discourage redevelopment. This could reduce the viability of the Downtown area.

Councilor Tomlinson inquired whether developers indicated the SDC rate threshold at which they would be motivated to participate in a SDC credit purchase/resale program or would support another program that reduces Downtown SDCs.

Mr. Daniels observed, in his opinion, that developers consider SDCs minor expenses, which do not determine whether they pursue a development. They would appreciate reduced SDCs, but SDCs are not major factors in their development decisions.

Councilor Tomlinson commented that, if developers are not concerned about SDC rates, the community should proceed with other development incentives. The proposed SDC credit purchase/resale program would not provide enough impact to warrant more staff time.

Mr. Lampton responded that the Committee deemed the SDC credit purchase/resale option to have marginal benefits, especially since the status of credits must be monitored. The Committee continues to support the concept of making every incremental change possible so the total impact would be significant and support development in the Downtown area.

Councilor Gándara said he would prefer a program of property developers negotiating among themselves for the purchase and resale of SDC credits, with the City documenting which properties sell and purchase SDC credits, with program guidelines that the SDC credits must remain in the Downtown area. He believes it is not necessarily detrimental if a property owner converts property to a parking lot. He concurred with Mr. Lampton's comments regarding the cumulative effect of incremental changes. The options proposed by the Committee indicate the City's willingness to be a partner in promoting development of the Downtown area, without using funding from other sources.

Mr. Blackledge opined that incremental SDC savings are not significant and will not prompt a property owner to determine whether to develop. He would support adjusting the transportation SDC, if doing so is deemed logical. He does not consider the other options proposed thus far to be worthwhile. He would consider other options that could make a substantial difference in development costs. He does not consider the SDC credit purchase/resale option worth investment of more Council time.

Mr. Bailey commented that it was beneficial for the Committee to explore options, even if none are adopted.

Mr. Lampton concurred with Mr. Blackledge regarding the value of the SDC credit purchase/resale option and with Mr. Bailey regarding the value of incremental benefits. The issue was considered for a long time, and the Committee determined that there is no equity issue involved in the concept, which would probably cause more labor than benefit.

Mr. Daniels commented that other jurisdictions assess parks SDCs for commercial developments. He emphasized that Corvallis is already following SDC practices intended to stimulate development in the Downtown area.

Mr. Lampton added that an understanding of SDCs is important, and it was valuable for the Committee to receive a clear, concise, explanatory, historical document regarding SDCs. The information may be beneficial for the City to provide to property owners.

2. Downtown Housing Property Tax Exemptions Report

Mr. Gibb noted that staff seeks Council direction regarding the options for Downtown housing property tax exemptions. The Committee did not take a formal position on the options and is seeing the calculation data for the first time tonight.

Mr. Weiss said the consultant who conducted the City's Downtown housing study reviewed SDCs and property tax exemptions for housing in the Downtown area. He reviewed two options for achieving property tax exemptions in a downtown core area or a transit-focused area: the Vertical Housing Program (VHP) and the Multi-Unit Property Tax Exemption (MUPTE), which is an legally approved allowance. During January 2005, the Council asked staff to investigate the options to encourage Downtown housing development. Shortly after, the VHP became inactive, as the Oregon Economic and Community Development Department (OECD) transferred the VHP to the Oregon Housing and Community Services Department (OHCSD). Last April, the revised Administrative Rules were approved and became available for staff's review.

In developing his June 1st memorandum to Mr. Gibb (Attachment B), which he reviewed tonight, he spoke with other jurisdictions regarding the effectiveness of the different programs.

The VHP is an incentive program intended to create mixed-use commercial and residential projects in downtown core or transit-oriented areas. To implement the VHP, the City would identify an area as the vertical housing zone and contact other taxing entities with authority in the area and offer them opportunity to opt out of participating in the VHP. The City would then forward the VHP proposal to the OHCSD, describing the area and the entities wanting to participate by providing property tax exemptions. All jurisdictions' proposals have been approved since the VHP's inception. The OHCSD reviews individual VHP project proposals and then monitors the buildings receiving exemptions to ensure they still meet exemption conditions in place at the time of exemption approval. The City has little day-to-day involvement in a VHP. Under the VHP, mixed-use buildings would have

commercial activities on the first floor and possibly the second floor, with residential activity on the second and higher floors. The exemption rate is based upon the number of floors dedicated to residential use: one floor receives a 20-percent exemption on overall building improvements; two floors receive a 40-percent exemption, three floors receive a 60-percent exemption, and four or more floors receive an 80-percent exemption; the exemption rate does not exceed 80 percent. If the development includes a commitment toward affordable housing, up to 80 percent of the land value can also be exempted. The VHP is intended to contribute to a more-vibrant Downtown area, which would increase property values, thereby creating more long-term revenue for taxing authorities that participate in the VHP.

Mr. Weiss reported that he spoke with representatives of most of the nine jurisdictions that have VHPs, all of whom indicated no resistence to participate from other taxing authorities. He acknowledged that the financial environment at the time may have influenced participation.

The MUPTE program is focused entirely on housing but does not preclude mixed-use developments; the program only involves the value of residential improvements. Up to 100 percent of the residential improvement value may be exempted. No land is included in the exemption calculation, regardless of whether the development involves affordable housing.

Mr. Weiss noted that the VHP and the MUPTE are intended to provide incentives for development of new housing or conversion of existing buildings to residential use.

To implement a MUPTE, the City would identify the appropriate zone; the guidelines for zone designation are flexible. Taxing authorities would be invited to participate, rather than being offered opportunity to opt out of the program. If the participating taxing authorities represent at least 51 percent of the total authority in the proposed zone, all taxing authorities would automatically be included in the program. The City would then create specific standards for developments within the zone. Each project proposed for tax exemption would be reviewed by staff and the Council, the latter being the approval body. The City would adopt the program and the standards, which typically include visual attributes, structure size, affordability, and other goals the Council may set for the Downtown area. The Council would then approve an ordinance creating the program, delineating the zone, and establishing standards. Each property would apply for exemption. During the exemption period, the City would monitor the property for compliance with the exemption standards.

Mr. Weiss referenced from his memorandum a sample tax exemption estimation scenario for the Julian Hotel building. In the scenario, taxing authorities would forego $14,799.92 under the VHP and $16,971.18 under the MUPTE. Conversely, the property owner would pay $9,866.61 under the VHP and $7,695.35 under the MUPTE.

Mr. Weiss noted that his memorandum includes a table comparing the VHP and the MUPTE and a variety of estimated scenarios under each program. There are advantages to both programs, depending upon the size and nature of the development.

Annual operating savings to property owners would begin at approximately one percent; and in some cases, the savings may be four to five percent. Mr. Weiss acknowledged that the savings would be minimal, but other jurisdictions indicated that a variety of programs offering small incentives can cumulatively provide more long-term incentives.

Mr. Weiss noted that Salem and Eugene currently utilize the MUPTE; Portland's MUPTE program is inactive while the standards are being reviewed. Gresham utilized the MUPTE but believed it required more staff time than was available; Gresham terminated its MUPTE when the VHP became available. All jurisdictions consulted were positive about the benefits of the VHP and the MUPTE. Smaller jurisdictions seemed to favor the VHP, most noting that they do not intend to consider the MUPTE.

Mr. Weiss and Mr. Gibb responded to questions from Council members and DCA representatives.

- The VHP must include mixed-use developments. A MUPTE development could not be constructed in the Riverfront District because Land Development Code standards allow only commercial uses on the ground floor of buildings; other portions of the Downtown area would not have this restriction.
- Staff did not survey which communities were utilizing which programs in conjunction with urban renewal or whether an urban renewal district (URD) was better than the VHP or the MUPTE. Salem does not utilize the VHP. Gresham and Eugene have URDs. URDs can be utilized simultaneously with the VHP and/or the MUPTE. The VHP and the MUPTE would impact revenues to an URD. The VHP and MUPTE would directly benefit property owners, while an URD would benefit the community, with taxpayers determining how to invest revenue.
- VHP and MUPTE zones can overlap. In Eugene, which has both, property owners choose the program that offers them the greatest benefit and submit proposals accordingly.
- The VHP and MUPTE programs will be reviewed again in conjunction with review of a possible URD.
- Gresham chose to utilize the VHP because of the size of the community and the available staffing. A Gresham staff member reported that the Gresham City Council felt that their decision process to approve MUPTE applications was being perceived as political, so the city switched to the VHP, which is administered by the State.
- Gresham has a voter-approved URD.

In response to Councilor Tomlinson's inquiry, Mr. Lampton stated that the Committee had not had opportunity to discuss the VHP and MUPTE options. He personally supports the programs, but he recognized the unknown trade-offs with an URD. The Committee will review Mr. Weiss' report. Attracting more residents

to the Downtown area will attract more businesses to the same area, which could be financially beneficial to the community from the perspective of an URD. The VHP and MUPTE are short-term (ten-year) programs, but they could significantly increase the property tax base in the Downtown area.

Mr. Blackledge commented that the VHP and MUPTE are targeted concepts. Under the programs, small developments would achieve strong incentives for developers. The programs would support developments combining commercial and residential uses. Tax increment incentives would provide broader-scale benefits of a community nature.

3. Quarterly Report

Mr. Lampton reported that the Committee conducted two public meetings: May 22nd targeted toward business and property owners and June 14th targeted toward the general public. A public outreach event is scheduled for July. The Committee has continuously reported to DCA membership through meetings and other events to publicize the strategic planning effort. The DCA is a participant in the Economic Vitality Partnership (EVP), and the Downtown area was a prominent subject at the EVP's recent town hall meeting.

Mr. Lampton reviewed the Committee's quarterly report (Attachment C) and responded to questions from the Council.

- A consultant's survey of various national retailers' interest in developing in Downtown Corvallis was discouraging but informative regarding how large-scale retailers pursue development opportunities.
- An URD for the Downtown area is feasible and might generate, over 20 years, approximately $21.7 million, with a current-dollar value of $13.89 million. A full report regarding an URD will be presented to the Council August 7th.
- The Committee will present a recommendation regarding a Downtown Commission during its July outreach meeting. The Committee hopes that the new Commission could effectively consolidate some existing City advisory bodies. The composition, appointment process, and charge of a Commission will be important to determine.
- A Downtown Strategic Plan will be presented during the Fall.
- A subcommittee is working on renewing the economic improvement district, identifying properties, and developing strategies to approach each property owner to explain the value of the district. The DCA committed funding for a district campaign, which may be beneficial. The subcommittee is discussing a five-year district with the existing tax rate. The DCA's income success is directly associated with the success of the Downtown area – if Downtown property values increase, the DCA will be more successful.
- Little work or progress has occurred regarding the way-finding signs, but the Committee believes the project is critical. The project will be more expensive than originally anticipated, and the Committee did not want to spend the funds if the result was not known. The project could be included in an URD. The Committee is exploring the option of regional partners in the project, rather than national firms.

Councilor Griffiths complimented the DCA and staff for their efforts, noting that the Downtown strategic planning effort is progressing well.

Mr. Bailey noted that outreach meetings are having an unanticipated benefit, such as his presentation regarding SDCs at an outreach meeting causing people to feel better about SDCs, as they better understood the reason and nature of the SDC concept. The Downtown strategic planning effort prompted many citizens to learn more about government and the Downtown area.

III. ADJOURNMENT

The meeting was adjourned at 7:50 pm.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY RECORDER

Memorandum

Date: June 20, 2006

To: Mayor and City Council

From: Ken Gibb, Community Development Director

Re: Update on Downtown Strategic Plan Report

Attached are three reports on components related to the Downtown Strategic Plan Project:

1. **Downtown System Development Charges (SDC) Report**:
   John Ghilarducci of Financial Consulting Solutions (FCS) prepared a report on Downtown SDC options. Mr. Ghilarducci will be in attendance to present an overview of the report.

2. **Downtown Housing**:
   Staff has reviewed options related to property tax exempt programs for downtown housing. Staff will review the attached report at the meeting.

3. **Quarterly Report**:
   DCA representatives will present the attached quarterly report related to progress in developing the Downtown Strategic Plan.

Review and Concur:

Jon S. Nelson, City Manager

FCS GROUP
Solutions-Oriented Consulting

Memorandum

To: Steve Rogers, Ken Gibb

Date: April 20, 2006

From: John Ghilarducci

RE: Special SDC Study

The City of Corvallis requested that FCS GROUP perform a special study of potential cost-based and legally defensible system development charge (SDC) reductions in the Corvallis downtown area. As noted in the 2004 **Corvallis Downtown Housing Market Analysis,**[1] such adjustments could work with other mechanisms to further incentivize downtown development and redevelopment.

In this memorandum, we evaluate a number of cost-based SDC adjustment options for all five of the City's existing SDCs – assessing both the feasibility and the order of magnitude financial impact of each adjustment.

System Development Charges

A system development charge is a one-time charge, paid at the time of development, intended to equitably recover the cost of the system capacity needed to serve that development. The charges also apply to redevelopment when that redevelopment increases service demand.

Oregon Revised Statute (ORS) 223.297 - 223.314 defines SDCs and specifies how they shall be calculated, applied, and accounted for. By statute, an SDC is the sum of two components:

- a reimbursement fee, designed to recover costs associated with capital improvements already constructed or under construction, and
- an improvement fee, designed to recover costs associated with capital improvements to be constructed in the future.

The reimbursement fee methodology must be based on "the value of unused capacity available to future system users or the cost of the existing facilities", and must further consider "prior contributions by existing users." For this reason, all past contributions, including grants and developer-donated facilities, are deducted from the reimbursement fee cost basis. These costs were not incurred by the rate / tax payers, so no "reimbursement" is needed. The statute further specifies that the "methodology shall promote the objective of future system users contributing no more than an equitable share to the cost of existing facilities." For this reason, we also deduct outstanding debt to be paid by rates or taxes. In general, this practice ensures that new customers will only be charged once, in rates / taxes, for debt-financed facilities. Reimbursement fee proceeds may be spent on any capital improvements related to the systems for which the SDC

[1] ECONorthwest, July 2004.

applied. Water SDCs must be spent on water improvements, sewer SDCs must be spent on sewer improvements, etc.

The improvement fee methodology must include only the cost of projected capital improvements needed to increase system capacity for future users. In other words, the cost(s) of planned projects that correct existing deficiencies, or do not otherwise increase capacity for future users, may not be included in the improvement fee calculation. Improvement fee proceeds may be spent only on capital improvements, or portions thereof, which increase the capacity of the systems for which they were applied.

Existing SDC Practices in the Central Business District

It is important to note initially that the City has a number of SDC policies in place that work to the benefit of the development in the downtown core.

- System development charges are commonly applied to redevelopment only if that redevelopment increases the demand for system capacity and then only for that incremental increase over the capacity demand of the immediately preceding land use. In Corvallis, the City effectively charges an SDC for redevelopment only if the redevelopment increases demand for system capacity beyond that of *any previous land use* – not just the immediately preceding land use. The City does this by carrying the credit for previously paid SDCs on a site through subsequent generations of redevelopment.

  As an example, let us consider the case of a downtown site that has changed from a restaurant (1" water meter and/or 50 fixture units) to a retail store (5/8" X ¾" meter and/or 25 fixture units) and is now changing back to a restaurant (1" meter and/or 50 fixture units). The site would have essentially "earned" a credit for the reduction in system demand accompanying the change from the initial restaurant to the retail store. That credit would apply against the SDC to be paid upon redevelopment of the site from a retail store to a restaurant. For that change in use, the SDC due by the restaurant would be completely erased by the credit. The resulting charge would be $0

- For the purposes of calculating individual transportation SDCs, almost all commercial development[2] in the downtown core is classified under the Institute of Traffic Engineers (ITE) "Shopping Center" designation, due to the concentrated nature of downtown commercial development, as opposed to its actual, specific, land use. The ITE **Trip Generation** manual is the source for the trip generation estimates used to calculate transportation charges. The shopping center designation is assigned an average daily trip rate of 42.92 per 1,000 square feet of developed space. For some land uses, this results in a significantly reduced SDC. For example, a high turnover sit-down restaurant would be assigned an average daily trip rate of 130.34 per 1,000 square feet (a 67% decrease), and a drive-in bank would be assigned an average daily trip rate of 265.21 per 1,000 square feet (an 84% decrease). An additional 19% adjustment (reduction) in trip generation for pass-by trips would also be applied, as it is for all retail land uses.

[2] Gas stations being a possible exception.

- For Parks, commercial development is not charged. The charge only applies to residential development. So, commercial development / redevelopment in the downtown core is not impacted by Parks SDCs. [Further investigation of potential adjustments to the Parks SDC is limited and not in the scope of this study.]

Potential Cost-Based SDC Adjustments

At the outset of this project, we identified a number of approaches that could be used to provide SDC reductions in the central business district, while continuing to follow "ratemaking principles", as required in ORS 223.304 and interpreted to mean that SDCs must be based on proportionally recovering the cost to serve – essentially disallowing artificial subsidies among customer types within the SDC structure. Each alternative is described below, followed by an assessment of its feasibility and order-of-magnitude impact on SDCs in the downtown core.

1. **Allocate contributions between the downtown and the rest of the City.** As noted previously, contributions are a deduction against the reimbursement fee cost basis. A portion of contributed infrastructure cost may have been tax-funded, and the tax burden may have been borne disproportionately by the downtown area because of the density and value of downtown development.

   The intent of this effort would be to recognize that the central business district could have contributed disproportionately in property taxes to construction of any tax-funded infrastructure. It would impact only the reimbursement fee, so it is important to note the magnitude of the reimbursement fee for each service. The reimbursement fee makes up about 20% of the water SDC to most customers, none of the wastewater SDC, about 7% of the transportation SDC, about 8% of the stormwater SDC, and none of the parks SDC. The reimbursement fee bases for both the transportation and stormwater services were entirely made up of recently constructed projects that had definable unused capacity. There were no explicit deductions made against those project costs (none were warranted), so this approach would not impact the transportation and stormwater charges. Water appears to be the only service for which this approach could work. City finance department staff researched the source of funding for all utility (not just water) infrastructure historically for more than fifty years. While the City had made a practice of financing such improvements with general obligation bond debt, essentially secured by the City's taxing power, there was no evidence that any of the debt had been repaid with property taxes. All appeared to have been repaid by utility rates – implying an equitable distribution of burden and a solid basis for reimbursement. In short, we do not believe this approach will produce a basis for an SDC reduction in the downtown core.

2. **Allocate the original cost of assets between the downtown and the rest of the City.** If downtown infrastructure is older, it's relative cost would be lower, and so might the resulting reimbursement fee.

   While the presumption that the original cost of older infrastructure is lower stands to reason, it is also true that older infrastructure requires more in the way of repair and replacement, the costs of which are borne by all ratepayers in ongoing rates. An asset allocation between the downtown and the rest of the City for the purposes of the system development charge

should be accompanied by an area-specific, and presumably higher, monthly rate that incorporates the higher cost of repair and replacement for that older, lower-cost infrastructure in the downtown core. It is likely that the repair and replacement costs of this older infrastructure would erase or substantially diminish any differences between the original cost of downtown infrastructure and infrastructure in the rest of the City. We do not believe this approach will produce a net cost reduction, factoring in both SDCs and rates, in the downtown core.

3. **Adjust trip estimates to account for the concentration of development in downtown area.** Density of development in the downtown core should result in lower fees for new customers in that area, if for no other reason than visitors need to park only once to accomplish more than one downtown task. The unit cost of serving growth should be lower.

   The City already effectively adjusts for this by assigning the ITE shopping center distinction to the whole CBD (with few exceptions). One important set of land uses that is not similarly adjusted is residential. The best information we are aware of indicates that a combination of urban development and transit availability can reduce residential vehicle trips between six to seven percent[3] and fifteen percent.[4] A seven percent reduction in the transportation SDC for different types of residential development is shown below:

Type	*Current Charge per DU*	*Less: 7%*	*Adjusted Charge per DU*
Single-Family Residential	*$2,050.76*	*($ 143.55)*	*$1,907.21*
Apartment	*$1,420.74*	*($ 99.45)*	*$1,321.29*
Condo/Townhouse	*$1,191.45*	*($ 83.40)*	*$1,108.05*

   A fifteen percent reduction in the transportation SDC for different types of residential development is shown below:

Type	*Current Charge per DU*	*Less: 15%*	*Adjusted Charge per DU*
Single-Family Residential	*$2,050.76*	*($ 307.61)*	*$1,743.15*
Apartment	*$1,420.74*	*($ 213.11)*	*$1,207.63*
Condo/Townhouse	*$1,191.45*	*($ 178.72)*	*$1,012.73*

4. **Account fully for previous capacity "purchased" for a site.** Review the historical land uses of redeveloping properties to determine the "highest" SDC that they would have paid under the current approach. Only charge them if their SDC due upon redevelopment exceeds

[3] **Back to the Future: Trip Generation Characteristics of Transit Oriented Developments**, Steven B. Colman, John P. Long, John C. Lewis, Steve Tracy, 1992 ITE International Conference.
[4] **Trip Reductions for Residential or Mixed Use Developments within ¼ Mile of a Transit Center**, ITE Trip Generation, p. 126.

the highest of all previous land uses. This approach presumes that the system has already met the capacity need of that highest historical use, and that that capacity has been paid for.

As mentioned previously, the City currently does this by carrying the credit for previously paid SDCs on a site through subsequent generations of redevelopment. One way the City could provide a benefit to developing or redeveloping customers in the downtown core would be to make those property-specific "credits" transferable at a discount – create a discounted market for them.

As an example, the City could offer to purchase credits from property owners for half of their paper value and re-sell them to the owners of developing or re-developing sites in the downtown core. The newly developing customers would benefit from the discounted price, and the selling customers would benefit by converting their credits into cash. The "selling" property would be subject to a full SDC if ever redeveloped again. The net cost to the City of this series of transactions could be zero, with administrative costs and credit purchase costs recoverable in the sale price.

5. **Account for the location of planned capital improvements in area-specific charges.** If capital improvements are disproportionately planned for outside of the downtown core, this could result in higher improvement fees outside of the core.

The first step in evaluating this approach is to review the project lists for each service and determine if a split can be made between planned improvements that will serve inside and outside the downtown core. For example, it was determined, after discussions with City staff, that an area-specific approach to future improvements would not be appropriate for the transportation and water systems. Those systems, because of their reliance on system-wide capacity and reliability, could not be defensibly allocated to separate geographic areas – they both serve everybody. This was partially found to be true for wastewater as well, although a significant number of planned facilities and associated costs, could be allocated between the downtown and outside downtown areas. The following table shows the allocation of planned project costs between the downtown core and the rest of the City service areas:

Service	*Serve All*	*Serve Downtown Only*	*Serve Outside Downtown Only*
Transportation	*$58.5 million*	-	-
Water	*$29.3 million*	-	-
Stormwater	-	*$220,000*	*$4.96 million*
Wastewater	*$38.7 million*	*$1.31 million*	*$30.7 million*

As mentioned previously, the improvement fee is calculated as the cost of capacity-increasing projects divided by growth. So, the impacts of these splits on resulting stormwater and wastewater improvement fees by area would depend upon the portion of the projected growth for each service forecasted to occur in the downtown and outside the

downtown. For stormwater, 4.25% of planned projects allocable between inside and outside downtown are projected to serve downtown. Therefore, if forecasted growth in the downtown area is greater than 4.25% of total service area growth, the downtown stormwater improvement fees would be lower than those of outside downtown. The inverse is also true. Impervious surface area in the downtown core is effectively maximized or built out already, so growth in downtown stormwater units will fall far short of 4.25% of the growth in the total customer base. We do not believe this approach will produce a basis for an SDC reduction in the downtown core.

For wastewater, 4.09% of planned projects allocable between inside and outside downtown are projected to serve downtown. Therefore, if forecasted growth in the downtown area is greater than 4.09% of total service area growth, the downtown wastewater improvement fee would be lower than those of outside downtown. Again, the inverse is also true. It is not known what likely percentage of growth in the wastewater customer base will be generated in the downtown core. In gross land area, the downtown area makes up less than 1% of the area of the urban growth boundary. Even given greater density of development in the core, it seems unlikely that downtown wastewater customer growth would exceed 4.09%. Therefore, we do not believe this approach will produce a basis for an SDC reduction in the downtown core.

6. **Buy-down downtown SDCs as an incentive for economic development, but do it with funds from outside of the SDC program.**

   The City could choose to incentivize downtown redevelopment through external subsidies of some sort, of course taking care to meet any legal constraints regarding the gifting of private funds. These external funding sources could include the general fund, funds earmarked for economic development, and/or private donations.

Conclusion

Three of the potential strategies evaluated seem to hold promise, although the impact of each is debatable. First, a reduction in the assumed number of average daily trips generated by downtown *residential* development (alternative #3) seems to be warranted. The reduction chosen should fall within the range of supportable adjustments provided. Second, the discounted purchase, by the City, of site credits carried for past land uses *for resale to new development at the same discount* (alternative #4) also seems to be a viable *voluntary* option. Finally, the use of external (to the SDC program) sources of funding to essentially subsidize, or buy-down, SDCs in the downtown core seems to also have some merit if it can be done legally -- and if the City makes the policy choice to use this approach to incentivize downtown development.

MEMORANDUM

June 1, 2006

TO: Ken Gibb, Community Development Director

FROM: Kent Weiss, Housing Division Manager

RE: Property Tax Exemption Alternatives as Incentives to Develop Downtown Housing

I. Issue

It is a City Council goal to "support completion and assist with implementation of Downtown Master Plan and Downtown Housing Study." This memorandum responds to the second element of the Council goal, the Downtown Housing Study.

II. Background

In July 2004 consultant ECONorthwest completed an analysis of the downtown Corvallis housing market. The intent of the study was to create a better understanding of key elements of the downtown housing market (supply, demand, and financial performance), and then to evaluate the potential of a variety of public policy options available to the City that might provide incentives to expand the supply of housing downtown.

The ECONorthwest study drew a number of conclusions about the potential for housing in downtown Corvallis. Among them were:

- Downtown Corvallis presents many opportunities for housing;
- Housing demand in Corvallis is strong—Corvallis has added between 360 and 400 units annually over the past 10 years;
- Three target markets exist for downtown housing in Corvallis—young professionals (aged 19-39), active retirees (aged 55-70), and students;
- The preliminary financial analyses suggest that it will be challenging for the private sector to make projects work—ECO's analysis of ownership products suggests that units would have to sell for $250,000 and up while rental units would have to command a monthly rent of about $3.00 per sq. ft., or about $2,400;
- Adaptive reuse of existing structures can provide housing opportunities;
- Downtown housing fits into a broader community development framework and can achieve multiple objectives and create multiple benefits;
- The positive impacts of downtown housing and mixed-use projects can be enhanced through design;
- Finding or creating viable projects can be challenging; and
- Retail components of mixed-use projects can be a challenge.

Relative to policies the City might consider to provide incentives for the creation of housing downtown, the ECONorthwest study offered a summary conclusion that:

> *Based on ECO's evaluation of policies, it will probably require the City to use a combination of approaches to make projects attractive. The most viable policy (in the sense that it probably has the least direct cost to the City) appears to be the use of tax credits. The City will have to adopt a Vertical Housing Development Zone to use these credits, but that does not present a major barrier. Reducing development fees and providing parking subsidies are two other approaches that can have significant impacts on the cost of a project.*

In January 2005 the City Council directed Community Development staff to look further at two areas of public policy that might provide incentives for downtown housing: Systems Development Charges, and property tax credit/exemption programs. This memorandum examines the latter of these two areas: the provision of property tax incentives for housing built, converted or preserved in the downtown core area.

III. Discussion

Two programs have been authorized by the State of Oregon to provide property tax exemptions for the creation of housing units in downtown areas: the Vertical Housing Program authorized under OAR 813.013, and the Multi-unit Housing Exemption authorized under ORS 307.600-691. Because they provide tax exemptions, these programs are beneficial only after a project is completed: the tax exemptions they provide reduce the costs of operating projects (renting or selling units) but provide no direct construction subsidy. Having an exemption in hand that will reduce the cost of operation may facilitate a developer's ability to secure construction financing, and perhaps to move forward more quickly with initiation of a project.

Brief descriptions of the two downtown housing-related property tax exemption programs follow; a matrix that compares primary features, benefits and challenges of each is also attached.

Vertical Housing Program

The Vertical Housing Program (VHP) was initiated in 2000/01 by the Oregon Economic and Community Development Department, and then shifted to the Oregon Housing and Community Services Department (OHCS) following legislation passed in 2005. The Administrative Rules that govern OHCS's implementation of the Program were issued in April 2006. The purpose of the VHP is ". . . to encourage construction or rehabilitation of properties in targeted areas of communities in order to augment the availability of appropriate housing and to revitalize such communities."

In brief summary, the VHP provides ten year property tax exemptions for newly constructed, converted, or rehabilitated housing in a locally-designated downtown core or transit-oriented area in buildings or projects that consist of both commercial and residential uses. For projects that provide market-rate owner or renter housing, up to 80% of the property tax on the improvements (including both the residential and commercial improvements) can be exempted.

If the housing is affordable to people with incomes at or below 80% of the area median, up to 80% of the taxes associated with the land value may also be exempted. The level of exemption is tied to the number of floors of housing: one floor generates a 20% exemption, two floors a 40% exemption, and so on up to 80% for four or more floors.

To create a Vertical Housing Zone (VHZ) a jurisdiction identifies the area it wants to designate, communicates with other taxing entities about its intent to create the VHZ (informing them that they may opt out of participation if they choose), and then submits an application for Zone designation to OHCS. Once the VHZ is designated by OHCS, project developers apply directly to that agency to have their projects certified and the tax exemptions approved. Following project completion, OHCS carries out periodic project monitoring to ensure ongoing compliance with the requirements of the Vertical Housing Program.

Nine cities in Oregon currently have designated Vertical Housing Zones: Grants Pass, Klamath Falls, LaGrande, Central Point, Medford, Milwaukie, Eugene, Monmouth, Springfield, and Gresham. Housing staff has communicated with representatives from many of these jurisdictions, and in every case feedback about the Vertical Housing Program was very positive. Clarity, ease of implementation, and the fact that the VHP leads to a mix of uses downtown were all cited as positives of the program. None of the jurisdictions we spoke with cited drawbacks to having implemented the Vertical Housing Program.

Multi-Unit Housing Property Tax Exemption

The other downtown housing-focused incentive program is the Multi-Unit Housing Property Tax Exemption (MUPTE) authorized under ORS 307.600 - 307.691. The purpose of the MUPTE is to ". . . stimulate the construction of transit supportive multiple-unit housing in the core areas of Oregon's urban centers to improve the balance between the residential and commercial nature of those areas, and to ensure full-time use of the areas as places where citizens of the community have an opportunity to live as well as work."

Under the MUPTE, multi-unit housing projects constructed, converted or preserved in a City-designated core or transit-oriented area are eligible to receive a 10 year, 100% property tax exemption on the value of the housing improvements. The MUPTE does not provide exemptions on the land portion of a project. As with the Vertical Housing Program, the MUPTE is applicable to both renter and ownership units, as well as both market and affordable housing. There is no additional tax exemption benefit for affordable housing, but existing affordable housing that is or becomes subject to an assistance contract with a government entity can take advantage of the exemption.

To initiate a MUPTE program, a jurisdiction must identify the core area boundaries in which it will apply, and then contact other taxing entities to determine whether they wish to participate. If entities representing 51% or more of the taxation authority in the proposed MUPTE area choose to opt in to the exemption program, the projects that result will be exempt from the property taxes of all taxing entities. Prior to implementing the program, the adopting jurisdiction develops the standards that it will apply when reviewing developer proposals for the MUPTE. The content of these standards typically includes design elements, rents and/or sale prices, the

minimum and maximum number of units in a project, and any other terms deemed desirable by the implementing jurisdiction.

Once the MUPTE zone is identified and standards are developed, the jurisdiction's governing board holds a public hearing to take comment and then passes an ordinance or resolution to adopt the MUPTE zone and standards. Each project that seeks a tax exemption under the MUPTE is approved or denied by the jurisdiction's governing board, which must determine 1) whether the project meets the locally adopted MUPTE standards, and 2) that the project would not go forward without the exemptions available through the MUPTE. Once an exempted project is complete, the jurisdiction is responsible for monitoring it annually to assure that it complies with the standards under which it was approved, and thus continues to qualify for the property tax exemption.

The cities of Salem and Eugene currently offer the MUPTE (Eugene in combination with their VHP). Because the MUPTE is initiated and operated locally, there is no central clearinghouse for information about which, if any, other jurisdictions offer it. Portland has utilized it in the past, but is in the process of reworking the standards it applies to projects, and thus is not offering it currently. None of the jurisdictions that offer a VHP, aside from Eugene, also offers the MUPTE, although Gresham did until about five years ago. Staff there explained to us that the city found the administration of the MUPTE to be cumbersome and staff time intensive, and thus expensive to operate. Once the Vertical Housing Program was developed they chose to switch over to providing the exemptions it offers; a new four-story/24-unit mixed use project is currently completing certification at OHCS.

IV. Estimated Impacts of Downtown Residential Property Tax Exemption Programs

The Corvallis downtown core area aligns closely with Benton County Tax Levy Area 932, in which the tax rate distribution in 2005 (the most recent year reported) was as follows.

Taxing Authority	*Tax Rate Distribution*	*Tax Rate Total by Authority*	*Tax Percent Distribution*	*Tax Percent Total by Authority*
City of Corvallis		5.6485		36.38%
Bonds	0.5418		3.49%	
General Government	5.1067		32.89%	
Benton County		2.2034		14.19%
General Government	2.2034		14.19%	
Corvallis School District		6.2375		40.18%
Bonds SD 2003	1.5856		10.21%	
Bonds SD 509J	0.1905		1.23%	
Education	4.4614		28.74%	
Linn Benton CC		0.6858		4.42%
Bonds	0.1839		1.18%	
Education	0.5019		3.23%	

LinnBentonLincoln ESD Education	0.3049	0.3049	1.96%	1.96%
Benton County Library General Government	0.3947	0.3947	2.54%	2.54%
Benton Soil & Water District General Government	0.0500	0.0500	0.32%	0.32%
TOTALS	15.5248	15.5248	100.00%	100.00%

Applying these rates to the actual FY 05-06 taxes for an existing downtown mixed commercial/affordable residential building, the Julian Hotel, yields the estimated property tax exemptions found in the table that follows. These calculations are estimates only; under either exemption program the Benton County Assessor would determine the final amount to be exempted based on the relative valuations of the commercial and residential spaces in a building, as well as the portion of the total assessed value accounted for by the land.

Pertinent facts/assumptions about the Julian Hotel that affect the exemptions under the two programs include:

2005-2006 Taxes (Total):	$ 24,666
Total Assessed Value:	$1,588,847
Estimated Assessed Value of Improvements:	$1,457,555
Estimated Assessed Value of Land:	$131,292
Total Number of Floors:	4
Number/Percentage of Low Income Affordable Residential Floors	3/75%
Proportioned/Estimated Assessed Value of Residential Improvements:	$1,093,166
Number/Percentage of Commercial Floors	1/25%
Proportioned/Estimated Assessed Value of Commercial Improvements:	$364,389

Property taxes distributed by authority, and potential taxes foregone by each under the VHP and MUPTE, are outlined in the following table.

Taxing Authority	*2005-2006 Property Tax Revenue*	*Estimated Tax Revenue waived under VHP (60% exemption, includes land)*	*Estimated Tax Revenue waived under MUPTE (75% exemption on improvements only)*
City of Corvallis			
Bonds	$ 860.84	$ 516.50	$ 592.28
General Government	8,113.76	4,868.26	5,582.47
Total City of Corvallis	8,974.60	5,384.76	6,174.75
Benton County			
General Government	3,500.87	2,100.52	2,408.69
Total Benton County	3,500.87	2,100.52	2,408.69

Corvallis School District[1]			
Bonds SD 2003	2,519.27	1,511.56	1,733.32
Bonds SD 509J	302.68	181.61	208.25
Education	7,088.48	4,253.09	4,877.05
Total Corvallis School District	9,910.43	5,946.26	6,818.62
Linn Benton CC			
Bonds	292.19	175.31	201.03
Education	797.44	478.46	548.66
Total Linn Benton CC	1,089.63	653.78	749.69
LinnBentonLincoln ESD			
Education	484.44	290.66	333.31
Total LinnBentonLincoln ESD	484.44	290.66	333.31
Benton County Library			
General Government	627.12	376.27	431.47
Total Benton County Library	627.12	376.27	431.47
Benton Soil & Water District			
General Government	79.44	47.66	54.66
Total Benton S&WD	79.44	47.66	54.66
TOTAL FOREGONE	$24,666.53	$14,799.92	$16,971.18
TOTAL TAXES PAID	$24,666.53	$9,866.61	$7,695.35

[1] *Under current funding methodology, property tax revenue reductions to a school district are balanced with state funding increases, and thus do not reduce per-student revenues for schools.*

As detailed in the foregoing table, if the City were to implement a Vertical Housing Program and subsequently a project similar to the Julian Hotel was constructed, the estimated total property taxes paid by the owner would be reduced from $24,666.53 to $9,866.61. In allowing the reduction, the City's estimated tax revenue would be reduced by $5,384.75. If a Julian-comparable project with four floors of housing/one floor of commercial was constructed, the total taxes paid would drop to $4,933.31, and the City's tax revenue would be reduced to $1,794.92.

Again using the scenario above, the estimated impact of having the Multi-Unit Housing Property Tax Exemption in place would result in an overall reduction in the total taxes paid from $24,666.53 to $7,695.35. The City's revenue would be reduced by $6,174.75. Again projecting the reduction to a four floor residential/one floor commercial building with the same value, total taxes would be reduced to $6,563.94, and revenue to the City would be reduced by $6,586.40.

The following table depicts the VHP and MUPTE impacts in more detail.

	PT Prior to Exemption	PT Paid on 3/1 Bldg	PT Exempted on 3/1 Bldg	City Revenue Foregone on 3/1 Bldg	PT Paid on 4/1 Bldg	PT Exempted on 4/1 Bldg	City Revenue Foregone on 4/1 Bldg
VHP	$24,666.53	9,866.61	14,799.92	5,384.76	4,933.31	19,733.22	7,179.68
MUPTE	$24,666.53	7,695.35	16,971.18	6,174.75	6,563.94	18,102.59	6,586.40

After reviewing the estimates of tax exemptions in the example above, and extending the example through a generic building of between two and seven stories, each with one or two floors of commercial use and the remainder residential, it is clear that the extent to which one exemption program is more beneficial than the other from the strictly financial perspective of a developer, depends on how large the project is, and what its mix of uses is. For small projects with one floor of commercial (total two to four stories) the MUPTE is likely to generate more financial benefit to a developer; for moderate sized projects (five or six stories) the VHP would likely be more beneficial; and for projects larger than six stories, the MUPTE would again offer greater tax incentive.

This changes somewhat as commercial space is added. Assuming two floors of commercial use in buildings ranging in size from three stories to seven stories, the MUPTE is likely to generate greater benefits to the developer in buildings of up to three or four stories, and the VHP will likely generate greater tax benefits for larger affordable projects.

These projections are rough estimates, and it is important to point out that each project will result in very different numbers. As assessed values of land increase in a projection model, the benefits of using the Vertical Housing Program to develop affordable housing units become more significant; likewise, as more commercial floors are added to a project, the VHP will offer greater overall benefits. If a project has nothing but residential space, the MUPTE would be the only one of these tools that could be applied (the VHP requires at least some commercial space in the tax exempted building).

V. Conclusion

The foregoing information is provided as background for further discussion about the concept of a downtown housing property tax exemption by those involved in the downtown strategic planning effort, and by the Housing and Community Development Commission, prior to a comprehensive downtown master plan moving forward for consideration by the City Council.

Please let me know if you have questions about the content of this report, or if there is additional information you would like us to investigate.

Attachments: VHP/MUPTE Comparison Matrix
Sample Exemption Calculation Worksheets

Comparison of Downtown Housing Development Property Tax Exemption Incentives Available to the City of Corvallis

	Vertical Housing Development Zones (OAR 813.013)	*Multi-Unit Housing Zones (ORS 307.600)*
Purpose?	". . . to encourage construction or rehabilitation of properties in targeted areas of communities in order to augment the availability of appropriate housing and to revitalize such communities."	". . . stimulate the construction of transit supportive multiple-unit housing in the core areas of Oregon's urban centers to improve the balance between the residential and commercial nature of those areas, and to ensure full-time use of the areas as places where citizens of the community have an opportunity to live as well as work."
Duration of program/exemption?	10 years	10 years
Housing: market, affordable (low income), both?	both	both
Housing: renter, owner, or both?	both owner and renter	both owner and renter
OK for 100% housing in building?	no	yes
OK for mixed housing/commercial?	yes - mandatory	yes
What geographic areas are eligible?	"core area" (downtown central business area).	core area or "transit oriented area" (area defined in regional or local transportation plans to be within one-quarter mile of a fixed route transit service). May be entire City for housing under a low income housing assistance contract with an agency or subdivision of the state or the United States.
Who defines/designates area?	City defines, State certifies	City
Who establishes project eligibility criteria?	State, but City zoning and any other locally adopted standards apply.	City; standards typically include design elements, rents/sale prices, minimum number of units, etc.
Who reviews & approves project applications?	State	City
Application fee?	cover true cost to State for processing application.	cover true costs of processing by City staff and/or County assessor.

	Vertical Housing Development Zones (OAR 813.013)	*Multi-Unit Housing Zones (ORS 307.600)*
Ratio of exemption to units/floors?	20% of total value of improvements/rehab for every residential floor created/rehabbed	100% per residential unit excluding value of land.
Maximum exemption allowed?	Up to 80% of total residential improvement/rehab value, excluding land value, if market rate units; Add up to 80% of value of land if low income/affordable units.	100% per residential unit excluding value of land.
Who can/must own project, receive benefits?	Not restricted	Not restricted
Type of housing activity included?	Construction, conversion or rehabilitation of a multiple story building, or a group of buildings, including at least one multiple story building, so that a portion of the project is to be used for nonresidential uses and a portion of the project is to be used for residential uses. Parking, balconies and patios typically not included unless they are amenities critical to the viability of the project, as determined by the State.	Multiple-unit housing preserved, constructed, established, added to or converted. Existing multiple-unit housing that is or becomes subject to a low income housing assistance contract with a public agency.
Other taxing entity options?	Others must opt out in order to not participate.	Others must opt in to participate, unless 51% of taxing entities agree, then all will be included.

	Vertical Housing Development Zones (OAR 813.013)	*Multi-Unit Housing Zones (ORS 307.600)*
Key Benefits	Requires both commercial residential uses, good fit for downtown. A project with multiple buildings could have one or more buildings as residential, as long as part of one of the buildings in the project is commercial. Provides opportunities to create both owner/renter, market and affordable housing to facilitate mixing of types and residents. The City establishes the zone, but the State receives project applications and certifies projects for exemption, minimizing City staff time. Because certification is determined by the State, project decisions are less political at the local level. State monitors projects and insures compliance during the period of exemption. Flexible enough to allow the creation of VH zones down to the tax lot level - this could allow more City control of what is developed beyond what zoning requires.	Projects may contain either mixed commercial/residential, or residential only. Provides opportunities to create both owner/renter, market and affordable housing to facilitate mixing of types and residents. Because it approves each application relative to locally developed standards, the City would have significant control over each project. Existing affordable multi-unit housing may also become exempt if it is under or enters into a housing assistance contract with a public agency.
Key Challenges	If large zone is created, there is little control over individual projects, apart from what zoning and other locally adopted standards require.	City must determine and document that an exempted project would not have been built if the exemption was not provided. Decisions to approve projects, because they are all made at the local level by the City Council, may become highly politicized. Increased requirement for staff time spent creating standards, reviewing individual project applications and monitoring projects for compliance over ten year exemption period.

	Vertical Housing Development Zones (OAR 813.013)	*Multi-Unit Housing Zones (ORS 307.600)*
What is the process to implement and carry out the program after Council directs staff to proceed?	1. Determine the physical area to be contained in the Vertical Housing Zone. 2. Discuss options with other taxing entities and send them the "opt-out" notice. 3. Council pass resolution to establish VHZ. 4. Submit application package to Oregon Housing & Community Services Department for certification of the Corvallis VHZ. 5. Once certified, OHCSD processes each property tax exemption application, notifies the Assessor of any certified exemptions, and monitors the resulting exempt projects for compliance with the Administrative Rules.	1. Determine the physical area to be contained in the Multi-Unit Housing zone. 2. Discuss options with other taxing entities and send them the "opt-in" notice. 3. Develop project standards and guidelines that will be used to evaluate all proposals for projects to be property tax exempt. 4. Council hold hearing to pass an ordinance or resolution adopting the MUPTE, approving the zone and adopting the guidelines and standards. 5. Once established, City staff processes each property tax exemption application for approval by the City Council, notifies the Assessor of any approved exemptions, and monitors the resulting exempt projects for compliance with the City's standards and guidelines.

Estimated erty Tax Exemptions Using 2005-2006 Tax Valuation of the Julia otel
Calculated 5/19/2006

		Actual	VHP Est. .6 on imp .6 on land	VHP Est. .8 on imp .8 on land	MUPTE Est. .75 on imp. 0 on land	MUPTE Est. .8 on imp. 0 on land
Corvallis	Bonds	860.84	516.50	688.67	592.28	631.76
	General	8,113.76	4,868.26	6,491.01	5,582.47	5,954.63
		8,974.60	5,384.76	7,179.68	6,174.75	6,586.40
Benton Cty	General	3,500.87	2,100.52	2,800.70	2,408.69	2,569.26
		3,500.87	2,100.52	2,800.70	2,408.69	2,569.26
509J	Bonds	2,519.27	1,511.56	2,015.42	1,733.32	1,848.87
	Bonds	302.68	181.61	242.14	208.25	222.13
	General	7,088.48	4,253.09	5,670.78	4,877.05	5,202.19
		9,910.43	5,946.26	7,928.34	6,818.62	7,273.20
LBCC	Bonds	292.19	175.31	233.75	201.03	214.44
	General	797.44	478.46	637.95	548.66	585.24
		1,089.63	653.78	871.70	749.69	799.67
LBL ESD	General	484.44	290.66	387.55	333.31	355.53
		484.44	290.66	387.55	333.31	355.53
Library	General	627.12	376.27	501.70	431.47	460.24
		627.12	376.27	501.70	431.47	460.24
BC S&WD	General	79.44	47.66	63.55	54.66	58.30
		79.44	47.66	63.55	54.66	58.30
		24,666.53	14,799.92	19,733.22	16,971.18	18,102.59
	%		60.00	80.00 %	68.80	73.39

175,155	RMV Land	
1,944,500	RMV Improvements	
2,119,655	Total RMV	
8.26%	Land as % of Total	
1,588,847	Total Assessed Value	
131,292	Estimated AV Land	
1,457,555	Estimated AV Improvements	
3/1	8.26%	% of AV that's land
	91.74%	% of AV that's imp.
	75.00%	% of imp. that's res.
	68.80%	% of AV that's res. imp.
4/1	8.26%	% of AV that's land
	91.74%	% of AV that's imp.
	80.00%	% of imp. that's res.
	73.39%	% of AV that's res. imp.

Generic E: les of Property Tax Exemption Impacts - Buildings Two through en Floors (One Floor Commercial in Each)
Calculated 5/22/2006

Scenario 1

Assumptions:

Current Tax Liability	27,000
Commercial Floors	1
Residential Floors	1
Land AV	200,000
Imp AV	1,600,000
Total AV	1,800,000
Land AV as % of Total	11.11%
Imp AV as % of Total	88.89%
% of Imp that's Res	50.00%
% of AV that's Res Imp	44.44%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	20.00%
VHP Affordable Exemption on Land	20.00%

	VHP Market (20% Imp/0% Land)	VHP Afford (20% Imp/20% Land)	MUPTE (50% Imp/0% Land)
Total Exemption	4,800	5,400	12,000
Total Non-Exempt	22,200	21,600	15,000

Scenario 2

Assumptions:

Current Tax Liability	39,000
Commercial Floors	1
Residential Floors	2
Land AV	200,000
Imp AV	2,400,000
Total AV	2,600,000
Land AV as % of Total	7.69%
Imp AV as % of Total	92.31%
% of Imp that's Res	66.67%
% of AV that's Res Imp	61.54%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	40.00%
VHP Affordable Exemption on Land	40.00%

	VHP Market (40% Imp/0% Land)	VHP Afford (40% Imp/40% Land)	MUPTE (67.7% Imp/0% Land)
Total Exemption	14,400	15,600	24,000
Total Non-Exempt	24,600	23,400	15,000

Scenario 3

Assumptions:

Current Tax Liability	51,000
Commercial Floors	1
Residential Floors	3
Land AV	200,000
Imp AV	3,200,000
Total AV	3,400,000
Land AV as % of Total	5.88%
Imp AV as % of Total	94.12%
% of Imp that's Res	75.00%
% of AV that's Res Imp	70.59%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	60.00%
VHP Affordable Exemption on Land	60.00%

	VHP Market (60% Imp/0% Land)	VHP Afford (60% Imp/60% Land)	MUPTE (75% Imp/0% Land)
Total Exemption	28,800	30,600	36,000
Total Non-Exempt	22,200	20,400	15,000

Scenario 4

Assumptions:

Current Tax Liability	63,000
Commercial Floors	1
Residential Floors	4
Land AV	200,000
Imp AV	4,000,000
Total AV	4,200,000
Land AV as % of Total	4.76%
Imp AV as % of Total	95.24%
% of Imp that's Res	80.00%
% of AV that's Res Imp	76.19%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	80.00%
VHP Affordable Exemption on Land	80.00%

	VHP Market (80% Imp/0% Land)	VHP Afford (80% Imp/80% Land)	MUPTE (80% Imp/0% Land)
Total Exemption	48,000	50,400	48,000
Total Non-Exempt	15,000	12,600	15,000

Scenario 5

Assumptions:

Current Tax Liability	75,000
Commercial Floors	1
Residential Floors	5
Land AV	200,000
Imp AV	4,800,000
Total AV	5,000,000
Land AV as % of Total	4.00%
Imp AV as % of Total	96.00%
% of Imp that's Res	83.33%
% of AV that's Res Imp	80.00%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	80.00%
VHP Affordable Exemption on Land	80.00%

	VHP Market (80% Imp/0% Land)	VHP Afford (80% Imp/80% Land)	MUPTE (83.3% Imp/0% Land)
Total Exemption	57,600	60,000	60,000
Total Non-Exempt	17,400	15,000	15,000

Scenario 6

Assumptions:

Current Tax Liability	87,000
Commercial Floors	1
Residential Floors	6
Land AV	200,000
Imp AV	5,600,000
Total AV	5,800,000
Land AV as % of Total	3.45%
Imp AV as % of Total	96.55%
% of Imp that's Res	85.71%
% of AV that's Res Imp	82.76%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	80.00%
VHP Affordable Exemption on Land	80.00%

	VHP Market (80% Imp/0% Land)	VHP Afford (80% Imp/80% Land)	MUPTE (85.7% Imp/0% Land)
Total Exemption	67,200	69,600	72,000
Total Non-Exempt	19,800	17,400	15,000

Generic Exa es of Property Tax Exemption Impacts - Buildings Two through S n Floors (One Floor Commercial in Each) - **HIGH LAND VALUE EXAMI**
Calculated 5/22/2006

Scenario 1

Assumptions:

Current Tax Liability	39,000
Commercial Floors	1
Residential Floors	1
Land AV	1,000,000
Imp AV	1,600,000
Total AV	2,600,000
Land AV as % of Total	38.46%
Imp AV as % of Total	61.54%
% of Imp that's Res	50.00%
% of AV that's Res Imp	30.77%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	20.00%
VHP Affordable Exemption on Land	20.00%

	VHP Market (20% Imp/0% Land)	VHP Afford (20% Imp/20% Land)	MUPTE (50% Imp/0% Land)
Total Exemption	4,800	7,800	12,000
Total Non-Exempt	34,200	31,200	27,000

Scenario 2

Assumptions:

Current Tax Liability	51,000
Commercial Floors	1
Residential Floors	2
Land AV	1,000,000
Imp AV	2,400,000
Total AV	3,400,000
Land AV as % of Total	29.41%
Imp AV as % of Total	70.59%
% of Imp that's Res	66.67%
% of AV that's Res Imp	47.06%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	40.00%
VHP Affordable Exemption on Land	40.00%

	VHP Market (40% Imp/0% Land)	VHP Afford (40% Imp/40% Land)	MUPTE (67.7% Imp/0% Land)
Total Exemption	14,400	20,400	24,000
Total Non-Exempt	36,600	30,600	27,000

Scenario 3

Assumptions:

Current Tax Liability	63,000
Commercial Floors	1
Residential Floors	3
Land AV	1,000,000
Imp AV	3,200,000
Total AV	4,200,000
Land AV as % of Total	23.81%
Imp AV as % of Total	76.19%
% of Imp that's Res	75.00%
% of AV that's Res Imp	57.14%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	60.00%
VHP Affordable Exemption on Land	60.00%

	VHP Market (60% Imp/0% Land)	VHP Afford (60% Imp/60% Land)	MUPTE (75% Imp/0% Land)
Total Exemption	28,800	37,800	36,000
Total Non-Exempt	34,200	25,200	27,000

Scenario 4

Assumptions:

Current Tax Liability	75,000
Commercial Floors	1
Residential Floors	4
Land AV	1,000,000
Imp AV	4,000,000
Total AV	5,000,000
Land AV as % of Total	20.00%
Imp AV as % of Total	80.00%
% of Imp that's Res	80.00%
% of AV that's Res Imp	64.00%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	80.00%
VHP Affordable Exemption on Land	80.00%

	VHP Market (80% Imp/0% Land)	VHP Afford (80% Imp/80% Land)	MUPTE (80% Imp/0% Land)
Total Exemption	48,000	60,000	48,000
Total Non-Exempt	27,000	15,000	27,000

Scenario 5

Assumptions:

Current Tax Liability	87,000
Commercial Floors	1
Residential Floors	5
Land AV	1,000,000
Imp AV	4,800,000
Total AV	5,800,000
Land AV as % of Total	17.24%
Imp AV as % of Total	82.76%
% of Imp that's Res	83.33%
% of AV that's Res Imp	68.97%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	80.00%
VHP Affordable Exemption on Land	80.00%

	VHP Market (80% Imp/0% Land)	VHP Afford (80% Imp/80% Land)	MUPTE (83.3% Imp/0% Land)
Total Exemption	57,600	69,600	60,000
Total Non-Exempt	29,400	17,400	27,000

Scenario 6

Assumptions:

Current Tax Liability	99,000
Commercial Floors	1
Residential Floors	6
Land AV	1,000,000
Imp AV	5,600,000
Total AV	6,600,000
Land AV as % of Total	15.15%
Imp AV as % of Total	84.85%
% of Imp that's Res	85.71%
% of AV that's Res Imp	72.73%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	80.00%
VHP Affordable Exemption on Land	80.00%

	VHP Market (80% Imp/0% Land)	VHP Afford (80% Imp/80% Land)	MUPTE (85.7% Imp/0% Land)
Total Exemption	67,200	79,200	72,000
Total Non-Exempt	31,800	19,800	27,000

Generic Ex[illegible]es of Property Tax Exemption Impacts - Buildings Two through S[illegible]n Floors (Two Floors Commercial in Each)
Calculated 5/22/2006

Scenario 7

Assumptions:

Current Tax Liability	27,000
Commercial Floors	2
Residential Floors	0
Land AV	200,000
Imp AV	1,600,000
Total AV	1,800,000
Land AV as % of Total	11.11%
Imp AV as % of Total	88.89%
% of Imp that's Res	0.00%
% of AV that's Res Imp	0.00%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	0.00%
VHP Affordable Exemption on Land	0.00%

	VHP Market (0% Imp/0% Land)	VHP Afford (0% Imp/0% Land)	MUPTE (50% Imp/0% Land)
Total Exemption	0	0	0
Total Non-Exempt	27,000	27,000	27,000

Scenario 8

Assumptions:

Current Tax Liability	39,000
Commercial Floors	2
Residential Floors	1
Land AV	200,000
Imp AV	2,400,000
Total AV	2,600,000
Land AV as % of Total	7.69%
Imp AV as % of Total	92.31%
% of Imp that's Res	33.33%
% of AV that's Res Imp	30.77%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	20.00%
VHP Affordable Exemption on Land	20.00%

	VHP Market (20% Imp/0% Land)	VHP Afford (20% Imp/20% Land)	MUPTE (33.3% Imp/0% Land)
Total Exemption	7,200	7,800	12,000
Total Non-Exempt	31,800	31,200	27,000

Scenario 9

Assumptions:

Current Tax Liability	51,000
Commercial Floors	2
Residential Floors	2
Land AV	200,000
Imp AV	3,200,000
Total AV	3,400,000
Land AV as % of Total	5.88%
Imp AV as % of Total	94.12%
% of Imp that's Res	50.00%
% of AV that's Res Imp	47.06%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	40.00%
VHP Affordable Exemption on Land	40.00%

	VHP Market (40% Imp/0% Land)	VHP Afford (40% Imp/40% Land)	MUPTE (50% Imp/0% Land)
Total Exemption	19,200	20,400	24,000
Total Non-Exempt	31,800	30,600	27,000

Scenario 10

Assumptions:

Current Tax Liability	63,000
Commercial Floors	2
Residential Floors	3
Land AV	200,000
Imp AV	4,000,000
Total AV	4,200,000
Land AV as % of Total	4.76%
Imp AV as % of Total	95.24%
% of Imp that's Res	60.00%
% of AV that's Res Imp	57.14%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	60.00%
VHP Affordable Exemption on Land	60.00%

	VHP Market (60% Imp/0% Land)	VHP Afford (60% Imp/60% Land)	MUPTE (60% Imp/0% Land)
Total Exemption	36,000	37,800	36,000
Total Non-Exempt	27,000	25,200	27,000

Scenario 11

Assumptions:

Current Tax Liability	75,000
Commercial Floors	2
Residential Floors	4
Land AV	200,000
Imp AV	4,800,000
Total AV	5,000,000
Land AV as % of Total	4.00%
Imp AV as % of Total	96.00%
% of Imp that's Res	66.67%
% of AV that's Res Imp	64.00%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	80.00%
VHP Affordable Exemption on Land	80.00%

	VHP Market (80% Imp/0% Land)	VHP Afford (80% Imp/80% Land)	MUPTE (66.7% Imp/0% Land)
Total Exemption	57,600	60,000	48,000
Total Non-Exempt	17,400	15,000	27,000

Scenario 12

Assumptions:

Current Tax Liability	87,000
Commercial Floors	2
Residential Floors	5
Land AV	200,000
Imp AV	5,600,000
Total AV	5,800,000
Land AV as % of Total	3.45%
Imp AV as % of Total	96.55%
% of Imp that's Res	71.43%
% of AV that's Res Imp	68.97%
VHP Market Exemption on Land	0.00%
VHP Market Exemption on Imp	80.00%
VHP Affordable Exemption on Land	80.00%

	VHP Market (80% Imp/0% Land)	VHP Afford (80% Imp/80% Land)	MUPTE (85.7% Imp/0% Land)
Total Exemption	67,200	69,600	60,000
Total Non-Exempt	19,800	17,400	27,000

DOWNTOWN CORVALLIS ASSOCIATION

460 SW Madison • Suite 9
Corvallis, OR 97333
PO Box 1536
Corvallis, OR 97339
(541) 754-6624
FAX (541) 758-4723
www.downtowncorvallis.org

Board Members
Cary Stephens, President,
Barnhisel, Willis, Barlow, & Stephens
Chris Nordyke, Vice-President
State Farm Insurance
Susan MacNeil, Treasurer,
Inside-Out Garden Visions
Robert England, co-Treasurer,
The Mac Store
John Coleman, Secretary
Coleman Jewelers
Catherine Holdorf
Sibling Revelry
John Howe,
Red Horse Coffee
Pat Lampton
Inkwell Home Store
Patrick Magee,
Burst's Candies
Corrine Oberlin
Francesco's Gelato -Caffe
Lori Rentz,
Rush Hour Photo

Joan Wessell,
Executive Director
joan@downtowncorvallis.org

Ex-Officio
Rob Gandara,
City Council
Dave Henslee,
Corvallis Police Department
Kathleen Gager,
City Planning

Benton County
Associated Students OSU
Corvallis Tourism
Corvallis Chamber of Commerce
conomic Development Partnership

16 June 2006

Mayor Helen Berg and Corvallis City Council
Corvallis City Hall
501 SW Madison Avenue
Corvallis OR 97339

Dear Mayor Berg and Councilors:

The Downtown Corvallis Association's Strategic Planning Committee is pleased to provide you with the second in a series of quarterly updates to keep you informed of our progress.

We plan to attend the City Council Work Session on June 26th to answer any questions.

Sincerely,

Cary Stephens
Board President

"To improve and promote the economic, aesthetic and cultural vitality of Downtown Corvallis as a regional center"

DCA's Strategic Planning Committee's Quarterly Summary

June 2006

This is the second in a series of quarterly updates to keep the City Council abreast of the Committee's progress.

Enhance Retail Shopping Mix

Johnson Gardener attempted to contact national retailers to determine what they expect from property owners and the space and location they would want downtown. They concluded that national retailers are so busy considering other move-in ready sites that they are only interested in discussing specific projects, and not generalities. This information was presented at a DCA sponsored "Retail Opportunities" outreach meeting in May. The Committee and meeting participants found that since the Johnson Gardener downtown market study was completed, a number of new women's clothing stores have opened in downtown, responding to the need that was identified in the study.

Financing Redevelopment

Charles Kupper has completed the Urban Renewal Feasibility Report. The report found that tax increment revenues over 20 years would generate approximately $21.7 million dollars and that such a district appears to be feasible in downtown. These findings will be presented to the public in June and July and Charles Kupper will present them at the City Council work session on August 7th.

Formation of a Downtown Commission

The evaluation of forming a new Downtown Commission is nearing completion. The findings and preliminary recommendations will be presented at public outreach meetings in June and July.

Proposed Changes to the CBD Development Code

A sub-committee (which includes City staff) is developing a set of proposed changes to the downtown development standards and municipal code, consistent with the vision for downtown and the City's Comprehensive Plan. The Committee will be reviewing the recommendations over the next month and will present the final recommendations at a public outreach meeting in July. The recommendations will be forwarded to the City for consideration, at which time they will be evaluated by staff, and additional public forums held before any changes are ultimately implemented.

Business Locator Wayfinding Maps and Signage

Funding for this effort is currently on hold. The Committee is continuing to research partnerships with Corvallis Tourism and OSU and soliciting qualifications of other Oregon firms.

SDC Evaluation

The City has hired a consultant to evaluate the City's SDC fees as they apply to downtown. The report will be presented to the City Council on June 26th.

Downtown Strategic Plan

The Committee has identified a preferred format and the way they would like to see the information packaged. The committee will develop a stand alone Vision Statement for Downtown (no more than 6 pages with numerous photographs), a stand alone Downtown Strategic Plan (no more than 30 pages also with numerous photographs), and a separate Appendix identifying tasks, responsibilities, and timing of implementing the action items.

DRAFT
Subject to review & approval
by Airport Commission

AIRPORT COMMISSION
MINUTES
June 6, 2006

Present
David Hamby, Chair
Jim Moran, Vice Chair
Lanny Zoeller
Bill Gleaves
Marion Rose
Louise Parsons
Tom Picht
Betty Griffiths, Council Liaison

Absent
Todd Brown

Staff
Jon Katin, Transportation Supervisor
Dan Mason, Airport Coordinator
Lisa Namba, Transportation Supervisor
Select

Visitors
Eric Dapp, pilot, airport tenant
Mysty Rusk, EDP
Jack Mykrantz
Rick Phelan, pilot, airport tenant

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Open Meeting, Introductions	X		
II. Review of May 2, 2006 Minutes			Approved
III. Visitor Comments	N/A		
IV. New Business • Airspace Petition			Recommended endorsement of letter to FAA
V. Old Business • AIP Lease Rate			Recommended raising the lease rate to eight and one quarter cents per square foot plus annual CPI adjustments
VI. Update on Industrial Park	X		
VII. Update on Airport	X		
VIII. Update on FBOs	N/A		
IX. Update on City Council	X		
X. Information Sharing • Monthly financial report • Outgoing Commissioner • July Meeting Time/Location • Elections	 X X		 July meeting will be July 6th **(this meeting has since been cancelled)** Chair Hamby and Vice-Chair Moran were re-elected

CONTENT OF DISCUSSION

I. Open Meeting, Introductions

Chair Hamby opened the meeting at 7:00 am. Staff and visitors were introduced. Mr. Katin introduced Ms. Namba as his replacement effective July 1.

II. Review of May 2, 2006 Minutes

Commissioners Moran and Picht, respectively, moved and seconded that the Commission approve the May 2, 2006 minutes. The motion passed unanimously.

III. Visitor Comments

There were none.

IV. New Business

- **Airspace Petition**

Chair Hamby distributed a petition he and Commissioner Moran wrote (attached) stating the signer opposes any FAA decision to change the airspace at the Corvallis Municipal Airport. Mr. Katin said the City's official position is in step with the Commission.

Commissioners Moran and Zoeller, respectively, moved and seconded that the Commission approve endorsement of the petition to the FAA. The motion passed unanimously.

V. Old Business

- **AIP Lease Rate**

Mr. Mason stated a list of four possible Airport Industrial Park lease rate options have been compiled. The current rate is $0.075 per square foot. A recent appraisal estimated a fair market value for the lease rate at $0.15 per square foot. The Commission and staff agreed that $0.15 per square foot is too steep to attract and keep tenants. The following are the four options:

Option A - Keep the current rate of $0.075 cents per square foot

Option B - Raise the rate to $0.075 per square foot and adjusting it with an annual Consumer Price Index (CPI) increase

Option C - Phase in the $0.15 per square foot rate over a five-year period by annually increasing the current rate by 20%.

Option D - Raise the rate to the appraisal suggestion of $0.15 cents per square foot

Staff's recommendation to the Commission is Option B. The City is required by policy to get a fair market appraisal of the Airport and Industrial Park (AIP) properties every five years. Mr. Katin said the $0.0825 figure was in line with taking the previously established rate and adding previous CPI adjustments. Mr. Mason said if demand were to unexpectedly increase at the AIP, the lease rate could be adjusted accordingly.

Commissioners Moran and Parsons, respectively, moved and seconded that the Commission approve staff's recommendation to raise the AIP lease rate to $0.0825 per square foot and adjusting it with an annual CPI increase.

Discussion ensued regarding the motion. Mr. Katin said new leases will include an infrastructure fee and a clause that states tenants will need to contribute to future street improvements and wetland mitigation impacts in a lump sum payment or prorated into the lease rate for a period of time, thus increasing the lease rate accordingly.

The motion passed five to zero, with Commissioner Picht abstaining.

VI. Update on Industrial Park

- Ms. Rusk reminded the Commission that the Economic Vitality Partnership meeting is June 7, 6:00 p.m., at the Boys and Girls Club. The object of the meeting is to reveal the County's first comprehensive Economic Strategic Plan based on how the road map is built to deliver economic vitality for Vision 2020. This has been in the works for 18 months. Recruiting, retention, human and physical infrastructure and combining sustainability with economic development are the four themes to be focused on. This will be a public meeting to gauge the public's support.

- REACH Air is the new occupant of 480 SW Airport Way.

- Mysty Rusk has accepted the position of president of the Chamber of Commerce and resigned her position from the Economic Development Partnership.

- Mr. Katin reported that the City will be on the Governor's Shovel Ready List in September for areas C and B. Berg/MLK Park will serve as a temporary "place holder". Mr. Katin praised Ms. Rusk for her hard work and doggedness on this item.

VII. Update on Airport

- Mr. Mason said the Corps of Engineers continues to work on development of a plan to remove the underground gas lines at the Airport. Mr. Mason has accompanied a contractor several times to tour the affected areas. It is hoped the gas lines will be removed by August or September, 2006.

- Corvallis Aero Service representatives were unable to attend the planned ADRC meeting on May 23 due to prior commitments. No makeup date has been announced. Staff has asked Mr. Lockrem of Corvallis Aero Service to set a time for an ADRC meeting that would be convenient for both himself and Mr. Perry. 20 days advanced notice to the public is required.

VIII. Update on FBO's

There was nothing to report.

IX. Update on City Council

- Councilor Griffiths reported that Council completed the Land Development Code update for the chapter relating to historic preservation. The Historic Commission, a newly-formed body, will be a quasi-judicial body that will review some applications. Council will appoint Historic Commission members.

- On Tuesday, June 13th there will be a Van Buren Street Bridge stakeholders meeting.

- The Metropolitan Planning Organization (MPO) will hold a public meeting at the Benton Plaza on June 14th to present the preferred alternative to this region's transportation plan. The Airport is not part of this transportation plan, according to Councilor Griffiths.

X. Information Sharing

- **Monthly Financial Report**

  The report was passed.

- **Outgoing Commissioner**

  Commissioner Picht is leaving the Commission after today's meeting having served his full three terms. Chair Hamby thanked him for his nine years of service on the Commission.

- **July Meeting Time/Location**

  The first Tuesday in July is July 4th. Therefore, the next Commission meeting will be Thursday, July 6th. **(It was later decided to cancel the July 6th meeting).**

- **Elections**

  Commissioners Moran and Rose, respectively, moved and seconded that the Commission approve the extension of Mr. Hamby's chairmanship. The motion passed unanimously.

  Commissioners Rose and Parsons, respectively, moved and seconded that the Commission approve the extension of Mr. Moran's vice chairmanship. The motion passed unanimously.

The meeting was adjourned at 8:29 a.m.

NEXT MEETING: August 1, 2006, 7:00 a.m., Madison Avenue Meeting Room

PETITION opposing any action leading to the change of the Class G airspace at Corvallis Municipal Airport (CVO) to Class E2 airspace.

The Corvallis Municipal Airport has extensive helicopter operations year-round. It has one helicopter flying school (FAR Part 141) that teaches both domestic and foreign students. The foreign students are in the US for a limited time, and attempt to fly every day, even in low-visibility weather. An E2 designation at CVO would severely limit this type of operation to only one helicopter at a time, even with Special VFR clearances.

Additionally, Helicopter Transport Services, Inc. operates very large, fire-fighting helicopters from CVO. In winter, they frequently test these helicopters "in hover" at the airport and also with "long lines" deployed for testing and pilot certification. The E2 designation would also hamper this type of operation.

Required clearances for either of the above operations would, in effect, "close down" the Corvallis airport for fixed-wing aircraft during those times when the weather was below VFR minimums.

I oppose any action leading to the change of the Class G airspace at Corvallis Municipal Airport (CVO) to Class E2 airspace:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

CITY OF CORVALLIS
MINUTES OF THE COMMITTEE FOR CITIZEN INVOLVEMENT
Madison Building Meeting Room
May 4, 2006 DRAFT

Attendance
Barbara Bull
Brian Holcomb
Kirk Newburgh
Tom Powell
Felicien Rwangano

Staff
Kathy Gager, Associate Planner
Terry Nix, Recorder

Visitors
Don Baarstad, 2221 SW Butterfield Dr.

Absent
Larry Earhart, Chair
Chris Nordyke
Mysty Rusk, Vice Chair
Trish Daniels, City Council Liaison
Frank Hann, Planning Commission Liaison

SUMMARY OF DISCUSSION

	Agenda Item	Summary of Recommendations/Actions
I.	Call to Order; Review Agenda	Called to order 7:17 p.m.
II.	Visitors' Propositions	Information only.
III.	Review April 6, 2006 Meeting Minutes	Approved as presented.
IV.	Discussion and Decision Item: Fishbowl	Fishbowl rescheduled for November 2, 2006.
V.	Discussion and Decision Item: Review of the da Vinci Days Booth Location	Established work schedule and list of items to be distributed.
VI.	Discussion Item: Review of Volunteer Boards and Commissions Documents, and Organizing the Informational Booklet	Information only.
VII.	Discussion Item: Review Status of Key Work Program Items	Information only.
VIII.	Reports Regarding Other Organizations	Information only.
VIII.	Next Steps	Next regular meeting: June 1, 2006, 7:15 p.m.
X.	Adjournment	The meeting was adjourned at 9:05 p.m.

CONTENT OF DISCUSSION

I. CALL TO ORDER; REVIEW AGENDA - Tom Powell called the meeting to order at 7:17 p.m.

II. VISITORS' PROPOSITIONS

Barbara Bull advised that a proposal may be coming forward that the CCI involve itself in preparing materials to help citizens navigate the new historic resources provisions. A brief discussion followed regarding the recent update of Land Development Code Chapter 2.9, which addresses historic resources.

III. REVIEW MEETING MINUTES: April 6, 2006

MOTION: Barbara Bull moved to approve the minutes as presented. Kirk Newburgh seconded the motion and it **passed** unanimously.

IV. DISCUSSION AND DECISION ITEM: FISHBOWL

Kirk Newburgh stated that he has not heard back from Dennis Sandou and there is no confirmed facilitator for the Fishbowl, tentatively scheduled for May 25, 2006. A discussion followed and there was general agreement to combine the Fishbowl with the CCI's regular neighborhood meeting on November 2, 2006. Newburgh will follow up with the facilitator. Barbara Bull will advise Cindy Mitchell at Habitat for Humanity of the date change.

V. DISCUSSION AND DECISION ITEM: REVIEW OF THE DA VINCI DAYS BOOTH LOCATION AND DETERMINATION OF PARTICIPATION

Felicien Rwangano stated that it is his understanding that the CCI booth at da Vinci Days will be located in the same place as last year's event, as requested by the Committee. This year's event will be held Saturday, July 15, from 10 a.m. to 7 p.m., and Sunday, July 16, from 10 a.m. to 5 p.m. Set up will be on July 15 from 8 a.m. to 10 a.m. and take down will be on July 16 at 5 p.m. Rwangano asked for volunteers to set up, take down, and staff the booth.

Larry Earhart had previously volunteered to help set up and take down, and to staff the booth from 2 to 5 p.m. on July 16. Barbara Bull volunteered to assist with set up and will work both days from 10 a.m. to 2 p.m. Felicien Rwangano stated that he will assist with set up and take down, and will help in the booth on Saturday. Kirk Newburgh volunteered to staff the booth from 2 p.m. to 5 p.m. both days. Tom Powell stated that with his current schedule, he could only assist as his schedule would allow. Associate Planner Kathy Gager will email members not present to check on their availability to assist with the activities during the weekend of the event.

VI. DISCUSSION ITEM: REVIEW OF VOLUNTEER BOARDS AND COMMISSIONS DOCUMENTS AND ORGANIZING THE INFORMATIONAL BOOKLET

Associate Planner Kathy Gager suggested that the CCI consider producing a document which provides information about the City's various boards and commissions and how citizens can get involved, as referenced in Work Program Items E1 and E2, and in response to comments from the League of Women Voters (LOWV), as well as a request from the City Manager. Gager distributed three items for the Board's review: "Chapter 1.16 Boards and Commissions," "the City of Corvallis Advisory Boards, Commissions, and Committees Charge and Activity Summary, " and "The City" newsletter's annual volunteer issue. Gager also provided

suggestions for a booklet to market volunteer activities, which might include the following items: a message from the Mayor; organizational charts; information on each of the boards and commissions with contact and application information; and a separate section on individual volunteers such as those who assist at the Library and Parks and Recreation Departments. In response to inquiry, Gager stated the cost for producing the document would come from the CCI fund.

Barbara Bull spoke in support of the idea and of efforts to make the appointment processes more transparent, as suggested by the LOWV. In response to inquiries, Associate Planner Gager stated that the appointment process is not the same for all boards and commissions, that the processes are set by Code, and that Council has a very heavy agenda and would probably not consider reviewing those processes at this time. Kirk Newburgh stated that a booklet may not be the best way to encourage citizen involvement, and suggested that it might be more productive to produce a brochure which would directs people to a simple handout for each board or commission. Brian Holcomb agreed, noting that handouts can be easily updated.

The Committee reviewed and discussed the information provided in "The City" newsletter and the two handouts and how to best reach citizens interested in volunteer opportunities. Barbara Bull stated that a brochure that listed the boards and commissions would at least inform people what boards and commissions exist and then direct interested persons to appropriate contacts for more information. Newburgh stated that he has reservations whether a brochure would make any measurable difference in the number of volunteers interested in participating on boards or commissions. Powell stated that encouraging volunteerism is best done with daily marketing. It was noted that some information regarding volunteer opportunities runs regularly on the City's cable television channel.

A discussion followed regarding costs and design for a brochure and several members expressed support for a simple, inexpensive brochure which would capture attention and give a sense that volunteering is easy for anyone. Associate Planner Gager suggested that the brochure include an interest form which citizens could fill out and return to the City. But, Newburgh noted, if an interest card is offered, it is imperative that the City be prepared to respond promptly.

Gager summarized that the CCI supports the concept of creating one general brochure, which is market-oriented, fairly inexpensive, and is intended to get people involved. The brochure would include an interest form that could be submitted to the City, which would quickly send a standardized response and backup materials similar to those included in the Charge and Activity Summary. Gager will discuss this proposal with City Manager Jon Nelson, Community Development Director Ken Gibb, and Mayor Helen Berg, as well as the new mayoral candidates, and report back to the Committee.

VII. DISCUSSION ITEM: REVIEW STATUS OF KEY WORK PROGRAM ITEMS

a.1. The Committee reviewed the publications that will be needed for the da Vinci Days booth, including the Neighborhood Association Map, a Ward Map, and a Zoning Map. Newburgh suggested that copies of the volunteer issue of "The City" newsletter be provided and Gager

agreed to look into that possibility. Rwangano suggested that a binder with the current Land Development Code and Comprehensive Plan be also be available.

b.1. Associate Planner Gager reported that the updated Land Development Code Chapter 2.9, related to historic resources, is expected to be approved by the City Council soon and begin to be used in the near future. Gager stated that Phase I of the LDC Update is coming out of appeal and will be reviewed by Council in a few weeks, and Phase III of the Update is being reviewed by the Court of Appeals and is expected to be resolved this fall. Gager noted that staff will likely be asking for the CCI's input on outreach programs and materials. A brief discussion followed.

b.2. Barbara Bull stated that the Gazette Times has agreed to publish information regarding public hearing planning permit applications and building permits issued for major projects. Kathy Gager distributed an example of the layout, which will include a Corvallis Ward Map. A brief discussion followed.

c.1. Barbara Bull stated that it is her understanding that area focus teams have had their meetings and that the next step of the EVP will be to bring something to the public.

c.2. Associate Planner Kathy Gager reported that the Downtown Strategic Plan is moving along and should be completed this summer. Upcoming projects include an Economic Improvement District (EID) tax assessment program for the downtown area and a Land Development Code update for the Central Business District.

d.1. The Fishbowl is now scheduled for November 2, 2006.

d.2. Associate Planner Kathy Gager stated that this task is ongoing. In response to an inquiry from Tom Powell, Gager said an item related to a ward-based system could be added to the work program for next fiscal year. A brief discussion followed.

VIII. REPORTS REGARDING OTHER ORGANIZATIONS

CAMPO and Parks SDC Meetings

Tom Powell stated that he was not able to attend the CAMPO meeting today, but a recommendation on the Parks SDC may have been forwarded to the City Council.

IX. NEXT STEPS

The next regular CCI meeting will be held Thursday, June 1, 2006, at the Madison Building, 500 SW Madison Avenue. The CCI decided not to have the regular CCI meeting in July, 2006 due to the summer vacation schedules and the time being committed to Di Vinci Days.

X. ADJOURNMENT - The meeting was adjourned at 9:05 p.m.

CITY OF CORVALLIS
MINUTES OF THE COMMITTEE FOR CITIZEN INVOLVEMENT
Madison Building Meeting Room
June 1, 2006 DRAFT

Attendance
Barbara Bull
Larry Earhart, Chair
Kirk Newburgh
Chris Nordyke
Trish Daniels, City Council Liaison
Frank Hann, Planning Commission Liaison

Absent
Brian Holcomb
Tom Powell
Mysty Rusk, Vice Chair
Felicien Rwangano

Staff
Kelly Schlesener, Senior Planner
Kathy Gager, Associate Planner
Terry Nix, Recorder

Visitors
Dan Brown, 3004 NW VanBuren Avenue
Keith Hastings, 4000 NW Princess Street
Lyn Larson, 716 NW 14th Street
E. Ross Parkerson, 1352 NW Lincoln Avenue
M'liss Runyon, 711 NW 13th Street
Doug Sackinger, 539 NW 17th Street

SUMMARY OF DISCUSSION

	Agenda Item	Summary of Recommendations/Actions
I.	Call to Order; Review Agenda	Called to order 7:15 p.m.
II.	Visitors' Propositions	Information only.
III.	Review May 4, 2006 Meeting Minutes	Held due to lack of a quorum.
IV.	Presentation and Discussion Item: Chapter 2.9 Amendments	Information only.
V.	Presentation and Discussion Item: Land Development Code Phase 1	Information only.
VI.	Discussion and Decision Item: daVinci Days Booth Location and Materials to be Distributed	Information only.
VII.	Discussion and Decision Item: Review of Draft Citizen Volunteer Brochure	Information only.
VIII.	Discussion and Decision Item: Review of Draft Library Wayfinding Brochure/Program	Information only.
IX.	Discussion and Decision Item: Birkenstock Window Display Options/Materials	Information only.
X.	Reports Regarding Other Organizations	Information only.
XI.	Next Steps	Next regular meeting: June 1, 2006, 7:15 p.m.
XII.	Adjournment	The meeting was adjourned at 9:30 p.m.

CONTENT OF DISCUSSION

I. CALL TO ORDER; REVIEW AGENDA -
Chair Larry Earhart called the meeting to order at 7:15 p.m.

II. VISITORS' PROPOSITIONS

E. Ross Parkerson, 1352 NW Lincoln Avenue, expressed his appreciation for the Neighborhood Empowerment Grant program, and distributed and reviewed a brochure entitled "Franklin Square Walking Tour" which was produced using those funds. He introduced Lyn Larson, M'liss Runyon, and Doug Sackinger, all of whom were involved in producing the brochure.

Dan Brown, 3004 NW Van Buren Avenue, stated that he is President of the College Hill Neighborhood Association and that he wanted to comment on the Chapter 2.9 Amendment process. He stated that he believes Chapter 2.9 is a great piece of legislation, that Senior Planner Kelly Schlesener and staff should be appreciated for conducting this process the right way, and that the citizen involvement process used was gold standard and should be boxed and distributed. He stated that every item of citizen input was inventoried, discussed, and voted on, and that the process was inclusive and transparent. He also stated that he believes the process used will help people to accept the amendments and to feel satisfied with the outcome.

Barbara Bull said she spoke to Barbara Ross, who apologized for not meeting with CCI to date and Ross invited CCI members to a town hall meeting on Thursday, June 7, 2006, at 6:00 p.m., at the Corvallis Boys and Girls Club. Larry Earhart said Barbara Ross also called him and said she would like as many CCI members as possible to attend the town hall meeting.

III. REVIEW MEETING MINUTES: May 4, 2006 - Review of the meeting minutes was held due to the lack of a quorum.

IV. PRESENTATION AND DISCUSSION ITEM: CHAPTER 2.9 AMENDMENTS

Senior Planner Kelly Schlesener distributed "Land Development Code Text Amendment (LDT05-00001)." Ms. Schlesener stated that citizen involvement was critical to the success of the process and that the neighbors had worked diligently to submit specific testimony which was helpful to staff and the decision makers. Schlesener reviewed Background, Goals of Text Amendment, Public Review to Date, Framework of the Types of Historic Resources, Description of New Program, and New Chapter 2.9 Provisions Developed to Replace Existing Chapter 2.9. She stated that the program breaks down into three types of decisions: Exemptions, Director-Level Historic Preservation Permits, and Historic Resources Commission (HRC)-Level Historic Preservation Permits, and she reviewed the activities allowed under each. Schlesener also reviewed the Decision Tree for Activities Involving a Designated Historic Resource, Process and Review Criteria for Text Amendment, and How the Goals of the Project Have Been Met. Ms. Schlesener added that Council is scheduled to adopt an ordinance implementing the text amendment on June 5, 2006. A brief discussion followed.

In response to inquiries from the Committee, Senior Planner Schlesener stated that this is a legislative process which affects historic properties Citywide, that these processes are not

subject to the 120-day rule. This allows for more opportunity for public outreach, and that decision-makers worked diligently through all of the issues raised in public testimony. Trish Daniels stated that she found the matrix format used to document the public input to be very helpful.

Senior Planner Schlesener and Associate Planner Gager explained that the matrix approach was possible because of the of the type of comments made by the public on the proposed Code revisions. The public comments were very focused and specific. This allowed the staff to prepare a matrix and provided the decision-makers with a specific list of items to discuss with direct suggestions for changes or to leave as proposed. Often, the City receives such general comments that the matrix and specific responses system will not work. This was a good example of the difference between receiving comments and receiving useful, focused and directed comments.

In response to further inquiries from the Committee, Senior Planner Schlesener stated that it would be appropriate for staff to assist home owners in determining what kind of application to file and to help them as they get used to the new process, but that the homeowner or representative would need to make the presentation to the HRC. Schlesener noted that staff will meet with the Gazette-Times sometime next week to discuss an article on this issue, and educational outreach efforts will be planned for this summer. Barbara Bull suggested that the City also submit something for the Public Corner in the Gazette-Times.

Chair Larry Earhart asked whether the HRC will have representation on the CCI and Senior Planner Schlesener stated that this would be a good topic for discussion by Council after final approval.

V. PRESENTATION AND DISCUSSION ITEM: LAND DEVELOPMENT CODE PHASE I

Senior Planner Kelly Schlesener said Phase I of the Land Development Code has been under appeal for some time, but the issues are beginning to be resolved and the update may go into effect sometime this fall. She reviewed the basic concepts of the update, including Mixed-Use Commercial, Mixed-Use Residential zones, comprehensive neighborhoods, major neighborhood centers, minor neighborhood centers, and pedestrian-oriented design standards. Schlesener stated that staff will also be doing outreach and educational efforts, sometime in the fall, and would like the CCI to be involved. A brief discussion followed.

VI. DISCUSSION AND DECISION ITEM: REVIEW OF THE DA VINCI DAYS BOOTH LOCATION AND DETERMINATION/REVIEW OF PARTICIPATION AND MATERIALS TO BE DISTRIBUTED

Associate Planner Gager distributed and reviewed a daVinci Days Work Schedule and invited feedback from the Committee. She drew attention to the list of items to be provided and suggested that information on Historic Walking Tours and Senior Planner Schlesener's presentation paper regarding the Chapter 2.9 Amendments also be available. It was also agreed to provide a list of City Councilors by Ward and copies of the City Calendar.

VII. DISCUSSION AND DECISION ITEM: REVIEW OF DRAFT CITIZEN VOLUNTEER BROCHURE

Associate Planner Gager stated that the Mayor and the City Manager's Office are not interested in pursuing the Committee's suggestions for a brochure and mail-in interest card to advertise volunteer opportunities at this time. She said all contacts by citizens who are interested in volunteering for the City's boards and commissions should be made through the Mayor's office.

VIII. DISCUSSION AND DECISION ITEM: REVIEW OF DRAFT LIBRARY WAYFINDING BROCHURE/PROGRAM

Barbara Bull reported that she and Planner Gager met with Library staff to discuss a Wayfinding Brochure/Program. She distributed sample formats and asked for input regarding what might be most appropriate for inclusion. She added that "A Citizen's Guide to Land Use Planning" is a helpful document and that she would like to see a Comprehensive Plan Map displayed in the area where land use planning documents are provided. Chair Earhart suggested that Bull request input via e-mail since there are several Committee members absent this evening. Brief discussion followed regarding the layout and content of the brochure and Bull agreed to follow up with CCI members via e-mail.

IX. DISCUSSION AND DECISION ITEM: ESTABLISH BIRKENSTOCK WINDOW DISPLAY OPTIONS/MATERIALS

Following a brief discussion, there was general agreement that the Birkenstock Window display will focus on Land Development Code Phase I outreach. A subcommittee will meet the week of July 24, 2006 to finalize plans and will report to the full CCI at the August meeting. Larry Earhart and Chris Nordyke agreed to serve on the subcommittee. Barbara Bull and Trish Daniels will also try to attend.

K REPORTS REGARDING OTHER ORGANIZATIONS

DCA Strategic Planning

Associate Planner Gager reported that the DCA Strategic Planning group has been actively working on the Systems Development Charges (SDC) fee study, the housing program study, a vision plan which would go to the City Council for approval, renewal of the economic development district, and draft Land Development Code revisions for the downtown area.

The Committee discussed the Code revision process and Barbara Bull and Kirk Newburgh noted that, although the DCA has been doing great work, the process might benefit from greater visibility. Barbara Bull suggested an announcement in the FYI section of the newspaper. Associate Planner Gager noted that this is not a City program at this point, but is a business organization attempting to produce a first draft. There was some discussion that a transparent process would be beneficial. Trish Daniels said Kent Daniels is involved in that process and she will suggest to him that announcements be submitted for FYI.

XI. NEXT STEPS

The next regular meeting will be held Thursday, August 3, 2006, at the Madison Building, 500 SW Madison Avenue. There will be no regular meeting in July.

XII. ADJOURNMENT

The meeting was adjourned at 9:30 p.m.

CORVALLIS-BENTON COUNTY PUBLIC LIBRARY BOARD MINUTES
April 5, 2006

Board Present	Staff Present
Bonnie Helpenstell, Chair	Carolyn Rawles-Heiser, Library Director
Hal Brauner	Lori Hilterbrand, Circulation Supervisor
Phyllis Mix	Carol Klamkin, Management Assistant
Sandy Ridlington	
Phoenix Ries	
Mary Lee Seward	
Eric Teegarden	Visitors
Cliff Trow, Vice Chair	Bob Baird, The Book Bin Inc., 215 SW 4th, 97333
Chuck Wicks	Charlie Tomlinson, City Councilor
Tom Wogaman	
Excused Karin Frederick, Linda Modrell, Mohammad Saeed	

Summary of Discussion

Agenda Item	Information Only	Action/Recommendation
Call to Order	7:30 pm	
Visitors' Propositions	x	_____
Minutes: March 1, 2006		Approved
Library Board Packet	x	
Committee & Board Reports	x	
Director's Report	x	
Library Division Managers' Reports	x	
Information Sharing	x	
Adjournment	8:32 p.m.	May 3, 2006

CONTENT OF DISCUSSION

I. CALL TO ORDER

Chair, Bonnie Helpenstell, called the meeting to order at 7:30 p.m.

II. VISITORS' PROPOSITIONS

Bob Baird of the Book Bin spoke to the Board about recent book thefts at the Library. He indicated that his store also has a lot of theft and that they will probably install a camera surveillance system. He realizes that cameras probably wouldn't work at the Library. Theft is a huge problem connected with methamphetamine addiction. Mr. Baird said that he had heard that there was a feeling that the Book Bin wasn't fully cooperating with finding stolen materials. Their point of view was that they were cooperating, but there was some frustration in knowing how to respond to "vague" information

from the Library that spine labels were being removed from books. After a second incident, the Library provided the Book Bin with a list of stolen materials and they were able to find several books. Carolyn interjected that a couple more books were found since the last Board meeting, including one from Browsers. Mr. Baird continued, that it is very difficult to look for undefined books among the quarter million books they have in the building. He reminded the group that over the years the Book Bin has given tens of thousands of dollars to the Friends of the Library as a result of purchasing books at the book sales. He stated that he has always felt they have had a good relationship with the Library, not a hostile one. He just wants to clear up any misconceptions.

Phyllis Mix asked if they were aware of the theft problem prior to the Library's thefts. Mr. Baird answered that they were. Chuck Wicks commented that the Friends used to see discarded library books that were sold at the book sale then sold to the book store. He wondered how the Book Bin could tell if a book had been stolen or legitimately purchased for resale. Mr. Baird said that it was very difficult to tell. Carolyn replied that discarded books should have DISCARD stamped inside the book and a line through the bar code. She explained that thieves have a technique of removing the stamps and bar codes that is very difficult to detect. It is a terrible dilemma for the book stores. Carolyn also commented that one of our discarded Harry Potter books recently turned up in a drug investigation in Mississippi and did have the proper discard information on it. Chuck was concerned that such a nice book could be discarded. Carolyn explained that the Library had purchased about 100 Harry Potter books when it first came out but had no need for that many later on. She wondered if these types of books could be given away to the school district. Chuck wondered if the Friends book sales were competition for the book stores. Mr. Baird said that they have never thought of the Friends as competition. Lori Hilterbrand commented that she had worked in the Book Bin's Albany store for three years and occasionally she and a coworker would spot books that had come from libraries. They always tried to track down the owners.

The discussion continued; touching on the Library getting tips on theft from the book stores, a closer relationship between the Library and book stores, and the realization that even with a good security system (like RFID) there would still be theft. On-line book sellers also sometimes deal in stolen books. Some theft is just part of doing business. Carolyn reported that she filled out the victim statement for the District Attorney and indicated that this was a crime against the whole community and was a violation of the trust we have in our patrons. Mr. Baird said a security system will cost about $4000-$5000 per store, but they will be able to get a "scrapbook" of pictures of people they are interested in. Bonnie stated that the whole concept of a library where people can take books out for free is a privilege. We check out huge numbers of books and theft is only a small percentage. Carolyn indicated that in checking with other libraries we are finding that our theft rate is not above average. Most libraries don't have clear statistics because they would have to do a full inventory. The Board thanked Mr. Baird for his comments and Carolyn thanked him for the searching they had done to uncover some of our missing materials.

III. APPROVAL OF MINUTES

MOTION: Chuck moved approval of the minutes. The motion was seconded by Phyllis and it carried unanimously.

IV. LIBRARY BOARD PACKET QUESTIONS AND COMMENTS

Phyllis commented that the youth programs in Extension Services were doing well.

Bonnie asked about the article on Library2Go, downloadable audio books. Carolyn explained that the file downloaded to PC will become inaccessible after two weeks, but if the book is burned to a

CD it can still be used. She also noted that more materials are being purchased and that Eugene Public Library service is finally available. No more libraries will join the consortium until next year.

Cliff Trow asked about the relationship with the City of Monroe. Carolyn reported that a new architect has been hired and the mayor is very supportive. Library programs are strong there and a teacher has stepped up to act as a liaison between the Library and the schools.

V. COMMITTEE AND BOARD REPORTS

Friends of the Library: Mary Lee Seward reported that the May 20 Friends meeting was very well attended. Two new Board members were present: Kathy Vohland, membership chair, and Mark Speulda, book sale co-chair. She said Teresa Landers did a demonstration of Library2Go. Treasurer Beth Camp is looking for CDs with interest rates of 4% or more. The 50-cent book shelf has made $1078 in the last two months and $7775 since it was started. The February book sale made $23,493. The Friends will host a staff recognition lunch on April 26 during in-service. Benton Books has made $700 this year and they now have more than 500 books listed on-line. Donations and memberships are up from the previous year. The annual meeting, open to all members, will be on June 14 after Random Reviews.

Mr. Baird suggested that when looking for CDs local banks should be asked to match rates.

Foundation Board: Cliff reported that the Foundation Board will meet at the end of the month. Carolyn added that the new self-check machine purchased by the Foundation for the Youth Services area is working well.

VI. DIRECTOR'S REPORT

City Council Goals: Carolyn, City Manager Jon Nelson, and Parks and Recreation Director Julee Conway met with the Council goal committee for Parks and Recreation and the Library. Carolyn and Julee will go back to identify "low hanging fruit" in the report. Those would be things we are already doing or could accomplish easily.

Carolyn said this group decided to focus on the scope of the issue, not the details. They want to identify broad strategies that they can pass along to the next City Council. Since it is so late in this Council's term, it will be left for the new Council to implement. Carolyn expressed that this exercise has been a good experience that has put the focus on Parks and Recreation and the Library–services that are used by more people than any other and have really high support from the public.

Friends Sponsored Camerata Concert: Tomorrow night, April 6, the Friends are sponsoring a concert by Corvallis Camerata, a group of excellent student musicians lead by Charles Creighton.

In-service Day: April 26 the Library and branches will be closed for staff in-service training. Friends are sponsoring the luncheon. Programs include the 911 supervisor and a police officer speaking about when to call 911.

Free Inquiry Magazine: This magazine is publishing the cartoons of prophet Mohammad that were so controversial. We subscribe to the magazine and will treat it just like we treat other magazines. Carolyn said she emailed Board member Mohammad Saeed to let him know, in case he gets questions. She gave him examples of how we have treated other controversial materials. She wants people to know that we are being consistent.

Sports Illustrated: The swim suit issue of Sports Illustrated is no longer a problem for us because it has been stolen! Carolyn went on to explain that since the last Board meeting the man who had complained about that issue got very upset and made numerous phone calls to the Library, City Hall, Oregon State Capitol, and the Oregon State Library. Carolyn had written him a letter explaining what he could do if he wanted to pursue his complaint–talk to Carolyn, or Teresa Landers, or Library Board. Finally the City Attorney wrote a letter that the Police delivered telling him to stop harassing City staff.

PLA in Boston: Six staff went to the Public Library Association Conference in Boston. Youth Librarian Ruth Hennessey presented a program on providing services to Spanish speaking families. Representatives from the American Library Association heard her talk and offered her a book proposal. We were able to send so many people to the conference because Carolyn is the ALA representative from Oregon and her expenses to the ALA conference are paid by Oregon Library Association.

OLA in Salem: The other managers are at the Oregon Library Association Conference in Salem. Cliff and Sandy Ridlington will be going on Friday. Next year the conference will be in Corvallis.

Collection Agency Results: We have gotten back over $8.00 in materials and fines for every $1.00 we have spent for the service. Lori commented that there have been very few complaints.

Harry Potter Book in Mississippi: Carolyn passed around an article from the Enterprise-Tocsin in Indianola, Mississippi, about our discarded Harry Potter and the Order of Phoenix book being found in a drug raid. The book had been hollowed out and was being used to hide crack cocaine and a small scale.

VII. LIBRARY DIVISION MANAGERS' REPORTS

Youth Services: Carolyn reported that Youth Services offered a film festival for kids during Spring break. They are also doing chocolate bunny programs with Patrick Magee from Burst's Candies. Carol Klamkin noted that the program at the Corvallis Library brought in 170 children.

Carolyn added that Youth Services is in the process of recruiting a Youth Services Librarian to replace Debbie Levy who resigned to stay home with her new baby.

Circulation: Lori Hilterbrand reported that the new touch screen monitors at the Circulation desk and AV check-in station are working well. They seem to be faster and easier on users' wrists.

The shelver recruitment is still in process. Over 100 applications were received. There will be a written pretest to determine attention to detail and ability to put items in order. Interviews will be on April 18. We hope for a May start date.

We have also started an ongoing open recruitment for substitute shelvers and substitute clerks. This should increase our pool and save advertising and recruitment costs.

Lori reported that March statistics for Corvallis showed new records for the most in any month in circulation (checkouts and renewals) with 121,019; holds placed, 16,330; and holds filled, 15,480. The new workflow is allowing materials to be checked in and returned to the shelves much faster so items can be checked out more frequently. The average time between check in and return to the shelf is 24 hours–much less time than in the past. Cliff asked if these high numbers would hold. Lori replied that we have seen consistent increases over the past three years except during Library closures. Chuck commented that the lines at the Circulation desk are well maintained–long but moving quickly.

Administration: Carol had nothing to report. She was taking minutes.

VIII. INFORMATION SHARING

Hal Brauner shared that he is on a subcommittee of the City Council that is working with the school district board. They are looking for ideas on areas where the City and schools can cooperate and improve services. Libraries didn't come up as a big item in the discussion, but he would welcome ideas or thoughts from the Board that he could pass along to the subcommittee. Mary Lee Seward asked if weeded library materials were ever offered to the schools. Carolyn responded that those items are given to the Friends for the sale, but that we could look at giving items to the schools instead. We do have an arrangement to give older encyclopedias to the schools. She remarked that when there are large quantities of books, like the Harry Potter books, that are being discarded it might be nice to offer them to the schools first.

Hal also discussed the telecommunications tax that the Council is considering. The City is short of money and this new tax would be used to replace fire equipment and the fire training tower. He noted that these items must be purchased and if the revenue doesn't come from a new source, like the telecommunications tax, other services may have to be cut back. He suggested that the Board members come to the Administrative Services Committee meeting to testify about the impact it might have on other services.

Phyllis updated the Board on the issue of older patrons having challenges using the Library. Her friend who was having trouble tried the computer on her own, then received excellent help from the Reference Desk. Mary Finnegan also called her to discuss her issues. The friend suggested a sign near the lobby computers: "Problems? Challenges? Go to the Reference Desk upstairs for help." The friend also thought that classes at the Senior Center about using the Library catalog was a good idea.

Carolyn announced that it is National Library Week and that the mayor read a proclamation at the Council meeting.

IX. ADJOURNMENT

The meeting was adjourned at 8:32 p.m.

NEXT MEETING: May 3, 2006 at 7:30 p.m. Woman's Club Board Room

CORVALLIS-BENTON COUNTY PUBLIC LIBRARY BOARD MINUTES
May 3, 2006

Board Present	Staff Present
Bonnie Helpenstell, Chair	Carolyn Rawles-Heiser, Library Director
Hal Brauner	Lori Hilterbrand, Circulation Supervisor
Karin Frederick	Carol Klamkin, Management Assistant
Linda Modrell	Teresa Landers, Deputy Library Director
Sandy Ridlington	Curtis Kiefer, Youth Services Manager
Phoenix Ries	Mary Norman, Access Services Manager
Mohammad Saeed	Dee Eilers, Sr Administrative Specialist
Mary Lee Seward	Mary Finnegan, Adult Services Manager
Cliff Trow, Vice Chair	
Chuck Wicks	Visitors
Tom Wogaman	There were no visitors
Excuse: Phyllis Mix , Eric Teegarden	

Summary of Discussion

Agenda Item	Information Only	Action/Recommendation
Call to Order	7:30 pm	
Visitors' Propositions	x	
Minutes: April 5, 2006		Approved
Library Board Packet	x	
Committee & Board Reports	x	
Admin Circulation Policy		Approved as revised
Director's Report	x	
Library Division Managers' Reports	x	
Information Sharing	x	
Adjournment	8:57 p.m.	June 7, 2006

CONTENT OF DISCUSSION

I. CALL TO ORDER

Chair, Bonnie Helpenstell, called the meeting to order at 7:30 p.m.

II. VISITORS' PROPOSITIONS

There were no visitors propositions brought forward.

III. APPROVAL OF MINUTES

MOTION: Cliff moved approval of the minutes. The motion was seconded by Sandy and it carried unanimously.

Bonnie extended thanks for the time and effort library staff made to make the volunteer appreciation breakfast such a success. Carolyn said Teresa was responsible for undertaking the task of mastering new software that she used to do the READ posters that had pictures of various library groups and individual volunteers holding their favorite book. Some of them appeared on the poster via cut and paste computer magic as they could not make the "photo shoots."

IV. LIBRARY BOARD PACKET QUESTIONS AND COMMENTS

The third quarter Library Statistical Reports were distributed. Carolyn said the volunteer numbers were higher in 2004/05 than this year largely because of the work that was done last year to get the new Alsea branch up and going. Carolyn also said the number of book "holds" has skyrocketed because our patrons can now put materials on hold from their home computers. Patrons can place holds for items that are on the shelf which is unusual. This is particularly helpful for people who live outside the city who can request materials from the main branch and pick them up at the branch libraries. Carolyn said she does not want to alter customer service expectations by dropping this popular service. She said this is a community of readers, and it is not unusual for patrons to check out numerous items. Carolyn said she currently has 22 items checked out for herself and her family.

Mary Lee said she often puts books on hold as the popular books fly off the shelf so fast. She asked how to cancel a book on hold that is no longer needed, and Teresa said it can be done on the "My Account" section of the web page.

There was more discussion about holds. Carolyn said currently holds can be placed on up to 25 items in each collection type, and this is often done by people doing research projects. Carolyn said patrons are encouraged not to place items on hold that show as "on shelf" at their home library because it is faster to come in and check them out.

Chuck said continuing high gas prices may discourage frequent trips to the library and encourage more people to place holds from home.

Linda said she feels the hold feature could mushroom out of control by trying to accommodate all the requests, almost like a private library for each patron.

Bonnie asked about a nominal charge for holds, and Teresa said some libraries charge for holds and others charge if a book is placed on hold and not picked up, but we do not. Teresa responded to a question from Linda about the cost of a hold and said it varies. Teresa said the hold process is currently being evaluated.

Bonnie asked how the Board feels about supporting this staff function. Hal summed it up and said he feels we have a good service and he also feels we are being very generous. Perhaps if this becomes a problem in the future, or we need to cut costs, this would be one service to review.

Karin said she is the Director of the Arc of Benton County and they feel the 50 cent book sale shelves at the library have adversely impacted the book sales at their Corvallis thrift store. Carolyn said she remembered a few years when Arc offered books to the Library as they had too many. It was decided that Mary Lee will share this concern with the Friends book sales coordinator while realizing that the mission of the Friends is to help support the library.

V. COMMITTEE AND BOARD REPORTS

Friends of the Library: Mary Lee Seward reported and said they received a favorable investment rate at a local credit union. She announced Mel Walters' retirement from the Friends as well as the liaison to the Foundation. The next Random Review will feature the novel, Pearl Diver, by Jeff Talarigo, and be reviewed by Katie and Steve Kohl.

Mary Lee said the Friends hosted a staff recognition lunch during the Library's In-Service Day and Safeway donated the beautiful flowers. She also thanked Lori Hilterbrand, the originator of the online sales, Benton Books, that has netted just under $2,000.

Mary Lee said Ann Brodie will be in charge of February book sale. Ann and her group had a meeting recently and offered quite a few suggestions for the next sale including a need for more metal book ends and determined that most paperbacks are not good sellers and could be better used on the 50 cent book shelves. They are also concerned about the number of books that need to be discarded and talked about offering them to nonprofit organizations and schools for $2.00 a box at the end of the book sale.

Foundation Board: Cliff reported that the Foundation Board met April 24. The treasurer wants to do an update on the solarium project soon and see what the final obligation will be. Carolyn said we are currently doing an energy audit on the proposed new room. Cliff said they paid for new blinds that were installed at the Philomath branch as part of a specific donation from a patron. He also said the interest earnings are up on the endowment funds.

Cliff said his third term on the Library Board and his liaison to the Foundation will expire the end of June. Sandy said she would like to volunteer as the liaison, and the Board concurred. Carolyn said she has talked to Helen Berg about a replacement for Cliff and will make the announcement at a later meeting.

VI. ADMINISTRATIVE CIRCULATION POLICY #AP 2002-1.08

Carolyn explained the recommended revisions to the 2002 policy that include requiring photo identification to get a library card, a slight modification to the renewal and search sections, and the ability to deny use of interlibrary loan materials to patrons that have abused their library privileges. She said the Library will soon begin circulating video games, so they are included in the policy. This followed many requests from our young patrons and lengthy discussion by the Library Management Team. The video games are very popular with youth and our game nights are well attended. Carolyn said the Board could spend some time at the next meeting discussing the video games in more detail, and the Board concurred.

Discussion:

Cliff asked if our fines need to be raised and wondered if they are enough of a penalty to get the materials returned. Carolyn said the maximum fine per item is $5.00 except for children's books and we don't want to penalize people excessively. When charges exceed the $5.00 limit, borrower privileges are removed and the person will eventually be turned over to collections if the fines are not paid.

Tom asked if the collection fee is refunded to patrons, and Carolyn said no.

Chuck asked if the picture identification requirement would be a problem for certain segments of our users. Lori responded her staff is going to be quite flexible and accept out-of-state driver's licenses, photo student ID, credit cards that have photos, and passports. Patrons will still have to provide proof of a current address in our library district.

Motion: Chuck moved approval of the Circulation Policy as amended. Phoenix seconded the motion that carried unanimously.

VII. DIRECTOR'S REPORT

Volunteer Appreciation Breakfast: Carolyn thanked the Board members and staff that helped with the breakfast. She said it is great to have such an active group helping us out, she appreciates it very much, and the volunteers make a big difference in our library.

City Council Joint Library/Parks & Recreation Goal: Carolyn said board leadership from the Library and Parks and Recreation will meet with the City Council subcommittee in early June. Cliff and Bonnie will be invited to this meeting. Because it is so late in the current Council's term, implementation of the group's recommendations will most likely move to the new Council's agenda. Carolyn will summarize the key points and email them to Bonnie and Cliff before the meeting.

In-Service Day: On April 26 the Library and all branches were closed for staff in-service training. We had a facilitator come and go over the City's respectful workplace policy which is a reminder of how to behave with your coworkers. We also did a mini-inventory on selected parts of the collection, and found we were in the normal loss rate compared to other libraries. The highest loss rate was books on the occult followed by rock CDs and feature film DVDs. Books on the occult are commonly stolen. Some people object to books on witchcraft and remove them from the library. Others may just want to keep the items to use. There is security shelving that we may investigate for high theft areas and/or a closed audio video room that would need additional staffing. It was interesting that our theft rate was not any higher on the popular CD's, and feel it is lower because they are usually on hold and not on the shelves to steal.

Technology Planning:

The Library Management Team will meet with the Web Team on May 18 to talk about future technology plans including wireless technology, RSS, wikis, podcasting, blogs and lots of cool stuff. The Library and MIS are in the process of setting up a wireless network for the Library. After some back and forth discussion with the Manager about why the Library does not want to keep data on patron access to the wireless, it was agreed that wireless users would acknowledge an "acceptable use" policy when they first log onto the wireless network. This lets wireless users know that the Library is not responsible if someone hacks into a user's computer while they are on line because wireless connections are not secure and that users must follow our policies. Our connection will be switched off a few hours each night to discourage spam. This will be relatively inexpensive to do and we feel the public will respond favorably to the service.

Materials challenge:

We received a challenge to a young adult novel, Teach Me. It will be reviewed by Management Team and is about a young girl that has an affair with her high school teacher. Several staff members are reading the book prior to review.

Resignation: Carolyn said she is closing with the sad news that Lori Hilterbrand has submitted her resignation effective in early June. She has done a good job and has been instrumental in several new projects - she was the brain behind Benton Books and the Honor Shelf 50 cent books. She did a fantastic job with the circulation work room remodel.

The Board members wished Lori good luck and expressed their thanks for all her help.

VIII. LIBRARY DIVISION MANAGERS' REPORTS

Extension Services:

Teresa said they met with a Monroe realtor and identified a potential site for a new branch library on land that is currently owned by the school district. Their superintendent is excited about working on a new library site, and an architect has been hired to evaluate potential sites. Library programs are strong there and a teacher has stepped up to act as a liaison between the Library and the schools. The Friends and Foundation are paying for the initial study. Teresa said the plan may promote a campus idea where the library is one of the buildings.

Technical Services:

Mary said they are approaching their busiest time of year as ordering of materials is completed for the fiscal year and a large volume of materials are received.

Administration:

Carol said at the end of the year, the purchases result in invoices that flow to us in Admin for processing. We are also preparing contracts for the summer reading programs and performers, several conferences and recruitments. Admin is also working out the bugs in our on-line room reservation system and we are using it internally to generate reservations and an email confirmation. The goal is to make it available later on our web site for the public.

Youth Services:

Curtis brought some big thank you notes from children that have enjoyed the children's programs including small hand prints from the day care attended by the children of our City Finance Director and our Budget Analyst. A local kindergarten class also sent in a scrapbook-type thank you. Last week we had a "la dia de los ninos" (children's day) in partnership with ArtCentric, Hewlett Packard, and the Corvallis Multicultural Literacy Center. They took pictures of family members and printed about 71 passports that had maps of the world inside that coordinated with several activity centers.

Curtis said his department is also getting ready for the busy summer reading program and the theme this summer is **"Paws, Claws, Scales and Tales!"**

Curtis said he hopes Monroe includes an activity program because a quarter of the town's population turned out for the recent reptile program. The Friends are great sponsors that are providing $12,000 for the programs for kids and teens. Curtis said we are involved with a multi-state summer reading collaborative program through the Oregon Library Association. We are also partnering with Corvallis Transit to get older children back and forth on the buses to the library during the summer. We are also welcoming Starbucks as a sponsor that is giving us around 1,500 coupons for non-caffeinated drinks for the kids.

Curtis said their new librarian, Kristin Starnes, begins work on May 16. Carolyn added that the new Youth Services librarian is a Corvallis native and a graduate of Crescent Valley.

Circulation Services:

Lori Hilterbrand reported their new part-time shelver, Miryam Hamlyn, began work this week. She said they have also hired three casual shelvers that will begin work soon. Lori said she is beginning the end of her working relationship with the Library and said she appreciates the opportunities she has had working with such nice and dedicated professional staff.

Adult Services:

Mary Finnegan said they are also going into the end of the buying year and they are spending some time weeding outdated and damaged materials from the collection. She said they have added a computer just outside the public computer area on the waiting table with a chart of how much time it will be until the next computer is available.

Mary said they are also recruiting for a part time librarian as one of her staff, Angie Bray, has taken a full time librarian position near her home in Eugene.

VIII. INFORMATION SHARING

Carolyn said the Budget Commission has a public hearing on May 11. Hal said there is currently enough funding to carry the city through the next two years. The Council is looking at alternatives to extend that time, and one of them is a new telecommunications tax. There are some communities that have this tax including Eugene, but it is being hotly contested by the industry.

Hal said the Council is also reviewing a charter amendment for the November ballot that clearly states the City is not discriminatory. The Library has been steadfast

in being open to everyone in the community and has a fine reputation of being nondiscriminatory.

IX. ADJOURNMENT:

The meeting was adjourned at 8:57 p.m.

NEXT MEETING: June 7, 2006 at 7:30 p.m. Woman's Club Board Room

DRAFT
Downtown Parking Commission
Minutes
May 24, 2006

Present
Lita Verts, Vice Chair
Joan Wessell
John Howe
Josh Kvidt

Staff
Joe Whinnery, Public Works
Jim Mitchell, Public Works
Jerry Smith, Public Works
Sgt. Joel Goodwin, Police Department

Absent
Jeff Katz, Chair
Rob Gándara, City Council
Andrew Ross
Richard Mehlhaf
Stan Nudelman
Mike Blair

Visitors
Ann Schirado, Executive Director, Benton County Historical Society
Richard Bryant, Principal Architect, Alta Vista Design
Marlene Boegel, All State Insurance

SUMMARY OF DISCUSSION

Agenda Item	Infor-mation Only	Held for Further Review	Recommendations
I. Call Meeting to Order/Approve April 26, 2006 Minutes		X	
II. Commission Reports	X		
III. Old Business • Benton County Historical Museum Parking Change Request on Adams • Parking Changes on 6th & Adams		X X	
IV. New Business • Parking Meter Functionality	X		
V. Visitors Comments		X	
VI. Other Business/Actions/ Information Sharing	X		

I. Call Meeting to Order/Approve April 26, 2006 Minutes

The meeting was called to order by Vice-Chair Verts.

There was no quorum. Therefore, approval of the minutes was tabled until the June meeting.

II. Commission Reports

- **Chair Reports/Updates**

Chair Katz was not present.

- **BPAC - Andy Ross**

Commissioner Ross was not present.

- **CACOT - Lita Verts**

Vice-Chair Verts reported April's ridership exceeded April, 2005 ridership by approximately 500 rides. On-time performance for April, 2006 was 95%. The Youth Summer Pass Program begins in June.

- **City Council - Rob Gándara**

Councilor Gándara was not present.

III. Old Business

- **Benton County Historical Museum Parking Change Request on Adams**

Mr. Bryant said the museum board met May 18 and voted to recommend to the Commission some changes to current parking configurations near the museum. Currently there is parallel parking on the north side of Adams Avenue and diagonal parking on the south side of Adams. There are 11 parking spaces on Adams between First and Second Streets. The recommended changes would increase parking on Adams from the current 11 spaces to 22 spaces. Included in this figure are two dedicated bus spaces. The parking design is modeled after the Riverfront streetscape.

Commissioner Howe asked how tour buses would negotiate the narrow streets without accessing the alleys. Mr. Bryant said the buses would remain at the museum for the duration of the patrons' visit. Buses would come straight into their parking spaces from Adams Avenue and would leave by turning on to First Street.

Commissioner Kvidt asked why there is diagonal parking on some streets and parallel parking on others. Mr. Mitchell said the traffic engineer indicated this is what is needed to accommodate travel widths. Mr. Bryant said some of the striping may be left over from earlier traffic designs which accommodated large vehicles needed for lumber yards and other industrial

businesses. Mr. Mitchell said streets in this area were examined during the Riverfront remodel. Commissioner Howe wondered if the narrow streets would be able to accommodate larger vehicles. Vice-Chair Verts asked if a vehicle length limit would be enforceable. Mr. Mitchell said if parking spaces had enclosed striping, it may be enforceable.

Mr. Bryant said the plans are still in the working phase and open to alterations. For instance, the sidewalk on the north side of Adams between Second and First Streets is wider than normal. As much as two feet of sidewalk width could be used as part of a conversion to parking spaces.

Mr. Bryant was asked if the current parking designs will be adequate to accommodate anticipated vehicle needs. He said most events which would draw a large number of visitors would occur at night when more parking on adjacent streets would be available. Commissioner Howe agreed that there is sufficient nearby street parking. Mr. Mitchell said the Commission should consider approving the museum parking concept instead of the entire plan itself. In lieu of a quorum, Commissioner Wessell asked Mr. Bryant to relay comments made at this meeting to the museum board members. Mr. Bryant said any street improvements or alterations would be done after the building is completely constructed.

- **Parking Changes on 6th & Adams**

Mr. Whinnery said the staff report outlines a recommendation to add parking controls to all four spaces. Previously, only one space was metered which led to confusion about the other three spaces. Mr. Whinney spoke with Bill Mercer, owner of Edward Jones, who was not happy with the decision to implement meters. He would prefer signs only. Mr. Whinnery conveyed the idea to Mr. Mercer that meters would be more effective than signage because they are easier to enforce. Staff agreed to look at the north side of Adams in that block to see if meters should be implemented.

IV. New Business

- **Parking Meter Functionality**

Jerry Smith, Public Works supervisor in charge of parking meter maintenance, informed the Commission that there are 735 devices (meters or pay stations) to control parking throughout the City. The goal of Public Works is to resolve a parking meter malfunction within two working days of notification of the malfunction. In April, 2006, the average repair time on meters was 1.54 working days. Technicians who work on meters also work on the City's fiber optics, telephones, traffic signals and radios. Traffic Enforcement personnel carry an up-to-date list of malfunctioning meters.

Mr. Smith was asked about the responsibility of a motorist who parks in a space that has a malfunctioning meter. The motorist is responsible for leaving some sort of message on the meter or notifying City personnel of the meter. The motorist is entitled to park in the space for the allotted maximum time but no longer, i.e. the motorist can park for two hours in a two-hour space without receiving a ticket. There is a City employee assigned to preventive maintenance on meters at least once per week. Mr. Smith said there is a pre-pay option on approximately 60% of meters. Individual meters do not state whether the pre-pay option is available.

V. Visitors Comments

Marlene Boegel of All State Insurance, located at 559 NW Van Buren, appeared at the meeting to represent her company and REI Computers. She requested two spaces on Van Buren be changed to 30-minute spaces to better accommodate customer parking. There is no off-street parking nearby. Vice-Chair Verts requested a staff report and said this would be an agenda item for June's Commission meeting.

VI. Other Business/Actions/Information Sharing

- Staff distributed a copy of DPC minutes from November 16, 2005 and City Council minutes from December 5, 2005, which cover discussion of the Benton County Historical Society proposal to partner with the City to build an underground parking structure.

- Mr. Mitchell said the Commission should consider parking meter rates as a future agenda item.

Next meetings: June 28, 2006, at Madison Avenue Meeting Room, 5:00 p.m.
July 26, 2006, at Madison Avenue Meeting Room, 5:00 p.m.

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

Approved as submitted, June 21, 2006

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
May 17, 2006

Present
David Graetz, *Chair*
Bill York, *Vice Chair*
Karyn Bird
David Hamby
Frank Hann
Tony Howell
Denise Saunders
Brandon Trelstad

Staff
Jim Brewer, Deputy City Attorney
Keith Turner, Development Engineering Supervisor
Kevin Young, Senior Planner
Terry Nix, Recorder

Excused
Patricia Weber
George Grosch, *Council Liaison*

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions	X		
II.	Public Hearing **Industrial Welding Supply (CPA05-00004, ZDC05-00012, PLD05-00021)**			Approve as conditioned.
III.	Minutes: Planning Commission, April 19, 2006			Approved as presented.
IV.	Old Business	X		
V.	New Business	X		
VI.	Adjournment			Adjourned 8:22 p.m.

CONTENT OF DISCUSSION

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

I. VISITORS' PROPOSITIONS:

There were no propositions brought forward.

II. PUBLIC HEARING - Industrial Welding Supply (CPA05-00004, ZDC05-00012, PLD05-00021):

A. Opening and Procedures:

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

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

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

The Chair opened the public hearing.

B. Declarations by the Commission: Conflicts of Interest, Ex Parte Contacts, Site Visits, or Objections on Jurisdictional Grounds

1. Conflicts of Interest: None.
2. Ex Parte Contacts: None.
3. Site Visits: Commissioners Bird, Hamby, Hann, Howell, Trelstad, and York declared site visits.
4. Objections on Jurisdictional Grounds: None.

C. Staff Overview:

Senior Planner Kevin Young read the request and reviewed Existing Conditions, Existing Comprehensive Plan Designations, and Existing Development Districts (Zoning) for the site and surrounding properties. He introduced Proposed Revised Condition 3, which acknowledges that the property owner to the west must concur with the proposed access modification.

D. Legal Declaration:

Deputy City Attorney Jim Brewer 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 feel 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:

George Heilig, 582 NW Van Buren Street, addressed the Commission on behalf of the applicant. He said he adopts the analysis and conclusions in the staff report and submits them as his presentation. He requested approval of the request with the Conditions of Approval proposed by staff.

Commissioner Howell noted that the existing development on this site does not meet requirements for pedestrian and bicycle access, and the Detailed Development Plan does not clearly illustrate how pedestrian access would be accomplished. He asked if there was any thought given to a modified design to bring pedestrian access to Mixed Use Commercial (MUC) standards. Mr. Heilig said he knows of no plans to change the site configuration, but he would surmise that the market will drive amenities, including connectivity.

F. Staff Report:

Senior Planner Young said there are three actions requested. For the requested Comprehensive Plan Amendment, he reviewed portions of the staff report related to Consistency with Comprehensive Plan Policies, Demonstrated Public Need, Advantages and Disadvantages, Desirable Means of Meeting the Public Need, Compatibility Factors, Circulation, Public Facilities and Services. He said staff finds that the criteria are met and recommends that the Planning Commission recommend that the City Council approve the request. Regarding the requested District Change, he reviewed portions of the staff report related to Land Use, Compatibility, Circulation, Public Facilities and Services, and said staff recommends approval of the request contingent upon City Council approval of the Comprehensive Plan Amendment. Mr. Young briefly reviewed the requested Major Planned Development Modification and said staff recommends approval, subject to the proposed Conditions of Approval.

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

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

I Neutral Testimony:

The Chair reminded people that speaking neutrally removes rebuttal rights. There was no neutral testimony.

J. Questions from the Commission:

Commissioner York stated that, if the intent is to change this site to commercial use, it makes sense to require no outside storage, a good pedestrian network, and other things that are required of commercial developments in this community. In response to inquiry, Planner Young said outside storage could either be allowed as a preexisting use or disallowed through a Condition of Approval. He said the MUC zone has certain design requirements that would be difficult to implement on this site, but other changes could be conditioned through this decision. Brief discussion followed.

Commissioner Howell suggested that, in an attempt to bring the site up to pedestrian standards in a reasonable way, the fountain and patio be kept as a future expectation. He added that the pedestrian amenities could be something other than a fountain and patio, and might be used to provide a connection between the existing empty building and the multi-use path.

Commissioner York asked staff to draft language which considers three triggers:

- occupancy of the vacant building would trigger minor pedestrian connections;
- a change in use would trigger removal of outdoor storage and relocation of bicycle parking; and
- construction of a third building would trigger a third pedestrian amenity.

In response to an inquiry from Commissioner Saunders, Engineering Supervisor Turner stated that a building permit application would make staff aware of a change of use. In response to further inquiry, Mr. Turner reviewed the research behind the proposed access modification and said staff did not see any operational problems that would result from granting this request.

Commissioner Hann initiated discussion related to floor area ratios (FAR). In response to inquiry, Planner Young said it would be appropriate to amend Condition 1 to acknowledge that the FAR might not be met if the third building is constructed as shown on the Detailed Development Plan.

Commission Howell asked whether it is necessary to state that the applicant must keep one door toward Circle Boulevard open. Planner Young responded that the City has the ability to enforce that standard, but a Condition could also be added if the Commission so directs.

J. Rebuttal by Applicant:

George Heilig referred to discussion about the possibility of adding additional Conditions of Approval. He stated that the purpose of this application is to be able to utilize an existing vacant building and that it would probably be difficult to get a third building on this site.

K. Sur-rebuttal: None.

L. Additional time for applicant to submit final argument:

The applicant waived the additional time to submit written argument.

M. Close the public hearing:

MOTION: Commissioner York moved to close the public hearing. Commissioner Bird seconded the motion and it **passed** unanimously.

N. Discussion and Action by the Commission:

MOTION: Commissioner York moved to recommend that the City Council approve the requested Comprehensive Plan Map Amendment (CPA05-00004) to designate the subject property for Mixed Use Commercial Development, as shown in Attachment D to the May 5, 2006, Planning Commission staff report. He said the motion is based upon the criteria, discussions, and conclusions contained within the staff report and upon Planning Commission discussion as reflected in the Minutes of this meeting. Commissioner Bird seconded the motion and it **passed** unanimously.

MOTION: Commissioner Bird moved to approve the requested District Change (ZDC05-00012) to change the zoning district of the subject property to PD(MUC), as shown in Attachment E to the May 5, 2006, Planning Commission staff report, contingent upon City Council approval of the associated Comprehensive Plan Amendment request. Commissioner Trelstad seconded the motion and it **passed** unanimously

MOTION: Commissioner Howell moved to approve the requested Major Planned Development Modification (PLD05-00021), subject to the Conditions of Approval, and contingent upon City Council approval of the requested Comprehensive Plan Amendment. Commissioner Bird seconded the motion.

Commissioner Howell offered a friendly amendment, which was accepted by Commissioner Bird, to include proposed revised Condition 3.

In response to a request from the Commission, Planner Young proposed a new Condition 4, as follows:

Required Improvements - The following activities shall trigger the following improvements:

1) Tenant Infill of Vacant Building shall require relocation of bicycle parking out of the pedestrian route, pedestrian connection of the existing walkways in front and rear of the building with the multi-use path to the east, and construction of two pedestrian amenities, per LDC 3.20.50.07, as shown on the Detailed Development Plan.

2) Change in Use of the Industrial Welding Building shall require removal of outdoor storage use and location of bicycle parking in compliance with the Land Development Code and out of conflict with pedestrian routes.

3) Construction of the Third Building shall require construction of a third pedestrian amenity on the site, per MUC District requirements.

MOTION TO AMEND: Commissioner York moved to add a new Condition 4, as read above. Commissioner Howell seconded the motion and it **passed** unanimously.

MOTION TO AMEND: Commissioner York moved to modify Condition 1 by adding a sentence to the end as follows:

If the building is the same size or larger than the approved third building shown on the Detailed Development Plan, Floor Area Ratio requirements shall not apply.

Commissioner Hann seconded the motion and it **passed** unanimously.

The amended main motion then **passed** unanimously.

O. Appeal Period:

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

III. MINUTES:

Planning Commission Minutes, May 17, 2006:
MOTION: Commissioner Bird moved to approve the minutes as presented. Commissioner Hamby seconded the motion and it **passed** unanimously.

IV. OLD BUSINESS:

V. NEW BUSINESS:

Senior Planner Young called attention to the new meeting schedule on the back of the agenda.

VI. ADJOURNMENT: The meeting was adjourned at 8:22 p.m.

Draft
Watershed Management Advisory Commission
Minutes
June 6, 2006

Present
George Brown
Jim Fairchild
Robert Griffiths, Vice-Chair
David Hamby, Chair
Frank Morris
Nicole Strong

Absent
Hal Brauner, City Council
Walt Schmidt

Staff
Tom Penpraze, Public Works
Steve Rogers, Public Works
Mary Steckel, Public Works
Mike Hinton, Public Works
Bob Worthean, Public Works

Visitors
Scott Ferguson, Trout Mountain
Ken McCall, U.S. Forest Service
Frank Davis, Peer Review member
Barry Schreiber, Fauney Flora
Chuck Willer, Coast Range Association
Steve Trask, Bio-Surveys, LLC
John Berry, Peer Review member
Bill Pearcy, Marys River Watershed Council

SUMMARY OF DISCUSSION

Agenda Item	Infor-mation Only	Held for Further Review	Recommendations
I. Introductions	X		
II. Approval of May 16, 2006 Minutes			Approved
III. Continue to Discuss Policy Issues	X		
IV. Other Business • Elections			Chair Hamby and Vice-Chair Griffiths were re-elected
V. Public Comment Period	X		

I. Introductions

Introductions of Commissioners, staff and visitors were made.

II. Approval of May 16, 2006 Minutes

The May 16, 2006 minutes were approved.

III. Continue to Discuss Policy Issues

Commissioner Fairchild referred to a concern with the use of the word "stewardship" being used interchangeably with the word "management". He referred to a handout (see memo from Commissioner Fairchild) which captured his concerns. Commissioner Strong agreed the terms should not be used interchangeably, but should be used consciously. Mr. Rogers said the term "stewardship" was picked by staff upon the suggestion of City Council to capture the meaning Commissioner Fairchild mentioned of 'pass on its values to its current and future citizens'.

Mr. Ferguson said he would cover reserves and zoning in the forest and two of the consultant team resource specialists would provide their findings: Steve Trask, fisheries and streams specialist, on preliminary results from his fish survey and Barry Schreiber on wildlife.

Mr. Ferguson said forest zoning, which is fairly common in forest planning, is an excellent way to protect sensitive resources and direct the management to appropriate sites on the forest. There is a level of protection against unintended consequences inherent in a reserve. The current area set aside as reserve is about 460 acres and is located around streams and in some places with steep slopes. Mr. Ferguson presented an option where the reserve land would be increased to 900 acres (about 40% of the watershed), with another 25% zoned as 'special management' and the remaining nearly 40% zoned as 'active management'. The difference between 'special' and 'active' management is in the amount of restoration work needed to improve forest health. This would be based on the type and age of the trees, with the 'special' areas being the middle range of tree age and the 'active' areas being the younger stands

In the option presented, the reserve areas would include the oldest stands and have minimal restoration, mostly to improve habitat (i.e. cutting a tree to provide a snag). More land would be moved to this category to protect those pieces of the forest, such as 400+ year old trees. Commissioner Brown asked if these stand conditions were unique to the whole watershed. Mr. Ferguson said they were not. Because there are other areas on the watershed with similar trees, the City's property could be more actively managed. Mr. Ferguson said another option would be to increase the current reserve area to include only the stream buffering pieces, which would be a total of about 700 acres.

Mr. Schreiber reported on wildlife conditions. The watershed is a multi-age conifer forest with all animals which are endemic to a conifer forest. The older forest habitat is dynamic, diverse and quite healthy. It is not showing signs of any degradation. The younger stands are quite limited with little shrub habitat. The reservoir adds to the diversity of the watershed, providing habitat for herons and ducks. Slides and exposed rocks and boulders are fairly dispersed, which are important to reptiles and amphibians. Bald eagles have been present for 15-16 years and there is one spotted owl entity. There are five confirmed sitings of murrelets on the Forest Service land, but none on the City property. Commissioner Strong asked if there have been any on-ground surveys and if surveys were part of the plan scope. Mr. Schreiber said no surveys have been done. If there are no plans for active management in a given area, it is assumed that wildlife will not be adversely affected. Mr. Ferguson said part of the planning process is determining what types of surveys are needed.

Mr. Trask presented results from an aquatic inventory of the entire watershed, not only the City property. There are approximately 17 miles of accessible stream corridor for fish populations. The watershed is classified as "completely dysfunctional" in terms of its aquatic component. Because the watershed is used for potable water for the City, the removal of the water leads to a system which does not function to its full capacity. Mr. Trask presented pictures of different places along the watershed streams and discussed the conditions he found there. He said there are stream corridors that are blocked to fish migration and provided examples.

IV. Other Business

- **Public Workshop Survey**

The Commission discussed the proposed public workshop survey for the public workshop. Commissioner Griffiths said the section titled "Forest Stewardship Options" contains language which sounds like harvesting regimes. For the average citizen reading the survey, it will be difficult to relate this to wildlife, species diversity and other issues. He asked for input from the consultants on providing preliminary background information to citizens to frame this within a larger context. Mr. Ferguson said Tom Armstrong drew up the survey with the idea that harvesting will be a sensitive issue and an area where feedback would be important. Under

the 'Revenue Generation' section, Commissioner Griffiths expressed concerned with the second option which states revenue will be driving management. Mr. Ferguson said the Guiding Principles state revenue generation is an issue to be considered but is not the driving force. Mr. Rogers said there are only two viable options for funding of stewardship of the watershed: timber revenue and an increase in the utility rates, the latter would have to be mandated by City Council.

Commissioner Brown said he considers surveys unhelpful because citizens are asked to make decisions in isolation. Many citizens are unfamiliar with terms used by forest experts. He said the public needs to be kept informed throughout the process of the realistic costs to do the management outlined. Mr. Ferguson said that because of the complexity of the funding issue, the Commission may not be ready to present it at the upcoming public workshop. He said the most important topics to cover will be the history and condition of the watershed and future trends. Commissioner Hamby recommended using the management pathways document presented previously as a tool to get feedback from the public. Mr. Ferguson said the public will be encouraged to actively participate at the workshop by indicating what is most important to them.

Mr. Griffiths asked what publicizing will be done. Mr. Rogers said an article will appear in *The City* newsletter and two articles will appear in *The Gazette Times* in the days preceding the workshop.

- **Elections**

Commissioners Brown and Fairchild, respectively, moved and seconded that the Commission approve the appointment of Chair Hamby and Vice-Chair Griffiths to another term. The motion passed unanimously.

V. Public Comment Period

Frank Davis commented on the importance of taking care with the words used when speaking to the public. 'Cutting' means something different to each person. Commissioner Brown agreed, adding that it is also important to emphasize that plant structures are in transition; what is done today will not be that way forever.

Responding to an inquiry on the amount of water diverted from the streams on the watershed, Mr. Rogers said the Rock Creek plant has a capacity of three million gallons per day and the current water system plan does not include improving the infrastructure to allow for more to be withdrawn. Mr. Davis cited a report which stated the City used only ten percent of the stream flow on the watershed.

Next meetings: Public Workshop, June 20, 2006, Fire Station #5, 5:30 p.m.
Public Tour, June 24, 2006, meet at City Hall
July 19, 2006, Madison Avenue Meeting Room, 5:30 p.m.
August 16, 2006, Madison Avenue Meeting Room, 5:30 p.m.

MEMORANDUM

To: City Council Members

From: Mayor Helen M. Berg Helen

Date: June 20, 2006

Subject: Reappointments to Boards, Commissions, and Committees

---

I am reappointing the following people to the indicated advisory boards and commissions for terms of office expiring June 30, 2009:

Airport Commission
- David Hamby

Bicycle & Pedestrian Advisory Commission
- Joel Rae
- Jack Schubert

Budget Commission
- Barbara Ross
- Jacque Schreck
- Jay Dixon

Citizens Advisory Commission on Civic Beautification and Urban Forestry
- Helen Ellis

Citizens Advisory Commission on Transit
- Scott Carroll

Commission for Martin Luther King, Jr.
- Dana Alexander
- Deborah Hobbs

Committee for Citizen Involvement
- Barbara Bull
- Brian Holcomb
- Kirk Newburgh

Corvallis-Benton County Library Board
- Tom Wogaman
- Linda Modrell(County appointment)

Downtown Parking Commission
- Jeff Katz
- Rich Mehlhaf
- Andrew Ross

Economic Development Partnership
- Cindy Dahl

Housing and Community Development Commission
- Edward Fortmiller
- Judy Gibson

Library 2010 Trust Board
- Bonnie Helpenstell (Board)
- Thomas McClintock (Foundation)

Open Space Advisory Commission
- Mary Buckman
- Janine Salwasser

Parks & Recreation Board
- Kent Daniels
- Greg Bostrom

Public Arts Selection Commission
- Sara Krainik

Riverfront Commission
- Susan Lisser
- Holly Peterson
- Janet Ranzoni

Watershed Management Advisory Commission
- Frank Morris

I will ask for confirmation of these reappointments at our next Council meeting, July 17, 2006.

MEMORANDUM

To: City Council Members

From: Mayor Helen M. Berg Helen

Date: June 20, 2006

Subject: Vacancies on Advisory Boards, Commissions, and Committees

---

The following vacancies currently exist on City advisory boards, commissions, and committees for the terms of office indicated:

Airport Commission
- one vacancy, term expires June 30, 2009

Board of Appeals
- one vacancy, term expires June 30, 2007
- two vacancies, terms expire June 30, 2009

Capital Improvement Program Commission
- one vacancy (representing Planning Commission), term expires June 30, 2009
- two vacancies (representing the general public), terms expires June 30, 2009

Citizens Advisory Commission on Civic Beautification and Urban Forestry
- one vacancy (representing Downtown Landscape Review Board, Downtown Corvallis Association, or Madison Avenue Task Force), term expires June 30, 2009
- one vacancy (representing property/business owner, development/building contractor), term expires June 30, 2009

Citizens Advisory Commission on Transit
- one vacancy (representing Associated Students of Oregon State University), term expires June 30, 2007
- one vacancy, term expires June 30, 2009

Commission for Martin Luther King, Jr.
- one vacancy, term expires June 30, 2007
- one vacancy, term expires June 30, 2009
- one vacancy (representing Benton County), term expires June 30, 2009

Committee for Citizen Involvement

- one vacancy, term expires June 30, 2008

Corvallis-Benton County Public Library Board

- one vacancy, term expires June 30, 2009

Housing and Community Development Commission

- one vacancy (representing current/past recipient of housing), term expires June 30, 2009

Library 2010 Legal Reserve Allocation Board

- one vacancy (representing Library Board), term expires June 30, 2009

Parks and Recreation Advisory Board

- one vacancy, term expires June 30, 2007
- one vacancy, term expires June 30, 2009

Public Art Selection Commission

- one vacancy (representing professional artists), term expires June 30, 2009
- one vacancy (representing the community at large), term expires June 30, 2009

Riverfront Commission

- one vacancy (representing merchants/property owners within the Riverfront Planning District), term expires June 30, 2009

I would appreciate your nominations of citizens to fill these vacancies.

1039

MEMORANDUM

DATE: June 28, 2006

TO: Mayor and City Council

FROM: Ken Gibb, Community Development Director

SUBJECT: Schedule a Public Hearing to consider the Planning Commissions' recommendation regarding the Industrial Welding Comprehensive Plan Map Amendment request (CPA05-00004).

Staff requests that the City Council schedule a public hearing to consider a Comprehensive Plan Map Amendment request. At its May 17, 2006, meeting, the Planning Commission held a public hearing to consider Comprehensive Plan Amendment, District Designation, and Major Planned Development Modification requests. At that meeting the Planning Commission decided to:

1) Recommend that the City Council approve the requested Comprehensive Plan Map Amendment;

2) Approve the proposed District Designation, contingent on City Council approval of the Comprehensive Plan Map Amendment; and

3) Approve the Planned Development Major Modification, subject to conditions of approval, and contingent on City Council approval of the Comprehensive Plan Map Amendment.

No appeals were received of the District Designation and Major Planned Development Modification decisions. Therefore, the Council will only be considering the Comprehensive Plan Map Amendment request.

Staff suggests the City Council hold its public hearing on the Comprehensive Plan Map Amendment request at the July 17, 2006, Council meeting.

MEMORANDUM

To: Mayor and City Council

From: Tony Krieg, Customer Services Manager

Subject: LIQUOR LICENSE INVESTIGATION

Date: July 5, 2006

The City of Corvallis has received an application for endorsement for a new outlet for full on-premises sales and brewery public house liquor licenses[1] from Mike and Brian McMenamin, owners of McMenamins Inc., dba McMenamins on Monroe, located at 2001 NW Monroe Avenue, Suite 106.

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

Staff recommends the City Council authorize endorsement of this application.

1

Full On-Premises Sales License
Allows the sale and service of distilled spirits, malt beverages, cider, and wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off the licensed premises.

Brewery-Public House License
Allows the manufacture and sale of malt beverages, and sale of wine and cider for consumption on or off the premises.

MEMORANDUM

TO: Mayor and City Council

FROM: Steve Rogers, Public Works Director

DATE: June 12, 2006

SUBJECT: Comcast Rate Filings, Federal Forms 1240 and 1205

Issue:
The local cable provider is required to file federal forms 1240 and 1205 with the Federal Communications Commission (FCC) and the local franchising authority (if certified by the FCC to regulate basic tier programming service) a minimum of ninety-days prior to the effective date of a proposed annual rate increase of a regulated basic tier programming service, equipment charges and/or installation fees.

Discussion:
Federal forms 1240 and 1205 represent Comcast's annual federal filing for potential adjustments to basic tier programming service, equipment charges and installation fees for its cable services offered within the city. Comcast has chosen April 1, 2006 as its filing date which permits the company to seek a rate increase within the franchise area anytime after July 1, 2006.

Staff receives the federal filing complete with the cable operator's maximum permitted rates and operator-selected rates for the basic tier programming service, equipment charges and installation fees for the coming year and notifies City Council of pending increases. This year, staff received the company's filing on April 3, 2006. Comcast is permitted to increase the monthly rate for basic tier programming service from the current rate of $15.00 to $16.84, an 11% increase. Comcast has provided to the City in a letter dated May 25, 2006 a thirty-day notice of an increase. The letter does not indicate a raise in the basic tier rate. Beginning July 1, 2006 some equipment rates will be lower than the current price and the maximum permitted price. Some of the Installation/Connection charges will be higher than the current price but lower than the maximum permitted price (see attached letter from Comcast). The FCC maximum permitted rate changes from year to year. Refer to the chart on the next page for specifics.

Federal Form 1240 - Basic Tier Programming Service

Federal Form 1240 is an annual filing used for reporting cable operator costs associated with the offering of basic tier programming services. As the local franchising authority, the City is certified with the FCC to regulate the rates for basic tier programming services. The rate regulations the City enforces are regulations the FCC has adopted. These regulations are basically a benchmark system whereby a cable operator's rates are compared to a set of rates that approximate the rates that a cable operator facing competition would charge. This rate, once approved, becomes the benchmark rate from which future adjustments can be made. Comcast is also allowed to true-up costs for current and projected periods taking into account inflation, external costs (such as programming and copyright fees), and other factors including franchise related costs. The operator is permitted to increase basic tier programming service once each year up to the maximum permitted rate. If the cable company believes it has incurred higher costs and requires higher rates, its rates are allowed to exceed the benchmark or maximum permitted rate with appropriate documentation.

This filing reserves the company's right to increase rates in the future through its use of the "true-up method" as permitted by the FCC. This method allows for the difference between the final operator-selected rate and the maximum permitted rate to be retained by the cable operator for use in future rate base calculations.

Service	Maximum Permitted Rate	Current Rate	Operator-Selected Rate
Basic Tier Programming Service	$16.84	$15.00	$16.84

Federal Form 1205 - Equipment, Maintenance and Installation Costs

Federal Form 1205 is an annual filing used to determine company-wide averages for customer equipment, maintenance and installation costs, including labor hours associated with the offering of these services. A sampling of over 40 cable systems nationwide is conducted to determine maximum permitted charges. The table below provides a breakdown of the maximum permitted rate for each service, the current rate, and the operator-selected rate. Again, please note that the FCC maximum permitted rate changes from year to year. Therefore some of the current rates listed below are higher than the maximum permitted rate this year.

Service	Maximum Permitted Rate	Current Rate	Operator-Selected Rate
Hourly Charge	$34.24	$32.99	$33.99
Install-Unwired Home	$45.10	$45.99	$44.99
Install-Prewired Home	$29.35	$28.99	$28.99
Install Additional Outlet (with initial connect)	$14.49	$14.99	$14.25
Install Additional Outlet (separate connect)	$24.25	$21.99	$23.99
Relocate Outlet	$19.41	$18.99	$18.99
Install Upgrade (non-addressable)	$18.49	$15.99	$16.99
Install Downgrade (non-addressable)	$15.32	$12.99	$13.99
Install Upgrade/Downgrade (addressable)	$1.99	$1.99	$1.99
Connect VCR - Initial	$7.29	$5.99	$5.99
Connect VCR - Separate	$15.83	$12.99	$13.99
Remote Control	$0.23	$0.25	$0.20
Converter Box - Basic Service	$1.14	$1.18	$1.10
Converter Box - All Others	$4.01	$4.70	$3.80
Converter Box (HD)	$9.91	$6.50	$6.50
CableCARD	$1.91	$0.00	N/C
Customer Trouble Call	$25.34	$19.99	$21.99

Conclusion:

The City has no authority to prevent the cable operator from increasing rates for basic tier programming services, equipment charges and installation fees equal to the maximum permitted rate.

Recommendation:

No City Council action is necessary, this report is for information only.

Review and Concur:

Jon S. Nelson

Jon S. Nelson, City Manager

MAY 2 5 2006

PUBLIC WORKS

Comcast

Comcast Cable
2897 Chad Drive
Eugene, OR 97408

May 25, 2006

Mr. Gene Hancock
Franchise Utility Specialist
City of Corvallis
Post Office Box 1083
Corvallis, OR 97330

VIA USPS

Re: Price Adjustment on Equipment Rates & Installation/Connection Charges

Dear Mr. Hancock:

To reflect the growing value of the products and services we deliver today, we will be adjusting the pricing on the following services offered to our Comcast customers. Customers will be notified of these adjustments in advance by legal notice. The specific adjustments are set forth as follows, to be effective with billings for July 2006 service:

Equipment Rates	**Current Price**	**New Price**
Other Converters (Digital & Analog)	$4.70	$3.80
Converter Box (with Limited Basic only)	$1.18	$1.10
Remote Control	$0.25	$0.20

Installation/Connection Charges	**Current Price**	**New Price**
Installation - Unwired	$45.99	$44.99
Additional Outlet - Initial	$14.99	$14.25
Additional Outlet - Separate	$21.99	$23.99
Upgrade - Non-addressable	$15.99	$16.99
Downgrade - Non-addressable	$12.99	$13.99
Connect VCR - Separate	$12.99	$13.99
Customer Trouble Call	$19.99	$21.99
Hourly Service Charge	$32.99	$33.99

Comcast continues to strive to bring our customers more convenience, choice, and control at a fair price. As always, if you have any questions about this or any other issue, please feel free to contact me directly at 541.431.3518.

Sincerely,

Robert L. Schroeter
Government Affairs Manager

MEMORANDUM

From: Ken Gibb, Community Development Director

To: Mayor and City Council

Date: June 23, 2006

Re: Deliberations on the Remanded Stipulated Order from the Oregon Land Use Board of Appeals Regarding the Land Development Code Update, Phase I

I. ISSUE

On May 3, 2006, the Oregon Land Use Board of Appeals (LUBA) remanded the City's approval of the LDC Update, Phase I. The remand was based on a stipulated settlement between the City and the Appellant, Century Properties, LLC, to resolve the appeal that had been filed in the year 2000. This staff report addresses the actions required of the Council based on the remand.

II. BACKGROUND

In December 2000, the City Council approved the first phase of an update of the Land Development Code (LDC-I) to bring its provisions into compliance with the acknowledged Comprehensive Plan. This approval primarily addressed standards for commercial and residential Development Districts (Zones) but included changes to Annexation provisions, Planned Development, and Subdivisions. Upon approval, LDC-I was appealed on two separate tracks. One appeal was originally filed with the Division of Land Conservation and Development (DLCD), went through review by the Land Conservation and Development Commission (LCDC), and ultimately went to the Oregon Court of Appeals. This track addressed any provisions that were considered a part of Periodic Review for compliance with State-wide planning goals; the other track originated with LUBA to address any provisions that were not consistent with state laws outside of the Periodic Review process. The LUBA appeal was held in abeyance until the Court of Appeals decision on the DLCD appeal was resolved. In 2005, the Court of Appeals dismissed the appeal before it without an opinion, affirming DLCD and LCDC's acknowledgment of the LDC-I work.

Following the dismissal at the Court of Appeals, the LUBA appeal was reinstated. In a brief filed by the appellant, the issues raised were aimed at the State's requirement that review of developments providing "needed housing[1]" must offer an approval path based solely on "clear and objective" review criteria. The appellant's contention was that processing Subdivisions through the Planning Commission and in doing so, using compatibility criteria that require discretionary judgement, did not provide the required clear and objective path. The same concern was raised regarding the review criteria used in Land Partitions, which state, in part:

---

1 As interpreted by LUBA and the Court of Appeals, "needed housing" includes virtually all development on residential lands.

2.14.30.05 - Review Criteria

Requests for approval of a tentative partition plat shall be reviewed to assure:

a. Consistency with the purposes of this chapter, pertinent development standards of the Code, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council; and.....

The concern with these criteria was the blanket inclusion of Comprehensive Plan policies "and other applicable policies and standards adopted by the City Council." Such a broad inclusion required discretionary judgement regarding both which policies to include in the review and how to interpret them. Additionally, there was a concern with the use of phrases in LDC-I such as "to the maximum extent practicable," which were used with respect to preserving significant trees and plants and minimizing cuts and fills.

After receipt of the appellant's brief, the City Attorney opined that should LUBA review these provisions, there was a strong likelihood that LDC-I would be remanded to the City to address these LDC provisions by creating a clear and objective path for approval of residential developments. Once such changes were made by the City, they could again be subject to review by LUBA and/or the Court of Appeals. It would also be possible for LUBA to have directed the City to resolve this issue in a prescriptive manner that the City may not have preferred.

Based on these considerations, the City Council reached an informal consensus that a settlement should be explored that would solve the problems associated with the need for clear and objective standards, while protecting the community's vision for how development should occur. Consequently, the provisions of LDC-I that related to residential subdivisions and partitions were reviewed by City staff, the City Attorney's office and by the Council in executive session, and, again based on the Council's informal consensus, modifications were proposed to the appellant that would allow administrative review of these land use actions based on very precise, clear, and objective standards, which address protection of natural features, limiting cuts and fills, etc. These provisions are included as Exhibit I of the attached Ordinance and are further discussed in the following section of this report.

The two parties (the City and the appellant) presented the modified provisions regarding these issues to LUBA, and on May 3, 2006, LUBA remanded the approval of LDC-I to the City for adoption, as follows:

> **The parties have entered into a negotiated settlement. Pursuant to ORS 197.860 the parties stipulate that the city's decision should be remanded so that the city can amend the appealed ordinance in accordance with the stipulated settlement. Based on the parties' stipulation and ORS 197.860, the city's decision is remanded.**

The City Attorney has advised the Council that a settlement based on a stipulated order from LUBA will minimize potential appeals only if it is implemented as negotiated. This means that no changes to the provisions should be considered by the Council. Allowing public testimony will also open LDC-I to further appeal. Consequently, the City Council directed that deliberations be scheduled for July 5, 2006. At this session, a staff report would provide a review of the major features of the stipulated settlement, but no public testimony would be taken. In addition, the staff

report would review the projected time table for implementing LDC-I following the decision on the stipulated settlement.

III. DISCUSSION

A. Revisions to Exhibit B of Ordinance 2000-43

With the adoption of LDC-I, the City Council approved what was called "Draft D" of the Land Development Code with specific modifications to that draft that were identified in "Exhibit B" of Ordinance 2000-43. The LUBA remand requires the City to adopt Draft D provisions with the "Revised Exhibit B" (Exhibit I of the attached Ordinance), which includes the original changes to Draft D approved by Council in December 2000 as modified and supplemented by the changes negotiated by the City in this process.

To address the concerns raised in the appeal of LDC-I, decisions regarding Subdivisions (Land Development Code Chapter 2.4 - Subdivisions) and Partitions (Land Development Code Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments) were divided into two categories, Residential and Nonresidential. This is because "needed housing" can be directly addressed by standards for residential developments and need not be considered in the review of nonresidential developments. Under Revised Exhibit B, the Nonresidential Subdivisions proceed through the existing processes, including the use of the Planning Commission for review. Two other points. First, the alternative path to clear and objective standards (Planned Development and Lot Development Option) is still available to developers. Second, the standards described below were primarily taken from the recently completed Land Development Code Update, Phase III, to ensure consistency with the community's values. A summary capturing the main changes in the stipulated order is presented below.

BASIC COMPONENTS OF CHANGES THAT ADDRESS THE LUBA REMAND ISSUES

- **Framework Changed for Subdivisions and Partitions** -

  Subdivisions and Partitions were divided into Residential and Nonresidential types, and the decision-maker for Residential Subdivisions was moved from the Planning Commission to the Director. The decision-maker for Nonresidential Subdivisions and Residential and Nonresidential Partitions remained the same (the Planning Commission for Nonresidential Subdivisions and the Director for both Residential and Nonresidential Partitions). However, application requirements and review criteria for all four types were modified. The table below describes the basic framework of the changes.

SUBDIVISIONS		PARTITIONS	
Residential Subdivisions	**Nonresidential Subdivisions**	**Residential Partitions**	**Nonresidential Partitions**
RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20 & MUR Zones	All zones other than those identified for Residential Subdivisions	Same zones as Residential Subdivisions	Same zones as Nonresidential Subdivisions
Applications reviewed by the Director.	Applications still reviewed by the Planning Commission.	Applications still reviewed by the Director.	Applications still reviewed by the Director.

- ***Application Requirements*** **for Subdivisions Modified & Main Differences Include**

Residential Subdivisions	Nonresidential Subdivisions
The requirements to identify plants, plant communities, and fish and wildlife were replaced by more specifically defined requirements. The Corvallis Significant Vegetation Map and new definitions for significant plants and trees (added to Chapter 4.2) were incorporated as guidance for identification of significant trees and vegetation and to provide for proper evaluation of these features. New preservation requirements (also added to Chapter 4.2) were incorporated to allow for proper evaluation of significant trees and vegetation.	
Graphics required with the application submittal must show natural features within a minimum of 300 feet from all exterior boundaries of the site. Additionally, if existing infrastructure is more than 300 feet from an exterior boundary of a site, the graphics shall extend beyond the required 300 feet to include said features and all lands between the site and the existing infrastructure.	Required graphics to remain as is, allowing the Director to extend the areas to be shown on the application beyond 150 ft. around the perimeter of the site, as needed.
Conceptual grading plan requirements specified to ensure that the plans contain adequate information to demonstrate that no cuts or fills are in excess of 8 feet on an individual lot or on a development site. Cut and fill is measured vertically from natural grade. Cut and fill combinations in the same location cannot exceed 16 feet. Excavation and grading must maintain hydrology that supports existing wetland and riparian areas.	Conceptual grading plan requirements remain the same (minimize cuts and fills to the maximum extent practicable, designing streets and structures to fit the topography of the site, etc.) but a requirement was added that two design alternatives be provided to demonstrate that the applicant has achieved the optimal balance of applicable criteria.

Residential Subdivisions	Nonresidential Subdivisions
A Traffic Impact Analysis (TIA) is required. The TIA must be prepared by a registered professional engineer, in accordance with the most current ITE standards, and must address both current conditions and those within a 20-year horizon. The TIA must quantify the trip generation effects of the proposal and must estimate trip distribution patterns. Any proposal generating 30 or more trips per hour must include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall be below LOS D during any hour, mitigation must be proposed. The mitigation must demonstrate that at least LOS D will be maintained for 20 years.	Any proposal generating 30 or more trips per hour must include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA must be prepared by a registered professional engineer. The City Engineer will define the scope of the traffic impact study based on established procedures.

- ***Review Criteria*** **for Subdivisions Modified & Main Differences Include-**

The main differences in the review criteria are shown in the table below.

Residential Subdivisions	Nonresidential Subdivisions
Must demonstrate consistency with the clear and objective approval standards contained in the following: the City's development standards contained in Article III of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-Street Parking Standards. Additionally, demonstrate consistency with: 1. No grade changes (cuts or fills) in excess of 8 feet on an individual lot and on a development site. Cut and fill is measured vertically from natural grade. In no case shall a combination of a cut and fill in the same location exceed 16 feet. The grading plan shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to this provision. 2. No development shall be allowed on existing sloped areas greater than 35%, with the following two exceptions: a) Construction of streets, roads, utilities, bridges, and bicycle and pedestrian facilities that are included in the City of Corvallis Transportation Plan, or in other adopted City Plans, or involve the redevelopment of electrical utility operations existing as of December 31, 2005. Such improvements shall be subject to the City's Engineering Design Standards; and b) Construction of streets, roads, bridges, and	Must demonstrate consistency with the purposes of the Subdivision chapter; the City's development standards in Article III of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-Street Parking Standards; and any other applicable policies and standards adopted by the City Council. Additionally, pursuant to Comprehensive Plan Policy 3.2.7, the application must also demonstrate compatibility in the areas in "1-14" below, as applicable. 1. Basic site design (the organization of uses on a site and its relationship to neighboring properties); 2. Visual elements (scale of potential development, 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;

Residential Subdivisions	Nonresidential Subdivisions
bicycle and pedestrian facilities that are needed to maintain the functional classification of roadways adjacent to the property. Such improvements shall be subject to the City's Engineering Design Standards. 3. No plant or tree (vegetation) removal or development is permitted within any of the areas identified as protected significant vegetation areas on the Corvallis Significant Vegetation Map, unless for the purposes of the exceptions outlined in 2.a and 2.b of this Section. This includes the canopies of said vegetation, as identified in Section 4.2.20. 4. For significant plants and trees (vegetation) defined in Section 4.2.20 and located outside the areas identified as protected significant vegetation areas on the Corvallis Significant Vegetation Map, 50 percent of the associated canopies shall be preserved in accordance with the provisions of Section 4.2.20. 5. Land uses shall be those that are outright permitted by the existing underlying District Designation.	13. Preservation and/or protection of significant natural features and wildlife habitat, consistent with the Comprehensive Plan; and 14. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.
6. Excavation and grading shall not change hydrology (in terms of water quantity and quality) that supports existing locally significant wetland and riparian areas that are located within areas subject to either wetland or safe harbor provisions outlined in Chapter 4.5. A Residential Subdivision that conforms to these criteria is considered to meet all of the compatibility standards set out in this section and shall be approved. A Residential Subdivision that involves uses subject to Plan Compatibility or Conditional Development review, or that involves a District Change, shall meet the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and District Change applications.	

As can be seen from the table above, the Residential Subdivision criteria are very specific. This level of specificity and strictness, especially with regard to protecting natural features and minimizing cuts and fills, is needed to ensure that Residential Subdivision approvals under the Phase I provisions are consistent with Comprehensive Plan direction until the Phase III Code Update provisions are in place. The negotiated provisions are more strict than the Phase III provisions because in many instances they mandate full protection, whereas the Phase III provisions would allow for both full and partial protection and allow the use of Minimum Assured Development Areas. However, without wholesale incorporation of all the new and revised Code chapters in the Phase III Code Update, a default that is clear and objective to implement is needed. This is why the provisions above were developed. They will allow the City to address

its LUBA remand, implement Phase I of the Code Update Project, and still address natural features and hazards until Phase III is implemented.

- ***Application Requirements*** **and** ***Review Criteria*** **for Partitions Modified -** The modifications basically reflect those done for Subdivisions.

- **Natural Features provisions in Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting Modified -**

Definitions, protections, and preservation methods for significant trees and vegetation were more specifically developed. References to "habitat areas" were removed because habitat areas are protected as a function of protecting significant trees and vegetation. The Corvallis Significant Vegetation Map developed in Phase III is made part of the definitions. The provisions for preservation plans remained the same.

- Definition - Significant Plants and Trees (Vegetation Areas) Defined - Significant plants and trees (vegetation areas) include: trees of 8 in. or greater diameter measured at a height of 4 ft. above grade; shrubs (excluding blackberries, poison oak, and similar noxious vegetation) over 4 ft. in height; plants for fish and wildlife that are listed as threatened or endangered with the National Marine Fisheries Service or the United States Fish and Wildlife Service; significant native vegetation as defined in the Oregon Natural Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species; and any plants and trees (vegetation) located within an area identified as a protected vegetation area on the Corvallis Significant Vegetation Map, including canopies associated with the protected plants and trees (vegetation) which may extend beyond the borders identified on said Map.

- Required Protection - Significant Plants and Trees (Vegetation Areas) Required Protection - Significant plants and trees (vegetation)defined in Section 4.2.20.a.1(a) above, and their associated canopies, should be preserved to the greatest extent practicable and integrated into the design of a development. Additionally, no plant or tree (vegetation) removal or encroachment of any kind is allowed within areas identified as protected vegetation areas on the Corvallis Significant Vegetation Map, except for the specific activities outlined in "1" and "2" below. This prohibition includes the canopy areas associated with the protected plants and trees (vegetation) which may extend beyond the borders identified on said Map.

  1) Construction of streets, roads, utilities, bridges, and bicycle and pedestrian facilities that are included in the City of Corvallis Transportation Plan, or in other adopted City Plans, or involve the redevelopment of electrical utility operations existing as of December 31, 2005. Such improvements shall be subject to the City's Engineering Design Standards; and

  2) Construction of streets, roads, bridges, and bicycle and pedestrian facilities that are needed to maintain the functional classification of roadways adjacent to the property. Such improvements shall be subject to the City's Engineering Design Standards.

- Preservation Methods - These methods were modified to result in the text below:

  a) Existing significant plants and trees (vegetation) located outside areas identified as protected vegetation areas on the Corvallis Significant Vegetation Map may be considered preserved only if no cutting, filling, or compaction of the soil takes place within the vegetation's associated canopies, as defined in "b" below. Existing plants and trees (vegetation) located inside areas identified as protected vegetation areas on the Corvallis Significant Vegetation Map may be considered preserved only if no cutting, filling, or compaction of the soil takes place anywhere within said protected areas and anywhere within the canopies of the protected areas' plants and trees (vegetation), including those portions of canopies that extend beyond the borders of the protected areas on said Map. Exceptions are allowed for the purposes outlined in Section 4.2.20.a.1(b) above.

  b) Canopy Areas Defined - Canopies for plants and trees (vegetation) include the areas between the trunk of the plant or tree (vegetation) and the perimeter of the plant's or tree's (vegetation's) "circle of protection." For trees (vegetation), a circle of protection is created by a radius in feet that equals the diameter in inches of the tree trunk at four (4) ft. above grade (e.g. a 15-inch diameter tree creates a 15-foot radius of protected area). For plants (vegetation) a circle of protection is created by defining a circle around the plant (vegetation), the perimeter of which is located 5 ft. outside of the plant's (vegetation's) dripline or edge.

  c) Construction Fencing Required - Significant plants and trees (vegetation) that are required to be preserved shall be protected from damage during construction by a construction fence located outside the identified protected areas. All construction fencing shall be installed prior to any grading and excavation of a development site.

Housekeeping Changes Where Needed to Implement Changes Identified Above - Housekeeping changes were needed to address the changes in decision-maker for the Residential Subdivisions, and to implement the more precise text noted above.

B. Schedule for Implementation of LDC Phase I

These deliberations address approval of Revised Exhibit B as the Council's mechanism for implementing Phase I of the Land Development Code. With this approval, incorporation of the Phase I provisions (as modified by Revised Exhibit B) into the current Land Development Code. Although some work has been done in preparation fo this, it is an involved effort that will take some time. Following that work, internal training will be needed to bring development review staff current with these provisions. This will need to include all departments of the City, though Planning, Development Services, and Public Works will require the most intense effort. Once internal training is underway, workshops will be needed to provide the private sector development community and the community-at-large with similar training. Staff previously indicated to Council that the target date for adoption was early October, and we will strive for an October 2, 2006, City Council public hearing on the implementation Ordinance. A basic schedule is provided in the table below. Staff can provide the Council with periodic updates during the process.

Activity	Time Frame
Incorporate Phase I and the provisions from the Stipulated Order (Revised Exhibit B) into the Land Development Code	June 26- August 1, 2006
Provide in-house training to staff on the revised Land Development Code	August 1- September 1, 2006
Joint orientation for the Planning Commission and City Council	Last week of August or first week of September
Provide training to the private sector residential development community on the revised Land Development Code	September 1 - September 15, 2006
Provide training to the private sector commercial and industrial development communities on the revised Land Development Code	September 15 - September 29, 2006
Present Implementation Order for the revised Land Development Code to City Council for approval	October 2, 2006

One known "wild card" exists regarding this schedule. It is possible that during the schedule's initial stages, Phase III of the Land Development Code Update could be decided by the Oregon Court of Appeals. In fact, we expect a decision no later than early September 2006. If a decision allowing final adoption of Phase III reaches us by early August 2006, we may be able to make some adjustments to this schedule so that we can accomplish both updates simultaneously. This would require the schedule to slip a month or so. If we receive such a decision later, implementation of Phase III will need to be done following approval of Phase I.

VI. RECOMMENDATION

Staff recommends that the Council approve Revised Exhibit B as presented and direct staff to implement Phase I of the Land Development Code Update by presenting the City Council with an implementing order on or around October 1, 2006. If the City Council agrees with this recommendation, it should approve the ordinance as read by the City Attorney.

Review and Concur:

Jon S. Nelson, City Manager

James K. Brewer, Deputy City Attorney

Attachments:

Ordinance Amending Ordinance 2000-43

ORDINANCE 2006-____

AN ORDINANCE AMENDING ORDINANCE 2000-43, TO ADOPT A REVISED EXHIBIT B, AND DECLARING AN EMERGENCY

AN ORDINANCE relating to a Land Use Board of Appeals (LUBA) Remand, modifying Ordinance 2000-43 to address the Remand.

Whereas, on December 18, 2000, the Corvallis City Council adopted Ordinance 2000-43, an ordinance relating to land use, amending the Land Development Code and Zoning Map for the City of Corvallis, establishing procedures, development standards, and findings, amending Ordinance 93-20, as amended, and stating an effective date;

Whereas, the State of Oregon Land Conservation and Development Commission acknowledged Ordinance 2000-43 as part of the City of Corvallis Periodic Review;

Whereas, the State of Oregon Land Conservation and Development Commission's decision to acknowledge Ordinance 2000-43 was appealed to the State of Oregon Court of Appeals and the Court of Appeals dismissed the appeal;

Whereas, the Corvallis City Council's approval of Ordinance 2000-43 was also appealed to the State of Oregon Land Use Board of Appeals;

Whereas, the basis for the appeal of Ordinance 2000-43 to the State of Oregon Land Use Board of Appeals was primarily associated with a request for more clear and objective standards for residential subdivisions and partitions;

Whereas, ORS 197.307(6), which pertains to needed housing, was referenced by the appellant to justify the request for more clear and objective standards for residential subdivisions and partitions;

Whereas, a stipulated settlement was reached between the City of Corvallis City Council and the appellant, and said stipulated settlement was provided to the State of Oregon Land Use Board of Appeals;

Whereas, said stipulated settlement consisted of a new Exhibit B to Ordinance 2000-43;

Whereas, on May 6, 2006, the State of Oregon Land Use Board of Appeals issued a Final Opinion and Order that Remanded the case and directed the City to "amend the appealed ordinance in accordance with the stipulated settlement;"

Whereas, on June 5, 2006, the Corvallis City Council scheduled deliberations on the Remand for July 5, 2006, and said deliberations were duly advertised in accordance with Land Development Code Section 2.0.40.01;

NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Ordinance 2000-43 is amended to substitute a new Exhibit B that reflects the stipulated settlement, as directed by the State of Oregon Land Use Board of Appeals, and as shown in Exhibit I of this ordinance.

Section 2. The general welfare of the public will be promoted if this ordinance takes effect immediately. Therefore, an emergency is declared and this ordinance shall take effect immediately upon its passage by the City Council and its approval by the Mayor.

PASSED by the Council this _____ Day of _____, 2006.

APPROVED by the Mayor this _____ Day of _____, 2006.

Effective this _____ Day of _____, 2006.

_____
Mayor

ATTEST:

_____

EXHIBIT I

REVISED EXHIBIT B

Presented below are the Council-directed changes to Draft D of the Code. However, this text will be incorporated into the most current text of the Code when it is implemented, in order to reflect Code changes that have occurred in the intervening period since the Council's review of Draft D.

- *Revision to Section 1.2.110.01 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

1.2.110.01 - ~~General~~ Ministerial Development

~~General~~Ministerial Development includes non-discretionary development activities that are permitted outright, subject to compliance with the criteria and standards of this Code. Those uses that are listed in the ~~development~~ zones ~~districts~~ in Article III as "Permitted Uses" are ~~General~~ Ministerial Development activities. These uses require staff review upon application for a building permit and are subject to those zoning ~~district~~ standards and other development provisions of the Code and applicable City ordinances and requirements which are objective and not subject to the exercise of discretion. These standards and provisions include the clear and objective standards and provisions from all acknowledged City-adopted plans such as the Transportation Plan, the public facilities master plans, the Parks Master Plan, etc. Applicants should also be aware that in addition to review under this Code by the City, these uses are subject to all applicable Federal and State standards and regulations, such as the Uniform Building and Fire Codes, regulations by the State Department of Environmental Quality (DEQ), the Division of State Lands (DSL), etc. Land use approval under this Code will not include approval under these regulations. Applicants must seek approval from the appropriate body for each of these regulations. Review of building permits shall be accomplished according to ~~administrative~~ ministerial procedures.

- *Revision to Section 1.2.110.02 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

1.2.110.02 - General Development -

General Development includes development activities that require at least some discretion. ~~Type II: R~~General Development requires less discretion than ~~Type I~~ Special Development and involves review and approval by staff without a public hearing. ~~This type of development qualifies as a Limited Land Use Decision under ORS 197.015.~~ ~~Type II Special~~ General Developments requires public notice prior to a decision being made by staff. ~~with~~ A ~~follow-up~~ notice ~~being~~ of disposition is provided to ~~affected~~ persons who responded in writing to the ~~first~~ public notice. Except for decisions on Residential Subdivisions, a~~A~~ppeals are made to the Land Development Hearings Board and City Council in accordance with Chapter 2.19. Notwithstanding any other language in this Code to the contrary, for Residential Subdivisions, appeals are made to the Planning Commission and then the City Council. As with ~~General~~ Ministerial Development, approval of ~~the~~ a General Development use is subject to zoning ~~district~~ standards and other development provisions of the Code and City ordinances and requirements.

~~Special~~General D~~d~~evelopment activities that may be approved by staff without a public hearing are described in the following sections of Article II - Administrative Procedures:

Chapter 2.4	-	Residential Subdivisions. See section 2.4.30 for procedures.
Chapter 2.5	-	Expedited Land Division. See section 2.5.100 for procedures.
Chapter 2.9	-	Historic Preservation Provisions (excluding the activities identified in Chapter 2.9 as needing a public hearing). ~~Section 2.9.60 - Procedures for Alteration of an Historic Resource~~ See section 2.9.30 for procedures.
Chapter 2.12	-	Lot Development Option. See section 2.12.30 for procedures.
Chapter 2.13	-	Plan Compatibility Review. See section 2.13.30 for procedures.
Chapter 2.14	-	Partitions, Minor Replats, and Lot Line Adjustments. See section 2.14.30 for procedures.
Chapter 2.15	-	Hillside Development and Density Transfer. See section 2.15.40 for procedures.
Chapter 2.16	-	Request for Interpretations (See section 2.16.30 for procedures)
Chapter 2.18	-	Solar Access Permits (See section 2.18.40 for procedures)

- *Revision to the final paragraph of section 1.2.120 (on page 1.2-8) to address a legal concern that requested further defining when an applicant may submit a rough proportionality report:*

For building permits that do not involve any City planning processes, the applicant shall submit the report outlined above during ~~at~~ the time ~~of building permit application submittal or at the time~~ of its related appeal period.~~process.~~ For building permits that do involve City planning processes, the applicant shall submit the report either during the period following the staff review committee (SRC) meeting and prior to the mailing of the public notice; or during ~~as part of~~ the regular appeal period ~~process~~ associated with such planning applications. Appeal processes are outlined in Chapter 2.19 - Appeals of this Code.

- *Revision to delete the first sentence of section 1.3.60.03.b.9 (on page 1.3-6) to respond to a legal concern requesting clear and objective standards:*

9. ~~The municipal judge shall develop any rules or regulations that may be necessary for the proper conduct of the appeal.~~ The only issues to be decided by the municipal judge are determinations of whether ~~or not~~ the condition of the property was as alleged in the notice of penalty and if so, whether that condition violated this Code. If the judge finds that the alleged condition existed at the time and date specified on the notice of penalty, and that the condition violated this Code, the municipal judge shall issue an order affirming the penalty. The order shall contain a provision for court costs to be paid by the violator in the amount of $100.00. If the judge finds that the condition alleged in the notice of penalty did not exist at the time and date specified on the notice, the municipal judge shall void the notice of penalty. The order voiding the notice of penalty shall provide for return of the deposit, including the appeal fee. The judge's order is final. ~~and not subject to appeal.~~

- *Revision to the new section 1.4.50.02 (on page 1.4-5) to apply to all zones to address a concern requesting the continuation of existing legally conforming uses:*

1.4.50.02 - Existing Uses ~~in Major and Minor Neighborhood Center, Mixed Use Community Shopping, Mixed Use General Commercial, and Limited Industrial-Office Zones~~

Uses that were permitted by the underlying zone prior to a subject property's rezoning via ZDC00-00009 (the Zoning map changes related to the Land Development Code Update Project), ~~to a designation of Neighborhood Center, Riverfront, Mixed Use Community Shopping, Mixed Use General Commercial, Limited Industrial-Office, or Agricultural - Open Space,~~ shall not be classified as nonconforming development unless

the use(s) on the subject property has ~~have~~ been discontinued for a period of more than ~~one year~~ eighteen months (in which case section 1.4.40.03 shall apply).

- *Revision to second sentence of definition for Limited Land Use Decision in section 1.6.30 (on page 1.6-18) to respond to a legal concern requesting statutory consistency for the definition for limited land use decision:*

Limited Land Use Decision - ~~A~~ Land use decision made by City staff through an administrative process and that qualifies as a Limited Land Use Decision under ORS 197.~~015~~195. Limited land use decisions are among the types of decisions that are reviewed through the process set out in Chapter 1.2 - Legal Framework as General Developments. ~~identified in Chapter 1.2 - Legal Framework as Type II Special Developments.~~

- *Revise the "Time Frame for Quasi-Judicial Hearings" graphic in Chapter 2.0 to update it and ensure that it's clear that quasi-judicial processes are conducted within a 120-day processing time frame, once an application has been accepted as complete.*

- *Revisions to section 2.0.50.01 (on page 2.0-6) to respond to a legal concern requesting the deletion of the 10-day deadline for the submittal of additional materials and addressing a legal concern requesting clarification of what constitutes a new application:*

2.0.50.01 - Acceptance of Application

a. The Director shall review applications for completeness as soon as possible after they are filed. ~~to verify their completeness.~~ Within 30 days of the original filing, each application shall be formally accepted as complete or rejected as ~~being~~ incomplete. The applicant shall be notified of the acceptance or rejection of the application. If the application is rejected, the applicant shall be advised on ~~what~~ information ~~is~~ needed to complete ~~make~~ the application. ~~complete. The applicant shall have 10 days in which to submit any additional materials.~~ Applicants shall be advised that the hearing authority will be unable to approve an incomplete application if it cannot ensure ~~assure~~ that required criteria have been met.

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

This change to "b" above is a "global" change that would also apply to procedural chapters (e.g. Chapters 2.3, 2.4, etc.), except that it should also be clear in the procedural chapters what the public notice procedures are. Note: Nonresidential Subdivisions use the public notice procedures in Section 2.0.50.04 and Residential Subdivisions use the public notices procedures in Section 2.14.30.03.

- *Revisions to the last sentence of section 2.0.50.06.i (on page 2.0-13) to address a legal concern requesting a clarification that continuances are only exempt from time limits when they are requested by the applicant:*

~~g~~i. ~~Those~~ Persons who support the proposed change shall present evidence or make inquiries. If additional ~~documents or~~ evidence or documents are provided in support of an application, any party shall, upon request, be entitled to prepare a written rebuttal to the new evidence. If an opportunity for such written rebuttal is requested, the hearing authority shall hold the written record open for a minimum of seven days to allow for the submission of written rebuttals. When requested by the applicant, such a continuance is exempt from the time limits established in state law for development review processes.

- *Revisions to the last sentence of section 2.0.50.06.o (on page 2.0-14) to address a legal concern requesting that LUBA appeal deadlines be in accordance with state law:*

  o. Once a decision has been made, the presiding officer or staff shall announce the appropriate time and place for appeals. For appeals from a lower City hearing authority to a higher City hearing authority, the appeal period shall be 12 days from the date the written decision is signed. ~~For~~ Appeals to the State
  Land Use Board of Appeals shall be made in accordance with the provisions of state law.~~, the appeal period shall be 21 days from the date the decision is signed.~~

- *Revisions to section 2.0.50.09.b (on page 2.0-16) to address a legal concern requesting clear and objective standards:*

  b. The following limitations shall be applicable to conditional approvals:

  1. Conditions shall be fulfilled within the time limitations set forth in the conditional approval; ~~;~~ ~~thereof or, if no time is set forth, within a reasonable and agreed time;~~ and

  2. Conditions shall be related to approval standards set out in this Code or established by the Comprehensive Plan or City Facility Master Plans and incorporated by reference in this Code.

- *Revisions to 2.1.30.06.b. (on page 2.1-7) to address a request to reflect the new Comprehensive Plan Policy 1.2.3 as follows:*

  ~~a~~**b.** Amendments shall be approved only when the following findings are made:

  1. There is a demonstrated public need for the change;

  2. The advantages to the community resulting from the change shall outweigh the disadvantages ~~being proposed is the best means of meeting the identified public need~~; and

  3. The~~re~~ change proposed is a desirable means of meeting the public need. ~~is a net benefit to the community that will result from the change.~~

- *Revision to the second sentence in section 2.1.30.11 (on page 2.1-10) to read as follows:*

  The amendment shall not be corrected if the City Council subsequently approves a Comprehensive Plan map amendment affecting the initial approval.

- *Revision to the second sentence in section 2.2.40.10 (on page 2.2-11) to read as follows:*

  The amendment shall not be corrected if the City Council subsequently approves a Zone Change affecting the initial approval.

- *Revision to section 2.3.30.01.e.5.c (on page 2.3-4) to add the word "habitat" as follows:*

  (c) Plants, plant communities, and fish and wildlife habitat found on the site that are listed as threatened or endangered with the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as well as significant native vegetation as defined in the Oregon National Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.

This change is a "global" change that needs to occur in all planning procedure chapters where "fish and wildlife" is mentioned, with the exception of Chapter 2.4 which has alternate wording to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).

- *Revision to item "n" in section 2.3.40.02 and relocation of the statement to be introductory to items "a-m" of said section, as indicated below:*

2.3.40.02 - Thresholds of a Conditional Development Modification

Within one calendar year, up to three factors identified in "a-m" below, which do not exceed the thresholds outlined in these provisions, may be proposed for modification under this section. If more than three such factors are proposed for modification within a calendar year, or if modifications are proposed that exceed the thresholds outlined in "a-m" below, the changes shall be processed as a new Conditional Development and shall follow the procedures outlined in section 2.3.30.

~~n. Other than those described in "a-m" above, any other~~ No modification~~s~~ to specific requirements established at the time of Conditional Development approval~~. Specific requirements include~~, including conditions of approval, Code requirements, and all aspects of the ~~applicant's~~ Conditional Development proposal~~ that were approved as part of the Conditional Development~~, can be made as a Minor Modification unless they are less than the thresholds outlined in items "a-m" below. The thresholds for a Conditional Development modification are as follows:

- *Revision to the first two paragraphs in Section 2.4.10 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

The division of land is the first ~~initial~~ step towards establishing a community's ultimate development pattern. Land divisions can occur through either a subdivision or a partition process. A *subdivision procedure* is used when four or more units (generally called ~~referred to as~~"lots") of land are created in a calendar year. Residential Subdivision applications are reviewed by the Director and do not go through a public hearing, except upon appeal. Nonresidential Subdivision applications are reviewed by the Planning Commission ~~and frequently involve creation of an internal street to provide access.~~ For the purposes of this chapter, Residential Subdivisions are those involving lands with a Zoning Designation of RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, and MUR. Nonresidential Subdivisions are those with a Zoning Designation other than those for Residential Subdivisions. Subdivision applications may include requests for Planned Developments to permit greater flexibility in design.~~ of developments.~~ Procedural provisions for Planned Developments are addressed in Chapter 2.5.

A *partition procedure* is used when three or fewer units (generally called ~~referred to as~~ "parcels") are created in a calendar year. ~~and~~ Partitions may or may not involve creation of a street. Partition~~s~~ applications are reviewed by the Director ~~City staff~~ and do not go through a ~~staff review without a~~ public hearing, except upon appeal. Partitions, in addition to procedures for minor replats and lot line adjustments, are addressed in Chapter 2.14.

- *Revisions to the first paragraph of section 2.4.30.01 (on page 2.4-3) to address a legal concern requesting clear and objective standards:*

When the Director deems any ~~may waive any of the above~~ requirement~~s~~ below ~~when determined the information required by this section is~~ unnecessary for ~~to~~ properly evaluation~~e~~ of a ~~the~~ proposed application, it may be waived. ~~development. The Director may also require additional information, if needed, determined necessary, to adequately evaluate the proposal.~~

This change is a "global" change that would apply to other planning procedures that involve public hearings. For those General Development planning procedures where this provision is included, the entire provision needs to be stricken.

- *Revisions to the graphic requirements in Sections 2.4.30.01.e.5(a) through (d) to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

5. Significant natural features map(s) and a preservation plan that identify significant natural features of the site and proposed methods of preservation, including but not limited to:

   (a) Watercourses, floodplains, wetlands, and riparian areas. The map shall indicate boundaries, acreages, and names, where applicable. Where watercourses are involved, the map shall also show the top of existing banks and channel depth, and indicate the boundaries of any riparian areas and required drainageway easements and dedications. Calculations used to determine the width of the drainageway easements and dedications shall be provided, as well as cross-sections (at 50-ft. intervals) to support the calculations. The cross-sections shall show a width encompassing the watercourse and at least 20 ft. either side of the top of banks (refer to Chapter 4.5 for additional guidance).

   (b) Significant ~~natural~~ plants and trees (vegetation) (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting; and the Corvallis Significant Vegetation Map for guidance). The ~~map~~ applicant's graphics shall indicate species, canopies, and diameters at breast height for significant trees and significant plants (vegetation). In cases where a site contains a large (greater than one acre) grove(s) of significant vegetation that results in a single large canopy, the ~~map~~ applicant's graphics may indicate the outer perimeter of the canopy of each grove, and state the species and ranges of tree diameters at breast height for each tree species within the grove, and the species and general range in sizes of plants within the grove.

   In cases where a site contains protected significant plants and trees (vegetation) as indicated on the Corvallis Significant Vegetation Map, the applicant's graphics may indicate the outer perimeter of the protected area, and state the species and ranges of vegetation diameters as allowed for groves. As no vegetation removal is permitted within any protected significant vegetation areas identified on the Corvallis Significant Vegetation Map (including associated canopy areas along the borders), the applicant's graphics shall include preservation measures for those areas, consistent with the preservation measures required in Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting. The applicant's graphics shall clearly indicate all significant trees and plants (vegetation) and the associated percentage(s) of canopies proposed for removal, such that the review criteria pertaining to significant vegetation and significant vegetation protection may be evaluated.

   ~~(c) Plants, plant communities, and fish and wildlife found on the site that are listed as threatened or endangered with the National Marine Fisheries Service or the U.S. Fish and Wildlife Service, as well as significant native vegetation as defined in the Oregon National Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.~~

   (c~~d~~) Archaeological sites recorded by the State Historic Preservation Office (SHPO).

- *Revisions to the lead-in statements in Section 2.4.30.01.e.6 (the text prior to the alphabetical sub-parts) to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

~~4~~6. Tentative subdivision plat and other graphics for both Nonresidential and Residential subdivisions shall be drawn to scale and shall contain~~ing~~ a sheet title~~s~~, date, north arrow, and legend placed in the same location on each sheet and contain~~ing~~ the information listed below.

Nonresidential Subdivision g~~G~~raphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries, existing structures, drainageways, riparian areas, driveways, utilities, significant natural features, and any other information that, in the Director's opinion, would assist in providing a context for the proposed development. The Director may require that an applicant's graphics include information on lands in excess of 150 ft. from a development site (e.g., such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site). ~~following:~~

Residential Subdivision graphics shall include features within a minimum of 300 feet from all exterior boundaries of the site, showing existing streets, parcel boundaries, existing structures in excess of 100 square feet, drainageways, riparian areas, driveways, utilities, and significant natural features. Additionally, if existing infrastructure is more than 300 feet from an exterior boundary of the Residential Subdivision site, the Residential Subdivision graphics shall extend beyond the required 300 feet to include said features and all lands between the Residential Subdivision site and the existing infrastructure.

The tentative subdivision plat and related graphics shall include:

- *Revisions to Section 2.4.30.01.e.6(k) to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

(k) Existing and proposed t~~T~~opographic contours at 2-ft. intervals. ~~for slopes with a grade under 20 percent and at 5-ft. intervals for slopes with a grade at or greater than 20 percent.~~ Where the grade of any part of the subdivision exceeds 10 percent or where the subdivision abuts existing developed lots, a conceptual grading plan ~~may~~ shall be required as follows:~~:~~

(1) Conceptual grading plans for applications for Residential Subdivisions must meet the requirements in (s) and (t) and (u) below.

(2) Conceptual grading plans for Nonresidential Subdivisions ~~The grading plan~~ shall contain adequate information to evaluate impacts to the site ~~to show features adjacent to or within a reasonable distance from the subdivision that would affect the subdivision~~ and adjacent areas. To the maximum extent practicable, grading (cuts and fills) for Nonresidential Subdivisions shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site. If a grading plan is required for a Nonresidential Subdivision, it shall indicate ~~show~~ how these objectives are met, how runoff or surface water from individual lots will be managed, and how the subdivision's ~~ultimate disposal of all subdivision~~ surface waters will be ~~disposed~~ managed. Additionally, Nonresidential Subdivision applications shall include two design alternatives demonstrating that the applicant has achieved the optimal balance of applicable criteria);

- *Revisions to Section 2.4.30.01.e.6 to add sub-sections (s), (t), and (u) to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

(s) For residential development, the conceptual grading plan shall demonstrate that the proposal does not contain any grade changes (cuts or fills) in excess of 8 feet on an individual lot and on a development site. Cut and fill is measured vertically from natural grade. In no case shall a combination of a cut and fill in the same location exceed 16 feet. The grading plan shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to this provision. Excavation and grading shall maintain hydrology that supports existing wetland and riparian areas and the application shall demonstrate adherence.

(t) For residential development, the conceptual grading plan shall indicate how runoff and surface water from individual lots will be managed, and how the subdivision's surface waters will be managed.

(u) For residential development, the graphics, including the conceptual grading plan, must demonstrate that each lot can be served by streets and infrastructure in a manner that is consistent with the clear and objective approval standards contained in the following: the City's development standards outlined in by the applicable underlying District Designation standards in Article III of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-Street Parking Standards.

- *Revisions to Section 2.4.30.01.f.4 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

4. Statement describing phases of project, if proposed. Phases shall be:

(a) For Nonresidential Subdivisions, s~~S~~ubstantially and functionally self-contained and self-sustaining with regard to access, parking, utilities, green areas, and similar physical features; capable of substantial occupancy, operation, and maintenance upon completion of construction and development and be designed such that the phases support the infrastructure requirements for the project;

(b) Designed to Address Compatibility.

(1) For Nonresidential Subdivisions, addressing compatibility means arranging the phases ~~Arranged~~ to avoid conflicts between higher and lower density development;

(2) For Residential Subdivisions, uses permitted outright within a zone are considered to be compatible and not to conflict. Between zones, compatibility is addressed at the time the zone is established. A residential use permitted outright within an existing zone is considered to be compatible with uses permitted outright within existing neighboring zones;

(c) For Nonresidential Subdivisions, p~~P~~roperly related to other services of the community as a whole and to those facilities and services yet to be provided; ~~and~~

(d) For Nonresidential Subdivisions, p~~P~~rovided with such temporary or permanent transitional features, buffers, or protective areas as may be required to prevent damage or detriment to any completed phases and to adjoining properties not in the subdivision~~.~~; and

(e) For Residential Subdivisions, each proposed phase must meet all required clear and objective standards for access, parking, transportation facilities, utilities, green areas, and drainage without reliance on any uncompleted phase. Each proposed phase, and the subdivision as a whole, must be designed so that in addition to each proposed phase meeting all required infrastructure standards for that phase, at the completion of each phase all completed phases together will cumulatively meet all infrastructure standards that would be required for a project consisting of the completed phases. The subdivision and each phase must also be designed so that by completion of all proposed phases all the phases together will meet all infrastructure requirements for the project.

- *Revisions to section 2.4.30.01.f.5 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

5. Traffic impact study - ~~, if required by the City Engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.~~

(a) Nonresidential Subdivisions - Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.

(b) Residential Subdivisions - a Traffic Impact Analysis (TIA) is required. The TIA shall be prepared by a registered professional engineer, in accordance with the most current ITE standards, and shall address both current conditions and those within a 20-year horizon. The TIA shall quantify the trip generation effects of the proposal. The TIA shall estimate trip distribution patterns. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall be below LOS D during any hour, mitigation shall be proposed. The mitigation shall demonstrate that at least LOS D will be maintained for 20 years.

- *Revisions to section 2.4.30.03 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

2.4.30.03 - Staff Evaluation

a. For a Nonresidential Subdivision, t~~T~~he Director shall prepare a report that evaluates whether the proposal complies with the review criteria outlined in Section 2.4.30.04.a below. The report shall ~~should~~ include a recommendation for approval or denial and, if needed, a list of conditions for the Planning Commission to consider if an approval is granted.

b. For a Residential Subdivision, the Director shall prepare a Notice of Disposition that contains findings as to whether the proposal complies with the applicable review criteria outlined in Section 2.4.30.04.b, a decision for approval or denial and, if needed, a list of conditions if an approval is granted.

- *Revisions to section 2.4.30.04 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

2.4.30.04 - Review Criteria

a. **Nonresidential Subdivisions** - Requests for the approval of a tentative subdivision plat shall be reviewed to enassure consistency with the purposes of this chapter ~~Code, pertinent development standards of the Code including Chapters 4.0 - Improvements Required with Development; 4.1 - Parking, Loading, and Access Requirements; 4.2 - Landscaping, Buffering, and Screening; 4.4 - Land Division Standards; and 4.5 - Flood Control and Drainage Provisions; and density requirements of the Comprehensive Plan.~~ and the following: the City's development standards outlined in the applicable underlying District Designation standards in Article III of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-Street Parking Standards; ~~policies of the Comprehensive Plan and~~ any other applicable policies and standards adopted by the City Council. Additionally, pPursuant to Comprehensive Plan Policy 3.2.7, the application shall also demonstrate compatibility in the ~~following~~ areas in "~~a-n~~1-14" below, as applicable.

1. Basic site design (the organization of uses on a site and its relationship to neighboring properties);
2. Visual elements (scale of potential development, 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 and wildlife habitat, consistent with the Comprehensive Plan; and
14. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

b. **Residential Subdivisions** - Requests for the approval of a tentative subdivision plat shall be reviewed to ensure consistency with the clear and objective approval standards contained in the following: the City's development standards outlined in by the applicable underlying District Designation standards in Article III of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-Street Parking Standards Additionally, Additionally, the following criteria shall be met for Residential Subdivisions and the application shall demonstrate adherence to them:

1. No grade changes (cuts or fills) are allowed in excess of 8 feet on an individual lot and on a development site. Cut and fill is measured vertically from natural grade. In no case shall a combination of a cut and fill in the same location exceed 16 feet. The grading plan shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to this provision.

2. No development shall be allowed on existing sloped areas greater than 35%, with the following two exceptions:

   a) Construction of streets, roads, utilities, bridges, and bicycle and pedestrian facilities that are included in the City of Corvallis Transportation Plan, or in other adopted City Plans, or involve the redevelopment of electrical utility operations existing as of December 31, 2005. Such improvements shall be subject to the City's Engineering Design Standards; and

   b) Construction of streets, roads, bridges, and bicycle and pedestrian facilities that are needed to maintain the functional classification of roadways adjacent to the property. Such improvements shall be subject to the City's Engineering Design Standards.

3. No plant or tree (vegetation) removal or development is permitted within any of the areas identified as protected significant vegetation areas on the Corvallis Significant Vegetation Map, unless for the purposes of the exceptions outlined in 2.a and 2.b of this Section. This includes the canopies of said vegetation, as identified in Section 4.2.20.

4. For significant plants and trees (vegetation) defined in Section 4.2.20 and located outside the areas identified as protected significant vegetation areas on the Corvallis Significant Vegetation Map, 50 percent of the associated canopies shall be preserved in accordance with the provisions of Section 4.2.20.

5. Land uses shall be those that are outright permitted by the existing underlying District Designation.

6. Excavation and grading shall not change hydrology (in terms of water quantity and quality) that supports existing locally significant wetland and riparian areas that are located within areas subject to either wetland or safe harbor provisions outlined in Chapter 4.5.

A Residential Subdivision that conforms to these criteria is considered to meet all of the compatibility standards set out in this section and shall be approved. A Residential Subdivision that involves uses subject to Plan Compatibility or Conditional Development review, or that involves a District Change,

shall meet the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and District Change applications.

- *Revisions to section 2.4.30.05 (on page 2.4-11) to address the legal concern regarding compliance with ORS 197.307(6) (needed housing).*

2.4.30.05 - Action ~~by the Planning Commission~~

a. **Action by the Planning Commission for Nonresidential Subdivisions -** The Planning Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the Planning Commission shall approve, conditionally approve, or deny the tentative subdivision plat. The Commission's decision shall include findings that specify how the application has or has not complied with the above review criteria.

b. **Action by the Director for Residential Subdivisions -** Following the staff evaluation outlined in Section 2.4.30.03, the Director shall approve, conditionally approve, or deny the tentative subdivision plat. The Director's decision shall include findings that specify how the application has or has not complied with the above review criteria.

- *Revisions to section 2.4.30.07 (on page 2.4-11) to address the legal concern regarding compliance with ORS 197.307(6) (needed housing).*

2.4.30.07 - Appeals

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

- *Revisions to the first paragraph in section 2.4.40.06 (on page 2.4-17) to address a legal concern requesting the provision of clear and objective standards for subdivisions:*

2.4.40.06 - Review of Final Subdivision Plat Application and Review Criteria to Determine Compliance with a Tentative Subdivision Plat

A final subdivision plat or other site development permit request shall be reviewed to determine whether the request is in ~~substantial~~ compliance with the approved tentative subdivision plat. It shall be deemed to be in ~~substantial~~ compliance when it ~~is consistent with the review criteria in 2.4.30.04 above,~~ does not involve modifications to Code development standards, and does not involve changes to any specific requirements established at the time of tentative subdivision plat approval. "Specific requirements" include conditions of approval, Code requirements, and all aspects of the applicant's proposal that were approved as part of the tentative subdivision plat.

- *Revisions to Section 2.4.80.02 to revise the introductory paragraphs and eliminate subsection "j," as indicated below:*

2.4.80.02 - Thresholds Separating ~~of~~ a Tentative Subdivision Plat Modification from the Requirement for a New Tentative Subdivision Plat

Within one ~~a single~~ calendar year, up to three factors identified in "a" through "i" ~~"a-j"~~ below, which do not exceed the thresholds outlined in these provisions, may be proposed for modification under this section. If more than three such factors are proposed for modification within a calendar year, or if modifications are proposed that exceed the thresholds identified ~~outlined~~ in "a" through "i" ~~"a-j"~~ below, the changes shall be

processed as a new tentative subdivision plat and shall follow the procedures identified ~~outlined~~ in section 2.4.30.

No modifications to specific requirements established at the time of tentative subdivision plat approval, including conditions of approval, Code requirements, and all aspects of the tentative subdivision plat proposal, may be made as a tentative subdivision plat modification, unless they fall below the thresholds identified in items "a" through "i" below. The thresholds for determining a tentative subdivision plat modification are as follows:

~~i. Other than those described in "a - i" above, any other modification to specific requirements established at the time of tentative subdivision plat approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that was approved as part of the tentative subdivision plat.~~

- *Revisions to Section 2.5.60.01 as indicated below to more closely match changes done in the Phase II LDC Update:*

b. Provide elements within the development site that compensate for requested variations from approved Conceptual or Detailed Development Plans such that the intent of the original approvals are still met.

- *Revisions to Section 2.5.60.02 as indicated below to more closely match changes done in the Phase II LDC Update:*

2.5.60.02 - Thresholds that Separate ~~of~~ a Minor Planned Development Modification from a Major Planned Development Modification

~~Within a single calendar year, up to three factors identified in "a-n" below, which do not exceed the thresholds outlined in these provisions may be proposed for modification under this section. If more than three such factors are proposed for modification within a calendar year, or if modifications are proposed that exceed the thresholds outlined in "a-n" below, the changes shall be processed as a Major Planned Development Modification and shall follow the procedures outlined in section 2.5.70. The thresholds for a Minor Planned Development Modification are as follows:~~

a. The factors identified here describe the thresholds that separate a Minor Planned Development Modification from a Major Planned Development Modification:

~~a~~**1.** Change in use type, with the exception that for a ~~of~~ valid (still active) Planned Development~~s~~ that existed or was ~~and were~~ approved before December 31, 2000, a modification request shall be considered as follows:

~~1.~~(a) A request to add uses permitted by the underlying zone to up to 25 percent of the total acreage within the Planned Development site shall be considered a Minor Planned Development Modification; and

~~2.~~(b) A request to add uses permitted by the underlying zone to greater than 25 percent of the total acreage within the Planned Development site shall be considered a Major Planned Development Modification;

~~b~~2. Change ~~Increase~~ in dwelling unit density of 5 percent, except as noted in "3" below;

~~c~~3. Decrease in dwelling unit density by more than three units for development sites one acre or smaller in size, or decrease in dwelling unit density by more than five units or by more than five ~~10~~ percent, whichever is less, for development sites larger than one acre;

~~d~~4. Change in the ratio of the different types of dwelling units;

~~e~~5. Change in the type or location of commercial or industrial structures that would result in a less pedestrian-friendly environment (e.g., a pedestrian walk is eliminated, a parking lot is placed to separate, or further separate, a building from pedestrian facilities, etc.);

~~f~~6. Change in the type and location of accessways and parking areas where offsite traffic would be affected or which result in a less pedestrian-friendly environment;

~~g~~7. Increase in the number of parking spaces where such increase adversely affects significant natural features or pedestrian amenities, or is inconsistent with a condition of approval or an applicable development standard (e.g., required green area);

~~h~~8. Increase ~~by more than 10 percent~~ in the floor area proposed for nonresidential use by more than 10 percent;

~~i~~9. Decrease ~~by more than 10 percent~~ in the common and/or usable green area or open space by more than 10 percent;

~~j~~10. Increase ~~by more than 5 percent~~ in the total ground area proposed to be covered by structures by more than 10 percent;

~~k~~11. ~~Decrease by more than 25 percent~~ Change in specific setback requirements by more than 25 percent or by 15 percent for setback requirements previously reduced;

~~l~~12. Decrease ~~by more than 10 percent~~ in project amenities for pedestrians or bicycles, recreational facilities, screening, and/or landscaping provisions by more than 10 percent;

~~m~~13. Modification of architectural building elevations where any of the following occurs:

~~1.~~(a) Percentage of window coverage per elevation is decreased by more than 20 percent (may affect the number and/or shape of windows); or windows are installed on a previously specified blank wall on the perimeter of the site;

~~2.~~(b) Building materials for the main walls of the facades are changed;

~~3.~~(c) Any architectural feature is reduced by more than 20 percent. Architectural features include such items as the number of windows with trim, the number of dormers, the number of columns, the number of shutters, the square footage of porches, the number of window boxes, the linear footage of porch or deck railings, and/or the linear footage and/or height of parapets, reveals, and/or cornices, etc.;

~~4.~~(d) Roof pitch is reduced by 20 percent or more;

~~5.~~(e) Building offsets or recesses are reduced by more than 20 percent; or

~~6.~~(f) Garages or carports are eliminated.

~~n. Other than those described in "a - m" above, any other modification to specific requirements established at the time of Detailed Development Plan approval. Specific requirements include conditions of approval, Code requirements, and all aspects of the applicant's proposal that was approved as part of the Detailed Development Plan.~~

b. A modification that equals or exceeds the thresholds identified in Section 2.5.60.02.a shall be processed as Major Modification.

c. A modification that falls below the thresholds identified in Section 2.5.60.02.a or that decreases the amount of variation from a standard that was previously approved shall be processed as a Minor Modification.

d. In addition, only three such Minor Modifications may be processed within one calendar year for any approved Conceptual or Detailed Development Plan. If more than three such modifications are proposed within a calendar year, the modifications, or any single such modification proposed following the third, shall be processed as a Major Planned Development Modification and shall follow the procedures contained in section 2.5.70.

e. A modification to specific requirements established at the time of Planned Development approval, including conditions of approval, Code requirements, and all aspects of the Planned Development proposal, may be considered as a Minor Planned Development Modification only if it falls within the definition of a Minor Modification described in section 2.5.60.02.c.

- *Revision on page 2.6-19 of the Economic Vitality livability indicator "unemployment/housing" to read "employment/housing" and application of this indicator to residential annexations as well as commercial/industrial and public institutional annexations.*

- *Revisions to section 2.4.10 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

Section 2.14.10 - BACKGROUND

The division of land through a subdivision process is addressed in Chapter 2.4. A subdivision occurs where ~~4~~ four or more lots are created in a calendar year, and requires review and approval as specified in Chapter 2.4 ~~by the Planning Commission~~. The division of land through an Expedited Land Division process is addressed in Chapter 2.5. An Expedited Land Division occurs where ~~4~~ four or more lots are created in a calendar year on a site with an approved Detailed Development Plan.

This chapter provides procedural requirements for Residential and Nonresidential partitions, which involve creation of ~~3~~ three or fewer lots in a calendar year, and for minor replats and lot line adjustments. For the purposes of this chapter, Residential Partitions are those involving lands with a District Designation of RS-3.5, RS-5, RS-6, RS-9, RS-9(U), RS-12, RS-12(U), RS-20, and MUR. Nonresidential Partitions are those with a District Designation other than those for Residential Partitions. Except on appeal, ~~E~~each of these are reviewed through ~~an~~ General Development ~~administrative~~ process without a public hearing ~~except on appeal~~. As with subdivisions, partitions are subject to design requirements contained in Article IV of this Code.

- *Revisions to eliminate sections 2.4.30.01.l through 2.4.30.01.n and insert new sections 2.4.30.01.l through 2.4.30.01.o as noted below, to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

~~l. Location and use of adjacent structures within 150 ft. of the development site;~~

~~m. Identification of significant natural features, including heavily wooded areas and existing native, ornamental, and orchard trees having a trunk diameter of 10 in. or more at a point 24 in. above the natural grade; and~~

~~n. Where it is evident that the subject parcel can be further partitioned, the applicant shall show, either on the tentative plat or as an attachment, that the land partition will not preclude efficient division of land in the future.~~

l. Additional Graphic Requirements

Significant natural features map(s) and a preservation plan that identify significant natural features of the site and proposed methods of preservation, including but not limited to:

1. Watercourses, floodplains, wetlands, and riparian areas. The map shall indicate boundaries, acreages, and names, where applicable. Where watercourses are involved, the map shall also show the top of existing banks and channel depth, and indicate the boundaries of any riparian areas and required drainageway easements and dedications. Calculations used to determine the width of the drainageway dedications shall be provided, as well as cross-sections (at 50-ft. intervals) to support the calculations. The cross-sections shall show a width encompassing the watercourse and at least 20 ft. either side of the top of banks (refer to Chapter 4.5 for additional guidance).

2. Significant plants and trees (vegetation) (refer to Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting; and the Corvallis Significant Vegetation Map for guidance). The applicant's graphics shall indicate species, canopies, and diameters at breast height for significant trees and significant plants (vegetation). In cases where a site contains a large (greater than one acre) grove(s) of significant vegetation that results in a single large canopy, the applicant's graphics may indicate the outer perimeter of the canopy of each grove, and state the species and ranges of tree diameters at breast height for each tree species within the grove, and the species and general range in sizes of plants within the grove.

   In cases where a site contains protected significant plants and trees (vegetation) as indicated on the Corvallis Significant Vegetation Map, the applicant's graphics may indicate the outer perimeter of the protected area, and state the species and ranges of vegetation diameters as allowed for groves. As no vegetation removal is permitted within any protected significant vegetation areas identified on the Corvallis Significant Vegetation Map (including associated canopy areas along the borders), the applicant's graphics shall include preservation measures for those areas, consistent with the preservation measures required in Chapter 4.2 - Landscaping, Buffering, Screening, Natural Resource Protection, and Lighting.

   The applicant's graphics shall clearly indicate all significant trees and plants (vegetation) and the associated percentage(s) of canopies proposed for removal, such that the review criteria pertaining to significant vegetation and significant vegetation protection may be evaluated.

3. Archaeological sites recorded by the State Historic Preservation Office (SHPO).

4. Tentative partition plat and other graphics for both Nonresidential and Residential partitions shall be drawn to scale and shall contain a sheet title, date, north arrow, and legend placed in the same location on each sheet and contain the information listed below.

Nonresidential Partition graphics shall include features within a minimum 150-ft. radius of the site, such as existing streets and parcel boundaries, existing structures, drainageways, riparian areas, driveways, utilities, significant natural features, and any other information that, in the Director's opinion, would assist in providing a context for the proposed development. The Director may require that an applicant's graphics include information on lands in excess of 150 ft. from a development site (e.g., such as in cases where an adjacent property is large and a view of the whole parcel would be helpful, or when existing infrastructure is far away from the site).

Residential Partition graphics shall include features within a minimum of 300 feet from all exterior boundaries of the site, such as existing streets, parcel boundaries, existing structures in excess of 100 square feet, drainageways, riparian areas, driveways, utilities, and significant natural features. Additionally, if existing infrastructure is more than 300 feet from an exterior boundary of the Residential Partition site, the Residential Partition graphics shall extend beyond the required 300 feet to include said features and all lands between the Residential Partition site and the existing infrastructure.

5. Existing and proposed topographic contours at 2-ft. intervals. Where the grade of any part of the partition exceeds 10 percent or where the partition abuts existing developed lots, a conceptual grading plan shall be required as follows:

a) Conceptual grading plans for applications for Residential Partitions must meet the requirements in (c) and (d) and (e) below.

b) Conceptual grading plans for Nonresidential Partitions shall contain adequate information to evaluate impacts to the site and adjacent areas. To the maximum extent practicable, grading (cuts and fills) for Nonresidential Partitions shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site. If a grading plan is required for a Nonresidential Partition, it shall indicate how these objectives are met, how runoff or surface water from individual lots will be managed, and how the partition's surface waters will be managed. Additionally, Nonresidential Partition applications shall include two design alternatives demonstrating that the applicant has achieved the optimal balance of applicable criteria);

c) For residential development, the conceptual grading plan shall demonstrate that the proposal does not contain any grade changes (cuts or fills) in excess of 8 feet on an individual lot and on a development site. Cut and fill is measured vertically from natural grade. In no case shall a combination of a cut and fill in the same location exceed 16 feet. The grading plan shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to this provision. Excavation and grading shall maintain hydrology that supports existing wetland and riparian areas and the application shall demonstrate adherence.

d) For residential development, the conceptual grading plan shall indicate how runoff and surface water from individual lots will be managed, and how the partition's surface waters will be managed.

e) For residential development, the graphics, including the conceptual grading plan, must demonstrate that each lot can be served by streets and infrastructure in a manner that is consistent with the clear and objective standards contained in the following: the City's development standards outlined in by the applicable underlying District Designation standards in Article III of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; and the adopted City Off-Street Parking Standards.

m. Where it is evident that the parcel can be further partitioned, the applicant shall show, either on the tentative plat or as an attachment, that the land partition will not preclude efficient division of land in the future;

n. Narrative Requirements

1. Statement describing phases of project, if proposed. Phases shall be:

a) For Nonresidential Partitions, substantially and functionally self-contained and self-sustaining with regard to access, parking, transportation facilities, utilities, green areas, and drainage without reliance on any uncompleted phase; capable of substantial occupancy, operation, and maintenance upon completion of construction and development, and be designed such that the phases support the infrastructure requirements for the project.

b) Designed to Address Compatibility.

1) For Nonresidential Partitions, addressing compatibility means arranging the phases to avoid conflicts between higher and lower density development.

2) For Residential Partitions, uses permitted outright within a zone are considered to be compatible and not to conflict. Between zones, compatibility is addressed at the time the zone is established. A residential use permitted outright within an existing zone is considered to be compatible with uses permitted outright within existing neighboring zones;

3) For Residential Partitions, each proposed phase must meet all required clear and objective standards for access, parking, transportation facilities, utilities, green areas, and drainage without reliance on any uncompleted phase. Each proposed phase, and the subdivision as a whole, must be designed so that in addition to each proposed phase meeting all required infrastructure standards for that phase, at the completion of each phase all completed phases together will cumulatively meet all infrastructure standards that would be required for a project consisting of the completed phases. The partition and each phase

must also be designed so that by completion of all proposed phases all the phases together will meet all infrastructure requirements for the project.

2. Explanation of how the proposal complies with the review criteria in Section 2.14.30.05; and

o. Traffic impact study -

1. Nonresidential Partitions - Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures.

2. Residential Partitions - a Traffic Impact Analysis (TIA) is required. The TIA shall be prepared by a registered professional engineer, in accordance with the most current ITE standards, and shall address both current conditions and those within a 20-year horizon. The TIA shall quantify the trip generation effects of the proposal. The TIA shall estimate trip distribution patterns. Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. If any affected intersection LOS is or will fall be below LOS D during any hour, mitigation shall be proposed. The mitigation shall demonstrate that LOS D will be maintained for 20 years.

- *Revisions to sections 2.14.30.05 to address a legal concern regarding compliance with ORS 197.307(6) (needed housing).*

2.14.30.05 - Review Criteria

Requests for approval of a tentative partition plat shall be reviewed to ~~as~~ensure:

~~a. Consistency with the purposes of this chapter, pertinent development standards of the Code, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council; and~~

~~b. Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities, including provision of City services and access from a public street; and~~

~~c. Consistency with the density requirements of the zone. When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site (for the distance the streets front the subject site).~~

a. Criteria

1. Nonresidential Partitions - Consistency with the purposes of this chapter~~,~~ and the following: the City's development standards outlined in by the applicable underlying District Designation standards in Article III of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-Street Parking Standards; and any other applicable policies and standards adopted by the City Council.

Requests for approval of a Nonresidential tentative partition plat shall also be reviewed to ensure:

a) Consistency with the purposes of this chapter and the pertinent development standards of the Code. Additionally, pursuant to Comprehensive Plan Policy 3.2.7, the application shall also demonstrate compatibility in the areas in "1-14" below, as applicable.

1. Basic site design (the organization of uses on a site and its relationship to neighboring properties);

2. Visual elements (scale of potential development, 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 and wildlife habitat, consistent with the Comprehensive Plan; and

14. To the maximum extent practicable, grading (cuts and fills) shall be minimized, streets shall be designed along contours, and structures shall be designed to fit the topography of the site.

b) Approval does not impede future development of property under the same ownership or on adjacent lands planned for urban densities with respect to the provision of City services and access from a public street; and

c) Consistency with the density requirements of the zone. When calculating the applicable density range for a subject property, applicants may include in their

acreage calculation 50 percent of the area of any streets that front the subject site (for the distance the streets front the subject site).

2. Residential Partitions - Consistency with the clear and objective standards contained in the following: the City's development standards outlined in by the applicable underlying District Designation standards in Article III of the Code; the development standards in Article IV of the Code; the standards of all acknowledged City Facility Master Plans; the adopted City Design Criteria Manual; the adopted Oregon Structural Specialty Code; the adopted International Fire Code; the adopted City Standard Construction Specifications; the adopted City Erosion Prevention and Sediment Control Ordinance; the adopted City Off-Street Parking Standards.

Requests for approval of a Residential tentative partition plat shall also be reviewed to ensure:

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

b) Consistency with the density requirements of the zone. When calculating the applicable density range for a subject property, applicants may include in their acreage calculation 50 percent of the area of any streets that front the subject site (for the distance the streets front the subject site).

c) No grade changes (cuts or fills) are allowed in excess of 8 feet on an individual lot and on a development site. Cut and fill is measured vertically from natural grade. In no case shall a combination of a cut and fill in the same location exceed 16 feet. The grading plan shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to this provision.

d) No development shall be allowed on existing sloped areas greater than 35%, with the following two exceptions:

1) Construction of streets, roads, utilities, bridges, and bicycle and pedestrian facilities that are included in the City of Corvallis Transportation Plan, or in other adopted City Plans, or involve the redevelopment of electrical utility operations existing as of December 31, 2005. Such improvements shall be subject to the City's Engineering Design Standards; and

2) Construction of streets, roads, bridges, and bicycle and pedestrian facilities that are needed to maintain the functional classification of roadways adjacent to the property. Such improvements shall be subject to the City's Engineering Design Standards.

e) No plant or tree (vegetation) removal or development is permitted within any of the areas identified as protected significant vegetation areas on the Corvallis Significant Vegetation Map, unless for the purposes of the exceptions outlined in d.1 and d.2 of this Section. This includes the canopies of said vegetation, as identified in Section 4.2.20.

f) For significant plants and trees (vegetation) defined in Section 4.2.20 and located outside the areas identified as protected significant vegetation areas on the Corvallis

Significant Vegetation Map, 50 percent of the associated canopies shall be preserved in accordance with the provisions of Section 4.2.20.

g) Land uses shall be those that are outright permitted by the existing underlying District Designation.

h) Excavation and grading shall not change hydrology (in terms of water quantity and quality) that supports existing locally significant wetland and riparian areas that are located within areas subject to either wetland or safe harbor provisions outlined in Chapter 4.5.

A Residential Partition that conforms to these criteria is considered to meet all of the compatibility standards set out in this section and shall be approved. A Residential Partition that involves uses subject to Plan Compatibility or Conditional Development review, or that involves a District Change, shall meet the applicable compatibility criteria for those Plan Compatibility, Conditional Development, and District Change applications.

- *Revisions to section 2.19.30.02.a to have appeals of Director decisions for Residential Subdivisions be heard by the Planning Commission instead of the Land Development Hearings Board.*

2.19.30.02 - Hearings Authority

a. Appeals from decisions of the Director shall be reviewed by the Land Development Hearings Board, with the exception of decisions that relate to Residential Subdivisions. Appeals from decisions of the Director that relate to Residential Subdivisions shall be reviewed by the Planning Commission.

- *Revisions to the last sentence of the first paragraph of section 2.19.30.04 (on page 2.19-4) to address a legal concern requesting that LUBA appeal deadlines be in accordance with state law:*

Appeals shall be filed within ~~10~~ 12 days after ~~from the date that~~ a ~~notice of disposition~~ the decision is ~~mailed~~ signed. In the case of a legislative interpretation of the ~~Land Development~~ Code or the Comprehensive Plan, an appeal shall ~~must~~ be filed within ~~10~~ 12 days of a published notice of such interpretation. Appeals to the State Land Use Board of Appeals shall be made in accordance with the provisions of state law.

- *Revision to item #16 in Table 3.14-1 (on page 3.14-6) to make the use type of religious assembly less than 5,000 sq. ft. an outright permitted use in both minor and major neighborhood centers.*

- *Revision of footnote #1 on page 3.19-4 to read as follows:*

Uses which were in existence and permitted in zoning prior to December 31, 2000, and are now located in the MUCS Zone, shall not be classified as non-conforming uses unless they have been discontinued for a period of at least ~~one year~~ eighteen months in which case the requirements of Section 1.4.40.03 shall apply. Expansions and enlargements shall comply with all other applicable Code requirements.

- *Revision to section 3.19.40.05.a (on page 3.19-10) as follows:*

a. **Front setback** - Structures may be built to the property line, but no closer to the street than the width of the standard planting strip and sidewalk for that street classification. A maximum setback of 20 ft. from either the property line or the line marking the outer boundary of the standard planting strip and sidewalk for that street classification shall apply to all building sites, except as provided in sections 1, 2, and 3 below.

- *Add section 3.19.40.09 to the MUCS chapter (add to page 3.19-13)as follows:*

Monument Sign Exception - In cases where street visibility of a business in a conforming structure established prior to December 31, 2000 is significantly reduced due to new construction on adjacent property, and the 100-ft. minimum separation requirements for free-standing signs (section 4.7.80.02.c) otherwise precludes any street signage associated with the structure, a single monument sign that is a maximum of 8 ft. high and 32 sq. ft. in area, which otherwise meets the requirements of Chapter 4.7, is permitted.

- *Revision to add a sentence to the end of section 4.0.10 (on page 4.0-2) to address the legal concern requesting clear and objective standards for subdivisions:*

Section 4.0.10 - PURPOSES

This chapter provides general information regarding improvements required with ~~residential, commercial, and industrial~~ development. It is intended to clarify timing, extent, and standards for improvements~~ required in conjunction with development~~. In addition to the standards in this chapter, ~~additional~~ standards for specific situations are contained in other chapters 4.1 through 4.10~~within Article IV~~. Finally, improvements required with development shall meet construction specification standards established by the City Engineer and amended over time.

- *Revisions to sections 4.0.30.b and 4.0.40.b (on pages 4.0-3 and 4.0-5) to address a legal concern requesting clear and objective standards:*

Section 4.0.4~~3~~0 - PEDESTRIAN REQUIREMENTS

b. Safe and convenient pedestrian facilities that ~~strive to~~ minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this section, "safe and convenient" means pedestrian facilities that are ~~reasonably~~ free from hazards ~~which that would interfere with or discourage pedestrian travel for short trips,~~ and that provide a direct route of travel between destinations~~; and that meet the travel needs of pedestrians considering destination and length of trip~~.

Section 4.0.5~~4~~0 - BICYCLE REQUIREMENTS

b. Safe and convenient bicycle facilities that ~~strive to~~ minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops, and neighborhood activity centers such as schools and parks, as follows:

1. For the purposes of this section, "safe and convenient" means bicycle facilities that ~~which:~~ are ~~reasonably~~ free from hazards and that ~~which would interfere with or discourage bicycle travel for short trips, that~~ provide a direct route of travel between destinations~~; and that meet the travel needs of bicyclists considering destination and length of trip~~.

- *Revisions to section 4.0.60.a.1 (on page 4.0-6) to address a legal concern requesting the provision of clear and objective standards for subdivisions:*

1. ~~A proposal for establishing the scope of~~ Any proposal generating 30 or more trips per hour shall include Level of Service (LOS) analysis for the affected intersections. A Traffic Impact Analysis (TIA) is required, if required by the City Engineer. The TIA shall be prepared by a registered professional

engineer. The City Engineer shall define the scope of the traffic impact study based on established procedures. The TIA ~~traffic evaluation~~ shall be submitted for review to the City Engineer. The proposed TIA ~~evaluation requirements~~ shall reflect the magnitude of the project in accordance with accepted traffic engineering practices. ~~Large projects should assess all nearby key intersections. Once the scope of the traffic evaluation has been approved by the City Engineer,~~ The applicant shall complete the evaluation and present the results with an overall site development proposal. ~~If required by the City Engineer, such evaluations shall be signed by a Licensed Professional Civil Engineer or Licensed Professional Traffic Engineer.~~

- *Revision to section 4.0.60.i.3.c (on page 4.0-11) as follows:*

(c) Where parking is provided, it shall ~~be 45° angled parking and shall~~ not interfere with service areas, utilities, or pedestrian facilities. Such parking may be 45° angled parking, parallel parking, or 90° parking, provided the parking stalls (and related back-up areas) are designed consistent with the City's Off-Street Parking and Access standards, as amended over time. Rather than making alleys wider to allow for adequate back-up areas for 90° parking stalls, applicants are encouraged to provide longer parking stalls; and

- *Revision to section 4.0.60.j.1 (on page 4.0-11) to address a legal concern requesting clear and objective standards:*

1. ~~To the maximum extent practicable,~~ Grading plans are required and shall demonstrate that the proposal does not contain any grade changes (cuts or fills) in excess of 8 feet on an individual lot and on a development site. Cut and fill is measured vertically from natural grade. In no case shall a combination of a cut and fill in the same location exceed 16 feet. The grading plan shall identify all proposed cuts and fills and the associated grade changes in ft. to demonstrate adherence to this provision. ~~Grading (cuts and fills) shall be minimized and~~ Streets shall be designed along natural contours., ~~and structures shall be designed to fit the topography of the site.~~

- *Delete section 4.0.100.g (on page 4.0-24) to address a legal concern to delete this provision because of the potential for a temporary takings:*

~~g. If the City has an interest in acquiring any portion of a proposed subdivision or planned development site for a public purpose, other than for those purposes listed above, or if the City has been advised of such interest by a school district or other public agency, and there is a reasonable assurance that steps will be taken to acquire the land, the Planning Commission may require those portions of the land to be reserved for public acquisition for a period not to exceed 2two years.~~

- *Revision to section 4.1.20.p (on page 4.1-4) as follows:*

p. **Structured Parking Required -** For commercial, office, and industrial development with ~~off-street~~ vehicle parking in excess of the minimum required, up to ~~requirements in excess of~~ 200 unstructured vehicle parking spaces ~~all parking in excess of the minimum~~ shall be allowed for each of the first three stories of structures within the development site, not to exceed the maximum parking allowed in section 4.1.20.o above. All non-required vehicle parking in excess of the 200 per story shall be located in underground or structured parking facilities. In such cases, ~~Where such underground or structured parking facilities are constructed,~~ the parking maximum may be increased to 50 percent in excess of the minimum off-street vehicle parking required by section 4.1.30 below. Note: When multiple structures are located on an individual development site, the parking associated with each floor of all structures on the development site shall be added together when calculating the threshold

of 200 spaces per story in this provision. For this section, required handicapped spaces do not count toward the minimum parking requirement.

- *Revisions to section 4.2.20.a to address a legal concern regarding clear and objective standards and compliance with ORS 197.307(6) (needed housing).*

a. Significant Plants, ~~Habitat Areas,~~ and Trees (Vegetation)

1. Significant Plants and Trees (Vegetation Areas) Defined and Required Protection -

a) Significant Plants and Trees (Vegetation Areas) Defined - Significant plants and trees (vegetation areas) include: trees of 8 in. or greater diameter measured at a height of 4 ft. above grade; shrubs (excluding blackberries, poison oak, and similar noxious vegetation) over 4 ft. in height; plants for fish and wildlife that are listed as threatened or endangered with the National Marine Fisheries Service or the United States Fish and Wildlife Service; significant native vegetation as defined in the Oregon Natural Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species; and any plants and trees (vegetation) located within an area identified as a protected vegetation area on the Corvallis Significant Vegetation Map, including canopies associated with the protected plants and trees (vegetation) which may extend beyond the borders identified on said Map. ~~Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees of 8 in. or greater diameter measured at a height of 4 ft. above grade and shrubs (excluding blackberries, poison oak, and similar noxious vegetation) over 4 ft. in height are considered significant. Also considered to be significant are plants, plant communities, and habitat areas for fish and wildlife found on the site that are listed as threatened or endangered with the National Marine Fisheries Service or the United States Fish and Wildlife Service, as well as significant native vegetation as defined in the Oregon Natural Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species.~~

b) Significant Plants and Trees (Vegetation Areas) Required Protection - Significant plants and trees (vegetation)defined in Section 4.2.20.a.1(a) above, and their associated canopies, should be preserved to the greatest extent practicable and integrated into the design of a development. Additionally, no plant or tree (vegetation) removal or encroachment of any kind is allowed within areas identified as protected vegetation areas on the Corvallis Significant Vegetation Map, except for the specific activities outlined in "1" and "2" below. This prohibition includes the canopy areas associated with the protected plants and trees (vegetation) which may extend beyond the borders identified on said Map.

1) Construction of streets, roads, utilities, bridges, and bicycle and pedestrian facilities that are included in the City of Corvallis Transportation Plan, or in other adopted City Plans, or involve the redevelopment of electrical utility operations existing as of December 31, 2005. Such improvements shall be subject to the City's Engineering Design Standards; and

2) Construction of streets, roads, bridges, and bicycle and pedestrian facilities that are needed to maintain the functional classification of roadways adjacent

to the property. Such improvements shall be subject to the City's Engineering Design Standards.

2. **Preservation Plan** - Where the preservation of significant natural features is required by this Code, by a particular proposal, and/or by conditions of approval, no development permits shall be issued until a significant natural features preservation plan has been reviewed and approved by the Director. The preservation plan shall be developed by a certified arborist and shall comply with the purposes clause and specific standards in this chapter and any proposal(s) and/or conditions of approval that apply to the particular project. Additionally, plants to be saved and methods of protection shall be indicated on the preservation plan submitted for approval. Trees shall be preserved as specified in "3" below.

3. **Preservation Method for Significant Plants and Trees~~;~~ (Vegetation ~~& Habitat~~ Areas) -**

a) Existing significant plants and trees (vegetation) located outside areas identified as protected vegetation areas on the Corvallis Significant Vegetation Map may be considered preserved only if no cutting, filling, or compaction of the soil takes place within the vegetation's associated canopies, as defined in "b" below. Existing plants and trees (vegetation) located inside areas identified as protected vegetation areas on the Corvallis Significant Vegetation Map may be considered preserved only if no cutting, filling, or compaction of the soil takes place anywhere within said protected areas and anywhere within the canopies of the protected areas' plants and trees (vegetation), including those portions of canopies that extend beyond the borders of the protected areas on said Map. Exceptions are allowed for the purposes outlined in Section 4.2.20.a.1(b) above.

b) Canopy Areas Defined - Canopies for plants and trees (vegetation) include the areas between the trunk of the plant or tree (vegetation) and the perimeter of the plant's or tree's (vegetation's) "circle of protection." For trees (vegetation), a ~~A~~ circle of protection is created by a radius in feet that equals the diameter in inches of the tree trunk at four (4) ft. above grade (e.g. a 15-inch diameter tree creates a 15-foot radius of protected area). ~~Existing vegetation and habitat areas may be considered preserved only if no cutting, filling, or compaction of the soil takes place within the vegetation's or habitat area's circle of protection.~~ For plants (vegetation) a ~~A~~ circle of protection ~~for vegetation or a habitat area~~ is created by defining a circle around the plant (vegetation), ~~or habitat area,~~ the perimeter of which is located 5 ft. outside of the plant's (vegetation's) dripline or edge. ~~, or habitat area's edge, whichever is applicable.~~

c) Construction Fencing Required - Significant plants and trees (vegetation) that are required to be preserved ~~In addition, the tree, vegetation, or habitat area~~ shall be protected from damage during construction by a construction fence located outside the identified protected areas. ~~circle of protection.~~ All construction fencing shall be installed prior to any grading and excavation of a development site.

- *Addition of new section 4.10.50.01.d, 4.10.60.01.d, and 4.10.70.b.8, and revision of section 4.10.70.01.d.2 to address a legal concern requesting clear and objective standards. These revisions provide grading requirements for structures and on-site improvements as follows:*

  Grading (Cuts and Fills) - Structures and on-site improvements shall be designed to fit the natural contours of the site by minimizing cuts and fills. Cuts and fills shall be considered to be minimized by not exceeding 8 vertical feet for an individual cut or fill and not exceeding 16 vertical feet for a combination cut/fill. The maximum cut or fill used to establish any driveway shall not exceed 8 vertical feet, except that overall vertical heights of these cuts or fills may exceed 8 ft. where slopes on a site exceed 20 percent. In these cases, an overall maximum vertical height of 14 ft. may be achieved by use of more than one cut or fill, provided that a minimum 5-ft. planted bench is constructed between the two cuts or fills (excepting that improvements such as sidewalks, stairs, patios, etc. that cross the bench are not planted).

  2. New parking shall comply with subsections "b," "c," and "d" of section 4.10.70.04. - Vehicle Circulation and Design Standards. For new drive-throughs, section "e" shall apply. Site improvements and expansions shall comply with the grading requirements of section 4.10.70.b.8.

- *Revisions to section 4.10.50.02.c (on page 4.10-7) to address a legal concern requesting clear and objective standards:*

  c. **Garage and Carport Materials** - Garages and carports, when provided, shall be constructed of the same building materials as the dwelling. ~~Carports, when provided, shall be of materials similar and/or complementary to the residential dwelling unit and shall be painted, unless they are constructed of materials with color such as brick, etc.~~

- *Revisions to section 4.10.60.02.a.1 (on page 4.10-10) to address a legal concern requesting clear and objective standards:*

  1. Parking lots shall be placed to the rear of buildings in accordance with the section 4.10.60.01. Ministerial exceptions to this standard allow parking to the side of a building if required parking cannot be accommodated to the rear. These ministerial exceptions may be granted in the following cases:

     (a) Where lot depth is less than 75 ft.;~~insufficient to provide parking to the rear of structures;~~

     (b) Where parking on the side would preserve significant natural features that exist to the rear of a site and that would be disturbed by the creation of parking to the rear of structures on a site;

     (c) Where a common outdoor space at least 200 sq. ft. in size is proposed to the rear of a site and parking in the rear~~on the side~~ would ~~allow~~ prohibit the provision of this ~~a~~ common outdoor space area for residents of a development site; and/or

     (d) Where parking on the side would solve proximity issues between dwelling unit entrances and parking spaces. A proximity issue in this case involves a situation where a parking lot to the rear is in excess of 100 ft. from the entrances to the dwelling units being served by the parking lot.

- *Revisions to sections 4.10.60.05.a&b (on page 4.10-13) to address a legal concern requesting clear and objective standards:*

  a. **Service Areas** - When provided, service areas (e.g., trash receptacles) shall be located to ~~minimize noise and other impacts to on-site and adjacent uses, located to~~ provide ~~convenient~~ truck access and ~~screened pursuant to Chapter 4.2.~~shall not be placed within any required setback area. When located outside a setback area, but between 5 - 10 ft. of a property line, such service areas shall be screened

on all sides with a solid fence or wall at least one ft. higher than the equipment within the service area and also screened with landscaping (in accordance with landscape screening provisions of Chapter 4.2). When located outside a setback area, but greater than 10 ft. from a property line, such service area shall still be screened, but may be screened with landscaping only (in accordance with landscape screening provisions of Chapter 4.2). Service areas for residential building types other than single family, duplex, and triplex units shall be located a minimum of 20 ft. from both on-site and off-site residential buildings. Transformers shall also be screened with landscaping.

When service areas are provided within alleys, the alleys shall be constructed in accordance with the provisions in Chapter 4.0.~~to accommodate the service vehicles, both in terms of alley width (e.g. at corners in "T" and "L" alleys) and alley construction materials (refer to Chapter 4.0).~~

b. **Roof-Mounted Equipment** - Roof-mounted equipment (heating, ventilation, and air conditioning equipment, etc.) shall be screened by providing screening features (such as a parapet, wall, or other sight-blocking feature) ~~shall be~~ at least equal in height to the equipment ~~compatible with roof lines,~~ and constructed of materials used in the building's exterior construction. The roof-mounted equipment shall be painted to match the roof.

- *Revisions to section 4.10.60.06.f (on page 4.10-15) to address a legal concern requesting clear and objective standards:*

f. **Safety Adjacent to Vehicular Areas** - Where internal sidewalks parallel and abut a vehicular circulation area, sidewalks shall be raised a minimum of 6 in. or shall be separated from the vehicular circulation area by a minimum 6-in. raised curb. Landscaping that meets ~~similar to~~ the requirements for separated sidewalks adjacent to streets shall be provided.

- *Revise section 4.10.70.01.d.4 as follows:*

4. Applicants shall choose at least two standards from section 4.10.70.05.b.7 (a through e). If the expansion/enlargement is for space not open to customers or the public, the applicant must choose only one standard from section 4.10.70.05.b.7 (a through e).

- *Revision of the second paragraph of section 4.10.70.04.a to read as follows:*

"Other requirements of this Code" may include, but not be necessarily limited to, significant natural resource protection provisions in Chapter 4.2; vehicle parking, loading, and circulation requirements in Chapter 4.1; and floodway/floodplain maintenance requirements in Chapter 4.5. Unusual site constraints may include parcels fronting more than two streets, irregular lot configuration, weak foundation soils, or other physical site factors that constrain development when considered with Uniform Building Code requirements.

- *Final technical edits based upon this most recent draft, including a final check of cross-references.*

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Office of the Mayor
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6985
FAX: (541) 766-6780
e-mail: mayor@council.ci.corvallis.or.us

PROCLAMATION

National Recreation and Parks Month

July 2006

WHEREAS, July is nationally recognized as Recreation and Parks month; and

WHEREAS, Positive leisure experiences are vital to our citizens' physical, mental, and emotional well-being, protection and enhancement of the environment, creation of social harmony, and the support of the economic vitality of the community; and,

WHEREAS, Recreation programs, parks, open space, and trails encompass a variety of activities and facilities that enhance our quality of life, contribute to community livability and result in personal accomplishment, self-satisfaction, healthy child development and family and neighborhood unity; and

WHEREAS, The City of Corvallis has made a commitment to provide year-round park facilities, open spaces, and trails which benefit the community; and

WHEREAS, The citizens of Corvallis have long supported and promoted positive leisure experiences and recreation programs in the community, and

WHEREAS, The Parks and Recreation Department is celebrating the theme *"Picture the Possibilities"* throughout the year.

NOW, THEREFORE, I, Helen M. Berg, Mayor of Corvallis, Oregon, do hereby proclaim **July 2006** to be **National Recreation and Parks Month** in the City and urge all citizens to acknowledge the value of constructive leisure activities and to use the park, trail, and open space facilities and recreation programs available to them in the community.

_____
Helen M. Berg, Mayor

_____
Date

A Community That Honors Diversity

Hal Brauner
6-22-06

JOINT TASK FORCE (JTF) RECOMMENDATION
CORVALLIS CHAMBER OF COMMERCE (CCC) &
CORVALLIS-BENTON ECONOMIC DEVELOPMENT PARTNERSHIP

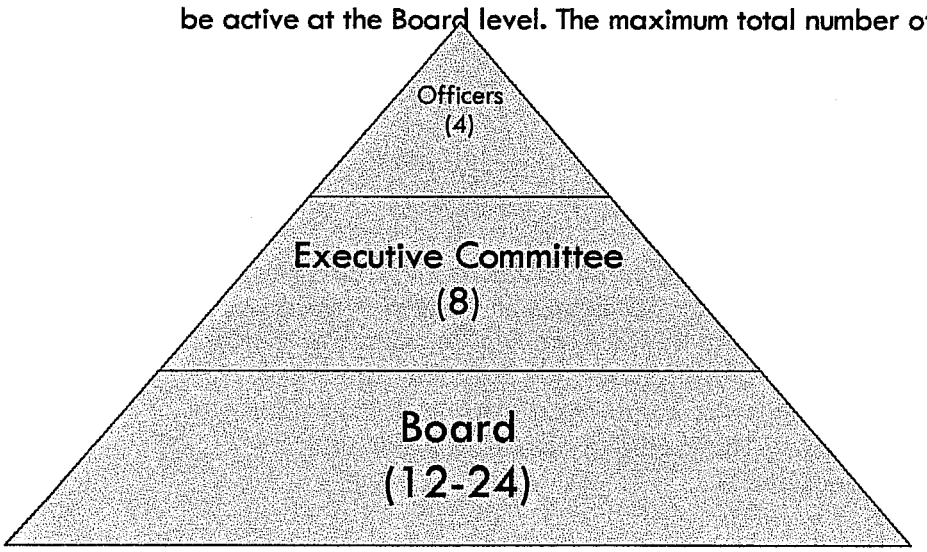
1. Board Issues

There will be a new mission statement that reflects the joint pursuit of the mission for the EDP and the Chamber. The Joint Task Force (JTF) recommends the surviving organization begin with the following proposed mission statement. This ensures that the essence of the new mission reflects the EDP's and Chamber's current missions. This is one that is relevant to both Chamber members and EDP's target customers.

"To serve, grow, retain and recruit business."

2. Board Structure

The JTF recommends three levels of Board involvement and oversight. All three levels will be active at the Board level. The maximum total number of members is 36.



BOARD OF DIRECTORS
The Board provides a broad base for strategic oversight, advising the President regarding committees, specialized programs and initiatives. It should meet at least quarterly.
Each board member is actively engaged in the work of one or more committees and moving the organizations work forward. Annually this board will adopt the new organization's strategy and budget, and elect the Executive Committee and Officers. Quarterly the Board will review minutes and financial documents. Committees of the Board may include, but are not limited to:

Business Advocacy Committee	EDP	Marketing	Retail Programs	Education	Public Relations	Networking

The JTF also recommends the initial Board include eight of the existing EDP's Board of Directors. The JTF recommends the Board be increased to the full 36 members by looking for individuals who represent industries and characteristics not currently represented, including additional retail merchants.

The JTF's recommendation for Board Members:

1. Terry Allen
2. Rick Bennett
3. Robert Best
4. Pete Bober
5. Doug Bourdo
6. Rich Carone
7. Katherine Cleland
8. Bill Cohnstaedt
9. Mike Corwin
10. Chuck Crowe
11. Cindy Dahl
12. Steve Eckrich
13. Lee Eckroth
14. David Gazeley
15. John Griesmeyer
16. Frank Hall
17. Doris Johnston
18. Randy Jones
19. Kelley Kaiser
20. Ilene Kleinsorge
21. Jeff Kubler
22. Steve Love
23. Andrew Perry
24. Gary Pond
25. Carlyn Roy
26. Jim Sheldon
27. Brian Smith
28. Ron Stevens
29. Jim Hogeboom
30. Todd Washington
31. Open
32. Open
33. Open
34. Open
35. Open
36. Open

To be recruited

EXECUTIVE COMMITTEE

The Executive Committee will consist of the four (4) officers and eight (8) directors. They will meet monthly and retain the current powers of the Chamber's Board of Directors. These include duties such as –

- Approving and terminating membership,
- Granting of honorary membership,
- Filling vacancies on the Board,
- Annual selection of nominating, personnel, and finance committees according to the Bylaws and policy and procedure manual,
- Defining the intended outcomes for the President,
- And establishing, revising and formulating policy for the organization.

In the first year, the Executive Committee will include four individuals from the EDP Board of Directors. The Executive Committee participates on the Finance, Personnel, Nominating Committee and other committees deemed necessary by the Executive Committee or the full Board of Directors. The Executive Committee reviews the monthly financial reports and will meet with the President and key staff to provide policy oversight and accountability on outcomes set by the full Board of Directors. The Executive Committee will have representation from the following business sectors:

- Technology
- Retail
- Forest/Agriculture
- Manufacturing
- Healthcare/Services
- Finance, Insurance, Real Estate
- Six Representatives At Large

In addition, the Officers and Executive Committee should have the following characteristics among its members at the time of election:

- A sole proprietor or independent business owner
- An employer with more than 5 and fewer than 24 employees
- An employer of 25 – 99 employees

- A major employer with more than 100 employees or revenues of more than $10MM

The JTF's recommendation for Executive Committee for the first year:

Name:		Industry:	# of Employees:
1.	Terry Allen	FIRE*	5-24
2.	Doug Bourdo	Health Care	>100
3.	Rich Carone	Manufact./Tech.	25-99
4.	Katherine Cleland	Technology	Sole Proprietor
5.	Bill Cohnstaedt	PSTS	Sole Proprietor
6.	Chuck Crowe	Manufacturing	5-24
7.	Bond Starker	Ag/Forestry	25-99
8.	Lee Eckroth	FIRE*	Sole Proprietor
9.	Kelley Kaiser	Health Care	>100
10.	Steve Love	PSTS**/Manufact./Tech	>100
11.	Carlyn Roy	FIRE*	>100
12.	Jim Sheldon	Manufact./Tech.	>100
13.	Open [*To be recruited*]	Retail	

**FIRE = Finance, Insurance, Real Estate*
***PSTS = Professional Scientific & Technical Services*

OFFICERS

The four Officers will be: Chair, Chair Elect, Immediate Past Chair and Treasurer. The JTF recommends there be five officers the first year (making the Executive Committee 13 the first year) to include the immediate past chair of both the Chamber and EDP. At the end of the officer's term in the first year the Board will revert to having four officers. The officers will retain the current powers of the Chambers Executive Committee and will oversee the following committees:

- Finance: Chaired by the Treasurer, has the responsibility for accounting Reviews, financial matters, preparation of the budget, format of financial reports and other matters related to the financial wellbeing of the organization.
- Personnel: Committee chaired by a member of the Executive Committee and appointed by the Chair, oversees all matters related to hiring the president his or her performance reviews, bonuses, discipline and other necessary action.
- Nominating: Chaired by the Past Chair, oversees the nomination of individuals to the Board of Directors, Executive Committee and Officers.

The JTF's recommendation for officers is:

Position	Proposed Officers
Chair	Kelley Kaiser
Vice Chair	Rich Carone
Immediate Past Chair	Carlyn Roy
Immediate Past Chair	Chuck Crowe
Treasurer	Doug Bourdo

It is the recommendation of the JTF that it will be the responsibility of the Immediate Past Chairs in the first year to oversee public and media relations, plan the annual report and annual meeting and plan celebrations for the newly united organization and the community.

Additionally, there will be Ex-Officio positions. The Executive Committee will keep or cause to be kept a list of ex-officio positions that will be invited to participate in meetings but will not have voting privileges. Ex-officio positions will not be eligible for election to the Executive Committee.
The JTF's recommendation for Ex Officio members includes, but is not limited to:

1. Benton County
2. Business Enterprise Center (BEC)
3. Cascades West Council of Governments (COG)
4. City of Adair Village
5. City of Corvallis
6. City of Monroe
7. City of Philomath
8. Community of Alsea
9. Corporate Round Table (CRT)
10. Corvallis Independent Business Association (CIBA)
11. Corvallis Tourism (CT)
12. Downtown Corvallis Association (DCA)
13. Oregon Economic and Community Development Department (OECDD)
14. Oregon Entreprenuers Forum (OEF)
15. Oregon Nanoscience and Microtechnology Institute (ONAMI)
16. Oregon State University (OSU)
17. Philomath Chamber of Commerce
18. Small Business Development Cneter (SBDC)
19. Software Association of Oregon (SAO) Corvallis Chapter

As referenced previously, the Board, for the purpose of executing the work of the organization, will establish committees. These committees should represent specific segments, work purposes or strategic needs of the organization and membership. Active committee members should be given priority consideration for open Board positions.

Executive Committee meeting attendance will be open to board members, ex-officio participants, and committee members. Executive sessions may be called and attendance will be limited to voting members.

3. Name

The JTF recommends that the CCC change its name to reflect a broader territory and broader range of services and pursuit of mission. The CCC will be named the surviving organization because of its national affiliation and name recognition. The JTF recommends a new name that incorporates the word "Chamber" and reflects the traded sector / economic development function to include recruiting and retention of traded sector companies, with a geographic service area of Benton County and a goal of creating strategic partnerships and alliances with neighboring cities and counties to improve the economic conditions of the mid valley region.

A subcommittee of the JTF has been tasked to make a recommendation on the new name for the Chamber, with a recommendation expected by June 15, 2006. The subcommittee

members include: Katherine Cleland (EDP Board), Mike Corwin (CCC Board), Marti Staprans Barlow (CCC Member), Lee Eckroth (CCC Board), Jana Jakub (CCC Staff). The JTF recommends the new organization create a new logo, tagline, printed material and signage to reflect the name and mission changes.

4. Programmatic Issues

The new organization will broaden to focus on traded sector efforts of the community including but not limited to manufacturing, technology and research related commercialization. The CCC agrees to hire/devote staff to focus on traded sector recruiting and traded sector retention and expansion programs at least to the level that is currently provided under the EDP. Additionally, the new organization will continue current Chamber programs and will expand and enhance programs. Initially the following steps will be taken to substantiate, improve and expand the Chamber's current programs.

1. Develop a comprehensive understanding of the existing and potential members and their needs.
    - Conduct membership meetings with groups representing specific industries, business sizes and special business interests.
    - Hold focus groups and meet with existing, ex-members and potential new members.
    - Redevelop the Chamber's membership application so it can be used as a tool to gather information.
2. Evaluate and clarify the Chamber's mission in relation to the knowledge gained in step 1.
3. Complete a strategic plan, focused on programs and work plans that directly meet the needs identified in step 1.
    - Devise a complete, but focused strategy (similar to the EDP's Marketing Plan).
    - Clear goals, measurable outcomes and community indicators.
    - Work plans and reporting mechanisms.
    - Budgets and champions.
4. Review and amend the new organization's bylaws, organizing documents, handbooks, materials and other documents to create the desired changes in culture, mission and strategy.
5. Evaluate existing s including Board members, staff and facilities in order to execute the strategic plan.
6. Develop strategic alliances locally and regionally.

The JTF recommends the attached organizational chart identifying key staff and reporting hierarchy with the president having full discretion to hire additional staff as the budget and funding permits.

5. Financial

The EDP and CCC will merge their accounting systems in a way that economic development funds from both the public and private sector have accountability and transparency. The CCC and EDP use the same bookkeeper and will maintain the bookkeeper through the transition. EDP's budget of $161,500 and the Chamber's budget of $320,000 will be combined with a portion dedicated to projects previously focused on

by the EDP. The EDP will transfer assets and contracts to the CCC with the commitment that these contracts will be carried out and renegotiated at appropriate times with the City and County to ensure the needs of the community and key stakeholders are met.

The JTF created a subcommittee including: Chuck Crowe (EDP Board), Doug Bourdo (CCC Board), Rich Carone (EDP and CCC Board), Mary Nolan (CCC Staff), Mysty Rusk (EDP Staff) and Lynn Roylance (EDP Staff). After review and substantiation of the assets and liabilities listed on the balance sheets of both the EDP and the Chamber of Commerce, the JTF recommends the transfer of assets of the EDP to the Chamber as well as finalizing the merger. Also the JTF interviewed four (4) local accountants and recommends Stover, Neyhart and Company as the new organization's certified public accountant to work with a bookkeeper and staff.

Current Contracts:

City of Corvallis	$40,000
City of Corvallis Airport	$18,000
Benton County	$38,000

Since the offices are currently co-located there are minimal costs involved for the merger to take place. Integrating phone and computer systems will occur within 30 days of the date of the merger. Neither organization revealed anything of substance in the due diligence discussion. The CCC is in the process of having its bookkeeping system and procedures updated and the EDP is comfortable with the process and progress to date. There are no legal actions pending or unusual debts.

An analysis of increased and decreased expenses for the merged entity will be conducted and submitted to the Board of Directors in July. The analysis will include savings from one staff leadership position, the combined financial review, health and professional insurance changes, combination of phone and computer systems and providers and the loss of rent income.

The merger will entail some one time costs, described briefly below:

Legal	Nonprofit Attorney		$2,000
	Optional Specialists:	Labor specialist	
Consultants	Merger Consultant/Facilitator		
	Optional Specialists:	MIS specialist	$2,000
		Board Development	$3,500
Design and Printing	Logo Design		$1,000
	Printing		$3,000
	Signage		$5,000
Systems Integration	Consultants (IT & Phone)		$700
	Hardware		$100
	Software		
	Utility / Phone Hookup		$200
	Web Development		$4,500
Other Costs	Celebration		$1,000
	Miscellaneous		$2,000
TOTAL PROJECTED COSTS			**$25,000**

6. Human Resources

The EDP's President has accepted an offer to fill the vacant position with the Chamber. All current staff will continue employment and vacancies will be filled as soon as possible. See the attached traditional and cultural organizational chart for additional information. New job descriptions will be drafted, pay evaluated and each staff member's role in the organization may change depending on the identified needs resulting from the efforts outlined in section 4. Programmatic Issues.

7. Fundraising and Public Relations

The CCC will continue to raise public and private funds for services currently provided by the EDP. The reactions of public funders and key stakeholders have been positive in conversations among JTF members and key stakeholders. The JTF recommends key stakeholders be contacted about their ongoing support of the economic development work for the joined organization. The JTF recommends the new Executive Board of Directors evaluate at least the following three scenarios around membership development:

1. Recruit 100 new members per year using existing methods (this is approximately the number of new members the Chamber receives each year).
2. Recruit 200 new members using an outside agency to help with a membership event.
3. Recruit 200 new members per year by internally organizing a membership event.

All communications with the media should be joint from this point forward. The JTF recommends the new organization develop a public relations campaign to educate the community about the planned changes including but not limited to: programmatic changes, staff changes, mission changes, intended outcomes and organizational structure.

8. Recommendation

The Joint Task Force of the Corvallis Chamber of Commerce and the Corvallis-Benton Economic Development Partnership recommends to the respective boards that they finalize and execute a merger of the organizations based on the preceding agreements.

After consultation with legal counsel, the following actions need to take place to execute a merger between the Corvallis Area Chamber of Commerce and the Corvallis-Benton Economic Development Partnership

1. **EDP**

a.	Amend Articles and Bylaws (Majority of Board)	Board
b.	File Amended Articles with Sec of State	JAS*
c.	Prepare Plan of Dissolution	MR**
d.	Approve Plan of Dissolution (Majority of Board)	Board
e.	File Articles and Plan of Dissolution with State	JAS*
f.	Terminate Employees	MR**
g.	Transfer Assets to Chamber	MR & JAS

h. Approval of Assignment of Contracts MR**
   i. City
   ii. County
   iii. Airport
   iv. Contributors (issue re: notice)

   ** JAS = Jeanne Smith and Associates*

   *** MR = Mysty Rusk, on behalf of the Corvallis-Benton EDP*

2. Chamber

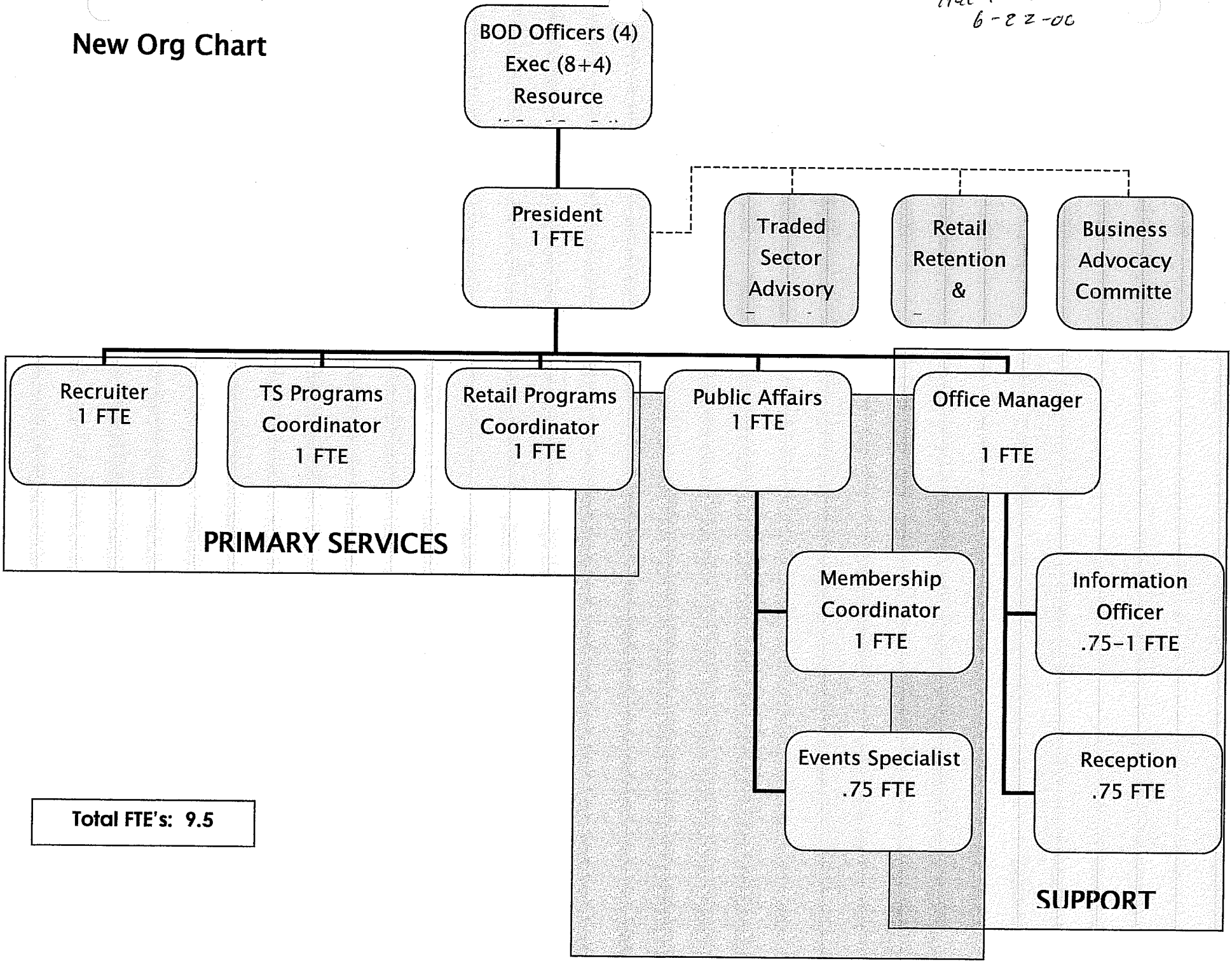
a. Amend Articles for Name Change Board
b. File Amended Articles with Sec of State JAS*
c. Amend Bylaws (2/3 vote of Board) MR**
d. Approve the transfer of EDP assets Board

   ** JAS = Jeanne Smith and Associates*

   *** MR = Mysty Rusk, on behalf of the Corvallis Chamber of Commerce*

Hal Brauner
6-22-00

New Org Chart



Total FTE's: 9.5

****

COUNCIL REQUESTS

FOLLOW-UP REPORT

JUNE 29, 2006

****

1. VanBuren Bridge Update (Nelson)

On June 13, 2006, the VanBuren Bridge Stakeholder Committee recommended that two alternatives move into the Environmental Assessment (EA) phase of the project. The following day, the Project Management Team, which includes Mayor Berg, moved the same two alternatives forward. Both alternatives maintain the existing bridge and provide bicycle and pedestrian facilities on the bridge. Both alternatives also include bicycle and pedestrian facilities on the new bridge with a connection at NW First Street on the west end. One alternative (#3) is close to the existing bridge, and one (#5) is farther away. Demolition of the existing structure was eliminated from further consideration due to cost and Federal historic preservation requirements.

The EA process is expected to take approximately one year. It includes developing additional information regarding the environmental impacts of the alternatives, public testimony, and consideration by the Stakeholder Committee and Project Management Team.

2. Council Chambers Recording Equipment Upgrade (Nelson)

Audio and video equipment in the Council Chambers is being upgraded to improve recording quality and to enable digital recording and electronic file transfer of taped Council meetings. The existing equipment, purchased in the late-1990s, is outdated, and recording quality is poor.

Equipment changes include increasing the number of cameras from three to four, improving lighting, upgrading speakers and the audio mixer, and adding digital recording capabilities. The video control room will be re-configured to accommodate the new equipment and to re-orient the camera operator so s/he is better able to monitor the meeting during taping.

The new system will decrease the amount of staff time required to convert Council meeting videos for playback on Channel 21. Overall quality of recordings should

also improve, given the new digital format. Although much of the existing equipment is outdated, those components that are still useful will be incorporated into the new equipment.

PEG Access monies are funding the equipment upgrade. Staff expects the Council Chambers to be operational no later than the August 7 Council meeting.

Jon Nelson
City Manager

CITY OF CORVALLIS – COUNCIL REQUESTS – TRACKING REPORT
PENDING REQUESTS

Council Request Item	Requested By	Date of Request	CM Report Due Date	Assigned to	Response in CM Rpt No.	Comments
Collection options for large-dollar-value parking fines	Griffiths	06-05-06	07-11-06	Brewer		
Locations for petition signature gatherers	Nelson	06-19-06	07-11-06	Fewel		
Council Chambers recording equipment upgrade	Nelson	06-19-06	06-27-06	Louie	CCR 06-29-06	
Van Buren Bridge Update	Nelson	06-20-06	07-11-06	Rogers	CCR 06-29-06	
Heggen Fountain	Nelson	06-27-06	07-11-06	Conway		

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

JUNE 21, 2006

TO: **MAYOR AND CITY COUNCIL**

FROM: **JON S. NELSON, CITY MANAGER**

SUBJECT: **EXEMPT SALARY INCREASES**

We have previously briefed the Council on salary increases in FY06-07 for employees covered by collective bargaining units. Exempt staff will receive a cost of living increase of 3.5 percent. This is consistent with funds budgeted and the increase in the AFSCME contract.

Personnel staff and the Classification and Compensation team continue to address position classifications that are compressed or under valued according to our point value system and comparables.

This Fall we will return to City Council to discuss proposed changes in our health insurance programs consistent with past discussions.

2037

ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS

June 29, 2006

MEETING DATE	AGENDA ITEM
July 6	No Meeting
July 20	No Meeting
August 1 ***12:00 pm*** ***Madison Avenue Meeting Room***	• Allied Waste Services Rate Increase Proposal
August 10	No Meeting
August 24	
September 7	• Fourth Quarterly Operating Report • Council Policy Review: CP10.04.060, "Funding for Community Facilities"
September 21	• Municipal Code Chapter 3.06, "City Services Billing" Six-month Review
October 5	• Council Policy Review: CP 04-1.09, "Public Access Television" • Council Policy Review: CP 91-2.03, "Expense Reimbursement"
October 19	• Economic Development Allocations Fourth Quarter Reports • Council Policy Review: CP 91-3.02, "City Compensation Policy" • Corvallis Environmental Center Funding Agreement Annual Report
November 9	• Benton County Historical Society/Museum Annual Report • Economic Development Application Process and Calendar • Utility Rate Annual Review • Comprehensive Annual Financial Report (CAFR)
November 23	No Meeting
December 7	
December 21	• Economic Development Allocations First Quarter Reports • First Quarterly Operating Report

ASC PENDING ITEMS

- Municipal Code Chapter 3.06, "City Services Billing" Annual Review — Finance

Regular Meeting Date and Location:
Thursday following Council, 12:00 pm – Madison Avenue Meeting Room

HUMAN SERVICES COMMITTEE
SCHEDULED ITEMS

June 29, 2006

MEETING DATE	AGENDA ITEM
July 5	No Meeting
July 18	• Corvallis Neighborhood Housing Services Third Quarter Report • Parks and Recreation Annual Fee Review
August 8	• Social Services Priority Setting
August 22	
September 6	
September 19	• Social Services Fourth Quarter Report • Rental Housing Program Annual Report
October 3	• Council Policy Review: CP 95-1.07, "Policy Regarding the City Flag" • Council Policy Review: CP 91-1.02, "Liquor License Approval Procedures" • Council Policy Review: CP 92-4.05, "Library Meeting Rooms Policy" • Council Policy Review: CP 92-4.06, "Library Displays, Exhibits, and Bulletin Boards" • Council Policy Review: CP 95-4.08, "Code of Conduct on Library Premises"
October 17	• Council Policy Review: CP 91-4.03, "Senior Citizens' Center Operational Policies" • Council Policy Review: CP 92-4.04, "Park Utility Donations" • Council Policy Review: CP 97-4.09, "Guidelines for Free Use of Park Facilities"
November 7	• Corvallis Neighborhood Housing Services Fourth Quarter Report
November 21	
December 5	• ArtCentric Annual Report • Public Art Selection Commission Annual Report
December 19	• Social Services First Quarter Reports • Corvallis Neighborhood Housing Services First Quarter Report

HSC PENDING ITEMS

• Citizen Review Board	Police
• Majestic Theatre Contract	Parks and Recreation
• Red, White, and Blues Festival Fencing	Parks and Recreation

Regular Meeting Date and Location:
Tuesday following Council, 12:45 pm – Madison Avenue Meeting Room

URBAN SERVICES COMMITTEE
SCHEDULED ITEMS

June 29, 2006

MEETING DATE	AGENDA ITEM
July 5	No Meeting
July 18	• Pleasant View/Stoneybrook Subdivision Zone of Benefit • Interim System Development Charge Review
August 8	• Waste Water Temperature Discharge Limits • Airport Land Lease Rates
August 22	• Watershed Stewardship Plan
September 6	
September 19	
October 3	• Council Policy Review: CP 04-1.08, "Sustainability" • Council Policy Review: CP 95-7.12, "Integrated Vegetation Pest Management (IVPM) Program"
October 17	• Council Policy Review: CP 03-7.16, "Guidelines for Donations of Land and/or Improvements for Parks as an Offset to Systems Development Charges for Parks" • Council Policy Review: CP 98-9.06, "Transportation Corridor Plans"
November 7	
November 21	
December 5	
December 19	

USC PENDING ITEMS

• Airport Industrial Park Master Lease Review	Public Works
• Council Policy Review: CP 05-7.17, "Utility/Transportation Facility Extensions Through Public Areas"	Public Works
• Downtown Housing Implementation Consideration	Community Development
• Systems Development Charge (SDC) Exemption for TCE in South Corvallis	Public Works

Regular Meeting Date and Location:
Tuesday following Council, 4:00 pm – Madison Avenue Meeting Room

UPCOMING MEETINGS OF INTEREST

City of Corvallis

JULY - NOVEMBER 2006
(Updated June 29, 2006)

JULY 2006

Date	Time	Group	Location	Subject/Note
1	10:00 am	Government Comment Corner	Library Lobby - Emily Hagen	
4		City Holiday – all offices closed		
5	**12:00 pm**	**City Council**	**Downtown Fire Station**	
5		No Human Services Committee		
5		No Urban Services Committee		
5	**5:30 pm**	**City Council**	**Downtown Fire Station**	**Planning Commission applicant interviews**
5	**7:00 pm**	**City Council**	**Downtown Fire Station**	
~~6~~	~~7:00 am~~	~~Airport Commission~~	~~Madison Avenue Mtg Rm~~	
6		No Administrative Services Cmte		
7	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
8	10:00 am	Government Comment Corner	Library Lobby - TBD	
11	4:00 pm	Open Space Advisory Commission	Parks and Rec Conf Rm	
12	8:15 am	Citizens Adv Cmsn on Transit	Madison Avenue Mtg Rm	
13	8:00 am	Citizens Adv Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
13	4:00 pm	Riverfront Commission	Parks and Rec Conf Rm	
15	10:00 am	Government Comment Corner	Library Lobby - Kari Rieck	
16	*4:00 pm*	*Ward 5 (Gándara)*	*Franklin Square Park*	
17	**12:00 pm**	**City Council**	**Downtown Fire Station**	
17	**7:00 pm**	**City Council**	**Downtown Fire Station**	
18	12:45 pm	Human Services Committee	Madison Avenue Mtg Rm	
18	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
18	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
19	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
19	7:00 pm	Planning Commission	Downtown Fire Station	
20	11:30 am	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room C	
20		*No* Administrative Services Cmte		
20	6:30 pm	Parks and Recreation Adv Board	Downtown Fire Station	
22	10:00 am	Government Comment Corner	Library Lobby - TBD	
24	**7:00 pm**	**Mayor/City Council/City Manager**	**Madison Ave Mtg Rm**	**quarterly work session**
26	5:00 pm	Downtown Parking Commission	Madison Avenue Mtg Rm	
29	10:00 am	Government Comment Corner	Library Lobby - George Grosch	

AUGUST 2006

Date	Time	Group	Location	Subject/Note
1	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
1	*12:00 pm*	*Administrative Services Committee*	*Madison Avenue Mtg Rm*	*special meeting*
2	5:30 pm	Land Development Hearings Board	Downtown Fire Station	tentative
2	7:00 pm	Planning Commission	Downtown Fire Station	
2	7:30 pm	Library Board	Library Board Room	

Date	Time	Group	Location	Subject/Note
3	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
4	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
5	10:00 am	Government Comment Corner	Library Lobby - Matt Donohue	
7	**12:00 pm**	**City Council**	**Downtown Fire Station**	
7	**7:00 pm**	**City Council**	**Downtown Fire Station**	
8	12:45 pm	Human Services Committee	Madison Avenue Mtg Rm	
8	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
8	4:00 pm	Open Space Advisory Commission	Parks and Rec Conf Rm	
9	8:15 am	Citizens Adv Cmsn on Transit	Madison Avenue Mtg Rm	
10	8:00 am	Citizens Adv Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
10		No Administrative Services Cmte		
10	4:00 pm	Riverfront Commission	Parks and Rec Conf Rm	
12	10:00 am	Government Comment Corner	Library Lobby - Charles Tomlinson	
14	**5:30 pm**	**City Council**	**to be determined**	**Historic Resource Commission applicant interviews**
15	**5:30 pm**	**City Council**	**to be determined**	**Historic Resource Commission applicant interviews**
15	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
16	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
16	7:00 pm	Planning Commission	Downtown Fire Station	
17	11:30 am	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
17	6:30 pm	Parks and Recreation Adv Board	Downtown Fire Station	
19	10:00 am	Government Comment Corner	Library Lobby - TBD	
20	*4:00 pm*	*Ward 5 (Gándara)*	*Franklin Square Park*	
21	**12:00 pm**	**City Council**	**Downtown Fire Station**	
21	**7:00 pm**	**City Council**	**Downtown Fire Station**	
22	12:45 pm	Human Services Committee	Madison Avenue Mtg Rm	
22	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
22	*7:00 pm*	*Ward 7 (Zimbrick)*	*Fire Station 5*	
23	5:00 pm	Downtown Parking Commission	Madison Avenue Mtg Rm	
24	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
26	10:00 am	Government Comment Corner	Library Lobby - TBD	

SEPTEMBER 2006

Date	Time	Group	Location	Subject/Note
1	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
2		No Government Comment Corner		
4		City Holiday – all offices closed		
5	**12:00 pm**	**City Council**	**Downtown Fire Station**	
5	**7:00 pm**	**City Council**	**Downtown Fire Station**	
6	12:45 pm	Human Services Committee	Madison Avenue Mtg Rm	
6	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
6	7:00 pm	Planning Commission	Downtown Fire Station	
6	7:30 pm	Library Board	Library Board Room	
7	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
7	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
9	10:00 am	Government Comment Corner	Library Lobby - TBD	
12	4:00 pm	Open Space Advisory Commission	Parks and Rec Conf Rm	
13	8:15 am	Citizens Adv Cmsn on Transit	Madison Avenue Mtg Rm	

Date	Time	Group	Location	Subject/Note
13	7:00 pm	Ward 3 (Grosch)	Tunison Community Room	
14	8:00 am	Citizens Adv Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
14	4:00 pm	Riverfront Commission	Parks and Rec Conf Rm	
16	10:00 am	Government Comment Corner	Library Lobby - Linda Modrell	
17	*4:00 pm*	*Ward 5 (Gándara)*	*Franklin Square Park*	
18	**12:00 pm**	**City Council**	**Downtown Fire Station**	
18	**7:00 pm**	**City Council**	**Downtown Fire Station**	
19	12:45 pm	Human Services Committee	Madison Avenue Mtg Rm	
19	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
19	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
20	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
20	7:00 pm	Planning Commission	Downtown Fire Station	
21	11:30 am	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
21	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
21	6:30 pm	Parks and Recreation Adv Board	Downtown Fire Station	
23	10:00 am	Government Comment Corner	Library Lobby - Blake Rodman	
27	5:00 pm	Downtown Parking Commission	Madison Avenue Mtg Rm	
30	10:00 am	Government Comment Corner	Library Lobby - Helen Higgins	

OCTOBER 2006

Date	Time	Group	Location	Subject/Note
2	**12:00 pm**	**City Council**	**Downtown Fire Station**	
2	**7:00 pm**	**City Council**	**Downtown Fire Station**	
3	12:45 pm	Human Services Committee	Madison Avenue Mtg Rm	
3	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
4	7:00 pm	Planning Commission	Downtown Fire Station	
4	7:30 pm	Library Board	Library Board Room	
5	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
5	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
7	10:00 am	Government Comment Corner	Library Lobby - Scott Zimbrick	
10	4:00 pm	Open Space Advisory Commission	Parks and Rec Conf Rm	
11	7:00 pm	Ward 3 (Grosch)	Tunison Community Room	
12	8:00 am	Citizens Adv Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
12	4:00 pm	Riverfront Commission	Parks and Rec Conf Rm	
14	10:00 am	Government Comment Corner	Library Lobby - Linda Modrell	
15	*4:00 pm*	*Ward 5 (Gándara)*	*Franklin Square Park*	
16	**12:00 pm**	**City Council**	**Downtown Fire Station**	
16	**7:00 pm**	**City Council**	**Downtown Fire Station**	
17	12:45 pm	Human Services Committee	Madison Avenue Mtg Rm	
17	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
17	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
18	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
18	7:00 pm	Planning Commission	Downtown Fire Station	
19	11:30 am	Cmsn for Martin Luther King, Jr.	Madison Avenue Mtg Rm	
19	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
19	6:30 pm	Parks and Recreation Adv Board	Downtown Fire Station	

Date	Time	Group	Location	Subject/Note
21	10:00 am	Government Comment Corner	Library Lobby - Donna Keim	
28	10:00 am	Government Comment Corner	Library Lobby - George Grosch	

NOVEMBER 2006

Date	Time	Group	Location	Subject/Note
1	*7:00 pm*	*Planning Commission*	*Downtown Fire Station*	
1	*7:30 pm*	*Library Board*	*Library Board Room*	
2	*7:15 pm*	*Committee for Citizen Involvement*	*Madison Avenue Mtg Rm*	
4	*10:00 am*	*Government Comment Corner*	*Library Lobby - Linda Modrell*	
6	***12:00 pm***	***City Council***	***Downtown Fire Station***	
6	***7:00 pm***	***City Council***	***Downtown Fire Station***	
7	*12:45 pm*	*Human Services Committee*	*Madison Avenue Mtg Rm*	
7	*4:00 pm*	*Urban Services Committee*	*Madison Avenue Mtg Rm*	
8	*7:00 pm*	*Ward 3 (Grosch)*	*Tunison Community Room*	
9	*8:00 am*	*Citizens Adv Cmsn on Civic Beautification and Urban Forestry*	*Parks and Rec Conf Rm*	
9	*12:00 pm*	*Administrative Services Committee*	*Madison Avenue Mtg Rm*	
9	*4:00 pm*	*Riverfront Commission*	*Parks and Rec Conf Rm*	
11		*No Government Comment Corner*		
13		*City Holiday – all offices closed*		
14	*4:00 pm*	*Open Space Advisory Commission*	*Madison Avenue Mtg Rm*	
15	*12:00 pm*	*Housing and Community Dev Cmsn*	*Madison Avenue Mtg Rm*	
15	*7:00 pm*	*Planning Commission*	*Downtown Fire Station*	
16	*11:30 am*	*Cmsn for Martin Luther King, Jr.*	*Madison Avenue Mtg Rm*	
16	*6:30 pm*	*Parks and Recreation Adv Board*	*Downtown Fire Station*	
18	*10:00 am*	*Government Comment Corner*	*Library Lobby - Patricia Daniels*	
20	***12:00 pm***	***City Council***	***Downtown Fire Station***	
20	***7:00 pm***	***City Council***	***Downtown Fire Station***	
21	*12:45 pm*	*Human Services Committee*	*Madison Avenue Mtg Rm*	
21	*4:00 0pm*	*Urban Services Committee*	*Madison Avenue Mtg Rm*	
21	*5:30 pm*	*Watershed Mgmt Adv Cmsn*	*Madison Avenue Mtg Rm*	
23		*No Administrative Services Cmte*		
23		*City Holiday – all offices closed*		
24		*City Holiday – all offices closed*		
25		*No Government Comment Corner*		

TBD To Be Determined

Bold type – involves the Council ~~Strikeout~~ type – meeting canceled *Italics* type – new meeting

Ward Meetings:
Ward 3 (George Grosch) – second Wednesday of each month, 7:00 pm
Tunison Community Room (no meetings March through August)
Ward 5 (Rob Gándara) – third Sunday from May -October, 4:00 pm
Franklin Square Park (no meetings November through April)

2355 NW 13th Street
Corvallis, Oregon 97330
June 22, 2006

Corvallis Benton County Public Library
645 NW Monroe Avenue
Corvallis, Oregon

Dear Administration and Staff Members:

My wife, Susana, and I would like to make the following donation to the library in loving memory of my mother, Marian D. Fisher, who passed away on March 21st in Ludington, Michigan at the age of 99 years and 9 months.

Mom was a professional librarian in the Toledo (Ohio) and Lucas County library systems starting before her marriage and lasting up until some time after I had finished high school. Her love of books and reading was instilled in me during my very early years and, as most of you know, has lasted right up until the present day. What a precious gift to leave to your children!

I consider myself blessed indeed to have chosen Corvallis as the city in which to live out the rest of my years for surely there is no other library anywhere that could match the service and wonderful staff members I have come to know in my weekly pilgrimages to your incomparable temple of learning. So many kind and thoughtful people making my visits joyful occasions, so much to read and enjoy, the tireless efforts of Interlibrary Loan folks who almost always manage to find the rare books I request from them, and all your smiling faces and super service at the Circulation Desk - what more could any book-lover ask for? You are all just the very best that can be.

And so I take great pleasure in sending you the enclosed check in memory of the dear lady who started me down the road of reading. Susana and I can think of no more deserving organization than our library to receive this donation. It is our way of saying thanks for all you've meant to us during our relatively brief stay in Corvallis.

Sincerely yours,
John S. Fisher
Susana D. Fisher
John & Susana Fisher

RECEIVED
JUN 29 2006
CITY MANAGERS OFFICE

MEMORANDUM

TO: **Mayor and City Council**

FROM: **Ken Gibb, Community Development Director**

DATE: **June 23, 2006**

RE: **Corvallis Business Park- Schlosser , Comprehensive Plan Amendment (CPA05-00005);**

I. ISSUE

On December 27, 2006, the applicant, Andrew Schlosser, Brandis-SDC Jt., submitted an application seeking approval of 4 requests:

1. A Comprehensive Plan Map and Text Amendment to modify land use designations on the site from General Industrial with a Research Technology Overlay to Mixed Use Commercial. The Comprehensive Plan Text Amendment would modify Comprehensive Plan Policies 8.10.5 and 8.12.1. to allow commercial uses on the subject site;
2. A District Change from Research Technology Center with a Planned Development Overlay to Mixed Use Commercial with a Planned Development Overlay;
3. A Major Modification to a Detailed Development Plan (PD93-5 and PDM97-21); and
4. A Lot Line Adjustment to reconfigure the subject site and reduce the current lot size from approximately 1.3 acres to approximately 1.2 acres.

On May 3, 2006, the Planning Commission held a public hearing on the proposed Comprehensive Plan Amendment and associated requests. The Planning Commission approved the Lot Line Adjustment, and approved the Zone District Change and Planned Development Major Modification (within the subject site as modified by the Lot Line Adjustment), contingent upon City Council approval of the proposed Comprehensive Plan Map and Text Amendments. The Planning Commission voted to recommend that the City Council approve the requested Comprehensive Plan Map and Text Amendments **(Attachment I)**. A City Council public hearing has been scheduled for July 5, 2006, to consider the recommendation of the Planning Commission and to make a decision regarding the requested Comprehensive Plan Map and Text Amendments.

The approximately 1.2 acre site is generally located south of the 700 block of Circle Blvd, on the east side of Four Acres Street. It is adjacent to, and south of Carmike Cinemas,

and adjacent to, and east of the Kmart and Safeway Stores. The site is also identified on Benton County Assessor's Map 11-5-25 B, as Tax Lot 1200.

II. BACKGROUND and DISCUSSION

The subject site is within the Corvallis Business Park Planned Development. Over the past two decades numerous land use applications have been heard, and approvals granted that impact properties in, or adjacent to this Planned Development. Some of the major approvals are listed below. Further discussion of previous reviews and approvals is provided in pages 3-6 of the April 26, 2006, Staff Report to the Planning Commission.

Previous Reviews and Approvals:

1993 - In September, the Planning Commission recommended the City Council approve a Comprehensive Plan Map Amendment on 27.5 acres surrounding, and including the subject site, to change the overlay on this General Industrial land from Regional Shopping Center (RSC) to Research Technology (RT) (CPA-93-2). The Commission also approved a District Change from GI (General Industrial) to PD(RTC) (Research Technology with a Planned Development overlay) (DC-93-1), and approved a Detailed Development Plan for Phase 1 of Corvallis Business Park and a Conceptual Development Plan for Phases II and III of Corvallis Business Park (PD-93-5). In October, the City Council approved the Comprehensive Plan Map Amendment (CPA-93-2).

1998 - The City Council approved a Comprehensive Plan Map Amendment (CPA-97-2) changing 6.25 acres from General Industrial with a Research Technology (RT) overlay to Shopping Area and amending Policy 7.9.1 to allow the Comprehensive Plan Map Amendment. Also approved was a District Change (DC-97-6) to modify: 2.3 acres from PD(GI) (General Industrial with a Planned Development overlay) to PD(CS) (Community Shopping with a Planned Development overlay); 1.44 acres from PD(GI) (General Industrial with a Planned Development Overlay) to PD(RTC) (Research Technology Center with a Planned Development overlay); 4.1 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(MUE) (Mixed Use Employment with a Planned Development overlay); and 6.25 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(CS) (Community Shopping with a Planned Development overlay). The Council also approved a Legislative Amendment to the Land Development Code (LDT-97-8) amending the Land Development Code Section 3.14.20.02a to allow "Spectator Sports and Entertainment - Limited and Other" as a permitted use within the CS (Community Shopping) District. Finally, the Council approved a Major Modification (PDM-97-21) to the approved Detailed Development Plan for Phase I and a revised Conceptual Development Plan for the entire site and approved a Conditional Development Application allowing an auto body shop within the PD(MUE) (Mixed Use Employment with a Planned Development overlay) portion of the Corvallis Business Park site, as well as a 40,000 square foot structure for a theater and conference facility.

June, 2000 - The Comprehensive Plan Update, done as part of Periodic Review, was acknowledged by the State Department of Land Conservation and Development. This acknowledgment implemented numerous changes to the Comprehensive Plan Map and Text, including changing the Shopping Area designation on the approximately 6.25-acre commercial portion of Corvallis Business Park to Mixed Use Commercial.

June and October 2000 - The Community Development Director approved two Minor Land Partitions for Assessor's Map 11-5-25B, Tax Lots 1900 and 2000; and 2100 and 2200. These new survey maps established the correct acreage for the subject properties, adjusting the previous Assessor's Map numbers for Corvallis Business Park (MLP00-00014 and MLP00-00011).

April 2004 - The City Council approved an application for a Comprehensive Plan Text and Map Amendment and, on appeal, approved a Zoning District Change for a 2.5 acre property within Phase I of the Corvallis Business Park owned by Steve Perlenfein (CPA03-00004, et. al). The City Council also referred an associated Major Planned Development back to the Planning Commission. That application was later withdrawn by the applicant. The Comprehensive Plan Text and Map Amendment to re-designated the property from General Industrial to Mixed Use Commercial and modified the text of Comprehensive Plan Policies 8.10.5 and 8.12.1. The District Change decision changed the zoning of the property from Mixed Use Employment with a Planned Development Overlay to Mixed Use Commercial with a Planned Development Overlay.

May 2004 - The City Council, on appeal, approved an application for a Zoning District Change, Major Planned Development Modification and Detailed Development Plan, Tentative Subdivision Plat, and Sign Variance in relation to a proposal to locate a 135,000 square foot Home Depot Home Improvement store and associated development in the area of Phases II and III (and a small portion of Phase I) of the Corvallis Business Park Planned Development. The approval decision was appealed to the State Land Use Board of Appeals on June 8, 2004. The Land Use Board of Appeals remanded the case to the City Council to address specific issues related to traffic impacts. These issues were addressed and the City Council's approval stands.

Proposal:

As noted above, the applicant is seeking approval for Comprehensive Plan Map and Text Amendments. The Planning Commission approved the Lot Line Adjustment, and the Zone District Change and Major Modification to the Detailed Development Plan, contingent on City Council approval of the Comprehensive Plan Amendment requests. Specifically the applicant requests approval to amend the Comprehensive Plan Map Designation on the site from General Industrial with a Research Technology Overlay to Mixed Use Commercial. The applicant is also seeking Comprehensive Plan Text Amendments to modify Comprehensive Plan Policies 8.10.5 and 8.12.1. to allow commercial uses on the subject site.

Comprehensive Plan policies 8.10.5 and 8.12.1, as currently written in the Comprehensive Plan are presented below in bold text. The applicant's proposed language for the Comprehensive Plan policies is next presented, followed by the Staff/Planning Commission recommended amended text, should the Council be in favor of amending the Comprehensive Plan Map and Text.

Current Comprehensive Plan Text

8.10.5 Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

8.12.1 Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

Applicant Proposed Text Amendment (changes underlined and *italicized*):

Policy 8.10.5 Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended ~~east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard~~ *to the same latitude as the southern boundary of the existing Kmart-Safeway development...*

Policy 8.12.1 Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended ~~east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard~~ *to the same latitude as the southern boundary of the existing Kmart-Safeway development; which is the same number of feet south of Circle Boulevard as the existing southern boundary of the existing Kmart-Safeway development.*

The applicant's proposed language would reduce clarity regarding the appropriate eastern and southern extent of commercial development in the subject area. Therefore, if the City Council chooses to approve the requested Comprehensive Plan Text Amendment to Policies 8.10.5 and 8.12.1, the following amended language was recommended by the Planning Commission for approval (recommended changes are underlined):

Planning Commission Amendment to Policy 8.10.5

Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended *east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-*

Packard. Commercial activity may also be extended within the Corvallis Business Park Planned Development approximately 890 feet south from Circle Boulevard.

Planning Commission Recommended Amendment to Policy 8.12.1

Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended *east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard. Commercial activity may also be extended within the Corvallis Business Park Planned Development approximately 890 feet south from Circle Boulevard.*

Planning Commission Action: Specific criteria and policies that apply to the proposed Comprehensive Plan Amendments were addressed in the April 26, 2006, Staff Report to the Planning Commission **(Attachment III)**. Specifically, pages 9-29 of the April 26, 2006, Staff Report address compliance with Comprehensive Plan Amendment criteria. Generally, these criteria require that there be a public need for the change, that the proposed method of meeting the need is the best means of doing so, and that the change is desirable and results in a net benefit to the community. The Planning Commission adopted the information and findings in the April 26, 2006, Staff Report and the portions of the May 3, 2006, Planning Commission minutes that support the Planning Commission's actions, and voted to recommend that the City Council approve the application.

The Planning Commission approved the Lot Line Adjustment, and approved the Zone District Change and Major Modification to the Detailed Development Plan contingent upon City Council approval of the Comprehensive Plan Amendment. If approved, the Comprehensive Plan Map Amendment, Zone District Change, and Planned Development Major Modification will apply to the site as modified by the Lot Line Adjustment. The Planning Commission's decisions to approve the Zoning District Change, Major Modification to the Detailed Development Plan, and Lot Line Adjustment were not appealed, and the appeal period has ended. The only decisions that remain to be finalized are the those regarding the Comprehensive Plan Map and Text Amendment requests. These decisions are to be made by the City Council.

III. REQUESTED ACTION

Comprehensive Plan Text Amendments:
With respect to the Comprehensive Plan Text Amendment requests, Schlosser - Corvallis Business Park (CPA05-00005), the City Council has the following options:

OPTION #1: **Approve** the Staff/Planning Commission recommended version of the proposed Comprehensive Plan Text Amendments to Policies 8.10.5 and 8.12.1;

OPTION #2: **Deny** the request to adopt the proposed Comprehensive Plan Text Amendments; or

OPTION #3: **Approve** the proposed Comprehensive Plan Text Amendments with modifications that the City Council believes are appropriate.

From the facts presented in the April 26, 2006, Staff Report to the Planning Commission **(Attachment III)**, and in the May 3, 2006, Planning Commission minutes **(Attachment II)**, and based on the findings below, the Planning Commission and staff recommend that the City Council Approve **Option #1** above, and direct staff to prepare an Ordinance and formal findings in support of the amendments to Comprehensive Plan Policies 8.10.5 and 8.12.1.

If the City Council decides to pursue Option #1, the following Motion is recommended:

MOTION: I move to approve the requested Comprehensive Plan Text Amendments to Comprehensive Plan Policies 8.10.5 and 8.12.1, as recommended by the Planning Commission, subject to adoption of Formal Findings and Conclusions, and Ordinance. This motion is based upon the criteria, discussions, and conclusions contained within the April 26, 2006, staff report to the Planning Commission, the June 23, 2006, Memorandum to the Mayor and City Council from the Community Development Director; and based upon the reasons given by the City Council during their deliberations as reflected in the Minutes of the July 5, 2006, City Council meeting.

Comprehensive Plan Map Amendment:

With respect to the Comprehensive Plan Map Amendment request, Schlosser - Corvallis Business Park (CPA05-00005), the City Council has the following options:

OPTION #1: **Approve** the request to adopt the proposed Comprehensive Plan Map Amendment;

OPTION #2: **Deny** the request to adopt the proposed Comprehensive Plan Map Amendment; or

OPTION #3: **Approve** the proposed Comprehensive Plan Map Amendment with modifications that the City Council believes are appropriate.

From the facts presented in the April 26, 2006, Staff Report to the Planning Commission **(Attachment III)**, and in the May 3, 2006, Planning Commission minutes **(Attachment II)**, and based on the findings below, the Planning Commission and staff recommend that the City Council Approve **Option #1** above and direct staff to prepare an Ordinance and Formal Findings in support of the amendment to the Comprehensive Plan Map.

If the City Council decides to pursue Option #1, the following Motion is recommended:

MOTION: I move to approve the requested Comprehensive Plan Map Amendment, subject to adoption of Formal Findings and Conclusions, and Ordinance. This motion is based upon the criteria, discussions, and conclusions contained within the April 26, 2006, staff report to the Planning Commission, the June 23, 2006, Memorandum to the Mayor and City Council

from the Community Development Director; and based upon the reasons given by the City Council during their deliberations as reflected in the Minutes of the July 5, 2006, City Council meeting.

The following findings are proposed to further elaborate support for a decision to **approve** the requested Comprehensive Plan Text and Map Amendments:

Findings in Support of the Requested Comprehensive Plan Amendment:

1. The proposed Comprehensive Plan Amendments are consistent with applicable Comprehensive Plan Policies, including: 1.2.3; 3.2.1; 8.10.1; 8.10.2; 8.10.4; 11.2.12; 11.3.9.

   Consistent with policy 1.2.3, the proposal demonstrated a public need for a Comprehensive Plan Amendment, demonstrated that advantages to the community from the Amendment would outweigh disadvantages, and showed that the proposed change was a desirable way of meeting the public need.
   The Comprehensive Plan Amendments would encourage an efficient use of land and energy, would take advantage of existing transportation facilities and other public services, and would promote a compact urban form by creating opportunities for commercial infill development. Therefore, the proposal complies with policies 3.2.1.

   Policies 8.10.1 and 8.10.2 encourage commercial development in existing commercial areas, based on community needs. Policy 8.10.4 requires new commercial development to be concentrated in designated mixed use districts located to maximize access by transit and pedestrians. The Comprehensive Plan Amendment would allow commercial development to occur in an area largely surrounded by existing commercial development, and served by existing transit services and pedestrian connections. New development would occur with in a Mixed Use Commercial (MUC) Comprehensive Plan Designation, and zoning District. There are currently only 5.2 acres of vacant Mixed Use Commercial land. The proposed amendment would increase land available for commercial development in mixed use districts. As such, the proposal is consistent with policies 8.10.1 and 8.10.12.

   Policy 11.2.12 requires that the transportation system reflect consistency with the Comprehensive Plan, land use designations, and regional and statewide planning efforts. Policy 11.3.9 requires arterial and collector streets to accommodate adequate level of service standards. As discussed below, the proposed Comprehensive Plan Amendment would not create a change in traffic volume or level of service compared to the current Designation, therefore the proposal complies with policies 11.2.12 and 11.3.9.

   Policies 8.10.5 and 8.12.1 were crafted to prevent strip type development extending from north 9th street. The subject site is located in a Planned Development where commercial development is clustered and access is controlled. Future development

on the site would require review through the public hearing process to ensure compliance with standards in the Corvallis Business Park, the Land Development Code and Comprehensive Plan. Given this, the Comprehensive Plan Amendment (including the proposed changes to these policies) is consistent with the intent of policies 8.10.5 and 8.12.1 because it will allow infill development allowed in the Mixed Use Commercial zoning district to occur within a Planned Development site.

2. The proposed Comprehensive Plan Amendments are consistent with applicable Statewide Planning Goals. Goal 2 - Land Use Planning requires land use decisions to be based on an acknowledged Comprehensive Plan. The proposal was evaluated against Comprehensive Plan policies and the Land Development Code. Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces, 6 - Air, Water, and Land Resources Quality require protection of natural and cultural resources. The Comprehensive Plan Amendment will not negatively impact these resources, and future development will be evaluated to assure compliance with applicable regulations governing natural and cultural resources. Goal 9 - Economic Development requires communities to provide adequate opportunities for a variety of economic activities. The proposal would create opportunities for future commercial development, and is, therefore, consistent with this Goal. Goal 11 - Public Facilities and Services requires an efficient arrangement of public facilities and services to serve as a framework for urban development. Currently the subject site and Corvallis Business Park have adequate facilities to serve development allowed within the MUC designation. Goal 12 - Transportation requires provision of a safe and convenient transportation system. The proposed MUC designation would not increase traffic volume above what could occur under the existing General Industrial with a Research Technology overlay designation. As such the proposal is in compliance with Goal 12. Goal 13 - Energy Conservation requires land uses to be developed and controlled to maximize the conservation of all forms of energy. The proposal would create infill opportunities for future Mixed Use Commercial uses. Such uses could take advantage of existing infrastructure and facilities, thereby conserving energy and resources.

3. The 2003 Land Development Inventory Report indicates there are approximately 502 acres of vacant General Industrial land and 43 acres of commercially designated land, including 5.2 acres of vacant Mixed Use Commercial land. The proposed Comprehensive Plan Amendment satisfies a public need by providing additional Mixed Use Commercial land through infill development while only minimally reducing the General Industrial land supply.

4. Given the predominance of commercial development in the Corvallis Business Park, as well as the City Council approval of The Home Depot store south of the subject site, it is clear that the area in the vicinity of the subject property is developing in a commercially-oriented pattern. The current GI(RT) Designation allows uses per development standards of the Research Technology Center district. The small size of the site precludes the site from being developed to RTC district standards, and its

location adjacent to predominately commercial uses makes it unlikely that the site will develop according to the Comprehensive Plan vision of RT designated areas. Previous land use approvals have severely compromised the ability of the site to develop to RTC District standards, and have reduced the ability of development on the site to be compatible with surrounding uses, thereby creating a public need for the Comprehensive Plan Amendment.

5. There are several advantages of the proposed Comprehensive Plan Amendment. They include concentrating commercial uses in an approved Planned Development with controlled access; allowing for a wider variety of uses compatible with surrounding uses; commercial infill in the existing commercial area will add to the synergistic effect achieved by clustering these uses; future uses would be served by existing public facilities, transit services, and bicycle and pedestrian connections.

   These advantages outweigh disadvantages of the Comprehensive Plan Amendment, which include: expanding development in an area that could be used for industrial and research technology development; and expanding commercial development beyond the 1/4 mile perimeter of the proposed Major Neighborhood Center at the intersection of 9th Street and Circle Blvd.

6. The proposed change is a desirable means of meeting the public need. Infrastructure is in place to support the type of development permitted under the MUC Designation. Uses allowed under the MUC Designation would be compatible with surrounding commercial uses. Changing the land use designation to Mixed Use Commercial will further concentrate commercial activity in this commercial area, thereby helping to reduce individual vehicle trips for consumers; minimizing potential compatibility conflicts; and making more efficient use of the land, consistent with Comprehensive Plan Policy 3.2.1. Based on this analysis, the requested Comprehensive Plan Amendments are a desirable means of meeting the public need.

7. The proposed Comprehensive Plan Amendment is not anticipated to result in compatibility conflicts with adjacent development because: 1) the existing surrounding uses, and future approved uses are predominantly commercial; 2) noise, odors, lighting, and signage on the site are not anticipated to differ significantly from noise, odors, lighting, and signage on adjacent properties; 3) landscaping would be required with both MUC and GI(RT) uses; 4) parking would need to comply with Code requirements, though some fexibility for shared parking could be allowed through the Planned Development process; 5) traffic impacts are not anticipated to exceed the capacity of the adjacent transportation network; 6) no significant air or water quality impacts are anticipated from development on the site; 7) the subject site is within a Planned Development and future development would be reviewed through Planned Development processes to ensure compatibility.

8. The proposed Comprehensive Plan Text Amendments would not result in strip type development because the Corvallis Business Park Planned Development approval

addresses in a comprehensive manner, access, circulation, facilities and utilities, landscaping and parking. Future uses would be concentrated in the Corvallis Business Park area and would be consistent with the intent of Comprehensive Plan policies 8.10.5 and 8.12.1, as amended to prevent strip type development.

9. Streets in the vicinity of the subject site will be able to adequately accommodate anticipated vehicular, pedestrian, bicycle, and transit traffic resulting from the most intensive development that can be reasonably anticipated under the proposed Comprehensive Plan Designations, subject to typical improvements required in conjunction with development.

10. The proposed Comprehensive Plan Amendment is consistent with the Transportation Planning Rule (OAR 660-012-0060) because the change will not: 1) change the functional classification of adjacent streets; 2) change the standards by which the functional classification system is implemented; 3) result in a land use that would lead to levels of travel or access not consistent with the functions of the adjacent neighborhood collector and arterial highway systems; or 4) reduce the performance standards of the adjacent transportation facilities below minimum acceptable levels.

11. Other infrastructure, including water, sanitary sewer, storm drainage, and franchise utilities, is available to serve the subject site, under the proposed Comprehensive Plan Designation, subject to typical improvements required in conjunction with development.

ATTACHMENTS

ATTACHMENT I - Planning Commission Notice of Disposition, signed May 4, 2006

ATTACHMENT II - Draft May 3, 2006 Planning Commission Minutes

ATTACHMENT III - Staff Report to Planning Commission, dated April 26, 2006

Review and Concur:

Jon S. Nelson,
City Manager

05-05-06 JHE

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

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

CORVALLIS PLANNING COMMISSION
NOTICE OF DISPOSITION

ORDER 2006-061

CASE: **Corvallis Business Park - Schlosser - Comprehensive Plan Amendment, Zone District Change, Planned Development Major Modification, and Lot Line Adjustment (CPA05-00005, ZDC05-00014, PLD05-00023, LLA06-00003)**

REQUEST: Approval of 4 requests:

1. A Comprehensive Plan Map and Text Amendment to modify land use designations on the site from General Industrial with a Research Technology Overlay to Mixed Use Commercial. The Comprehensive Plan Text Amendment would modify Comprehensive Plan Policies 8.10.5 and 8.12.1. to allow commercial uses south of Circle Blvd. and on the subject site;

2. A District Change from Research Technology Center with a Planned Development Overlay to Mixed Use Commercial with a Planned Development Overlay;

3. A Major Modification to a Detailed Development Plan (PD93-5 and PDM97-21); and

4. A Lot Line Adjustment to reconfigure the subject site and reduce the current lot size from approximately 1.3 acres to approximately 1.2 acres.

The Comprehensive Plan Map Amendment, Zone District Change, and Planned Development Major Modification are requested to apply only to the subject site (Tax Lot 1200) as reconfigured by the Lot Line Adjustment.

APPLICANTS/ OWNERS:

Andrew Schlosser,
Brandis - SDC Jt.
Venture 907 W. 5th St.,
Suite 202
Austin, TX 78703

(For Lot Line Adjustment Application only)
Carmike Cinemas, Inc.
1301 First Avenue
Columbus, GA 31901

LOCATION: The approximately 1.3 acre site is generally located south of the 700 block of Circle Blvd, on the east side of Four Acres Street. It is adjacent to, and south of Carmike Cinemas, and adjacent to, and east of the Kmart and Safeway Stores. The site is also identified on Benton County Assessor's Map 11-5-25 B, as Tax Lot 1200. The Lot Line Adjustment request also affects the 6.10 acre lot immediately north of the subject site, owned by Carmike Cinemas, Inc., and identified on Benton County Assessor's Map 11-5-25 B as Tax Lot 903.

DECISION: The Corvallis Planning Commission conducted a public hearing, and held deliberations on May 3, 2006. The Planning Commission decided to:

1) Recommend that the City Council approve the requested Comprehensive Plan Map and Text Amendments;

2) Approve the proposed District Designation, contingent on Council approval of the Comprehensive Plan Amendment;

3) Approve the Planned Development Major Modification, subject to attached conditions of approval, and contingent on Council approval of the Comprehensive Plan Amendment;

4) Approve the Lot Line Adjustment, subject to attached conditions of approval,

The Planning Commission adopted the findings contained in the April 26, 2006, Staff Report to the Planning Commission and the portions of the May 3, 2006, Planning Commission minutes that demonstrate support for the Planning Commission's actions.

Because the Planning Commission's Comprehensive Plan (Map and Text) Amendment decision is only a recommendation to the City Council, it cannot be appealed. If you are an affected party and wish to appeal the Planning Commission's Zone District Change decision, Planned Development Major Modification decision, and/or Lot Line Adjustment decision, appeals must be filed, in writing, with the City Recorder within 12 days from the date that the order is signed. The following information must be included:

1. Name and address of the appellant(s).
2. Reference the subject development and case number, if any.
3. A statement of the specific grounds for appeal.
4. A statement as to how you are an affected party.
5. Filing fee of $240.00.

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. The City Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

David Graetz, Chair
Corvallis Planning Commission

Signed this 4th day of May, 2006

Attachment I
Page 2

CONDITIONS OF APPROVAL

The following conditions only apply to the requested Planned Development Major Modification and Lot Line Adjustment, and subsequent Planned Development Modifications associated with the subject site and this approval. The conditions of approval are listed in the order they appear in the staff report. The Conditions have page references in the far left column which indicate where in the staff report discussion and analysis is made relative to that specific condition.

Pg # Ref	Cond #	CONDITION
36	1	Subsequent Major Modifications - Prior to issuance of any development permit on the subject property, site-specific Detailed Development Plans and Major Planned Development Modification approvals shall be obtained to ensure that development on the subject property is consistent with previous approvals for the site and the Corvallis Business Park Conceptual and Detailed Plan, as well as with Mixed Use Commercial Zoning District standards, all other applicable Land Development Code requirements, applicable Comprehensive Plan Policies, and any other applicable City requirements.
36	2	Traffic Impact Analyses (TIA) - In order to ensure that development-related impacts are mitigated, future conceptual and/or detailed development proposals will be required to submit updated traffic impact studies. The developer will be required to install mitigation found to be necessary through review of future development proposals.

36	**3**	<u>On-site Storm Water Improvements</u> - With future development applications, the applicant will need to submit the following to the City's Development Services Department for review and approval; and prior to issuance of any future final certificate of occupancy on the development site, the storm water detention facilities and water quality facilities as conditioned below will need to be installed by the applicant and approved by the City. A. <u>Line Sizing and System Capacity Calculations</u> - Provide engineered calculations demonstrating that the existing downstream storm water system has sufficient capacity to convey the expected storm water volumes generated by the development. B. <u>Private Storm Water Detention</u> - Provide engineered calculations for pre-development and post-development peak storm water run-off flows to verify that proposed development storm water impacts are consistent with previous detention facility design regarding their requirement to match pre and post development flows based on the 2-year through the 100-year storm event. C. <u>Private Water Quality Facility Design</u> - Provide engineered calculations for storm water quality facilities demonstrating compliance with both criteria outlined in City of Corvallis Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington Surface Water Design Manual. Infiltration facilities are a recommended means of meeting water quality requirements where soil and slope conditions (not more than 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The water quality analysis shall contain a discussion on the feasibility of implementing infiltration during both wet and dry seasons and a discussion on the feasibility of using pervious pavement systems in the streets and on-site paved areas to minimize runoff and maximize infiltration.
36	**4**	<u>Private Storm Water Maintenance Agreements</u> - Prior to issuance of any structural or site utility construction permits with future PD modification applications, the applicant shall submit a signed written agreement among all affected owners that defines the terms of maintenance, access and ownership of the private storm water conveyance and detention/water quality system.

37	**5**	Utility Extensions & Easements - All properties within Corvallis Business Park (including Phases I, II and III) will need to provide private and public utility easements prior to the issuance of any additional building or construction permits for any property under his/her control, with future Planned Development Modifications, consistent with the approved utility designs for the development, to and through each parcel to the edge of the adjacent parcel such that there are no reserve "spite" strips, and for the purposes of public and private utility connection. Within the entire Corvallis Business Park project, including Phases I, II and III, each property owner shall be responsible for granting and recording such public and private easements for all property under his/her control. Easement widths for both public and private easements shall be consistent with the Code and City of Corvallis Engineering Standards for public utility easements. Additionally, prior to the issuance of building permits for each parcel in Corvallis Business Park (including Phases I, II and III), the applicant of that building permit shall obtain approval of, and permits for, engineered public and/or private improvement plans, consistent with the approved design, from the City. The City Engineer shall have the ability to modify the utility design if the applicant requests an alternate design and the City Engineer finds that the alternate design meets City engineering standards and other sites within or outside of the entire development are not adversely affected by the change.
39	**6**	Lot Line Adjustment - a. Deeds, based on a metes and bounds legal description, for all adjusted lots resulting from the lot line adjustment shall be recorded with the Benton County Recorder's Office. b. A Certified Boundary Survey map that reflects the approved lot line adjustment shall be filed with Benton County. Prior to the filing of the survey map with Benton County, the map shall be reviewed by the City and signed by the Director and the City Engineer. c. Copies of the recorded deeds and filed survey map shall be provided to the City following recordation.

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

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
Wednesday May 3, 2006

Present
David Graetz, *Chair*
Bill York, *Vice Chair*
Karyn Bird
Frank Hann
Tony Howell
Denise Saunders
Brandon Trelstad
George Grosch, *Council Liaison*

Staff
Jim Brewer, Deputy City Attorney
Fred Towne, Planning Division Manager
Keith Turner, Development Engineering Supervisor
Bob Richardson, Associate Planner
Claire Pate, Recorder

Excused
David Hamby
Patricia Weber

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions			
II.	Public Hearing **Schlosser/Corvallis Business Park (CPA05-00005, ZDC05-00014, PLD05-00023, LLA06-00003)**			Recommend Approval
III.	Old Business	X		
IV.	New Business	X		
V.	Adjournment			8:45 p.m.

CONTENT OF DISCUSSION

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

I. VISITOR'S PROPOSITIONS: None

Draft

II. PUBLIC HEARING - Schlosser/Corvallis Business Park (CPA05-00005, ZDC05-00014, PLD05-00023, LLA06-00003):

A. Opening and Procedures:

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

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

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

The Chair opened the public hearing.

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

1. Conflicts of Interest - none
2. Ex Parte Contacts - none
3. Site Visits - Commissioners York, Saunders, Howell, Trelstad, and Bird visited the site.
4. Objections on Jurisdictional Grounds - none

C. Staff Overview:

Associate Planner Bob Richardson said the application relates to a 1.3 acre parcel in the Corvallis Business Park, a Planned Development, which is located south of the 700 block of Circle Boulevard, on the east side of Four Acres Street. The parcel is just south of Carmike Cinemas and east of the Kmart and Safeway Stores. The site has a designation of General Industrial (GI) with a Research Technology overlay and is zoned Research Technology Center (RTC) with a Planned Development (PD) overlay. There is a proposed Neighborhood Center located at the corner of Circle Boulevard and Ninth Street, and the property is just outside its 1/4 mile radius.

The applicant is seeking approval of four requests:

1. A Comprehensive Plan Map and Text Amendment to modify land use designations on the site from General Industrial with a Research Technology overlay to MUC. The

Draft

Comprehensive Plan Text Amendment would modify Comprehensive Plan Policies 8.10.5 and 8.12.1 to allow commercial uses for properties not fronting Circle Boulevard, which would include the subject site.

2. A District Change from Research Technology Center with a PD overlay to Mixed Use Commercial with a PD overlay.

3. A Major Modification to a Detailed Development Plan. At this time, there is no specific development proposed for the site; however, a Major Modification is necessary because of the potential changes in use on the site.

4. A Lot Line Adjustment to reconfigure the subject site and reduce the current lot size from approximately 1.3 acres to approximately 1.2.

D. Legal Declaration:

Deputy City Attorney Brewer 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 feel 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:

Andrew Schlosser, general partner of the corporate partnership that owns the subject property, spoke on behalf of the applicant. In the late 1990's, his firm originally developed the remainder of Phase I of the Corvallis Business Park, which includes CarmikeTheater, Staples, light retail space on Circle Boulevard, and adjoining property to the east. In early 2000-01, they initiated and gained approval for the Safeway Store, part of the Planned Development originally approved in 1993. In the last few years, they have received inquiries from the Safeway Company to add a convenience store-type kiosk, which has become a part of their prototype for Safeway in their rollout of new stores. The Safeway store located in southwest Corvallis in the Sunset Center has a kiosk, while the downtown Safeway does not.

The Planning Department has said that, in order to build a kiosk, the applicant would have to seek a new zoning designation for their 1.3 acre site. The current zoning of RTC does not permit the use contemplated by Safeway for a kiosk. Mr. Schlosser and his partners originally made application about two years ago and worked closely with City staff but withdrew the application in December 2004 in anticipation of some issues that needed to be resolved between Home Depot and some appellants who had contested approvals on that particular store in the autumn of 2004. The partners reinitiated the application for the kiosk once the Home Depot issue was resolved. Now they are seeking approvals for a formal Comprehensive Plan change, Development District modifications, some Comprehensive Plan text amendments, and a minor Lot Line Adjustment to the property in order to accommodate their client and any potential activity that might occur in anticipation of the Home Depot development. There are no specific plans at this time, and

draft

the partners need to develop a design development schematic to take to Safeway for approval, after which they will submit an application for Planning Commission review on a Detailed Development Plan. If the current application is approved, Mr. Schlosser and his partners will come forward with more specific and detailed schematics and plans relating to the landscaping, engineering, facade and elevations proposed by Safeway and the applicant.

Commissioner York asked for further elaboration on what a kiosk consists of. Mr. Schlosser said that the typical kiosk consists of gas pumps with a convenience store inside. Many grocery store chains are trying to head off the Walmart competition with the provision of full service. It is not known at this time whether this kiosk will have a convenience store or merely a fuel station.

Commissioner Howell clarified that with the MUC district, convenience sales are permitted outright, but fuel sales would be reviewed as a Conditional use. If the plans include fuel sales, they would be evaluated on certain criteria for this particular site. Mr. Howell asked if his assumption was correct in that the footprint that is in the current Detailed Development Plan for the site would go away. Mr. Schlosser said the applicant would be coming back with a new Detailed Development Plan and schematics, which would include plans pertaining to the actual delineation of buildings, parking, circulation, landscaping, all associated public and franchise utilities, and signage.

Commissioner Howell referred to page K-16 (Exhibit X) of the staff report. He said that the past approved plan shows a portion of the lot designated as a priority daytime parking area, probably to meet the perceived need for parking when the theater initially was intended to be a training center. Part of the approval was that Carmike could build up to 12,000 square feet within some of the area that is now parking. Mr. Schlosser said that Exhibit X was incorporated by reference into a private agreement recorded after all of the applicable zoning approvals were obtained in 1998-99. Exhibit X was incorporated into the Reciprocal Easement agreement endorsed by another partnership of which they are general partners; Carmike Cinemas; and the partnership which is making application tonight. The reference to the 12,000 square feet was a floating reference in favor of them, not of Carmike, a fact that is not clear in Exhibit X. There are other associated letters and memoranda between Carmike Cinemas, Inc. and SDC -West-East Circle that governed density; it is a private right. The City Council and Planning Commission would trump anything, of course, that had previously been agreed to in a private matter. Commissioner Howell said he would be asking for staff's interpretation of the situation as well. If any limitations apply, the Planning Commission would have to evaluate whether those limitations need to be honored or not for the functioning of the whole area.

Mr. Schlosser said that one of the features of the original proposal was the parking reciprocity between all of the phases of Corvallis Business Park. There is an abundance of parking at this site because of the public assembly on site. Parking metrics will be addressed when a Detailed Development Plan is submitted. A traffic analysis will ratify and confirm that parking and circulation are satisfactory and addressed. The Safeway corporate offices have the same concerns, so they will want this information as well.

In response to a question from Commissioner Bird related to the Lot Line Adjustment, Mr. Richardson referred to the schematic on page P-9 of the staff report. He said that the dotted line is what is proposed, and the solid line is what exists. The end result creates more frontage on Four Acres Street and gives some access from north of the site.

F. Staff Report:

Planner Richardson said the application is presented in detail in the staff report, and he will briefly highlight some of the issues.

As noted, the applicant is proposing four elements.

1. First is a Comprehensive Plan amendment to change the designation from GI with a Research Technology overlay to MUC, and a text amendment to two Comprehensive Plan policies. Staff is recommending some alternate wording for the text amendments, as noted on page 10 of the staff report. Comprehensive Plan Policy 1.2.3 and Land Development Code Chapter 2.1 state that there are three elements to reviewing requests for a Comprehensive Plan amendment: public need; weighing of advantages and disadvantages; and whether the proposal is a desirable means of meeting that need. There are also compatibility requirements to be reviewed.

   Addressing public need, the 2003 Land Development Inventory Report indicates that there is currently a greater need for MUC land than GI land in the city. In 1998, the Buildable Lands Inventory predicted that there would be a greater surplus of GI land in Corvallis than commercial land. It appears that there is a need for commercial land, which can be achieved through the MUC designation. Additionally, an MUC designation provides a wider variety of potentially compatible uses with surrounding uses than currently exists under the GI designation. Staff's finding is that there is a public need for this amendment.

   Looking at the advantages and the disadvantages, there are three general advantages. The surrounding area is developed primarily with commercial uses. Designating the site MUC would create the opportunity for additional commercial development in this already commercially concentrated area. This site is in a Planned Development and the utility and transportation infrastructure are already in place to serve the site. The disadvantages include the extension of commercial services outside the perimeter of the Neighborhood Center. Re-designation of the site would reduce the availability of GI land within the City on land that could be used for Research Technology uses. On balance, staff concludes that the advantages outweigh disadvantages.

   Staff concluded that this a desirable means of meeting the need, in that it provides an infill opportunity with compatible uses, and allows for an efficient use of land.

   The PD overlay will ensure that future development will be compatible. Specifics of compatibility cannot be viewed at this time because no Detailed Development Plan is proposed, but the uses, primarily commercial, that are allowed in a MUC- designated area are similar to those already existing near the site. Staff finds that the site can be served adequately with public utilities and services.

2. The second request is for a zone district change from RTC with a PD overlay to MUC with a PD overlay. Looking at the review criteria and applicability of this particular zone, if the Comprehensive Plan amendment is approved, and the site is changed to MUC designation, then the MUC district would be an appropriate zone for this site. Compatibility issues would be able to be addressed through the PD process. Generally speaking, the MUC District is allowed in the MUC designation. The MUC District would permit uses similar to existing uses, and negative compatibility impacts would be minimal.

As part of the application, the applicant was required to do a Traffic Impact Analysis. The analysis compared some of the most intensive traffic-generating uses within the current zone to the most intensive traffic-generating uses in the proposed zone. The analysis indicated that there would be zero change in traffic generated. Therefore, the proposal did not significantly affect the transportation facility as defined by the Oregon Transportation Planning rule. Staff concluded that the Zone District Change request meets applicable Comprehensive Plan policies and Land Development Code standards.

3. The third request is for a Major Modification. It is a major modification because of the potential changes in use types. When a Detailed Development Plan is submitted, it will be evaluated through the Planned Development process, which requires a public hearing. At that time, compatibility issues will be addressed. One Condition of Approval requires future development to, at a minimum, address any previous Conditions of Approval. All of the applicable previous Conditions of Approval will be brought forward for evaluation at the time of Detailed Development Plan submittal. The applicant can request to vary from the earlier Conditions of Approval, but that would be considered as part of the Detailed Development Plan process and would be evaluated by the Planning Commission.

4. Finally, the Lot Line Adjustment (LLA) application is to reconfigure the existing lot and reduce it in size from 1.3 acres to 1.2 acres. Staff concludes that the LLA proposal meets the criteria for LLAs. It will not create an additional unit of land. Reducing the lot size will not prevent future development from complying with district standards. The adjacent lot currently conforms to applicable development standards. Availability of public and private utilities will not be affected by the LLA.

To conclude, staff recommends in favor of the applicant's requests. The recommended motions are on pages 40 and 41 of the staff report.

Commissioner Howell asked for clarification about whether, despite the order of approval, the Comprehensive Plan Amendment and District Changes would apply to the reconfigured lot, since the Lot Line Adjustment will be the last order of business. Staff said that the approvals for changes would apply to the lot as it is proposed to be reconfigured.

G. Public Testimony in favor of the application: None

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

I. Neutral testimony:

None. The Chair reminded people that speaking neutrally removes rebuttal rights.

J. Questions of staff:

In response to questions from Commissioner Bird, Mr. Richardson explained that 890 feet south of Circle would extend approximately to the southern property line of Kmart. He further explained that the Lot Line Adjustment request had been signed by Carmike, and they are aware it is happening.

Commissioner Howell noted that a lot line adjustment would leave a small remainder of land between Carmike and this property still designated GI-RT and a small portion of PD (RTC) in the same area. He asked staff if this was an issue, given that there already is a Detailed Development Plan that is primarily parking. Mr. Richardson said that ideally all of the property remaining with the Research Technology designation would have been wrapped up together in this request, but as it is primarily parking, staff did not see that there was a major problem. In the future, the remaining property can go through a similar process.

Commissioner York said that, absent a project, he is having difficulty with demonstrated public need for the change. There is a reliance on the statement regarding noted surplus of industrial land, which he finds weak. He does not see a shortage of MUC within the community and he asked staff to expand on the arguments. Mr. Richardson said that the amount of land available is only one part of the argument, the other part being that this site as currently zoned would be very difficult to develop. The remaining portion of land does not meet any RTC district standards, in that it no longer is a 50-acre lot with a campus-like setting, it would be difficult to meet setback requirements, etc. The actual ability to use the land might be the stronger case for demonstrated public need. Commissioner York said that the fact that the applicant has created this remnant is not the Planning Commission's responsibility, and, in fact, the Commission had not supported the remnant's creation. The Planning Commission's decision had been successfully appealed to City Council, and this remnant is the result of the applicant's request. Mr. York cited Land Development Code 2.2.20.d relating to lessening the influence of private economic interests in the land use decision making process. Private economic interests are what has brought this application to the Planning Commission. Planning Manager Towne said that though the Planning Commission had denied the previous application, the City Council had the ultimate decision-making responsibility and supported it.

Commissioner Saunders referred to page J-17 of the staff report, and read from the City Council's Formal Findings approving the district change from Research Technology with a PD overlay to GI with a PD overlay. Finding #10 states that this subject site is one of only a few such vacant properties that does not have wetlands associated with it. She asked staff if the finding still held true for this particular site. Mr. Richardson said that the statement holds true, but there is also the question of how to develop the site in a compatible manner, and one consisitent with the RTC standards. Though it might be possible, there would be a wider number of compatible uses with a different district designation.

Commissioner Saunders asked about the designations noted on the Comprehensive Plan map showing the Home Depot site still with an RT designation. Mr. Towne said that the designation should have been removed from the Comprehensive Plan map, and the designation should be GI. Commissioner Saunders asked about the status of the Home Depot project. Mr. Towne said that preliminary work has been completed and it is anticipated that the developers will be coming forward for a building permit very soon. Commissioner Saunders shared her concern that if Home Depot were not built, there would still be a large parcel of land that could be used for GI land.

In response to another question from Commissioner Saunders about the Condition of Approval requiring the development to be consistent with previous approvals, Mr. Richardson said that staff would have to go through each previous approval and identify which Conditions would be applicable. The applicant could request to vary from a

Condition which might be in conflict, and at that point, the information would be evaluated by staff and brought forth to the Planning Commission for review.

In response to a question from Commissioner Trelstad, Mr. Richardson said that a land scarcity analysis had been done for GI designations, but that the Research Technology is an overlay, not a designation. A review cannot be done for overlays.

Commissioner Saunders asked for more elaboration on Attachment L and Attachment M. Staff explained that Attachment L described vacant lands, by zone, available in 2003. Attachment M expands out into the future and compares need and supply projected through the year 2020. The category of Heavy Industrial, which reflects GI lands, shows a surplus of 398 acres in 2020. It is hard to project what Research Technology lands might be available, as that category is market driven and the overlay can be applied to any industrial land.

Commissioner Bird clarified that, at this time, there are less than four acres remaining in this location with the Research Technology overlay, which staff affirmed.

Commissioner Howell said one of the criteria for the MUC zone in terms of access is frontage on an arterial or collector; or, if within a Planned Development, a neighborhood collector. He asked if, with the approved development at this point and with Home Depot going in, Four Acre Street tended to meet neighborhood collector designation from a volume perspective. Mr. Turner said that the Transportation Plan gives direction and guidelines. At this time, staff does not see any conflicts with any uses, including the use for a fuel station, being served by this road, which has all the amenities of a neighborhood collector and good connectivity to an arterial. Mr. Towne said that the developers still have to come forward with a transportation analysis at the time of a proposed development, and the issue can be reevaluated then.

There were no further questions. City Attorney Brewer said that though there was no testimony, it is the Planning Commission's choice whether it would allow the applicant to respond to any of the issues the Planning Commission members have raised through their questions. Through a show of hands, it was decided to give the applicant an opportunity to respond if he wished to do so.

K. Response by Applicant:

Mr. Schlosser responded to three points:

1. Regarding the Conditions of Approval that have accrued since the late 1980's, those Conditions would be addressed by the applicant and by staff in the formal application for a Detailed Development Plan.
2. Regarding the neighborhood collector matter, this property is tied into a formal reciprocal easement agreement with all of the property fronting on Circle Boulevard. The agreement stipulates that access, circulation and shared parking will be ensured perpetually, including access to Circle Boulevard via the main access drive as well as through the main parking area.
3. The last point Mr. Schlosser wished to make was that a different property owner made the application for the change of zoning on the Home Depot tract. The net result of that application and its approval was that a tract formerly designated RTC leaves this neighboring tract with a remnant zoning character; i.e. they have an anomalous RTC character that previously had merit but no longer does. Mr. Schlosser and his partners did not attend the Home Depot hearing, but it is likely they would not have

Draft

opposed the application. The fact that this remaining tract is now anomalous, and the fact that Safeway is proposing to improve their store, are both points that should have been made earlier during the hearing.

In response to comments by Commissioner York, Mr. Schlosser said that the properties fronting on Circle Boulevard and on the Carmike property have had a Community Shopping designation since the site's review in 1998. Commissioner Howell said that the 1993 change from Regional Shopping Center to RTC included all sites, but when the applicant came forward with a Detailed Development Plan, part of the area was changed to Community Shopping as part of an overall strategy to have community shopping uses that would support the RTC. Mr. Schlosser said he and his partners were not involved in the 1993 case. Their application in 1998 was to overhaul those approvals from 1993.

L. Additional time for applicant to submit final argument:

The applicant waived the additional time to submit written argument.

M. Close the public hearing:

MOTION: Commissioner Bird moved to close the public hearing. Commissioner Howell seconded the motion and it passed unanimously.

N. Discussion and Action by the Commission:

Commissioner Howell said that in evaluating the current situation with the decisions that have already been made, this parcel is a remnant. Since 50 acres is the minimum size for an RTC, this parcel is no longer viable for that use. Looking at what its use could be, Mr. Howell believes it makes sense to recommend approval of the Comprehensive Plan changes, because MUC seems to be the most pedestrian-friendly, compatible and controlled type of district available for commercial uses.

MOTION (CPA05-00005): Commissioner Howell moved to recommend that the City Council approve the requested Comprehensive Plan Map Amendment to designate the subject property Mixed Use Commercial, and to amend the text of Comprehensive Plan Policies 8.10.5 and 8.12.1, as proposed by staff in the April 26, 2006, staff report to the Planning Commission; and based upon the reasons given by the Planning Commission members during their deliberations as reflected in the Minutes of the May 3, 2006, Planning Commission Meeting. Commissioner Bird seconded the motion.

Commissioner York said he has two problems with the motion. First, he does not believe there is a demonstrated public need for the change. Second, the arguments about dealing with this RTC remnant are problematic because the motion just made will make an even smaller RTC remnant, which seems to be counter-productive. If they are trying to solve remnant problems, they should not be creating an even a smaller remnant.

Commissioner Saunders said she agrees with Commissioner York. Approval of this request would strengthen the argument that the Home Depot parcel should be MUC as well. She would not be surprised to see them come forward with a request for MUC down the road.

Commissioner Howell said that if the other property owner had come forward at the same time, the total remainder of the RTC could have been redesignated. Since the balance of

the lot is in parking, there is no motivation for that owner to come forward and share in the costs of the application. Functionally, this is the critical piece that at this point cannot develop as an RTC campus. It makes more sense to apply the MUC standards. The RTC has already been destroyed through prior decisions. There is a public benefit to in-fill development and, for this site, MUC is the most useful and compatible designation.

Commissioner Saunders added to her argument in opposition that there is a need in that part of town for land that would support higher wage jobs rather than minimum wage jobs. The community is building $400,000 homes, but there will be no land available for industries and jobs to support that kind of development. The applicants did not demonstrate a public need.

The **Motion passed**, with Commissioners York and Saunders voting in opposition.

MOTION (ZDC05-00014): Commissioner Bird moved to approve the requested District Designation to change the zoning district of the subject properties to PD(MUC), contingent upon City Council approval of the associated Comprehensive Plan Amendment request. Her motion is based upon the criteria, discussions, and conclusions contained within the April 26, 2006, staff report to the Planning Commission; and based upon the reasons given by the Planning Commission members during their deliberations as reflected in the Minutes of the May 3, 2006, Planning Commission Meeting. Commissioner Howell seconded the motion.

Commissioner York said that he will support the motion since the argument is now whether the zoning is appropriate for the Comprehensive Plan designation that the majority has seen fit to recommend.

Commissioner Howell said he is in support of the motion. He further stated that the RTC requires a minimum setback of not less than 50 feet from the street and sides, and the MUC standards would end up working better for this parcel.

The **Motion passed,** with Commissioner Saunders voting in opposition.

MOTION (PLD05-00023): Commissioner Howell moved to approve the requested Major Planned Development Modification, subject to satisfaction of the Conditions of Approval, and contingent upon City Council approval of the requested Comprehensive Plan Amendment. This motion is based upon the criteria, discussions, and conclusions contained within the April 26, 2006, staff report to the Planning Commission; and based upon the reasons given by the Planning Commission members during their deliberations as reflected in the Minutes of the May 3, 2006, Planning Commission Meeting. Commissioner Bird seconded the motion.

Commissioner York asked if all prior Conditions for all prior approvals would be coming forward when the applicant comes back for Detailed Development Plan review. Commissioner Howell said that was his understanding. All of the issues in terms of amount of parking on this parcel that was required for the theater and the northern part of the development will need to be considered and a determination made as to whether they can be relaxed or not. Mr. Towne said that the initial approval that had any impact on this particular property was the 1993 approval, with subsequent impacts by the 1998 approval. The kind of Conditions of Approval the Planning Commissioners will see are the ones associated with those two decisions. Staff will review all the Conditions and bring back an

draft

analysis regarding which ones should apply to this site. An evaluation will be made as to whether the future proposal can meet those Conditions, and in discussions with the applicant at time of application, staff will ask the applicant to come forward with satisfactory mechanisms for addressing any issues for which there have been Conditions.

Commissioner York clarified that this whole parcel is still all one Planned Development, dating back to 1993.

The **Motion passed,** with Commissioner Saunders voting in opposition.

MOTION (LLA06-00003): Commissioner Bird moved to approve the Lot Line Adjustment application, subject to Conditions of Approval presented in the April 26, 2006, Staff Report to the Planning Commission. Her motion is based upon the criteria, discussions, and conclusions contained within the April 26, 2006, staff report to the Planning Commission; and based upon the reasons given by the Planning Commission members during their deliberations as reflected in the Minutes of the May 3, 2006, Planning Commission Meeting. Commissioner Howell seconded the motion.

Chair Graetz pointed out that Conditions are tied to this motion as well. The **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.

III. OLD BUSINESS:

Commissioner Howell said that the experience with this site reminded him of some of the issues brought up with John and Phil's proposal, in terms of the major neighborhood center at the auction yard site in south Corvallis. One of the reasons that site is a little harder to develop is that there are multiple property owners all within the thin long strip. In order for development to be done cohesively, it needs to be at least planned in partnership with the other owners. Sometimes the larger property owner who might go first would prefer not to have to deal with the others, and might go forward to get their building in early. Then, the other property owners would have difficulty developing their properties. This proposal was a sign that even though this might have started cohesively, it is not cohesive any more. Some of the rules that the Planning Commissioners had intended to prescribe for a major neighborhood center were to resolve that issue, and maintain that it requires integrating all properties so that the whole remains a functioning entity. This is just reinforcement that we should hold tight on this.

City Attorney Brewer gave an update on the status of LUBA deliberations on Phase III and Phase I of the Land Development Code.

Commissioner Hann asked staff for a copy of the memorandum sent to the City Council addressing the Historic Preservation Code rewrite issues that had been discussed by the Planning Commission. Mr. Towne will forward copies of that memorandum to all Planning Commissioners. He added that the public hearing had been held on April 24, and the record was held open until May 1, 2006. Staff is currently producing another matrix for the City Council, and it will go forward to City Council on May 8, 2006.

draft

IV. NEW BUSINESS:

Commissioner Saunders asked if Planning Commission minutes could be posted to the City's website, to make the planning process more transparent. Staff said that this is being done already, but it takes a long time to get the minutes through the approval process and onto the site, so there is a delay.

V. ADJOURNMENT: The meeting was adjourned at 8:45 p.m.

draft

Corvallis Planning Division
Report to Planning Commission
PC Hearing - - - May 3, 2006
Report - - - - - - April 26, 2006
Bob Richardson - - - 766-6908

CASE: **Corvallis Business Park - Schlosser - (CPA05-00005, ZDC05-00014, PLD05-00023, LLA06-00003)**

REQUEST: The applicant seeks approval of 4 requests:

1. A Comprehensive Plan Map and Text Amendment to modify land use designations on the site from General Industrial with a Research Technology Overlay to Mixed Use Commercial. The Comprehensive Plan Text Amendment would modify Comprehensive Plan Policies 8.10.5 and 8.12.1. to allow commercial uses on the subject site;
2. A District Change from Research Technology Center with a Planned Development Overlay to Mixed Use Commercial with a Planned Development Overlay;
3. A Major Modification to a Detailed Development Plan (PD93-5 and PDM97-21); and
4. A Lot Line Adjustment to reconfigure the subject site and reduce the current lot size from approximately 1.3 acres to approximately 1.2 acres.

LOCATION: The approximately 1.3 acre site is generally located south of the 700 block of Circle Blvd, on the east side of Four Acres Street. It is adjacent to, and south of Carmike Cinemas, and adjacent to, and east of the Kmart and Safeway Stores. The site is also identified on Benton County Assessor's Map 11-5-25 B, as Tax Lot 1200. The Lot Line Adjustment request also affects the 6.10 acre lot immediately north of the subject site, owned by Carmike Cinemas, Inc., and identified on Benton County Assessor's Map 11-5-25 B as Tax Lot 903.

ACRES: The subject site is currently 1.3 acres and is part of the approximately 27.5 acre Corvallis Business Park, Planned Development.

ZONING DISTRICT: Research Technology Center, with a Planned Development Overlay PD(RTC)

COMPREHENSIVE PLAN DESIGNATION: General Industrial with a Research Technology Overlay GI(RT)

Attachment III
Page 1

APPLICANTS/ OWNERS:	Andrew Schlosser, Brandis - SDC Jt. Venture 907 W. 5th St., Suite 202 Austin, TX 78703	(For Lot Line Adjustment Application only) Carmike Cinemas, Inc. 1301 First Avenue Columbus, GA 31901

PUBLIC COMMENT: 70 notices were mailed and the site was posted, on April 11, 2006. As of April 21, no written comments were received.

ATTACHMENTS:

A. Existing Conditions Map

B. Existing Comprehensive Plan Designations Map

C. Existing Zoning District Designations Map

D. Proposed Comprehensive Plan Designations Map

E. Proposed Zoning District Designations Map

F. Sketch of Proposed Lot Line Adjustment

G. Approval of Corvallis Business Park Comprehensive Plan Amendment, District Change, and Conceptual and Detailed Development Plan, Orders 93-23 and 93-54 (CPA-93-2, DC-93-1, and PD-93-5)

H. Approval of Corvallis Business Park Comprehensive Plan Amendment, Legislative Amendment to Land Development Code, District Change, Conceptual and Detailed Development Plan and a Conditional Development, Order 98-97 (CPA-97-2, DC-97-6, LDT-97-8, PDM-97-21, and CD-97-9)

I. Approval of Perlenfein Comprehensive Plan Amendment, Zoning District Change, and Major Planned Development Modification, Order 2004-47 (CPA03-00004, ZDC03-00014, PLD03-00012)

J. Approval of Corvallis Station District Change, Major Modification to the approved Conceptual Development Plan and Detailed Development Plan, Tentative Subdivision Plat, and Sign Variance (ZDC03-00019, PLD03-00017, SUB03-00005, and MIS03-00062)

K. Reciprocal Easement Agreement and Association Agreement between Schlosser and Carmike Cinemas

L. Table VIII of the 2003 Land Development Inventory Report

M. Table 8 of the Buildable Land Inventory and Land Needs Analysis for Corvallis: Comparison of Land Need and Supply, City Limits 1996-2020

N. Staff Identified Review Criteria

O. Applicant's Traffic Impact Analysis

P. Applicant's Narrative, Application, and Graphics

SITE AND VICINITY

The subject property is located on the south side of Circle Boulevard, east of Highway 99W. It is directly east of the Kmart and Safeway Stores and south of the Carmike Cinemas. The site is vacant except for a portion of an access drive crossing the north property line. South of the site is a large vacant parcel that was recently approved for development of a Home Depot home improvement center. East of the site is the Willamette and Pacific Railroad line, while further to the east is the Hewlett-Packard campus. The site is flat and contains a few large trees within the hedgerow along the southern boundary, **(Attachment A)**.

The subject site is currently designated on the Comprehensive Plan for General Industrial uses with a Research Technology Overlay. Properties to the north and west are designated for Mixed Use Commercial uses. The properties to the south and east are designated for General Industrial uses, **(Attachment B)**.

The current zoning of the site, and the lot immediately north of the site, is PD(RTC) (Research Technology Center with a Planned Development Overlay). The properties further to the north and west are zoned PD(CS) (Community Shopping with a Planned Development Overlay). The "Home Depot" site to the south was recently rezoned from PD(RTC) (Research Technology Center with a Planned Development Overlay) to PD(GI) (General Industrial with a Planned Development Overlay). The Hewlett-Packard campus across the railroad tracks to the east is within the City Limits and is zoned PD(GI) (General Industrial with a Planned Development Overlay), **(Attachment C)**.

PREVIOUS REVIEWS AND APPROVALS

Prior to the development of the K-Mart Facility, the property bounded by NE Circle Boulevard, Hwy 99W, and the Willamette & Pacific Railroad tracks (formerly the Southern Pacific Railroad tracks), was under one ownership. A Regional Shopping Center (RSC) overlay was placed on this area, including the subject site.

1988 - The Comprehensive Plan Map designation for the adjacent K-Mart site was redesignated from General Industrial to Shopping Area. The property was also redistricted from GI (General Industrial) to a PD(CS) (Community Shopping with a Planned Development overlay). The remainder of the area, including the subject site, maintained General Industrial Comprehensive Plan Map and District Map designations.

1992 - The Planning Commission denied a District Change request and recommended the City Council deny an associated Comprehensive Plan Amendment request for Wal-Mart (CPA-91-14 & DC-91-12). The District Change request involved amending the District Map designation of 13.77 acres of the subject site from GI (General Industrial) to CS (Community Shopping) and the Comprehensive Plan Amendment request involved changing the Comprehensive Plan Map designation of the same 13.77 acres from General Industrial with an RSC (Regional Shopping Center) overlay to Shopping Area. Upon appeal, the City Council denied the District Change request and denied the Comprehensive Plan Amendment request.

1993 - In September, the Planning Commission recommended the City Council approve a Comprehensive Plan Map Amendment on 27.5 acres surrounding, and including the subject site, to change the overlay on this General Industrial land from Regional Shopping Center (RSC) to Research Technology (RT) (CPA-93-2). The Commission also approved a District Change from GI (General Industrial) to PD(RTC) (Research Technology with a Planned Development overlay) (DC-93-1), and approved a Detailed Development Plan for Phase 1 of Corvallis Business Park and a Conceptual Development Plan for Phases II and III of Corvallis Business Park (PD-93-5). In October, the City Council approved the Comprehensive Plan Map Amendment (CPA-93-2) **(Attachment G)**.

1996 - The Community Development Director approved a one-year Time Extension for the District Map Change associated with DC-93-1, which established the PD(RTC) (Research Technology with a Planned Development overlay) District designation of 27.5 acres of the subject site. In addition, the Planning Commission approved a two-year Time Extension for the Detailed Development Plan for Phase 1 of Corvallis Business Park and the Conceptual Development Plan for Phases II and III of Corvallis Business Park (PD-93-5).

1997 - The Community Development Director approved a second one-year time extension for the District Map Change associated with DC-93-1 which established the PD(RTC) (Research Technology with a Planned Development overlay) District designation of 27.5 acres of the subject site (DD-97-13/DC-93-1).

1998 - The City Council approved a Comprehensive Plan Map Amendment (CPA-97-2) changing 6.25 acres from General Industrial with a Research Technology (RT) overlay to Shopping Area and amending Policy 7.9.1 to allow the Comprehensive Plan Map Amendment. Also approved was a District Change (DC-97-6) to modify: 2.3 acres from PD(GI) (General Industrial with a Planned Development overlay) to PD(CS) (Community Shopping with a Planned Development overlay); 1.44 acres from PD(GI) (General Industrial with a Planned Development Overlay) to PD(RTC) (Research Technology Center

with a Planned Development overlay); 4.1 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(MUE) (Mixed Use Employment with a Planned Development overlay); and 6.25 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(CS) (Community Shopping with a Planned Development overlay). The Council also approved a Legislative Amendment to the Land Development Code (LDT-97-8) amending the Land Development Code Section 3.14.20.02a to allow "Spectator Sports and Entertainment - Limited and Other" as a permitted use within the CS (Community Shopping) District. Finally, the Council approved a Major Modification (PDM-97-21) to the approved Detailed Development Plan for Phase I and a revised Conceptual Development Plan for the entire site and approved a Conditional Development Application allowing an auto body shop within the PD(MUE) (Mixed Use Employment with a Planned Development overlay) portion of the Corvallis Business Park site, as well as a 40,000 square foot structure for a theater and conference facility **(Attachment H)**.

June, 2000 - The Comprehensive Plan Update, done as part of Periodic Review, was acknowledged by the State Department of Land Conservation and Development. This acknowledgment implemented numerous changes to the Comprehensive Plan Map and Text, including changing the Shopping Area designation on the approximately 6.25-acre commercial portion of Corvallis Business Park to Mixed Use Commercial.

June and October 2000 - The Community Development Director approved two Minor Land Partitions for Assessor's Map 11-5-25B, Tax Lots 1900 and 2000; and 2100 and 2200. These new survey maps established the correct acreages for the subject properties, adjusting the previous Assessor's Map numbers for Corvallis Business Park (MLP00-00014 and MLP00-00011).

April 2004 - The City Council approved an application for a Comprehensive Plan Text and Map Amendment and, on appeal, approved a Zoning District Change for a 2.5 acre property within Phase I of the Corvallis Business Park owned by Steve Perlenfein (CPA03-00004, et. al). The City Council also referred an associated Major Planned Development back to the Planning Commission. That application was later withdrawn by the applicant. The Comprehensive Plan Text and Map Amendment to re-designated the property from General Industrial to Mixed Use Commercial and modified the text of Comprehensive Plan Policies 8.10.5 and 8.12.1. The District Change decision changed the zoning of the property from Mixed Use Employment with a Planned Development Overlay to Mixed Use Commercial with a Planned Development Overlay **(Attachment I)**.

May 2004 - The City Council, on appeal, approved an application for a Zoning District Change, Major Planned Development Modification and Detailed Development Plan, Tentative Subdivision Plat, and Sign Variance in relation to a proposal to locate a 135,000 square foot Home Depot Home Improvement store and associated development in the area of Phases II and III (and a small portion of Phase I) of the Corvallis Business Park Planned Development **(Attachment J)**. The approval decision was appealed to the State

Land Use Board of Appeals on June 8, 2004. The Land Use Board of Appeals remanded the case to the City Council to address specific issues related to traffic impacts. These issues were addressed and the City Council's approval stands.

APPLICANT'S PROPOSAL

Comprehensive Plan Text and Map Amendment

The applicant is requesting an amendment to the City's Comprehensive Plan Map. The Amendment would change the designation for the approximately 1.2 acre area (assuming approval of the LLA to reduce the site from 1.3 to 1.2 acres) from General Industrial with a Research Technology Overlay to Mixed Use Commercial **(Attachment B and D)**.

In addition to the requested map change, the applicant is requesting to amend text in Comprehensive Plan policies 8.10.5 and 8.12.1 to allow commercial development to occur south of Circle Boulevard. In 2003, the City Council approved the Corvallis Business Park - Perlenfein application, which included a Comprehensive Plan Text Amendment, allowing commercial activity to extend along the south side of Circle Boulevard to the railroad tracks abutting the northwest corner of the Hewlett-Packard campus. Comprehensive Plan Policy 8.12.1 was also amended to allow commercial activity to extend from the North 9th Street area on the south side of Circle Boulevard in the subject area. Based on the language in amended policies 8.10.5 and 8.12.1, the properties abutting Circle Boulevard could be changed to a commercial designation, but it is not clear that non-abutting properties on the south side of Circle could be changed to a commercial designation without conflicting with policies 8.10.5 and 8.12.1.

The subject property does not abut Circle Boulevard, and therefore, an amendment to the two Comprehensive Plan Policies is necessary to clarify that non-abutting properties in this area south of Circle Boulevard would be eligible for a change to a commercial designation. The current wording of these two policies is as follows:

Current Wording:

Policy 8.10.5 Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

Policy 8.12.1 Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

The applicant proposes the following changes to Comprehensive Plan Policies 8.10.5 and 8.12.1 to clarify that the Comprehensive Plan Map designation for the subject properties could be changed to commercial:

Proposed Wording (changes underlined and *italicized*):

Policy 8.10.5 Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended ~~east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard~~ *to the same latitude as the southern boundary of the existing Kmart-Safeway development...*

Policy 8.12.1 Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended ~~east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard~~ *to the same latitude as the southern boundary of the existing Kmart-Safeway development; which is the same number of feet south of Circle Boulevard as the existing southern boundary of the existing Kmart-Safeway development.*

Zoning District Change

The applicant proposes to change the zoning designation for the subject site from Research Technology Center with a Planned Development Overlay PD(RTC) to Mixed Use Commercial with a Planned Development Overlay PD(MUC) **(Attachments C and E)**.

Major Planned Development Modification

The proposed Major Planned Development Modification has been submitted to acknowledge the potential for change in use type allowed in the proposed Zoning District compared to the current District designation for the property. Specific development plans have not been submitted. To approve a specific development plan for the property, a Major Modification to the Detailed Development Plan would be required after resolution of the Comprehensive Plan Amendment, Zone Change, and Lot Line Adjustment issues.

Lot Line Adjustment

The proposed Lot Line Adjustment (LLA) would move the subject site's north property boundary to the north, and the east property line to the west. As a result of the proposed LLA, the subject site would be reduced from approximately 1.3 acres to 1.2 acres, and the Carmike property would be increased from approximately 5.7 acres to 5.8 acres (**Attachments F and P.5-P.9**). The Mixed Use Commercial Designation, and Zoning District is proposed to be applied to the entire subject site, and the portion of the Carmike property affected by the LLA would retain the current PD(RTC) district.

REPORT FORMAT & ACTIONS REQUIRED

This report identifies both Comprehensive Plan and Land Development Code criteria the proposal must meet, discusses the proposal's merits based on these criteria, and draws conclusions. The Planning Commission is asked to take the following actions:

1) Recommend to the City Council to approve, modify, or deny the proposed Comprehensive Plan Amendment;

2) Approve or deny the requested Zoning District Change, contingent upon the City Council's action on the Comprehensive Plan Amendment;

3) Approve, deny, or approve with conditions, the proposed Planned Development Major Modification, contingent upon the City Council's action on the Comprehensive Plan Amendment and upon the Planning Commission's decision on the Zoning District Change;

4) Approve, deny, or approve with conditions the Lot Line Adjustment application.

The balance of this report is divided into four Parts. Each part address specific components of the application. Part IV will be followed by an overall conclusion and statement of recommended actions.

Part I - Comprehensive Plan Map and Text;
Part II - Zone District Change;
Part III - Major Planned Development Modification;
Part IV - Lot Line Adjustment application.

PART I

COMPREHENSIVE PLAN AMENDMENT

Part I of the report evaluates the request to Amend the Comprehensive Plan Map and Text. Review criteria relating to compatibility of Comprehensive Plan Amendments are very similar to compatibility criteria for Zone District Change (ZDC), and Planned Development Modification requests. Because of the similarity in review criteria, Part I of this report addresses compatibility criteria for the ZDC and Planned Development Modification requests as well as the CPA request. Section A "Consistency with Comprehensive Plan Policies" evaluates the proposal's consistency with the most relevant Comprehensive Plan Policies, except Policy 1.2.3. Section B, "Public Need" evaluates the proposal against Comprehensive Plan Policy 1.2.3 and LDC section 2.1.30.06 which require findings relative to the public need for the change and community benefits that would occur as a result of the change. Section C addresses compatibility criteria as required per Comprehensive Plan policy 3.2.7 and LDC section 2.1.30.06.b. Section D of Part I of this report addresses Traffic, Circulation and infrastructure related issues. Part I concludes with an overall conclusion and recommendation regarding the proposed Comprehensive Plan Map and Text Amendment.

A. Consistency with Comprehensive Plan Policies

Comprehensive Plan Text Amendments

8.10.5 Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

8.12.1 Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

The previously approved Perlenfein (CPA03-00004) application amended Policies 8.10.5 and 8.12.1 to allow commercial activities to extend east to the west boundary of the Hewlett-Packard Campus. However, these changes did not stipulate how far south of Circle Boulevard commercial activities should extend. The applicant requests that the City Council consider a text change to Comprehensive Plan Policies 8.10.5 and 8.12.1 to allow commercial development south of Circle Blvd.

The applicant makes two arguments for amending the text to allow commercial development on lots that do not abut, but are south of Circle Blvd. First the applicant states:

"It was not anticipated in 1998 (the date of the currently applicable Corvallis Business Park approval) *that a single RTC tract including a paved and landscaped (but otherwise undevelopable) Carmike Cinema, Inc. tract AND an approximately 1.3 acre RTC-zoned tract (the subject tract) would be developed adjoining commercial-zoned tracts on three sides and adjoining a Home Depot tract on the fourth side. The 1998 Corvallis Business Park (phase 1, 2, and 3) zoning matter clearly contemplated that the subject tract AND phases 2 and 3 of the Corvallis Business Park P.D. would be developed as a quasi-monolithic planned unit development. Because substantially all of phase 2 and phase 3 of the Corvallis Business Park P.D. has now been rezoned to accommodate a non RTC-zoned use — it is imperative that the (now) spot-zoned subject tract be rezoned from RTC to MUC; a zoning classification consistent with the surrounding tracts."* **(Attachment P.11 - P.12)**

Second, the applicant argues that Policy 8.10.5 "is designed to prevent poorly planned linear expansion of commercial activity on major streets and the accompanying negative impacts on traffic, facilities, utilities, and land use compatibility." Because the Corvallis Business Park Planned Development approval addresses, in a comprehensive manner, access, circulation, facilities and utilities, landscaping, and parking, the applicant argues that the development within the Corvallis Business Park will not result in linear strip development along Circle Boulevard and would therefore be consistent with Policy 8.10.5..

If the City Council chooses to approve the requested Comprehensive Plan Text Amendment to Policies 8.10.5 and 8.12.1, the following amended language is recommended by staff (recommended changes are underlined):

<u>Staff Proposed Amendment to Policy 8.10.5</u>

> Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended *east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.* <u>*Commercial activity may also be extended within the Corvallis Business Park Planned Development approximately 890 feet south from Circle Boulevard.*</u>

<u>Staff Proposed Amendment to Policy 8.12.1</u>

> Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended *east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.* <u>*Commercial activity may also be extended within the Corvallis Business Park Planned Development approximately 890 feet south from Circle Boulevard.*</u>

Significant changes have occurred since the 1998 Corvallis Business Park approval. The anticipated Research Technology Center that was desired for the site did not materialize, but other commercial and industrial uses have filled a significant share of the site. As the applicant notes, commercial Comprehensive Plan Designations now occupy a large portion of the area on the south side of Circle Boulevard between Highway 99 and the existing railroad line, including the north and west sides of the subject properties, and the parcel to the south which was recently approved for The Home Depot development. Industrially-designated properties occupy the remaining portions of this area, including a portion of the Carmike Cinemas, Inc. property immediately north of the subject site. The type of uses that are either constructed or approved for construction on these industrially-designated properties are generally sales-oriented industrial uses, including Industrial Welding Supply on the eastern edge of the Corvallis Business Park area and the Home Depot facility to the south. The approximately 2 acre portion of the property immediately north of the subject site, zoned PD(RTC) and owned by Carmike Cinemas, is obligated, under a private reciprocal easement (**Attachment K**) to remain as a parking area. Although some type of industrial use could be found to occupy the approximately 2 acre portion of the property, it would not be a large facility and would likely stand out from the surrounding theater, grocery store, retail, and home improvement center uses existing, or planned within the Corvallis Business Park site. It is likely that any industrial use in this location would be a sales-oriented industrial use, similar to the other industrial uses built or approved in this area.

Map Amendments and Comprehensive Plan Compliance

Policy 3.2.1 **The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:**

- **A. Preservation of significant open space and natural features;**
- **B. Efficient use of land;**
- **C. Efficient use of energy and other resources;**
- **D. Compact urban form;**
- **E. Efficient provision of transportation and other public services; and**
- **F. Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.**

Statewide Planning Goal 13 - Energy Conservation

Land and uses developed on the land shall be managed and controlled so at to maximize the conservation of all forms of energy , based upon sound economic principles.

8.9.7 **The City shall designate Research-Technology Center (RTC) as a distinct industrial district that helps continue the practice of providing adequate green open space to maintain community livability. The RTC district shall contain the following features:**

- **A. Campus-like development plan;**
- **B. Use of natural site characteristics and other significant design elements as a means of buffering adjacent land uses;**

C. **Orderly, economic provision of an adequate level of key facilities; and**

D. **The RTC district shall be used to help assure the availability and adequacy of sites for "high-tech," "biotech," and renewable resource-based businesses and industries, and to foster the transfer of academic and private research results into practical applications.**

LDC Section 3.26.40.01 - Lot Area (RTC)

Minimum parcel area for a development site shall be 50 acres. Individual lot sizes shall be adequate to fulfill applicable Code requirements and minimum standards of this district.

Chapter 3.26 of the Land Development Code states that the RTC district implements the Industrial Use designation of the Comprehensive Plan. Land Development Code Section 3.26.40.01 states, "the minimum parcel area for a (RTC) development site shall be 50 acres. Individual lot sizes shall be adequate to fulfill applicable Code requirements and minimum standards of this district". Comprehensive Plan policy 8.9.7 identifies several characteristics that should be present in RTC areas. RTC areas should have "adequate green open space", a campus-like development plan, use natural site characteristics and other significant design elements to buffer adjacent land uses, and assure sites for "high-tech" and research uses.

Previous approvals within the Corvallis Business Park have reduced the amount of existing RTC-zoned land to approximately 3.8 acres; 1.3 acres is owned by the applicant and the remaining 2.5 acres is on an adjacent parcel to the north, owned by Carmike Cinemas. Considering the size of the remaining RTC land, it is not possible to meet some RTC standards such as the 50-acre parcel requirement. At a minimum, it also would be very difficult to achieve the type of campus like development envisioned by Comprehensive Plan policy 8.9.7 on a 1.3 acre site surrounded by commercial or sales-oriented businesses.

Because of the difficulty in achieving the goals of the Comprehensive Plan and the standards of the LDC relative to RTC areas, the applicant proposes to amend the Comprehensive Plan to allow a Commercial District designation on the 1.3 acre site.

The proposed Comprehensive Plan Map and Text Amendment (as recommended by staff) would allow the MUC District uses to occur on the site. This is consistent with Comprehensive Plan Policy 3.2.1 in that it makes efficient use of land by providing additional commercial opportunities in an area that is already developed with a variety of commercial uses and has infrastructure in place to serve other commercial use types. Directing new development to an existing commercial concentration would support a compact urban form, and as a result, would promote energy efficiency as directed by Policy 3.2.1 and Statewide Planning Goal 13. The proposed amendment is also consistent with the goal of making efficient provision for transportation and other public services. Public

services are available to the subject site and the transportation system is in place to handle anticipated traffic from development in this area, as discussed later in this report.

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.

It could be argued that the proposed map and text amendment is inconsistent with Comprehensive Plan Policy 8.2.1 because it serves to reduce the diversity in scale, type, and location of industrial activities. However, as discussed above, the approximately 1.3 acre site, surrounded by commercial and sales-oriented industrial uses, limits the full range of potential industrial uses that could otherwise be located there. Additionally, many of the potential industrial uses that could be located on the property would be incompatible with surrounding commercial development. Therefore, due to recent developments within, and adjacent to Corvallis Business Park, and due to the Planned Development Overlay on the property, the subject site is no longer a fully viable General Industrial site.

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.

Comprehensive Plan Policy 8.9.1 requires the City to ensure that adequate industrial land is available, "in a variety of different parcel sizes and locations," to fulfill the community's industrial needs. The 2003 Land Development Information Report shows there were 501.9 acres of General Industrial-zoned land within the City Limits in 2003. This represents 34.3% of all vacant land within the City in any zoning district **(Attachment L)**.

The 1998 Buildable Land Inventory projects a surplus of 398 acres of Heavy Industrial land (made up of Intensive Industrial and General Industrial land) in the year 2020 **(Attachment M)**. The Comprehensive Plan designates a number of areas outside the current City Limits boundary where General Industrial zoning could be applied. Based on this analysis, approval of the requested Comprehensive Plan Amendment will not reduce the amount or quality of available industrial land below adequate levels. As noted above, the subject site has limited viability for industrial uses, based on its size location, and required compatibility within the Planned Development.

8.9.3 Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.

Comprehensive Plan Policy 8.9.3 states that, "Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses." If this policy were interpreted strictly, it would not be possible to change an industrial designation on the Comprehensive Plan Map. This is clearly not the intent of this policy, or of the Comprehensive Plan, as a whole. In the case of the subject site a number of permitted uses are unlikely to develop due to development constraints of the RTC district and potential compatibility conflicts with adjacent uses. This is not to say that RTC uses could not be developed in a compatible manner, only that considering the types of existing

uses and the City Council's approval of the Corvallis Station proposal to the south, it is now clear that the vast majority of the Corvallis Business Park site would not be developed with research technology uses. Consequently, it is appropriate in this case to consider re-designating the subject property to MUC to allow a wider variety of potentially compatible uses.

8.10.1 The location, type, and amount of commercial activity within the Urban Growth Boundary shall be based on community needs.

8.10.2 Given the community's intention to prevent decline in existing commercial areas, the City shall explore opportunities to facilitate and assist in the redevelopment of existing commercial areas, in a manner that meets current standards.

8.10.4 New commercial development shall be concentrated in designated mixed use districts, which are located to maximize access by transit and pedestrians.

Policy 8.10.1 states that, "The location, type, and amount of commercial activity within the Urban Growth Boundary shall be based on community needs." As noted in the need analysis following this section, there does appear to be a need for Mixed Use Commercial development in the City. Findings from that analysis are incorporated by reference as findings under the above criterion.

Policy 8.10.2 encourages the City to facilitate redevelopment of existing commercial areas. Though the subject site is not currently zoned specifically for commercial uses, most surrounding uses are commercial. Amending the Comprehensive Plan to allow future commercial development on the subject site is consistent with Policy 8.10.2. Policy 8.10.4 calls for the concentration of new commercial development in designated mixed use districts to maximize access by transit and pedestrians. As noted previously, the remainder of the developed area to the north and west of the subject property has a Mixed Use Commercial designation and is developed with a variety of commercial uses. Regular transit service to serve the site is available along Circle Boulevard to the north. Pedestrian connections have been established between many of the commercial uses in the area and easy bicycle access is available from Circle Boulevard. Therefore, the proposed amendment is consistent with Policies 8.10.1, 8.10.2, and 8.10.4.

8.10.7 The City shall develop standards for a hierarchy of mixed use commercial districts, with minor neighborhood centers serving neighborhood shopping and office needs, major neighborhood centers serving community shopping and office needs, and the downtown commercial districts serving regional shopping and office needs. The Professional and Administrative Office district can serve both community and regional office needs. Major neighborhood centers shall be sited at transit nodes on arterial streets and shall incorporate pedestrian-scale features such as building orientation to the street and limiting the maximum block perimeter. As the Land Development Code is updated, districts shall be developed that address all of the community's desired commercial needs.

40.4.1 Neighborhood Centers

The Neighborhood Centers denote commercial areas that are designed with a pedestrian orientation and serve the general community and/or surrounding neighborhood. Neighborhood Centers may be designed to incorporate a mixture of uses. The dots denote the conceptual location of the Neighborhood Centers and the circles represent a 1/4 mile distance from the Centers, which is considered to be a comfortable walking distance. The shaded circles depict possible Minor Neighborhood Centers for which further study is needed.

Policy 8.10.7 directs the City to develop standards for a "hierarchy of mixed use commercial districts, with minor neighborhood centers serving neighborhood shopping and office needs, major neighborhood centers serving community shopping and office needs, and the downtown commercial districts serving regional shopping and office needs." The Comprehensive Plan Map shows a Proposed Major Neighborhood Center located in the vicinity of the intersection of 9th Street and Circle Boulevard. The subject properties are just beyond the 1/4-mile radius indicated generally as the extent of this Major Neighborhood Center. Despite being located outside of the 1/4 mile radius from the proposed Major Neighborhood Center, the subject property is surrounded by commercial uses, and pedestrian amenities would be provided with approval of a future detailed development plan for the subject site.

13.5.6 Development of a regional shopping center outside the downtown is inappropriate.

Policy 13.5.6 states that development of a regional shopping center outside the downtown is inappropriate. Section 3.0.30.03.v of the Land Development Code defines a "Regional Shopping Center" as follows:

A grouping of commercial uses contained within an enclosed structure with at least 400,000 square feet of leasable retail floor area, with the smaller stores arranged on opposite sides of a pedestrian walkway. Uses shall include at least two full-line department stores and other uses customarily allowed in a regional shopping center.

Based on this definition, Policy 13.5.6 does not apply to the subject application, because the configuration and size of the subject property would not support a regional shopping center.

Conclusions on Consistency with Comprehensive Plan Policies

Based on the above discussion, it is concluded that the proposed amendments to the Comprehensive Plan Text and Map, as amended by staff, are consistent with applicable Comprehensive Plan policies (Policy 3.2.1 is discussed below).

B. Demonstrated Public Need

This section addresses the criteria in Comprehensive Plan 3.2.1 and LDC section 2.1.30.06. In both the Comprehensive Plan and LDC the applicant must demonstrate there is a public need for the proposed change, the advantages of the change to the community outweigh the disadvantages, and the proposed change is the best way of meeting the

public need. Per LDC Section 2.1.30.06 the applicant must also demonstrate a net benefit to the community as a result of the change.

Applicable Comprehensive Plan Policies

1.2.3 Amendments to the Comprehensive Plan can only be approved where the following findings are made:

A. There is a demonstrated public need for the change.
B. The advantages to the community resulting from the change shall outweigh the disadvantages.
C. The change proposed is a desirable means of meeting the public need.

Applicable Land Development Code Criteria

Comprehensive Plan Amendments - Section 2.1.30.06 - Review Criteria

Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

a. Amendments shall be approved only when the following findings are made:

1. There is a public need for the change;
2. The change being proposed is the best means of meeting the identified public need; and
3. There is a net benefit to the community that will result from the change.

b. In addition, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan map:

1. Visual elements (scale, structural design and form, materials, and so forth);
2. Noise attenuation;
3. Noxious odors;
4. Lighting;
5. Signage;
6. Landscaping for buffering and screening;
7. Traffic;
8. Effects on off-site parking;
9. Effects on air and water quality.

Statewide Planning Goals

Goal 2- Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 9 - Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon's Citizens.

Subsection 4. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.

Goal 5- Natural Resources, Scenic and Historic Areas, and Open Spaces: To protect natural resources and conserve scenic and historic areas and open spaces.

Goal 6 - Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

Public Need

Per LDC criteria 2.1.30.06.a.1 and Comprehensive Plan Policy 1.2.3.A, a Comprehensive Plan Amendment may only be approved when there is a demonstrated Public Need for the change. Based on the current and approved uses surrounding the site, and information from the 1998 Buildable Lands Inventory (BLI) and the 2003 Land Development Inventory Report, there are two primary arguments in support of the Public Need for the Comprehensive Plan Amendment. The first is the need for commercial land, second is that the proposed Amendment would allow a wider variety of compatible uses on a site that is currently difficult to develop under its existing designation, and therefore, locating MUC uses on this site supports compatible and energy efficient development.

Need for Commercial Land

The 2003 LDIR states that there are 42.7 acres of vacant land in all commercial zones within the current City Limits. Of the total 42.7 vacant acres 5.2 acres are zoned Mixed Use Commercial. The 2003 LDIR states that there are 614.6 acres of vacant land in all Industrial zones within the current City Limits, with 501.9 vacant acres in the General Industrial zone. As a percentage of all vacant land areas within the City Limits, the amount of vacant commercial land represents 2.9% of the total, while the amount of vacant industrial land represents 41.9% of the total **(See Attachment L)**.

Table VIII of the 1998 Buildable Land Inventory (BLI) projects anticipated land need and supply for Corvallis in the year 2020. Table VIII of the BLI anticipates a 398-acre surplus of Heavy Industrial land (which includes General Industrial lands) and a 37 acre surplus of Light Industrial Land (consisting of Limited Industrial and RTC land) in 2020 **(Attachment M)**. Table VIII anticipates a deficit of 90 acres of Commercial and Office land in the year 2020. However, the deficit results entirely from the need for additional land within office zones rather than land within commercial zones (such as the proposed Mixed Use Commercial zone). Table VIII of the BLI also anticipates a surplus of 152 acres of Mixed Use Commercial land in the year 2020. Consequently, the data indicates that, in the future, additional Mixed Use Commercial Land will become available, but the LDIR indicates that currently there is a very small amount of vacant commercial land within the City. The LDIR indicates that there is a much greater amount of vacant General Industrial land currently within the City Limits than vacant Mixed Use Commercial land. Consequently, the proposed change would have minimal impacts on the General Industrial land supply and would increase the Commercial land supply without the need for annexation.

Efficient and Compatible Development

Section 40.2.2 of the Comprehensive Plan describes the proposed Mixed Use Commercial designation as follows:

> **These areas will provide for primarily commercial uses but also will allow for some civic, industrial, and residential uses that are compatible with the predominant commercial uses, while maintaining the City's supply of commercially-designated lands.**

In contrast, Section 40.3.4 of the Comprehensive Plan describes the current General Industrial designation as follows:

> **Intended to provide appropriate locations for a variety of general industrial uses including manufacturing and related activities with few, if any, nuisance characteristics.**

Comprehensive Plan Policy 3.2.1 calls for a land-use pattern in Corvallis that makes efficient use of land, makes efficient use of energy and other resources, and that efficiently provides for transportation and other public services. Statewide Planning Goal 9 encourages jurisdictions to limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.

Under the property's current designation, it is unlikely that "industrial-style" development would occur in this location. The site is located in the middle of an area that is developing as a commercial center with all necessary infrastructure to serve such development, including water and sanitary sewer service, stormwater facilities, and access and traffic control facilities to handle significant traffic volumes. Redesignating the subject properties for Mixed Use Commercial development, as requested, will allow for a more efficient use of land in this area, consistent with Policy 3.2.1, and would permit land uses similar to, or compatible with, those surrounding the site.

Conclusions on Public Need

The 2003 LDIR indicates that there is currently a greater need for Mixed Use Commercial land than General Industrial land within the City. Additionally, projections from the 1998 BLI show that a greater surplus of General Industrial land is anticipated within the City than Mixed Use Commercial land in the year 2020. Given the development patterns in other portions of the Corvallis Business Park, as well as the City Council approval of The Home Depot store south of the subject site, it is clear that the area in the vicinity of the subject property is developing in a commercially-oriented pattern, and the subject site is not likely to develop according to the Comprehensive Plan vision of RTC designated areas. Infrastructure is in place to support the type of development permitted under the MUC Designation. Changing the land use designation to Mixed Use Commercial will serve to further concentrate commercial activity in this area, thereby helping to reduce individual vehicular trips for consumers; minimizing potential compatibility conflicts; and making more efficient use of the land, consistent with Policy 3.2.1. Based on this analysis, there is a public need for the requested Comprehensive Plan Amendment.

Advantages & Disadvantages/ Net Benefits

The following chart evaluates the advantages and disadvantages of the proposed Comprehensive Plan Amendment.

CHART COMPARING THE ADVANTAGES AND DISADVANTAGES OF THE PROPOSED AMENDMENT	
Advantages	**Disadvantages**
The proposal locates commercial development within an existing approved PD, with limited and controlled access, surrounded by other commercial activities.	The proposal would expand commercial development in an area that could be utilized for industrial development.
The proposal locates commercial uses in close proximity to each other and near existing transit, pedestrian, and bicycle facilities, making transit, pedestrian, and bicycle use of the area more effective.	The proposal would expand commercial activity in the area east of Highway 99 West and south of Circle Boulevard, intensifying commercial development in an area on the periphery of the Major Neighborhood Center at the intersection of 9th Street and Circle Boulevard. Policy 8.10.7 in the Comprehensive Plan calls for commercial activities to be at or near the center of the Major Neighborhood Center.
The proposed MUC designation is compatible with the surrounding land use designations.	The existing GI(RT) designation would not necessarily result in development that is incompatible with surrounding land uses.
Under the current (GI)RT designation and the approved Detailed Development Plan it is more likely that an office, R & D facility, or limited manufacturing use would be established on the property. The MUC designation allows a wider range of commercial uses that would support surrounding employment and visitor uses.	The proposed MUC designation would reduce the remaining available Industrial and Research Technology land within the Planned Development. However, given the size of the developable portion of these properties, it is not likely that these types of uses would be significant employment generators, as was originally envisioned.
Commercial use of the property fits well with the existing Corvallis Business Park site design and existing traffic and other infrastructure improvements. Commercial use of the property would also be more compatible with existing and proposed commercially-oriented uses on the site.	Although the existing site design and infrastructure improvements would serve commercial uses on the site, the proposed commercial designation is a departure from the research and development and employment-oriented concept approved in the original Planned Development.
The proposal would result in commercial infill in an existing commercial area and add to the synergistic effect achieved by clustering these uses.	The proposal would increase the amount of commercial activity at the outside edge of the designated Major Neighborhood Center at the intersection of 9th Street and Circle Boulevard, as noted previously.

Although there are many advantages and disadvantages to the proposal, the enhanced compatibility of the site under a commercial designation, and the limited viability of the site for industrial or research technology are two important factors that support the proposed amendment. These factors also demonstrate that the proposed Comprehensive Plan Amendment provides a net benefit to the community, and overall, the advantages to the community outweigh the disadvantages.

Desirable Means of Meeting the Public Need

The public need identified is for more commercially-designated land. Land Development Code criterion 2.1.30.06.a.2 requires an evaluation of whether the proposed change utilizes a desirable means of fulfilling the need.

14.3.1 Infill and redevelopment within urban areas shall be preferable to annexations.

Comprehensive Plan Policy 14.3.1 states that, "Infill and redevelopment within urban areas shall be preferable to annexations." As noted previously, the LDIR indicates that there are currently only 5.2 acres of vacant Mixed Use Commercial land in the City, which suggests that there is a need for additional Mixed Use Commercial land. Given that goal, Policy 14.3.1 would support the proposed amendment because designating the subject site for Mixed Use Commercial development would facilitate infill development rather than necessitating annexation of additional land into the City to serve that need. It would also permit a wider variety of compatible uses on the site than permitted under the GI(RTC) designation. Based on this analysis, the requested Comprehensive Plan Amendment is a desirable means of meeting the public need.

C. Compatibility Factors

The proposal is required to be evaluated against the following compatibility criteria per Comprehensive Plan policy 3.2.7 and LDC Section 2.1.30.06.b.

1. **Visual elements (scale, structural design and form, materials, and so forth);**
2. **Noise attenuation;**
3. **Noxious odors;**
4. **Lighting;**
5. **Signage;**
6. **Landscaping for buffering and screening;**
7. **Traffic;**
8. **Effects on off-site parking;**
9. **Effects on air and water quality.**

It is difficult to evaluate the compatibility of a proposed Comprehensive Plan Amendment in detail because the potential range of development within a Comprehensive Plan designation is typically very broad. Given this, the following analysis briefly analyzes compliance with these criteria.

The provision of Mixed Use Commercial development in the proposed location (surrounded by Industrial or Commercial uses) is not anticipated to engender compatibility conflicts in its visual elements. The existing surrounding uses along with future approved uses are predominantly commercial. Given the diversity of architectural elements in the nearby area, it should not be difficult to design a structure or structures that are compatible in scale, materials, and design with adjacent development.

The change from industrial to commercial uses on the property is generally anticipated to be a positive change in relation to prospective noise, odor, lighting, and air and water quality impacts. Signage for the site must comply with the City's sign code, or be consistent with the signage plan of the Planned Development. Landscaping would be required for new development on the site, whether it is industrial or commercial. Parking would need to comply with Code requirements, although some flexibility for shared parking might be allowed through the Planned Development process. Additionally, future development on the site would be reviewed through the Planned Development process. Impacts to Air, Water, and Land Quality resources, and potential impacts to natural features, per Statewide Planning Goals 5 and 6 would be addressed at the time of development. Given the above analysis, MUC development will be compatible with surrounding uses.

D. Circulation, Traffic, Infrastructure

The following discussion addresses criteria related to vehicles, bicycles, pedestrians and transit.

Vehicular Circulation

Applicable Comprehensive Plan Policies

11.2.2 The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.

11.2.7 The City shall establish a Capital Improvement Program for the transportation system which:

1. **Is subject to annual review;**
2. **Is consistent with land use policies of the Comprehensive Plan and considers other facility plans;**
3. **Defines the locations of rights-of-way necessary for the creation of a community-wide transportation system;**
4. **Establishes a priority for improvements to the system;**
5. **Provides for the needs of all modes of transportation with the rights-of-way; and**
6. **Considers the economic impacts upon properties resulting from transportation improvements.**

11.2.11 The City shall coordinate with the Oregon Department of Transportation (ODOT) in implementing its highway improvement program.

11.2.12 The transportation system shall reflect consistency with the Corvallis Comprehensive Plan, land use designations, and regional and statewide transportation planning efforts.

11.2.14 Oregon Department of Transportation should fund, maintain, and improve all State highway facilities (highways, 99W, 34 and 20) to meet level-of-service standards contained in the Oregon Highway Plan. When specific construction plans are proposed, ODOT should prepare comprehensive roadway designs that recognize urban usage for surface transportation modes, including facilities for pedestrians, bicycles, transit, drainage, curbs and gutters.

11.3.9 Adequate capacity should be provided and maintained on arterial and collector streets to accommodate intersection level-of-service (LOS) standards and to avoid traffic diversion to local streets. The level-of-service standards shall be: LOS "D" or better during morning and evening peak hours of operation for all streets intersecting with arterial or collector streets, and LOS "C" for all other times of day. Where level-of-service standards are not being met, the City shall develop a plan for meeting the LOS standards that evaluates transportation demand management and system management opportunities for delaying or reducing the need for street widening. The plan should attempt to avoid the degradation of travel modes other than the single-occupant vehicle.

Also see Comprehensive Plan Policies; 11.2.3, 11.3.6 and 11.3.10

Applicable Oregon Administrative Rules

660-012-0060 Plan and Land Use Regulation Amendments

1. Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulations would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. A plan or land use regulation amendment significantly affects a transportation facility if it would:
   (a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
   (b) Change standards implementing a functional classification system; or
   (c) As measured at the end of the planning period identified in the adopted transportation system plan:
      (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
      (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable

performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.

2. Where a local government determines that there would be a significant effect, compliance with section (1) shall be accomplished through one or a combination of the following:

(a) Adopting measures that demonstrate allowed land uses are consistent with the planned function, capacity, and performance standards of the transportation facility.

(b) Amending the TSP or comprehensive plan to provide transportation facilities, improvements or services adequate to support the proposed land uses consistent with the requirements of this division; such amendments shall include a funding plan or mechanism consistent with section (4) or include an amendment to the transportation finance plan so that the facility, improvement, or service will be provided by the end of the planning period.

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

(d) Amending the TSP to modify the planned function, capacity or performance standards of the transportation facility.

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, including transportation system management measures, demand management or minor transportation improvements. Local governments shall as part of the amendment specify when measures or improvements provided pursuant to this subsection will be provided.

Applicable Land Development Code Section

4.0.70.d - Street Requirements

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.

The Schlosser Development is an existing 1.31 acre parcel that is proposed to be reduced to approximately 1.2 acres through a lot line adjustment. The subject parcel is located in Phase I of the Corvallis Business Park, and borders the private access drive, Four Acres Street, to the west. Further out, NE Circle Boulevard is located to the north and the Southern Pacific Railroad is located to the east and south. Four Acres Street (private) is 60 feet in width, consisting of two previously recorded 30-feet roadway access easements from the adjacent properties, 46-feet pavement width, on-street bike lanes and sidewalks

on both sides. Four Acres Street connects to NE Circle Boulevard (arterial) to the north at a signalized intersection and provides the Corvallis Business Park and adjacent development with its primary public street access.

NE Circle Boulevard is improved to City standards for an arterial street. The applicant has not proposed any public street improvements with this development.

Traffic Impact Analysis Review

The applicant conducted a Traffic Impact Analysis (TIA) for the Schlosser Development proposal. The TIA evaluates the maximum potential impact to the adjacent transportation system resulting from the requested comprehensive plan amendment (CPA) and zone district change (ZDC). The TIA is independent of any existing approvals, buildings, or pending conceptual or detailed plan application for specific uses, and cannot be conditionally limited.

The applicant's TIA compares the trip generation of a potential worst-case development scenario in the existing PD(RTC) district and in the proposed PD(MUC) district. The proposed worst-case development scenarios assume outright permitted land uses with high trip generation potential from both respective districts. Given these parameters, the potential worst-case development scenarios from both districts include the same outright permitted land uses. The TIA concludes that the applicant's request to go from PD(RTC) to PD(MUC) shall have a net trip generation potential of zero increase and therefore does not warrant further level of service analysis.

As stated in the applicant's TIA, the Transportation Planning Rule (TPR) requirements outlined in Oregon Administrative Rule 660-012-0060(1),

> *"Where an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility."*

The applicant has demonstrated that the requested CPA/ZDC results in no net increase in trip potential and therefore does not significantly affect a transportation facility as defined by the TPR 660-012-0060.01 as the proposal **will not**;

a. Change the functional classification of the adjacent streets. Adjacent Circle Boulevard and Hwy. 99W will remain classified as arterial and arterial highway respectively.
b. Change the standards by which the functional classification system is implemented.
c. (A) Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional

classification of an existing or planned transportation facility. The applicant's request will not result in the re-classification of Circle Boulevard or Hwy. 99W.

(B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or

(C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan. The applicant's request will not result in a net increase in potential trip generation and therefore will not worsen the performance of the existing planned transportation system.

Conclusion on Vehicular Circulation

Based on evaluation of the trip generation levels, review of the Corvallis Transportation Plan, Transportation Planning Rule and coordination with other road authorities, it has been determined that the proposal is consistent with City development criteria regarding vehicular circulation under the site's maximum potential level of development. As illustrated by the above discussion, the site can be adequately served.

Bicycle/Pedestrian Circulation

Applicable Comprehensive Plan Policies

11.5.2 **Bikeways shall provide safe, efficient corridors which encourage bicycle use. Bicycle use of major streets shall be considered as improvements are made to major transportation corridors.**

Applicable Land Development Code Sections:

Section 4.0.40 - Pedestrian Requirements

b. **Safe and convenient pedestrian facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops and neighborhood activity centers such as schools and parks.**

Section 4.0.50 - Bicycle Requirements

c. **Safe and convenient bicycle facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops and neighborhood activity centers such as schools and parks.**

Bicycle/Pedestrian Facilities

Existing standard bicycle and pedestrian improvements are located in NE Circle Boulevard. In addition to the public bicycle and pedestrian facilities serving this site, on-street bicycle lanes and sidewalks are located along the entire length of Four Acres Street. The applicant has not proposed any bicycle or pedestrian facility improvements with this development.

Conclusion on Bicycle/Pedestrian Circulation

As proposed by the applicant and discussed above, the bicycle and pedestrian circulation system serving this site complies with applicable Comprehensive Plan policies, Transportation Plan criteria and Land Development Code requirements. The existing bicycle and pedestrian facilities are adequate to serve development on this site.

Transit

Applicable Comprehensive Plan Policies:

> **11.7.1 An improved public transportation system within the Urban Growth Boundary should be established to improve the livability of the community, to reduce pollution and traffic, and to reduce energy consumption.**

Applicable Land Development Code section:

> **4.0.40.b All developments shall provide safe, convenient, pedestrian walkways between the buildings and transit stop, in accordance with the provisions of section 4.0.40.b.**

The proposed development is located on CTS Routes 1 and 7. There is an existing transit stop and shelter located on the south side of NE Circle Boulevard in front of the Blockbuster Movie Rental business.

The applicant has not proposed any additional transit improvements with this development.

Conclusion on Transit

As proposed by the applicant and discussed above, the transit system complies with applicable Comprehensive Plan policies, Transportation Plan criteria and Land Development Code requirements. The existing transit facilities are adequate to serve development on this site.

Overall Conclusion on Circulation

Per the preceding discussion it has been determined that the proposal is consistent with City development criteria under its maximum potential level of development. As illustrated

by the above discussion, the site can be adequately served to accommodate MUC development.

PUBLIC FACILITIES AND SERVICES

Applicable Comprehensive Plan Policies:

10.2.12 Developers will be responsible for the construction of all facilities internal to and fronting their properties and for needed extensions of facilities to and through their site.

Applicable Land Development Code Section:

4.0.80 - Public Utility Extensions

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

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

4.0.110 - Land for Public Purposes

a. Easements for public sanitary sewer, water, storm drain, streetlight, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside of public right-of-way in accordance with the following:

1. When located between adjacent lots, easement shall be provided on one side fo a lot line.

2. The minimum easement width for a single utility is 15 feet. The minimum easement width for two adjacent utilities is 20 feet. The easement width shall be centered on the utility to greatest extent practicable. Wider easement may be required for unusually deep facilities.

Also see Land Development Code; 4.0.80.

Water

The site is located within the 1st level (210-ft to 287-ft) water service area. Existing 8 inch public water lines are located across this site and were constructed with the initial development of Corvallis Business Park Phase I. Existing water facilities are adequately sized to serve potential development designated as PD(MUC).

Sanitary Sewer

The subject site is located within the Northeast Drainage Basin. An existing 8 inch public sanitary sewer line serves this site from the east through the middle of the site to the western property line. Existing public sanitary sewer facilities are adequately sized to serve potential development designated as PD(MUC).

Storm Drainage

The subject site is located within the Sequoia Creek Drainage Basin. A 36-inch public storm line is located in NE Circle Boulevard and across the Corvallis Business Park's Phase I eastern property line. The existing Corvallis Business Park Phase I site, which this property is part of, is served by a private storm water conveyance system. The existing private storm water conveyance system includes two private detention/water quality facilities prior to discharge to the public storm system in NE Circle Boulevard. One of the detention/water quality facilities is located on the subject site.

Existing public storm water facilities are adequately sized to serve potential development designated as MUC.

Overall Conclusion on Public Utilities

Per the preceding discussion it has been determined that the proposal is consistent with City development criteria under its maximum potential level of development. The public utility systems are adequately sized to serve the potential development on this site. However, the applicant will need to verify that adequate storm water detention and water quality facilities are provided with future PD modification applications.

Franchise Utilities

No public franchise improvements are necessary with this development to meet LDC criteria.

Overall Conclusion and Recommendation

The applicant's proposal for a Comprehensive Plan Text and Map amendment complies with applicable Comprehensive Plan policies and LDC criteria. As such it also complies with Statewide Planning Goal 2 which requires decisions on land use actions to be made based on an established policy framework. The amendments would allow commercial development in an area surrounded by other commercial or sales-oriented uses, and future commercial development would be served by existing infrastructure. The 2003 LDIR indicates there are only 5.2 acres of vacant MUC land within the City while there are 501.9 vacant acres of GI land (**Attachment L**). Designating the site MUC will allow a range of

uses appropriate to the subject site, and would not significantly reduce the amount of available GI land.

Based on this review, it is recommended that the Planning Commission recommend that the City Council approve CPA05-00005 request to amend the Comprehensive Plan Map, and to amend the text in Comprehensive Plan policies 8.10.5 and 8.12.1, as recommended by staff, to designate the subject property as Mixed Use Commercial.

PART II

ZONE DISTRICT CHANGE

The applicant is requesting a Zone District Change (ZDC) on the approximately 1.2 acre subject site (if LLA is approved) from Research Technology Center with a Planned Development Overlay (PD)RTC, to Mixed Use Commercial with a Planned Development Overlay (PD)MUC. LDC chapter 3.20 outlines the purposes and development standards for the MUC district, and LDC Chapter 2.2 lists purposes and criteria for reviewing District changes.

Section 3.20.10 - PURPOSE(MUC)

This district introduces some residential and industrial uses into areas with commercial designations on the Comprehensive Plan Map. It is intended to provide areas for commercial uses, as well as civic and residential uses, and to provide basic services and amenities at a scale appropriate to surrounding developments. Other objectives of the Mixed Use Commercial District include: expanding housing opportunities; allowing businesses to locate in a variety of settings; providing options for living, working, and shopping environments; facilitating more intensive use of land while minimizing potentially adverse impacts; and providing options for pedestrian-oriented lifestyles.

3.20.20.01 - Establishment of the MUC District

The MUC district may be applied to Commercial designations on the Comprehensive Plan map or to lands designated through a legislative process. The district may also be applied to parcels which meet Land Development Code Section 2.2.30 criteria for district changes, and the following criteria for district location, dimensions, and size.

Section 2.2.20 - PURPOSES (ZDC)

This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative district map amendments to accomplish the following:

a. Maintain sound, stable, and desirable development within the City;

b. Permit changes in development district boundaries where appropriate;

c. Ensure district changes are consistent with the community's land use policies and goals; and

d. Lessen the influence of private economic interests in the land use decision-making process.

2.2.40.05 - Review Criteria

Quasi-judicial district changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards

adopted by the City Council. In addition, the following compatibility factors shall be considered:

a. **Visual elements (scale, structural design and form, materials, and so forth;**
b. **Noise attenuation;**
c. **Noxious odors;**
d. **Lighting;**
e. **Signage;**
f. **Landscaping for buffering and screening;**
g. **Traffic;**
h. **Effects on off-street parking;**
i. **Effects on air and water quality.**

Land Use

Land Development Code Section 3.20.20.01 states that the MUC district may be applied to Commercial designations on the Comprehensive Plan Map. Therefore, if the proposed Comprehensive Plan Amendment is approved, the MUC district is an appropriate development District for the site.

As stated above, LDC Section 3.20.20.01 states that the MUC district may be applied to Commercial Designations on the Comprehensive Plan Map. Therefore, the Locational Criteria and District Size and Dimensions would not be applicable criteria by which to evaluate the ZDC proposal, should the CPA request be approved. However, to better understand compatibility impacts, it is useful to consider these criteria. Land Development Code Section 3.2.20.01.a.1 requires MUC Districts to front an Arterial Highway, Arterial, or Collector street. Four Acres Street is a private street, however it is built to public collector street standards, including bike lanes, sidewalks and planter strips. The proposed MUC District is also within a 1/4 mile of an existing transit service.

Land Development Code Section 3.2.20.01.b lists District Size and Dimension requirements. It states that MUC sites shall consist of at least one "whole" legal lot if the lot is one acre or less in size. The subject site would be 1.2 acres if the LLA request is approved. The subject site also has a Planned Development Overlay on the site, and at least 50 feet of frontage on Four Acres Drive.

Although not applicable if the CPA request to designate the site MUC on the Comprehensive Plan, the ZDC request would satisfy the Locational, and District Size and Dimension criteria in LDC Section 3.20.20, with the exception that Four Acres Street is not a public street. However, Four Acres Street has been designed to function as a public collector street with bike lanes, sidewalks and planter strips. Given this information, the subject site is an appropriate location for an MUC District, should the CPA request be approved.

Compatibility

Land Development Code Section 2.2.40.05 requires ZDC requests to be evaluated against criteria to determine compatibility of the proposed District. These criteria are the same as those in LDC Section 2.1.30.06, which were used to evaluate the request to designate the subject site as MUC on the Comprehensive Plan Map.

The proposed (PD)MUC District is consistent with the recommended Comprehensive Plan Map Amendment, therefore, no impacts on compatibility are anticipated that were not considered in the analysis of the proposed Mixed Use Commercial designation for the Comprehensive Plan Amendment. Findings relative to the compatibility of the CPA are incorporated here, by reference, as findings for the ZDC request.

The provision of MUC development in the proposed location is not anticipated to create compatibility conflicts in its visual elements. The existing surrounding uses along with future approved uses are predominantly commercial. Given the diversity of architectural elements in the nearby area, it should not be difficult to design a structure or structures that are compatible in scale, materials, and design with adjacent development.

The change from industrial to commercial uses on the property is generally anticipated to be a positive change in relation to prospective noise, odor, lighting, and air and water quality impacts. Signage for the site must comply with the City's sign code, or be consistent with the signage plan of the Planned Development. Landscaping would be required for new development on the site, whether it is industrial or commercial. Parking would need to comply with Code requirements, although some flexibility for shared parking might be allowed through the Planned Development process.

As discussed in previous sections, amending the Comprehensive Plan to designate the subject site Mixed Use Commercial with a Planned Development Overlay ((PD)MUC)) is consistent with Comprehensive Plan policies because it would increase the amount of commercial land in the City, which is an identified need as indicated in the 1998 BLI. Amending the Comprehensive Plan Map and Text to allow commercial development permitted in the MUC district would permit a wider variety of uses similar to existing or approved surrounding uses in an area with existing infrastructure and public services, thereby resulting in an efficient use of land and energy. Continuation of the Planned Development Overlay will help to ensure that development on the subject site is compatible with other development within the Corvallis Business Park area and will also help to ensure that issues such as parking, stormwater management, and other infrastructure issues are adequately coordinated on the site, as a component of the Corvallis Business Park development.

Based on the above analysis, the MUC District is an appropriate District to implement the proposed MUC Comprehensive Plan Designation, and MUC uses are expected to be compatible with surrounding uses.

Circulation

The impacts of Mixed Use Commercial development on the circulation system in the area have been thoroughly analyzed in the preceding analysis of the Comprehensive Plan Amendment proposal. The uses studied in the applicant's Traffic Impact Analysis constitute the most traffic-intensive uses anticipated under the Mixed Use Commercial zoning. Therefore, the findings of that analysis apply to the Zoning District Change proposal as well. The findings regarding anticipated traffic impacts resulting from the Comprehensive Plan Amendment and Zoning District Change determined that the changes would not significantly impact traffic in the subject area. Findings from that discussion are hereby incorporated by reference as findings under the above criterion.

Public Facilities and Services

Similarly, the analysis of impacts to public facilities and services resulting from the proposed Mixed Use Commercial zone have been thoroughly analyzed in the preceding analysis of the Comprehensive Plan Amendment proposal. That analysis identified a number of issues that would need to be addressed in conjunction with a specific development proposal on the property, but concluded that, with necessary improvements and agreements, public facilities and services were available to serve Mixed Use Commercial development on the site.

ZDC Conclusion

The proposed (PD)MUC District implements the proposed MUC Comprehensive Plan Map designation. The types of uses permitted in this district are similar to uses existing or approved on surrounding properties to the south, west, and north. Given the above, the MUC District would be compatible with surrounding Districts, and satisfies the purposes of a Zone District Change per LDC Chapter 2.2.

ZDC Recommendation

Based upon the criteria, discussion, and conclusions above, it is recommended that the Planning Commission approve the proposed District Designation (ZDC05-00014) on the subject site, contingent on City Council approval of the related Comprehensive Plan Amendment. This recommended District Designation would designate the entire approximately 1.2 acres of the subject site as PD(MUC) (Mixed Use Commercial with a Planned Development Overlay), and would retain the current Zoning Districts on the Carmike Cinemas property **(Attachment E)**. The zoning on the Carmike Cinemas property is currently PD(RTC) (2.5 acres) and PD(CS) (3.2 acres) (**Attachment C**)

PROPOSED DISTRICT DESIGNATION		
Subject Properties	***District Designation***	***Proposed Acres***
Carmike Cinemas, Inc.	PD(CS)	3.2 acres
	PD(RTC)	2.6 (includes 0.1 acres from LLA)
Brandis SDC Partnership	PD(RTC)	1.2 acres (includes reduction of 0.1 acres from LLA)
	Total acres	7 acres

PART III

MAJOR MODIFICATION TO A PLANNED DEVELOPMENT

In September 1993, the Corvallis Planning Commission approved a Zone District Change, in the area now known as the Corvallis Business Park, from General Industrial to Research Technology Center with a Planned Development Overlay. The Planning Commission also approved a Detailed Development Plan for Phase I (where the subject site is located), and a Conceptual Plan for Phases II and III, of the Corvallis Business Park Planned Development.

Chapter 2.5 of the Land Development Code provides procedures for modifying Planned Developments. Land Development Code Section 2.5.60.02 lists thresholds that separate Minor Modifications to a Planned Development, from Major Modifications. The first threshold in Section 2.5.60.02 addresses use types.

> a. **The factors identified here describe the thresholds that separate a Minor Planned Development Modification from a Major Planned Development Modification:**
>
> 1. **Change in use type, with the exception that for a valid (still active) Planned Development that existed or was approved before December 31, 2000, a modification request shall be considered as follows:**
>
> (a) **A request to add uses permitted by the underlying zone to up to 25 percent of the total acreage within the Planned Development site shall be considered a Minor Planned Development Modification; and**
>
> (b) **A request to add uses permitted by the underlying zone to greater than 25 percent of the total acreage within the Planned Development site shall be considered a Major Planned Development Modification;**

The proposed Comprehensive Plan Amendment and Zone District Change would change the permitted use types within the Planned Development, and would exceed the threshold listed above for a Minor Modification. Therefore, the request to modify the Planned Development is a Major Modification, which requires review by the Planning Commission.

Land Development Code Section 2.5.60.03 lists Procedures for a Major Planned Development Modification. This section requires the application to be reviewed against criteria in LDC Section 2.5.40.04. These are the same compatibility review criteria in Comprehensive Plan policy 3.2.7 and LDC Sections 2.1.30.06.b, and 2.2.40.05 used to evaluate the CPA and the ZDC. The applicant is not proposing a specific development plan for the site at this time, so it is not possible to evaluate the change in use type in detail. However, as discussed in previous sections of this report, both the ZDC and CPA requests complied with applicable LDC compatibility criteria based on the

permitted use types in the MUC District/Designation. Findings from these sections are included here by reference.

As demonstrated in the preceding Comprehensive Plan Amendment and Zoning District Change analyses, Mixed Use Commercial development on the site can be accomplished in a manner that will comply with all applicable Land Development Code requirements and Comprehensive Plan Policies, including compatibility criteria. Those findings are hereby incorporated as findings under the Planned Development Modification criteria as well.

Because the CPA and ZDC requests comply with applicable LDC and Comprehensive Plan policies, the requested Major Planned Development Modification should be approved. However, development of the property will not be allowed until a detailed plan for the development of the subject site is approved through the Detailed Development and Major Planned Development Modification processes. Such development would need to comply with applicable conditions of approval from previous Corvallis Business Park Conceptual and Detailed and Development Plans, and previous Planned Development Modifications, as well as all other applicable Land Development Code standards, Comprehensive Plan policies and other City requirements. To ensure that this is the case, a condition of approval is recommended **(Condition 1)**. Additionally, a number of site specific development issues will need to be addressed at the time of subsequent Major Planned Development Modification, including the following which are recommended to be addressed through conditions of approval.

Traffic

To ensure that development-related traffic impacts are mitigated, future conceptual and/or detailed development proposals should be required to submit updated traffic impact studies including recommended mitigation. The developer should be required to install mitigation found to be necessary through the review of future development proposals **(Condition 2)**.

Storm Drainage

The application indicates that the conceptual uses at this juncture may modify the configuration of the existing private detention/water quality facility on the subject site. The applicant should submit with subsequent modifications to the existing Planned Development overlay, a revised Corvallis Business Park storm water analysis that addresses storm water capacity and water quality treatment **(Condition 3)**. Any private storm water conveyance or detention/water quality facilities constructed to serve this site should be constructed to the applicable Uniform Plumbing Code, applicable City of Corvallis standards, the applicable King County Surface Water Design criteria, and in accordance with previous conditions of approval.

The applicant has proposed that a private storm water maintenance agreement will be established for storm water maintenance, access and ownership. This agreement should be secured with future PD modification applications **(Condition 4)**.

Utility Extensions and Agreements

Additional public easements may be required in accordance with LDC 4.0.110 and with prior conditions of approval to serve future phases of the Corvallis Business Park. These easements should be granted with future PD modification applications, or as required by existing Conditions of Approval **(Condition 5)**.

PART IV

LOT LINE ADJUSTMENT

The area affected by the proposed Lot Line Adjustment (LLA) includes the applicant's 1.3 acre lot and a 5.7 acre lot owned by Carmike Cinemas, Inc. The LLA request seeks to reconfigure the applicant's lot, and reduce it from 1.3 acres to approximately 1.2 acres, and to increase the Carmike Lot from approximately 5.7 acres to 5.8 acres (**Attachments F and P.5 -P.9**). Land Development Code Chapter 2.14 provides the purposes and review criteria for LLA requests.

Land Development Code Section 2.14.60

Section 2.14.20 - PURPOSES

Land division procedures are established in this chapter for the following purposes:

a. **Ensure building sites of sufficient size and appropriate design and that lots to be created are within the density ranges permitted by the Comprehensive Plan;**

b. **Minimize negative effects of development upon the natural environment and to incorporate natural features into the proposed development where possible;**

c. **Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;**

d. **Ensure appropriate level of urban facilities and services including provisions for water, drainage, and sewage;**

e. **Create residential living environments that foster a sense of neighborhood identity and are protected from the adverse effects of heavy traffic and more intensive land uses; and**

f. **Promote energy efficiency.**

Section 2.14.60 - LOT LINE ADJUSTMENT

b. **A lot line adjustment shall be approved if the following criteria have been met:**

1. **The lot line adjustment shall not result in creation of an additional unit of land.**
2. **Any unit of land reduced in size by the lot line adjustment shall comply with all applicable development district regulations.**
3. **Any nonconforming development on lots subject to a lot line adjustment shall not have the degree of nonconformity increased as a result of the lot line adjustment.**
4. **The availability of both public and private utilities and required access shall not be adversely affected by a lot line adjustment.**

The proposed LLA would only minimally reduce the size of the subject site, but would configure the lot so a greater portion of it was adjacent to Four Acres Street and the access drive north of the subject site. Reconfiguring the lot so it has greater frontage on Four Acre Drive and the access drive could improve the ability of future developments to provide safe and efficient access to the site. It may also allow future development to more easily be oriented towards Four Acre Drive.

The proposed LLA will not create an additional unit of land, and reducing the size of the lot will not prevent future development from complying with District regulations. There is no nonconforming development on adjacent lots, and the applicant states that existing private and public utilities, including those incorporated in easements, are not affected in any way by the proposed LLA. **Condition of Approval 6** should be applied to the LLA to comply with LDC Section 2.14.60, and to ensure the LLA is properly surveyed and recorded.

LLA Conclusion

The proposed LLA meets the purpose of a LLA, and complies with the review criteria provided in LDC Chapter 2.14. Additionally, approval of the LLA would not preclude development from occurring to MUC District standards, should the CPA and ZDC requests be approved.

OVERALL CONCLUSION AND RECOMMENDED ACTIONS

Analysis of the proposed Comprehensive Plan Map and Text Amendment, Zone District Change, Planned Development Major Modification, and Lot Line Adjustment, indicates that each of these requests complies with applicable Comprehensive Plan policies, Land Development Code criteria, and Statewide Planning Goals. More specifically, the requests would add to the amount of available commercial land, without the need for annexation, thereby helping to address the shortfall of needed commercial land within the City by the year 2020 as predicted by the 1998 Buildable Lands Inventory. The ZDC and CPA would permit a wider variety of commercial uses on the site that would be compatible with surrounding uses, and the new commercial uses would be served by existing infrastructure and transit services. Additionally, future development of the site would be reviewed through the Planned Development process, thereby ensuring that site specific issues, such as compatibility, site design, and facilities needed to serve the site, would be addressed. Given this conclusion, staff recommends the following motions recommending the City Council to approve the Comprehensive Plan Amendment request, and the Planning Commission to approve the Zone District Change, Planned Development Major Modification, and Lot Line Adjustment.

I. Recommended Motion for Comprehensive Plan Amendment (CPA05-00005)

MOTION: I move to recommend that the City Council approve the requested Comprehensive Plan Map Amendment to designate the subject property Mixed Use Commercial and to amend the text of Comprehensive Plan Policies 8.10.5 and 8.12.1, as proposed by staff in the April 26, 2006, staff report to the Planning Commission. This motion is based upon the criteria, discussions, and conclusions contained within the April 26, 2006, staff report to the Planning Commission; and based upon the reasons given by the Planning Commission members during their deliberations as reflected in the Minutes of the May 3, 2006, Planning Commission Meeting.

II. Recommended Motion for District Change (ZDC05-00014)

MOTION: I move to approve the requested District Designation to change the zoning district of the subject properties to PD(MUC), contingent upon City Council approval of the associated Comprehensive Plan Amendment request. My motion is based upon the criteria, discussions, and conclusions contained within the April 26, 2006, staff report to the Planning Commission; and based upon the reasons given by the Planning Commission members during their deliberations as reflected in the Minutes of the May 3, 2006, Planning Commission Meeting.

III. Recommended Motion for Major Planned Development Modification (PLD05-00023):

MOTION: I move to approve the requested Major Planned Development Modification, subject to satisfaction of the condition of approval, and contingent upon City Council approval of the requested Comprehensive Plan Amendment. This motion is based upon the criteria, discussions, and conclusions contained within the April 26, 2006, staff report to the Planning Commission; and based upon the reasons given by the Planning Commission members during their deliberations as reflected in the Minutes of the May 3, Planning Commission Meeting.

IV. Recommended Motion for Lot Line Adjustment (LLA06-00003):

MOTION: I move to approve the requested Lot Line Adjustment application, subject to conditions of approval presented in the April 26, 2006, Staff Report to the Planning Commission. This motion is based upon the criteria, discussions, and conclusions contained within the April 26, 2006, Staff Report to the Planning Commission; and based upon the reasons given by Planning Commissioners during their deliberations as reflected in the Minutes of the May 3, Planning Commission Meeting.

RECOMMENDED CONDITIONS OF APPROVAL

The following conditions only apply to the requested Planned Development Major Modification and Lot Line Adjustment, and subsequent Planned Development Modifications associated with the subject site and this approval. The conditions of approval are listed in the order they appear in the staff report. The Conditions have page references in the far left column which indicate where in the staff report discussion and analysis is made relative to that specific condition.

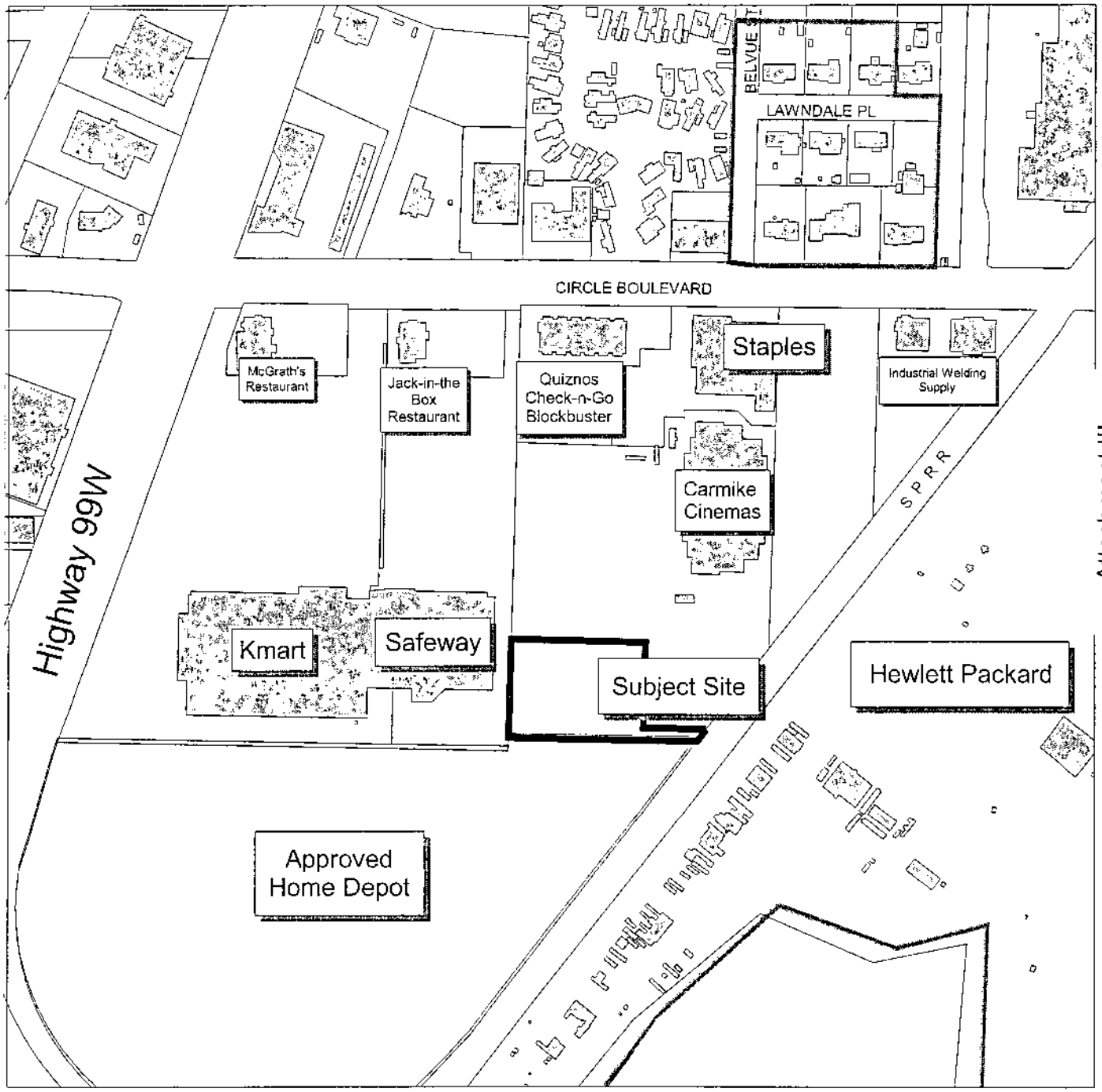
Pg # Ref	Cond #	CONDITION
36	1	Subsequent Major Modifications - Prior to issuance of any development permit on the subject property, site-specific Detailed Development Plans and Major Planned Development Modification approvals shall be obtained to ensure that development on the subject property is consistent with previous approvals for the site and the Corvallis Business Park Conceptual and Detailed Plan, as well as with Mixed Use Commercial Zoning District standards, all other applicable Land Development Code requirements, applicable Comprehensive Plan Policies, and any other applicable City requirements.

36	**2**	Traffic Impact Analyses (TIA) - In order to ensure that development-related impacts are mitigated, future conceptual and/or detailed development proposals will be required to submit updated traffic impact studies. The developer will be required to install mitigation found to be necessary through review of future development proposals.
36	**3**	On-site Storm Water Improvements - With future development applications, the applicant will need to submit the following to the City's Development Services Department for review and approval; and prior to issuance of any future final certificate of occupancy on the development site, the storm water detention facilities and water quality facilities as conditioned below will need to be installed by the applicant and approved by the City. A. Line Sizing and System Capacity Calculations - Provide engineered calculations demonstrating that the existing downstream storm water system has sufficient capacity to convey the expected storm water volumes generated by the development. B. Private Storm Water Detention - Provide engineered calculations for pre-development and post-development peak storm water run-off flows to verify that proposed development storm water impacts are consistent with previous detention facility design regarding their requirement to match pre and post development flows based on the 2-year through the 100-year storm event. C. Private Water Quality Facility Design - Provide engineered calculations for storm water quality facilities demonstrating compliance with both criteria outlined in City of Corvallis Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington Surface Water Design Manual. Infiltration facilities are a recommended means of meeting water quality requirements where soil and slope conditions (not more than 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The water quality analysis shall contain a discussion on the feasibility of implementing infiltration during both wet and dry seasons and a discussion on the feasibility of using pervious pavement systems in the streets and on-site paved areas to minimize runoff and maximize infiltration.

36	**4**	Private Storm Water Maintenance Agreements - Prior to issuance of any structural or site utility construction permits with future PD modification applications, the applicant shall submit a signed written agreement among all affected owners that defines the terms of maintenance, access and ownership of the private storm water conveyance and detention/water quality system.
37	**5**	Utility Extensions & Easements - All properties within Corvallis Business Park (including Phases I, II and III) will need to provide private and public utility easements prior to the issuance of any additional building or construction permits for any property under his/her control, with future Planned Development Modifications, consistent with the approved utility designs for the development, to and through each parcel to the edge of the adjacent parcel such that there are no reserve "spite" strips, and for the purposes of public and private utility connection. Within the entire Corvallis Business Park project, including Phases I, II and III, each property owner shall be responsible for granting and recording such public and private easements for all property under his/her control. Easement widths for both public and private easements shall be consistent with the Code and City of Corvallis Engineering Standards for public utility easements. Additionally, prior to the issuance of building permits for each parcel in Corvallis Business Park (including Phases I, II and III), the applicant of that building permit shall obtain approval of, and permits for, engineered public and/or private improvement plans, consistent with the approved design, from the City. The City Engineer shall have the ability to modify the utility design if the applicant requests an alternate design and the City Engineer finds that the alternate design meets City engineering standards and other sites within or outside of the entire development are not adversely affected by the change.

39	**6**	Lot Line Adjustment - a. Deeds, based on a metes and bounds legal description, for all adjusted lots resulting from the lot line adjustment shall be recorded with the Benton County Recorder's Office. b. A Certified Boundary Survey map that reflects the approved lot line adjustment shall be filed with Benton County. Prior to the filing of the survey map with Benton County, the map shall be reviewed by the City and signed by the Director and the City Engineer. c. Copies of the recorded deeds and filed survey map shall be provided to the City following recordation.

Existing Conditions
Corvallis Business Park

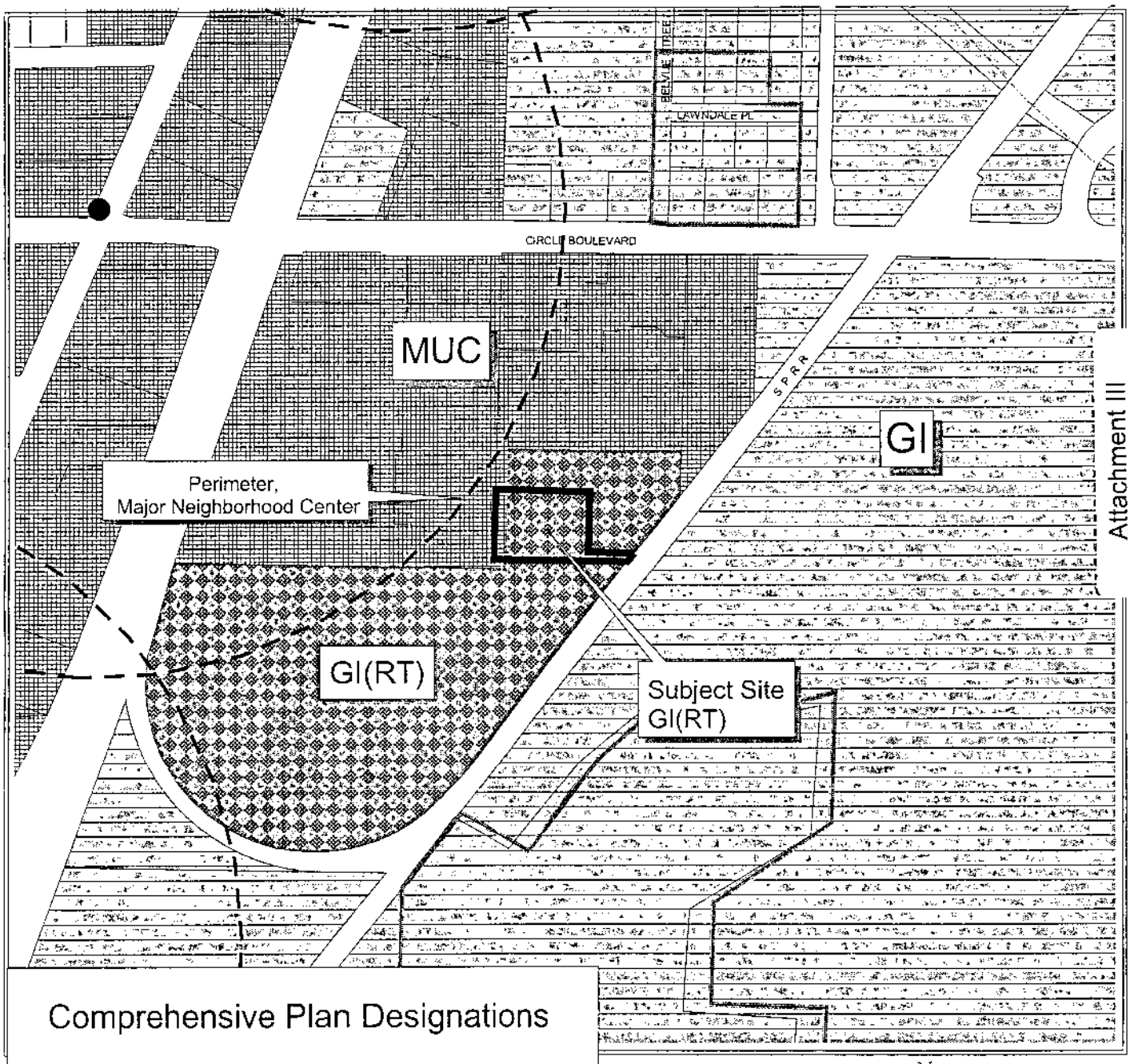


N

200 0 200 400 Feet

Attachment A

Current Comprehensive Plan Map



Comprehensive Plan Designations

Comprehensive Plan Designations (Black and White)

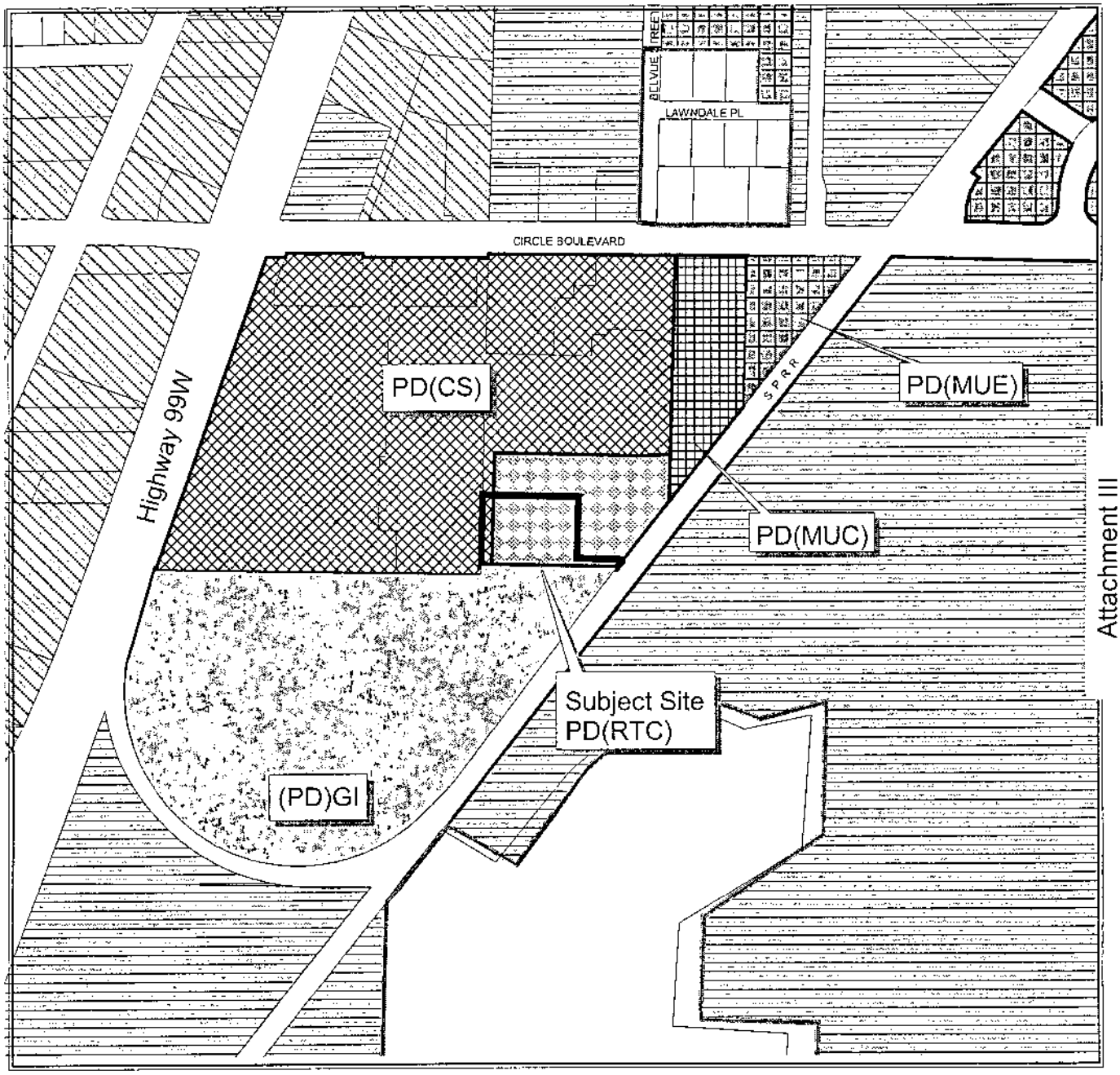
- Mixed Use Commercial
- General Industrial
- Research Technology

N

200 0 200 400 600 Feet

Attachment B

Current Zoning District Map



Development Districts

Development Districts (B/W)

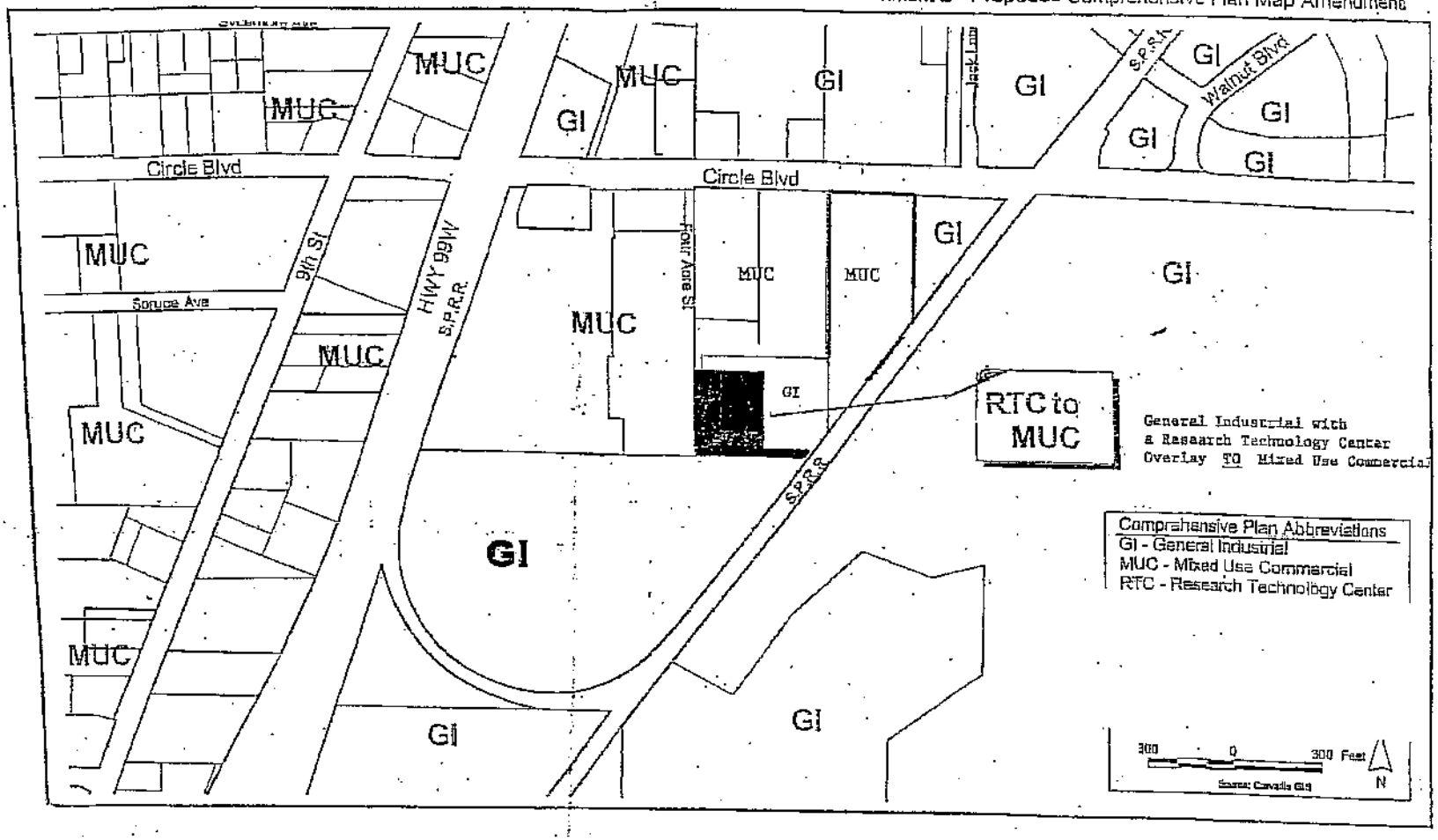
- LC
- PD(CS)
- PD(MUC)
- MUE
- PD(MUE)
- PD(RTC)
- GI
- PD(GI)

N

200 0 200 400 Feet

Attachment C

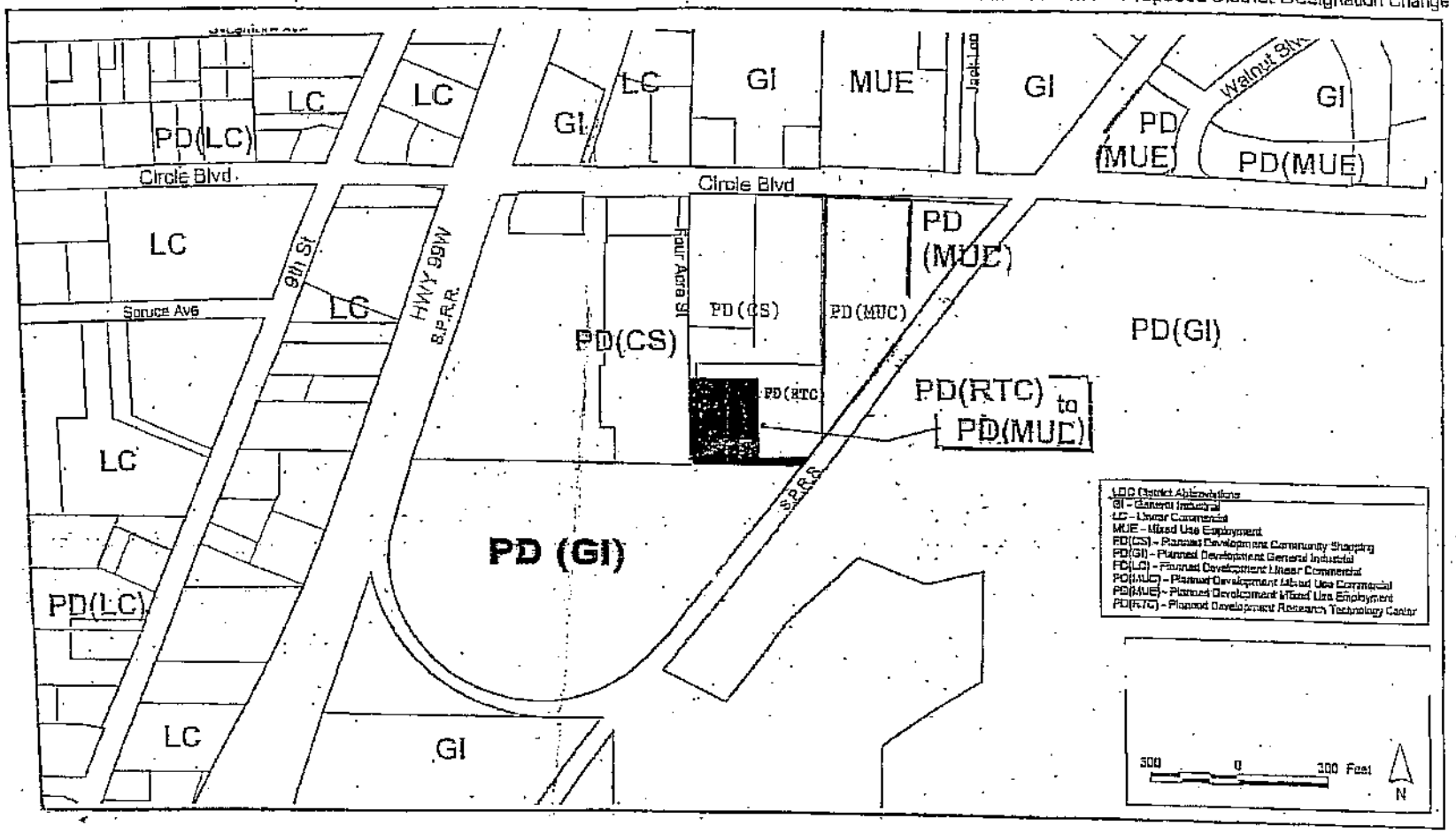
Attachment E - Proposed Comprehensive Plan Map Amendment



3-07-06

Attachment D

Attachment F - Proposed District Designation Change



S-07-06

Attachment E

LOT LINE ADJUSTMENT ADDENDUM

This site currently consists of two parcels that were borne from LLA 99-00013 (June, 2000). One site, a 5.7242 acre site is owned by Carmike Cinemas, Inc. (the "Carmike Tract") The other site, a 1.3096 acre tract is owned by Brandis-SDC Partnership (the "Schlosser Tract". The applicant is interested in moving the north property line separating the Carmike Tract from the Schlosser Tract in a northerly direction, and moving the east property line separating the Carmike Tract from the Schlosser Tract in a westerly direction. The resulting Carmike Tract and the resulting Schlosser Tract are depicted approximately in the attached sketch. The resulting Carmike Tract will be just less than 6 acres including roadway, water, storm, and sewer easements. The resulting Schlosser Tract will be approximately 1.2 acres (52,000 square feet +/-) exclusive of roadway, water, storm and sewer easements or (storm-water improvements). As related in the attached Lot Line Adjustment application form, attached,-- After Corvallis Development Services mails the applicant a letter indicating Corvallis' action on the application, and outlining the conditions which need to be met to complete the lot line adjustment, the applicant will have one (1) year from the date of the Corvallis letter to complete the Lot Line Adjustment which shall include the final preparation of a survey map prepared by a licensed land surveyor in the State of Oregon which shall be substantially (but not necessarily exactly) the same as the delineations described in the attached sketch. After Corvallis has completed its review for compliance, the survey map will be signed by the Development Services Director and the City Engineer, and then filed with the Benton County surveyor. In addition, new deeds (substantially as attached, endorsed, and acknowledged by Carmike Cinemas, Inc. and Brandis-SDC Partnership) will be recorded to reflect the property transferred and the resultant adjusted lots.

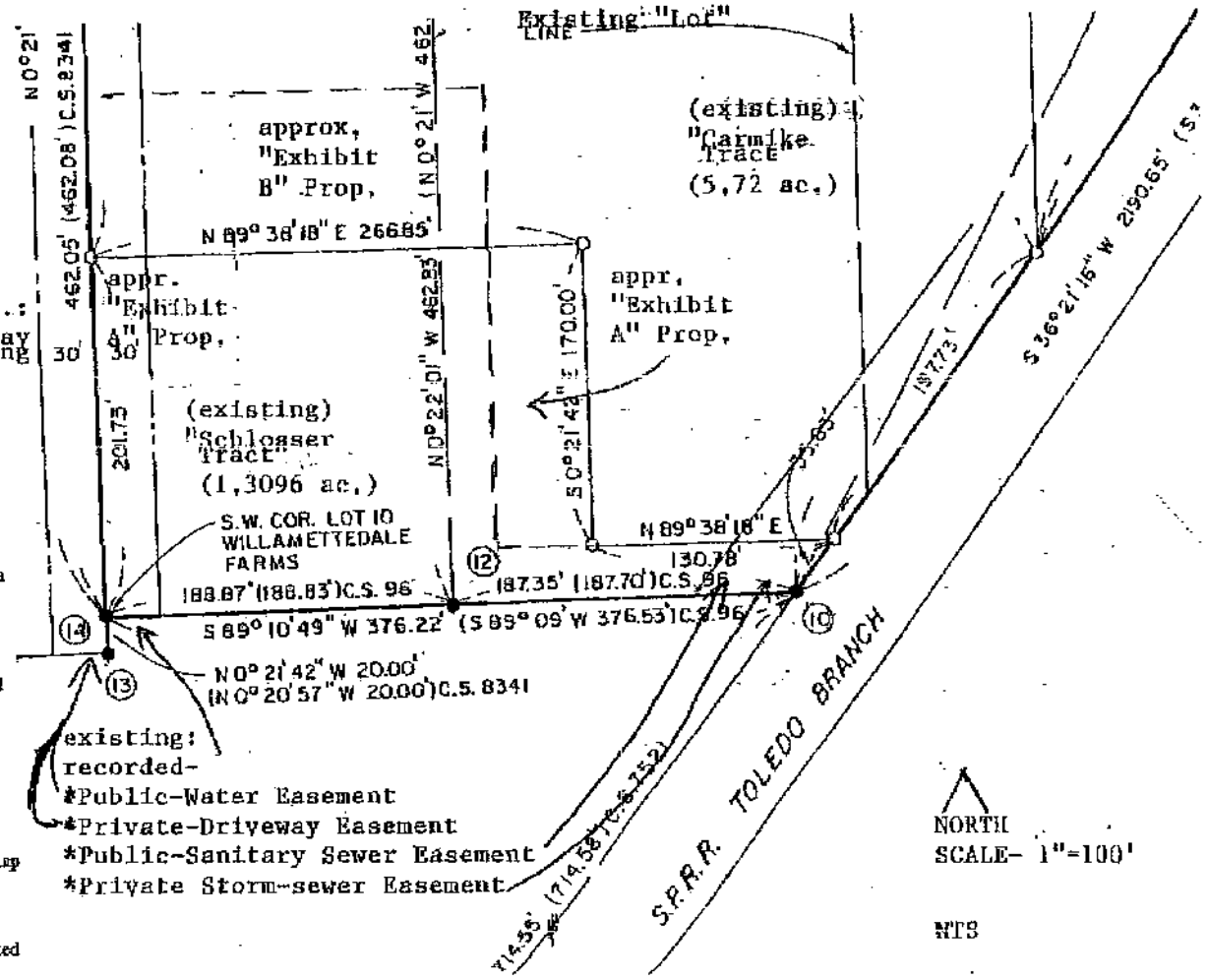
SECTION 2.14.60: Corvallis Land Development Code

The applicant is proposing to adjust the lot line between the Carmike Tract and the Schlosser Tract as described in the attached sketch, and as described above. NO NEW LOTS are being created, and therefore the application is in compliance with the above-described section of the LDC

The resulting Schlosser Tract will be approximately 1.2 acre (as described above) and is in compliance with applicable development district regulations (MUC/MUC)

There will be no nonconforming development on either the Schlosser Tract and/or the Carmike Tract

Existing private and public utilities (incorporated in easements and/or physical on-the-ground improvements) are not affected in any way, whatsoever, by the lot line adjustment



Attachment F

CORVALLIS CITY COUNCIL
COMPREHENSIVE PLAN AMENDMENT
NOTICE OF DISPOSITION

ORDINANCE 93-23

CASE — CPA 93-2 CORVALLIS BUSINESS PARK

REQUEST — On a 27.5 acre site the applicant is requesting approval of the following:

A Comprehensive Plan Map Amendment replacing the Regional Shopping Center (RSC) Overlay with the Research-Technology Center (RT) Overlay within the Limited Industrial (LI) Designation.

APPLICANT — Mackenzie/Saito & Associates
PO Box 69039, Portland, Oregon 97201-0039

OWNER — Arthur L. McFadden and Mary M. Goldblatt Trust
3950 NW Kaiser Road, Portland, Oregon 97229

Kathryn J. Brandis
340 NW 7th Street, Corvallis, Oregon

LOCATION — On the south side of Circle Boulevard between Highway 99W and the eastern spur of the Southern Pacific Railroad Tracks; Assessor's Map number 11-5-25B tax lots 900 and 1000; and 11-5-26 tax lot 200.

The Corvallis City Council reviewed the proposed Comprehensive Plan Amendment on October 4, 1993. At that time they approved the request and adopted the findings of fact contained in the staff reports dated September 27, 1993 and August 25, 1993 and the City Council minutes dated October 4, 1993.

The ordinance and findings may be reviewed at the Community Development Department, Planning Division at City Hall, 501 SW Madison Avenue, Corvallis.

If you wish to appeal this decision, appeals of "land use decisions" must be filed within 21 days from the date of the decision, in writing, with the Oregon Land Use Board of Appeals (LUBA).

Appeals to LUBA must be filed in accordance with ORS 197.830 et seq. If you have any questions regarding the appeal process, you should consult your attorney.

ORDINANCE 93 - 23

AN ORDINANCE relating to the Corvallis Comprehensive Plan, Ordinance 90-52, as amended, and adopting findings.

The Planning Commission has forwarded its recommendation to the City Council concerning a request for a Comprehensive Plan map amendment (CPA-93-2). After proper legal notice, a public hearing concerning the proposed change was held on October 4, 1993, and interested persons and the general public were given an opportunity to be heard. The City Council has reviewed all matters presented and has reviewed the recommendations of the Planning Commission.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. The findings of fact prepared and presented by staff in the Report to Planning Commission dated August 25, 1993, are hereby adopted by the City Council. The City Council finds that the proponents have borne their burden of proof; and therefore, the Comprehensive Plan overlay classification for the subject property (see Exhibit A) generally located on the south side of Circle Boulevard between Highway 99W and the Southern Pacific Railroad line, Toledo Branch, is changed from Regional Shopping Center (RSC) to Research - Technology Center (RT).

PASSED by the Council this 4th day of October, 1993.

APPROVED by the Mayor this 4th day of October, 1993.

Effective this 14th day of October 1993.

R. Charles Hare, Jr.
Mayor

ATTEST:

M. Sue Marier
City Recorder

-1- Ordinance
Comprehensive Plan Amendment
CPA 93-2 Corvallis Business Park

Attachment III
Page 52

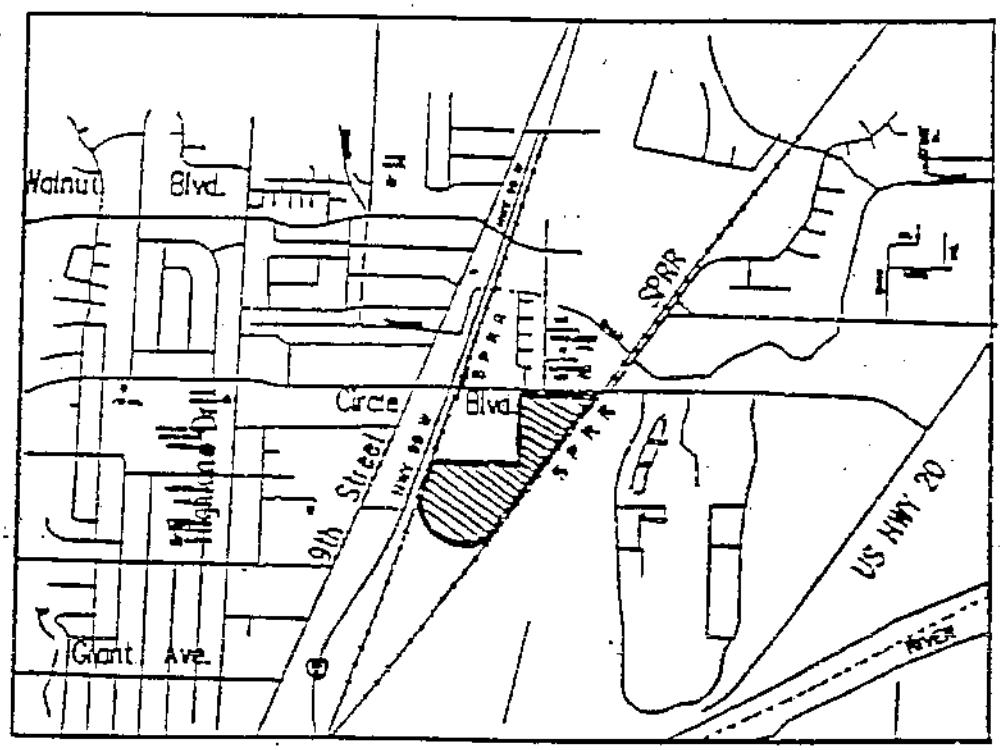
Exhibit A

CPA 93-2

CORVALLIS BUSINESS PARK

COMPREHENSIVE PLAN AMENDMENT

REGIONAL SHOPPING CENTER OVERLAY (RSC)
TO
RESEARCH TECHNOLOGY CENTER OVERLAY (RT)



AREA UNDER CONSIDERATION

-2- and final Ordinance
Comprehensive Plan Amendment
CPA 93-2 Corvallis Business Park

CORVALLIS PLANNING COMMISSION
NOTICE OF DISPOSITION

ORDER 93-54

CASE	DC 93-1; PD 93-5 CORVALLIS BUSINESS PARK
REQUEST	On a 27.5 acre site the applicant is requesting approval of the following: 1. A Development District Map change from General Industrial (GI) to Research Technology Center (RTC) with a Planned Development (PD) overlay. 2. A Detailed Development Plan for Phase 1 and a Conceptual Development Plan for Phases 2 and 3.
APPLICANT	Mackenzie/Saito & Associates PO Box 69039, Portland, Oregon 97201-0039
OWNERS	Arthur L. McFadden and Mary M. Goldblatt Trust 3950 NW Kaiser Road, Portland, Oregon 97229 Kathryn J. Brandis 340 NW 7th Street, Corvallis, OR 97330
LOCATION	On the south side of Circle Boulevard between Highway 99W and the eastern spur of the Southern Pacific Railroad Tracks; Assessor's Map number 11-5-25B tax lots 900, 1000; and 11-5-26 tax lot 200.

The Corvallis Planning Commission conducted a review of the above case on September 1, 1993, and found that the request should be approved with the attached conditions. The Planning Commission has adopted the findings contained in the September 1, 1993, minutes and the August 25, 1993, staff report.

If you are an affected party and wish to appeal this decision, appeals must be filed, in writing, with the City Recorder within 10 days from the date that the notice of disposition is mailed. The following information must be included:

a. Name and address of the appellant(s).
b. Reference the subject development and case number, if any.
c. A statement of the specific grounds for appeal.
d. A statement as to how you are an affected party.
e. Filing fee of $102.00. (No fee required for an appeal of the Community Development Director's decision.)

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. The City Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, Corvallis, Oregon.

David Sherroc
Corvallis Pla

Attachment III
Page 54

CONDITIONS OF APPROVAL

CORVALLIS BUSINESS PARK: DC 93-1; PD 93-5; Detailed Development Plan /Phase 1; Conceptual Development Plan /Phases 2 and 3)

1. Entryway Treatment: A detailed entryway treatment plan shall be submitted to the Planning Division which provides a focal point for the ultimate access prior to issuance of building permits for Building #3.

2. Phase 2 & 3 Landscaping Plan: In the Detailed Development process for Phases 2 and 3 of this proposal, the owner shall develop a detailed landscaping plan which will enhance the view of the site from Highway 99W and consider the needs of proposed uses and parking/loading requirements.

3. Wetland Determination: The developer will assure that the site contains no jurisdictional wetlands, or acquire required state or federal permits for development of such areas; and

4. Engineered Plans: Prior to the issuance of any construction permits, the applicant shall submit engineered plans for streets, transit pull-out with shelter, water, storm sewer, and sanitary sewer for the approval of the City Engineer.

5. Ultimate Access: Concurrent with development of Phases 2 and/or 3, primary access to the RTC will transfer to the access at the east side of the K-Mart development as per condition of approval for PD 89-1/DC 88-6, Condition 2b. The Phase 1 access will be converted to a right-in, right-out, based on the confirmation of need by the City Engineer.

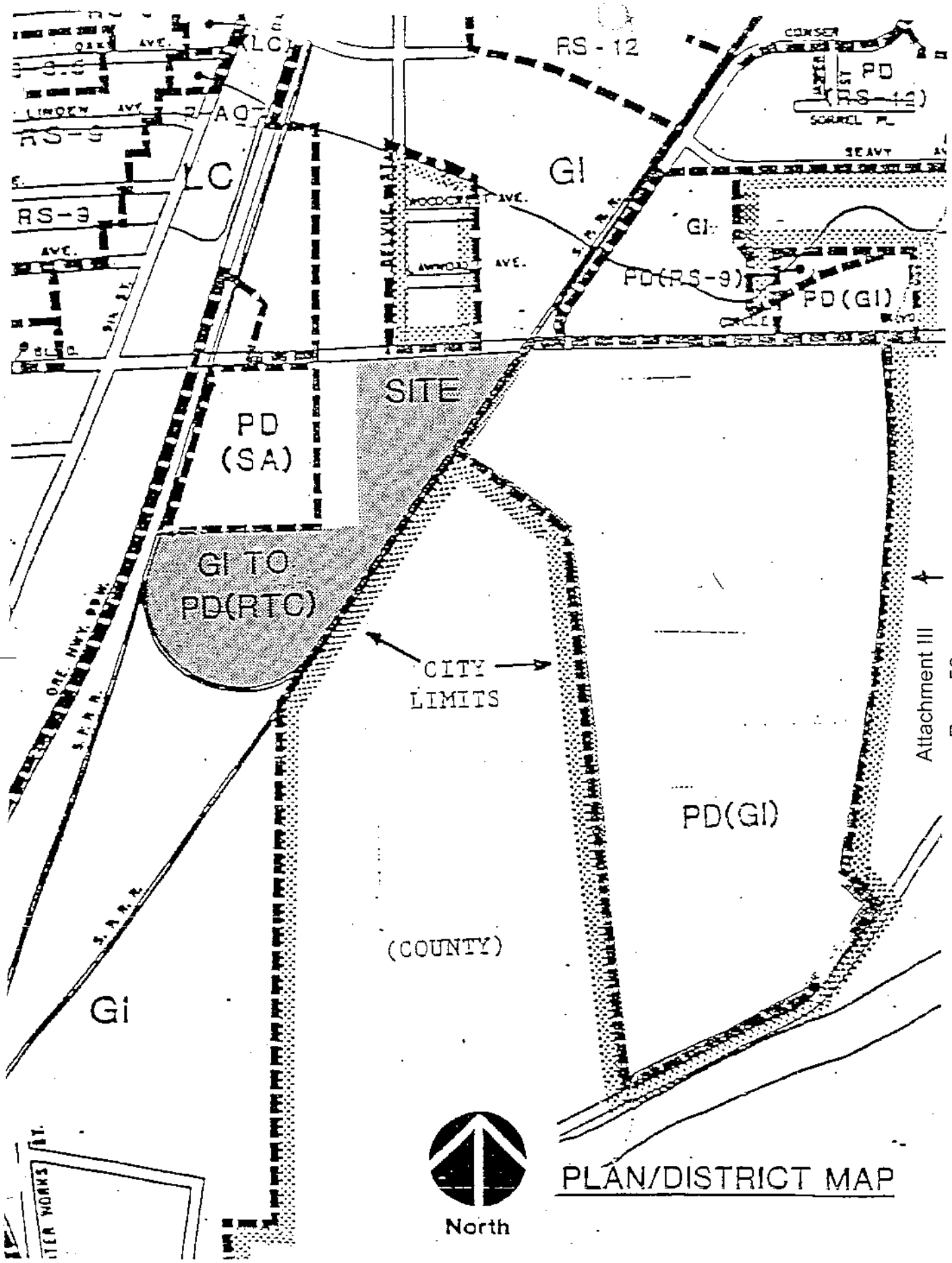
6. Traffic Signal: Concurrent with development of Phase 2 and/or 3 and construction of the ultimate access, the applicant shall install a traffic signal. The traffic signal shall be coordinated with existing signals on Circle Blvd. at the time when signal coordination is implemented on Circle Blvd.

7. Future Pedestrian and Bicycle Linkage: Concurrent with Detailed Development Plan review for Phase 2 and 3, pedestrian and bicycle linkages to public systems and linkages between different uses within and adjacent to the site shall be submitted by the developer for City approval.

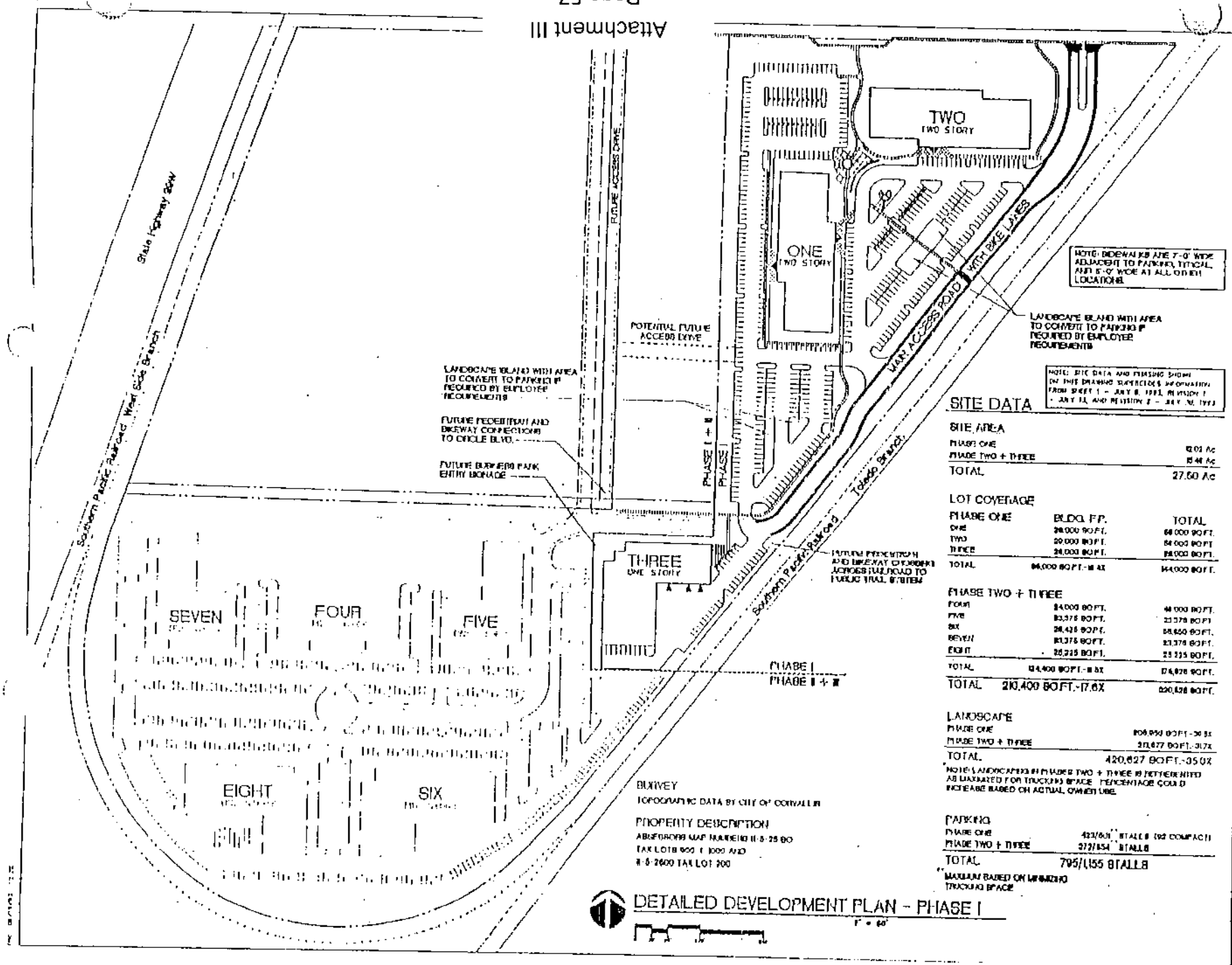
8. Signage: All signage shall conform to RTC District standards contained in Chapter 4.7 of the Land Development Code.

9. Lighting: All lighting fixtures shall be focused on the site so that the lighting cone created will not spill onto adjacent properties.

10. Council Approval: Development of the site shall not begin prior to approval by the City Council of the applicant's requested Comprehensive Plan Amendment. Should the City Council reject that amendment, approval of DC-93-1 and PD-93-5 shall be nullified.



PLAN/DISTRICT MAP


State Highway 99W
Southern Pacific Railroad - West Side Branch
FUTURE ACCESS DRIVE
POTENTIAL FUTURE ACCESS DRIVE
LANDSCAPE ISLAND WITH AREA TO CONVERT TO PARKING IF REQUIRED BY EMPLOYEE REQUIREMENTS
FUTURE PEDESTRIAN AND BIKEWAY CONNECTIONS TO CIRCLE BLVD.
FUTURE BURNETT PARK ENTRY MONUMENT
PHASE I + II
PHASE I
THREE
ONE STORY
ONE
TWO STORY
TWO
TWO STORY
MAIN ACCESS ROAD
WITH BIKE LANES
LANDSCAPE ISLAND WITH AREA TO CONVERT TO PARKING IF REQUIRED BY EMPLOYEE REQUIREMENTS
NOTE: SIDEWALKS ARE 7'-0" WIDE ADJACENT TO PARKING TYPICAL AND 5'-0" WIDE AT ALL OTHER LOCATIONS.
NOTE: SITE DATA AND PARKING SHOWN ON THIS DRAWING SUPERCEDES INFORMATION FROM SHEET 1 - JULY 8, 1993, REVISION 1 - JULY 13, AND REVISION 2 - JULY 30, 1993
Southern Pacific Railroad
Toledo Branch
FUTURE PEDESTRIAN AND BIKEWAY CROSSING RAILROAD TO PUBLIC TRAIL SYSTEM
SEVEN
FOUR
FIVE
EIGHT
SIX
PHASE I
PHASE II + III
SITE DATA
SITE AREA
PHASE ONE 12.01 Ac
PHASE TWO + THREE 15.46 Ac
TOTAL 27.60 Ac
LOT COVERAGE
PHASE ONE BLDG. F.P. TOTAL
ONE 20,000 SQ.FT. 60,000 SQ.FT.
TWO 20,000 SQ.FT. 60,000 SQ.FT.
THREE 24,000 SQ.FT. 24,000 SQ.FT.
TOTAL 64,000 SQ.FT.-12.8% 144,000 SQ.FT.
PHASE TWO + THREE
FOUR 24,000 SQ.FT. 48,000 SQ.FT.
FIVE 23,375 SQ.FT. 23,375 SQ.FT.
SIX 28,425 SQ.FT. 56,850 SQ.FT.
SEVEN 23,375 SQ.FT. 23,375 SQ.FT.
EIGHT 25,225 SQ.FT. 25,225 SQ.FT.
TOTAL 124,400 SQ.FT.-18.8% 176,825 SQ.FT.
TOTAL 210,400 SQ.FT.-17.6% 320,825 SQ.FT.
LANDSCAPE
PHASE ONE 108,950 SQ.FT.-30.5%
PHASE TWO + THREE 311,677 SQ.FT.-31.7%
TOTAL 420,627 SQ.FT.-35.0%
NOTE: LANDSCAPING IN PHASES TWO + THREE IS REPRESENTED AS MAXIMIZED FOR TRUCKING SPACE. PERCENTAGE COULD INCREASE BASED ON ACTUAL OWNER USE.
PARKING
PHASE ONE 423/601 STALLS (92 COMPACT)
PHASE TWO + THREE 372/554 STALLS
TOTAL 795/1155 STALLS
MAXIMUM BASED ON MINIMIZING TRUCKING SPACE
SURVEY
TOPOGRAPHIC DATA BY CITY OF CORVALLIS
PROPERTY DESCRIPTION
ABBREVIATED MAP NUMBERED 11-5-25 BO
TAX LOTS 900 & 1000 AND
11-5-26DD TAX LOT 300
DETAILED DEVELOPMENT PLAN - PHASE I
1" = 60'
DETAILED DEVELOPMENT PLAN
PHASE I
5
293235

CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION

ORDER 98-97

CASE CORVALLIS BUSINESS PARK
CPA-97-2, DC-97-6, PDM-97-21, & CD-97-9

REQUESTS

1) **Comprehensive Plan Amendment** to:
   A. Amend the Map designation of 6.25 acres from General Industrial with a Research Technology (RT) overlay to Shopping Area; and
   B. Amend Policy 7.9.1 to allow the Comprehensive Plan Map Amendment in (A).

2) **District Change** to amend the District Map designation of:
   A. 2.3 acres from GI (General Industrial) to PD(CS) (Community Shopping with a Planned Development overlay);
   B. 1.44 acres from GI (General Industrial) to PD(RTC) (Research Technology Center with a Planned Development overlay);
   C. 4.1 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(MUE) (Mixed Use Employment with a Planned Development overlay); and
   D. 3.95 acres from PD(RTC) (Research Technology Center with a Planned Development overlay) to PD(CS) (Community Shopping with a Planned Development overlay).

3) **Major Modification to the approved Detailed Development Plan for Phase I and Conceptual Development Plan for Phases II and III for Corvallis Business Park (PD-93-5)** to allow the proposed 31.25-acre development plan to proceed, including the reduction from 219,369 to 208,369 square feet of structures/uses within Phase I and the maintenance of 176,825 square feet of structures within Phases II and III; and

4) **Conditional Development** to address the Planned Development in the Research Technology Center, Community Shopping, and Mixed Use Employment Districts, as well as:
   A. An auto body shop within the PD(MUE) (Mixed Use Employment with a Planned Development overlay) District that includes an 18,480 square foot structure and a 14,414 square foot vehicle staging area; and
   B. A 40,000 square foot structure for theater and conference facilities for more than 300 people within the PD(CS) (Community Shopping with a Planned Development overlay) District.

APPLICANT Andrew Schlosser
221 West 6th Street, Suite 1450
Bank One Tower
Austin, Texas 78701

OWNERS

Kathryn Brandis, etal	Arthur McFadden	Industrial Welding Supply	Steve Perlenfein
340 NW 7th Street	P.O. Box 6026	3415 Pacific Blvd. SW	631 Kouns Dr. NW
Corvallis, OR 97330	Portland, OR 97228	Albany, OR 97321	Albany, OR 97321

LOCATION South of NE Circle Boulevard, between the Willamette & Pacific Railroad tracks that cross NE Circle Boulevard in the vicinity of NE Conser Street. and HWY 99W. Assessor's Map Number 11-5-25B, Tax Lots 900, 1000, 1100, & 1200. Assessor's Map Number 11-5-26, Tax Lot 200.

The Corvallis City Council conducted a review and deliberations of the above case on July 6, 1998. The Council then scheduled the application for its August 17, 1998 meeting in order to allow staff time to prepare formal Findings and Conclusions. On August 17, 1998, the Council approved an Ordinance for the Comprehensive Plan Amendment request (CPA-97-2) and tentatively approved the Findings and Conclusions relative to all the requests. However, as the vote on the Comprehensive Plan Amendment Ordinance was not unanimous, on September 8, 1998, the Council conducted a second reading of the CPA Ordinance and formally adopted the Findings and Conclusions relative to the Comprehensive Plan Amendment (CPA-97-2) and the appealed requests (DC-97-6, PDM-97-21, & CD-97-9).

The City Council has adopted the formal Findings and Conclusions, prepared by staff for its August 17, 1998 meeting, as well as the minutes of the August 17, 1998 City Council meeting.

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

Helen Berg

Helen Berg, Mayor
Corvallis City Council

Attachment III
Page 59

Attached: Map and Text of Comprehensive Plan Amendment, Map of District Change, and Relevant Graphics and Con
and Conditional Development
(MAILED: _____)

FINAL CONDITIONS OF APPROVAL FOR CORVALLIS BUSINESS PARK
MAJOR PLANNED DEVELOPMENT MODIFICATION
AND CONDITIONAL DEVELOPMENT

1. Major Planned Development Modification & Conditional Development - The Major Planned Development Modification and Conditional Development shall be as proposed in Attachments G and M, subject to the changes required through these conditions of approval.

2. Previous Conditions of Approval - The Major Planned Development Modification and Conditional Development shall be consistent with and subject to Conditions 1, 2, & 9 of the original approval of Corvallis Business Park (PD-93-5). For reference purposes, these conditions are listed below:

   A. (Previous Condition #1) Entryway Treatment: A detailed entryway treatment plan shall be submitted to the Planning Division which provides a focal point for the ultimate access prior to the issuance of building permits for Building #3.

   B. (Previous Condition #2) Phase 2 & 3 Landscaping Plan: In the Detailed Development process for Phases 2 and 3 of this proposal, the owner shall develop a detailed landscaping plan which will enhance the view of the site from Highway 99W and consider the needs of proposed uses and parking/loading requirements.

   C. (Previous Condition #9) Lighting: All lighting fixtures shall be focused on the site so that the lighting cone created will not spill onto adjacent properties.

3. Land Use - Land uses within the PD(RTC) portion of the site shall be consistent with land uses allowed within the Chapter 3.26 of the Land Development Code, except as further restricted by Condition #23 of this approval.

4. Deed Restriction - Upon approval of the PD(MUE) District, and prior to the issuance of any construction permits, a deed restriction shall be recorded on the PD(MUE) portion of the site which states that the industrial character and underlying industrial land use designation of the property is recognized, consistent with LDC Section 3.27.40.01.d.

5. Pedestrian Amenities and Weather Protection - Prior to the issuance of building permits for the PD(MUE) portion of the site, the applicant shall demonstrate compliance with the pedestrian amenities and weather protection provisions outlined in LDC Sections 3.27.50.04 and 3.27.50.07. Buildings within the PD(CS) portion of the site shall also comply with the weather protection provisions outlined in LDC Section 3.27.50.04, in order to continue the unifying theme of the Planned Development.

6. Structure Height - The maximum structure height for the theater/conference center facility, in its current location, shall be 50 feet.

7. Architecture - The entire development site shall maintain an architectural style that includes unifying building materials and/or design characteristics to maintain consistency. Within the PD(RTC) portion of the site, the architecture shall create a campus-like setting. If metal siding and roof surfaces are utilized, they shall be covered and maintained with non-reflective paint, consistent with LDC Section 3.26.40.05.k. Within the PD(MUE) portion of the site, the architecture shall be consistent with LDC Sections 3.27.50.02 thru and including 3.27.50.08. Consistency with these provisions will require a main entrance off NE Circle Boulevard for the buildings within the PD(MUE) portion of the site. Sidewalk connections between these main entrances and the sidewalk along NE Circle Boulevard shall also be provided. Within the PD(CS) portion of the site, the construction shall be consistent with the building design standards within the MUE District, specifically LDC Sections 3.27.50.02 thru 3.27.50.04 & 3.27.50.08.

8. Landscape Construction Documents - Prior to the issuance of any construction permits for each phase, the applicant shall submit for approval by the Community Development Director, landscape construction documents for the particular phase which contain a specific planting plan, construction plans, irrigation plans, details, and specifications for landscape areas, including perimeter landscaping, planter areas (around buildings and in parking areas), within pedestrian amenity areas, and detention pond area, etc., and any other common areas. Landscaping for "partial phases" may be considered, but shall be subject to the review and approval of the Community Development Director. Landscape areas shall be irrigated with permanent facilities sufficient to maintain the plant materials and covered by living plant materials capable of attaining 90 percent ground coverage within 3 years. A landscaped, "focal point" shall be created within and around the south side of the round-about, and on the north side of Building Three. Landscaping around the perimeter of Phases II and III shall be designed to substantially soften and buffer the buildings, consistent with the City's gateway policies (Policies 10.1.8 & 10.1.9).

   Landscape plans shall identify landscape preservation measures for any trees to be saved and locate construction fencing around these trees to at least a distance of 1.5 X the width of the trees' driplines. Such construction fencing shall be installed prior to the issuance of any grading and excavation permits. The landscape plans shall also identify mitigation for significant trees and vegetation (as defined by LDC Section 4.2.40.c) to be removed, such that replacement trees and/or vegetation is provided on a 1:1 basis. All landscaping shall be installed (or financially secured) prior to the issuance of any certificates of occupancy (temporary or otherwise).

9. Landscape Maintenance - Prior to the issuance of certificates of occupancy (temporary or otherwise), the applicant shall submit for approval, a landscape maintenance and preservation plan which outlines provisions and procedures for landscape areas addressed in the landscape plans.

10. Financial Security for Landscaping - Prior to the issuance of certificates of occupancy (temporary or otherwise), the applicant shall financially secure the landscaping to ensure it achieves 90 percent ground coverage within 3 years. The amount to be financially secured shall be equivalent to 50% of the cost of the installation of the landscaping.

11. Parking - The applicant shall provide a minimum of 80% of the required vehicular parking outlined in Chapter 4.1 of the Land Development Code. Of the 20% allowed reduction, 10% shall be allowed for the transit facilities and up to 10% shall be allowed for additional bicycle parking. Using this standard, vehicle and bicycle parking shall be provided adequately per phase. Phase line adjustments may need to be made to accomplish this requirement. Finally, a minimum of 50% of required bicycle parking shall be covered, consistent with LDC section 4.1.70.d.

12. Wetlands Determination - Prior to the issuance of any construction permits, the applicant shall conduct a wetland delineation of the site and receive approval of the delineation by the Division of State Lands. Should any wetlands be present on the site, the applicant shall obtain the necessary permits from the Division of State Lands and the U.S. Army Corps of Engineers, and make necessary site plan modifications, prior to the issuance of construction permits for that portion of the site. If site plan modifications are needed, the applicant shall follow the procedures associated with Planned Development Modifications, as outlined in Chapter 2.5 of the Land Development Code. Processes for site plan modifications in this regard are also required to be completed prior to the issuance of construction permits for the portion of the site involved.

13. Site Access - The applicant shall install a traffic signal at the intersection of the main entrance and NE Circle Boulevard. The signal shall be completed prior to acceptance of the public improvements for Phase I of the Project. As part of the public improvement plans for Phase I, the design of the traffic signal shall be submitted to the City, for review and approval by the City Engineer. In addition, the traffic signal shall be coordinated with existing signals on Circle Boulevard at the time when signal coordination is implemented on Circle Boulevard.

In order to address safety concerns associated with poor level of service at the east entrance to the site, the left-out movement shall be restricted at this location. Public improvement plans for Phase I shall include a design for this access to ensure that this will occur. The access design shall be subject to the review and approval of the City Engineer.

14. Main Access Drive - At a minimum, the design of the main access drive shall include four lanes from its intersection with NE Circle Boulevard south, into the site, for a distance adequate to allow queuing storage. The drive shall then transition down to two lanes (one in each direction, each of which is a minimum of 12 feet in width). The main access intersection will provide for left turn movements from both lanes exiting the site. The main access drive shall also include a separated sidewalk (minimum 5 feet wide) and a landscaped parkway (minimum 6 feet wide) on the east side of the drive. Finally, on-street bike lanes shall be included in the main access drive in the event that either (1) an agreement is reached between the developer of the Corvallis Business Park and the owner of the adjacent property to the west such that the access drive is shared in some manner between the sites; or (2) a design can be accomplished for the main access drive within the Corvallis Business Park site that includes the on-street bike lanes, provides for a landscaped parkway on the east side, and fits roughly within the area currently proposed by the applicant for the main access drive. **Minor adjustments to the main access drive associated with (1) and/or (2), or other aspects of this Condition as deemed appropriate by the City Engineer, shall be processed administratively, subject to the review and approval of the Community Development Department and the City Engineer.**

If neither (1) or (2) described above occur, then the applicant shall construct the main access drive as described in the application and as modified by this decision, and the proposed separated 12-foot wide multi-use path and 6-foot wide parkway on the west side of the main access drive shall be constructed. Unless arrangements can be made with the adjacent property owner, only the portions of the multi-use path that are shown within the Corvallis Business Park property shall be constructed and appropriate interim transitions between the multi-use path and the main access drive shall be provided until such time as the neighboring property is developed and can complete the path on the west side of the access drive.

The area shown as having mail drop-off facilities and automatic teller machines, etc. on the west side of the main access drive shall be located further south such that it does not interfere with the ultimate construction of the east/west parking lot aisle between the subject site and the adjacent K-mart shopping center site and shall be designed so as to accommodate truck movement to and from proposed loading docks on the property to the west.

Prior to the issuance of any certificates of occupancy for any of the buildings within the 6.25-acre PD(CS) portion of the site, the applicant shall provide and record an access easement for the use of the private main access drive as the primary access for all parcels to the west and within the K-Mart shopping center site, as well as the parcels involved in the subject Corvallis Business Park application. This easement shall meet the approval of the City Attorney and the applicant prior to recordation and shall apply to and from the length of the main access drive. Any driveway cut locations to or from this main access drive shall be subject to the review and approval of the Building Official to ensure traffic safety.

If, prior to the applicant obtaining construction permits for the private main access drive, the property owner to the west obtains construction permits for the 30-foot access drive approved for the Retail at K-Mart Center (PD-96-14), then the Corvallis Business Park applicant shall revise and coordinate the design and alignment of the Corvallis Business Park main access drive so that it does not create conflicts between the two sites. Any revisions to the design and alignment of the private main access drive shall be subject to the review and approval of the City Engineer and shall be processed administratively.

15. Multi-Use Path - The multi-use path shall be a minimum of 10 feet in width within Phase I and a minimum 12 feet in width along the north portion of Phases II and III. A 15-foot public access easement shall be provided along its entire length through the site and it shall be constructed as shown in the phasing plan.

16. Bus Shelter - Concurrent with and as part of the public improvements for Phase I, a bus shelter that meets City Standards shall be constructed on NE Circle Boulevard by the applicant. The shelter shall be located 100-200 feet east of the proposed main entrance and signal. Prior to the issuance of the permit for public improvements for Phase I, a transit easement that meets City standards shall be granted to the City for the shelter pad.

17. Utility Easement - Within 30 days from the date of a decision on the Comprehensive Plan Amendment and Legislative Amendment to the Land Development Code (being processed concurrently with these Major Planned Development Modification and Conditional Development requests), the applicant and adjacent property owner of the property to the west, shall attempt to establish a written agreement in which the owner of the adjacent property (the K-Mart shopping center site) grants additional public sewer and water easements between the existing easements and the property line (eliminating the reserve, or "spite" strips).

    If an agreement is reached, the applicant will be required to loop water lines between the site and the lines located on the adjacent K-mart property, and provide sanitary service to a portion of Phases II & III via the collection system located on K-mart property. If no agreement is reached within that 30-day time frame, the applicant will not be required to connect to the existing utilities on the K-mart site.

18. Storm Drainage - Peak flow rates from the site cannot exceed pre-development levels (up to the 100 year storm). This will require on site detention facilities, the design of which is subject to the review and approval of the City Engineer.

19. Plans for Public Improvements - Prior to issuance of any construction permits, the applicant shall submit engineered plans for public improvements to the City's Engineering Division for review and approval. The plans shall conform to the City of Corvallis Standard Construction Specifications and shall be accompanied by engineered calculations supporting proposed line sizing. The public water line shall be a minimum of 8-inches in diameter. Sanitary sewer lines shall be designed with a 4000 gal/acre/day inflow and infiltration rate. All public utilities shall be provided to and through the site.

20. Public Utility Easements: All sections of the public water, sanitary sewer and storm drain systems required to serve the proposed development that are aligned outside of the public right-of-way on private property, shall require the granting of appropriately-sized public utility easements. The public utility easements shall be granted prior to acceptance of public infrastructure for warranty purposes. The City standards for public utility easements are 15-foot wide easements for a single utility, centered on the utility, and 20-foot wide easements for a double utility. All public utility easements shall be provided to and through the site. No reserve strips (spite strips) are allowed.

21. Contingent Approval - These Major Planned Development Modification (PDM-97-21) and Conditional Development (CD-97-9) approvals are contingent upon approval of the associated Comprehensive Plan Amendment (CPA-97-2), District Change (DC-97-6), and Legislative Amendment to the Land Development Code (LDT-97-8) requests. Should those requests not be approved, these Major Planned Development Modification and Conditional Development requests shall be null and void.

22. Additional Signage - The applicant shall install signage within the parking lot west of the theater/conference center building that directs overflow traffic to the remainder of the parking

areas elsewhere within the Corvallis Business Park. All signage shall be consistent with the Corvallis Sign Code.

23. Additional Land Use and Square Footage Restrictions - Because the applicant has proposed that the portions of the site involving the 6.25-acre PD(CS) District (Community Shopping with a Planned Development overlay) and the 20.9-acre PD(RTC) District (Research Technology Center with a Planned Development overlay) be developed as one integrated planned development, with development within the PD(CS) portion of the site having a direct relationship to the business park development within the PD(RTC) portion of the site, the following additional restrictions shall apply:

A. Within the 6.25-acre portion of the site that is approved for the PD(CS) District, there shall be a maximum of 80,000 square feet of total floor area (inclusive of the theater/conference center building).

B. Within the 6.25-acre portion of the site that is approved for the PD(CS) District, and with the exception of the 40,000 square foot theater/conference use, no single user may occupy in excess of 30,000 square feet of building area.

C. Within the 20.9-acre portion of the site that is approved for the PD(RTC) District, the land uses specified in Land Development Code Section 3.26.30.01.a.3 (commercial and residential use types) are prohibited within Phase I and are allowed within Phases II and/or III of Corvallis Business Park. Additionally, these uses, which are allowed within Phases II and/or III, are limited in size to 5% of the total square footage of development within the 20.9-acre PD(RTC) portion of the site. Note: Under the current development proposal, this 5% square footage number is approximately 11,241 square feet.

D. If, for any reason, the theater/conference facility building is not constructed, and an alternative use is proposed in its place, this change shall be the subject of a full Major Planned Development Modification process, including a Planning Commission public hearing, etc. If, for any reason, future modifications are requested regarding A-C above, they shall be the subject of a full Major Planned Development Modification process, including a Planning Commission public hearing, etc. Any Major Planned Development Modification process involving an alternate land use to the theater/conference center facility building **and/or** modification(s) to A-C above, shall evaluate and ensure consistency with the established objectives of this planned development - primarily that the commercial uses within the PD(CS) portion of the site are integral and related to the PD(RTC) portion of the Corvallis Business Park.

DEVELOPMENT RELATED CONCERNS

A. Mailbox Locations - As part of the plans for public improvements, the applicant shall show proposed mailbox locations, with approval from the Post Office, as well as sidewalk transitions required by City Standards.

B. Excavation and Grading Plans - Prior to issuance of any construction permits, the applicant shall submit an excavation and grading plan, including erosion control methods, to the City's Development Services Division for review and approval. Any construction fencing required as part of Condition 8 shall be installed prior to the issuance of these permits.

C. SDC Reimbursements - Where it is anticipated that there will be System Development Charge (SDC) reimbursements from City funds to the developer for qualifying extra capacity facilities built by the developer, the developer shall obtain written agreement with City regarding reimbursement,

amount and timing of payments prior to initiating construction of these facilities. A written request for an SDC reimbursement may be directed to the City Engineer, who will facilitate the request through City Council.

D. NPDES Permit - Prior to issuance of any construction permits, the applicant shall be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit if construction activity will disturb, through clearing, grading and excavation five or more acres of the site.

Attached: Map and Text of Comprehensive Plan Amendment, Map of District Change, and Relevant Graphics and Conditions for the Major Planned Development Modification and Conditional Development
(MAILED: 9/9/98)

CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION

ORDER 2004 - 47

CASE **Corvallis Business Park - Perlenfein** (Case # CPA03-00004, ZDC03-00014, PLD03-00012)

TOPIC Review of an application for a Comprehensive Plan Amendment, and appeal of Planning Commission decisions regarding a Zoning District Change and a Major Planned Development Modification.

APPLICANT/ OWNER: Steve Perlenfein
631 Kouns Drive NW
Albany, OR 97321

LOCATION: South of Circle Boulevard and east of Highway 99W. The site is just to the east of the Staples office supply store on the south side of Circle Boulevard. The site is identified on Assessor's Map 11-5-25-B as Tax Lot 1900.

DECISION: The Corvallis City Council conducted a review of the above case and held deliberations on February 17, 2004. The City Council reviewed and tentatively approved a final order and the attached ordinance on March 15, 2004. A second reading of the ordinance was held on April 5, 2004, after which the Council decision was made final. The City Council approved the following:

a) a Comprehensive Plan Text and Map Amendment to allow the redesignation of a 2.5 acre parcel from General Industrial to Mixed Use Commercial. The Comprehensive Plan Text Amendment modifies the text of Comprehensive Plan Policies 8.10.5 and 8.12.1; and

b) a District Map Change to redesignate the 2.5 acre property from Mixed Use Employment with a Planned Development Overlay zone to Mixed Use Commercial with a Planned Development Overlay zone; and

c) a decision to refer the review of the Major Planned Development Modification request to the Planning

Commission for a recommendation to the City Council.

The Council has adopted the attached formal findings and ordinance. The proposal, staff report, hearing minutes, Findings and Conclusions, and Ordinance may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

If you wish to appeal the Council's Comprehensive Plan Amendment or District Change decisions, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision. A final decision on the Major Planned Development Modification has not yet been made.

Helen Berg
Mayor Helen Berg
City of Corvallis

Signed this 6th Day of April, 2004

Attached: Ordinance # 2004 - 04

ORDINANCE 2004-04

AN ORDINANCE relating to a Comprehensive Plan Map Amendment, modifying Ordinance 98-53, as amended.

WHEREAS, the Planning Commission, after holding a duly advertised public hearing on January 21, 2004, has forwarded its recommendation to the City Council concerning a request for a Comprehensive Plan Map and Text Amendment related to the property located South of Circle Boulevard and east of Highway 99W, also identified on the Benton County Assessor's Map 11-5-25-B as Tax Lot 1900; and

WHEREAS, after proper legal notice, a public hearing before the City Council, concerning the proposed Comprehensive Plan Amendment, was held on February 17, 2004, and interested persons and the general public were given an opportunity to be heard; and the City Council held deliberations concerning the proposed change on February 17, 2004, and the recommendations of the Planning Commission and staff were reviewed by Council.

NOW THEREFORE, THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. The findings of fact prepared by staff and contained in Exhibit A (which incorporate the portions of the January 14, 2004, Staff Report to the City Council that demonstrate support for the requested Comprehensive Plan Amendment; as well as the Minutes of the February 17, 2004, City Council meeting), are by reference incorporated herein, and are hereby adopted by the City Council.

Section 2. The City Council finds that the proponents have borne their burden of proof; and therefore, the Comprehensive Plan Map is amended such that on the described site the land use designation would change from GI (General Industrial) to MUC (Mixed Use Commercial), as illustrated in the attached Exhibit B.

Section 3. The City Council finds that the proponents have borne their burden of proof; and therefore, the text of Comprehensive Plan Policies 8.10.5 and 8.12.1 are amended as illustrated in the attached Exhibit C.

PASSED by the Council this 5th Day of April, 2004.

APPROVED by the Mayor this 5th Day of April, 2004.

Effective this 15th Day of, April 2004.

Helen M. Berg
Mayor

ATTEST:

City Recorder

-1- and final Ordinance
Perlenfein (CPA03-00004, ZDC03-00014)

Attachment III
Page 68

BEFORE THE CITY COUNCIL
OF THE CITY OF CORVALLIS

In the matter of City Council decisions to **approve** the requested **Comprehensive Plan Amendment** to redesignate 2.54 acres from General Industrial to Mixed Use Commercial and to amend Policies 8.10.5 and 8.12.1 to allow this change; and to reverse the Planning Commission's decision and **approve** the **Zoning District Change** to redesignate the site from Mixed Use Employment with a Planned Development Overlay to Mixed Use Commercial with a Planned Development Overlay, for the requests by Steve Perlenfein.	)	CPA03-00004 ZDC03-00014

PREAMBLE

This matter before the Corvallis City Council is a decision regarding a Comprehensive Plan Map Amendment, amendments to Comprehensive Plan Policies 8.10.5 and 8.12.1, and a Zoning District Change. The Perlenfein application includes proposals to change the 2.54-acre site's Comprehensive Plan Map Designation from General Industrial to Mixed Use Commercial; change the Zoning District Map Designation from Mixed Use Employment with a Planned Development Overlay to Mixed Use Commercial with a Planned Development Overlay; and to amend the text of Plan Policies 8.10.5 and 8.12.1 in order to allow the Comprehensive Plan Map Amendment. In conjunction with the application, the applicant submitted a waiver of the State-mandated 120-Day Rule. The property is located on the south side of Circle Boulevard about 1,200 feet east of Highway 99W, between Staples Office Superstore and Industrial Welding Supply, Inc. A Southern Pacific rail line runs along the southern boundary of the site. The application includes a Major Modification of an Approved Detailed Development Plan. The application for modification of the development plan has been referred back to the Planning Commission for further review and is not considered in these findings. The application is proposed by Steve Perlenfein. The property is referenced as tax lot 19000 on Assessor's Map Number 11-5-25-B.

The Planning Commission held a duly-advertised public hearing on the requests on January 21, 2004, at which time the hearing was opened, public testimony was heard, and the hearing was closed. The Commission voted to deny the requests for a Zoning District

Change and a Major Modification of the Approved Detailed Development Plan, and recommended that the City Council deny the request for a Comprehensive Plan Map and Text Amendment. The Notice of Disposition was signed on January 23, 2004, as noted on the Corvallis Planning Commission Notice of Disposition (Order# 2004-9).

The Planning Commission's decisions to deny the Zoning District Change and Major Modification of the Detailed Development Plan were appealed on February 3, 2004, by the applicant. The recommendation for denial of the Comprehensive Plan Amendment was forwarded to the Council for review. The appellant's notice of appeal stated that the Planning Commission erred in its finding that the application did not meet the criteria for approval. The appellant contended that the application materials show: (a) there is a demonstrated public need for the Comprehensive Plan Amendment, District Change and Major Modification of the PD based on a shortage of commercially designated land; (b) the application complies with all Comprehensive Plan policies; (c) the site is part of an approved Planned Development and is not "strip development"; (d) commercial use of the property meets all compatibility and public facilities criteria; and (e) commercial uses have been approved on adjacent property under the same approval criteria (K-Mart, Safeway, Staples, etc. - this is the last undeveloped lot).

The City Council held a duly-advertised de novo public hearing on the application on February 17, 2004, on which date the hearing on the Comprehensive Plan Amendment and Zoning District Change was opened and closed. After consideration of all the testimony and evidence, the City Council voted 6 to 2 not to follow the Planning Commission's recommendation and voted to approve the application for the Comprehensive Plan Map and Text Amendment. The Council also voted 6 to 2 to approve the Zoning District Change, reversing the Planning Commission's decision. The Council referred the request for a Major Modification to the Detailed Development Plan back to the Planning Commission for further review.

APPLICABLE CRITERIA

The Council notes that all applicable legal criteria governing review of this application are identified in the City's Staff Report to the Planning Commission dated January 14, 2004, the Minutes of the Planning Commission hearing dated January 21, 2004, the City staff memo to the City Council dated February 10, 2004, and the Minutes of the City Council meeting dated February 17, 2004.

FINDINGS RELATING TO COMPREHENSIVE PLAN MAP AND TEXT AMENDMENT - CPA03-00004

1. The City Council finds that the record contains all information needed to evaluate the Comprehensive Plan Amendment for compliance with the relevant criteria.

2. The City Council accepts and adopts the findings in support of the request included

in the City's Staff Report to the Planning Commission dated January 14, 2004; in the City Council Staff Report dated February 10, 2004; and in the February 17, 2004, City Council minutes with respect to: compatibility factors; vehicular circulation; bicycle/pedestrian circulation; bicycle/pedestrian facilities; transit; and public facilities and services.

The findings below supplement and elaborate on the findings referenced in the previous paragraph, all of which are incorporated herein. When there is a conflict between those findings and the findings referenced in the previous paragraph, the findings in this document shall prevail.

3. The City Council notes that the subject property is designated in the Corvallis Comprehensive Plan as General Industrial and is districted (zoned) as Mixed Use Employment with a Planned Development Overlay. The Council also notes the Comprehensive Plan Amendment would change this land use designation to Mixed Use Commercial and would change the text of Policies 8.10.5 and 8.12.1 to allow this map change to occur. The Council finds that this Comprehensive Plan designation of Mixed Use Commercial would result in development on the site being evaluated against the Corvallis Land Development Code Chapter 3.20 (Mixed Use Commercial) District and other applicable sections of the Corvallis Land Development Code.

4. The City Council notes that Comprehensive Plan Policies 8.10.5 and 8.12.1 relate to designations on the Comprehensive Plan Map. The Council notes that the requested Comprehensive Plan Map Amendment would conflict with the text of these two policies. Therefore, the Council finds that it is necessary to review the text of the referenced Comprehensive Plan Policies in conjunction with the review of the Comprehensive Plan Map Amendment request. The Council notes that the applicant requests the following changes to Comprehensive Plan Policies 8.10.5 and 8.12.1 (additional language is underlined):

Policy 8.10.5: Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, <u>except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.</u>

Policy 8.12.1: Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, <u>except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.</u>

5. <u>Demonstrated Public Need</u> - The Council notes that the Mixed Use Commercial Comprehensive Plan designation provides primarily for commercial uses but also allows some civic, industrial, and residential uses that are compatible with the predominant commercial uses, while maintaining the City's supply of commercially-designated lands (Comprehensive Plan 40.2.2). The Council notes that the purpose of the MUC designation is to introduce some residential and industrial uses into areas with commercial designations on the Comprehensive Plan Map. It is intended to provide areas for commercial uses, as well as civic and residential uses, and to provide basic services and amenities at a scale appropriate to surrounding developments. The Council notes that other objectives of the Mixed Use Commercial designation include: expanding housing opportunities; allowing businesses to locate in a variety of settings; providing options for living, working, and shopping environments; facilitating more intensive use of land while minimizing potentially adverse impacts; and providing options for pedestrian-oriented lifestyles (LDC 3.20.10). The Council notes that determination of need for land designated MUC must take into consideration that the designation allows a mix of residential, office, commercial and civic uses that overlap other designations.

The Council notes that in the Buildable Land Inventory and Land Need Analysis for Corvallis (June 1998, Appendix G, Table 8), ECONorthwest Consulting projects there will be a need for 76 acres of commercially designated land to accommodate the need through 2020. According to the 2002 Land Development and Buildable Land Report (2002 LDBLR, Table 8), there are approximately 23 vacant acres in commercial zoning districts, excluding Professional and Administrative Office areas. The Council notes that it has determined that the MUC Comprehensive Plan designation will be one of the most important tools used to meet the need for commercial land.

The Council notes that there were 503 acres of vacant General Industrial land within the City Limits in 2002, according to the 2002 LDBLR. The projected need for General Industrial and Intensive Industrial land through 2020 is 44 acres (Buildable Land Inventory and Land Need Analysis for Corvallis, Appendix G, Table 8). The Council notes that there appears to be a significant surplus of General Industrial Land over the next 17 years. However, the Council notes that the existence of wetlands on a large portion of these industrial lands may reduce the extent of the surplus. The Council notes that the current request would reduce the supply of vacant GI land by 2.54 acres or 0.5%. The Council notes that approval of this Comprehensive Plan Amendment would result in a negligible reduction in GI land, particularly when balanced against the documented shortage of MUC designated land.

Given the above information, the Council finds there is a demonstrated public need for additional commercial land in the City, particularly land with an MUC designation, and that the amendments are consistent with Comprehensive Plan Policies 1.2.3.A

and 8.9.3, 8.10.1 and LDC criteria 2.1.30.06.a.1.

6. **Advantages vs. Disadvantages**

The Council notes that the advantages that the Comprehensive Plan Amendment provides are:

a. The proposal locates commercial development appropriately along an arterial street in an approved PD with limited and controlled access, alongside other commercial development.

b. The proposal locates commercial uses in close proximity to each other and to transit, pedestrian, and bicycle facilities, thereby making transit, pedestrian, and bicycle use of the area more effective.

c. The site is better suited for commercial uses because of the surrounding land use pattern and its relatively small size.

d. The site is part of an approved planned development that has many of the functional characteristics of a neighborhood center: it contains a mix of commercial uses; the PD has pedestrian and transit facilities; it will serve the surrounding neighborhoods as well as the general community; it will reduce vehicle trips; and it is located along an arterial roadway.

e. Redesignation of the site is consistent with Comprehensive Plan Finding 8.10.g - "Concentrated shopping and office areas that are comprehensively planned, located at transit nodes, and integrated with the surrounding neighborhood, are the best means of meeting the commercial needs of the residents of the area" and Policy 8.10.4 - "New commercial development shall be concentrated in designated mixed use districts, which are located to maximize access by transit and pedestrians."

f. The proposed MUC designation is compatible with all surrounding land uses.

g. The proposed MUC designation allows a range of uses that support nearby RTC and GI areas and other existing adjacent development. Under the current designation it is more likely that a limited manufacturing or light industrial use would be established on the property. The MUC designation allows a wider range of commercial uses that would support surrounding employment and visitor uses.

h. Commercial use of the property fits well with the existing Corvallis Business Park site design and existing traffic and other infrastructure improvements.

i. The proposal would permit some professional office use on the property, which

would help address the need for land available for offices in the City.

j. The proposal would result in commercial infill in an existing commercial area and add to the synergistic effect achieved by clustering these uses.

The Council notes that the disadvantages that the Comprehensive Plan Amendment provides are:

1. The proposed commercial designation is a departure from the employment-oriented concept approved in the original Planned Development.

2. The proposal would expand the extent of commercial development along Circle Boulevard, which is a designated arterial street, contrary to the direction of Comprehensive Plan Policy 8.10.5 (prior to amendment).

3. The proposal would further concentrate commercial activity in the area east of Highway 99 West and south of Circle Boulevard, intensifying commercial development in an area on the periphery of the Major Neighborhood Center centered on the intersection of 9th Street and Circle Boulevard.

Given the advantages and disadvantages, the Council finds that the advantages of designating the property MUC outweigh the disadvantages. The Council finds the amendment is consistent with Comprehensive Plan Policy 1.2.3.B and with LDC 2.1.30.06.a.3. The Council also finds that the amendment is consistent with Comprehensive Plan Policy 3.2.1 which emphasizes that the desired land use pattern for the City is to include a compact urban form, an efficient provision of transportation and other public services, and neighborhoods with a mix of uses; and with Comprehensive Plan Policies 8.10.9 and 9.2.5 with respect to objectives for comprehensive neighborhoods and mixed use commercial districts.

7. **Best Means of Meeting Need and Net Benefit to the Community-** The Council notes that the Land Development Code criterion 2.1.30.06.a.2 requires an evaluation of whether the proposed change utilizes a desirable means of fulfilling the need. The Council notes that redesignation of the site is consistent with Comprehensive Plan Policy 8.10.4 which states, "New commercial development shall be concentrated in designated mixed use districts, which are located to maximize access by transit and pedestrians." The proposal is oriented toward providing a commercial area that can be developed with uses that complement and support potential research and technology development on adjacent areas that are designated GI/RTC. The Council notes that the site provides for infill development within an approved Planned Development. Access to the PD is approved and in place. Infrastructure has been approved and in most cases developed in the PD. The Council notes that public transportation and bicycle and pedestrian access are already installed to City standards. All facilities are available to the site. Development of the site would contribute toward the goal of efficient use of land,

compact urban form and efficient use of energy and other resources.

Given the above, the Council finds that redesignation of the site to MUC is desirable, provides a net benefit to the community, and is the best means of meeting the need for additional commercial land. Therefore, the Council finds the amendment is consistent with Policies 1.2.3.C, 8.10.4 and LDC 2.1.30.06.a.2.

8. **Compatibility -** The Council notes that the immediate neighborhood contains a large amount of commercial development. Given the diversity of architectural elements in the nearby area, development of the property can be done in a way that is compatible in scale, materials, and design with adjacent development. The Council finds that development allowed under the MUC designation will not create conflicts with respect to visual elements.

The Council notes the change from industrial to commercial uses will generally result in lower impacts with respect to noise, odor, lighting, and air and water quality. Signage for the site will be required to comply with City ordinances. Landscaping will be required when the site develops. Parking will comply with Code requirements as potentially modified by an approved PD. The Council notes that the applicant's Traffic Impact Analysis found, and staff concurred, that the number of additional trips resulting from the Comprehensive Plan Amendment would be within acceptable limits and would not create unacceptable traffic impacts.

Given the above, the Council finds that a Mixed Use Commercial designation would be as compatible or more compatible with adjacent development than the current General Industrial designation. Therefore, the Council finds the Amendment is consistent with LDC 2.1.30.06.b.

9. **Public Facilities** - The Council notes that the site can be served by existing public infrastructure under both the current and proposed land use designations, as discussed in the January 14, 2004, Planning Commission Staff Report. Therefore, the Council finds that the public facilities criteria have been met.

10. **Consistency with Comprehensive Plan Policies -**

    1. **Policy 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.**

The Council notes the MUC designation would enhance the development potential of the site by allowing a larger number of potential uses that are appropriate to the size and location of the property, and which are compatible with surrounding land uses. Development of the site will create employment and provide an opportunity for small locally-owned or managed businesses to be located on the property.

Therefore, the Council finds the Amendment is consistent with Policy 8.2.1.

2. **Policy 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.**

   Policy 8.9.3 - Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.

The Council notes that Finding #5 concluded that there is a demonstrated need for commercial land in the City and that redesignation of the site will have a neglibible effect on the supply of General Industrial land. Findings #6-9 also illustrate reasons why the subject site lends itself well to the requested Comprehensive Plan Amendment.

Therefore, the Council finds the amendments are not in conflict with Policies 8.9.1 and 8.9.3.

3. **Policy 8.9.13 - The City shall implement the following relative to a Research-Technology District: C. Promote small commercial uses to encourage pedestrian activity.**

The Council notes the property is adjacent to an RTC District and Hewlett-Packard, and that redesignation of the site to MUC would make it likely that a small commercial use would be developed on the site. The Council notes that the Corvallis Business Park is designed to facilitate pedestrian use and redesignation of the property to MUC would enhance this design. Therefore, the Council finds the amendments are consistent with Policy 8.9.13.

4. **Policy 12.2.5 - The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation. A location where this is desirable is in the Central City.**

The Council notes that the property is adjacent to existing commercial development. It is the last vacant parcel immediately adjacent to and on the south side of Circle Blvd., between North 9th Street and Hewlett-Packard. The Council notes that clustering of commercial uses near RTC, GI and other employment districts to the east, west and southwest provides an energy efficient land use pattern. Concentration of these uses near transit, pedestrian and bicycle facilities further enhances these efficiencies. Therefore, the Council finds the amendments are consistent with Policy 12.2.5.

5. **Policy 13.5.6 - Development of a regional shopping center outside the downtown in inappropriate.**

The Council notes that Land Development Code Section 3.0.30.03.t defines a Regional Shopping Center as: "A grouping of commercial uses within an enclosed structure with at least 400,000 square feet of leasable retail floor space....." The subject property is 2.54 acres. All adjoining property has been developed. The Council notes that the property cannot be developed as a regional shopping center. Therefore, the Council finds this policy is not applicable to the application.

11. **Goal Analysis** - The Council notes that the proposed Comprehensive Plan Amendment relates to Statewide Planning Goals 9, 12, and 14, which concern Economic Development, Transportation, and Urbanization, respectively. The Council finds that the Comprehensive Plan Amendment is consistent with Goal 9 (Economic Development) because, as noted in Finding #5 above, the Council has found that there is a need for additional commercial land and has also found that the reduction of industrial land resulting from the change will be negligible and will not contribute to a deficiency in the supply of industrial land. The Council finds the Comprehensive Plan Amendment is consistent with Goal 12 (Transportation) because access to the subject site will be managed and controlled to support land use and development patterns on the site, as required and planned for by the overall Planned Development approval for the site. The Council finds that the Comprehensive Plan Amendment is consistent with Goal 14 (Urbanization) because the subject site is an infill property, with necessary public facilities immediately available to serve development on the property.

12. **Conclusion** - Given Findings #1-10, the Council finds that all criteria for a Comprehensive Plan Amendment have been met.

FINDINGS RELATING TO DISTRICT CHANGE - ZDC03-00014

1. The City Council finds that the record contains all information needed to evaluate the Zoning District Change for compliance with the relevant criteria.

2. The City Council accepts and adopts the findings in support of the application included in the January 14, 2004, Planning Commission Staff Report, in the City Council Staff Report dated February 10, 2004; and in the February 17, 2004, City Council minutes with respect to: compatibility factors; vehicular circulation; bicycle/pedestrian circulation; bicycle/pedestrian facilities; transit; and public facilities and services.

   The findings below supplement and elaborate on the findings referenced in the previous paragraph, all of which are incorporated herein. When there is a conflict between those findings and the findings referenced in the previous paragraph, the findings in this document shall prevail.

3. The City Council notes that the subject property is designated in the Corvallis Comprehensive Plan as General Industrial and is districted (zoned) as Mixed Use Employment with a Planned Development Overlay. The Council also notes the Comprehensive Plan Amendment would change this land use designation to Mixed Use Commercial. The Council notes that the Zoning District Change would change the zoning to PD(MUC) (Mixed Use Commercial with a Planned Development Overlay). The Council finds that this Zoning District designation would result in development on the site being evaluated against the Corvallis Land Development Code Chapter 3.20 (Mixed Use Commercial) District Development Standards and other applicable sections of the Corvallis Land Development Code, and would be consistent with the Comprehensive Plan designation of Mixed Use Commercial.

4. <u>Location, Size, and Dimension Criteria for MUC</u> - The Council notes that locational criteria for the Mixed Use Commercial (MUC) District can be found in Section 3.20.20.01 of the Land Development Code (LDC). The criteria provide that an MUC District may only be located on properties with frontage on arterial highways, arterials, or collector streets. The Council notes that Circle Boulevard is classified as an arterial street along the site's frontage. The criteria also provide that an MUC District may only be located within 1/4 mile of existing or planned transit service. The Council notes that the subject site is located adjacent to a transit route. The Council notes that the MUC District must also have at least 50 feet of frontage on a public street, and notes that the subject site alone has 200 feet of frontage on Circle Boulevard. Given the above, the Council finds that the proposal is consistent with the MUC District locational criteria.

5. <u>Compatibility</u> - The Council notes that the findings related to the Comprehensive

Plan Amendment show that uses allowed under the MUC Comprehensive Plan and Zoning designations would comply with all compatibility factors when developed in accordance with the existing Land Development Code. The Council notes that the proposed Planned Development Overlay zone will ensure that compatibility factors are considered again prior to development of the property.

Based on this analysis, the Council finds that the requested Zoning District Designation of Mixed Use Commercial with a Planned Development Overlay will not result in compatibility conflicts regarding basic site design, noise attenuation, signage, lighting, noxious odors, landscape buffering, traffic, parking, or air and water quality impacts. Therefore, the Council finds that the District Change request complies with the compatibility criteria in LDC 2.2.40.05. The Council finds that findings regarding the compatibility elements of Mixed Use Commercial development on the site have been adequately addressed in the Comprehensive Plan Amendment Findings. The Council hereby incorporates those findings as being applicable to the District Change request, and finds that the District Designation PD(MUC) will not create compatibility conflicts.

6. **Public Facilities** - The City Council notes that the subject property is included in the approved Detailed Development Plan for Corvallis Business Park (CBP). The effects of the development of CBP on City facilities and services were evaluated when CBP was approved. The Council notes it was determined through that review there would be no negative effect on City facilities and services. Land surrounding the subject property along Circle Blvd. has been developed since 1998. All development was in compliance with City standards and the conditions of approval for CBP. The nature and impact of uses allowed in the proposed PD(MUC) District are similar to those in the existing PD(MUE) district. No negative effects on City facilities and services resulting from the redesignation of this property to PD(MUC) were identified under the review of applicable criteria for a Comprehensive Map Amendment. The Council notes if any impacts are subsequently identified, they can be addressed and mitigated when the final modification of the Detailed Development Plan is reviewed. An updated traffic study has been prepared and submitted. The traffic study demonstrates that the proposed change in designation will not have a significant adverse impact on streets. All intersections have sufficient capacity to absorb the small potential traffic increase from the change. Given the above, the Council finds that the public facilities criteria have been met.

7. In conclusion, given Findings #1-6, the Council finds that all Zoning District Change criteria in LDC 2.2.40.05 have been met.

CONCLUSIONS

As the body charged with hearing Comprehensive Plan Amendment requests and appeals of Planning Commission decisions, the City Council has reviewed the record associated with the Comprehensive Plan Amendment, Zoning District Change, and Major Planned

Development Modification. The Council finds that the proposed Comprehensive Plan Amendment and Zoning District Change address the review criteria and are found to be consistent with the City's Comprehensive Plan and applicable sections of the Land Development Code. The Council finds that the Planning Commission did not adequately consider the Major Planned Development Modification request due to their decision to deny the Zoning District Change and thereby render the Major Planned Development Modification decision moot. Therefore, the Council refers consideration of the Major Planned Development Modification request to the Planning Commission for additional consideration in light of the City Council's decisions on the Comprehensive Plan Amendment and Zoning District Change requests. The Council requests that the Planning Commission forward a recommendation on the Major Planned Development Modification decision for the Council's consideration. Accordingly, the Comprehensive Plan Amendment is APPROVED and the appeal of the Planning Commission's decision to deny the Zoning District Change is UPHELD and the Zoning District Change is APPROVED. The appeal of the Planning Commission's decision to deny the Major Planned Development Modification is REFERRED BACK to the Planning Commission for a recommendation to the City Council, and a decision by the City Council on the matter at a later date.

PASSED by the Council this 5th Day of April, 2004.

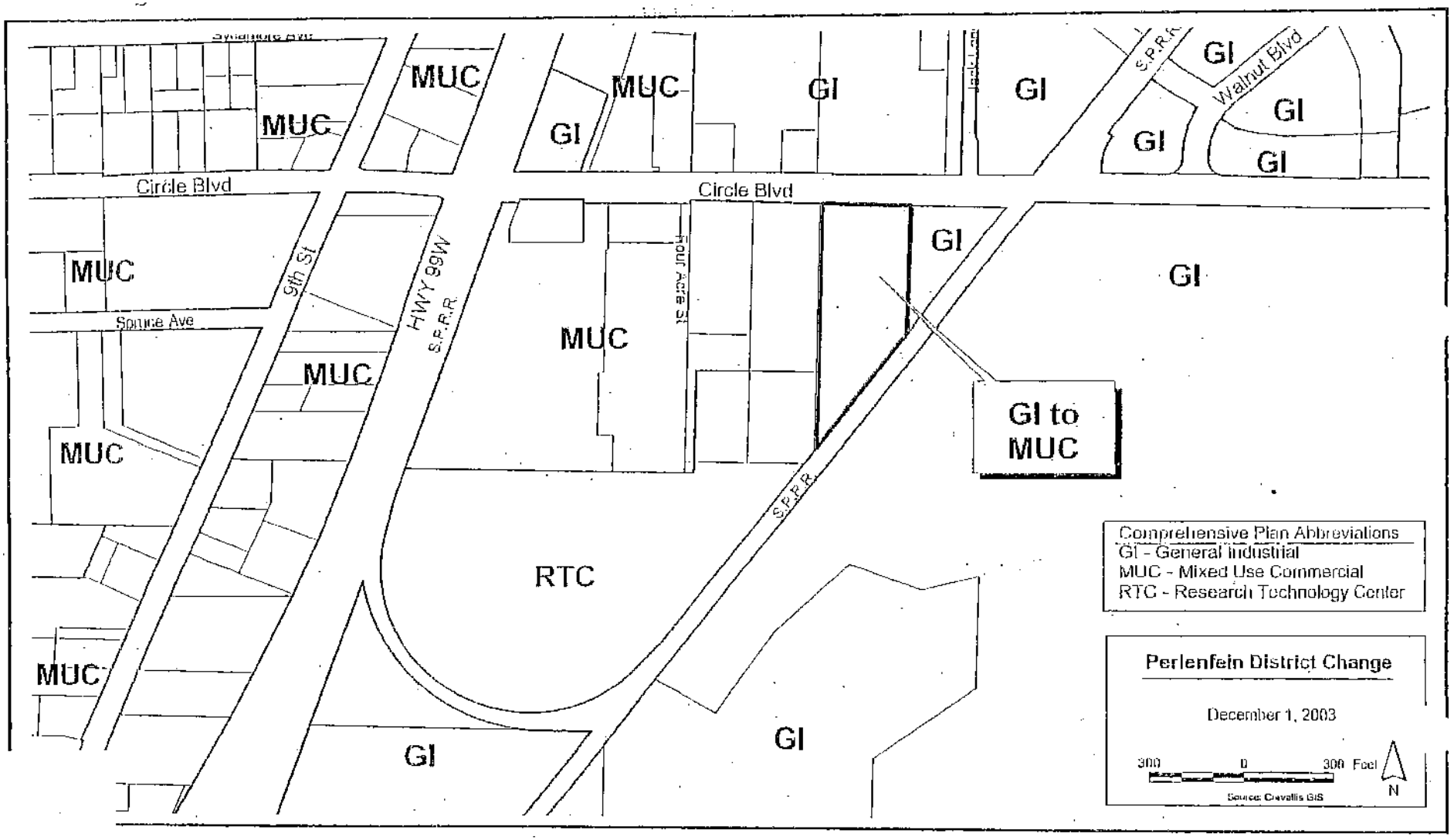
APPROVED by the Mayor this 5th Day of April, 2004.

Effective this 5th Day of, April 2004.

Helen M. Berg
Mayor

ATTEST:
City Recorder

Attachment III
Page 80


MUC
MUC
MUC
GI
MUC
GI
GI
GI
S.P.R.R.
GI
Walnut Blvd
GI
GI
GI
Circle Blvd
Circle Blvd
MUC
9th St
HWY 99W
S.P.R.R.
Four Acre St
GI
GI
Spruce Ave
MUC
MUC
MUC
GI to MUC
S.P.R.R.
RTC
MUC
GI
GI
Comprehensive Plan Abbreviations
GI - General Industrial
MUC - Mixed Use Commercial
RTC - Research Technology Center
Perlenfein District Change
December 1, 2003
300
0
300 Feet
N
Source: Corvallis GIS

Comprehensive Plan Text Amendments (new language is underlined):

Policy 8.10.5: Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

Policy 8.12.1: Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 heet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

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

CORVALLIS CITY COUNCIL
NOTICE OF DISPOSITION

ORDER 2004-72

CASE: **Corvallis Station** (Case # ZDC03-00019, PLD03-00017, SUB03-00005 and MIS03-00062)

TOPIC Review of an appeal of the Planning Commission's decisions regarding an application for a District Change; a Major Planned Development Modification and Detailed Development Plan for a Home Depot building and associated buildings and improvements; a Tentative Subdivision Plat request; and a Sign Variance.

LOCATION: The subject site is located south of Circle Boulevard and east of Highway 99, immediately behind the K-mart and Safeway shopping center. This site is identified on Assessor's Map 11-5-26 as Tax Lot 200.

APPLICANT: Group MacKenzie
500 NE Multomah #200
Portland, OR 97232

OWNER : Arthur L. McFadden
0690 SW Bancroft Street
Portland, OR 97239

DECISION: The Corvallis City Council opened a duly-advertised public hearing on the application on January 20, 2004, at which time the hearing was continued to April 5, 2004, at the request of the applicant. The City Council held a duly-re-advertised public hearing on the application on April 5, 2004, at which time the continued hearing proceeded. At this April 5, 2004, hearing, a request was made to hold the written record open, the applicant submitted new information in support of the application (a market study), and the Council concluded the portion of the hearing related to verbal testimony on all topics except the new information submitted by the applicant. At the April 5, 2004, hearing, the Council also received the applicant's verbal extension to the 120-day land use processing period to allow the 120th day to be May 19, 2004, in order to allow additional time for the Council to address the new information. The Council then continued the public hearing to April 19, 2004, for the express purpose of allowing verbal testimony on the limited topic of the applicant's new information and to close the written record for all testimony except the applicant's final written argument. On April 19, 2004, the Council concluded and closed the public hearing and closed the written record for all testimony except the applicant's final written argument. The Council then granted the applicant seven days to provide final written argument. The applicant submitted final written argument within the specified time period and on May 3, 2004, the City Council deliberated. On May 17, 2004, the City Council adopted a final order that sustained the appeal and reversed the Planning Commission's denial of the District Change, the Major Planned Development Modification and Detailed Development Plan, the Tentative Subdivision Plat, and the Sign Variance. The order specified the Council's findings for approval of all the requests.

The final order, proposal, [illegible] report, and hearing minutes, may be [illegible]ewed at the Community Development Departmen[illegible] [illegible]lanning Division, City Hall, 501 SW M[illegible]ison Avenue. If you wish to appeal this decision, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision.

Helen M. Berg

Mayor Helen Berg
City of Corvallis

Signed this 18th day of May, 2004

Attachment III
Page 84

BEFORE THE CITY COUNCIL

OF THE CITY OF CORVALLIS

In the matter of a City Council decision to	)	ZDC03-00019
approve the appeal and overturn the Planning	)	PLD03-00017
Commission's decision to **deny** the Corvallis	)	SUB03-00005
Station District Change, Major Planned	)	MIS03-00062
Development Modification and Detailed	)	
Development Plan, Tentative Subdivision Plat,	)	
Plan, and Sign Variance application.	)	

PREAMBLE

This matter before the Corvallis City Council is a decision regarding an appeal of the Planning Commission's denial of a District Change, Major Planned Development Modification and Detailed Development Plan, Tentative Subdivision Plat, and Sign Variance. The Corvallis Station application is a proposed District Change from PD(RTC) (Research Technology with a Planned Development overlay) to PD(GI) (General Industrial with a Planned Development Overlay); a Major Modification to the Conceptual Development Plan and a Detailed Development Plan for a 135,000 sq ft Home Depot building and three other buildings sized at 20,375 sq. ft, 20,375 sq ft, and 41,875 sq ft.; a four-lot Tentative Subdivision Plat; and a Sign Variance to: 1) count an existing named private street built to City standards, and defining the west side of Phase I of Corvallis Business Park, towards the sign allocation for Corvallis Business Park Phases 2-3 (Corvallis Station); and 2) allow the height of one attached sign to be raised from 25 to 30 feet.

The subject site is an irregularly-shaped, generally flat area that consists of seven parcels that are part of one large Planned Development named Corvallis Business Park. The Park is located east of Highway 99, south of NE Circle Boulevard, west and south of the existing K-mart and Safeway sites, and between two tracks of the Willamette & Pacific Railroad. The portion of the subject site that is referred to as Corvallis Station involves the southernmost 17.58 acres in Corvallis Business Park. To the north, across NE Circle Boulevard, a variety of land uses exist including a sporting goods store, a building supply depot, mini-warehouses, and an equipment rental complex.

The Planning Commission held a duly-advertised public hearing on the application on December 3, 2003, at which time the hearing was opened. At this meeting, a request was made to hold the written record open. The request extended the written comment period to 5:00 pm on December 10, 2003. The applicant was then granted seven days to provide final written arguments. The applicant submitted written argument and on December 17, 2003, the Planning Commission deliberated and voted to deny the application.

In summary, the Planning Commission based its denial of the District Change application on its interpretation of plan policies concerning downtown vitality, regional economic impact (vis-à-vis downtown), intent of the original Planned Development approval, land need (i.e., Research Technology Center (RTC) designated lands), and land use compatibility (expansion of commercial uses beyond planned areas). The Planning Commission denied the Planned Development Major Modification and New Detailed Development Plan, Tentative Subdivision Plat, and Sign Variance upon finding
that without approval of the District Change, the underlying District Designation of RTC would not permit the proposed construction sales and service use type. The Commission also found that had the District Change been approved, there were still some concerns regarding the proposal's adherence to the City's criteria relative to gateway treatments, landscaping, parking, and sign height. In addition, the Planning Commission found that the applicants did not

adequately address Land Development Code Section 2.5.60.01, regarding the general purposes of the Planned Development Modification.

The Planning Commission's decision was appealed on December 24, 2003, by the Developer, Pete Snook. The applicant's letter of appeal argued that the Planning Commission failed to consider applicable approval criteria, applied inappropriate approval criteria, misinterpreted approval criteria, made inadequate findings, and made findings not supported by substantial evidence in the record pertaining to the following substantive issues:

1. *The proposed District Change and Detailed Development Plan are not inconsistent with Comprehensive Plan policies related to "Regional Shopping Centers." The definition in LDC Section 3.0.30.03 does not apply to the proposed retail use.*

2. *The Comprehensive Plan (Policies 8.2.1 and 8.2.3 and 8.2.5, 8.3.4, 13.5.1 and 13.5.4) do not preclude larger businesses that are not locally owned from locating in Corvallis.*

3. *Comprehensive Plan Policy 8.9.7 and other portions of the Plan and LDC do not require the preservation of the RTC overlay on the subject property.*

4. *Comprehensive Plan Policy 8.10.7 does not prohibit commercial uses at the site location.*

5. *Land Development Code (LDC) Section 2.5.60.01 does not prohibit major modifications to a Planned Development from including changes to restrictions placed upon the original approval. Changes that increase the amount of commercial use allowed in the development or reallocate parking spaces among phases of the development are allowable.*

The City Council opened a duly-advertised public hearing on the application on January 20, 2004, at which time the hearing was continued to April 5, 2004, at the request of the applicant. The City Council held a duly-re-advertised public hearing on the application on April 5, 2004, at which time the continued hearing proceeded. At this April 5, 2004, hearing, a request was made to hold the written record open, the applicant submitted new information in support of the application (a market study), and the Council concluded the portion of the hearing related to verbal testimony on all topics except the new information submitted by the applicant. At the April 5, 2004, hearing, the Council also received the applicant's verbal extension to the 120-day land use processing period to allow the 120th day to be May 19, 2004, in order to allow additional time for the Council to address the new information. The Council then continued the public hearing to April 19, 2004, for the express purpose of allowing verbal testimony on the limited topic of the applicant's new information and to close the written record for all testimony except the applicant's final written argument. On April 19, 2004, the Council concluded and closed the public hearing and closed the written record for all testimony except the applicant's final written argument. The Council then granted the applicant seven days to provide final written argument. The applicant submitted final written argument within the specified time period and on May 3, 2004, the City Council deliberated and voted: 5 to 4 to sustain the appeal and reverse the Planning Commission's denial of the District Change; 6 to 2 to sustain the appeal and reverse the Planning Commission's denial of the Major Planned Development Modification and Detailed Development Plan; 6 to 2 to sustain the appeal and reverse the Planning Commission's denial of the Tentative Subdivision Plat; and unanimously to sustain the appeal and reverse the Planning Commission's denial of the Sign Variance.

APPLICABLE CRITERIA

The Council notes that all applicable legal criteria governing review of this application are identified in the staff memo to the City Council dated December 29, 2003, the Minutes of the 2004 City Council meetings dated January 20, April 5, April 19, May 3, and May 17; and

including written testimony submitted at the hearings that support approval of the District Change, Major Planned Development Modification and Detailed Development Plan, Tentative Subdivision Plat, and Sign Variance.

FINDINGS

1. The City Council accepts and adopts the findings included in the Staff Report to the Planning Commission dated November 26, 2003; the staff report to the City Council dated December 29, 2003; the City Council minutes from the 2004 meetings of January 20, April 5, April 19, May 3, and May 17; and including written testimony submitted at the hearings that support approval of the District Change, Major Planned Development Modification and Detailed Development Plan, Tentative Subdivision Plat, and Sign Variance. The findings below supplement and elaborate on the findings contained in the materials noted above, all of which are attached hereto and incorporated [herein/by reference]. When there is a conflict between these findings and the above-referenced findings incorporated by reference, these findings shall prevail.

2. The City Council finds that the record contains all information needed to evaluate the District Change, Major Planned Development Modification and Detailed Development Plan, Tentative Subdivision Plat, and Sign Variance for compliance with the relevant criteria.

3. Background - The City Council notes that the Corvallis Station portion of the subject property is the area proposed for the District Change and is designated in the Corvallis Comprehensive Plan as General Industrial with a Research Technology overlay. The Council notes that the subject site was zoned light industrial as far back as 1966. In 1980, with the adoption of the City's first Comprehensive Plan, the site received a Comprehensive Plan Designation of

General Industrial with an 'RT' overlay. The Council notes that prior to 1998, when the new Comprehensive Plan and Plan Map were adopted, the Comprehensive Plan Map had an overlay designation called "RT" to signify that a Research Technology Center District could be applied to a property which had the overlay. This overlay designation was noted on specific parcels merely by use of the letters "RT" which were placed upon a number of properties with a Comprehensive Plan designation of General Industrial. However, the Council finds that the base Comprehensive Plan designation for the properties was General Industrial.

The Council notes that the 1998 Comprehensive Plan directs, via Policy 8.9.7, that the City *"designate Research Technology Center (RTC) as a distinct industrial* <u>*district*</u> *that helps continue the practice of providing adequate green open space to maintain community livability."* The Council notes that this Policy, and Policy 8.9.13, go on to note required provisions of that RTC <u>District.</u> The City has had an RTC District that is consistent with all the elements of Policies 8.9.7 and 8.9.13 for quite some time (since approx. 1993). The 1998 Comprehensive Plan text reiterated the need for an RTC District (zone). The decision-makers also removed the RT overlay from all but three sites. The Council notes that one of the factors which likely contributed to this decision was the establishment of a new Comprehensive Plan Policy, 8.9.17, which directed that the City develop a new Limited Industrial-Office District to be applied Citywide. The Council finds that this District was envisioned to allow development similar to the RTC District. The Council notes that the 1998 Comprehensive Plan text did not direct any changes to actual Comprehensive Plan designations relative to the Research Technology (RT) overlay that already existed. The Comprehensive Plan Map is supposed to illustrate the Comprehensive Plan Text. The Council notes that the 1998 Comprehensive Plan Map has an error in that its legend shows an actual designation called Research

Technology (RT) and the map uses a color to define it. This color was placed on properties in the City which had an RT Comprehensive Plan overlay and an approved RTC District (zone). This color replaced the old Map's way of indicating an RT overlay, but is misleading because it doesn't show the base General Industrial Comprehensive Plan designation that properties with the RT overlay have. As there is no authority in the Comprehensive Plan for a stand-alone RT designation, the Council finds that the legend and map are incorrect. Therefore, the Council finds it appropriate for the map to be corrected, the base General Industrial Comprehensive Plan designation to be shown, and the Comprehensive Plan RT overlay to be shown as an overlay.

Given the above, the Council finds that the Comprehensive Plan designation for the RTC District portions of Corvallis Business Park have been and continue to be General Industrial with a Research Technology (RT) overlay.

4. The Council notes that the Corvallis Station portion of the site is districted (zoned) as Research Technology Center (RTC) with a Planned Development (PD) overlay and that if the District Change is not approved, development within this area would be evaluated against the Corvallis Land Development Code (LDC) Chapter 3.26 - RTC (Research Technology Center) District and other applicable sections of the Corvallis LDC.

5. The City Council notes that the District Change to General Industrial with a Planned Development overlay is subject to the District Change review procedures. District Changes are required to be submitted and reviewed in accordance with the procedures outlined in LDC Chapter 2.2.

6. The City Council notes that the Detailed Development Plan to construct a home improvement retail center and the Major Modification to an existing Planned

Development are subject to the Planned Development review procedures. Planned Developments are required to be submitted and reviewed in accordance with the procedures outlined in LDC Chapter 2.5.

7. The City Council notes that the applicant is requesting approval of a Tentative Subdivision Plat in order to divide the property into four separate lots. Subdivision Plats are required to be submitted and reviewed in accordance with the procedures outlined in LDC Chapter 2.4.

8. The Council notes that the proposed Sign Variance is required to be submitted and reviewed in accordance with the procedures outlined in LDC Section 4.7.110

District Change

1. The Council adopts Findings 1-8 as background for this District Change Section.

2. The Council notes the appellant's argument that the Planning Commission misapplied Comprehensive Plan Policies and Land Development Code provisions in denying the District Change. The Council finds that the Planning Commission interpreted Plan Policies 8.2.1, 8.2.3, 8.2.5, 8.3.4, 8.9.7, 8.10.5, 8.10.7, 8.12.1, 13.5.1, 13.5.4, and 13.5.6; and LDC Section 2.2.10, 3.26.40.01, in denying the District Change.

3. Size of RTC Site - The Council notes that the District Change involves a change from RTC(PD) to GI(PD), which is permitted as a quasi-judicial amendment within areas designated General Industrial by the Comprehensive Plan. The Council finds the GI District Change is appropriate because the GI District implements the applicable Comprehensive Plan designation of General

Industrial. The Council notes that the RTC designation is no longer appropriate because the size of the subject property does not meet the LDC requirements for a RTC site. The subject site is a remnant from a former RTC area that has been converted to a mix of RTC, Commercial Shopping, and Mixed-Use Employment zone districts over time. The Council notes that Land Development Code Section 3.26.40.01 states, "Minimum parcel area for a [RTC] development site shall be 50 acres. Individual lot sizes shall be adequate to fulfill applicable Code requirements and minimum standards of this district." The 17.43-acre Corvallis Station site is part of a 22-acre area that is currently 56 percent below the threshold for a RTC site. Given that it is much reduced in size from the 50 acres sought to achieve the campus-style development outlined in the RTC Zoning District, the Council finds that an alternative industrial designation, such as the General Industrial (GI) District, is more appropriate.

4. Downtown - The Council notes that concern for downtown Corvallis, in part, prompted the Planning Commission to deny the District Change. The GI designation allows commercial uses that are not permitted under the RTC designation, and those uses may compete against other Corvallis businesses, including those in the downtown. However, the Council does not find this to be a compelling reason to deny the District Change and maintain the RTC designation. Rather, the Council finds that the District Change to GI, in remedying a non-conforming situation, provides for local industrial and commercial employment opportunities (Policies 8.2.1, 8.2.3, 8.3.4), economic diversification (Policy 8.2.5), and a potential reduction in the leakage of retail business outside of Corvallis. The Council further finds that existing commercial and industrial districts in other areas of Corvallis, as well as the approved new Limited Industrial- Office District which will be implemented as soon as its appeal is concluded, offer similar development and redevelopment opportunities as those that exist on the subject site. The Council finds that these conclusions are

evidenced by the Planning Commission's approval of the Corvallis Home Improvement Center Planned Development (upheld on appeal by Council). In conclusion, The Council finds that businesses are free to locate where the market and City Codes allow. In this case, the Council finds that the GI designation is appropriate and timely.

5. Discussion of Neighborhood Center and Regional Shopping Center - The Council notes that the appellant argues that the Planning Commission inappropriately applied Policy 8.10.7, Neighborhood Centers; Policy 13.5.1, encouraging private investment in downtown; and Policy 13.5.6, discouraging development of a regional shopping center outside the downtown. The Council finds that these policies are not applicable to the proposed District Change and Planned Development. A Regional Shopping Center (an enclosed commercial structure with at least 400,000 square feet of retail floor area), as defined in the LDC, is not proposed, nor is one likely to be developed on the subject site. Further, the Council finds that the District Change to GI does not conflict with the Neighborhood Center designation at Circle Boulevard and 9th Street, which is located off-site to the northwest.

6. Unique Characteristics to Establishment of an RTC District - The Council notes that the Planning Commission interpreted Comprehensive Plan Policy 8.9.7 (Research and Technology Center) and LDC Section 2.2.10 (District Changes), in making a determination of RTC land need and denying the District Change. The Council notes that while there are a small number of developable RTC-designated lands in the City, the reason that so little land remains is that all of the parcels originally designated RTC have either been developed (e.g., Research Way Business Park), or have been converted to other uses [e.g., Grand Oaks Summit (Residential) Planned Development]. The Council notes that the RTC and the GI Districts help to implement the General Industrial Comprehensive

Plan designation. Chapter 3.26 of the Code outlines the provisions for the RTC District. The Council notes that Code Section 3.26.20.01 states that the RTC District becomes established at the request of the property owner on lands designated on the Comprehensive Plan Map as potential RTC areas (the properties that have an RT overlay). Code Section 3.26.20.01 further states that establishment of the RTC District requires a public hearing by the Planning Commission in conjunction with a Conceptual Development Plan (Section 2.5.40). Finally, the Council notes that Code Section 3.26.20.01 states that if, within 3 years, no Plan Compatibility Review has been done and no building permit has been issued for a primary use, the District Change (to RTC) shall expire and the Director shall amend the District Map to remove the RTC. With the RTC District removal, the District designation reverts back to the underlying General Industrial District Designation. The Council finds that these provisions are unlike the provisions of any other zoning District in Corvallis. Given the above, the Council finds that it is clear that the RTC District exists on a property at the discretion of the landowner and the landowner has the flexibility to use the RTC District or not.

The Council notes that the reason that a District Change is required to remove the RTC District designation on the subject 17.58-acre site (as opposed to considering it already expired), is that the site is part of a larger Conceptual Development Plan for Corvallis Business Park, which was enacted with the improvements that have occurred thus far in Phase I. The Council finds that the City does not have the authority to nullify (or let "expire") the Conceptual Development Plan "pieces" that are zoned RTC in order to develop in accordance with the underlying General Industrial District. Rather, the Council finds that a District Change and Major Planned Development Modification process is the appropriate process for removal of the RTC designation on this site.

7. Low Demand for RTC Development & New LI-O Designation – The Council notes that to date, only one RTC site in Corvallis has been developed (Sunset Research Park). The subject site has been districted as RTC since 1993, and no RTC development has yet occurred there. The Council notes that while no RTC development on the site has occurred, there is an interest by the applicant to pursue General Industrial development. This development is still consistent with the base Comprehensive Plan designation of General Industrial. Infrastructure exists to serve the site and the site is basically an infill site that, if developed, would contribute toward the goal of a compact urban form, an efficient use of land, and an efficient use of energy and other resources. Thus, the Council finds that by changing the District Designation to General Industrial, development of the site would be consistent with Comprehensive Plan Policy 3.2.1.

The Council notes that when the Comprehensive Plan Research Technology (RT) overlays were originally applied to the Comprehensive Plan Map, to provide opportunities for the Research Technology Center (RTC) District to be applied at some point, the subject property was not one of the original sites chosen to receive a Research Technology overlay. There were originally 7 sites chosen throughout the Urban Growth Boundary. The RT overlay was added later to subject site, when the Regional Shopping Center (RSC) overlay designation on the property was removed. The RT overlay was placed on the site primarily due to the property's proximity to Hewlett-Packard. The Council notes that in 1998, with the adoption of the current Comprehensive Plan Map, the decision-makers removed the RT overlay from all but three sites. The Council notes that one of the factors which likely contributed to this decision was the establishment of a new Comprehensive Plan Policy, 8.9.17, which directed that the City develop a new Limited Industrial-Office District to be applied Citywide. This District was envisioned to allow development, including research technology uses, similar to the RTC District. The Council notes that three remaining sites with an RT

overlay include the Sunset Research Park, a property owned by OSU at the northwest corner of 35th Street and Western Boulevard, and the subject property. The LI-O District was intended to be able to be used Citywide, and was specifically shown on the Comprehensive Plan Map as being able to be located in a large area along SW Third Street and on a property in West Corvallis, on the south side of West Hills Road (east of 53rd Street). There are a total of eight (8) LI-O properties thus far, which total 166.95 acres. Given the above, the Council finds that there are ample opportunities for research technology-type development in the community, other than the subject 17.58-acre site.

The Council finds that the LI-O District allows the same research technology uses as RTC, and can accommodate a research technology center or campus master plan with amenities (e.g., open space, natural areas) similar to an RTC. Furthermore, the LI-O lands are larger parcels with flat topography and good highway access, and located elsewhere in the urban growth area, and would be more suitable for research and technology development. For these reasons, the Council does not find a need to preserve the RTC overlay on the subject property; and the Council finds that the District Change to GI appropriately responds to changing conditions, consistent with LDC Section 2.2.10.

8. Commercial Uses Vs. Commercial Land Use Designations - The Council notes that the Planning Commission based its denial of the District Change, in part, on a determination that Comprehensive Plan Policy 8.10.5 and 8.12.1 are relevant to this application. The Policies state that expansion of commercial activity should not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998. The Council notes that the Commission interpreted this policy broadly as applying to all commercial land uses, as opposed to commercial land use designations. The Commission found that because the proposed District Change to General Industrial would result in

additional commercial uses being allowed on the subject site, that the District Change was inconsistent with Policy 8.10.5 and 8.10.7. The Council disagrees with this Policy interpretation, and finds that the these Comprehensive Plan policies are not intended to restrict the industrial land use designations or prohibit commercial uses within industrial districts. Therefore, the Council also finds that Policies 8.10.5, 8.10.7, and 8.12.1 are not applicable.

9. Land Uses in General Industrial – The Council notes that land uses in the General Industrial District do not preclude the opportunity for biotech and high-tech types of uses. Land Development Code 3.24.20.01.a states that General Industrial uses are outright permitted in the General Industrial District. The Council notes that Land Development Code 3.0.30.04.c states that production, processing, assembling, packaging or treatment of non-food items are allowed in the General Industrial category. Therefore, the Council finds that the type of uses generally defined as Research Technology are also allowed in General Industrial.

The Council notes that the GI District does allow industrial development and some commercial use types, such as Agricultural Sales, Automotive and Equipment, Animal Sales and Services, Construction Sales and Services, Laundry Services etc. However, the Council finds that these commercial use types all have an industrial element which make them appropriate for industrial areas where compatibility impacts can be better addressed and where trucks and autos can easily deliver/purchase/distribute products and materials. Additionally, the Council finds that the type and size of the uses permitted in the GI District, and their products, are more suited to an area such as the subject site, as opposed to areas such as the downtown area because of the required parking, vehicular access, and industrial nature of the businesses. Given the above, the Council finds that uses in the General Industrial District would be well suited for the site.

10. Diversity in Locations & Type of Industrial Development – The Council notes that the District Change would allow for the development of an additional industrial-designated property within the northern part of Corvallis. The subject site is one of only a few such vacant properties and it does not have wetlands associated with it. Additionally, the property is located outside of South Corvallis which houses the majority of the remaining industrial land in the City. The Council notes that Policy 8.9.2 states that the City shall work to diversify the locations of industrial properties in the community. Policy 8.9.3 states that lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses. The Council finds that this District Change would still maintain diversity and maintain the industrial use because it would be districted and developed as General Industrial. The Council notes that the District Change would also provide employment opportunities, consistent with Policy 8.2.1 which states that the City 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. The Council notes that the applicant contends that the District Change reflects a change in current market conditions which favors General Industrial designations. Additionally, the Council notes that the applicant contends that development on the site will provide an opportunity for both small and large businesses, and would give local businesses a chance to develop on the site beside a larger business. Finally, the Council notes that the applicant argues that the District Change will allow for a wider variety of users and provide for an increase in the variety of locations for industrial sites. The Council agrees with the above and finds that the proposal is consistent with Comprehensive Plan Policies 8.2.1, 8.3.4 and 8.9.2.

11. Rail Access - The Council notes that the site is located adjacent to rail. Policy 8.9.15 states that industrial and commercial development adjacent to rail lines shall be designed and constructed in a way that does not preclude the future use

of the rail facility. The Council notes that development of the site as General Industrial will not preclude opportunities to still use the railroad for business use. Therefore, the Council finds that the proposed District Change is consistent with Policy 8.9.15.

District Change – Conclusion

In conclusion, the Council finds that the District Change conforms to LDC Chapter 2.2 and the Comprehensive Plan, and is appropriate and timely. The Council further finds that neither Comprehensive Plan Policy 8.9.7, nor other portions of the Plan or LDC, require the preservation of the RTC overlay on the subject property.

Major Modification to the Existing Conceptual Plan and a New Detailed Development Plan, Tentative Subdivision Plat, and Sign Variance (Development Applications)

1. The Council adopts Findings 1-8 as background for this Section.

2. The Council notes that the Planning Commission denied the Major Planned Development Modification and Detailed Development Plan, Tentative Subdivision Plat, and Sign variance because it denied the District Change to PD(GI) and maintained the PD(RTC) District on the Corvallis Station portion of the site.

3. The Council notes the Planning Commission's determination that the development application did not adequately address LDC Section 2.5.60.01, regarding the general purposes of the Planned Development Modification. The Council notes that the appellant disagrees and argues that the Planning Commission erroneously applied LDC Section 2.5.60.01 to the request for a District Change. The Council finds the Planning Commission correctly interpreted LDC Section 2.5.60.01 because the quasi-judicial district change criteria include consistency with all adopted City policies and standards; i.e., including the

Planned Development Modification criteria. However, the Council also finds that the application, as conditioned in the November 26, 2003 Staff Report), complies with the Planned Development Modification criteria, including LDC 2.5.40.04 – Review Criteria. Therefore, the Council finds that LDC Section 2.5.60.01 is not a basis for denial of the development applications.

5. Condition #23 from 1998 Corvallis Business Park Approval - The Council notes that the Planning Commission placed a lot of weight on condition of approval #23 of the existing Planned Development. This condition of approval discussed limitations on uses, and specifically limitations on the amount of commercial uses in the southern portion of the site to 5% of the development in that portion of the site **(Exhibit III-161)**. The Commission found that the intent of the approved Conceptual Development Plan was to have a cohesive blend of commercial and research/office types of development. The Council notes that the Commission found that the theater area was the "inforum center" portion of the approved Planned Development and was meant to be a draw that could serve as a convention center for the users in the Research Technology Center portion of the site. The Commission found that the intent of the approved Conceptual Development Plan was to continue to limit commercial uses to 5% of the total area in the southern of the site.

The Council notes that the City Attorney's Office stated that condition of approval #23 would be moot if the District Change was approved, because the underlying uses would be changed with the District Change and then also as part of the Major Planned Development Modification request. However, the Commission disagreed and cited Code Section 2.5.60.01.b as requiring that the intent of the original Planned Development approval was required to be met. The Commission interpreted Land Development Code Policy 2.5.60.01 to mean that Major Modification requests had to demonstrate that the original intent of the Planned Development was met with respect to both use type elements and site plan and

architectural elements, and that any requested modifications would need to be compensated by other features. The Commission found that the proposed use type of construction sales and service did not meet the intent of the original Planned Development and concluded that, therefore, the proposal did not meet the purposes for a Planned Development Modification.

The Council disagrees with the Planning Commission's conclusions. The Council finds that the plain language of Code Section 2.5.60.01 pertains to physical characteristics. Additionally, the Council finds that this Code section is a subsection of the parent Code section 2.5.60 which discusses Planned Development Modifications and includes other subsections such as 2.5.60.02, which establishes the thresholds that discern between Minor and Major Planned Development Modifications. The Council notes that Subsection 2.5.60.02.a is as follows:

2.5.60.02 - Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification

a. **The factors identified here describe the thresholds that separate a Minor Planned Development Modification from a Major Planned Development Modification:**

   1. **Change in use type, with the exception that for a valid (still active) Planned Development that existed or was approved before December 31, 2000, a modification request shall be considered as follows:**

      (a) **A request to add uses permitted by the underlying zone to up to 25 percent of the total acreage within the Planned Development site shall be considered a Minor Planned Development Modification; and**

      (b) **A request to add uses permitted by the underlying zone to greater than 25 percent of the total acreage within the Planned Development site shall be considered a Major Planned Development Modification;**

Furthermore, the Council notes that Section 2.5.60.02.b & c state:

b. A modification that equals or exceeds the thresholds identified in section 2.5.60.02.a shall be processed as major modification.

c. A modification that falls below the thresholds identified in section 2.5.60.02.a or that decreases the amount of variation from a standard that was previously approved shall be processed as a minor modification.

The Council finds that these sections allow for and anticipate an option whereby a developer can change the uses within an approved PD, provided they are uses allowed by the underlying zone and the appropriate PD Modification process is followed. The Council notes that the review criteria set forth for Major Planned Development Modifications is Code Section 2.5.40.04 which is stated as follows:

2.5.40.04 - Review Criteria

Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

- Basic site design (the organization of uses on a site);
- Visual elements (scale, structural design and form, materials, and so forth);
- Noise attenuation;
- Noxious odors;
- Lighting;
- Signage;
- Landscaping for buffering and screening;
- Traffic;
- Effects on off-site parking;
- Effects on air and water quality.

The Council finds that these review criteria concentrate on physical impacts. Therefore, the Council finds that the controlling factors for evaluating the change in uses associated with Planned Development Modification (Major or Minor) pertain to an analysis of whether the use is allowed by the underlying District Designation and what the impacts of that proposed land use change have on the physical (site development plan and architectural) aspects of the site.

5. Parking - The Council notes that the Planning Commission did not discuss in-depth the parking allowances for the proposed Planned Development. However, several Commissioners did express concerns over the applicant's proposal to construct parking within the southern part of the Planned Development such that the southern portion of the site was in excess of the 130% allowed by the Code. The Council notes that the applicant proposed that the parking for the entire Planned Development would still be within the 130% allowed by Code, but that the southern part of the site would be in excess. The Council finds that viewing a Planned Development as a whole is consistent with the Code.

7. The Council notes that the Planning Commission had some concerns regarding development application adherence to the City's criteria relative to gateway treatments, landscaping, parking, and sign height. However, the Planning Commission did not reach these issues in its formal deliberations, nor did it develop findings of fact for the Council to review on appeal. Therefore, the Council adopts the findings in the November 26, 2003, staff report to the Planning Commission and finds that the applications are consistent with the applicable review criteria.

Development Applications – Conclusion

The Development Applications (Major Planned Development Modification and Detailed Development Plan, Tentative Subdivision Plat, and Sign Variance) approval is supported by findings of fact in the record. The applications, as conditioned by staff in the November 26, 2003, Staff Report, comply with the applicable approval criteria. The Conditions of Approval contained in that November 26, 2003, Staff Report, and slightly amended at the May 3, 2004, Council meeting, are hereby incorporated by reference.

CONCLUSIONS

As the body charged with hearing appeals of Planning Commission decisions, the City Council has heard testimony, examined written testimony and documents and has reviewed the record associated with the District Change, the the Major Planned Development Modification and Detailed Development Plan, the Tentative Subdivision Plat, and the Sign Variance. Based on the evidence in the record, the City Council finds that the proposal, as conditioned, addresses the review criteria and is found to be consistent with the City's Comprehensive Plan and applicable sections of the Land Development Code. The City Council finds that Conditions of Approval and Development Related Concerns have been imposed as part of the approval, which adequately address impacts related to the development. Accordingly, the District Change, the Major Planned Development Modification and Detailed Development Plan, the Tentative Subdivision Plat, and the Sign Variance are APPROVED, as conditioned, and the appeal of the Planning Commission's decisions to deny these applications, is REVERSED.

Attachment III
Page 106

DATED: 5/18/ 2004.

MAYOR

CONDITIONS OF APPROVAL

#	CONDITION
1	Consistency with Plans - Development shall comply with the plans identified in Attachments A, D and M of the staff report, except as modified by the conditions below or unless a requested modification otherwise meets the criteria for a Tentative Subdivision Modification or a Minor Planned Development Modification. Such changes may be processed in accordance with Chapters 2.4 and 2.5 of the Land Development Code, respectively.
2	Adherence to Previous Conditions - Unless modified by this set of conditions, and the plans identified in Attachments D, development shall still comply with the previously approved conditions of approval for Corvallis Business Park (PDM-97-21) (attached for reference).
3	Permitted and Accessory Uses - Land uses within the Corvallis Station area shall be consistent with the use types allowed in the General Industrial District and with the accessory use provisions of the Land Development Code.
4	Landscaping: The following provisions shall apply: a) Landscape construction documents: Prior to the issuance of building permits within each phase of Corvallis Station, the applicant shall submit landscape construction documents for that phase for review and approval by the Community Development Department. The documents shall contain a specific planting plan (including correct plant names in the Latin format and provision for street trees, as noted below), construction plans, irrigation plans, details and specifications for landscape areas throughout the project. Specific planting shall be provided, as proposed, as modified by this condition, and in accordance with the riparian/water quality planting requirements of Condition 9-d below. b) Buffer Plantings: Landscape construction documents shall include landscape plantings that comply with the buffer planting requirements in Section 4.2.40 of the Land Development Code within landscape beds along the perimeter of the parking areas. This includes the HWY 99W area, in which the buffer planting ranges from 45 to 50 feet. c) Landscape Installation- All landscaping for each respective phase of Corvallis Station shall be installed prior to the issuance of a final occupancy permit for the respective development. All parkways and planter beds shall be planted and maintained to achieve a minimum of 90 percent ground coverage within 3 years. All landscaping areas shall comply with Land Development Code Chapter 4.2 and other conditions of this approval. d) Landscape Construction and Maintenance Obligation - Following landscape installation for each phase of Corvallis Station, the developer shall provide financial assurance in a manner consistent with Code provisions, for a 3-year maintenance period, prior to any final inspection of buildings within that phase. This assurance is to cover the required three year landscape maintenance period which begins at the time the landscape installation is approved by the City. e) Screening of Service Facilities - The loading, garbage, and recycling area at the south end of the Home Depot building shall be screened per the requirements of Land Development Code Section 4.2.50.02. This screening shall be part of the landscape construction documents. f) Focal Point - The focal point at the entrance to Corvallis station shall have a

	minimum o ak trees (min. 1 ½" caliper) planted ir ea shown in Attachment D-16 and shall include shrubs and ground cover that cover at least 90% of the subject site within 3 years time. These landscape features shall be part of the landscape construction documents. g) Seeding Graded Areas - All areas of the site that have mass grading done and do not have a specific development proposal shall be seeded with grass to prevent erosion. These areas include Phases 2.1, 2.2 and 2.3 and any areas of Phase I in which development is proposed, but improvements are not immediately constructed. Seeding plans shall be submitted as part of the site grading/landscaping plans. For each phase as it develops.
5	Future Major Modification Required for Phases 2.1, 2.2 & 2.3 of Corvallis Station - While grading and utility installation for phases 2.1, 2.2, and 2.3 are approved as part of this Detailed Development Plan, any other development for those phases such as parking lots, buildings, etc. shall not be constructed until approval for them is received through a Major Planned Development Modification to this approved Detailed Development Plan.
6	Reciprocal Parking & Access Easements - All properties within Corvallis Business Park (including Phase I and Corvallis Station) shall provide reciprocal parking and access easements to all other properties within the development for the purposes of shared parking and vehicular, pedestrian, and bicycle circulation. Within the entire Corvallis Business Park project, including Phase I of Corvallis Business Park and Corvallis Station, each property owner shall grant and record such an easement for all the property within his/her control, prior to the issuance of any additional building or construction permits for his/her property.
7	Plans for Public & Private Infrastructure Improvements - Not withstanding Condition No. 1, any plans for public or private improvements referenced within the application or this staff report shall not be considered final engineered public or private improvement plans. Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered public or private improvement plans from the City's Engineering Division (for the public improvements) or the Development Services Division (for the private improvements). The applicant shall submit necessary engineered plans and studies for utility and transportation systems to ensure that adequate street, water, sewer and storm drainage improvements are provided. Public improvement plan submittals will be reviewed and approved by the City Engineer under the public improvement procedures specified within Land Development Code Section 4.0.90. Private improvements will be reviewed and approved by the Building Official.

8	Utility Extension Easements - All properties within Corvallis Business Park (including Phase I and Corvallis Station) shall provide private and public utility easements, consistent with the approved utility designs for the development, to and through each parcel to the edge of the adjacent parcel such that there are no reserve "spite" strips, and for the purposes of public and private utility connection. Within the entire Corvallis Business Park project, including Phase I of Corvallis Business Park and Corvallis Station, each property owner shall be responsible for granting and recording such public and private easements for all property under his/her control, prior to the issuance of any additional building or construction permits for any property under his/her control. Easement widths for both public and private easements shall be consistent with the Code and City of Corvallis Engineering Standards for public utility easements. Additionally, prior to the issuance of building permits for each parcel in Corvallis Business Park (including Phase I and Corvallis Station), the applicant of that building permit shall obtain approval of, and permits for, engineered public and/or private improvement plans, consistent with the approved design, from the City. The City Engineer shall have the ability to modify the utility design if the applicant requests an alternate design and the City Engineer finds that the alternate design meets City engineering standards and other sites within or outside of the entire development are not adversely affected by the change.
9	Proposed Corvallis Station On-site Storm Water Improvements - As part of the building permit, the applicant shall submit the following to the City's Development Services Department for review and approval; and prior to issuance of any final certificate of occupancy on the development site, the storm water detention facilities, water quality facilities and riparian landscaping as conditioned below shall be installed and approved by the City. a. Line Sizing and System Capacity Calculations - Provide calculations demonstrating that the existing downstream storm water system has sufficient capacity to convey the expected storm water volumes generated by the development. b. Private Storm Water Detention - Provide engineered calculations for pre-development and post-development peak storm water run-off flows, and demonstrate that the storm drainage facilities are designed to match pre and post development flows based on the 2-year through the 100-year storm event. The detention facilities shall be designed consistent with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington Surface Water Design Manual. Infiltration facilities are a recommended means of meeting detention requirements where soil and slope conditions (not more that 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The detention analysis shall contain a discussion on the feasibility of implementing infiltration during both wet and dry seasons. c. Private Water Quality Facility Design - Provide engineered calculations for storm water quality facilities demonstrating compliance with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington Surface Water Design Manual. Infiltration facilities are a recommended means of meeting water quality requirements where soil and slope conditions (not more than 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The water quality analysis shall contain a discussion on the feasibility of implementing infiltration during both wet and dry seasons.

	d. Riparian Landscape Plan - Provide a landscape plan with the private detention/water quality design that details all landscaping elements consistent with King County planting requirements for detention/water quality facilities. All associated functional landscaping shall be installed and well established prior to any paving activity on the development site.
10	Private Stormwater Maintenance Agreements - Prior to issuance of any structural or site utility construction permits, the applicant shall submit a signed written agreement among all affected owners that defines the terms of maintenance, access and ownership of the private stormwater conveyance and detention/water quality system. These agreements shall specify that on-going maintenance shall be consistent with City standards.
11	Compliance with General Industrial Nuisance & Air Quality Standards - Development within Corvallis Station shall adhere to Code Sections 3.24.30.05 and 3.0.30.04.c.
12	Parking - Development with the Corvallis Business Park (including Phase I and Corvallis Station) shall comply with this proposal and not exceed Code standards for vehicular parking. The Corvallis Station area is approved for 764 vehicular spaces and 64 bicycle spaces, 26 of which shall be covered (since 51 spaces are the minimum number of required bicycle spaces).
13	Sign Program - Development with the Corvallis Business Park (including Phase I and Corvallis Station) shall comply with the proposed sign program as outlined in Attachment D and M.

Other Development Related Concerns:

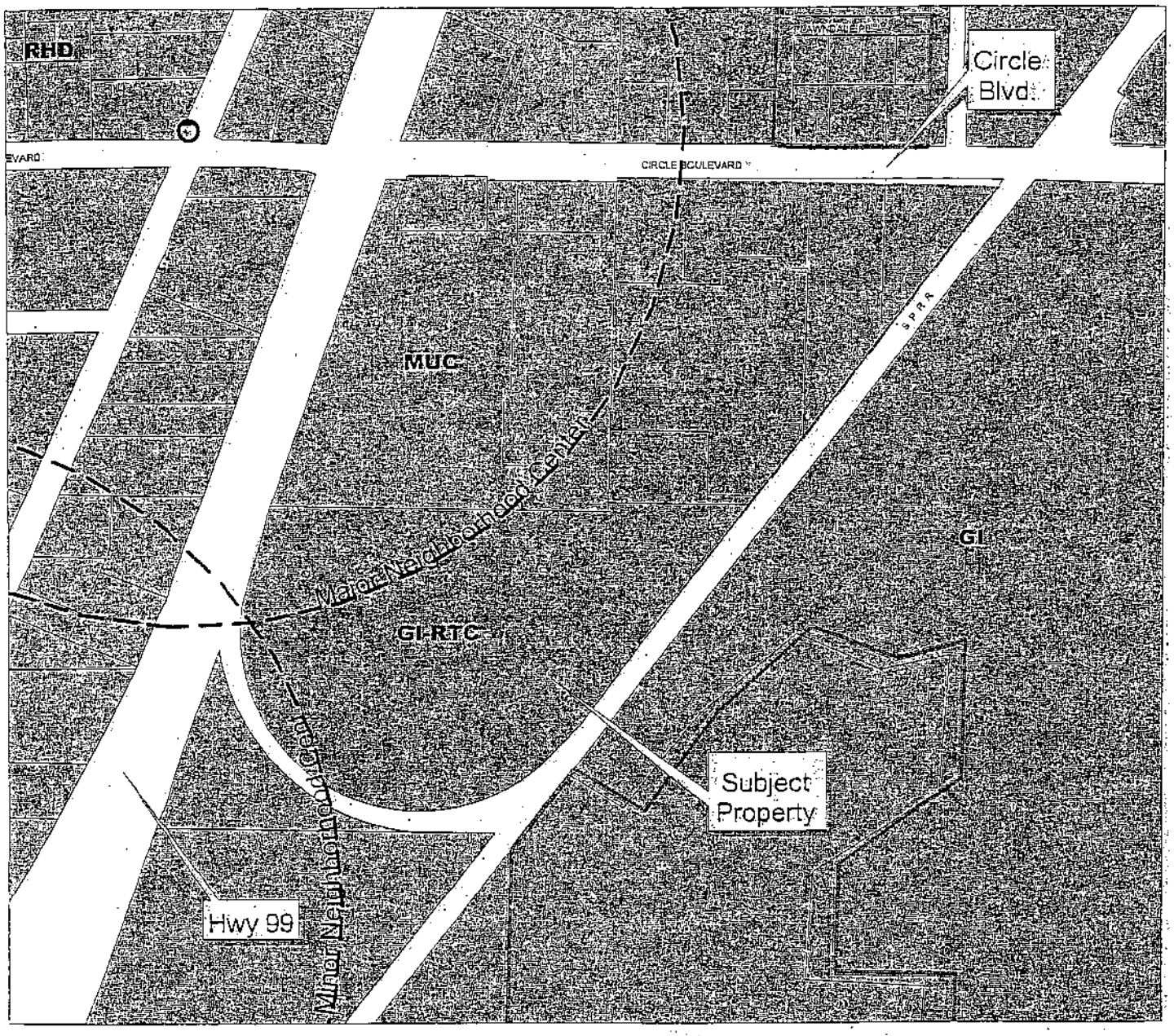
A. Excavation and Grading Plans - Prior to issuance of construction permits, the applicant shall obtain an excavation & grading permit from the City Development Services Division. Excavation and grading plans shall include erosion prevention & sediment control methods that mitigate potential impacts during ground distributing activities. Excavation and Grading permits shall not be approved and issued until the erosion control methods have been installed and approved in the field.

A soils engineering and/or an engineered geology report may be required prior to, or during, the review of excavation and grading plans. This issue should be discussed with the Development Services Division prior to application for excavation and grading permits.

B. Other Approvals - Prior to issuance of any construction permits, the developer shall submit written verification of Willamette and Pacific Railroad approval for any construction activity involving railroad ROW.

C. Construction Documents - All construction documents shall be development by a design professional(s) licensed by the State of Oregon. Construction documents shall be submitted to the City Development Services Division and will be reviewed for compliance with all applicable construction (building) codes currently adopted by the State of Oregon.

Comprehensive Plan Map
Corvallis Station



Comprehensive Plan View

Comprehensive Plan Map Designations

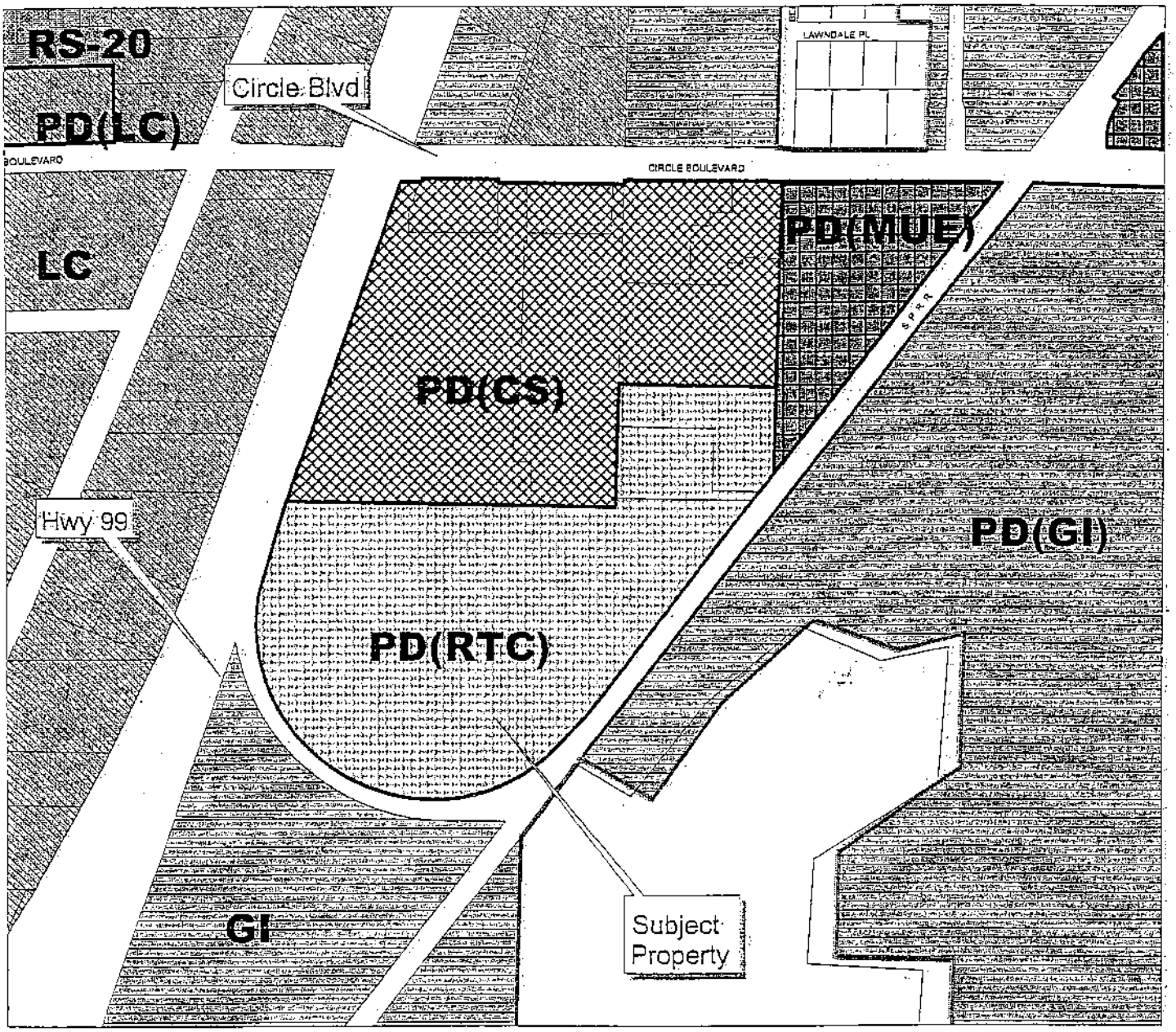
- Residential - High Density
- Mixed Use Commercial
- General Industrial
- General Industrial with a Research Technology Overlay

300 0 300 600 Feet

Attachment A

Attachment III
Page 111

Existing Zoning
Corvallis Station



Zoning View

Zoning (Development Districts)

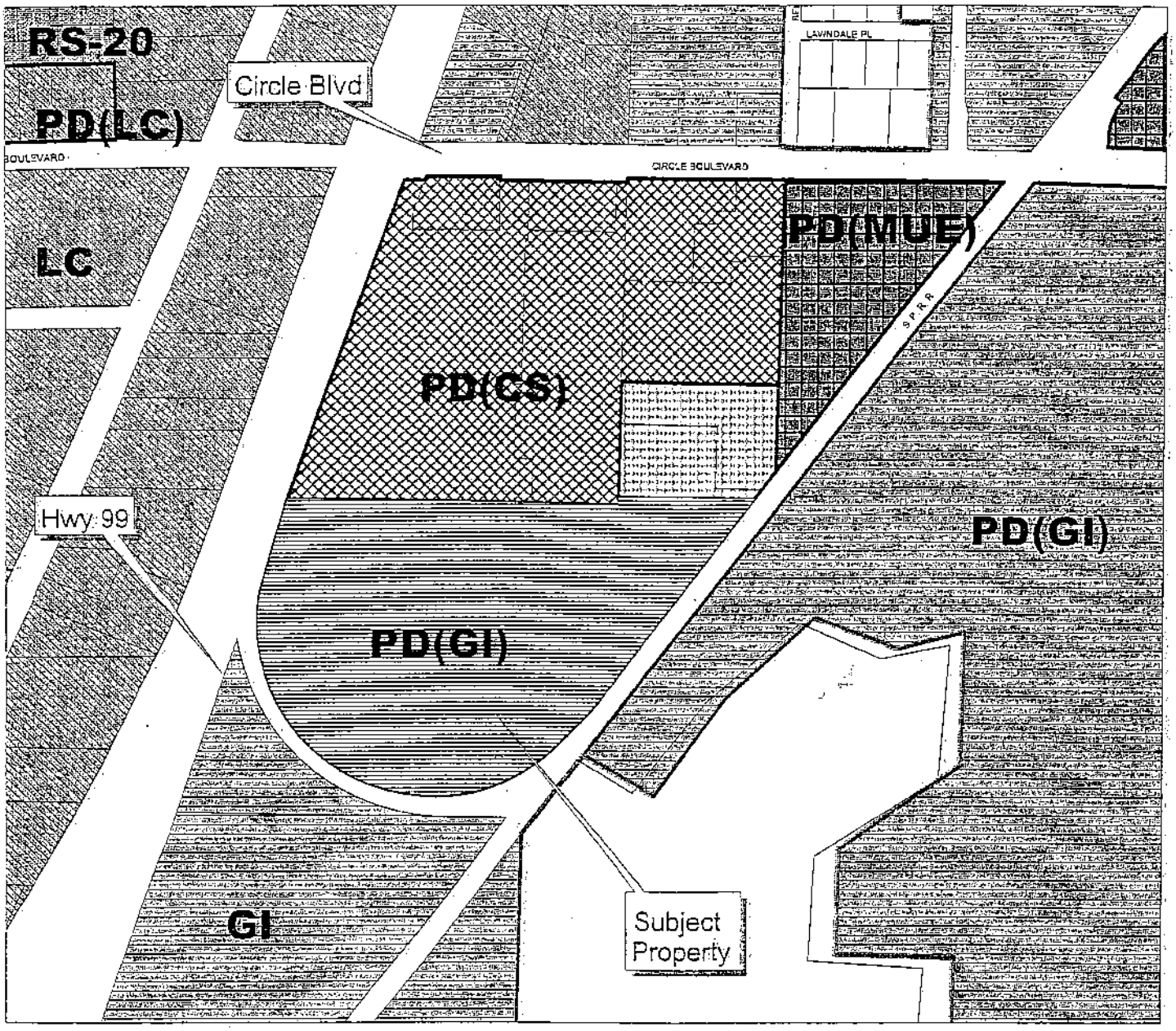
- RS-20
- LC
- PD(LC)
- PD(CS)
- PD(MUE)
- PD(RTC)
- GI
- PD(GI)

400 0 400 800 Fee

Attachment B

Attachment III

Proposed Zoning
Corvallis Station



Zoning View

- Proposed District Change
- Zoning (Development Districts)
- RS-20
- LC
- PD(LC)
- PD(CS)
- PD(MUE)
- PD(RTC)
- GI
- PD(GI)

400 0 400 800 Feet

A

Attachment B-2

Attachment III
Page 113

Re 2-03-06 RAR

RECIPROCAL EASEMENT AGREEMENT
AND ASSOCIATION AGREEMENT

THE STATE OF OREGON §
§ KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BENTON §

#37556

AFTER RECORDING RETURN TO:
OREGON TITLE INSURANCE CO

This instrument, creating certain reciprocal easements and imposing restrictive covenants on adjacent Tracts of land in Benton County, Oregon, is entered into by and between SDC-W-Ecircle, Ltd. a Texas Limited Partnership ("Schlosser") and Carmike Cinemas, Inc. ("Carmike") and Kathryn Brandis ("Brandis"). Schlosser has conveyed (by lease or otherwise) to Carmike a Tract of real property (hereinafter called "Tract A") shown on Exhibit A attached hereto, incorporated herein and made a part hereof for all purposes. Schlosser retains Ownership in (and/or will immediately convey all or a portion of one or both of the) two adjacent Tracts (hereinafter called "Tracts B and C" and collectively called the "Building Sites") also shown in Exhibit A, incorporated herein and made a part hereof for all purposes. An affiliate of Walter Gasser ("K-Mart") is the Owner of a Tract adjacent to Tracts A and B and C (the "K-Mart Tract"). Tracts A, B, and C (and adjoining Lots are shown on the sketch attached hereto as Exhibit X which is incorporated herein by reference. Schlosser and Carmike and Kathryn Brandis, the prospective partial owner of Tract C; desire to create arrangements whereby Tracts A, B, and C may be used and operated in a compatible manner notwithstanding changes of Ownership in any of the Tracts or any part or part(s) of the Tracts; including any change of Ownership by foreclosure of any existing or future lien on any of such Tracts (or part or part(s) of such Tracts).

Definitions: As used in this document:

(a) "Schlosser," "Carmike", "Brandis", "K-Mart," "Tract A", "Tract B", and "Tract C," the "Kmart Tract", and "Building Sites" shall have the meanings given to them above.

(b) Schlosser, Carmike, Brandis, and their respective successors and assigns in Ownership of the various Tracts are referred to herein as the "Owners" (or singly as an "Owner") of a Tract.

(c) Tracts A, B, and C may be referred to jointly as the "Tracts" or singularly as a "Tract."

(d) Agreement means this Reciprocal Easement Agreement and Association Agreement.

(e) "Driveway Easement" shall have the meaning given in Section 1 below.

(f) "Parking Areas" shall have the meaning given in Section 4 below.

(g) "Sign Easement" shall have the meaning given in Section 10 below.

1. Access. There are hereby created, for the benefit of Owner or Owners of Tract A and Tract B and Tract C, easements for passage and parking over and across those driveways shown on Tract(s) A,B, and C on the sketch attached hereto as Exhibit X from the adjacent public streets (Circle Boulevard). Such easements shall be non-exclusive and the Owner of the Tracts which is affected by this Driveway Easement, and their employees, tenants and their respective customers and invitees shall have the right to use such driveways, in common with all the other owners of the other Tracts, their tenants and their respective employees, customers and invitees. The easements created by this paragraph (and the area encumbered thereby as the context requires) may be referred to herein as the "Driveway Easements."

2. Maintenance of Driveway Easements Areas. The Owner of Tract B shall maintain the Driveway Easements and associated curb cuts in paved, level and passable condition. The Owner of Tract B may repair any potholes and repave such areas as necessary so that they may be used for passage of vehicular and pedestrian traffic. No improvements or buildings may be located upon the area encumbered by the Driveway Easements other than curbs, traffic control and directions signs appropriate for the intended use of such areas as defined herein.

3. K-Mart Driveway Easement. There has been created, as a result of a prior obligation upon all of the Tracts, an approximately 60-foot- wide easement for all pedestrian, bicycle, and vehicular access from Circle Road to the adjacent K-Mart Tract and Tract(s) A, B, and C and shown on Exhibit X (as the KMart Tract) attached hereto. Schlosser does hereby grant and convey to K-Mart an approximate 30 foot access easement across the Property within Tracts A, B, and C described within the approximate 30' easement area defined in that document between Schlosser and K-Mart entitled "Construction, Operation, and Reciprocal Easement Agreement", all in accordance with the terms of such document as it had been executed by Schlosser. K-Mart will grant and convey to the owners of Tracts A, B, and C an approximate 30 foot access easement across the property owned by K-Mart described within the approximate 30' easement area defined in that document between Schlosser and K-Mart entitled "Construction, Operation, and Reciprocal Easement Agreement", all in accordance with the terms of such document. The association of Owners of Tracts A, B, and C created by this Agreement shall maintain such area. The Owner of Tract B, as the representative of the other Owners within the association, shall cause the areas encumbered by such K-Mart easement to be maintained; and each of the other Owners, in proportion to the size of such Owner's Tract to the size of Tracts A and B and C in the aggregate, shall be obligated to reimburse the Owner of Tract B for such Owner's proportionate part of such cost of maintenance, after such other Owner or Owners have placed or allowed building improvements on their respective Tract.

4. Parking Areas. Those areas on Tract A and the Building Sites which are not occupied by buildings, sidewalks, landscaped areas, drainage facilities and the like and driveway(s) as described in Exhibit X; but which are usable or used for vehicular or pedestrian passage, bicycle passage, and automobile parking shall be referred to herein as the "Parking Areas"(which shall be maintained substantially as shown on Exhibit X.) There is hereby created for the benefit of each Owner of each Tract (and that Owner's successors and assigns; and their patrons, employees, invitees, licensees, and successors) an easement over the Parking Areas on the property of each other Tract for the free and non-exclusive right to use such Parking Areas for the purposes of ingress and egress over and across such Parking Areas to Tract A, Tract B, and Tract C respectively, and rights to park automobiles and other passenger vehicles in parking spaces within such Parking Areas. Such rights may be exercised on a non-exclusive basis, in common with other parties who from time to time may be entitled to enjoy such rights as herein provided, free of any charge or payment, subject only to the right of the Owner of each Tract to restrict or prohibit use of such passage or parking at such intervals, if any, as such Owner may reasonably determine to be necessary to prevent the accrual of prescriptive rights for usage in favor of the public. Nothing herein constitutes a dedication of any interest in the Parking Areas to the public or to the Owner of the Kmart Tract (or that K-mart Owner's tenants, patrons, employees, invitees and/or licensees) ; or gives any member of the public any rights thereto whatsoever. The Owner of each Tract shall have the right to grant easement rights with respect to the Parking Areas to Owners or lessees occupying improvements upon such Tracts, their respective customers and invitees provided that such easement rights shall not be inconsistent with the provisions of this Agreement and that the employees of occupants or business on each Tract shall be required to park on the Tract on which their employing business is located.

Notwithstanding anything stated herein, to the contrary, the area delineated on Tract B as "All-Time Priority Parking Area", described in Exhibit X shall be reserved at all times for the exclusive use of the Owner of Tract B (and that Owner's successors and assigns) of such area delineated, and such Owner's tenants, and their patrons, employees, invitees, licensees, successors and assigns. Notwithstanding anything stated herein, to the contrary, the area delineated on Tract C as "Day-Time Priority Parking Area", described in Exhibit X shall be reserved during the hours of 7:00 A.M. until 7:00 P.M. on Mondays, Tuesdays, Wednesdays, Thursdays, and Fridays (except for national holidays) for the exclusive use of the Owner of Tract C (and that Owner's successors and assigns) of such area delineated, and such Owner's tenants, and their patrons, employees, invitees, licensees, successors and assigns.

4A. Utility Easements. There are hereby created easements "Utility

Easements") for the benefit of the Owner or Owners of all Tracts, for installation, maintenance and repair of underground storm sewers and for water and sanitary sewer lines over and across Tract A and the Building Sites. The locations of the Utility Easements are not presently determined, but the Owners of the Tracts will hereafter record a supplement to this agreement designating or showing the location of such Utility Easements in a reasonable location determined by the Owner of Tract B and Tract A. Upon the recording of such supplement, the terms of this paragraph shall apply to such easements. Such Utility Easements are non-exclusive and the storm sewers may be used by the Owners of both Tract A and the Building Sites for storm water drainage from Tract A and the Building Sites. The Owners of Tract B shall have the right to dedicate the Utility Easements to the city of Corvallis without joinder of any other party. The party making use of the surface of the Utility Easements shall repair the surface and subsurface of the area disturbed by such use. No building shall be built over any of the area of the Utility Easement.

4B. Landscape Maintenance. The Owners desire to associate themselves for the purpose of maintaining the landscaped areas on all Tracts and lot(s) immediately east of the Tracts and identified as "Lot 1" and "Lot 2" on Exhibit A. Subject to the reimbursement provisions described in section 23, below, the Owner of each Tract shall maintain in good condition all landscaping on landscaped areas which may be included within the Tract owned by such Owner, including watering, periodic replanting, pruning and other activities necessary to maintain such landscaped areas in neat and attractive condition appropriate for businesses being conducted in the shopping center of which such Owner's Tract is a part. If an Owner of a Tract does not perform such maintenance, the Owner of another Tract may enter upon the Tract of the non-performing Owner and do reasonable landscape maintenance.

4C. Maintenance of Storm Sewer and Utility Systems. Subject to reimbursement provisions described in section 23, below, in the event that the storm sewer system for the shopping center which is composed of the various Tracts or any other utility lines serving more than one Tract and/or the Lot 1 and Lot 2 immediately east of the Tracts is not accepted for maintenance by the City of Corvallis, or in the event that such maintenance is not performed even if assumed by the City of Corvallis, the Owner of the Tract on which each portion of such utility system or storm system is located shall be obligated to maintain and repair in good condition the portion of the utility system or storm sewer system located on the Tract owned by such Owner . The Owner of any Tract shall have the right to go upon the Parking areas of each others Tracts and/or said described Lot(s) to repair or maintain any storm sewer or other utility line located under such Parking area to the extent necessary (and afterward to restore the surface and subsurface to the condition it was previously in). In the event that the Owner of one Tract performs a repair or maintenance which the Owner of another Tract is obligated to repair or maintain as set out herein, the Owner making such repair shall be entitled to reimbursement of reasonable costs thereof plus an administrative fee of 10% from the Owner on whose Tract the repair was made and such right of reimbursement shall be enforceable by all appropriate legal proceedings, whether at law or equity.

5. Fences. No fence or other barrier which would prevent or obstruct the passage of pedestrian, bicycle, or vehicular traffic for the purposes herein permitted shall be erected or permitted on any Tract.

6. Repairs. Subject to reimbursement provisions described in Section 23, below, the Owner or Owners of Tracts A, B, and C shall repair and maintain in good condition the Parking Area (actually constructed) owned by such party including patching of paving, resurfacing, restriping of lines indicating car parking spaces, sweeping and removing trash and debris, maintaining drainage systems and repairing and maintaining lighting systems installed thereon so as to keep the Parking Areas from time to time located on each Tract in clean and attractive condition appropriate for the businesses being conducted on the Tract and available for the uses described in this agreement.

7. Parking. After parking improvements are constructed (as permitted by applicable governmental authority), the Owner of each Tract shall mark parking spaces within the Parking area on such Owner's Tract in substantially the manner shown on Exhibit X (as to location of spaces, orientation of aisles and spaces and other features shown on Exhibit X hereto). This requirement shall be independent of any requirement of the City of Corvallis or other governmental authority having jurisdiction of buildings or parking.

8. Maximum Height. No building on Tract B shall exceed the height of 18 feet above natural grade level or the height of the Staples building. No building on Tract A may exceed one story in height. However, a building on Tract B may have a mezzanine; and, the building on Tract A may exceed one story in height (as long as it is being operated as a theatre), but , in that event, shall not exceed the height of 45 feet above natural grade level.

9. Maximum Size of Building on Building Sites. No building or building(s) on Tract B shall exceed a cumulative total of 40,000 square feet of enclosed, heated and air conditioned building area. No building or building on Tract C, as expanded shall exceed a cumulative total of 20,000 square feet of enclosed, heated and air conditioned building area. The theatre described on Tract A shall not have more than 1,800 seats and/or exceed 45,000 square feet of enclosed, heated and air conditioned building area. However, the theatre auditoriums described on Tract A shall not exceed a cumulative total of 40,000 square feet. All building on the Tracts (including the "TWS Bldg" as shown) shall be constructed only within the areas therefor shown on Exhibit X or otherwise narratively indicated on such Exhibit X (s).

10. Sign Locations. Pursuant to the Corvallis Land Development Code, the Owner(s) of Tract A, Tract B, and Tract C are each permitted to construct mounted-building-signage and pylon-panel-signage. Such Corvallis Land Development Code imposes a cumulative limit of total mounted-building-signage and pylon-panel-signage (the "cumulative-total-signage") for Tract(s) A, B, C, and the adjoining two tracts (described as Lot 1 and Lot 2), all described on Exhibit A which is agreed by all of the Owners to be 1,500 square feet of signage (or that permitted by code, if less.)

It is agreed between the Owners that the Owner of Tract A, Tract B, and Tract C shall be allocated a total amount of mounted-building-signage and pylon-panel-signage based on the proportion of the total square feet of each building to be constructed on each of Tract A (45,000 square feet), Tract B (40,000 square feet) and Tract C (20,000 square feet) to the total square feet of all of the buildings shown on Exhibit A (which is agreed by the Owners of all of the Tracts shall be 148,180 square feet ("Cumulative Square Feet"), multiplied by the cumulative total signage; each product being hereinafter referred to as that respective "Owners Sign Allotment"

(Therefore, for example, if the cumulative-total-signage is 1000 square feet of signage; and if an Owner of a Tract is permitted to construct 10,000 square feet of building; and the Cumulative Square Feet is 100,000 square feet; then that Owner may construct 10% of the cumulative-total-signage which would be that Owners Sign Allotment; --in this example; equaling a total of 100 square feet of signage including mounted-building-signage and pylon-panel-signage.) Other than mounted-building-signage and signage mounted on the interior of a building(s), no sign shall be permitted on Tract A or any Building Site other than traffic directional signs for the use of the Parking Areas therein and signs advertising the businesses located thereon or the products sold by such businesses. Specifically, no billboard or pylon signs for general advertising purposes shall be permitted on either Tract A or any Building Site.

Notwithstanding the foregoing, to the contrary, there is hereby created for the benefit of the Owner of Tract A and Tract C and their respective successors and assigns, a single "Sign Easement" upon portions of Tracts B. Such "Sign Easement" shall be located on that portion of Tract B within twenty (20) feet of the common boundary of such Tract and Circle Boulevard, as shown in Exhibit X, as determined

by Owner of Tract A (but subject to approval by Owner of Tract B, which shall not be unreasonably withheld). Subject to applicable governmental regulation, the Owner of Tract A may locate not more than one (1) pylon signs within such Sign Easement at those places selected by the Owner of Tract B . The Owner of Tract B and Tract C may each construct sign-panels on such pylon sign after it is constructed by the Owner of Tract A. The Owner of Tract A may place their sign-panel at the highest spot on the pylon. If the Owner of Tract B and/or Tract C shall construct their sign-panel on the pylon sign(s), then the Owner of Tract B and/or Tract C shall pay a proportionate portion of the cost of constructing the pylon sign to the Owner of Tract A. The Owner of Tract A may also use the Sign Easement for the underground installation of electrical service to the sign locations.

However, the size of such pylon-panel-signage to be constructed (by any Owner) on such pylon sign shall be deducted from that Owners Sign Allotment. (Therefore, for example, if an Owners Sign Allotment is 100 square feet of signage; and that Owner constructs 50 square feet of pylon-panel-signage on the pylon sign; then that Owner may only construct 50 square feet of mounted-building-signage.)

11. Architectural Approval. The Owner of Tract B shall deliver an architectural elevation schematic for the front of the theatre building to Carmike, at the time that this instrument is executed. Carmike shall not construct any building improvements until the site plan therefor and the design, color and materials of the exterior walls and roof thereof are in substantial conformance with such architectural elevation and approved in writing by the Owner of Tract B. Carmike shall submit architectural drawings and land plans showing the site plan, common area layouts, and design, color and materials of exterior walls and roof of any building improvements to be constructed upon Tract A to the Owner of Tract B before beginning construction of any improvements. The Owner of Tract B shall base approval or disapproval of such matters upon his reasonable judgment as to the effect thereof upon the value and use of Tract B and C, and planned retail and office/tech uses thereof. Such approval shall not be unreasonably withheld. In the event that the Owner of Tract B has not responded in writing to a request for approval from the Owner of Tract A or before 30 days after delivery of plans and specifications for such building improvements are delivered to him, then such approval shall be deemed to have been given. This provision shall apply to changes in the exterior shape of any building improvements upon Tract A and to any changes in the color, design and materials in the exterior walls of buildings. This paragraph shall be in effect for a period of 75 years from the date hereof. This provision shall not be deemed or construed to require any approval or consent from the Owner of Tract B to any interior design or use of any building improvements or to any alteration of the interior thereof.

12. Construction of Sidewalks and Curb Cuts. The Owner of each of the Tracts shall, at the cost of such Owner, construct any sidewalks which may be required in connection with either the construction of improvements upon the Tract or the construction of public streets adjacent to such Tract. The Owner of Tract A or Owners of the Building Sites, however shall not be obligated to do such construction until the respective Tract on which the driveway, sidewalk or curb cut is to be located is improved with building improvements.

13. Screening of Trash Disposal Facilities. The Owner of each Tract (both Tract A and all Building Sites) shall screen any trash cans, dumpsters or other trash facilities located on their respective Tracts from public view with either masonry or wooden fences and shall maintain such fences.

14. Term. Term of the easement(s) and restrictive covenant(s) (including the sign easement, referenced above) created herein shall begin upon the date hereof and shall continue perpetually, unless such term should be amended or modified by the written actions jointly of the Owners of Tract A, B, and C and any parties holding deed(s) of trust lien or mortgage(s), thereon.

15. Defaults and Remedies. If the Owner of any Tract shall default with

respect to any of its obligations herein and such default shall continue for 10 days after receipt of written notice thereof from any other Owner, then the complaining Owner shall have the right to cure such default for the account of defaulting Owner and the complaining Owner shall be entitled to reimbursement from the defaulting Owner for the reasonable costs and expenses so incurred plus interest at the rate of 10% per annum and reasonable collection costs. The complaining Owner shall have the right to enter upon the property of the defaulting owner for the purposes of curing such default.

The obligation of the Owner of any Tract to reimburse costs of the Owner of any other Tract, as set out herein shall be secured by a lien which is hereby imposed upon all of the Building Sites in favor of each of the Owner(s) of each of the Tract(s). Such lien shall be junior and subordinate to the lien of any institutional lender who shall make a first mortgage loan or second mortgage loan upon Tract A and/or the Building Sites or any of them. Such lien may be enforced by judicial proceeding and not by private sale. The foreclosure of any prior lien upon a Tract burdened by this lien shall discharge the obligations owed prior to the date of such foreclosure, but shall not have the effect of discharging this lien and this lien, subordinate as set out above, shall remain in effect and binding upon Tract A and/or the Building Sites (as the case may be) to secure any future default and the payment of reimbursement as required by the terms of this Agreement.

16. Taxes. Each Owner of a Tract affected by these easements and restrictive covenants shall pay, prior to delinquency, all taxes and assessments, the payment of which would be secured by a lien upon such real property and shall promptly upon request of any other Owner furnish copies of tax receipts evidencing such payment.

17. Eminent Domain. In the event of an eminent domain taking of all or any portion of any Tract, the eminent domain award made with respect to such Tract (whether as compensation for the portion thereof taken or as severance damages with respect to the remainder of such Tract, and whether made with respect to the easement rights over and across such Tract as referred to herein or with respect to the subordinate estate in such Tract) shall belong solely to the Owner of the Tract taken. The Owner of the easement rights over and across the Tract taken shall not be entitled to any award made with respect to the portion of the Tract taken if the effect thereof would be to diminish the amount of the award made to the Owner of the Tract from which a portion is taken. The foregoing shall not, however, prevent the Owner of a Tract hereto from asserting a claim for damages to the Tract owned by another Owner (even though no portion thereof is taken) by reason of the eminent domain taking of a whole or a portion of the other Tract to the extent that such damages may be awarded or paid by the taking authority in recognition of the reduced access, loss of business or similar consequences to the Owner whose Tract is not taken; provided that, in any case the award so made to such Owner of the Tract not taken does not diminish the award paid to the Owner of the Tract, a portion or all of which is taken. The term "eminent domain" taking shall include (for purposes of this paragraph) a voluntary conveyance made under threat of or in anticipation of an involuntary eminent domain taking.

18. Beneficiaries: Amendment, Enforcement. The Owner of each Tract and the holder of any mortgage upon such Tract provided that the holder of such mortgage is an insurance company, bank, trust company, savings and loan association, pension or profit-sharing trust, annuity fund, university or similar institutional lender (an "Institutional Lender") shall be a "Beneficiary" of the easements and restrictive covenants herein contained. The Owner of each Tract which is servient to these easements and restrictive covenants and any Institutional Lender which may hold a lien upon the interest of such Owner in such Tract shall be a "Servant" of these easements and restrictive covenants. These restrictive covenants shall be enforceable by and only by the Beneficiaries of the easements and restrictive covenants. Except where otherwise noted herein and/or in the attached Exhibits, the easements and restrictive covenants shall be amended, modified,

terminated or extended only by the joint action of all of the Beneficiaries and Servants of these restrictive covenants and easements without the consent of any other party entitled to use any portion of the Parking Areas, the Driveway Easements, or any other person whomsoever.

19. Enforcement by Injunction. In the event of any violation or attempted or threatened violation of the covenants or easements created by this instrument or any interference or attempted or threatened interference with the easement rights herein granted, the restrictive covenants and easements herein created may be enforced by any party who is a Beneficiary hereof by restraining orders and injunctions prohibiting such violation or interference and commanding compliance with the provisions hereof, which restraining orders and injunctions shall be obtainable upon the proof of the existence of such violation or attempted or threatened violation or interference with the easement rights herein granted. The restrictive covenants and easements herein created may be enforced by any party who is a Beneficiary hereof by restraining orders and injunctions prohibiting such violation or interference and commanding compliance with the provisions hereof, which restraining orders and injunctions shall be obtainable upon the proof of the existence of such violation or attempted or threatened violation or interference without the necessity of proof of inadequacy of legal remedies or irreparable harm.

20. Estoppel Certificates. Recognizing that the parties may find it necessary from time to time to establish to banks, mortgagees, accountants or the like the then current status of performance hereunder, each Owner agrees, upon the written request of the other, that it will from time to time, with reasonable promptness furnish a written statement in recordable form truthfully stating the status of any matter relating to this instrument.

21. Successors and Assigns. This agreement shall be binding upon Schlosser and Carmike and Brandis and their respective heirs, successors and assigns as Owners of the Tract(s) or a portion or portion(s) of a Tract or Tract(s), described herein. The rights and benefits, easements and restrictions hereby created shall not merge into fee-title to the Tracts even if all Tracts are owned by a single entity unless and until all Owners and Beneficiaries of all Tracts execute and record a declaration of such merger.

22. Use Restrictions. The Tract(s) may be used for any of the uses or purposes described on Exhibit U attached hereto, incorporated herein and made a part hereof for all purposes.

23. Contributions to Cooperative Maintenance and Insurance. The Owner of each Tract shall, prior to the improvement of each of the Building Sites with building improvements and pavement, keep each of such Building Sites mowed and in neat, clean condition. Until building improvements are constructed, the Owner of each Tract shall also obtain a policy of comprehensive general liability insurance which also shall cover the parking areas which may be constructed upon such Tract.

After the development of buildings and parking areas on Tract A and/or any of the Building Sites; the Owner of Tract B shall periodically clean and sweep the driveways and parking areas located on all the Tracts, perform routine maintenance to the surface thereof, including striping and minor patching, and maintain the landscaping and storm, utility(s) and detention ponds on the Tracts (and on the Lot(s) immediately east of the Tracts). This provision shall not make the Owner of Tract B responsible for the condition of any improvements or parking and driveway areas on Tract A and/or Tract C or in control thereof for liability purposes. The Owner of each Tract shall reimburse the Owner of Tract B for a proportionate part of the cost of performing such services. The proportionate part to be contributed by each owner of each Tract shall be determined as set out below. The time and manner of payment shall be set out above with respect to the period prior to construction of improvements on any such Tract. In consideration of such services to be provided by the Owner of Tract B; the Owners of Tract A and Tract C shall pay

their proportionate part (as hereinafter defined) of the insurance premiums and all ordinary and necessary expenses described of all of Tracts, to the Owner of Tract B for performing such services together with a management or administrative fee of 10% thereof to the Owner of Tract B. Such sums shall be payable periodically as invoiced to the Owners of Tract A and Tract C, but not more often than monthly. Each such invoice shall contain a reasonable accounting together with reasonable back-up data as to the amount of the expenditures made for which reimbursement is requested. Any Owner may request an audit of all described reimbursable for the last preceding twelve (12) months. Upon such request, the Owner of Tract B shall be required to allow the Owner requesting such audit to conduct an audit at the offices of the Owner of Tract B during normal business hours. The proportionate part to be paid by the Owner (or applicable partial Owner) of each Tract shall be the fraction, the numerator of which is the number of square feet of building area actually built on such (or applicable portion of each) Tract for which a calculation is being made ; and the denominator of which is the sum of the maximum allowable building area actually built (whether occupied or not) on Tracts A, B, and C (approximately 100,000 square feet).

24. Association. The association of Owners referred to herein is not a legal entity, joint venture or partnership and the Owners have not entered into any such joint venture or partnership between them by this Agreement or their actions under this Agreement. The provisions of this Agreement shall not make the Owners joint venturers or partners or in any way be construed or deemed to make any Owner liable for the debts or obligations of any other Owner. The provisions of this Agreement shall not be deemed or construed to make any Owner liable as an owner or person in control of any Tract which such Owner does not own, except to the extent that liability may be imposed for a failure to perform the specific acts or duties applicable to such Tract (which the Owner does not own) imposed by this Agreement.

25. Miscellaneous. The Owners of Tract A, B, and C agree to cooperate to partition, subdivide, and /or plat each of Tracts A, B, and C as they are described or with minor lot line modifications.

The Owner of Tract A agrees to improve the auditoriums with minor cctv amenities in order to enter into so-called four -wall deals on reasonable terms with organizations and businesses in the metro-Benton County, Oregon region

This agreement is executed in multiple counterparts, each of which shall be deemed an original this 20 day of Sept 1999.

"SCHLOSSER"

SDC-W-ECircle, a Texas Limited Partnership

By: _____

"CARMIKE"

Carmike Cinemas, Inc.

By: _____ SVP

"BRANDIS"

by _____

Kathryn Brandis

THE STATE OF OREGON
COUNTY OF BENTON

This instrument is acknowledged before me on this the 24 day of Sept, 1999 by Kathryn Brunis on behalf of horsesp.

Marcy Taisey
Notary Public

MARCY TAISEY
Name - Typed or Printed

4/15/01
Date Commission Expires

OFFICIAL SEAL
MARCY TAISEY
NOTARY PUBLIC - OREGON
COMMISSION NO. 300213
MY COMMISSION EXPIRES APRIL 15, 2001

THE STATE OF GEORGIA
COUNTY OF MUSCOGEE

This instrument is acknowledged before me on this the 20th day of September 1999 by F. LEE CHAMPION, III on behalf of CARMIKE CINEMAS, INC.

Linda Day
Notary Public

LINDA DAY
Name - Typed or Printed

August 30, 2003
Date Commission Expires

THE STATE OF OREGON
COUNTY OF BENTON

This instrument is acknowledged before me on this the 27 day of OCT, 1999 by ANDREW J SCHIOSSER on behalf of SDC WELLTA.

Marcy Taisey
Notary Public

Marcy Taisey
Name - Typed or Printed

4/15/01
Date Commission Expires

OFFICIAL SEAL
MARCY TAISEY
NOTARY PUBLIC - OREGON
COMMISSION NO. 300213
MY COMMISSION EXPIRES APRIL 15, 2001

Attachment III
Page 122

Exhibit U
Prohibited Uses

No part of Tract B and/or Tract C shall be used for a movie theater.

No part of Tract A and/or Tract C shall be used for the sale or leasing of office equipment (including computers), office furniture or office supplies, or the provision of copying or printing services or any other office services then provided by Staples, Inc.

No part of Tract A, Tract B, and or Tract C shall be used for any of the following: (i) tanning, health, exercise or racquet club or spa, gymnasium, bowling alley, skating rink or other sports or recreational facility; (ii) school, library, reading room, or house of worship, gallery, meeting hall (except if such is infrequently used in the auditorium of the existing theatre); (iii) hotel or motor inn; (iv) massage parlor, adult bookstore, a so-called "head" shop, off-track betting, gambling, gaming or check cashing facility; (v) car wash, automobile repair work or automotive service, automobile body shop, automobile, boat, trailer or truck leasing or sales, or laundromat; (vi) tavern, bar, amusement park, carnival, banquet facility, dance hall, disco, nightclub, or other entertainment facility including video game room (unless such is in the common area of the theater for as long as a theatre business is being operated therein), pool hall, arcade (unless such is in the common area of the theatre for as long as a theatre business is being operated therein), indoor children's recreational facility or other amusement center; (vii) any manufacturing, warehouse or office use (except for a commercial bank, or except incidental to a retail operation); (viii) funeral parlor, animal raising or storage (except incidental to a full-line retail pet supply operation), pawn shop, flea market or swap meet, junk yard; (ix) drilling for and/or removal of subsurface substances, dumping, disposal, incineration or reduction of garbage or refuse, other than in enclosed receptacles intended for such purposes; or (x) and use which constitutes a public or private nuisance or produces objectionable noise or vibration.

No part of Tract A shall be used for a restaurant. However, Tract A may be used for a restaurant use as long as that use is incidental to the use of Tract A as a theatre.

Notwithstanding the foregoing, this Exhibit U (Prohibited Uses) shall not prohibit the operation of a Radio Shack Store (as the same operates as of the date hereof), nor prohibit any future tenant of any owner of any Tract from selling and/or leasing office equipment, office furniture or office

supplies or providing office services incidental to such tenant's primary business in no more than an aggregate of 5% of such tenant's sales floor area.

The following are additional Exhibit U (Prohibited Uses). However, It is agreed that the Owner of Tract B, in such Owner's sole discretion, shall be permitted to eliminate all or any portion of such following provisions from Exhibit U; and thereafter, all or such portion of the following provisions of Exhibit U eliminated by the Owner of Tract B shall no longer be enforceable against any owner of Tract A, Tract B, and/or Tract C (upon receipt of written notice by the owner of Tract A and Tract C from the owner of Tract B) except pursuant to a separate written document which it is agreed that the owner of Tract B may enforce against the owner of Tract A and Tract C :

The owners of Tract A covenants and agrees that they will not permit the operation of any training or educational facility or any operation of any entertainment or recreational facility. As used herein "training or educational facility" includes, without limitation, a beauty school, barber college, place of instruction, or any other operation catering primarily to students or trainees rather than to customers, but excludes employee training by Shopping Center tenants incidental to the conduct of their businesses within the Shopping Center. As used herein, "entertainment or recreational facility" includes, without limitation, a , carnival, bowling alley, skating rink, amusement center, electronic or mechanical games arcade, pool or billiard hall, betting parlor, bingo parlor, health or aerobic spa or studio, gymnasium, massage parlor, pornographic shop, adult book store, nightclub, dance hall, tavern, cocktail lounge, any facility serving alcoholic beverages, or other place of public or private amusement.

The owners of Tract C covenants and agrees that they will not permit the operation of any restaurant (including any take-out, fast-food, cafeteria or full service sit-down restaurant) within 270 linear feet of the K-Mart Tract demising line, or any training or educational facility or any operation of any entertainment or recreational facility. As used herein "training or educational facility" includes, without limitation, a beauty school, barber college, place of instruction, or any other operation catering primarily to students or trainees rather than to customers, but

excludes employee training by Shopping Center tenants incidental to the conduct of their businesses within the Shopping Center. As used herein in reference to Tract C, "entertainment or recreational facility" includes, without limitation, a theater, carnival, bowling alley, skating rink, amusement center, electronic or mechanical games arcade, pool or billiard hall, betting parlor, bingo parlor, health or aerobic spa or studio, gymnasium, massage parlor, pornographic shop, adult book store, nightclub, dance hall, tavern, cocktail lounge, any facility serving alcoholic beverages, or other place of public or private amusement.

The restriction against a bowling alley, skating rink, amusement center, pool or billiard hall, health or aerobic spa or studio, or gymnasium does not apply to the building marked "Theater" on Exhibit X. The building marked "Theater" on Exhibit X may include a carnival or electronic or mechanical games arcade in its lobby. The building marked "Theater" on Exhibit X will present only films which are typically presented in shopping center theaters throughout the United States."

The owners of Tract A, Tract B, and Tract C covenants and agrees that they will not permit: i) any space to be leased, occupied, or used as a discount store, the principal business of which is similar to that conducted by Kmart and whose overall retail concept is based on a general or variety store discounting price structure (as the definitions of these terms are generally recognized within the retailing industry), and/or; ii) any sale of food for off-premises consumption and pharmaceutical merchandise. "Pharmaceutical merchandise" means any product which, by law, may be sold at retail only by or under the supervision of a registered pharmacist.

Exceptions to Covenant:

"(a) Stores may devote up to, but not more than, the greater of (i) 3,000 square feet of sales area (including aisle space adjacent thereto), or (ii) sales area (including aisle space adjacent thereto) of up to ten percent of the total square footage of the store, not to exceed 4,500 square feet, to the sale of food for off-premises consumption.

"(b) Restaurants may sell food prepared on premises for off-premises consumption.

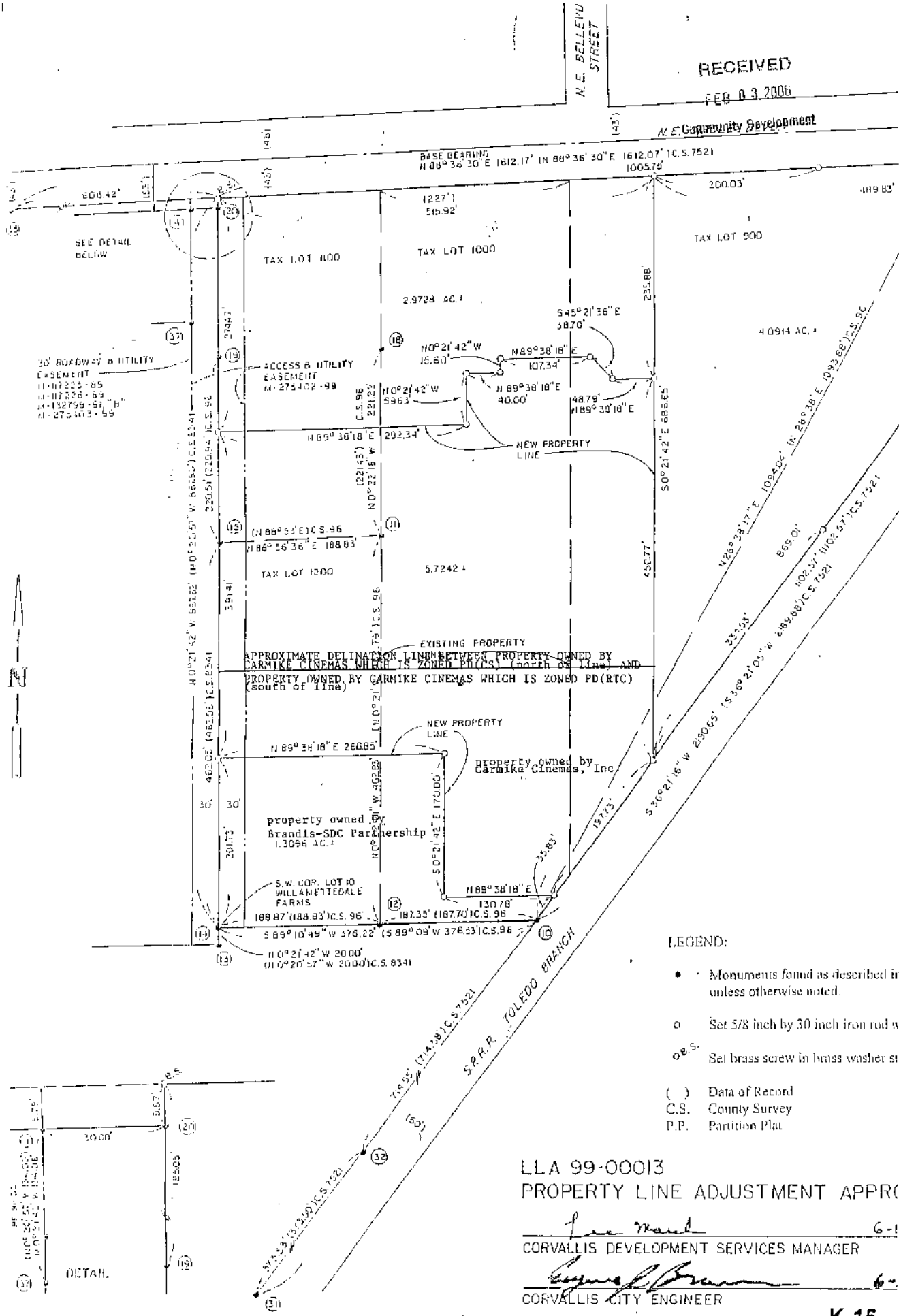
"(c) The building marked "Theater" on Exhibit A may sell food prepared for off-premises consumption so long as the building is operated as a theater.

Additional Provisions of the Reciprocal Easement Agreement and Association Agreement:

The following are additional provisions that are to be included as section 4.D. of the Reciprocal Easement Agreement. However, it is agreed that the Owner of Tract B (in such Owner's sole discretion) shall be permitted to eliminate all or any portion of such following section 4.D of the Reciprocal Easement Agreement; and thereafter, all or such portion of section 4.D (eliminated by the Owner of Tract B) shall no longer be applied against the Tract(s) and/or be enforceable against any owner of Tract A, Tract B, and/or Tract C (upon receipt of written notice by the owner of Tract A and Tract C from the owner of Tract B):

" 4.D K-Mart Tract Access... Notwithstanding anything stated in section 4. to the contrary; if the owner of the approximately 5 acre tract (the "K-mart Tract") agrees to subject such K-Mart Tract to a recorded easement (and/or recorded memo) benefitting the Owners of Tract A, Tract B, and Tract C (and their tenants, patrons, employees, invitees, licensees, successors, and assignees) with rights to free and non-exclusive use of such parking areas (on the K-Mart Tract) for the purpose of ingress and egress over and across such parking area, and rights to park automobiles and other passenger vehicles in parking spaces within such parking areas (on the K-Mart Tract);-- ---- then the easement over the Parking Areas (as previously defined in section 4 of this Reciprocal Easement Agreement) for the free and non-exclusive right to use such Parking Areas for the purpose of ingress and egress over and across such Parking Area and for rights to park automobiles and other passenger vehicles in parking spaces within such Parking Areas shall also benefit the owner of the K-Mart Tract (and their tenants, patrons, employees, invitees, licensees, successors, and assignees)".

The easement over Parking Areas (as previously defined in section 4 of this Reciprocal Easement Agreement) for free and non exclusive right to use such Parking Areas for the purpose of ingress and egress over and across such Parking Area and for rights to park automobiles and other passenger vehicles in parking spaces within such Parking Areas shall also benefit the owner of the "McFadden" Property described in Exhibit X and Exhibit A (and their tenants, patrons, employees, invitees, licensees, successors, and assignees)."



LEGEND:

- • Monuments found as described in unless otherwise noted.
- o Set 5/8 inch by 30 inch iron rod w
- o B.S. Set brass screw in brass washer st
- ( ) Data of Record
- C.S. County Survey
- P.P. Partition Plat

LLA 99-00013

PROPERTY LINE ADJUSTMENT APPR(

6-

CORVALLIS DEVELOPMENT SERVICES MANAGER

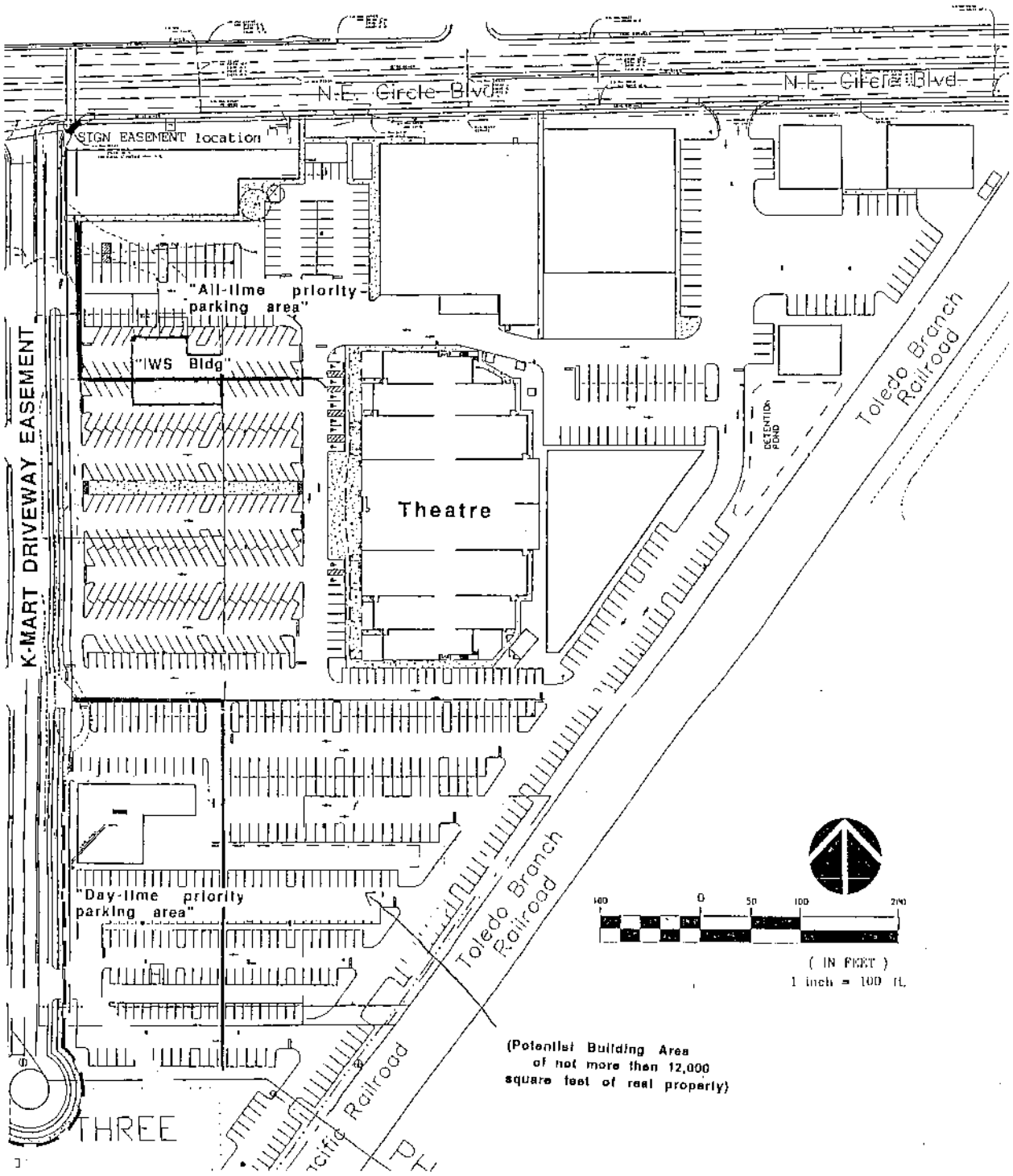
6-

CORVALLIS CITY ENGINEER

K-15

Attachment III
Page 128

Exhibit X



ee Exhibit X (continued)
for Metes and Bounds
Description of
K-Mart Driveway Easement

NOTES:
* driveways are designated as arrows.
* "McFadden" property located south of Tract(s) A and C
* Owner of Tract B may revise final shape of building(s) shown in Tract B

Attachment III
Page 129

TABLE VIII: 2003 SUMMARY OF CORVALLIS VACANT LANDS, BY ZONE

(Does not include existing right-of-way areas or vacant acreage for OSU or AG-OS zones and does not itemize areas subject to a Planned Development Overlay. See "Other Background Information" section for a description of all zones. Also does not account for constrained lands that will be identified with formal adoption of the Natural Features Project.)

ZONE	Total Acres (A)	All Vacant Areas* (B)	% Of Each Zone That is Vacant (B/A)	% Vacant Land Per Zone / Total Vacant Land in City (B/1,465.3)
Residential:				
Low-Density (2-6 Units/Acre):				
RS-3.5	2,611.8	229.3	8.8%	15.6%
RS-5	588.4	161.9	27.5%	11.0%
RS-6	353.4	168.9	47.8%	11.5%
Medium Density (6-12 Units/Acre):				
RS-9	752.6	133.7	17.8%	9.1%
Medium-High Density (12-20 Units/Acre):				
RS-12	386.3	103.2	26.7%	7.0%
RS-12U	11.9	0.0	0.0%	0.0%
High Density (20+ Units/Acre):				
RS-20	282.5	11.0	3.9%	[illegible]
Subtotal, Residential:	**4,986.9**	**808.0**	**16.2%**	**5[illegible]**
Commercial:				
Central Business District (CBD)	85.9	0.6	0.7%	[illegible]
Central Business Fringe (CBF)	16.4	0.5	3.0%	[illegible]
Linear Commercial (LC)	197.1	10.3	5.2%	[illegible]
Community Shopping (CS)	73.2	0.0	0.0%	[illegible]
Shopping Area (SA)	36.2	6.8	18.8%	0.5%
Shopping Area - University (SAU)	5.5	0.1	1.8%	0.0%
Special Shopping District (SSD)	7.5	1.0	13.3%	0.1%
Professional & Administrative Office (P-AO)	71.9	18.2	25.3%	1.2%
Mixed Use Commercial (MUC)	25.9	5.2	20.1%	0.4%
Subtotal, Commercial:	**519.6**	**42.7**	**8.2%**	**2.9%**
Industrial:				
Limited Industrial (LI)	38.4	12.0	31.3%	0.8%
General Industrial (GI)	891.0	501.9	56.3%	34.3%
Intensive Industrial (II)	101.0	62.0	61.4%	4.2%
Mixed Use Employment (MUE)	22.3	11.1	49.8%	0.8%
Research Technology Center (RTC)	103.6	27.6	26.6%	1.9%
Subtotal, Industrial:	**1,156.3**	**614.6**	**53.2%**	**41.9%**
Other:**	**801.4**			
TOTAL ACRES (Excluding Existing ROW):	**7,464.2**	**1,465.3**	**19.6%**	**100.0%**

*Includes all vacant areas, as itemized in Table IX.

**Includes lands zoned OSU and Agriculture-Open Space.

Attachment III
Page 130

Attachment L

Table 8. Comparison of Land Need and Supply, *City Limit*, 1996-2020

Plan Designation	---- Land Need ---- Net Acres	Gross Acres	---------- Land Supply ---------- Unconst. Vacant Acres	Redev Acres[a]	Total Buildable Acres	Mixed Use Allocation	Surplus/ Deficit
Agriculture			10		10	0	10
Commercial/Office							
Commercial (CB/LC/SA)	60	76	3	12	15	98	37
Office (PAO)	176	220	41	3	44	49	-127
Comm/Office Total	236	296	44	15	59	147	-90
Industrial							
Heavy Industrial (GI/II)	35	44	417	13	430	12	398
Light Industrial (LI/RTC)	86	108	76	5	81	64	37
Industrial Total	121	152	493	18	511	76	435
Mixed Use[b]							
Intensive Development Sector	see text				-		0
Limited Office-Industrial			50	1	51		51
Mixed Use Commercial			123	29	152		152
Mixed Use Employment			31	4	35		35
Mixed Use Residential			19	-	19		19
Mixed Use Total			223	34	257		257
Public Institutional	672	739	72		72		-667
Residential							
Low Density Residential	430	558	892		892	7	341
Medium Density Residential	156	199	407		407	22	230
Medium-High Density Residential	129	161	87	7	94	3	-64
High-Density Residential	24	26	6	8	14	-	-12
Residential Total	738	944	1,392	15	1,407	33	496
Total, All Designations[c]	1,767	2,131	2,234	82	2,059	257	185

Source: ECONorthwest, 1998.

[a] Redevelopable land includes commercial, industrial ,and multi-family residential (medium-high and high) land.

[b] No land need was allocated to this sector. Mixed use allocations are shown in a separate column. Total mixed use allocation sums to vacant buildable acres in mixed use designations as shown by the shaded cells

[c] Some numbers may not add exactly because of rounding. The Total Buildable Acres value does not include acres in mixed use designations, those are shown in the mixed-use allocation column

Tables 7 and 8 suggest that public/institutional and commercial designations have land deficits. Those estimates are misleading.

The City has a deficit (estimated at 667 acres) of vacant public and institutional land. Well over half of the need derives from the City's policy stating that it should add 35 acres of parkland for every 1,000 people added to the City's population. For these uses the City is probably not required to re-designate land to address the potential deficit. The City can rely on its oversupply of low-density residential land, its subdivision and PUD process, and the land taken out of the buildable land inventory because of its natural features (e.g., steep slopes, wetlands, floodplains) to meet much of this need.

Staff Identified Applicable Review Criteria

Schlosser - Corvallis Business Park
Comprehensive Plan Amendment, Zone District Change and
Planned Development Major Modification
(CPA05-00005, ZDC05-00014, PLD05-00023, LLA06-00003)

The following is a list of staff identified review criteria for the above reference case. Criteria are from the Corvallis Land Development Code, Corvallis Comprehensive Plan, and Oregon Administrative Rules.

Land Development Code

Chapter 1.2 Legal Framework

Section 1.2.90 - THE OFFICIAL DEVELOPMENT DISTRICT MAP

Boundaries of development districts established by this Code are shown on the Official Development District Map on file in the Community Development office. The Official Development District Map and all amendments and other matters entered on the Official Development District Map are a part of this Code and have the same legal effect as if fully set out herein.

1.2.90.01 - Amendments

Amendments to the Official Development District Map shall be adopted as provided in Chapter 2.2 - Development District Changes. After adoption of an amendment, the Director shall alter the Official Development District Map to indicate the amendment.

1.2.110.02 - Special Development

Special Development includes development activities that require applying at least some amount of discretion. As with General Development, approval of the use is subject to district standards and other development provisions of the Code and City ordinances and requirements. There are two types of special developments:

Type I: Generally requires considerable discretion and involves a public hearing, in accordance with the provisions of Chapter 2.0, and approval by an established hearing authority; and

Type II: Requires less discretion than Type I and involves review and approval by staff without a public hearing. This type of development qualifies as a Limited Land Use Decision under ORS 197.015. Type II Special Developments require public notice prior to a decision being made by staff with a follow-up notice being provided to affected persons who

responded in writing to the first notice. Appeals are made to the Land Development Hearings Board and City Council in accordance with Chapter 2.19.

1.2.110.02.01 - Type I: Special Development

Special development activities that require a public hearing are described in the following sections of Article II - Administrative Procedures:

Chapter 2.1	-	Comprehensive Plan Amendment Procedures
Chapter 2.2	-	Development District Changes
Chapter 2.3	-	Conditional Development
Chapter 2.4	-	Subdivisions and Major Replats
Chapter 2.5	-	Planned Developments
Chapter 2.6	-	Annexations
Chapter 2.7	-	Extension of City Services Outside the City Limits
Chapter 2.8	-	Vacating of Public Lands and Plats
Chapter 2.9	-	Historic Preservation Provisions (excluding Section 2.9.60 - Procedures for Alteration of an Historic Resource)

Chapter 2.0 Public Hearings

2.0.50.15 - Multiple Applications Filed Together

When more than one application has been filed at one time for a specific property or development, and any of those applications would ordinarily be heard by the Planning Commission, all of the applications shall be heard by the Planning Commission at the same meeting. For example, applications for development district changes are ordinarily heard by the Land Development Hearings Board. When a District change is sought simultaneously with an amendment to the Comprehensive Plan, however, the two applications shall be considered together by the Planning Commission and no action by the Land Development Hearings Board is required.

Chapter 2.3 Comprehensive Plan Amendment

Section 2.1.20 - PURPOSES

This chapter sets forth review criteria and procedural requirements:

a. Respond to changing conditions and community attitudes;

b. Ensure flexibility while at the same time maintain the integrity of the Comprehensive Plan; and

c. Establish procedures by which the Plan text and map may be amended.

2.1.30.02 - Frequency of Plan Amendments

Applications for Comprehensive Plan amendments initiated by property owners shall be reviewed semi-annually in March and September by the Planning Commission. The City Council may initiate amendments to the Comprehensive Plan at any time. Comprehensive Plan Amendments filed in conjunction with an annexation application shall be reviewed concurrently. Comprehensive Plan amendments are exempt from the time limits established in State law for development review processes and shall be exempt from time restrictions set forth in this code.

2.1.30.03 - Application Requirements

An application may be filed jointly by any or all of the property owners of record or their authorized agents within the area of the proposed Comprehensive Plan amendment. Applications shall be on forms provided by the Director and include a description and map of the area to be affected by the proposed change, a statement of the reasons for the change, and other information as may be necessary for an adequate review of the application. Notice shall be provided to the Land Conservation and Development Commission (LCDC) of any proposed amendment or new regulation as provided by State law.

2.1.30.06 - Review Criteria

Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

a. Amendments shall be approved only when the following findings are made:

   1. There is a public need for the change;
   2. The change being proposed is the best means of meeting the identified public need; and
   3. There is a net benefit to the community that will result from the change.

b. In addition, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan map:

   1. Visual elements (scale, structural design and form, materials, and so forth);
   2. Noise attenuation;
   3. Noxious odors;
   4. Lighting;
   5. Signage;
   6. Landscaping for buffering and screening;
   7. Traffic;
   8. Effects on off-site parking;
   9. Effects on air and water quality.

Chapter 2.02 Development District Changes

Section 2.2.20 - PURPOSES

This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative district map amendments to accomplish the following:

a. Maintain sound, stable, and desirable development within the City;

b. Permit changes in development district boundaries where appropriate;

c. Ensure district changes are consistent with the community's land use policies and goals; and

d. Lessen the influence of private economic interests in the land use decision-making process.

2.2.40.02 - Application Requirements

An application for a district change that requires a quasi-judicial hearing shall be made on forms provided by the Director and shall include the following where applicable:

a. Description of the land (address, lot, block, or similar description);

b. Narrative addressing how the application meets the review criteria in 2.2.40.05 below;

c. Maps, drawings, and such other information as may be needed for an adequate review of the application.

If a proposed district change is to include land in more than one ownership, the application must be submitted jointly by all of the owners or authorized agents.

2.2.40.05 - Review Criteria

Quasi-judicial district changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

a. Visual elements (scale, structural design and form, materials, and so forth;
b. Noise attenuation;
c. Noxious odors;
d. Lighting;
e. Signage;
f. Landscaping for buffering and screening;
g. Traffic;

h. Effects on off-street parking;
i. Effects on air and water quality.

Chapter 2.5 Planned Development

2.5.60.01 - Purposes of a Planned Development Modification

a. Provide a limited amount of flexibility with regard to site planning and architectural design for approved Conceptual or Detailed Development Plans; and

b. Provide elements within the development site that compensate for requested variations from approved Conceptual or Detailed Development Plans such that the intent of the original approvals is still met.

2.5.60.02 - Thresholds that Separate a Minor Planned Development Modification from a Major Planned Development Modification

a. The factors identified here describe the thresholds that separate a Minor Planned Development Modification from a Major Planned Development Modification:

1. Change in use type, with the exception that for a valid (still active) Planned Development that existed or was approved before December 31, 2000, a modification request shall be considered as follows:

(a) A request to add uses permitted by the underlying zone to up to 25 percent of the total acreage within the Planned Development site shall be considered a Minor Planned Development Modification; and

(b) A request to add uses permitted by the underlying zone to greater than 25 percent of the total acreage within the Planned Development site shall be considered a Major Planned Development Modification;

b. A modification that equals or exceeds the thresholds identified in section 2.5.60.02.a shall be processed as major modification.

2.5.60.03 - Procedures for a Major Planned Development Modification

d. In reviewing the proposed modification, the Planning Commission shall follow the procedures herein required for Detailed Development Plan submittal and review. The Commission shall consider the review criteria in 2.5.40.04 to determine whether to authorize a Major Modification.

2.5.40.04 - Review Criteria

Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the

Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

- Basic site design (the organization of uses on a site);
- Visual elements (scale, structural design and form, materials, and so forth);
- Noise attenuation;
- Noxious odors;
- Lighting;
- Signage;
- Landscaping for buffering and screening;
- Traffic;
- Effects on off-site parking;
- Effects on air and water quality.

Chapter 2.13 Partitions, Minor Replats, and Lot Line Adjustments

Section 2.14.20 - PURPOSES

Land division procedures are established in this chapter for the following purposes:

a. Ensure building sites of sufficient size and appropriate design and that lots to be created are within the density ranges permitted by the Comprehensive Plan;

b. Minimize negative effects of development upon the natural environment and to incorporate natural features into the proposed development where possible;

c. Ensure economical, safe, and efficient routes for pedestrians, bicycles, and motor vehicles;

d. Ensure appropriate level of urban facilities and services including provisions for water, drainage, and sewage;

e. Create residential living environments that foster a sense of neighborhood identity and are protected from the adverse effects of heavy traffic and more intensive land uses; and

f. Promote energy efficiency.

Section 2.14.60 - LOT LINE ADJUSTMENT

a. An application for a lot line adjustment shall be administered in accordance with the tentative partition plat procedures contained in Section 2.14.30 except the application shall be exempt from public notice provisions in 2.14.30.03 and review criteria in 2.14.30.05.

b. A lot line adjustment shall be approved if the following criteria have been met:

1. The lot line adjustment shall not result in creation of an additional unit of land.

2. Any unit of land reduced in size by the lot line adjustment shall comply with all applicable development district regulations.

3. Any nonconforming development on lots subject to a lot line adjustment shall not have the degree of nonconformity increased as a result of the lot line adjustment.

4. The availability of both public and private utilities and required access shall not be adversely affected by a lot line adjustment.

c. Approvals shall be subject to the following minimum conditions:

1. Deeds, based on a metes and bounds legal description, for all adjusted lots resulting from the lot line adjustment shall be recorded with the Benton County Recorder's Office.

2. A Certified Boundary Survey map that reflects the approved lot line adjustment shall be filed with Benton County. Prior to the filing of the survey map with Benton County, the map shall be reviewed by the City and signed by the Director and the City Engineer.

3. Copies of the recorded deeds and filed survey map shall be provided to the City following recordation.

Chapter 3.23 Research Technology Center District

Section 3.26.10 - PURPOSE

This district implements the Industrial Use designation of the Comprehensive Plan. It is intended to provide locations for research and technology uses that desire a campus-like setting, with supporting commercial uses not to exceed 20 percent of the gross floor area, and to establish standards that address compatibility of the center with surrounding uses.

Section 3.26.30 - PERMITTED USES

3.26.30.01 - General Development

a. **Primary Uses Permitted Outright** consistent with previously approved Conceptual Development Plan

1. Civic Use Type:
   - University Services and Facilities
   - Freestanding wireless telecommunication facilities up to 60 ft in height, subject to the standards in Chapter 4.9.

2. Commercial Use Types:
   - Communications Services
   - Eating and Drinking Establishments - Sitdown (1 per development site)

- Professional and Administrative Services (minimum building size of 800 sq. ft)
- Research Services

3. Commercial and Residential Use Types: The following use types are subject to special limitations as specified below in Section 3.26.40 - Development Standards:
   - Business Equipment Sales and Service
   - Business Support Services
   - Convenience Sales and Personal Services
   - Eating and Drinking Establishments - Sitdown (where it exceeds the one allowed eating & drinking establishment for the entire site)
   - Financial, Insurance, and Real Estate Services
   - Group Residential/Group Care: Day-Care Services only
   - Participating Sports and Recreation
   - Personal Services

4. Industrial Use Type:
   - Limited Manufacturing
   - Technological Production
   - Wholesaling, Storage, and Distribution-Light

3.26.40.01 - Lot Area

Minimum parcel area for a development site shall be 50 acres. Individual lot sizes shall be adequate to fulfill applicable Code requirements and minimum standards of this district.

Chapter 3.20 Mixed Use Commercial District

Section 3.20.10 - PURPOSE

This district introduces some residential and industrial uses into areas with commercial designations on the Comprehensive Plan Map. It is intended to provide areas for commercial uses, as well as civic and residential uses, and to provide basic services and amenities at a scale appropriate to surrounding developments. Other objectives of the Mixed Use Commercial District include: expanding housing opportunities; allowing businesses to locate in a variety of settings; providing options for living, working, and shopping environments; facilitating more intensive use of land while minimizing potentially adverse impacts; and providing options for pedestrian-oriented lifestyles.

Section 3.20.20 - GENERAL PROVISIONS

3.20.20.01 - Establishment of the MUC District
The MUC district may be applied to Commercial designations on the Comprehensive Plan map or to lands designated through a legislative process. The district may also be applied

to parcels which meet Land Development Code Section 2.2.30 criteria for district changes, and the following criteria for district location, dimensions, and size.

a. Locational Criteria

The following locational criteria shall be applied to district changes, in conjunction with Chapter 2.2 District Changes.

1. The MUC district shall have frontage from at least one of the following street classifications: Arterial Highway, Arterial, or Collector, as designated by the City of Corvallis Functional Classification System. However, frontage may be provided from a Neighborhood Collector street when a Planned Development district overlay is applied to the district;

AND EITHER

2. All portions of the MUC district shall be located within 1/4 mile of existing or planned transit service;

OR

3. The MUC district shall be located in areas determined, through a Planned Development process, to be necessary to provide mixed use opportunities and services to adjacent areas.

b. District Size and Dimensions

1. The site shall consist of at least one *"whole"* legal lot if the lot is one acre or less in size. When multiple tax lots are included, portions at least one acre in size of individual lots may be included, provided the size of the remainder of each lot is developable under its district designation. Public street rights-of-way shall not count toward the total area of a district.

2. A Planned Development district overlay shall be applied to MUC districts which exceed three (3) acres or involve multiple parcels. In the event that all parcels within the district do not concurrently develop, the Planned Development review 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 district shall have a minimum of 50 feet of frontage onto a public street, as described in Section 3.20.20.01.a.1.

Section 3.20.30 - PERMITTED USES

3.20.30.01 - General Development

a. Primary Uses Permitted Outright:

1. Residential
   (a) Residential Use Types:
      - Family
      - Group Residential
      - Group Residential/Group Care
      - Residential Care Facilities
   (b) Residential Building Types:
      - Single Detached (existing prior to adoption of this Code)
      - Conversion of Detached Dwelling to Attached or Mixed-Use Building
      - Attached (Townhouse)
      - Duplex
      - Multi-Dwelling (includes free-standing buildings and dwelling units in commercial buildings)
      - Accessory Dwelling

   All residential use types are subject to compliance with Section 3.20.40.01 Preservation of Commercial Land Supply.

2. Civic Use Types:
   - Administrative Services*
   - Clinic Services*
   - Cultural Exhibits and Library Services*
   - Lodges, Fraternal and Civic Assembly
   - Parking Services
   - Postal Services that serve the general public (Post Offices)*
   - Public Safety Services
   - Religious Assembly
   - Transit Facilities

A Civic use type that exceeds 5,000 square feet must demonstrate that it primarily serves the immediate area.

3. Commercial Use Types:
   - Animal Sales and Services (small animals):
   Grooming / Veterinary
   - Building Maintenance Services (no outdoor storage)
   - Business Equipment Sales and Services
   - Business Support Services
   - Communication Services
   - Construction Sales and Service (no outdoor storage)
   - Convenience Sales and Personal Services

* Civic use types identified with an asterisk may be considered as "commercial uses" for the purposes of calculating minimum floor area ratios (FAR's) as required by Section 3.20.40, provided they occupy ground floor area.

- Day Care Facilities
- Eating and Drinking Establishments - sit down
- Family Day Care
- Financial, Insurance, and Real Estate Services
- Food and Beverage Sales
- Laundry Services
- Medical Services
- Personal Services - General
- Professional and Administrative Services
- Repair Services - Consumer
- Research Services
- Retail Sales - General
- Transient Habitation - Lodging
- Commercial uses legally established and developed in conformance with the Development District in place on December 7, 1998.

4. Industrial Use Type:
   - Wholesaling, Storage and Distribution (existing prior to Code adoption)

b. Accessory Uses Permitted Outright

1. Essential Services
2. Family Day Care
3. Home Business, when conducted in conjunction with a permitted residential use.
4. Limited Manufacturing - less than 20 employees per acre, and does not require a State or Federal air quality discharge permit, except for parking. Limited manufacturing uses shall be accessory primary use (e.g. factors for determining accessory uses may include, but are not limited to, the number of employees, parking, and building square footage dedicated to each use)
5. Required off-street parking in accordance with Chapter 4.1
6. Other development customarily incidental to the primary use in accordance with Chapter 4.3
7. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft for whip antennas, including mounting, or by 10 ft for all other antennas, subject to the standards in Chapter 4.9.
8. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft for whip antennas, including mounting, or by 10 ft for all other antennas, subject to the standards in Chapter 4.9.

Chapter 3.26 Research Technology Center District

Section 3.26.10 - PURPOSE

This district implements the Industrial Use designation of the Comprehensive Plan. It is intended to provide locations for research and technology uses that desire a campus-like setting, with supporting commercial uses not to exceed 20 percent of the gross floor area, and to establish standards that address compatibility of the center with surrounding uses.

a. **Primary Uses Permitted Outright** consistent with previously approved Conceptual Development Plan

1. Civic Use Type:
   - University Services and Facilities
   - Freestanding wireless telecommunication facilities up to 60 ft in height, subject to the standards in Chapter 4.9.

2. Commercial Use Types:
   - Communications Services
   - Eating and Drinking Establishments - Sitdown (1 per development site)
   - Professional and Administrative Services (minimum building size of 800 sq. ft)
   - Research Services

3. Commercial and Residential Use Types: The following use types are subject to special limitations as specified below in Section 3.26.40 - Development Standards:
   - Business Equipment Sales and Service
   - Business Support Services
   - Convenience Sales and Personal Services
   - Eating and Drinking Establishments - Sitdown (where it exceeds the one allowed eating & drinking establishment for the entire site)
   - Financial, Insurance, and Real Estate Services
   - Group Residential/Group Care: Day-Care Services only
   - Participating Sports and Recreation
   - Personal Services

4. Industrial Use Type:
   - Limited Manufacturing
   - Technological Production
   - Wholesaling, Storage, and Distribution-Light

b. **Accessory Uses Permitted** in accordance with Chapter 2.13 - Plan Compatibility Review

1. Essential Services
2. Other development customarily incidental to the primary use in accordance with Chapter 4.3
3. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential structures that do not increase the height of the existing structures by more than 17 ft for whip antennas, including mounting, or by 10 ft for all other antennas, subject to the standards in Chapter 4.9.

4. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures by more than 17 ft for whip antennas, including mounting, or by 10 ft for all other antennas, subject to the standards in Chapter 4.9.

Section 3.26.40 - DEVELOPMENT STANDARDS

The approved Conceptual Development Plan for the entire RTC site shall comply with the standards listed below. When the Planning Commission reviews a proposed Conceptual Development Plan for the entire RTC site, it shall also assure that the plan limits the uses specified in 3.26.30.01 under "a.3", to 20 percent or less, when considered separately or in combination, of the gross floor area of the development site.

The purpose of special limitations regarding the uses in 3.26.30.01 under "a.3" is to ensure that the proposed use or uses will serve primarily the shopping and service needs of employees and businesses of the uses in the RTC site. Building permits for these commercial uses shall only be approved when subordinate to other existing RTC development. Permits for these subordinate uses shall only be issued concurrent or following issuance of permits for the predominant uses and shall not exceed the maximum 20 percent.

3.26.40.01 - Lot Area

Minimum parcel area for a development site shall be 50 acres. Individual lot sizes shall be adequate to fulfill applicable Code requirements and minimum standards of this district.

3.26.40.02 - Setbacks

a. **Boundary Area** - The setback for the perimeter of a development site shall average 50 ft along the building face for structures 30 ft or less in building height. The minimum setback shall not be less than 30 ft. For a structure over 30 ft in height an additional setback of 2.5 ft for every ft of height over 30 ft shall be added to the average 50 ft setback.

b. **Streets** - Setbacks from streets along the perimeter of the development site shall average 60 ft with a minimum of 40 ft.

c. **Interior Lot Lines** - There are no requirements for separation between buildings or setbacks from any created interior lot lines other than those specified in the Uniform Building Code.

3.26.40.03 - Height of Structure

No structure shall exceed 75 ft in height.

3.26.40.04 - Site Coverage

Building coverage shall not exceed 40 percent; total impervious surface (excluding open space/landscape elements) shall not exceed 60 percent of the entire development site.

3.26.40.05 - Performance Standards

a. Each use, activity, or operation within this district shall comply with applicable State and Federal standards and shall not create a nuisance because of odor, vibration, noise, dust, smoke, or gas.

b. Mechanical equipment, outdoor storage areas, trash receptacles, and parking lots shall be screened from view from public places and neighboring properties, to the extent it is practicable, through use of features such as berms, fences, facades, and dense landscaping in accordance with Chapter 4.2.

c. There shall be a 30-ft wide landscaped area in the boundary area containing trees and shrubs with a fence or a berm. Within the street setback area a 40-ft wide landscaped area shall be provided.

d. Landscaped areas shall be irrigated with permanent facilities sufficient to maintain the plant materials and covered by living plant material capable of attaining 90 percent ground coverage within 3 years.

e. Street trees are required in accordance with Chapter 4.2.

f. Long expanses of fence or wall along public streets shall be designed to prevent visual monotony through the use of offsets, landscaping, and change in materials.

g. Earth sculpturing and other techniques shall be used to reduce building scale along the development site perimeter.

h. Where structures are set back less than 60 ft along a perimeter street, the building arrangement shall provide for open space linkages in such a way that the required open space extends from the street into the interior of the site.

i. Parking, loading, and access requirements shall be in accordance with Chapter 4.1.

j. Access shall be designed to minimize interference with traffic movement on abutting streets. Where the Director determines it is necessary, additional right-of-way shall be dedicated to maintain adequate traffic circulation.

k. Metal siding and roof surfaces shall be covered and maintained with nonreflective paint.

l. Artificial lighting shall be arranged and constructed as to not produce direct glare on 1adjacent residential properties.

m. Signage shall be designed and oriented in such a way as to primarily serve those within the RTC development. Structures or portions of structures used for commercial purposes shall be designed to primarily serve those within the RTC development.

Chapter 3.32 Planned Development District Overlay

The Planned Development (PD) District overlay can be applied in conjunction with any other district. Property with a PD District designation shall be developed in accordance with the provisions of Chapter 2.5.

Section 3.32.10 - PURPOSES

This overlay district is intended to:

a. Promote flexibility in design and permit diversification in location of structures;

b. Promote efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;

c. Preserve to the greatest extent possible existing landscape features and amenities, and utilize such features in a harmonious fashion;

d. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;

e. Combine and coordinate architectural styles, building forms and building relationship within the planned development;

f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;

g. Promote and encourage energy conservation; and

h. Provide greater compatibility with surrounding land uses than what may occur with a conventional project.

Chapter 4.0 Improvements Required With Development

4.0.70.d - Street Requirements

1. Where a development site abuts an existing public street not improved to City standards, the abutting street shall be improved to City standards along the full frontage of the property concurrent with development.

Section 4.0.40 - Pedestrian Requirements

b. Safe and convenient pedestrian facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops and neighborhood activity centers such as schools and parks.

Section 4.0.50 - Bicycle Requirements

c. Safe and convenient bicycle facilities that strive to minimize travel distance to the greatest extent practicable shall be provided in conjunction with new development within and between new subdivisions, planned developments, commercial developments, industrial areas, residential areas, transit stops and neighborhood activity centers such as schools and parks.

4.0.40.b All developments shall provide safe, convenient, pedestrian walkways between the buildings and transit stop, in accordance with the provisions of section 4.0.40.b.

Section 4.0.80 - PUBLIC UTILITY EXTENSIONS

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

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

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

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

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

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

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

2. The development site remains in one ownership and land division does not occur (with the exception of land divisions that may occur under the provisions of 4.0.70.f above);

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

4.0.110 - Land for Public Purposes

- Easements for public sanitary sewer, water, storm drain, streetlight, pedestrian and bicycle facilities shall be provided whenever these facilities are located outside of public right-of-way in accordance with the following:

  1. When located between adjacent lots, easement shall be provided on one side fo a lot line.

  - The minimum easement width for a single utility is 15 feet. The minimum easement width for two adjacent utilities is 20 feet. The easement width shall be centered on the utility to greatest extent practicable. Wider easement may be required for unusually deep facilities.

Comprehensive Plan Policies

1.1.6 The Comprehensive Plan Map shall be modified, as necessary, to accommodate shortfalls in any identifiable land use designation.

1.2.2 All Comprehensive Plan Policy changes shall be reviewed by both the Planning Commission and the City Council in public hearings prior to adoption.

1.2.3 Amendments to the Comprehensive Plan can only be approved where the following findings are made:

A. There is a demonstrated public need for the change.

B. The advantages to the community resulting from the change shall outweigh the disadvantages.

C. The change proposed is a desirable means of meeting the public need.

1.2.5 The City shall coordinate revisions of the Comprehensive Plan with regional, State, and Federal agencies.

3.2.1 The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:

A. Preservation of significant open space and natural features;

B. Efficient use of land;

C. Efficient use of energy and other resources;

D. Compact urban form;

E. Efficient provision of transportation and other public services; and

F. Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.

3.2.7 All special developments, lot development options, intensifications, changes or modifications of nonconforming uses, Comprehensive Plan changes, and district changes shall be reviewed to assure compatibility with less intensive uses and potential uses on surrounding lands. Impacts of the following factors shall be considered:

A. Basic site design (i.e., the organization of uses on a site and its relationship to neighboring properties);

B. Visual elements (i.e., scale, structural design and form, materials, etc.);

C. Noise attenuation;

D. Odors and emissions;

E. Lighting;

F. Signage;

G. Landscaping for buffering and screening;

H. Transportation facilities; and

I. Traffic and off-site parking impacts.

4.10.7 To minimize the negative impacts of development, stormwater runoff after development should be managed to produce no significant reduction of water quality than prior to development unless more appropriate provisions are identified in adopted comprehensive storm water management plans.

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.

8.9.3 Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.

8.9.7 The City shall designate Research-Technology Center (RTC) as a distinct industrial district that helps continue the practice of providing adequate green open space to maintain community livability. The RTC district shall contain the following features:

A. Campus-like development plan;

B. Use of natural site characteristics and other significant design elements as a means of buffering adjacent land uses;

C. Orderly, economic provision of an adequate level of key facilities; and

D. The RTC district shall be used to help assure the availability and adequacy of sites for "high-tech," "biotech," and renewable resource-based businesses and industries, and to foster the transfer of academic and private research results into practical applications.

8.9.15 Industrial and commercial development adjacent to rail lines shall be designed and constructed in a way that does not preclude the future use of the rail facility.

8.10.1 The location, type, and amount of commercial activity within the Urban Growth Boundary shall be based on community needs.

8.10.2 Given the community's intention to prevent decline in existing commercial areas, the City shall explore opportunities to facilitate and assist in the redevelopment of existing commercial areas, in a manner that meets current standards.

8.10.4 New commercial development shall be concentrated in designated mixed use districts, which are located to maximize access by transit and pedestrians.

8.10.5 Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the

south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

8.10.7 The City shall develop standards for a hierarchy of mixed use commercial districts, with minor neighborhood centers serving neighborhood shopping and office needs, major neighborhood centers serving community shopping and office needs, and the downtown commercial districts serving regional shopping and office needs. The Professional and Administrative Office district can serve both community and regional office needs. Major neighborhood centers shall be sited at transit nodes on arterial streets and shall incorporate pedestrian-scale features such as building orientation to the street and limiting the maximum block perimeter. As the Land Development Code is updated, districts shall be developed that address all of the community's desired commercial needs.

8.12.1 Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

9.2.5 Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:

A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.

B. Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.

C. Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.

D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.

E. Neighborhoods have a mix of densities, lot sizes, and housing types.

F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.

G. Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.

H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.

I. Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.

J. Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.

K. Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.

L. Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.

M. Neighborhoods have street trees in planting strips in the public right-of-way.

10.2.9 All developments shall comply with adopted utility and facility master plans and the Capital Improvement Plan.

10.2.11 Developers shall be required to participate financially in providing the facilities to serve their projects as a condition of approval.

10.2.12 Developers will be responsible for the construction of all facilities internal to and fronting their properties and for needed extensions of facilities to and through their site.

10.3.6 The City shall take steps to minimize the effects of development on downstream drainage systems through the use of appropriate strategies as identified in the Stormwater Master Plan.

10.4.2 Private utility facilities shall be planned and sited consistent with the City's Comprehensive Plan, development standards, prudent management of the City-owned right-of-way, and laws governing franchised utilities.

11.2.2 The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.

11.2.3 The City shall develop and promote alternative systems of transportation which will safely, economically, and conveniently serve the needs of the residents.

11.2.7 The City shall establish a Capital Improvement Program for the transportation system which:

- Is subject to annual review;
- Is consistent with land use policies of the Comprehensive Plan and considers other facility plans;
- Defines the locations of rights-of-way necessary for the creation of a community-wide transportation system;
- Establishes a priority for improvements to the system;
- Provides for the needs of all modes of transportation with the rights-of-way; and
- Considers the economic impacts upon properties resulting from transportation improvements.

11.2.11 The City shall coordinate with the Oregon Department of Transportation (ODOT) in implementing its highway improvement program.

11.2.12 The transportation system shall reflect consistency with the Corvallis Comprehensive Plan, land use designations, and regional and statewide transportation planning efforts.

11.2.14 Oregon Department of Transportation should fund, maintain, and improve all State highway facilities (highways, 99W, 34 and 20) to meet level-of-service standards contained in the Oregon Highway Plan. When specific construction plans are proposed, ODOT should prepare comprehensive roadway designs that recognize urban usage for surface transportation modes, including facilities for pedestrians, bicycles, transit, drainage, curbs and gutters.

11.3.6 Adequate street widths and routes shall be provided for emergency and service vehicles while maintaining accessibility to abutting properties.

11.3.9 Adequate capacity should be provided and maintained on arterial and collector streets to accommodate intersection level-of-service (LOS) standards and to avoid traffic diversion to local streets. The level-of-service standards shall be: LOS "D" or better during morning and evening peak hours of operation for all streets intersecting with arterial or collector streets, and LOS "C" for all other times of day.. Where level-of-service standards are not being met, the City shall develop a plan for meeting the LOS standards that evaluates transportation demand management and system management opportunities for delaying or reducing the need for street widening. The plan should attempt to avoid the degradation of travel modes other than the single-occupant vehicle.

11.3.10 In addition to level-of-service and capacity demands, factors such as livability, sustainability, and accessibility shall be considered in managing the City's transportation system.

11.5.2 Bikeways shall provide safe, efficient corridors which encourage bicycle use. Bicycle use of major streets shall be considered as improvements are made to major transportation corridors.

11.7.1 An improved public transportation system within the Urban Growth Boundary should be established to improve the livability of the community, to reduce pollution and traffic, and to reduce energy consumption.

12.2.5 The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation. A location where this is desirable is in the Central City.

13.5.1 The City shall encourage private investment in the downtown that supports the diverse activities of the Central City and is consistent with maintaining downtown as the primary shopping center and business district area.

13.5.4 The City shall seek opportunities to assist downtown in maintaining its market share of the retail dollars spent in and by the community.

13.5.6 Development of a regional shopping center outside the downtown is inappropriate.

40.2.2 Mixed Use Commercial

These areas will provide for primarily commercial uses but also will allow for some civic, industrial, and residential uses that are compatible with the predominant commercial uses, while maintaining the City's supply of commercially-designated lands.

40.3.4 General Industrial

Intended to provide appropriate locations for a variety of general industrial uses including manufacturing and related activities with few, if any, nuisance characteristics.

40.4.1 Neighborhood Centers

The Neighborhood Centers denote commercial areas that are designed with a pedestrian orientation and serve the general community and/or surrounding neighborhood. Neighborhood Centers may be designed to incorporate a mixture of uses. The dots denote the conceptual location of the Neighborhood Centers and the circles represent a 1/4 distance from the Centers, which is considered to be a comfortable walking distance. The shaded circles depict possible Minor Neighborhood Centers for which further study is needed.

Applicable Oregon Administrative Rules

660-012-0060 Plan and Land Use Regulation Amendments

- Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:

  1. Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
  2. Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;

3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
4. Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multi-modal travel choices are provided.

2. A plan or land use regulation amendment significantly affects a transportation facility if it:

   A. Changes the functional classification of an existing or planned transportation facility;
   B. Changes standards implementing a functional classification system;
   C. Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
   D. Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

Applicable Oregon Statewide Planning Goals

Goal 1 - Citizen Involvement Goal 2 - Land Use Planning Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces Goal 6 - Air, Water, and Land Resources Quality	Goal 9 - Economy of the State Goal 11 - Public Facilities and Services Goal 12 - Transportation Goal 13 - Energy Conservation

GROUP MACKENZIE

APR 11 2006

April 7, 2006

City of Corvallis
Public Works Department
Attention: Josh Bjornstedt
501 SW Madison Avenue
Corvallis, Oregon 97339

Re: **Corvallis Business Park – Plan Amendment Zone Change**
CPA05-00005, ZDC05-00014, PLD05-00023
Trip Generation Impact Assessment – Technical Letter #2
Project Number 2040120.00

Dear Mr. Bjornstedt:

The following letter has been prepared to revise and clarify the previously submitted traffic impact analyses prepared by Group Mackenzie.

The Schlosser comprehensive plan amendment (CPA) proposes a zoning district change (ZDC) from General Industrial (GI) with Research Technology (RT) overlay to Mixed Use Commercial (MUC). As specifically identified in the following Tables, land uses anticipated to generate the greatest number of trips (reasonable worst-case development) include convenience sales and personal services, and eating and drinking establishments. **These uses are permitted outright in both zoning districts.**

The subject property area to be rezoned is approximately 1.2 acres in size. Due to land use restraints and restrictions (e.g. parking, landscaping, setbacks, etc.), it is unrealistic to assume any more density than contemplated in the following tables. Further, these requirements are substantially the same in the current and proposed zoning districts for the reasonable worst-case developments.

The Transportation Planning Rule (TPR) requirements outlined in Oregon Administrative Rule (OAR) 660-012-0060(1) state, *"An amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures as provided in section (2) of this rule to assure that allowed land uses are consistent with the identified function, capacity, and performance standards (e.g. level of service, volume to capacity ratio, etc.) of the facility."*

Because the reasonable worst-case developments are the same for both zoning districts, the worst-case trip generation is the same. Therefore, the proposed zoning district change will not result in an increase in anticipated trip generation. As such, the proposed CPA and ZDC do not significantly affect an existing or planned transportation facility and a TPR analysis does not need to be prepared.

Sincerely,

Christopher M. Clemow, P.E.
Transportation Engineer

c: Andrew J. Schlosser – Schlosser Development Corporation

H:\PROJECTS\204012000\WP\LTR\06040

0690 SW Bancroft St | PO Box 69039 | Portland, OR 97239-0039
Tel: 503.224.9560 Web: www.grpmack.com Fax: 503.228.1285

Group Mackenzie, Incorporated
Architecture
Interiors
Land Use Planning

Group Mackenzie Engineering, Incorporated
Civil/Structural Engineering
Transportation Planning

Locations:
Portland, Oregon
Seattle, Washington
Vancouver, Washington

TABLE 1 – TRIP GENERATION DEVELOPMENT SCENARIO (CURRENT PD/RTC ZONING)				
ITE Reference	ITE Code	Size (SF)	Trip Generation	
			AM Peak	PM Peak
851	24-Hour Convenience Market	3,000	201	157
931	Quality Restaurant	10,000	8	75
760	R & D Center (Research)	2,000	2	2
Total Trip Generation			211	234
Internal Trip Reduction (20% retail-to-retail) – Convenience market			-40	-31
Pass-by Trip Reduction (61%) – Convenience market			-98	-77
Pass-by Trip Reduction (44%) – Quality Restaurant			-4	-33
EXTERNAL TRIP GENERATION			**69**	**93**

TABLE 2 – TRIP GENERATION DEVELOPMENT SCENARIO (PROPOSED PD/MUC ZONING)				
ITE Reference	ITE Code	Size (SF)	Trip Generation	
			AM Peak	PM Peak
851	24-Hour Convenience Market	3,000	201	157
931	Quality Restaurant	10,000	8	75
760	R & D Center (Research)	2,000	2	2
Total Trip Generation			211	234
Internal Trip Reduction (20% retail-to-retail) – Convenience market			-40	-31
Pass-by Trip Reduction (61%) – Convenience market			-98	-77
Pass-by Trip Reduction (44%) – Quality Restaurant			-4	-33
EXTERNAL TRIP GENERATION			**69**	**93**

TABLE 3 – TRIP GENERATION COMPARISON		
Zoning District	Trip Generation	
	AM Peak	PM Peak
Current PDRTC Zoning	69	93
Proposed PDMUC Zoning	69	93
Net Difference	0	0

RECEIVED
FEB 0 2 2006
Community Development

GENERAL APPLICATION

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Community Development Planning Division
501 SW Madison, P. O. Box 1083
Corvallis, OR 97339-1083
Phone:(541) 766-6908, Fax (541) 766-6936
email: planning@ci.corvallis.or.us

For staff use only

Case #

Date filed

Fee Receipt # Planner

Please tell us about yourself and your request. Check the following item(s) that apply to your application.

____ Annexation	____ Planned Development ___major ___minor
____ Conditional Development	____ Planned Development (Conceptual)
____ Conditional Development Modification	____ Planned Development (Detailed)
x Comprehensive Plan Amendment From GI To MUC	____ Planned Development (Nullification)
x District Change From PD(RTC) To PD(MUC)	____ Plan Compatibility Review
____ Subdivision (Tentative Plat)	____ Hillside Density Transfer
____ Subdivision (Tentative Plat) Modification	____ Street Vacation
____ Willamette River Greenway	____ Extension of Service
	x Major Modification of an already Detailed Plan

Please give us a brief summary of the action requested:

See above

Name of Project: Brandis-SDC Partnership Retail Development

Applicant's Name: Brandis-SDC Partnership Phone 512 472-7774

Address 907 West Fifth Street / Suite 202 Austin, Texas 78703

Signature Date December 24, 2005

Property Owner(s) Name: Brandis-SDC Partnership Phone 512 472-7774

Address Same as Above

Signature Carmike Cinemas, Inc. Date December 24, 2005

Project Staff (name & address):

Developer Schlosser Development West, Inc. Phone 512 472-7774

Engineer Phone

Planner Phone

Architect Phone

Other Phone

Please tell us about your site:

Location address (or general vicinity, side of street, distance to intersection)
directly south of the 700 block of N.E. Circle Blvd
(including approximately 2.5 acres of real property owned by Carmike Cinemas located within most soutern-most portion of Tax Lot 1200, LLA 99-00013; and approximately 1.309 acres of real property owned Brandis-SDC Partnership; delineated on LLA 99-00013

*Assessor's Map Number(s)	Related Tax Lot(s)
1.	
2. Property Map 11-052-5-B-000904 and Property Map 11-052-5-B-001200	

*The Assessor's Map Number (Township, Section/Range) and the Tax Lot Number (parcel) can be found on your tax statement or at the Benton County Assessor's Office)

(Part of Lot 10, Willamettedale Farms in the west 1/2 of Section 25 and east 1/2 of Section 26; T 11 S R 5 W, W.M. also known as Tax Lot 1200

Lot Area approximately 3.8 acres

Development District (i.e. zone) PD(RTC)

Comprehensive Plan Designation GI

Attachments: ☒ Existing Site Map (Topography, Vegetation, etc.) ☒ Site Plan (The Proposal) ☒ Narrative ☒ Vicinity Map

☐ Floor Plans ☐ Elevations

☐ Solar Easements and/or shadow studies

☐ Other see list of attachments at conclusion of Narrative, attached

(If drawings are larger than 8 ½ x 14", submit 7 copies.)

Please tell us about the surrounding area:

Direction	Zoning District	Existing Land use
North	PD (CS)	Movie Theatre / Retail
South	PD (GI)	Home Depot Retail
East	PD (GI)	Hewlett Packard
West	PD (CS)	Safeway/Kmart Retail

NOTE: The attachments submitted should include sufficient information about adjacent lands to indicate the site's relationship with these lands (i.e. maps should indicate nearly structures, densities, road, bike, and pedestrian systems, etc.)

Please Tell Us More About The Proposed Development And Its Site:

1. On your plans, include the following: Site boundaries, points of access, topography (show contours), flood plains, water courses, significant vegetation, existing roads, utilities, pedestrian or bikeways, and any existing easements. Please note there are additional specific graphic and narrative requirements for each type of application.

2. Are there existing structures on site: ☐ Yes ☒ No If Yes, illustrate them on your plans and describe their current use, the type of structure, and the square footage.

3. For your project, please indicate the uses proposed and describe the intended activities: any use allowed in the MUC district (however, preliminary plans to improve property with gasoline-kiosk and restaurant(s)

4. Will the project be completed in phases: ☐ Yes ☐ No If Yes, please explain. No; but possible

5. Proposed Uses
SEE NARRATIVE

6. Site Cover

Use Type	# of acres or sq ft	Percent of site	Coverage Type	# of acres or sq ft	Percent of site
Residential			Impervious - Structure footprints - Parking & drives		
Commercial Industrial Open Space - Parks - Drainageways - Other			Mostly non-impervious Open Space - Parks - Drainageways - Other Green areas or yards, walks, patios, and landscape areas		
Total		100%	Total		100%

Description of other types (e.g. recreational facilities): _____

For Residential Development

Type	# Units	# Bedrooms	Density (living units per acre)

not applicable because no residential proposed

7. How will open space, common areas and recreational facilities be maintained?
pursuant to reciprocal easement agreement requirements

8. For proposed residential developments, are there any existing structures or trees on adjacent land which will reduce solar access to your site between 9 a.m. and 3 p.m. on November 21? ☐ Yes ☐ No If Yes, please illustrate these locations and their shadow impacts on your site map.
not applicable

Please identify any citizen outreach efforts that you have undertaken prior to submitting this application:

- ☐ Mailed information regarding the proposed development to adjacent property owners/residents.
- ☐ Held one or more neighborhood meeting(s) or open houses.
- ☐ Held a project design workshop.
- ☐ Met individually and/or conferred over the phone with citizens.
- ☐ Made site plans available for review.
- ☐ Canvassed the neighborhood.
- ☐ Posted the project site with information about the proposal, and where to go for more information.
- ☐ Other (please describe):

Were changes made to the proposal as a result of citizen input? If so, what were they?

FOR STAFF USE ONLY

CASE NUMBER

FEE REQUIRED

PLANNER

DATE RECEIVED

DATE COMPLETE

APPLICATION FOR:

MINOR LAND PARTITION & LOT LINE ADJUSTMENT

Community Development Department
P.O. Box 1083
Corvallis, OR 97339-1083
757-6908

PLEASE FILL US IN ABOUT YOURSELF AND YOUR SITE

APPLICANT: NAME Brandis-SDC Partnership WORK PHONE 512 472-7774
ADDRESS 907 West Fifth Street / Suite 202 HOME PHONE 512 472-7774
Austin, Texas 78703
SIGNATURE President of Corp GP or Manage GP (DATE) 3/6/06

PROPERTY OWNER*: NAME Brandis-SDC Partnership PHONE same as above
ADDRESS same as above
SIGNATURE President of Corp GP or Manage GP (DATE) 3/6/06

*Where the owner and applicant's differ, written authorization by owner is required.

PROPERTY LOCATION: ADDRESS 1915 NE Four Acre St. Corvallis, Or. 97330 (per Benton County) not legally address-ed, yet. However, approximately 1 acre immediately east of the so-called Main Access Drive
ASSESSOR'S MAP NO. 11525B001200 TAX LOT Prop TCA: 901

(The Assessor's Map Number (township/range/section) and the Tax Lot number can be found on your tax statement on the upper left side or at the Assessor's office.)

DEVELOPMENT DISTRICT GI (RTC)

EXISTING USE OF PROPERTY vacant and parking area

PROPOSED USE OF PROPERTY uses allowed in MUC (MUC)

DATE OF LAST PARTITION (If Known) approximately 1999-2000

PROPOSED LOT SIZES - Parcel A 1 acre (apprx) B _____ C _____

Attachment III
Page 161

After Recording, Return to:
Brandis-S.D.C. Partnership
Attention: SDC-W-Ecircle, Ltd., managing general partner of Brandis-SDC Venture
c/o Andrew J. Schlosser, president of the corporate general partner
907 West Fifth Street / Suite 202
Austin, Texas 78703

STATUTORY SPECIAL WARRANTY DEED

(reciprocal exchange of real property for purpose of completing a so-called lot line adjustment)

(Above space reserved for Recorder's use)

Brandis-S.D.C. Partnership ("Grantor-1") conveys and warrants to Carmike Cinemas, Inc. ("Grantor-2") the real property described in Exhibit A, attached; such real property being located in the State of Oregon and County of Benton. The true consideration for this conveyance is a grant of real property by Grantor-2 to Grantor-1, described hereafter

Grantor-2 conveys and warrants to Grantor-1 the real property described in Exhibit B, attached; such real property being located in the State of Oregon and County of Benton. The true consideration for this conveyance is a grant of real property by Grantor-1 to Grantor-2, described above

Both the real property described in Exhibit A and the real property described in Exhibit B (being granted by Grantor-1 to Grantor-2, and by Grantor-2 to Grantor-1, respectively)-- are subject, only, to encumbrances of record in the recording journal of Benton County, Oregon, as of the date of these conveyances.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY(s) DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY(s) SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930

Dated this 20th day of ~~February,~~ March 2006

Brandis-S.D.C. Partnership ("GRANTOR-1")
by: SDC-W-Ecircle, Ltd. (its managing general partner)

Schlosser Development West, Inc., its general partner
Andrew J. Schlosser, president

Carmike Cinemas, Inc. ("GRANTOR-2")

by: F. Lee Champion III
its: Senior Vice President

Attachment III
Page 162

tially redacted

STATE OF GEORGIA
County of Muscogee

This instrument is acknowledged before me on ~~February~~ MAR 20, 2006, by F. Lee Champion, III, Senior Vice President of Carmike Cinemas, Inc. on its behalf.

Linda Day

Notary Public for
My commission expires:_____ Notary Seal

LINDA DAY
NOTARY PUBLIC-OFFICIAL SEAL
MUSCOGEE COUNTY, GEORGIA
My Commission Expires Septemebr 6, 2009

STATE OF TEXAS
County of Travis

This instrument is acknowledged before me on February ____, 2006, by Andrew J. Schlosser, president of Schlosser Development West, Inc., the general partner of SDC-W-Ecircle, Ltd. which is the managing general partner of Brandis-S.D.C. Partnership, on its behalf.

_____
Notary Public for
My commission expires:_____ Notary Seal

LOT LINE ADJUSTMENT ADDENDUM

This site currently consists of two parcels that were borne from LLA 99-00013 (June, 2000). One site, a 5.7242 acre site is owned by Carmike Cinemas, Inc.(the "Carmike Tract") The other site, a 1.3096 acre tract is owned by Brandis-SDC Partnerhip (the "Schlosser Tract". The applicant is interested in moving the north property line separating the Carmike Tract from the Schlosser Tract in a northerly direction, and moving the east property line separating the Carmike Tract from the Schlosser Tract in a westerly direction. The resulting Carmike Tract and the resulting Schloser Tract are depicted approximately in the attached sketch. The resulting Carmike Tract will be just less than 6 acres including roadway, water, storm, and sewer easements. The resulting Schlosser Tract will be approximately 1.2 acres (52,000 square feet +/-) exclusive of roadway, water, storm and sewer easements or (storm-water improvements). As related in the attached Lot Line Adjustment application form, attached,— After Corvallis Development Services mails the applicant a letter indicating Corvallis' action on the application, and outlining the conditions which need to be met to complete the lot line adjustment, the applicant will have one (1) year from the date of the Corvallis letter to complete the Lot Line Adjustment which shall include the final preparation of a survey map prepared by a licensed land surveyor in the State of Oregon which shall be substantially (but not necessarily exactly) the same as the delineations described in the attached sketch. After Corvallis has completed its review for compliance, the survey map will be signed by the Development Services Director and the City Engineer, and then filed with the Benton County surveyor . In addition, new deeds (substantially as attached, endorsed, and acknowledged by Carmike Cinemas, Inc. and Brandis-SDC Partnership) will be recorded to reflect the property transferred and the resultant adjusted lots.

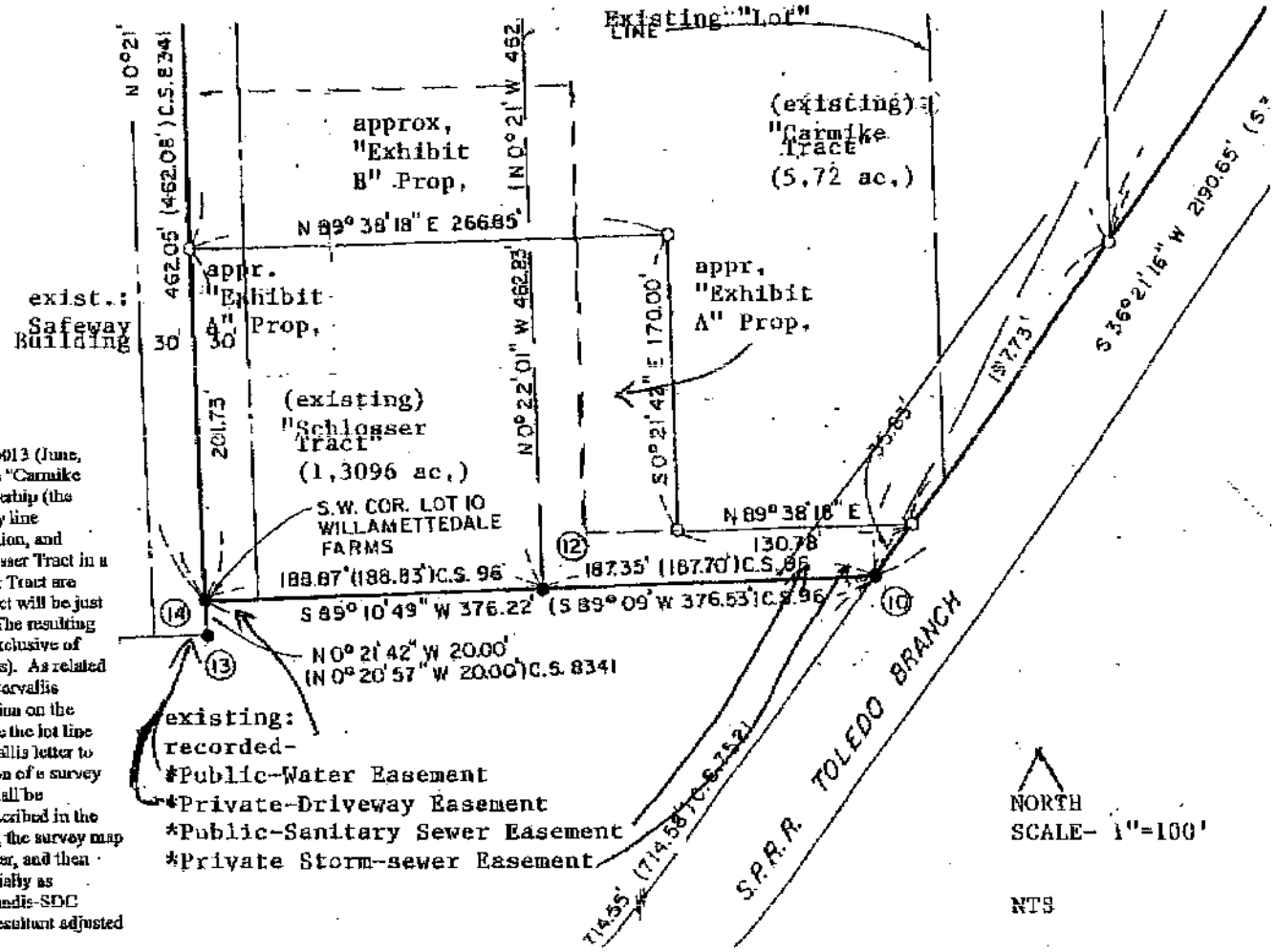
SECTION 2.14.60: Corvallis Land Development Code

The applicant is proposing to adjust the lot line between the Carmike Tract and the Schlosser Tract as described in the attached sketch, and as described above. NO NEW LOTS are being created, and therefore the application is in compliance with the above-described section of the LDC

The resulting Schlosser Tract will be approximately 1.2 acre (as described above) and is in compliance with applicable development district regulations (MUC/MUC)

There will be no nonconforming development on either the Schlosser Tract and/or the Carmike Tract

Existing private and public utilities (incorporated in easements and/or physical on-the-ground improvements) are not affected in any way, whatsoever, by the lot line adjustment



LOT LINE ADJUSTMENT ADDENDUM

This site currently consists of two parcels that were borne from LLA 99-00013 (June, 2000). One site, a 5.7242 acre site is owned by Carmike Cinemas, Inc. (the "Carmike Tract") The other site, a 1.3096 acre tract is owned by Brandis-SDC Partnership (the "Schlosser Tract". The applicant is interested in moving the north property line separating the Carmike Tract from the Schlosser Tract in a northerly direction, and moving the east property line separating the Carmike Tract from the Schlosser Tract in a westerly direction. The resulting Carmike Tract and the resulting Schlosser Tract are depicted approximately in the attached sketch. The resulting Carmike Tract will be just less than 6 acres including roadway, water, storm, and sewer easements. The resulting Schlosser Tract will be approximately 1.2 acres (52,000 square feet +/-) exclusive of roadway, water, storm and sewer easements or (storm-water improvements). As related in the attached Lot Line Adjustment application form, attached,-- After Corvallis Development Services mails the applicant a letter indicating Corvallis' action on the application, and outlining the conditions which need to be met to complete the lot line adjustment, the applicant will have one (1) year from the date of the Corvallis letter to complete the Lot Line Adjustment which shall include the final preparation of a survey map prepared by a licensed land surveyor in the State of Oregon which shall be substantially (but not necessarily exactly) the same as the delineations described in the attached sketch. After Corvallis has completed its review for compliance, the survey map will be signed by the Development Services Director and the City Engineer, and then filed with the Benton County surveyor.. In addition, new deeds (substantially as attached, endorsed, and acknowledged by Carmike Cinemas, Inc. and Brandis-SDC Partnership) will be recorded to reflect the property transferred and the resultant adjusted lots.

SECTION 2.14.60: Corvallis Land Development Code

The applicant is preparing to adjust the lot line between the Carmike Tract and the Schlosser Tract as described in the attached sketch, and as described above. NO NEW LOTS are being created, and therefore the application is in compliance with the above-described section of the LDC

The resulting Schlosser Tract will be approximately 1.2 acre (as described above) and is in compliance with applicable development district regulations (MUC/HUC)

There will be no nonconforming development on either the Schlosser Tract and/or the Carmike Tract

Existing private and public utilities (incorporated in easements and/or physical on-the-ground improvements) are not affected in any way, whatsoever, by the lot line adjustment

RECEIVED
FEB 27 2006
Community Developmen

Brandis SDC Partnership
907 West Fifth Street Suite 202
Austin, Texas 78703

APPLICATIONS FOR:

1. Comprehensive Plan Map and Text (Policies 8.10.5 and 8.12.1) amendments to change certain property currently zoned General Industrial (GI) with a Research Technology (RT) Overlay to Mixed Use Commercial with a MUC overlay. The property referenced above currently exists within phase 1 of the Planned Development known as 'Corvallis Business Park', and includes a portion of a 1.3096 acres located at Property Map 11-052-5-B-000904 and Property Map 11-052-5-B-001200 (part of Lot 10, Willamettedale Farms in the west ½ of Section 25 and the east ½ of Section 26; T 11 S R 5 W, W.M. also known as Tax Lot 1200); such portion hereafter referred to herein as the "Brandis-SDC Portion"; AND includes a portion of a tract of real property currently owned by Carmike Cinemas, Inc. (directly adjacent to the Brandis-SDC Portion), such portion hereafter referred to herein as the "Carmike Portion". The total size of the Brandis-SDC Portion and the Carmike Portion is approximately (but not exactly) 43,560 square feet (approximately 1 acre); and such combined approximate 1 acre Brandis-SDC Portion and Carmike Portion is hereafter referred to as the "subject property".

2. A District Designation Change on the subject property (described above) from Research Technology Center with a Planned Development Overlay (PD(RTC)) to Mixed Use Commercial with a Planned Development Overlay (PD(MUC)).

3. A Major Modification of an Approved Detailed Development Plan for the purposes of obtaining a change in the Comprehensive Plan and District Designations. A subsequent application for another Major Modification of the Detailed Development Plan will be submitted at the time that the property is developed.

Attachment III
Page 166

NARRATIVE

I. BACKGROUND

The current Comprehensive Plan Designation is (RT). The current District Designation is Research Technology Center with a Planned Development Overlay. The property is included in the approved Detailed Development Plan for the 31.25-acre Corvallis Business Park (refer to Corvallis Development Department files: CPA-97-2, LDT-97-8, DC-97-6, PDM-97-21 and CD-97-9).

Comment:

In 1988, following the development of Heritage Mall in Albany, the Big-K Mart property west of the Corvallis Business Park (CBP) was redesignated from General Industrial (GI) to Community Shopping with a Planned Development overlay (PD(CS)). The area that currently comprises CBP continued to have a General Industrial, Regional Shopping Center overlay designation ((RSC)GI).

In September 1993, the City approved a Comprehensive Plan Map Amendment from RSC(GI) to General Industrial with a Research and Technology overlay (GI(RT)) (CPA-93-2), a District change from GI to PD(RTC) (DC-93-1), a Detailed Development Plan for Phase I and a Conceptual Development Plan for Phases II and III (PD-93-5) for the 27.5 acres that then comprised CBP.

In September 1998, the City approved a Comprehensive Plan Map Amendment to change 6.25 acres from GI(RT) to Shopping Area (SA), approved four district changes within CBP and a Major Modification of the Detailed Development Plan (CPA-97-2, LDT-97-8, DC-97-6, PDM-97-21 and CD-97-9). The district changes were:

2.30 acres from GI to PD(CS)
_____ acres from GI to PD(RTC)
4.10 acres from PD(RTC) to PD(MUE) and
3.95 acres from PD(RTC) to PD(CS)

In June 2000, the City adopted legislative Comprehensive Plan amendments citywide that changed the MUC designations to Mixed Use Commercial (MUC).

It should be noted that pursuant to the previous PD(RTC) zoning of the subject tract that was approved in 1998, -- the subject tract was permitted to be improved with one (1) so-called "Eating and Drinking Establishment" [1] (and with other uses stipulated in the Research Technology Center section of the Land Development Code) [2]. ^ Only if this subject tract is rezoned to allow uses provided in the MUC development district will the applicant be able to recoup the total utilization of the subject tract as originally anticipated prior to the Corvallis City Counsels' actions of May 3, 2004 that resulted in the approval of rezoning of ALL former RTC designated acreage in Corvallis Business Park save and except property(s) owned by Brandis-SDC Partnership (and Carmike Cinemas). Additionally, it was not anticipated in 1998 that a single RTC tract including a portion of the Carmike Cinemas, Inc. parking area AND the 1.3

[1] Please see Section 3.26.30.01 General Development. a. (sub-paragraph 2.) of the Corvallis Land Development Code

[2] **Specifically, one "Eating and Drinking Establishment – Sitdown" is a PRIMARY USE PERMITTED OUTRIGHT on the applicant's property**

acre RTC-zoned tract (an approximate 1 acre portion of which is referred to as the subject tract) would be developed adjoining commercial-zoned tracts on two sides and adjoining a Home Depot tract on the third side. The 1998 Corvallis Business Park (phase 1, 2, and 3) zoning matter clearly contemplated that the subject tract AND phases 2 and 3 of the Corvallis Business Park P.D. would be developed as a quasi- monolithic planned unit development. Because substantially all of phase 2 and phase 3 of the Corvallis Business Park P.D. has now been rezoned to accommodate a non RTC-zoned use— it is imperative that the (now) spot-zoned subject tract be rezoned from RTC to MUC; a zoning classification consistent with the surrounding tracts

^

II. SURROUNDING DESIGNATIONS AND LAND USE

Surrounding land uses are shown on Attachments B-I and B-2. In general, there is continuous commercial development on the south side of Circle Blvd. from Hewlett Packard (on the far east side) to North 9th Street (on the far west side). Starting from Hewlett Packard,— the existing improvements are comprised of two flex-space buildings owned by Industrial Welding Supply,

Staples Office Superstore, Quiznos Restaurant, Check 'n Go, Blockbuster Video, Jack in the Box Restaurant, Safeway, Big-K Mart, McGrath's Restaurant and Bi-Mart). There is a mix of commercial, residential and light industrial uses on the north side of Circle Blvd. (Entermann's Bakery Outlet, Clayton's Auto Repair, Corvallis Power Equipment, Corvallis Color Tile, Big 5 Sports, Central Willamette Credit Union, Corvallis Rental, Inc., Self Stor, Main Auto Body Repair and Service, a mobile home park, some single-family residences and duplexes, and some high-tech businesses). The southeastern portion of the subject property is bordered by a Southern Pacific Railroad line. A multi-plex cinema (Carmike Theatre/Assembly) has recently opened-for-business on property immediately to the north. Further to the south is a vacant portion of Corvallis Business Park. An application for development of a Home Depot Store on that site was approved on May 3, 2004 by the Corvallis City Council. Pursuant to that application, that site was rezoned from General Industrial (with an RTC overlay) to General Industrial.

Surrounding district designations are shown on Attachment D.

III. DESCRIPTION OF REQUESTED CHANGES

1. Comprehensive Plan Map and Text (Policies 8.10.5 and 8.12.1) amendments to change the subject property consisting of a very small portion of property currently zoned RTC owned by Carmike Cinemas, Inc. (the Carmike Portion) AND a portion of the 1.3096 vacant acres (Property Map 11525B000904 and Property Map 11525B001200 (part of Lot 10, Willamettedale Farms in the west ½ of Section 25 and the east ½ of Section 26; T 11 S R 5 W, W.M.) from RT to Mixed Use Commercial (MUC) (the Brandis-SDC Portion). As described above, the subject property is a combination of the Carmike Portion and the Brandis-SDC Portion; both portions totaling, together, a total of approximately 1 acre.

2. A District Designation Change on the subject property from Research Technology Center with a Planned Development Overlay (PD(RTC)) to Mixed Use Commercial with a Planned Development Overlay (PD(MUC)).

3 A Major Modification of an Approved Detailed Development Plan for the purposes of obtaining a change in the Comprehensive Plan and District Designations.

Comprehensive Plan Map and Text Amendments and District Designation Change.

The current request is to change the Comprehensive Plan and district designations from RT and PD(RTC) to (MUC) and PD(MUC), respectively. It is staff's position that approval of the Comprehensive Plan Map amendment requires amending Comprehensive Plan Policies 8.10.5 and 8.12.1, which currently states:

> **Policy 8.10.5** - "Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard."

Policy 8.12.1 - "Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.."

The applicant requests that either: (a) the City find that Policy 8.10.5 does not apply to the subject property because it is part of an approved PD that includes a large area that is not along an arterial street; or (b) the City amend Policy 8.10.5 to allow the proposed Comprehensive Plan Map Amendment.

Policy 8.10.5 is designed to prevent poorly planned linear expansion of commercial activity on major streets and the accompanying negative impacts on traffic, facilities, utilities, and land use compatibility. This site is part of an approved 27.5-acre Planned Development (Corvallis Business Park) and these issues have already been addressed. The approved PD extends over ¼ mile (1,640 ft.) south of Circle Blvd. and is not linear strip development. Access to the PD is limited and controlled. Internal circulation, facilities and utilities, landscaping and parking have been approved by the City. Many of the improvements are in place. Since the parent PD has already been reviewed for compliance with the existing policies, Policy 8.10.5 does not apply to this application. Additionally, the changing of the zoning designation for the subject property does not change any zoning designation for any property located directly on Circle Blvd., as the subject property has no Circle Blvd. frontage.

The property is bordered by commercial uses to the west and north and to the east. The current PD(RTC) District already allows many commercial uses including eating and drinking establishments, and some retail sales. If the City finds that Policy 8.10.5 applies to this application, there are several ways the policy could be amended to allow the proposed change in Comprehensive Plan designation. A possible amendment to the policy is:

Policy 8.10.5 - "Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended to the same latitude as the southern boundary of the existing Kmart-Safeway development....."

Approval of this Comprehensive Plan Map amendment requires amending Comprehensive Plan Policy 8.12.1. There are several ways the policy could be amended. A possible amendment that would allow the proposed change is:

Policy 8.12.1 - "Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended to the same latitude as the southern boundary of the existing Kmart-Safeway development..." —which is the same

number of feet south of Circle Boulevard as the existing southern boundary of the existing Kmart-Safeway development.

Comprehensive Plan Amendments, District changes and modifications to the Detailed Development Plan for Corvallis Business Park were approved by the City in September 1998. The City's approval was appealed to LUBA and final approval was not obtained until November 1999.

Major Modification of the Approved Detailed Development Plan

This application is for a Major Modification of an Approved Detailed Development Plan for the purpose of obtaining changes in the Comprehensive Plan and District Designations. At this time, the applicant will also demonstrate it is feasible to comply with the stipulations of the current PD approval and the requirements of the MUC District.

LDC 2.5.50.06 and 2.5.50.04 require approval of a Major Modification of a Detailed Development Plan when there is a major modification in land use. The proposed Comprehensive Plan and District Changes would allow some different land uses on the property; therefore, the applications constitute a major modification of the approved development plan.

The approved Detailed Development Plan shows an approximately 20,000 sf building on the subject property. The plan provides an access to Circle Blvd. via a so-called "main access drive" to the west, and via internal circulation (pursuant to a Reciprocal Easement Agreement and Association Agreement and other easement(s) including a so-called "C.O.R.E." agreement).

The ultimate use of the subject property is preliminarily proposed to be a pantry-style canopy/kiosk to be operated by Safeway, Inc. for the same of fuel products (including gasoline and other petroleum products) and the sale of goods and merchandise generally associated with the operation of a convenience store (i.e.—confections, sundrys, etc). Additionally, the approximate eastern half of the subject property is preliminarily proposed to be utilized for ^ sit-down restaurant operations (with or without drive-through facilities). Alternatively, both the east and west sides of the subject property would be developed with restaurants (a total of two restaurants would be developed instead of the described single restaurant and single pantry-style canopy/kiosk for the sale of fuel products).

IV. COMPREHENSIVE PLAN MAP AND TEXT AMENDMENTS

Since the proposed Map and Text Amendments are so closely related and the criteria for the amendments are the same, the following discussion of the applicable criteria and relevant facts applies to both the Map and Text Amendments.

APPLICABLE CRITERIA

Comprehensive Plan Policy 1.2.3

A. There is a demonstrated need for the change.
B. The advantages to the community resulting from the change shall outweigh the disadvantages.
C. The change proposed is a desirable means of meeting the public need.

LDC 2.1.30.06

Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

a. Amendments shall be approved only when the following findings are made:

1. There is a public need for the change;
2. The change being proposed is the best means of meeting the identified public need; and
3. There is a net benefit to the community that will result from the change.

b. In addition, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan map:

1. Visual elements (scale, structural design and form, materials, and so forth);
2. Noise attenuation;
3. Noxious odors;
4. Lighting;
5. Signage;
6. Landscaping for buffering and screening;
7. Traffic;
8. Effects on off-site parking;
9. Effects on air and water quality.

LDC 2.1.20 – PURPOSES

a. Respond to changing conditions and community attitudes;
b. Ensure flexibility while at the same time maintain the integrity of the Comprehensive Plan;

IV.1 COMPLIANCE WITH APPLICABLE CRITERIA FOR COMPREHENSIVE PLAN AMENDMENTS

APPLICABLE COMPREHENSIVE PLAN FINDINGS AND POLICIES

Policy 3.2.1 - The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:

B. Efficient use of land;
C. Efficient use of energy and other resources;
D. Compact urban form;
E. Efficient provision of transportation and other public services;

Policy 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.

Policy 8.2.3 - The City shall support existing businesses and industries and the establishment of locally-owned, managed, or controlled small businesses.

Policy 8.9.3 - Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.

Policy 8.9.13 - The City shall implement the following relative to a Research-Technology District:

C. Promote small commercial uses to encourage pedestrian activity.

Finding 8.10.g - Concentrated shopping and office areas that are comprehensively planned, located at transit nodes, and integrated with the surrounding neighborhood, are the best means of meeting the commercial needs of the residents of the area.

Finding 8.10.k - To implement economic policies it is necessary to maintain an adequate supply of office lands. The Buildable Land Inventory and Land Need Analysis for Corvallis (1998) indicates that there is a shortage of office land; however, new Mixed Use and Limited Industrial-Office designations should adequately address this shortage.

Finding 8.10.n - The City must remain open to changes in market forces and assure that an adequate supply of commercially-designated property exists to allow for choices in the market place.

Policy 11.7.5 - New or redeveloped residential, retail, office, and other commercial, civic, recreation, and other institutional facilities at or near existing or planned transit stops shall provide preferential access to transit facilities.

Policy 12.2.5 - The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation. A location where this is desirable is in the Central City.

Policy 13.5.1 - The City shall encourage private investment in the downtown that supports the diverse activities of the Central City and is consistent with maintaining downtown as the primary shopping center and business district area.

Policy 13.5.4 - The City shall seek opportunities to assist downtown in maintaining its market share of the retail dollars spent in and by the community.

Policy 13.5.6 - Development of a regional shopping center outside the downtown is inappropriate.

DEMONSTRATION OF PUBLIC NEED AND ADVANTAGES AND BENEFIT TO THE COMMUNITY

The Mixed Use Commercial Comprehensive Plan designation will provide for primarily commercial uses but also will allow for some civic, industrial, and residential uses that are compatible with the predominant commercial uses, while maintaining the City's supply of commercially-designated lands (Comprehensive Plan 40.2.2).

The purpose of the MUC district is to provide areas for commercial uses, as well as other uses including Civic Uses, and to provide basic services and amenities at a scale appropriate to surrounding developments.

Determination of future needs for land designated MUC must take into consideration that the district allows a mix of office, commercial and civic uses that overlap other designations. In the Buildable Land Inventory and Land Need Analysis for Corvallis (June 1998, Appendix G), ECONorthwest Consulting projects that there will be a need for 76 acres of commercially designated land and 220 acres of land designated office between 1996 and 2020. This is a total need for 296 acres of commercial and office land. There are currently only approximately 44.5 acres (including the most recent re-zonings of the so-called 'Perlenfein' tract), approximately 15% of the projected need, in these designations.

The City has determined that the MUC Comprehensive Plan and district designations will be one of the most important tools used to meet this need. According to the 2003 Land Development and Buildable Land Report (2002 LDBLR) (Table 8), there are 520 acres of land designated for commercial use in the city (or approximately 523 acres of land designated for commercial use including the recently rezoned so-called 'Perlenfein' tract). About 92% of this land (477 acres) is developed. Only 42 acres are vacant and developable. Within the commercial designations, there are only approximately 5.2 acres of vacant land that are designated MUC. Such approximate 5.2 acres of MUC designated land make up only 12% of the total vacant commercial land in the City.

Based on current designations (2003 LDBLR), there are 42 acres of vacant land (or approximately 45 acres of vacant land including the recently rezoned so-called 'Perlenfein' tract) in all commercial (including office) zones to meet a 15 year projected need of 296 vacant buildable acres. Using projections from ECONorthwest Consulting, there will be 206 acres of vacant commercial and office land available after land has been redistricted in conjunction with the Comprehensive Plan and LDC updates. This is the land base available to meet need for 296 acres.[3] Using this best-case projection, there will only be 70% of the land necessary to meet the projected commercial and office need.

The June 29, 1998 Memo from the Development Director to the Mayor and City Council outlining Staff and the Planning Commission's recommended approval of the Corvallis Business Park contains analysis of the need for additional commercially-designated land in this area (CPA-97-2). The facts and discussion under the heading "NEED" on pages 6 and 7 also pertain to the current application. The Development Director stated:

> "The vacant land designated as Shopping Area on the Comprehensive Plan Map has changed from 43 acres in 1981 to 34.3 acres in 1991 and 37.1 acres in 1997. When these lands designated with the Shopping Center Comprehensive Plan designation are further analyzed and updated, several points arise. First, the total category of vacant lands designated as Shopping Area on the Comprehensive Plan consists of a 22.5-acre shopping center site known as Sunset Center (at the southwest corner of SW 53rd Street and Philomath Boulevard, an 8.2-acre site at the northwest corner of SW 53rd Street and Philomath Boulevard, and a 1.8-acre site on the east side of HWY 99W near SE Richland Avenue. Both the 22.5-acre Sunset Center site and the 8.2-acre site at the northwest corner of SW 53rd Street and SW Philomath Boulevard have Squaw Creek and wetland areas bisecting them. This significantly reduces the developable portions of these sites. In addition, an applicant has applied for building permits on the first phase of the Sunset Center site, so a good portion of it will soon be taken off the vacant land inventory list. The 4.6-acre site on the east part of the K-Mart shopping center site has a recently approved Detailed Development Plan for a commercial use.

[3] ECONorthwest allocated vacant buildable commercial land as follows: 15 acres in current commercial districts (CB/LC/SA), 44 acres in current office designations, and an allocation of 147 acres from mixed use designations to commercial and office uses, for a total of 206 acres of commercial and office designated land.

This information demonstrates a public need for additional commercial land in the city, particularly land with a MUC designation.

The amount of land designated as General Industrial increased from 84.6 acres in 1981 to 650.1 acres in 1991. According to the 2003 LDBLR, there were 503 acres of vacant General Industrial land within the city limits in 2003. The projected need for General Industrial and Intensive Industrial land in 2020 is 398 acres (Buildable Land Inventory and Land Need Analysis for Corvallis, Appendix G, Table 8). The City projects a 26% surplus of General Industrial Land over the next 17 years. The current request would reduce the supply of vacant GI land by approximately 1.0 acres ^ or approximately 0.2%. There will still be a projected 26% surplus of GI land if this request is approved. Approval of this Comprehensive Plan Amendment would result in a negligible reduction in GI land, especially when balanced against the documented shortage of MUC designated land.

In their Disposition of the 1998 Corvallis Business Park Decision (CPA-97-2), the City Council found that the overall plan to redesignate portions of the CBP to from General Industrial to Mixed Use Commercial (now MUC) was desirable, provided the best means of meeting the City's need for additional lands designated for commercial use and provided a net benefit to the community. The same facts apply to the current application. At that time the Council found:

> "Best Means of Meeting Public Need and Net Benefit to Community: The applicant's proposal is oriented toward providing a commercial area that will be developed with uses to support the research and technology uses that will be developed within the area that remains designated with a Comprehensive Plan Map designation of General Industrial. However, staff acknowledges that there is no guarantee that the commercial area will be developed as proposed and that it must be evaluated with respect to the full range of uses which could occur within it. The current vacant parcels designated as Shopping Area on the Comprehensive Plan Map are either currently being developed, have approved and current development plans already approved for them, or have significant natural features.....affecting their developability. ..... Finally, the location of this particular 6.25 acre site is adjacent to an arterial street, along a transit route, served by pedestrian and bicycle connections, and in close proximity to supporting uses that are likely to benefit from having conference/theater facilities. Its location is such that it, more than any other in the City, could be developed with uses that do augment a research and technology park. Given the above, the proposal is consistent with Policies ..... and provides the best means of meeting the City's need for additional lands designated on the Comprehensive Plan Map as Shopping Area (now MUC) and provides a net benefit to the community." (bold added)

There are numerous advantages to the community from the proposed Comprehensive Plan Amendment.

- The proposal locates commercial development appropriately along (but not directly on)an arterial street in an approved PD with limited and controlled access, alongside other commercial development.

- The proposal locates commercial uses in close proximity to each other and to transit, pedestrian and bicycle facilities, making transit, pedestrian and bicycle use of the area more effective.

- The proposed MUC designation is compatible with all surrounding land uses.

- The proposed commercial designation supports the surrounding RT[4] and GI designations (see Comprehensive Plan Policy 8.9.13).

- The proposed MUC designation allows a range of uses that better support the surrounding RT and GI area and existing adjacent development than the current RT and/or GI designation. Under the current designation it is more likely that a technology, flex, or light industrial use will be established on the property. The MUC designation allows a wider range of commercial uses that would support surrounding employment and visitor uses. It is very unlikely that any residential development will occur on the property under either designation.

- Commercial use of the property fits well with the existing Corvallis Business Park site design and existing traffic and other infrastructure improvements. Additionally, the use of the property fits well with the existing Safeway development.

- The proposal would result in a lightening of the traffic load on Circle Blvd., as patrons could shop for grocery(s), office supplies, and other hard-line products in the same 'trip' as when they obtain gasoline for their vehicle. Additionally, the proposal would result in a lightening of the traffic load on Circle Blvd., as patrons could also attend theatrical exhibitions in the same 'trip' as when they patronize a sit-down ^ restaurant.

- The proposal would result in commercial infill in an existing commercial area and add to the synergistic effect achieved by clustering these uses.

- There is relatively less market demand for land with an industrial complexion compared to demand for so-called retail and service-oriented land in the new so-called 'service-based economy' of which Corvallis is representative. By granting the requests contemplated in this application, more so-called retail and service-oriented land will be available in Corvallis for development.

- ^

[4] However, the remaining RT designation has been recently rezoned by the Corvallis City Council on May 3, 2004

The following Comprehensive Plan Policies are applicable to the proposed amendment.

Policy 3.2.1 - The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:

- **B. Efficient use of land;**
- **C. Efficient use of energy and other resources;**
- **D. Compact urban form;**
- **E. Efficient provision of transportation and other public services;**

The site provides for in-fill development within an approved Planned Development. The proposed changes in designation would enhance the development potential of the site by allowing a larger number of potential uses that are appropriate to the size, location and surrounding uses. Access to the PD is approved and in place. Infrastructure has been approved and in most cases developed in the PD. Public transportation and bicycle and pedestrian access are already installed to City standards. All facilities are available to the site. Development of the site would contribute toward the goal of efficient use of land, compact urban form and efficient use of energy and other resources.

Policy 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.

The proposed changes in designation would enhance the development potential of the site by allowing a larger number of potential uses that are appropriate to the size, location and surrounding uses. Development of the site will create employment and provide an opportunity for small locally-owned or managed businesses to be located on the property.

Policy 8.2.3 - The City shall support existing businesses and industries and the establishment of locally-owned, managed, or controlled small businesses.

The property currently zoned as RTC and each portion of the property is an appropriate size for either the establishment of a small business and/or the establishment of a business that is related to previously established businesses. Local ownership or management of a business on part of the property is equally likely under the current and proposed designations.

Policy 8.9.3 - Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.

According to the 2002 LDBLR, there were 503 acres of vacant General Industrial land within the city limits in 2002. The projected need for General Industrial and Intensive Industrial land in 2020 is 398 acres (Buildable Land Inventory and Land Need Analysis for Corvallis, Appendix G, Table 8). The City projects a 26% surplus of General Industrial Land over the next 17 years. The current request would reduce the supply of vacant GI land by approximately 1.0 acres ^ or approximately 0.2%. There will still be a projected 26% surplus of GI land if this request is approved. Approval of this Comprehensive Plan Amendment would result in a negligible reduction in GI land, especially when balanced against the documented shortage of MUC designated land.

The City will have to utilize various means to identify the additional needed commercially designated land. One of these means is the redesignation of appropriate vacant lands within the city. This request provides for the addition of approximately 1.0 acres of vacant buildable land to the City's commercial/office land base.

Policy 8.9.13 - The City shall implement the following relative to a Research-Technology District:

C. Promote small commercial uses to encourage pedestrian activity.

The property is adjacent to an RTC district (real property sited directly south of the subject tract) and nearly adjacent to Hewlett-Packard. The redesignation to MUC would make it likely that a small commercial use would be developed on the site. The Corvallis Business Park is designed to facilitate pedestrian use. Redesignation of the property to MUC would enhance this design.

Finding 8.10.g - Concentrated shopping and office areas that are comprehensively planned, located at transit nodes, and integrated with the surrounding neighborhood, are the best means of meeting the commercial needs of the residents of the area.

A mobile home park and a housing development are located immediately north of Corvallis Business Park, across Circle Blvd., within easy walking distance of a potential restaurant or restaurants. The property is also at a transit node and has fully developed bicycle access and pedestrian amenities. Corvallis Business Park has been planned and designed to function as an integrated commercial and RTC center.

Finding 8.10.k - To implement economic policies it is necessary to maintain an adequate supply of office lands. The Buildable Land Inventory and Land Need Analysis for

Corvallis (1998) indicates that there is a shortage of office land; however, new Mixed Use and Limited Industrial-Office designations should adequately address this shortage.

The proposed MUC district allows: business support services; communication services; financial, insurance and real estate services; medical services; personal services; and professional and administrative services.

Finding 8.10.n - The City must remain open to changes in market forces and assure that an adequate supply of commercially-designated property exists to allow for choices in the market place.

The property is located adjacent to an area that has recently developed commercially. It is one of the last vacant parcels of real property south of Circle Blvd. between North 9th Street and Hewlett-Packard.

Policy 11.7.5 - New or redeveloped residential, retail, office, and other commercial, civic, recreation, and other institutional facilities at or near existing or planned transit stops shall provide preferential access to transit facilities.

The property is part of Corvallis Business Park and is directly adjacent to a transit stop. If additional improvements are necessary to insure preferential access to transit facilities, they can be provided when the property develops.

Policy 12.2.5 - The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation. A location where this is desirable is in the Central City.

The property is adjacent to existing commercial development. It is one of the last vacant parcels on the south side of Circle Blvd. between North 9th Street and Hewlett-Packard. Clustering of commercial uses near RTC, GI and other employment districts to the east, west and southeast provides an energy efficient land use pattern. Concentration of these uses near transit, pedestrian and bicycle facilities further enhances these efficiencies.

Policy 13.5.1 - The City shall encourage private investment in the downtown that supports the diverse activities of the Central City and is consistent with maintaining downtown as the primary shopping center and business district area.

See discussion under Policy 13.5.4

Policy 13.5.4 - The City shall seek opportunities to assist downtown in maintaining its market share of the retail dollars spent in and by the community.

Several characteristics of the site will mitigate any potential impacts to the downtown business district. Large retail outlets (Big K and Safeway) and the Carmike Cinema/Assembly are

already located nearby. The property is also within easy walking distance of Hewlett-Packard. These existing developments distinguish the subject site from sites located in the downtown area. Given the relatively small size of the property, likely uses on the site under the PD(MUC) designation are gasoline sales, and some form of limited retail sales or a sit-down ^ eating or drinking establishment with on-site parking. These are typical of the uses permitted in the district. Retail sales would most conveniently serve the immediate neighborhood and people who are employed in the area or are already shopping in the Big K, Safeway or another retail store in the area and thus not draw business directly from downtown. An eating or drinking establishment would provide lunch and dinner for people who are already working, shopping or attending a movie in the area, again, not directly competing with downtown businesses.

Policy 13.5.6 - Development of a regional shopping center outside the downtown is inappropriate.

LDC 3.0.30.03 .t defines a Regional Shopping Center as: "A grouping of commercial uses within an enclosed structure with at least 400,000 square feet of leasable retail floor space....." The subject property is approximately 1.0 acres. All adjoining property has been developed. The property cannot be developed as a regional shopping center. This policy is not applicable to the application.

Conclusion

There is a demonstrated public need for additional commercially designated land within the city. The City will have to utilize various means to identify the additional needed commercially designated land. One of these means is the redesignation of appropriate vacant lands within the city. This request provides for the addition of approximately 1.0 acres of vacant buildable land to the City's commercial/office land base ^. The information presented in the analysis of available buildable land, the review of applicable Comprehensive Plan policies, and in the analysis of advantages and disadvantages demonstrates that the proposed change is desirable, is the best means of meeting the identified public need and provides a net benefit to the community.

COMPATIBILITY FACTORS

Compatibility with Surrounding and Internal Land Uses

Compatibility issues generally arise in areas where more intensive land uses abut less intensive uses. Surrounding land uses are shown on Attachments B-1 and B-2. In general, there is continuous commercial development on the south side of Circle Blvd. to the west, from Hewlett Packard to North 9th Street (Industrial Welding Supply, Staples Office Superstore, Quiznos Restaurant, Check 'n Go, Blockbuster Video, Jack in the Box Restaurant, Safeway, Big-K Mart, McGrath's Restaurant and Bi-Mart). There is a mix of commercial, residential and light industrial uses on the north side of Circle Blvd. approximately adjacent to the subject property

(Entermann's Bakery Outlet, Clayton's Auto Repair, Corvallis Power Equipment, Corvallis Color Tile, Big 5 Sports, Central Willamette Credit Union, Corvallis Rental, Inc., Self Stor, Main Auto Body Repair and Service, a mobile home park, some single-family residences and duplexes, and some high-tech businesses). The southeastern portion of the subject property is bordered by a Southern Pacific Railroad line. Hewlett-Packard is east of the railroad. The Carmike Theatre/Assembly was recently completed on property immediately to the north; and Safeway is open for business immediately to the west. Further to the southwest is a vacant portion of Corvallis Business Park that is planned and zoned for research and technology center development or general industrial development. An application for a Home Depot and four out-pads on the property to the southwest has been submitted by Home Depot etal to the City of Corvallis (on property that was recently rezoned from General Industrial (with an RTC overlay) to General Industrial.

With the exception of a few of the smaller commercial uses on the north side of Circle Blvd., the commercial development in the area around the subject property has occurred in the last 10 years. The area is now a significant commercial center with a large discount store, grocery store, office supply store, sporting goods store, credit union, three restaurants and other businesses. The subject property is one of only a few vacant property(s) on or near Circle Blvd. between Hwy 99W and the railroad tracks. Development permitted in the PD(MUC) district will be compatible with all existing and potential surrounding uses.

Visual Elements

The nature of uses allowed in the PD(MUC) district makes them generally compatible with existing uses in the area. A final modification of the Detailed Development Plan for the property will have to be approved prior to issuance of development permits. If any issues arise relating to compatibility of visual elements they can be reviewed and fully mitigated through the development plan review process.

Noise Attenuation, Lighting, and Signage

In their Disposition of the 1998 Corvallis Business Park Decision (CPA-97-2), the City Council found that there were no anticipated significant impacts regarding noise, lighting or signage associated with the proposed redesignations. The City found:

> "Because the proposed development includes a continuation of a similar development pattern already occurring in the area (commercial and research technology business), the Council finds that no significant negative impacts are anticipated regarding noise, lighting or signage. However, the Council notes that lighting needs to be shielded such that it does not shine on adjacent properties and signage needs to be consistent with the Corvallis Sign Code. The Council notes that these concerns are addressed satisfactorily by Conditions of Approval....."

The uses allowed in the proposed PD(MUC) district are similar in nature and impact to those reviewed and approved for adjacent property that was designated Mixed Use Commercial in 1998 and similar in impact to those allowed in the current PD(RTC) district. All future development on the property will conform with all applicable city codes. The City's 1998 finding with respect to noise attenuation, lighting and signage applies to the current request.

Noxious Odors and Effects on Air and Water Quality

In their Disposition of the 1998 Corvallis Business Park Decision (CPA-97-2), the City Council found that there were no anticipated significant impacts regarding noxious odors, air and water quality associated with the proposed redesignations. The City found:

> "The Council notes that the zoning districts throughout the site do not allow uses requiring state or federal discharge permits, so uses will not generate noxious odors or negative effects on air quality. A storm water discharge permit will be required during construction per State law to address any storm water concerns during construction and storm water will be accommodated by the City's storm water system. The Division of State lands noted to staff that, although there are no known wetlands on the site, there are indications that hydric soils might be present and that a wetland delineation would be required. Condition of Approval #12 requires that prior to the issuance of any construction permits, this wetland delineation is required to be conducted. Given the above, no negative effects on water quality are anticipated."

Since the 1998 CBP approval, the northern portion of the development has been built. Public facilities have been installed and approved by the City. The proposed Comprehensive Plan and District change would allow uses that are substantially the same in nature and impacts as those for which the above finding was made. The City's 1998 finding with respect to noxious odors and effects on air and water quality applies to the current request.

Landscaping for buffering and screening

The applicant is proposing to use the landscape plan approved by the City in 1998 for the Corvallis Business Park.

Traffic Circulation

A traffic signal has been installed at the intersection of CBP's main private access drive and Circle Blvd. This traffic signal and other associated improvements were envisioned and required as the area developed. The subject property can be accessed by the signalized main access drive or by the shared access drive with Industrial Welding Supply, Inc. Redesignation of the property from RT to MUC should not change any of the approved and installed improvements with respect to traffic circulation (refer to approved Detailed Development Plan - Attachment G-1). Circle Blvd. is fully improved with bike lanes and sidewalks. Existing bicycle and pedestrian

facilities are adequate to serve the proposed changes. An updated traffic study was prepared and submitted by Group Mackenzie and is attached to this application. [5]

Effects on off-site parking

All parking will be on-site and in accordance with the approved Detailed Development Plan. The parcel is sufficiently large to provide on-site parking in compliance with City requirements. Additionally, the parcel is subject to a Reciprocal Easement Agreement (with another parcel owned by Carmike Cinemas, Inc. and other property owners).; such Reciprocal Easement Agreement guaranteeing shared parking throughout all of Corvallis Business Park

Impacts of Change to Public Infrastructure

The CBP approval addressed impacts to public infrastructure. The current proposal would permit development of the property with uses that are substantially the same in magnitude and nature of impacts to public infrastructure as uses allowed under the RT and PD(RTC) designation that was approved in 1998. Facility plans with respect to streets, water, sanitary sewer and storm drainage facilities were approved at that time. Many of the improvements have been constructed and approved by the City on the site. The proposed district change will not allow uses that are inconsistent with the approved plans or would adversely impact public infrastructure. City staff have indicated that existing water storm sewer systems are sufficient to accommodate uses allowed under the MUC designation. One of Applicant's parent-owners actually developed the existing Corvallis Business Park storm water systems. Those storm water systems described in line-drawings and specifications prepared by Group Mackenzie Engineers, Portland, were approved by the City of Corvallis engineering department. Additionally, Applicant has been advised that the City of Corvallis follows the guidelines established through the King County 1998 Surface Water Design Manual regarding water quality and detention facilities (which presumably were abided-with by Group Mackenzie Engineers, when such engineering plans were prepared and submitted to governmental authority.

CONSISTENCY WITH THE PURPOSES FOR COMPREHENSIVE PLAN AMENDMENTS

The proposed Comprehensive Plan Amendments will address a demonstrated public need for additional land for commercial uses. It is appropriately located alongside other commercial uses and is near an arterial street that is served by transit and bicycle facilities and has pedestrian amenities. It would enhance existing uses and services in the neighborhood. The impact on the current surplus of land designated General Industrial would be negligible and it would not negatively affect the city's supply of vacant industrial land. The requests comply with applicable Comprehensive Plan policies. Therefore, the amendments are consistent with and maintain the integrity of the Comprehensive Plan.

[5] ^the traffic study demonstrates that the proposed change in designation will not have a significant adverse impact on streets. All intersections have sufficient capacity to absorb the small potential traffic increase from the change.

The surrounding area to the east has developed primarily with high-tech industry in the last 20 years. Land to the west (specifically land sited immediately east of Kmart) was largely undeveloped until relatively recently. There has been significant commercial development in the vacinity of the subject property since K-Mart was built in the early 1990s. A change to MUC will support the on-going growth in employment-generating development in the immediate area (Hewlett-Packard and related industries, K-Mart, Safeway, Carmike, and others) and will enhance future RTC or GI development on vacant land to the south and to the east. The subject property is in the middle of an area that has developed as a significant employment and commercial center. It is one of the few remaining undeveloped tracts in the vicinity of Circle Blvd. between Hwy 99W and the Southern Pacific railroad line. It is proximate to large, primarily high-tech employers and recently developed commercial land. Because of its moderate size (only approximately 1.0 acres are developable, ^ and because of its location next to recently developed, existing commercial uses, it is more appropriately designated MUC and PD(MUC).

The Comprehensive Plan Map and text have been amended several times since 1983 to allow additional commercial use in the immediate area, most recently in 1998 and 2000. These amendments reflect the changing conditions and changes in community attitudes toward the use of this area over time that have been discussed.

V. APPLICABLE CRITERIA FOR A DISTRICT CHANGE

Quasi-judicial district changes shall be reviewed to determine the effects on City facilities and services and to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

a. **Visual elements (scale, structural design and form, materials, and so forth);**
b. **Noise attenuation;**
c. **Noxious odors;**
d. **Lighting;**
e. **Signage;**
f. **Landscaping for buffering and screening;**
g. **Traffic;**
h. **Effects on off-street parking;**
i. **Effects on air and water quality.**

LDC 2.2.20 - PURPOSES

This chapter sets forth review criteria and procedural requirements for quasi-judicial and legislative district map amendments to accomplish the following:

a. **Maintain sound, stable, and desirable development within the City;**
b. **Permit changes in development district boundaries where appropriate;**
c. **Ensure district changes are consistent with the community's land use policies and goals; and**
d. **Lessen the influence of private economic interests in the land use decision-making process.**

V.1 COMPLIANCE WITH APPLICABLE CRITERIA FOR A DISTRICT CHANGE

The subject property is included in the approved Detailed Development Plan for Corvallis Business Park. The effects of the development of CBP on city facilities and services were evaluated when CBP was approved and it was determined that there would be no negative effect on city facilities and services. Land surrounding the subject property along Circle Blvd. has been developed since 1998. All development was in compliance with city standards and the conditions of approval for CBP. The nature and impact of uses allowed in the proposed PD(MUC) district are approximately similar to some of the uses permitted in the current RTC district. No negative effects on city facilities and services resulting from the redesignation of this property to PD(MUC) have been identified. If any impacts are subsequently identified, they can be addressed and mitigated when the final modification of the detailed development plan is reviewed. An updated traffic study has been prepared and submitted.[6]

Previous discussions in this narrative demonstrate that the proposed district change is appropriate for the property and will enhance the area. The facts presented demonstrate that the district change will maintain sound, stable, and desirable development within the city. The preceding discussion of supporting Comprehensive Plan policies shows that the district change is consistent with the community's land use policies and goals.

COMPATIBILITY FACTORS

Compatibility factors have been discussed under the review criteria for the proposed Comprehensive Plan amendment. The same facts apply to consideration of the compatibility of the proposed district change.

CRITERIA FOR THE MUC (MIXED USE COMMERCIAL) DISTRICT

Section 3.20.20.01- Establishment of the MUC District
The MUC district may be applied to Commercial designations on the Comprehensive Plan map or to lands designated through a legislative process. The district may also be applied to parcels which meet Land Development Code Section 2.2.30 criteria for district changes, and the following criteria for district locations, dimensions, and size.

[6] The traffic study will demonstrate that the proposed change in designation will not have a significant adverse impact on streets. All intersections have sufficient capacity to absorb the small potential traffic increase from the change.

a. **Locational Criteria**

All Portions of the MUC district shall be located within ¼ mile of existing or planned transit service, OR the MUC district shall be located in areas determined, through a Planned Unit Development process, to be necessary to provide mixed use opportunities and services to adjacent areas.

b. **District Size and Dimensions**

The site shall consist of at least one "whole" legal lot if the lot is one acre or less in size.

Via and pursuant to a Reciprocal Easement Agreement by and between the owners of the subject property, Carmike Cinemas, Inc., and SDC-W-Ecircle, Ltd. (a partial owner of the subject property)—the subject property has frontage on Circle Blvd. The subject property also has direct frontage on the so-called main access drive. Transit service is provided to Corvallis Business Park. The property is within 1/4 mile of transit service. The proposal complies with all size and locational criteria for the PD(MUC) district.

VI. APPLICABLE CRITERIA FOR MAJOR MODIFICATION OF DEVELOPMENT PLAN

LDC 2.5.50.06 - Major Modification(s) of a Detailed Development Plan

d. **In reviewing the proposed modification, the Planning Commission shall follow the procedures herein required for Detailed Development Plan submittal and review. The Commission shall consider the review criteria in 2.5.40.04 to determine whether to authorize a Major Modification.**

LDC 2.5.40.04 - Review Criteria

Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

- **Basic site design (the organization of uses on a site);**
- **Visual elements (scale, structural design and form, materials, and so forth);**
- **Noise attenuation;**
- **Noxious odors;**
- **Lighting;**
- **Signage;**
- **Landscaping for buffering and screening;**
- **Traffic;**
- **Effects on off-site parking;**
- **Effects on air and water quality.**

Section 2.5.20 - PURPOSES

Planned Development review procedures are established in this chapter for the following purposes:

a. Promote flexibility in design and permit diversification in location of structures;

b. Promote efficient use of land and energy and facilitate a more economical arrangement of buildings, circulation systems, land uses, and utilities;

c. Preserve to the greatest extent possible existing landscape features and amenities, and utilize such features in a harmonious fashion;

d. Provide for more usable and suitably located recreation facilities and other public and common facilities than would otherwise be provided under conventional land development procedures;

e. Combine and coordinate architectural styles, building forms and building relationships within the Planned Development;

f. Provide the applicant with reasonable assurance of ultimate approval before expenditure of complete design monies, while providing the City with assurances that the project will retain the character envisioned at the time of approval;

g. Promote and encourage energy conservation;

VI.1 COMPLIANCE WITH APPLICABLE CRITERIA FOR A MAJOR MODIFICATION TO THE APPROVED DETAILED DEVELEOPMENT PLAN

LDC 2.5.50.06 and 2.5.50.04 require approval of a Major Modification of a Detailed Development Plan when there is a major modification in land use. The proposed Comprehensive Plan and District Changes would allow some different land uses on the property, therefore, the applications constitute a major modification of the approved development plan.

This application is for a Major Modification of an Approved Detailed Development Plan solely for the purpose of obtaining changes in the Comprehensive Plan and District Designations . Upon the approval of this application, including the approval of the substituted Conceptual Development Plan to replace the previously approved Detailed Development Plan, the Applicant will still be required to cause the presumptively approved Conceptual Development Plan to ripen into a Detailed Development Plan contemplating the uses described herewith (fuel sales and food/restaurant sales) (OR ANY OTHER USES SPECIFICALLY ALLOWED UNDER THE PD(MUC) ZONING SECTION OF THE CORVALLIS LAND DEVELOPMENT CODE. Only after applicable governmental authority approves the applicant's ultimate Detailed Development Plan to be submitted by the applicant in the future, will applicant be able to proceed with the fuel sales and food (restaurant) sales uses.)

This plan meets city requirements for all development standards in the PD(MUC) district. Since 1999, all property along Circle Blvd. that is within Corvallis Business Park has been developed in compliance with the approved plan. The property immediately to the north was recently completed and now is operational as the Carmike Theatre/Assembly, and the City, having rezoned the tract to the south from General Industrial (with an RTC overlay) to General Industrial—is finalizing approvals for the development and construction of a Home Depot. As clarification, all of the real property located within the PD known as 'Corvallis Business Park' located immediately north of the subject property including the Carmike Cinema, the Staples, and the retail building (Blockbuster, Check-N-Go, Quiznos, ATT) are currently zoned with the PD(CS) development classification.

Under the 1998 plan, the subject property is approved for an approximately 20,000 sf building, and one sit-down restaurant.

Several desirable planning objectives are achieved by the proposed district change that necessitates the modification of the Detailed Development Plan. The modification would allow commercial uses to be located in close proximity to each other and to transit, pedestrian and bicycle facilities, making transit, pedestrian and bicycle use of the area more effective. It would locate commercial development appropriately on an arterial street, alongside other commercial development, with direct access to the street. It would support the surrounding RT and GI designations, Hewlett-Packard, and other existing general industrial uses better than the current designation. Under the current designation it is more likely that a flex space building, an office building, or light industrial use will be established on the property. The MUC designation allows a wider range of commercial uses that would support surrounding employment and visitor uses. Commercial use of the property is consistent with the design of the Business Park and with existing traffic and other infrastructure improvements. The proposal would result in commercial infill in an existing commercial area and add to the synergistic effect achieved by clustering these uses. The proposed MUC designation is compatible with all surrounding land uses as all surrounding land-uses including the Safeway, Kmart, McGraths, Jack-in-the-Box, the Retail-building (Blockbuster, Quiznos, CheckNGo, ATT-Cellphone, Staples, and Carmike Cinemas have current MUC development –district designations .

Specifically, the uses contemplated within Conceptual Development Plan attached will require fewer parking spaces then the uses contemplated by the originally approved plan. Additionally, many patrons that will attend the Carmike Cinema may never even park within the subject property as those patrons will park within the Carmike Cinema property and walk-to the restaurant establishment to be developed on the subject property..

Access to the subject property (and through the remainder of the PD known as 'Corvallis Business Park' will not be affected whatsoever by the changes sought in this application. All access to and through Corvallis Business Park is either through Circle Blvd and/or to and through the so-called 'Main Access Drive'. Access through and to Circle Blvd. and through and to the Main Access Drive will not be affected whatsoever by the changes sought in this application.

Traffic[7] Attached to this application is the traffic analysis prepared by Group Mackenzie. That analysis concludes that there will be no traffic impact on the subject property on account of this zoning application, OR traffic will be impacted positively as a result of this zoning application

Flood Control and Drainage Provisions

The subject property is not prone to flooding and is not within the 100-year flood plain. Storm drainage will be directed to on-site storm water quality/quantity facilities prior to release into the public storm water system at Circle Blvd.

Storm drainage for the subject property will connect to the existing system for Corvallis Business Park. The system was designed by Group Mackenzie Engineers and the line drawings and specifications contemplated by such design was approved by the City, to serve this property. It is a private system that will be maintained by the property owners within CBP. Pursuant to the approval by the City, one of the parent/owners of the Applicant developed and constructed the described storm-drainage system. A maintenance agreement will establish maintenance, access and ownership responsibilities. The existing system consists of collection, detention and treatment facilities. All are constructed to City standards. Any extension of the system through the subject property will be constructed to City standards for conveyance, detention and treatment of runoff.

The Conveyance system includes catch basins, manholes, cleanouts, pipes and outfalls to the ponds. All new construction will conform to the UPC or requirements of the City. Lines are sized to accommodate runoff from a 10-year storm event. Greater intensity events may result in temporary ponding of water in the parking areas. The CBP system connects to the City system at Circle Blvd.

The CBP storm drainage system is designed to temporarily store runoff and release it at rates not to exceed the peak predeveloped rates for the 2, 10 and 100-year storm events. There is a detention pond immediately east of (and possibly within the) the property. The City requires treatment of storm water in accordance with the King County Surface Water Design manual. CBP currently treats storm water in accordance with these standards. Upon development, the property owner will be required to connect to the approved CBP storm water system and make all improvements necessary to insure continued compliance with the required standards. As clarification, the Conceptual Development Plan does contemplate abbreviating (minimally) the existing detention facility currently incorporated within the subject property. Pursuant to an ultimate Detailed Development Plan(s) that will be submitted by the applicant in the future, revised civil engineering drawings will be included describing additional detention facililty(s) and capacity (albeit in a nominally different shape than shown in the currently approved civil engineered drawings). THE TO-BE SUBMITTED DETAILED DEVELOPMENT PLANS

[7] An updated traffic study has been ^ prepared and submitted. The traffic study demonstrates that the proposed change in designation will not have a significant adverse impact on streets. All intersections have sufficient capacity to absorb the small potential traffic increase from the change.

WILL DESCRIBE A DETENTION FACILITY (approximately at the same location as shown in the 1998/1999 approved civil-engineering drawings) AND STORM-WATER CALCULATIONS (within that detention facility) WITH EITHER EQUAL OR SLIGHTLY LARGER STORMWATER STORAGE VOLUMES than originally approved.

Any additional development features deemed necessary to achieve desirable goals or policies can be required as conditions of approval.

A final modification of the approved Detailed Development Plan will be obtained before the property is developed.

MISCELLANEOUS

Pursuant to correspondence received from Robert Richardson, associate planner at the City of Corvallis—the Applicant has been requested to confirm that this Application is in compliance with certain conditions of approval stipulated in Disposition Order 98-97:

i) condition of approval 11 – a future to-be delivered Detailed Development Plan will insure compliance with all parking stipulations set forth in such condition
ii) condition of approval 17—the owner of the Kmart-Safeway tract and an affiliate of Applicant totally reconciled the matter described in this condition in 1999
iii) condition of approval 20--- the Applicant and Home Depot etal have already completed and endorsed easement agreements regarding condition 20

Note: A full set of the original, approved Detailed Development Plan maps for the Corvallis Business Park is available in Development Department File PDM-97-21.

A Vicinity Map

B-1 Surrounding Land Uses – General
B-2 Surrounding Land Uses – Specific

C Comprehensive Plan Map

D District Designations Map

E Map of Proposed Comprehensive Plan Map Amendment

F Map of Proposed District Designation Change

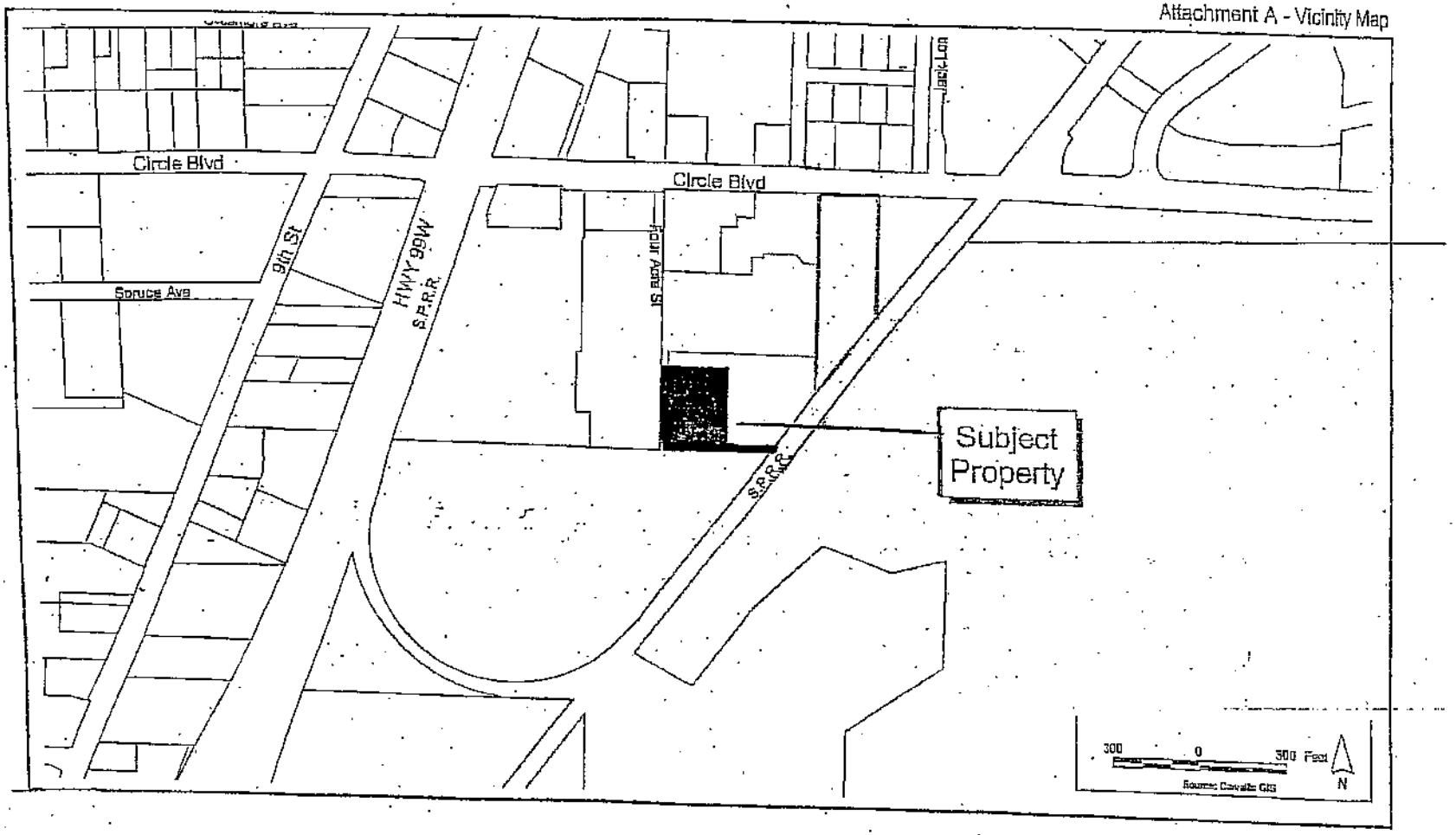
G-1 Currently Approved Detailed and Conceptual Development Plans with Internal Traffic Circulation
G-2 Currently Approved Conceptual Landscape Plan

H Topographic and Natural Features

J City Council Findings in Support of Corvallis Business Park

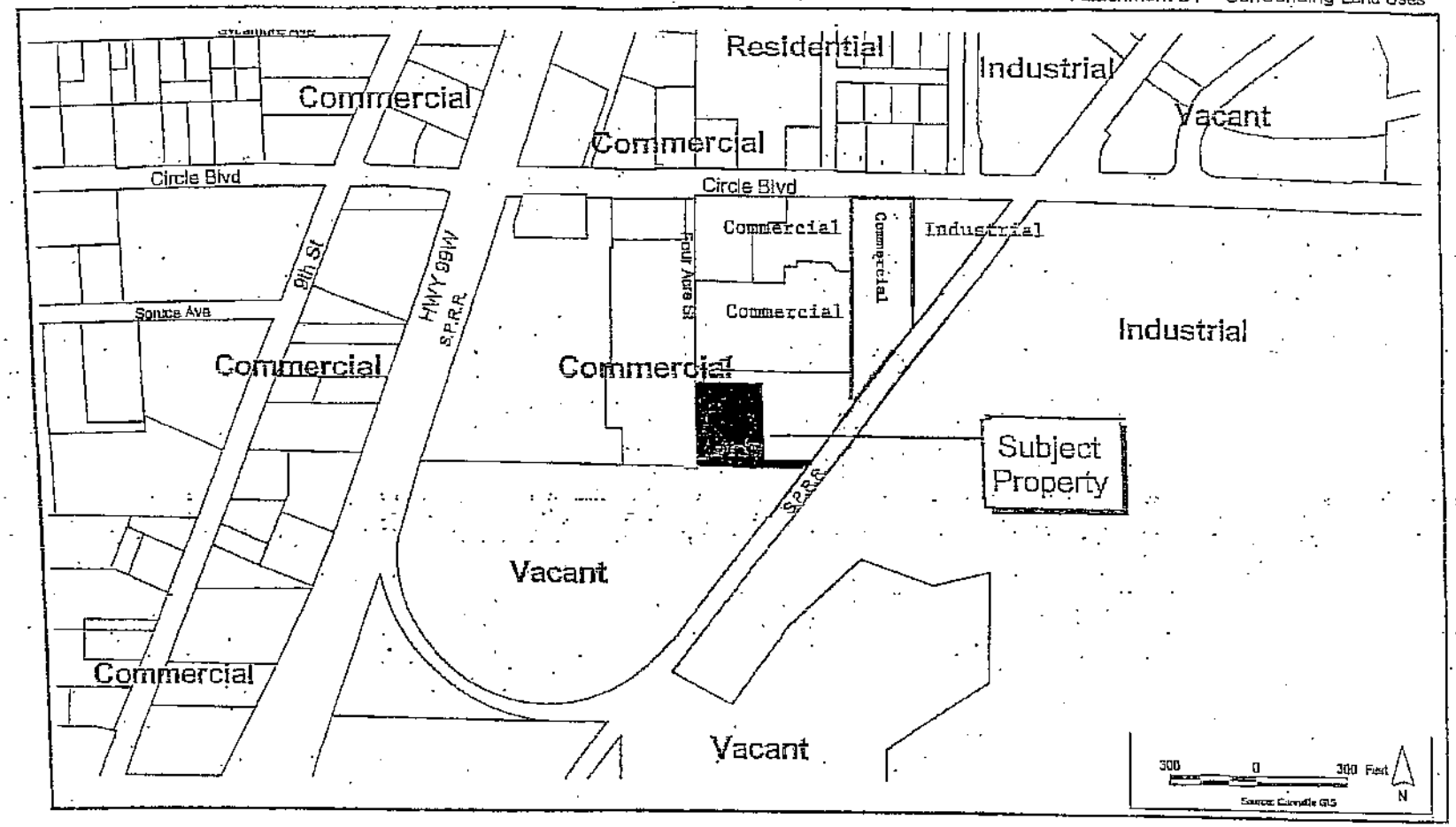
K Map of Facility and Utility Easements

Attachment A - Vicinity Map



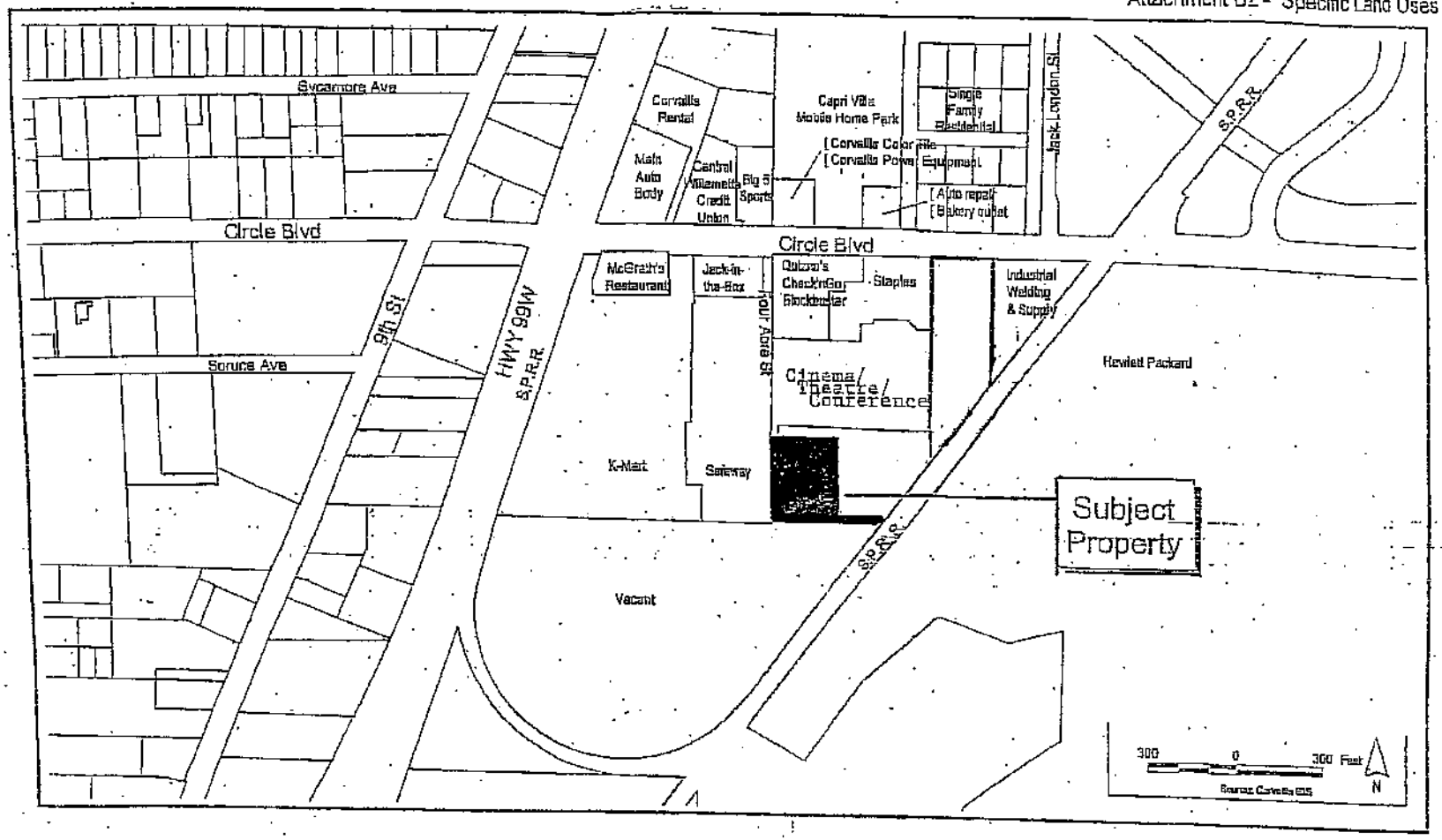
RECEIVED
MAR 0 7 2006
Community Development

Attachment B1 - Surrounding Land Uses



3-07-06

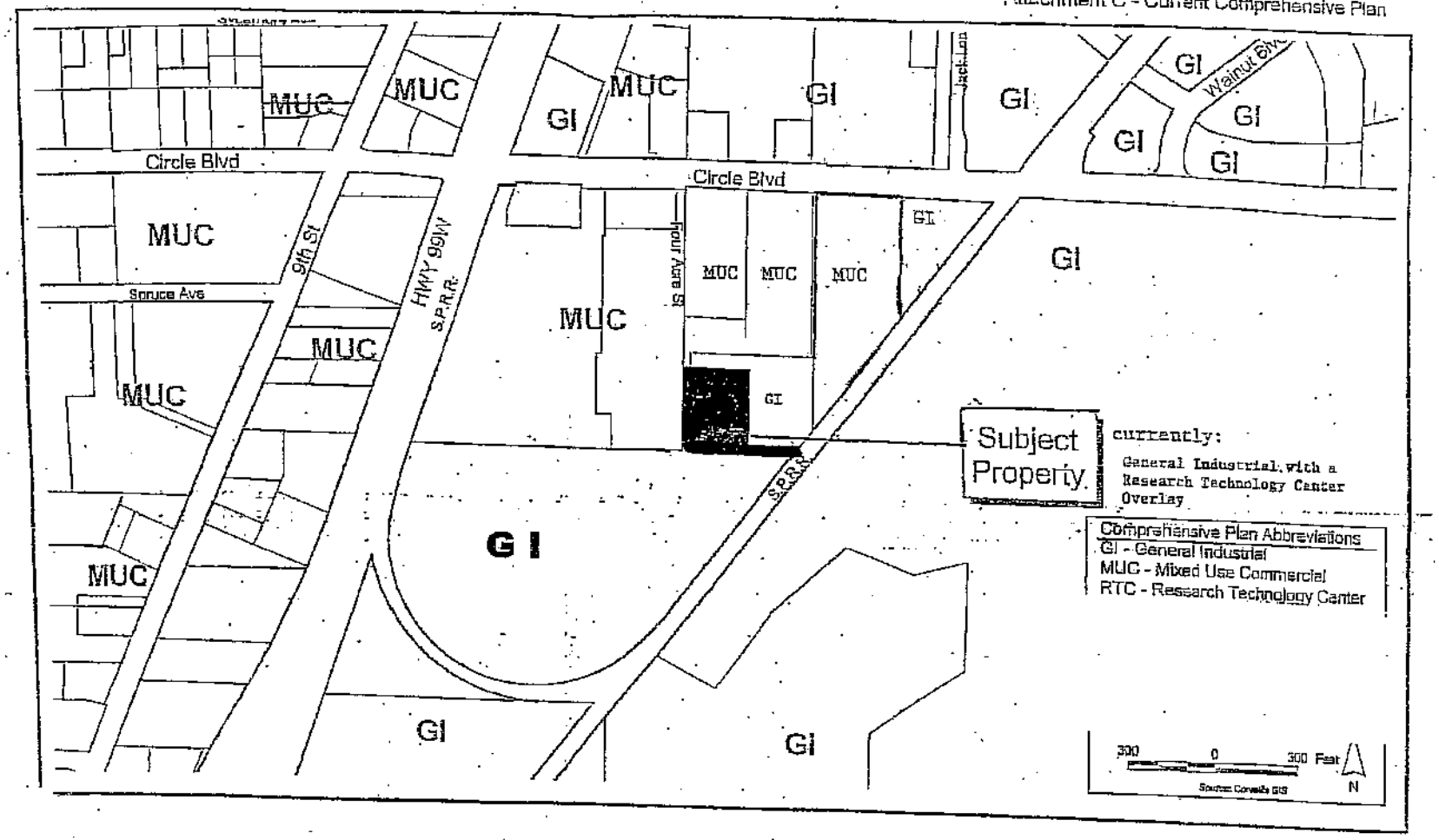
Attachment B2 - Specific Land Uses



3-07-06

P-39

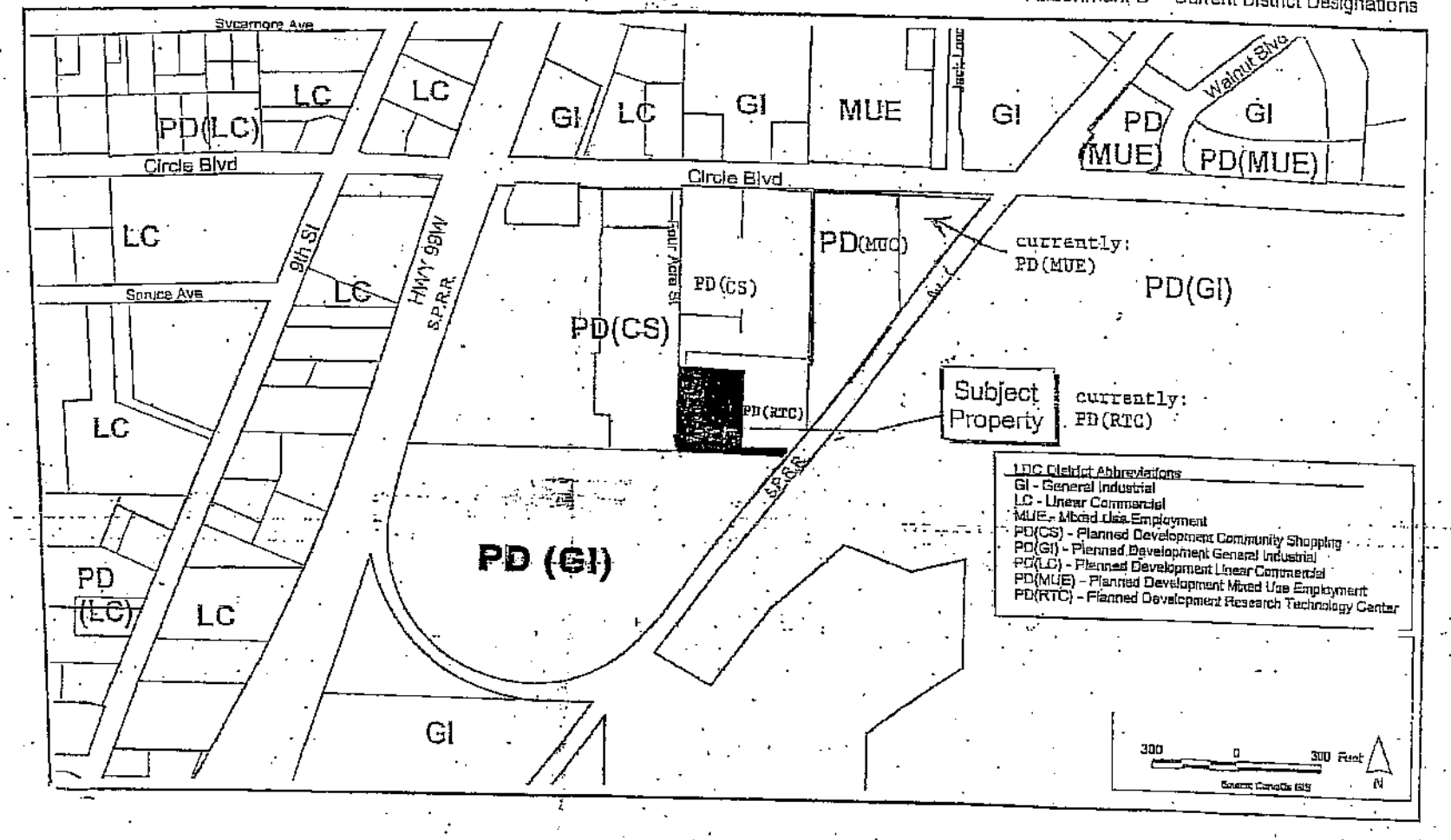
Attachment C - Current Comprehensive Plan



3-07-06

P-40

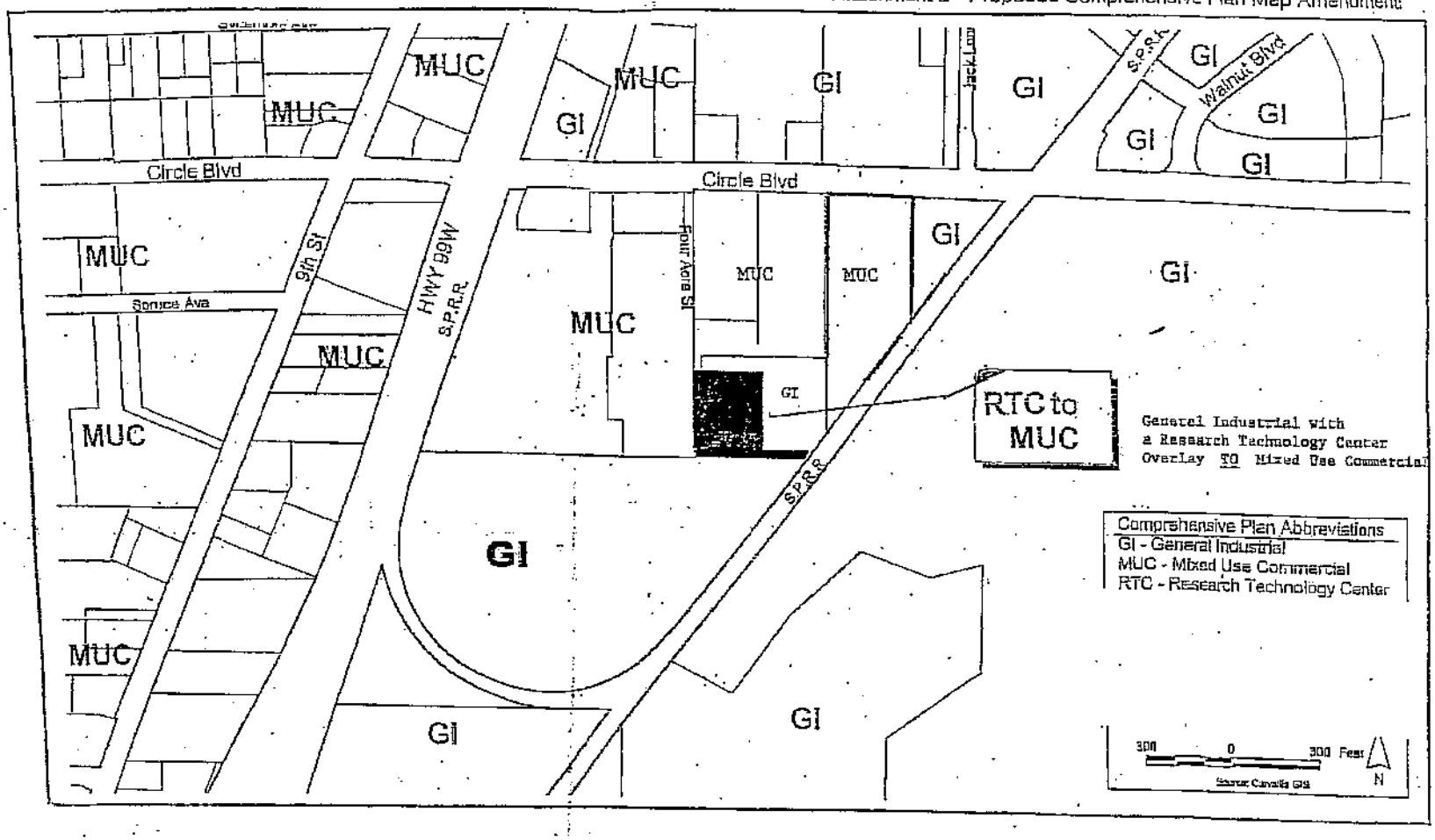
Attachment D - Current District Designations



3-07-06

P-41

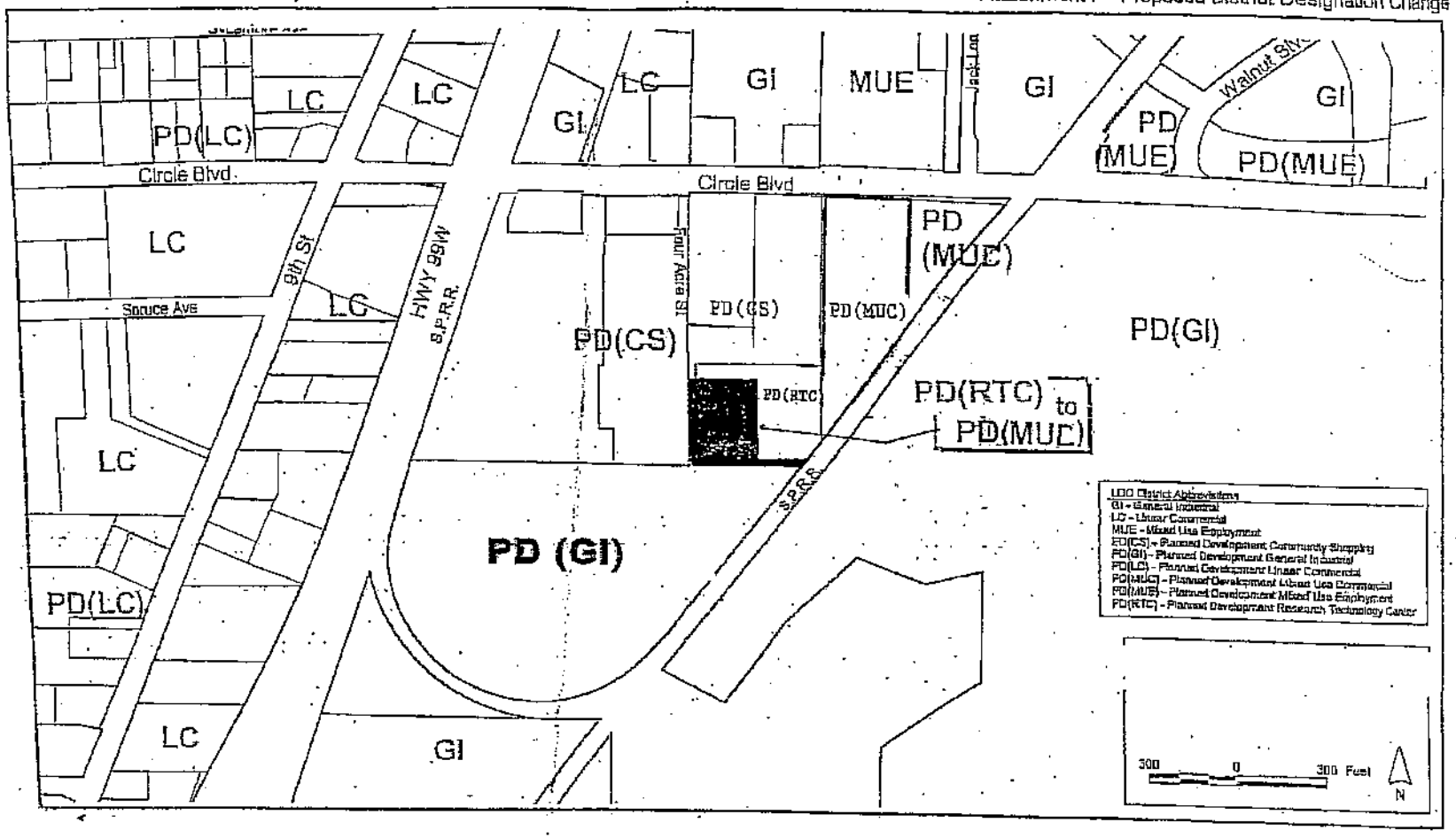
Attachment E - Proposed Comprehensive Plan Map Amendment



3-07-06

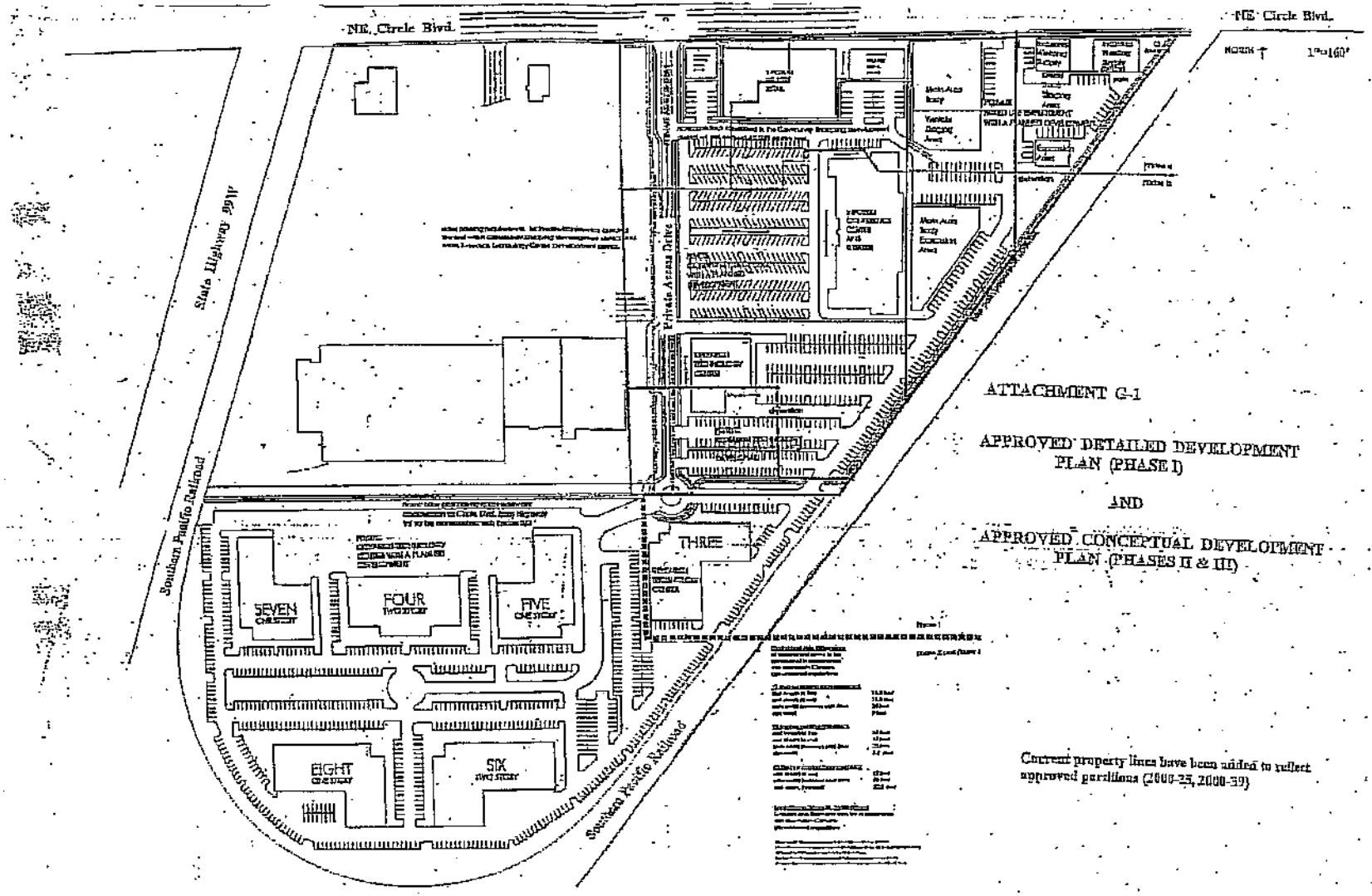
P-42

Attachment F - Proposed District Designation Change



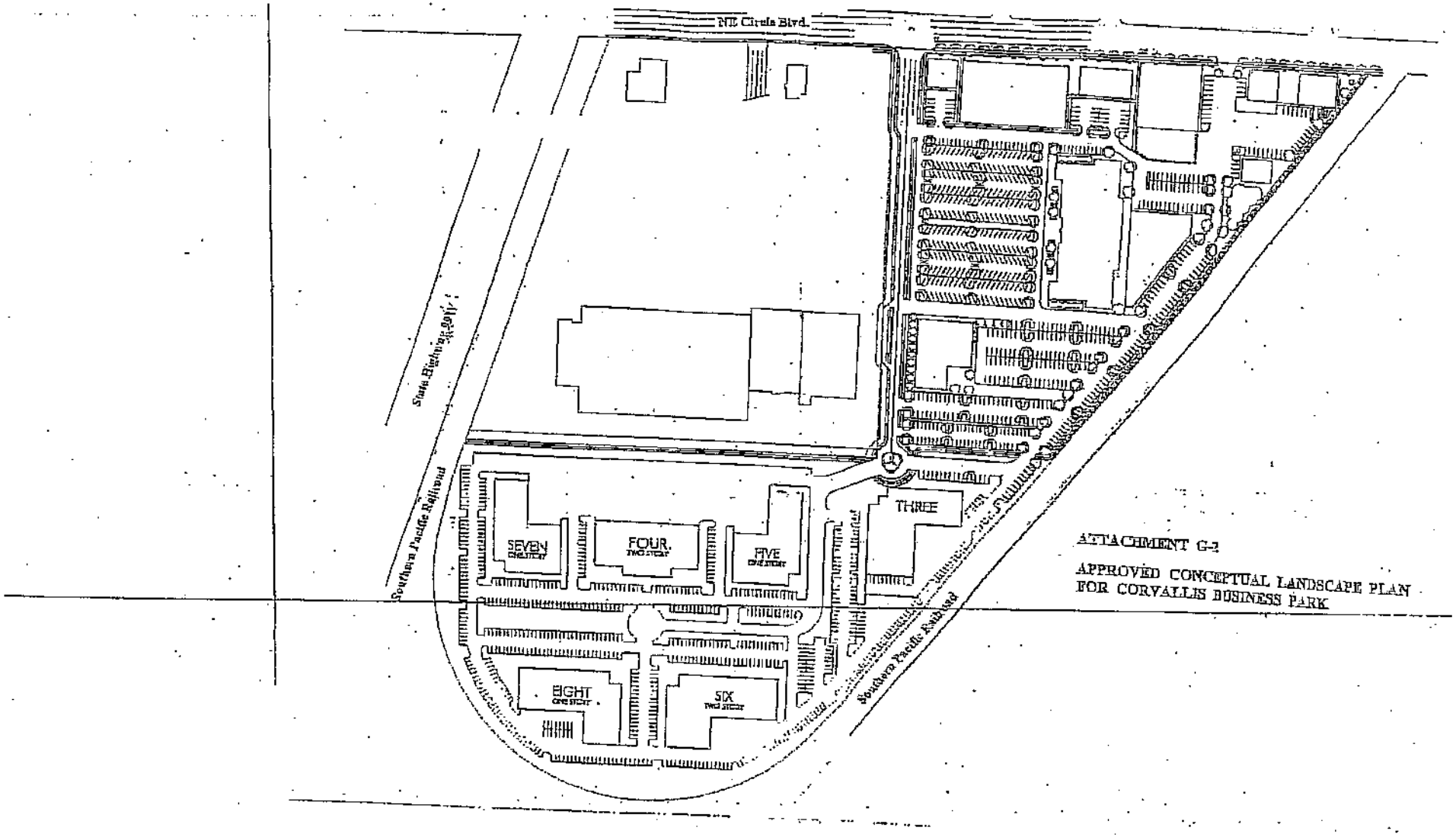
3-07-06

P-43


NE Circle Blvd.
NE Circle Blvd.
NORTH
1"=160'
State Highway 99W
Southern Pacific Railroad
Private Access Drive
SEVEN
FOUR
FIVE
THREE
EIGHT
SIX
Southern Pacific Railroad
ATTACHMENT G-1
APPROVED DETAILED DEVELOPMENT PLAN (PHASE I)
AND
APPROVED CONCEPTUAL DEVELOPMENT PLAN (PHASES II & III)
Current property lines have been added to reflect approved partitions (2000-25, 2000-39)

S-07-06

P-44

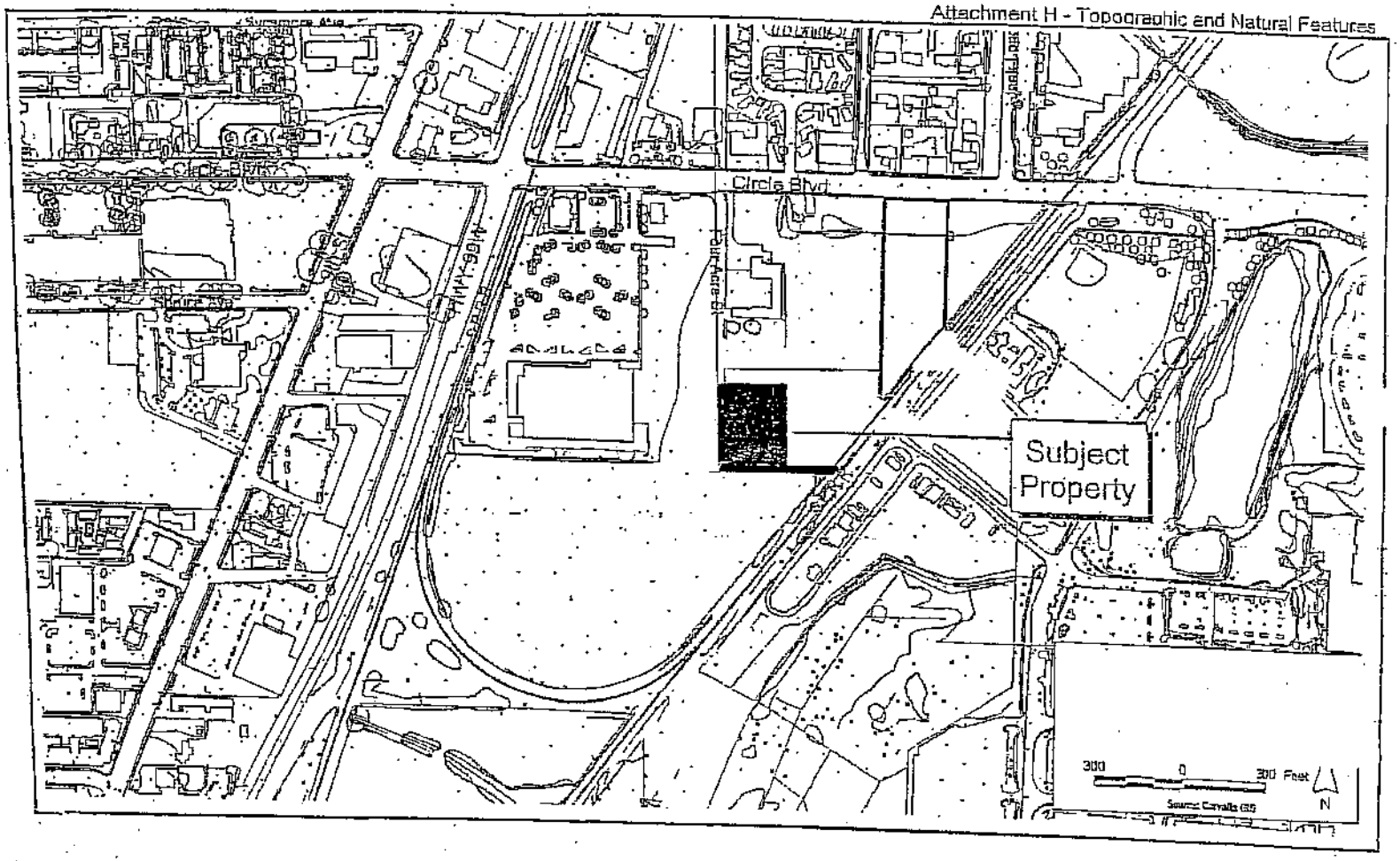


ATTACHMENT G-2

APPROVED CONCEPTUAL LANDSCAPE PLAN FOR CORVALLIS BUSINESS PARK

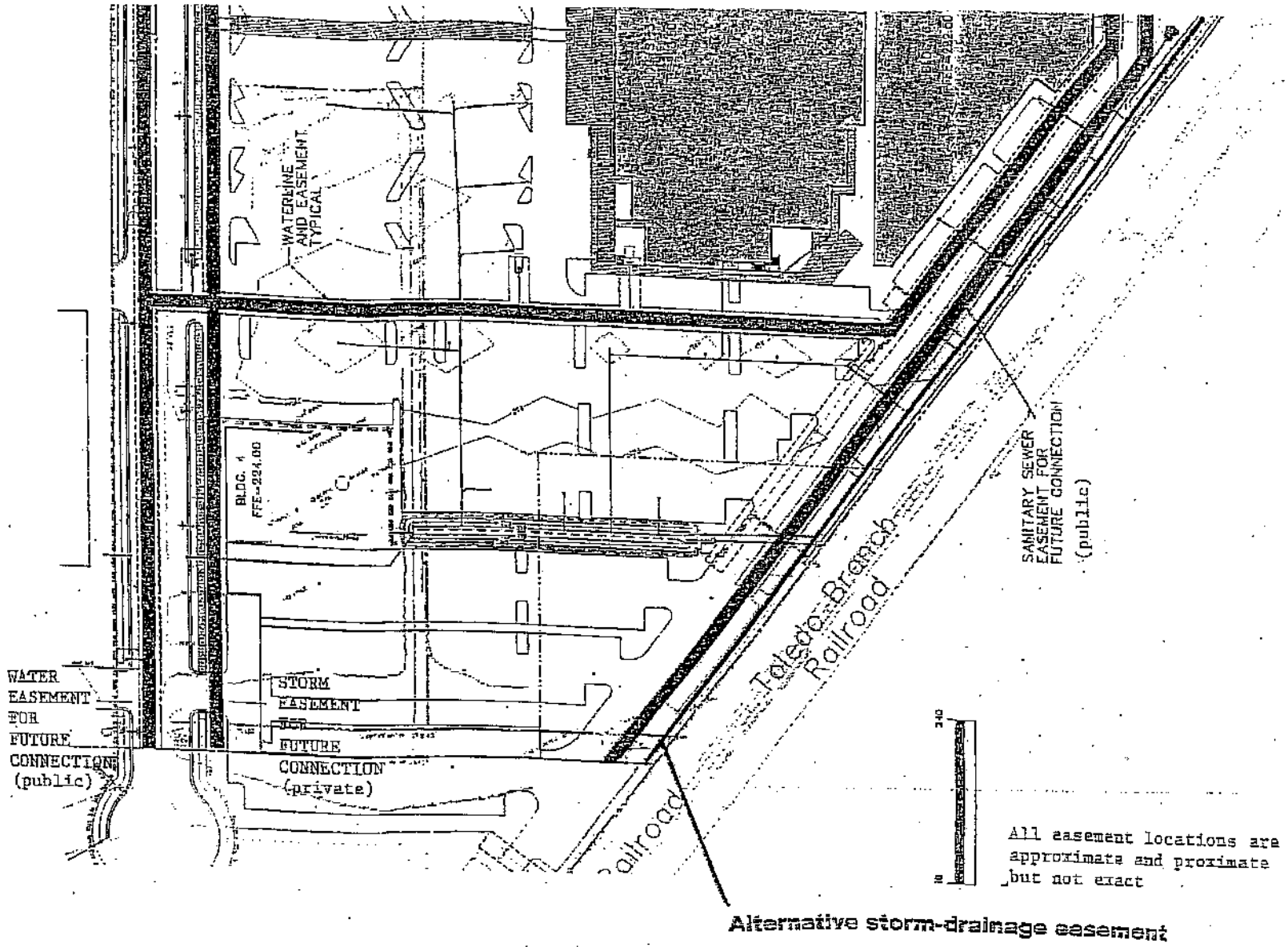
3-07-06

Attachment H - Topographic and Natural Features



3-07-06

EXHIBIT K



3-07-06

P-47

HUMAN SERVICES COMMITTEE
MINUTES
June 20, 2006

Present
Councilor Patricia Daniels, Chair
Councilor Charles Tomlinson
Councilor Emily Hagen

Staff
Jon Nelson, City Manager
Ken Gibb, Community Development Director
Judy Somes, Community Development
Steve Deghetto, Parks and Recreation
Carla Holzworth, City Manager's Office

Visitors
Sharon Gibson, United Way
Debbie Parsons, United Way
Steve Bason, Boys and Girls Club of Corvallis
Rebecca Landis, Corvallis-Albany Farmers' Market

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Benton County Needs Assessment/Social Services Priority Setting	x		
II. Social Services Allocations - Fiscal Year 2006-07			Accept the allocations as presented in staff's June 6, 2006 memo
III. Social Services Third Quarter Report			Accept the Social Services Third Quarter Report for Fiscal Year 2005-06
IV. Boys and Girls Club Update	x		
V. Corvallis-Albany Farmers' Market Annual Report			Accept the Corvallis-Albany Farmers' Market 2005 Annual Report
VI. Other Business	x		

Chair Daniels called the meeting to order at 12:46 pm.

CONTENT OF DISCUSSION

I. Benton County Needs Assessment/Social Services Priority Setting (Attachment)

Community Development Director Ken Gibb reviewed the staff report. He noted that when the Social Services policy was reviewed in January 2006, Council elected to maintain the current criteria for emergency and transitional services (ETS) and wait for the Needs Assessment to determine if any further policy changes are

needed. Staff is now returning for that review. Mr. Gibb said $351,000 is currently available for social services funding. The City has an $18,000 contract with United Way (UW) for program administration. Discussion has occurred about funding priorities and how the needs assessment might impact the many agencies who are dependent on the City's social services funding. Mr. Gibb said other options include expanding the list of eligible activities or earmarking a specific amount of available funding for higher priority needs identified in the Needs Assessment. Staff will develop a time table to ensure the review is completed before the end of the current Council term. The policy needs to be set by January to remain on track with the next allocation process.

Councilor Tomlinson asked how the various community surveys such as the Citizen Attitude Survey, Economic Development Partnership survey, and UW's Needs Assessment can be brought together to understand their commonalities. UW Director Sharon Gibson said the other surveys have specific goals and the Needs Assessment has broad goals. She said this year, UW did take other community surveys into consideration.

Citing the Needs Assessment, Councilor Tomlinson asked whether ETS is an appropriate focus for City policy or if some other focus, such as healthcare for low income citizens, is more critical. Ms. Gibson said most needs fall into the broad category of ETS and continuing with the status quo results in not affecting any one effort particularly well. She supports considering other options, such as partnering with others to invest in a larger endeavor like drug and alcohol abuse prevention and treatment. Councilor Tomlinson asked if social service funds would be better spent as a lump sum to one organization, rather than spreading a small amount of money around to many agencies. Ms. Gibson said she could not say what one thing is the most important to address singularly. She cautioned that other gaps would be created if this approach were used. Mr. Gibb said the City is trying to collaborate with many agencies to fill several social service gaps in the community.

Councilor Hagen said she supports setting aside money for another need that would allow a transition away from providing ETS.

Chair Daniels noted that half of bullets in the Needs Assessment summary relate to housing, but her largest concern is substance abuse. She asked if the allocation formula should be changed to address that problem because it creates additional burdens on other social service resources, law enforcement, and the community in general.

Councilor Tomlinson said he is not comfortable with continuing the current model. He expressed concern about what would happen to dependent agencies if the City had to suspend its social service allocations. Councilor Tomlinson said he supports discussing possibilities, whether it be changing the model and/or changing the policy's focus.

Mr. Nelson summarized that today's discussion will go to Council and staff will return with a time frame for reviewing the policy. Fine tuning can occur in subsequent HSC meetings where social service providers and Needs Assessment partners can be invited to share their insights. He noted three possible approaches: make no changes to the policy, in addition to the ETS focus create incentives to address Needs Assessment priorities, or change the ETS focus and make strategic investments in other areas. Councilor Tomlinson asked how the City's social service dollars could be leveraged through partnering. For example, if health care is a priority, how would the clinic and the hospital contribute? Ms. Gibson said she believes both organizations are open to a partnership. Mr. Gibb said part of the analysis needs to include how organizations could match or magnify the City's contributions.

Councilor Tomlinson asked how a collaborative model could be drafted for Council to consider; for example, creating a drug and alcohol treatment program. Ms. Gibson said potential partners could provide information, but there would be no real numbers until a commitment was made. Mr. Nelson observed that partners typically expect a return prior to making commitments. The group agreed that having a discussion with key players would be helpful, but first a discussion should occur with Council to ensure they support the approach. Mr. Nelson suggested that an initial meeting could include agencies who currently receive social service funding and potential partners, including Needs Assessment partners.

In response to Councilor Hagen's inquiry, Mr. Nelson said a time line will be developed following Council discussion. He recommended that HSC remain as the policy review group, facilitating the discussion with agencies and potential partners. Chair Daniels summarized by noting that the Committee will check with Council about their preferences in reviewing the policy.

The item is for information only.

II. Social Services Allocations - Fiscal Year 2006-07 (Attachment)

Community Development Management Assistant Judy Somes reviewed the staff report, noting the attached memo from United Way (UW) includes recommended allocations and descriptions of agencies and programs. In response to Councilor Tomlinson's inquiry, UW representative Debbie Parsons said CASA is considered an ETS because it transitions children from being wards of the State into permanent housing and does so much more expediently than if the child did not have CASA.

In response to Councilor Hagen's inquiry as to why two agencies were denied funding, Ms. Parsons said Home Life's transportation program is for recreational trips, not critical transportation needs, and allocation volunteers felt that Habitat for Humanity's Transitional Job Training program was still being developed and there were higher priorities for funding.

Chair Daniels noted that during the budget process, citizens expressed concern that Community Outreach, Inc. (COI) denied services to some homeless people. Ms. Parsons said to use COI services such as showers and the community kitchen, a person must be assigned to case management. COI staff is trying to get clients away from an emergency-based lifestyle.

The Committee unanimously recommends that Council accept the recommended allocations as presented in staff's June 6, 2006 memo.

III. Social Services Third Quarter Report (Attachment)

Ms. Somes distributed an addendum to the Third Quarterly Report (attached) and said staff is presenting the report as required in the agreement between the City and United Way.

In response to Councilor Hagen's inquiry, Ms. Somes confirmed that the small difference between the two funding amounts is due to the carry over of funds returned from the previous year.

The Committee unanimously recommends that Council accept the Social Services Third Quarter Report.

IV. Boys and Girls Club Update (Attachment)

Boys and Girls Club (BGC) representative Steve Bason said over $110,000 was raised at the Celebrate Kids breakfast fund raiser in April. Mr. Bason said the 20 percent increase in participation compared with last year is the result of several factors. BGC becomes more well known every year, their cooperation with Lincoln's after-school program increased, and BGC has improved its marketing and advertising. In addition to analyzing the effectiveness of their advertising, BGC increased direct mailing to parents and reduced the number of flyers sent home with kids because they weren't always reaching parents. BGC sends e-mail reminders about activities and classes a maximum of twice per month to help ensure it is read, rather than being viewed as spam. Mr. Bason said BGC has a great staff and hundreds of wonderful volunteers.

Regarding expansion to South Corvallis, Mr. Bason clarified that South Corvallis covers a large area, so the focus has been narrowed to Southeast Corvallis. BGC is working with Lincoln School on the 21st Century grant; 4H and Parks and Recreation are also partners. The program provides help with homework and language skills. February 2006 marked year three of the five-year renewable grant. Mr. Bason said year three is fully funded and the grant's renewal is not guaranteed. In year four, the grant provides 75% funding and in year five, it drops to 50%. Funding for year four looks solid, but money is needed to fill the gap in year five. BGC is committed to continuing the program after federal funds are gone. An endowment funds BGC's operating expenses, but a fund raising drive is needed to

help with costs at the Southeast Corvallis site. The Super Time for Art, Recreation, and Sports (STARS) program at Lincoln was not successful in the past because it was a fee-based program. Now that funding is available to offset costs, program participation is up, with 80 to 100 kids coming to the Lincoln site.

BGC and Lincoln School have had discussions about the future of South Corvallis in hopes of collaborating when a new school is built, probably in the next ten to 15 years.

Chair Daniels said she is pleased to see BGC's presence in Southeast Corvallis and appreciates what the organization does for Corvallis' kids.

The item is for information only.

V. Corvallis-Albany Farmers' Market Annual Report (Attachment)

Parks Operations Specialist Steve Deghetto introduced Corvallis-Albany Farmers Market (CAFM) Director Rebecca Landis and said staff is seeking approval of CAFM's 2005 annual report.

Mr. Deghetto said the permanent no parking signs are working well, both visually and functionally. The CAFM annually donates $500 toward Riverfront maintenance. The money was recently diverted to hire Work Unlimited because Parks staff were struggling to provide adequate sanitation service and still meet their other obligations. Work Unlimited staff provide additional trash pick up which is often needed before and after weekends. Ms. Landis said the park area gets a tremendous amount of use. Mr. Deghetto noted that Parks staff secured a recycled cart to haul trash, which is easier than trying to maneuver a Parks truck through the market area. He observed there is a slight decline in the number of vendors, but it does not seem to be reflective of the number of people who come to the market.

Ms. Landis agreed that the no parking signs are an aesthetic improvement, but she believes there are still too many cars parking in the area. She will ask Public Works put up a few of the extra signs they have in storage if code permits. If that does not help with the problem, she may come back to request a code amendment. Violations usually happen when OSU is in session. Ms. Landis said the CAFM does not seek to have cars towed; they just want the street to be clear. She said vendor counts have increased in the last two weeks and the weather is a big factor in the market's success. The new L-shaped configuration adopted last year gives the market a better flow. Ms. Landis said she appreciates that the Waterstreet Market stores the City's extra traffic direction signs. This ensures the signs are readily available should they be needed for another event.

Councilor Tomlinson said he has been asked about having storage spaces available so customers can spend more time Downtown after making purchases at the market. Ms. Landis said she has heard the same request and that it is worth considering after more pressing matters are addressed. Ms. Landis has also been

approached by the Ten Rivers Food Web about using food stamps at the market. While CAFM would like to provide this service, they would need to purchase a wireless device and hire a full-time employee to swipe the cards to avoid fraud; CAFM will still look into the possibility. Ms. Landis said local churches have helped with the "That"s My Farmer" program where participants pay $20 for a coupon book; the purchaser receives $18 in coupons and the remaining $2 goes into a pool to help the needy. Churches are bearing the administrative costs associated with the program.

The Committee unanimously recommends that Council accept the 2005 Corvallis-Albany Farmers' Market Annual Report.

VI. Other Business

The July 5, 2006 Human Services Committee meeting was canceled. The next meeting is scheduled for 12:45 pm on Tuesday, July 18, 2006 in the Madison Avenue Meeting Room.

Respectfully submitted,

Patricia Daniels, Chair

MEMORANDUM

DATE: June 7, 2006

TO: Human Services Committee

FROM: Ken Gibb, Director, Community Development Department

SUBJECT: Initiation of Social Services Policy (00.06.05) Review in Anticipation of Setting Funding Priorities for FY 07-08 Allocation

Issue:

The regular review of the entire Social Service Funding Policy.

Background:

The City has for many years provided funds to agencies who assist Corvallis residents with social service needs. A formal Council policy was adopted in January 2000. In compliance with the Policy, policy priorities are reviewed annually for the upcoming year's funding. In 2002, the entire policy was reviewed and revised. It is now time for another full review of the policy.

Discussion:

The Benton County Needs Assessment of 2005 has recently been completed and outreach to the community has been undertaken. United Way of Benton and Lincoln Counties staff will be present to discuss the Needs Assessment with the Human Services Committee. This discussion will initiate the Social Service Funding Policy review, including future FY 07-08 funding priorities.

Action/Recommendation:

None requested. For information and discussion at this time. Staff will return to HSC for further discussion on revisions to Council Policy 00.06.05.

Review and Concur:

Nancy Brewer, Finance Director

Review and Concur:

Jon S. Nelson, City Manager

CITY OF CORVALLIS

COUNCIL POLICY MANUAL

POLICY AREA 6 - COMMUNITY DEVELOPMENT

CP 00-6.05 Social Service Funding Policy

Adopted January 18, 2000
Affirmed February 5, 2001
Revised February 19, 2002
Affirmed April 7, 2003
Affirmed February 2, 2004
Affirmed February 22, 2005

6.05.010 Purpose

To formally establish a policy for the setting of social service priorities, specify the annual allocation amount and allocation process for funding.

6.05.020 Goal

That all residents have resources to provide for basic needs.

6.05.030 Mission

The social service allocation process is intended to provide support to local social service agencies which assist in improving the mental or physical condition of the people in the City.

6.05.040 Funding Source

a. To provide a stable funding source for social service agencies receiving financial assistance from the City (direct or indirect), the following method which results in the largest amount shall be used:

   1) 0.01181 mills of projected assessed value shall be allocated for this purpose; or
   2) The prior year allocation shall be increased by the December Portland Consumer's Price Index (CPI). The FY 99-00 allocation $370,720 is used as the base.

b. It is strongly encouraged that all social service funding be requested and distributed through the annual social service program process.

6.05.050 Definitions

The following definitions are written to provide a basis for common understanding in discussing social service needs of the community:

a. *Basic human needs* - The following are some of the basic necessities of life which, when absent, would be considered to constitute an emergency:

1)	food	2)	water	3)	shelter
4)	warmth	5)	clothing	6)	safety and freedom from fear and violence
7)	access to information	8)	acute health care		

b. *Emergency services* - Programs or services that provide immediate or short-term assistance to meet any of the above basic human needs when absent.

c. *Transitional services* - Programs or services that provide people with a short or defined period of assistance to sustain their basic human needs in the transition to self-sufficiency.

d. *Long-term services* - Programs or services that provide permanent or on-going services to citizens.

e. *Preventive services* - Programs or services that seek to prevent citizens from needing emergency or transitional assistance.

f. *Social services* - Intended to describe a program(s) designed to improve the mental or physical condition of the people in the community. Such programs may include, but are not limited to: mental and physical health, child care, drug and alcohol abuse, vocational rehabilitation, aging, and others as permitted.

Since 1992, the City Council has agreed not to fund Long-term or Preventive Services.

6.05.060 Setting Priorities

Annually, Council will review the needs of the community and set priorities for funding, including using broad needs assessment tools that are available. Changes in priorities shall be made by amendments to this Council Policy. The current funding priorities are Emergency and Transitional services.

6.05.070 Eligibility

Organizations applying for City social service funding must be recognized as a non-profit by the Federal Government with a 501(c)(3) tax-exempt status certification or be a governmental or quasi-governmental agency.

6.05.080 Annual Process

a. Council shall evaluate and set the annual social service priorities.

b. Council shall review and approve the annual calendar for allocations.

c. The availability of funds shall be advertised.

d. Agency proposals shall be received.

e. Agency presentations shall be scheduled.

f. A Committee of community members knowledgeable in social service needs shall be formed. They shall:
   1) meet to review agency proposals and funding requests; and
   2) make recommendations to Council.

g. The Human Services Committee will review the Social Services Committee recommendations and forward an allocation recommendation for full Council review and approval.

h. Council shall appropriate the funds for the program in the annual budget.

i. Contracts shall be executed with service providers.

j. Funds shall be distributed to service providers.

k. Contracts shall be monitored and programs of the social service providers evaluated.

l. Quarterly reports on the work performed by service providers shall be submitted.

m. Council shall review and approve the quarterly reports of service providers.

6.05.090 Administration of Social Services

a. The City may chose to issue Request for Proposals on a triennial basis for administration of its social service program and funds. The successful administrator must demonstrate knowledge of the social service needs of the community and advise Council. A contract between the City and the Administrator will be executed and renewed on an annual basis.

b. Should the City decide not to utilize the services of an administrator, this provision of the Policy shall be invalidated.

6.05.100 Reporting Sanctions

a. Service providers who report late are subject to the following sanctions

1st Time Quarterly Report is Late	1. Automatic letter to Agency Director with a copy to the President outlining ramifications if late again. 2. Phone call follow-up. 3. If report is submitted within a 20-day grace period, then there is no monetary penalty. 4. If report not submitted within 20-day grace period, the agency loses 50% of that month's allocation amount. 5. For every additional 30 days the report is not received, the agency will lose another 50% of one month's allocation.
2nd Time Quarterly Report is Late	1. Letter written directly to the President of the Agency's Board of Directors with a copy to the Agency Director. 2. If report is submitted within a 20-day grace period, then there is no monetary penalty. 3. If report not submitted within 20-day grace period, the agency loses that month's annual allocation amount. 4. For every additional 30 days the report is not received, the agency will lose another month's allocation.
3rd Time Quarterly Report is Late	1. Suspension from the next year's allocation process.

b. In addition to the above sanctions, late reporting will be reported to the Allocations Committee and the Committee will be encouraged to weigh an agency's accountability with regard to reporting when deciding about allocations to that agency's programs.

6.05.110 Return of Funds

a. In the event a social service provider cannot or chooses not to perform the services purchased by the City, either due to a change in circumstances or to monetary sanctions applied as stated above, the following should occur:

1) The City or its Administrator will reconvene the Allocations Committee to evaluate use of the funds. The Committee will make a recommendation to Council. Council shall review the recommendation for approval.

2) The unused funds will be deducted from the monthly allocation to the service provider. Any funds distributed and not used for the services purchased shall be reimbursed by the provider to the City.

6.05.120 Review and Update

These policies shall be reviewed in January of each year in conjunction with the setting of the social service priorities. Council, upon request or significant change in the general and economic well-being and prosperity of the community, may decide to review this policy sooner.

MEMORANDUM

TO: Human Services Committee

FROM: Ken Gibb, Community Development Director

DATE: June 6, 2006

SUBJECT: Social Service Allocation Recommendations for FY 06-07

Issue

The City of Corvallis has an agreement with United Way of Benton County to administer the allocation process for the City's social service FY 06-07 monies. This work includes review of agency proposals for funding by an allocations committee with a recommendation forwarded for HSC review.

Discussion

Through the annual operating budget process $369,960 was approved at the June 5, 2006 Council meeting for FY 06-07 social service program allocation. This allocation amount was derived by using the budget from the prior year ($360,580) and increasing it based on the CPI for December 2005 (2.6%), for a total of $369,960.

United Way will receive $18,460 for administering the program from allocation through monitoring agency programs for compliance throughout fiscal year 2006-2007, and $351,500 is to be allocated to agencies requesting social service funding assistance.

The City allocation process ran concurrently with UW's "spring" allocation. An Allocations Committee made up of citizens from various interests within the community and knowledgeable in the social service needs of the community were provided with written agency proposals. The Committee deliberated to determine an allocation recommendation to be presented to the Human Services Committee. Attached is the spreadsheet of recommended allocations. Fifteen organizations submitted requests for 21 programs. Nineteen (19) programs are recommended for funding. Two (2) programs were not recommended for City funding.

Recommendation

A motion to recommend to City Council approval of the allocations as presented on the attached or as amended by this committee.

REVIEW AND CONCUR:

Nancy Brewer, Finance Director

REVIEW AND CONCUR:

Jon Nelson, City Manager

Addendum to 3rd Quarter Report

Home Life, Inc.

Dental Program – This program has helped 2 clients with significant dental work that was not covered by the Oregon Health Plan, Medicaid, etc. The funds provided for these services are critical for individuals who have significant issues with oral care. The clients would otherwise not receive the services without this financial assistance.

Transportation Program – This program has provided 4,705 supported trips during this reporting period, which include medically related trips, recreational trips, and work-related trips.

Community Transition Program – This program provides community & individual opportunities for clients in areas of growth & skill building. During this quarter, they have been working on health & safety skills, and swimming & dancing. During this quarter, two of the Community Transition Specialists left the agency and were then replaced. Therefore, there was a slight decrease in the transition hours provided for this quarter.

Vina Moses Center – FISH & Family Shopping

Both of these programs have been struggling with obtaining data for outcome measurement, due to the nature of the client base. However, the agency is working to develop more effective methods of surveying the clients. They are getting better and more thorough information from the surveys recently. During this quarter, there were 2,695 visits to the Center for shopping.

Community Assessment Update

Needs Assessment Report

Prepared for

The United Way of Benton County

In Partnership with

Benton County
City of Corvallis
Corvallis Clinic
Oregon State University
Samaritan Health Services

By Cogan Owens Cogan
in association with
Davis Hibbitts and Midhgall

February, 2006

Executive Summary

Introduction

Benton County residents, employers and community organizations—all benefit from a healthy community—one in which people have access to healthy lifestyles and a clean environment; where the basic needs of food, shelter, clothing, education and healthcare are met; people participate actively in the life of the community; job opportunities are plentiful and meaningful; and where people can enjoy cultural, recreational and other opportunities that nurture their minds and bodies.

The United Way of Benton County, in partnership with the County, the City of Corvallis, the Corvallis Clinic, Oregon State University and Samaritan Health Services, periodically assesses the health of the community to help them set priorities for funding and resource use that best meet the needs of the community. This report describes the fourth such assessment, which has generally been updated every three to five years. It summarizes the research methodology used and includes the elements of a healthy community today, community needs and issues, and conclusions and recommendations.

Methodology

In early 2005, United Way of Benton County and its partners retained the consulting firm Cogan Owens Cogan (COC), assisted by survey researchers Davis, Hibbitts and Midghall (DHM), to prepare this needs assessment. The project team undertook the following activities:

- Stakeholder interviews with community leaders. Personal or telephone interviews were conducted with 11 community leaders representing partnering agencies, local foundations and other interests.
- Random-sample, telephone survey of 500 County residents, including 213 low-income households.
- Secondary, empirical research into conditions related to healthy communities, with detailed data for each element.

- Informal, service provider questionnaire. United Way distributed this written survey via e-mail to 47 people representing nonprofit, faith-based, local government and other service providers in the County.
- Two focus groups of community service recipients and others. COC facilitated discussions related to substance abuse and health care, and strategies to address these issues.

Overview of a Healthy Community

Through personal interviews, community leaders defined and identified key elements of a healthy community. This was followed by a random sample telephone survey and service provider questionnaire asking respondents to rank the importance of these elements in creating a healthy community.

A **healthy economy** is considered a very important element of a healthy community by 63% of service providers and 70% of telephone survey respondents. This includes a high employment rate/job opportunities and stable workforce. They believe that an economically vibrant community also affects mental health and crime rates.

Services for the elderly and health care and safety are important in meeting the basic needs for food, clothing, shelter and education. Providing the first three for residents in need are identified by 95% of service providers and 77% of telephone survey respondents as a very important element of a healthy community.

Quality education is defined in terms of good schools, a satisfactory graduation rate and a well-educated population. Quality educational opportunities are important to several community leaders. In responding to the list of elements, 95% of service providers and 91% of telephone survey respondents say that quality K-12 education is a very important element of a healthy community, with education/schools the second most common answer among telephone survey participants.

A healthy community also is defined in terms of the availability of a **variety of social and health care services, or a social service**

network. Specifically mentioned by community leaders are adequate resources to treat/counsel substance abusers and their families and other families in distress. A low crime rate and low child abuse ratios also are important. Services for the elderly and those with disabilities or other special needs are identified by 100% of service providers and 99% of telephone survey respondents as a very or somewhat important element of a healthy community. Service providers (95%) and telephone respondents (74%) also say that mental and physical health care services and facilities are very important elements of a healthy community. When asked to rank the importance of access to these facilities in creating a healthy community, all focus group participants said that they are very important. They went on to agree that people with poor mental or physical health will see adverse impacts on other aspects of their life, such as job, family and other relationships.

Some community leaders cite a **vibrant downtown**, with civic, social and cultural activities and events, a diversity of people, and opportunities for interactions among different segments of the community as important elements of a healthy community. Cultural activities that provide intellectual stimulation, such as arts and theater are seen as less important than other elements of a healthy community—very important by 16% of service providers and 38% of telephone survey respondents. To 32% of service providers and 41% of telephone survey participants, community gathering places are very important elements of a healthy community. Similarly, 47% of service providers and 51% of telephone survey respondents say that cultural and ethnic diversity are very important elements of a healthy community.

Other leaders add **quality public services** such as law enforcement, public works, parks, transportation, cleanliness and maintenance. A safe environment free from crime is considered a very important element of a healthy community by 88% of telephone survey respondents and 74% of service providers.

A **physical environment that is healthy, clean and free of contamination and unhealthy substances** is important to many residents. Clean air, water and other environmental conditions are considered very important elements of a healthy community by 79% of

service providers and 84% of telephone survey respondents. Community leaders also include opportunities to pursue healthy lifestyles, such as parks and recreational facilities, in this category. Fewer service providers (47%) and telephone survey respondents (46%) rate recreational facilities and opportunities as very important elements of a healthy community.

Interviewees identified a **culture of community pride and a place where people feel invested and contribute to the whole** as another descriptor of a healthy community. Telephone survey respondents (77%) and service providers (78%) feel that people working together to solve community problems is very important in creating a healthy community.

Conclusions

Benton County residents enjoy many opportunities to live, work, learn and play.

- The County has one of the lowest unemployment rates and highest average per capita incomes in the state.
- People enjoy a wide array of recreational opportunities and natural resources, including the Willamette River, neighborhood and community parks, trails and access to nearby forests.
- A well-educated citizenry has diverse opportunities at Oregon State University and Linn-Benton Community College. The public school system is generally above average.
- Residents participate in a wide variety of volunteer activities with many opportunities for community interaction and collaboration.

While most people are able to take advantage of attributes, others face significant medical, housing and other problems. Difficulty obtaining medical or dental care, rising housing costs and increased substance abuse are exacerbated by declining local, state and federal resources.

- A relatively high percentage of people in the County lack affordable housing or spend more than 30% of their income for shelter. Low-

income households have less money to spend on health care and other basic needs.

- According to census data, a relatively significant percentage of residents have a substance abuse problem while resources to address the problem are generally lacking. Substance abuse is linked to a high percentage of the criminal activity in the County.
- While other medical related problems, such as lack of access to mental health services, affect a relatively small proportion of residents, they are significant for those who must face them.

While these issues may not directly affect a majority of the population, they indirectly affect the health of the entire community by:

- Requiring scarce resources that could otherwise be used to meet other community needs.
- Contributing to criminal activity and the cost of crime prevention.
- Increasing the cost of health insurance, emergency and other services.
- Reducing the quality of K-12 education.

Recommendations

Although Benton County has much to be proud of, more can be done to ensure that it is an even healthier community for all its residents.

- Increase public education efforts and awareness of issues and problems to influence societal attitudes and individual behavior.
- Stimulate a higher level of cooperation and collaboration among service providers, public agencies, members of the business community and others.
- Address the most pressing issues identified in this plan by targeting resources to the most effective strategies that lead to a healthy community.
- Publicize and encourage public participation in volunteer and community-building activities.

BENTON COUNTY
Today

SPRING, 2006

Wants, Needs & Resources

A Summary of an Assessment by United Way of Benton County and Community Partners

In early 2005, United Way of Benton County and its community partners commissioned the consulting firms of Cogan Owens Cogan (COC) and Davis, Hibbitts and Midghall (DHM) to assess the health of our community as a guide to setting priorities for wise allocation of resources. To ascertain the information for the report, the following were undertaken:

- Interviews with community leaders representing the partnering agencies, local foundations and other interests.
- Random-sample telephone survey of County residents, including low-income households.
- Informal survey of service providers in the County.
- Focus groups with service recipients and others.
- Empirical research.

By many objective measurements, Benton County is indeed, a Healthy Community. . . a good place to live, work and play. We enjoy:

- An educated, quality work force
- The fourth highest ranking in the state in regards to personal per capita income
- A strong economy, with one of the lowest unemployment rates and highest average per capita incomes in Oregon
- A wide variety of recreational opportunities and natural resources
- Generally well-performing public schools and strong higher educational opportunities
- Interested and involved citizenry

In such an environment, the minority who cannot afford or enjoy these advantages can be invisible.

What are the implications to Decision-Makers?

Everyone is affected when some of us are in distress.

The cost of crime prevention and apprehension increases with the incidence of alcohol and substance abuse.

Resources spent to address problems cannot be used to help meet other community needs.

People who lack the basic essentials of life are less productive citizens.

Are there signs of ill health in our community?

Unfortunately, all is not as well as we would like.

- More than half of all households in the County (53%) spend greater than a third of their income on housing. This is above the standard measurement.
- Renters are more likely than homeowners to have low or very low incomes.
- Of all County residents, 12%, or nearly 10,000 people, have some type of disability. The number climbs to 50% for those over the age of 75.
- There are more people with substance abuse problems (19%) here than elsewhere in the state (15%.) Drug and alcohol abuse was identified most often by County residents as the most significant problem here.
- Though we have a generally lower rate of violent crime, arrests for fraud, liquor abuse and disorderly conduct are higher here.

More than half of all Benton County households pay more than a third of their income for housing.

Benton County households below median income levels that spend more than 30% of income on housing (including utilities), 2000

Region	Owner-occupied	Renters
Benton County	32.7%	82.3%
Statewide	40.1%	70.1%

There are more people with substance abuse problems here than elsewhere in the state.

- Drug and alcohol use among high school students is prevalent, with more than 40% reporting they have consumed alcohol recently.
- Some OSU students sleep in their cars because they cannot afford adequate housing.
- OSU's Escape Hunger food program fed lunch to 230 needy students in just one day.
- Only one organization in the County provides free residential treatment for youths with substance abuse problems, and there is space for only two local young people.

What can we do to ensure that Benton is a Healthy County for all?

Target monetary and staff resources to problems identified by the community as most significant.

- Focus on a full range of solutions--prevention, intervention and enforcement.
- Pool our resources and talents to work together to solve problems through public/private partnerships, intergovernmental efforts, volunteerism and private giving.
- Think globally and act locally by putting our charitable resources to work solving broad problems in our own backyard.
- Continue to monitor our progress, celebrate our successes and constantly strive to do better.

For more information or a copy of the full report, contact Sharon Gibson, United Way of Benton County, 541.757.7717 or sga@peak.org.

United Way
OF BENTON & LINCOLN COUNTIES

Strengthening communities. Improving lives.

MEMO

To: City of Corvallis City Council & Human Services Committee

From: Debbie Parsons

Date: June 6, 2006

Re: 2006-2007 Grants Recommendations

As per our administrative contract, we have recently completed the granting process to provide recommendations about City of Corvallis Social Service Funding grants for the 2006-2007 fiscal year. During this year's process, the spring United Way grants & the City Social Service Funding were conducted simultaneously. Between the two processes, we had 16 volunteers reviewing proposals, doing site visits & interviews, and making funding recommendations. The groups then came together to develop some final recommended grant amounts. The attached spreadsheet provides a listing of the agencies, programs, requests, & recommendations for this year's process.

We are working to make this new process more manageable while also improving upon accountability through the use of outcomes measurement.

I appreciate the City of Corvallis leadership in not only continuing this program, but consistently working to make improvements in the process. As Councilors, you should be proud of the impact these dollars have on our community. You truly are strengthening our community.

As always, please let me know if you have any questions or need more information.

104 SW 2nd St., PO Box 242, Corvallis, OR 97339 ~ phone: 541-757-7717 ~ fax: 541-758-1443 ~
www.unitedwaybc.peak.org ~ parsonsd@peak.org

Spring 2006 Large Grants Process
City of Corvallis

Agency	Program	Grant Request	Consensus
Benton Furniture Share	Operating Support	5,000	5,000
Benton Habitat for Humanity	Transitional Job Training Program	36,000	-
CASA Voices for Children	Operating Support	35,000	27,000
Center Against Rape & Domestic Violence	Operating Support	60,000	45,000
Community Outreach Inc.	Multiple Program Listings	164,031	100,000
Community Services Consortium	Emergency Housing Program	14,232	10,000
Community Services Consortium	Linn Benton Food Share	35,000	20,000
Home Life, Inc.	Transition Program	42,978	25,000
Home Life, Inc.	Transportation Program	7,000	-
Jackson Street Youth Shelter, Inc.	Operating Support	30,000	23,000
Mid-Valley Housing Plus Inc.	Emergency Services	25,000	25,000
Mid-Valley Housing Plus Inc.	Transitional Services	25,000	5,000
Old Mill Center for Children & Families	Divorce	6,676	6,000
Old Mill Center for Children & Families	Sex Abuse	9,446	9,000
Old Mill Center for Children & Families	Transition	14,687	12,000
Parent Enhancement Program	Operating Support	15,000	5,000
Presbyterian Child Care	Operating Support	15,000	10,000
Retired & Senior Volunteer Program	SASSI	3,000	2,500
Senior Meals/Meals on Wheels	Operating Support	10,000	6,000
Vina Moses Center	FISH Emergency Services	6,000	6,000
Vina Moses Center	Family Shopping	10,000	10,000
TOTAL REQUESTS		569,050	351,500
UNITED WAY ADMINISTRATIVE FEE			18,460
TOTAL CITY FUNDING			369,960

PROGRAM DESCRIPTIONS FOR THE CITY OF CORVALLIS SOCIAL SERVICE DOLLARS

BENTON FURNITURE SHARE

Benton Furniture Share recycles reusable donated furniture, at no cost to low income households (households that have been homeless, are at risk of homelessness, or are otherwise in need), thereby diverting furniture & major appliances away from the landfill.

CASA-VOICES FOR CHILDREN: BENTON COUNTY COURT APPOINTED SPECIAL ADVOCATES

Benton County CASA recruits, trains, and supports volunteers who advocate for children who are in the jurisdiction of the state in Benton County due to abuse and neglect. CASA volunteers become parties to the case and remain involved until the court dismisses jurisdiction.

CENTER AGAINST RAPE & DOMESTIC VIOLENCE (CARDV)

Crisis Line

The Crisis Line program provides a 24-hour a day crisis line for victims of domestic and sexual violence. The crisis line is often the initial point of contact for victims as well as community partners who are requesting services including: hospital emergency room response & advocacy, intake for and transportation to shelter, legal advocacy, and information & referral on all matters related to the abuse of children.

Emergency Shelter

The Emergency Shelter program provides emergency shelter and transitional shelter to victims of domestic violence and/or sexual assault. The emergency shelter is located in a confidential setting to ensure safety. Support services are provides to clients.

COMMUNITY OUTREACH, INC.

Crisis, Information & Referral

This program provides 24 hour a day, 365 days a year, crisis intervention and information & referral to call-in & walk-in clients. Additional services include client phone messaging, mail service, community kitchen & shower, food distribution, and other miscellaneous services. This program also provides 4 annual holiday meals with all-day activities for community members that are alone or without funds.

Emergency Family Shelter

This program provides thirty days of emergency shelter in three apartments (now 11 units in the new facility) to homeless families. Support services include intensive case management focusing on problem solving, pro-active behavior, goal setting, and budgeting, to help families obtain stable housing. Food, hygiene products, cleaning supplies, client phone message service, mail service, and laundry facilities are available to each family.

Families in Transition

This program provides transitional housing coupled with intensive case management, education, and support services to homeless families with children. Families work on financial, educational, vocational, and personal goals. Families may stay in housing up to a year.

Food Bank

This program provides emergency food packages to low-income families and individuals after hours, weekends, and holidays, when other local food banks are closed. A three-day supply of nutritious food, or a total of nine meals for each person, along with information about all other local food resources, is provided to each client.

Homeless Emergency Services

This program provides comprehensive case management to all clients wishing access to the community kitchen or shower. Case managers help clients to identify behaviors that create or sustain their homelessness or marginal life style. Clients meet with case managers regularly that can help them establish goals and achieve them.

Medical Program

The medical program provides five primary health care clinics every week. The following services are provided free to patients: examination & treatment by a local qualified medical staff, most prescription & over-the-counter medications, referrals to specialists, physical exams, diabetic counseling, ADHD monitoring, and screening for substance abuse. All professional donate their time.

Men's Housing Program

Emergency & transitional shelter with support services and case management are offered to homeless single men over the age of 18. The clients must meet the USDA income eligibility guidelines. All clients receive case management similar to the other programs above and they receive all of the services outlined in the Crisis, Information, & Referral Program.

COMMUNITY SERVICES CONSORTIUM

Emergency Housing Program

This program provides needed emergency housing assistance to eligible low-income Corvallis households who are homeless, at risk of homelessness, or who are ready to move from transitional housing to permanent housing.

Linn Benton Food Share

This program distributes food to member agencies in Corvallis. They include emergency food box programs, holiday food box programs, emergency meal sites, congregate meal sites, and gleaning groups. Food Share also provides monitoring and technical assistance to the agencies in order to fulfill contract obligations with the Oregon Food Bank.

HOME LIFE, INC. - COMMUNITY TRANSITION PROGRAM

This program transitions developmentally disabled adults who are dependent on public funds for the basic necessities of life to a more independent life while becoming productive members of the community. Services include intensive household specific training activities on how to pay your rent, pay your bills, and budgeting skills.

JACKSON STREET YOUTH SHELTER – EMERGENCY OVER NIGHT SHELTER

This program provides emergency shelter, food, water, warmth, safety, freedom from fear & violence, and information about emergency services to homeless youth in Benton County. This program also reaches out to parent populations with children that have behavioral problems and coordinates drug and alcohol services for youth and their families so that adequate identification, referral, assessment, and treatment occur.

MID-VALLEY HOUSING PLUS

Emergency Services

This program provides crisis intervention, access & coordination of mental health care, access to physical health care, access to food & clothing, transportation, and housing. These services are provided to people with mental illness.

Transitional Services

This program offers comprehensive case management to clients with chronic mental illnesses. The services include: crisis intervention, life skills training, cooking, shopping, referral & coordination of mental & physical health needs, personal budgeting, transportation, info0rmation & referral, counseling, advocacy, housing, job search assistance, and socialization activities.

OLD MILL CENTER

Divorce Treatment Program

This program provides education and treatment services to children and families who are going through transitions related to divorce. Services include: 1) Divorce adjustment groups for children (ages 3-11), which meet for 8 sessions with accompanying parent groups focused on the same general topics such as: kids don't cause divorce, you're not the only one, it's ok to have feelings – how to express them, etc.; 2) Individual and/or family counseling; 3) Co-parenting: Children in Changing Families – four-hour seminars mandated by Benton County Circuit Court for all divorcing parents of children under the age of 18.

Childsafe Sex Abuse Treatment Program

This program provides treatment to children, ages 3 and up, who have been sexually abused. This program also provides information and support to parents, foster parents, teachers and/or other adults and siblings in these children's lives. Program services help transition children from the fear, anger, depression, and guilt, which accompany sexual abuse to inner strength, independence, and self-confidence. Treatment formats include: group therapy in 8 week sessions; individual play therapy; and day treatment program.

Transition Services

This program provides transition services for children, ages 3-16, with conduct disorders, abuse issues, social/behavior problems, developmental disabilities, and other risk factors as they move from OMC programs into Corvallis preschools, childcare centers, and into 509J classrooms. The program provides intake, assessment, case management, and transition support for children with social/behavior problems and their families in the community who are not currently receiving services or are receiving inadequate services.

PARENT ENHANCEMENT PROGRAM

This program provides outreach services for high risk pregnant and parenting teen families, including the following services: weekly home visits from trained mentors, monthly classes on various life skills, monthly newsletter, and clothing & baby equipment for safety & child development.

PRESBYTERIAN CHILD CARE CENTER – SUBSIDIZED CHILD CARE

This program provides subsidy to families that are low income, are looking for work, furthering their education, and may be experiencing change through divorce, separation, or job loss.

RSVP - SAFE & SECURE SENIORS INDEPENDENT

This program professionally trains community volunteers to conduct home inspections at no charge and at the request of the senior-resident, making recommendations for improving their home safety. When needed, security hardware, such as dead bolts, door viewers, smoke alarms, and grab bars, is installed at low or no charge to the senior. SASSI volunteers also make referrals to help citizens connect with a variety of senior resource services & assistance.

SENIOR SERVICES – MEALS ON WHEELS PROGRAM

Senior Meals provides highly nutritious meals to homebound elderly who live in Corvallis. Monday through Friday, volunteers deliver hot meals to the elderly. Frozen meals can be delivered for weekends and holidays.

VINA MOSES CENTER

Family Shopping Center

This program provides clothing to children and adults of low-income families at no cost. Emphasis is on school clothes for children, work clothes and appropriate clothing for job search for adults. For the annual school program, children (grades K-12) receive a new pair of shoes, socks, underwear, and school supplies. They may also pick out two outfits and one coat from the quality used clothing. Expectant mothers can receive a complete layette. The program also distributes small household goods, such as dishes, pots, pans, linens, etc.

FISH Program

This program provides emergency cash or cash equivalent services for items such as prescriptions, gasoline, bus tickets, rent & utilities, small auto parts, ID cards, and laundry.

MEMORANDUM

Date: May 31, 2006

TO: Human Services Committee

FROM: Ken Gibb, Community Development Director

SUBJECT: Social Services Quarterly Report - Quarter Ending March 31, 2006

I. Issue

Under the terms of the social services funding Agreement between the City of Corvallis and United Way, review and approval of quarterly reports is required.

II. General Discussion

United Way is the City's designated administrator for Social Service funding for FY 05-06. A three year agreement for administration services was entered into with United Way on July 1, 2004. The amount of the contract for FY 05-06 $363,460, of which $345,287 will be distributed to agencies and $18,173 is the service fee paid to United Way for administration of the program. Payment of $30,288.33 is made monthly.

For this 3rd quarter report, agencies submit a narrative of their activities to United Way. Attached, in a report from United Way, are summaries of those activities along with attachments to that report. At time of this report to HSC, five agencies had not yet provided their third quarter report. United Way will update HSC on the status of agency reporting at the HSC meeting.

United Way has been provided with a copy of the staff report, notified of this committee meeting and invited to attend.

III. Action Recommended

A Motion to recommend acceptance of the third quarter report.

REVIEWED AND CONCUR:

Nancy Brewer
Finance Director

REVIEWED AND CONCUR:

Jon S. Nelson
City Manager

United Way
OF BENTON & LINCOLN COUNTIES
Strengthening communities. Improving lives.

City of Corvallis Quarterly Reports for January – March 2006
May 22, 2006

For this report, agencies were asked to submit a one page narrative to describe services provided during the quarter. They submitted the report to the United Way of Benton and Lincoln Counties for review. The following is a summary of those reports.

Benton Furniture Share (BFS)
During the reporting period, BFS distributed furniture to 57 City of Corvallis households, one of which was a family that had relocated to Corvallis from the area ravaged by Hurricane Katrina.

During the reporting period, the agency, as a whole, had distributed furniture to 108 households. The approximate value of the furniture distributed was $44,520. This is quite an amazing number considering that this furniture not only helped many people, but also kept those pieces out of the landfill.

Also, by April, 2006, BFS had already surpassed the number of distributions that they had provided in all of 2004-2005. The Director attributes this to increased internal efficiency.

CASA-Voices for Children
With City of Corvallis dollars, CASA has recruited and trained 8 new CASA's. These volunteers have received over 30 hours of training. Five of the new volunteers have already been assigned cases. During the reporting period, the total of the CASA volunteers (70) provided 1,902 hours of volunteer activity & advocacy for children in the court system.

The agency provided the following example of the effects of a CASA-supported case.
Sue (not her real name) is now 18 years old and has spent most of her life in foster care. Both of her parents are drug addicts and had often left Sue to fend for herself. They gave her nothing of the things many of us take for granted – bedtime stories, teacher conferences, dance recitals, and a home to feel safe in. A little over two years ago, a CASA was assigned to Sue and became her champion. During that time, Sue's grades improved to A's & B's, she graduated from high school, was awarded academic scholarships, and will be attending college in the fall. Because Sue's CASA had only one case, she was able to devote the time and energy to help Sue navigate the court system, focus on her goals and cheer her on when life got overwhelming. Sue will have a very different life than her parents – instead of drugs & the streets, Sue will have an education, possess positive life skills, & become a valuable member of society.

With the support of the City of Corvallis funding, transformations such as these take place every day.

Center Against Rape and Domestic Violence (CARDV)
During the reporting period, CARDV provided the following services to victims of domestic violence:

17 adults & 14 children were provided shelter
832 crisis calls were responded to
21 support group sessions were held, with an average of 6 women in attendance
428 elementary school & 499 middle & high school students heard presentations about child abuse, teen dating violence, & sexual assault

Through all of these services, the agency is tracking outcomes & showing promising results with all of their indicators. Broadly speaking, more adults & children have increased safety, increased understanding of available resources, & an increased understanding of the impact of domestic violence.

Community Outreach, Inc.
Since this agency has so many programs, I have attached the report they submitted, outlining each of the programs' progress.

Community Services Consortium – Emergency Housing
This program has served 24 households through March, 2006, using the City of Corvallis funding. Of these, 93% of them have remained in permanent housing for more than 3 months since being helped with the emergency rental/deposit/utility assistance. This indicator shows that this program is truly making an impact on the stability of low-income families.

Community Services Consortium - Linn Benton Food Share
Linn Benton Food Share is on target with food donations in this quarter, supplying 417,498 pounds of food to 18 Corvallis agencies with City of Corvallis funds through March, 2006. While the Oregon Food Bank and the United States Department of Agriculture donations are declining, Food Share has been picking up food at Oregon State University, Albertsons, & Fred Meyer to help compensate. OSU provides the produce that is grown is their research gardens and orchards. Albertsons & Fred Meyer pull products a week to two weeks from their pull dates and put it aside for Food Share.

Corvallis Community Children's Center
This agency has provided subsidized childcare for 16 children during this reporting period, averaging about $100 per month per child. More specifically, they have provided 3,470 hours of childcare with the City of Corvallis funding. This agency is searching for a new Executive Director. In the interim, board members are providing the administration and have been very diligent about getting the information they need and submitting required reports.

Dial – A – Bus
With City of Corvallis Social Service funding, this agency provided 273 rides for seniors or developmentally disabled individuals, enabling them to be more independent and

self-sufficient. The agency provided comparisons with the same timeframe in the previous year. The numbers are very consistent with the prior year.

Old Mill Center
City of Corvallis funding provides support for three programs: Family Divorce; ChildSafe Sex Abuse Treatment; and Transition Services. I have attached the narratives submitted by the agency, since they are quite detailed.

Parent Enhancement Program
I attached this agency's detailed report of services for the quarter.

Presbyterian Preschool and Child Care Center
The City of Corvallis funds provided childcare for 3 families during this quarter. All three are single parents who are working and going to school. One of the moms is a teen mom, who is working on her education & working part-time. The health department referred this family to Presbyterian to provide stable care for her infant.

The agency works with parents to foster trust & dependability in consistent attendance to meet their personal goals.

RSVP/Safe and Secure Seniors Independent
During this report period, four clients received home safety & fire inspections. The agency is diligently working to find better ways to procure clients.

Home Life, Inc.
Jackson Street Youth Shelter
Mid – Valley Housing Plus, Inc.
Senior Services
Vina Moses Center
These agencies have not yet submitted their reports and have been notified of the late reporting policies.

City of Corvallis Quarterly Report
Period: January - March 2006

Community Outreach, Inc.

Emergency Shelter Program
100% of clients will be provided with city bus tickets or contacts to call for transportation. This objective was not met. Due to lack of funding, we have not been able to provide bus tickets to every client who requested them. We assess the need of every client's request and make decisions accordingly. *100% of clients who requested medical or mental health information received requested information.* This objective was met. *50% of clients will move from emergency to transitional housing program.* This objective was met.

Transitional Housing Program
90% of clients will participate in life skills classes, health education classes, cooking, and nutrition classes. This objective was met. *80% of clients in need of mental health or substance abuse treatment are able to access needed services.* This objective was met for clients in need of substance abuse treatment or treatment for co-occurring disorders. It was not met for clients that only needed mental health treatment. Due to lack of funding, we were not able to provide mental health services to all clients enrolled in the transitional housing program. We had to refer clients to Benton County Mental Health Services. *80% of clients can name at least three community resources.* This objective was met. *50% of clients will obtain permanent housing.* Not enough data to measure this indicator. We have implemented a new exit questionnaire for clients to complete and only have minimal data results at this time. *70% of clients will secure some sort of income.* Not enough data available to measure this indicator. We have implemented a new web-based exit and three-month follow-up questionnaire and only have minimal data results at this time.

Families in Transition
100% of FIT clients have remained in permanent housing during this quarter. 100% have maintained employment or are enrolled in an educational program. 50% use the agency daycare. 100% are passing random urine analysis.

Crisis Intervention, Information & Referral Services
100% of clients who request community resources will be provided with information. This objective was met. *95% of crisis calls (either phone or walk in) are addressed within two minutes.* This objective needs to be revised. We propose to revise it to say that *95% of crisis calls are answered in a professional and timely manner based on priority.* Our internal measurement for this objective is supervisor observation and client feedback. Our staff responds to clients on a first-come, first-served basis and according to the severity of the crisis. At times a client may have to wait (or be put on hold) if his/her crisis is not as severe as the crisis of another client. Our staff makes every attempt to serve all our clients and respond to all their needs in a professional manner.

Homeless Emergency Services
100% of eligible clients will receive food or hygiene services. This objective was met. *100% of clients requesting information and referrals to local services will be given that information.* This objective was met.

4

Mental Health Services

In January and February, 11 outpatient counseling clients were seen each month (all Benton County residents). In March, the Clinical Supervisor gave her notice and started phasing out her patient sessions as Community Outreach began the search for a replacement. As a result, the supervisor saw only one Benton County client. Focus has been on increasing understanding of psychiatric symptoms, increasing the ability to use behavioral techniques to manage psychiatric symptoms and decreasing psychiatric symptoms that interfere with successful daily functioning.

Emergency Food Bank

100% of eligible individuals and families receive food every 90 days. This objective was met. *95% of the time the food banks are stocked with nutritional and balanced food.* This objective was not met. We are dependent on Linn-Benton Food Share and certain food items are not always available. The funding allocated for the Food Banks does not allow us to buy food items not available at Linn-Benton Food Share. In addition, fresh produce and fresh dairy products are not always available.

Medical Clinics

In Benton County, we provided 676 medical patient visits from January through March. 205 of those visits were from new Benton County clients.

Old Mill Center for Children and Families
City Social Service Quarterly Report: January, February, March 2006
Prepared by Melissa Moser MS LPC

Family Divorce Program

There are several ways that Old Mill Center provides services to families going through divorce. Individual therapy, Divorce Group therapy, Co-parenting classes and a Summer Day Camp all support children and families during a time of change. These venues provide a variety of ways to help children adjust to the many feelings they may have such as anger, guilt, fear, or loss as they relate to the changes in the family. Our work with families also helps adults understand ways to help their children, so that they avoid, for example, putting their children in the middle of disputes, or help find positive ways to support their child's travel between homes. Often, children need support and understanding when parents begin to date, cohabitate or wed and the blending of families occurs.

It has been believed that a difficult divorce often causes permanent long-term social emotional problems for children. More recently, research indicates that all divorces create emotional challenges for children, so it is imperative that services be available for children to children and families in the Corvallis Community who are experiencing the changes or trauma of divorce.

Therapy can help families during the critical transition periods. For example, families most likely will experience changes in housing, transportation, lifestyle, extended family relationships, financial stability, familiar surroundings and friendships. Other changes could include the loss of a pet, changes in educational settings, introduction of new partners, the addition of stepsiblings, and differing rules between households.

Service Numbers

- 27 Individual Clients
- 34 Co-Parenting Participants

With the latest research on the effects of divorce on children and families, it is imperative that we continue to serve the Corvallis Community in this important way, as providers of Individual and Group Therapy, Summer Camp and Co-Parenting. It is our goal to continue to serve this population and to increase our capacity as indicated by community need. We have a strong referral base in community partners, area schools and mental health collaborations. We are able to work closely with the court system on custodial issues and seek to find ways to be of service to that larger system. Satisfaction surveys for our outpatient programs are currently being disbursed and will afford us the opportunity to track Quality Assurance on a regular basis as well as make changes as indicated. Our programs have the longevity and stability necessary to provide consistent and quality care for children and families.

ChildSafe and Child Sexual Abuse Treatment Program

ChildSafe serves children birth 1-18 who have been sexually abused. Children may have been abused by family members or by persons outside their family. This program provides individual and group therapy to children to help them deal with the many emotions caused by the abuse. In addition the program also provides education and support to non-offending parents of children who need these services.

Old Mill Center for Children and Families began ChildSafe services in 1980 by provision of preschool sexual abuse treatment groups. In time, the Department of Human Services Child Welfare (formerly Children's Services Division) requested that Old Mill Center assume leadership of the entire ChildSafe Program, extending services to children through age 18. Program referrals come from Child Welfare, physicians, attorneys, private citizens, schools, the court system, and ABC (All Because of Children) House. This is the only program in the Corvallis area that provides these services to the 1 in 4 girls and 1 in 7 boys sexually abused by the age of 18.

The ChildSafe Program runs throughout the school year September through June. Referrals are taken year around. During this last quarter, the primary venue for service was through individual therapy (groups do not run July and August). Individual play therapy, art therapy, sand tray, family therapy and Summer Camp meet the needs of clients during July and August. Planning and letters to the community are sent out in August to begin to plan for the three 9 week school year sessions. The 9th week of every session is reserved for parent conferences. This is a time when parents can share their concerns with trained therapist, discuss acquiring skills to help their child, or gain support during this difficult time. These services are free of charge, easy to access, and have the longevity and consistency of a long-term program.

In terms of transition, clients stay in the program until they are ready to leave the program or have met their treatment goals. If group is no longer indicated, yet a client is not ready to transition, individual services can be offered and a referral made to a private therapist. Within confidentiality guidelines, consistent contact with extended family, concerned community members, teachers and others is maintained to ensure support for the client. The overall goal of the ChildSafe Program is to help client's transition from the trauma of abuse to a sense of normalcy.

Annually, letters are sent to former and potential clients as follow-up. This serves as a three month follow up service to track effectiveness for the agency and the well being of the client. If additional services are indicated for any client, appropriate referrals are made. We are in the process of instituting a Satisfaction Survey for Quality Assurance purposes. This will allow immediate feedback to the therapists from the parents and clients and afford the opportunity for parents, clients and therapists to meet, get feedback and discuss skills and responses that can be generalized across home, social and school environments.

Service Numbers

- 6 Individual
- 2 Groups are currently underway at DHS Child Welfare

Transition Services to High Risk Children and Families

Transition Services to high risk children and families at Old Mill Center provide education, therapy, mental health services, case management and support to children and families at the earliest possible time to help children succeed in school, family and the community. Transition services require and depend on close working relationships with other community organizations, care providers and schools. Old Mill Center is able to provide many services "under one roof" such as mental health, preschool, occupational and physical therapy, and intensive home visiting services. Because there are few other agencies that can provide these services, transition services in this community are duplicated only by Early Intervention, who provide transition services for children with disabilities who are moving into kindergarten.

Transition Services help children ages 0-18 at risk for school and community failure as the result of social or behavioral problems, family risk factors, developmental disabilities and abuse issues. Transition services can provide intake assessments, case management and transition support for children in the community who need services and are not currently receiving those services. Successful transitions take careful planning and implementation. One of our goals is to help children and families through family stressors such as parental mental health problems, domestic violence, drug and alcohol addiction and poverty, and attain the appropriate services and provide transition support. We have seen an increasingly high percentage of children and families requiring transition support and resource management to prevent them from "falling through the cracks" as they move from one setting to another. Our primary goal is to promote the mental health and well being for all Benton County residents and in addition, strengthen families and support child and youth development.

Service Numbers

- 37 children and families
- 5 Inservice Trainings to community providers

Old Mill Center provides observation and screening and assessment to determine strengths and needs. In addition, consultation, support and technical assistance and training are offered to childcare providers, school staff and parents to help ease the transition. Case management and follow up services are provided as indicated to ensure that regression does not occur. Access to other needed resources in the community is discussed and planned for as appropriate.

We are actively involved with community partners including Lincoln Elementary School, Mountain View Elementary School, Adams Elementary School, Oregon State University Child Development Center, Department of Human Services Child Welfare, Center Against Rape and Domestic Violence, Boys and Girls Club, The Children's Farm Home and the Juvenile Department.

City of Corvallis 3rd Quarter Report
January 1 through March 31, 2006
Due April 20, 2006

Agency Name: Parent Enhancement Program

Contact: Kathy Stroud or Nancy Klahn Phone: 541-758-8292

Contract Amount: $6,000 Amount Expended to Date: $4,500

Highlights of the Quarter

The Parent Enhancement Program provides comprehensive services to young parent families, providing support services to pregnant and parenting teens and at-risk young parents through age 25.

The following is a summary of services provided to Corvallis residents:

- 11 new young parents intakes; 4 new volunteers and 5 interns (1 bilingual); 3 new client-mentor matches.
- 91 clients served year to date including services in Spanish to 15 clients.
- 84 home visits by staff, interns and mentors.
- 438 rides given to young parents and their children (for PEP events, school, medical & WIC appointments, errands).
- Monthly client newsletters in English and Spanish produced and distributed to 84 young parents.
- Monthly PEP volunteer newsletters produced and distributed to mentors and other volunteers.
- 3 sewing classes & 3 crafts classes provided role modeling, opportunity for networking, increased self confidence, opportunity for creative self expression and pride in accomplishment. Community volunteers donated time, sewing machines, fabric and other supplies. Bilingual staff/ volunteers provided translation services for Hispanic clients. Snacks, transportation and childcare provided.
- 3 monthly meetings held, with simultaneous Spanish interpretation. Meeting topics included *Water Safety*, *Relationships & Gender Roles*, and *Community Meth Presentation*. Snacks, transportation and childcare provided.
- Two 8-week class series, *Financial Fitness*, and *Mommy Time* (a post partum depression class) were held. Snacks, transportation and childcare provided.
- Provided giveaways of donated clothing for infants, children, and young moms as incentive to attend PEP meetings.
- 33 young parents received assistance—earned through attendance at educational classes or by volunteering—including bus tickets, $60 in gift certificates for the purchase of diapers and other essentials, and $360 in scholarships. 3 clients received parenting classes/workshop tuition. GED tuition paid for 1 client. Child safety equipment distributed to 12 young parent families, including 10 car seats, 6 baby gates, 2 cribs/ mattresses, 1 bassinet, & 3 strollers. Clients volunteered in exchange for child safety equipment. In addition, referrals were made to Linn Benton Furniture Share and Philomath Baby Bank for equipment and furnishings.
- To ensure highest-risk clients receive coordinated services, met monthly with BCHD Maternal Child (Teens For Success), Early Childhood Network, and Positive Youth Development. Attended Family Support & Connections (formerly Safety Net) family unity meetings with Department of Human Services, Community Services Consortium, and Old Mill Center representatives.
- Continued to recruit interns & volunteers in support of continuing outreach to young parents.

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

MEMORANDUM

To: Human Services Committee
From: Karen Emery, Recreation Division Manager
Date: June 8, 2006
Subject: Boys and Girls Club of Corvallis

Background:
City staff presented the annual report for the Boys and Girls Club of Corvallis (BGC) to the Human Services Committee (HSC) on May 2, 2006. The report was accepted unanimously. The Executive Director of the BGC was unable to attend this presentation and was asked to attend the June 20, 2006 HSC meeting.

Discussion:
The Executive Director of the BGC will discuss the following questions per request by HSC:

- What caused the 20% increase in participation compared to the previous year?
- What are the plans for expanded service delivery to south Corvallis?

In addition, other information may be shared as desired.

Recreation Division
1310 SW Avery Park Dr.
Corvallis, Oregon 97333
(541) 766-6918
Fax: (541) 754-1701

MEMORANDUM

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

To: Human Services Committee
From: Julee M. Conway, Director
Steve DeGhetto, Parks Operations Supervisor
Date: June 5, 2006
Subject: Corvallis-Albany Farmer's Market 2005 Annual Report

Issue:
The Corvallis- Albany Farmers' Markets Report is scheduled for its annual review before Human Services Committee.

Background:
The 2005 market season was the eighth year of operation for the Corvallis-Albany Farmers Market (CAFM), which includes Corvallis Saturday, Corvallis Wednesday and Albany Saturday. The market operates from mid-April to mid November.

Discussion:
In the 2005 season, the vendors' participation decreased at Corvallis Saturday Market and decreased at the other two sites. Overall there was a minor decline in attendance for the Farmers Market. A total of 136 vendors paid membership dues, and nearly all attended at least one market day.

The Market has helped to support community and downtown vitality by bringing growers and participants into the downtown area. CAFM participation in the Women, Infants and Children program (WIC) and a similar senior program has continued to put fresh produce into the homes of young parents and seniors who might not be able to afford them. Many Benton and Linn WIC families and low income seniors redeem coupons for fresh produce and received nutritional education from the Benton County and Linn County Health Departments. No local redemption data is available for 2005, because WIC and senior coupons are now processed through financial institutions.

Musicians performed at markets throughout the season, contributing to the markets' festival atmosphere. CAFM continued to promote the involvement of school-aged children in musical performance at all markets.

Director Rebecca Landis continues to work with a community volunteer board to help oversee the market activities. The Market is organized and operates as a state nonprofit mutual benefit corporation.

The 2005 Corvallis Saturday Market operated as a street closing on the north end of 1st Street, and the adjacent one half block of Monroe Ave. Establishing the Farmers Market entrance to the south on Jackson Ave. Market music and special events used the portions of Jackson Plaza's front apron (the area in line with east side parking stalls). The middle of the apron was left open to preserve visibility to and from the fountain.

As a show of commitment to Riverfront Park and in gratitude to the City, the Farmers' Market has donated $500 toward Riverfront Park maintenance thru Work Unlimited. CAFM has contracted with Work Unlimited to provide additional trash service at Riverfront Commemorative Park, during the peak 25 weeks of the Farmers Market. The actual donation is much larger if the calculation took into account the cost of City staff to do the same maintenance. Parks staff fabricated a bicycle cart from recycled materials on loan to Work Unlimited to transport trash by bicycle to the bulk receptacle at the north Riverfront. Donations by CAFM to the Corvallis Parks and Recreation over the past several years total $3,800.

Recommendation:
Staff recommends to accept the Farmers' Market annual report.

Review and Concur:

Jon S. Nelson, City Manager

Nancy Brewer, Finance Director

CORVALLIS - ALBANY FARMERS' MARKETS
2005 Annual Report

Corvallis-Albany Farmers' Markets (CAFM) is a state-chartered non-profit mutual benefit corporation that operates three farmers' markets in Corvallis and Albany: Corvallis Saturday, Corvallis Wednesday and Albany Saturday. Our research indicates that the Albany Saturday Farmers' Market, founded in 1978, is the oldest continuing open-air farmers' market in the state. Corvallis Wednesday was founded in 1981, and Corvallis Saturday began in 1991.

Although CAFM's membership is largely made up of farmers and gardeners, our activities provide benefits generally to the two communities we serve. The markets we operate are not just places for buying and selling. Each market day is a community event to which everyone is welcome. We consciously strive to create community gathering places, where people come expecting to see friends and family, enjoy free live music and learn about where their food comes from.

Two of our markets are located on the riverfronts of the two downtowns, with the intent and result of bolstering economic and community activity downtown. Internationally recognized research methods developed by the Oregon State University Extension Service at our farmers' markets demonstrate that most market attendees come downtown because of the market and end up spending significant amounts of money both with market vendors and at nearby businesses. Most attendees are local, but the markets also have a significant tourism benefit to their communities.

Corvallis Saturday Farmers' Market operated as a street closing on the north end of 1st Street, plus an adjacent ½ block of Monroe Ave. The establishment of an entrance onto Jackson Ave. for Water Street Market's parking lot necessitated a change for the farmers' market from Jackson to Monroe. On balance the change proved beneficial to the farmers' market. Market music and special events used the portions of the Jackson Plaza's front apron (the area in line with east side parking stalls), but the middle was left open to preserve visibility to and from the fountain area.

The market continued to use city-designed street closing signs including the Riverfront logo and the words "Riverfront Event." These signs are city property that is stored, transported and placed by CAFM and made available to other entities holding Riverfront events requiring street closings. The market association contracted with Work Unlimited to place city and CAFM signs and to empty trash in city receptacles before and after market. For 2005, instead of donating money to riverfront vegetation, CAFM agreed with Parks and Recreation to pay Work Unlimited to do additional trash service at non-market times that are difficult for the city to staff. Donations over several years total $3,800.

A total of 136 vendors paid membership dues, and nearly all attended at least one market day. Some participated at all three locations, while others attended one or two of the sites. Several home gardeners and small farms sold exclusively through consignment operations designated at each market site.

Vendor participation, as measured by vendors per market, decreased to varying degrees at all three sites due to multiple crops failures and shortages. The decline was fairly minor at the Corvallis Saturday site but was extreme at the other two sites. At the Wednesday market, many vendors and customers chose not to attend because of 53rd Street reconstruction that routinely caused traffic

delays of 20 minutes for motorists seeking to enter the Fairgrounds. At Albany the exacerbating factor was vendor retirements. The resulting decline in revenue required dramatic cuts in advertising and other expenditures.

Corvallis Saturday Farmers' Market began on April 16 and ran each Saturday through Nov. 19 from 9 a.m. to 1 p.m. The market averaged 40.94 growers per market, 1.59 less than in 2004. The highest daily vendor count was 51, down from 56.

Corvallis Wednesday began on April 20 and ran each Wednesday through Nov. 23 from 8 a.m. to 1 p.m. The market averaged 22.88 growers per market, 4.94 less than in 2004. The highest daily vendor count was 29, down from 40.

Albany Saturday began on April 16 and ran each Saturday through Nov. 19 from 8 a.m. to noon. The market averaged 16.25 growers per market, 8.06 less than in 2004. The highest daily vendor count was 26, down from 38.

For many years, CAFM has helped manage the farmer side of two government nutrition coupon programs: for Women, Infants and Children (WIC) and a similar program for seniors. Both programs put high-quality fruits and vegetables in the hands of people young parents and seniors who otherwise might not be able to afford them. The market association also invites gleaning groups to pick up leftovers from vendors to distribute among low-income persons in our communities.

Many Benton and Linn WIC families and low-income seniors redeemed coupons for fresh produce and received nutrition education from the Benton County and Linn County health departments. No local redemption data is available from 2005 forward because WIC and Senior coupons are now processed through financial institutions.

Musicians performed at markets throughout the season, contributing to the markets' festive atmosphere. CAFM continued to promote the involvement of school-aged children in musical performance at all markets.

Our volunteer coordinator was able to program 90 events at markets in 2005 by recruiting organizations and individuals who assisted with educational displays, cooking demonstrations and children's activities. Here are some examples:

- Free samples of fruits and vegetables to illustrate the impressive diversity of varieties in many shapes, sizes, colors and tastes that are grown and marketed locally by small farms.
- Free cooking demonstrations to teach people how to prepare fresh produce, how to preserve it for post-season consumption and how to make high-quality meals on a limited budget.
- Activities that promote personal health, especially if related to food, such as a diabetes walk near the market, and displays on topics like well-water safety.
- Displays by experts in gardening-related topics like plant diseases and pest management.
- Art activities for children that teach something about agriculture or nature.

The markets offered displays at community events such as the Benton County Fair and Earth Week events. The display window at Footwise and an overhead street banner are used each year as well.

Print advertising appeared primarily in the Corvallis Gazette-Times, the Albany Democrat-Herald, the OSU Barometer and First Alternative's Thymes, plus specialty parenting and gardening publications. The market association continued paid radio advertising and public radio sponsorship announcements and purchased a few television ads. CAFM has had a web site, www.locallygrown.org, since 1997 and offers a weekly email list to publicize events and tout the seasonal bounty of the Willamette Valley. A color rack card is used in tourism sites as well as local venues.

Rebecca Landis
Market Director
23 May 2006

Corvallis-Albany Farmers' Markets
Balance Sheet
December 31, 2005

ASSETS

Current Assets			
Cash on Hand	$ 45.00		
Reg. Checking Acct. - Citizens	2,452.54		
Savings Account Citizens Bank	2,002.07		
Clearing - Gift Certs Sold	(115.00)		
Total Current Assets			4,384.61
Property and Equipment			
Equipment	500.00		
Accum. Deprec. - Equipment	(500.00)		
Total Property and Equipment			0.00
Other Assets			
Deposits	50.00		
Total Other Assets			50.00
Total Assets		$	4,434.61

LIABILITIES AND CAPITAL

Current Liabilities			
Total Current Liabilities			0.00
Long-Term Liabilities			
Total Long-Term Liabilities			0.00
Total Liabilities			0.00
Capital			
Retained Earnings	$ 6,503.98		
Net Income	(2,069.37)		
Total Capital			4,434.61
Total Liabilities & Capital		$	4,434.61

Unaudited - For Management Purposes Only

Corvallis-Albany Farmers' Markets
Income Statement
For the Twelve Months Ending December 31, 2005

	Current Month This Year	Current Month Last Year	Year to Date This Year	Year to Date Last Year
Revenues				
Stall Fee Income	$ (141.50)	$ 0.00	$ 45,105.12	$ 54,665.86
Membership Fee Income	20.00	0.00	2,720.00	2,940.00
T-Shirt Income	0.00	0.00	431.00	176.00
Postcard Income	0.00	0.00	28.50	17.50
Cookbook adv income	0.00	0.00	0.00	80.00
Market Bag Income	0.00	0.00	157.00	224.00
Donations	0.00	150.00	100.00	204.65
Interest Income	1.39	0.00	2.07	0.00
Other Income	0.00	0.00	12.00	0.00
Total Revenues	(120.11)	150.00	48,555.69	58,308.01
Cost of Sales				
Total Cost of Sales	0.00	0.00	0.00	0.00
Gross Profit	(120.11)	150.00	48,555.69	58,308.01
Expenses				
Advertising Expense	503.22	1,613.20	12,578.57	16,227.74
Promotions - Entertainment	0.00	83.00	4,900.00	4,718.00
T-shirt & Bag Printing	0.00	0.00	548.00	0.00
Fees & Dues	600.00	275.00	1,282.00	1,030.00
Conference & Cont. Ed. Fees	0.00	0.00	0.00	40.00
Travel Costs & Reimb.	0.00	42.30	0.00	42.30
Free Coupons Redeemed	0.00	0.00	60.00	1,108.00
Auto Expenses -- Maintenance	0.00	0.00	176.00	254.03
Income Tax Expense	0.00	0.00	78.84	85.30
Liability Insurance	0.00	0.00	388.00	358.00
Workers' Comp Insurance	0.00	0.00	541.00	544.00
Auto Insurance	0.00	0.00	411.04	429.28
Office & Misc. Supplies	370.00	0.00	2,068.92	2,846.15
Salaries & Wages	2,813.19	2,776.88	17,832.61	17,880.73
Payroll Tax Expense	(2,281.94)	(1,586.16)	1,807.62	1,868.25
Postage	13.65	0.00	190.05	166.50
P.O. Box	38.00	38.00	38.00	38.00
Bank Fees	0.00	0.00	119.99	130.15
Photocopy & Printing	0.00	23.15	626.75	2,375.20
Professional Services	0.00	0.00	140.00	239.00
Purchased services	892.50	242.50	1,380.00	982.50
Rent or Lease	0.00	500.00	4,508.03	4,951.50
Restroom Cleaning & Maint.	0.00	73.33	705.00	823.18
Telephone & Internet Service	48.53	147.86	642.79	644.58
Gain or Loss on Sale	(398.15)	0.00	(398.15)	0.00
Total Expenses	2,599.00	4,229.06	50,625.06	57,782.39
Net Income	$ (2,719.11)	$ (4,079.06)	$ (2,069.37)	$ 525.62

CORVALLIS-ALBANY FARMERS' MARKETS
P.O. Box 2602
Corvallis, OR 97339

December 19, 2005

Steve DeGhetto
Parks and Recreation
City of Corvallis
P. O. Box 1086
Corvallis, OR 97339

Dear Steve:

For many years Corvallis-Albany Farmers' Markets has made a donation to a riverfront vegetation account that supplemented bond funding for the remaking of the park and allowed for subsequent plant replacements. Last year we adjusted the amount to $500.

While we were pleased to participate in that way, another need has arisen that prompted both Parks and CAFM to re-examine the situation. The park's plazas are such successful places that trash cans were filling up on Fridays and Saturdays, even with CAFM managing its own "event" trash. The trash burden was greater than regular and seasonal Parks staff could address with current resources and scheduling.

CAFM already has a business relationship with Work Unlimited. At your suggestion, I approached Work Unlimited to estimate the cost of providing Friday evening and Saturday afternoon coverage for emptying six cans on the Jackson and Monroe plazas. Laura Duncan-Allen said the work could be accomplished in 2 hours per week, charged at $10 an hour, provided that a bike trailer can be obtained to haul the bags to the city's receptacle a few blocks north of the site.

So by mutual agreement, our $500 city donation for 2005 is going directly to Work Unlimited in pre-payment for 25 weeks of maintenance service in 2006 from May 5-6 to Oct. 20-21 -- the bulk of the 32-week market season as well as the period of greatest plaza use. This arrangement will foster administrative savings for Parks as well as a cleaner environment for park users.

Thanks again for taking the time to find a good collaborative solution!

Sincerely,

Rebecca Landis
Market Director

c: Laura Duncan-Allen, Work Unlimited

ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
June 22, 2006

Present
Councilor Scott Zimbrick, Chair
Councilor Hal Brauner
Councilor Jerry Davis

Visitors
Betsy Rock Fudge, Majestic Theatre
Joan Wessell, Downtown Corvallis Association
Bill Ford, Business Enterprise Center
Matt Ponzoha, Corvallis citizen
Jay Sexton, Philomath citizen
Dehn Blunt, Corvallis Tourism

Staff
Jon Nelson, City Manager
Ken Gibb, Community Development Director
Judy Somes, Community Development
Steve Rogers, Public Works Director
Keith Turner, Engineering Supervisor
Carla Holzworth, City Manager's Office

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Follow-up on Economic Development Allocations for Business Enterprise Center, Downtown Corvallis Association, and Majestic Theatre			Approve funding awards for the Business Enterprise Center, Downtown Corvallis Association, and Majestic Theatre as recommended in the staff report
II. Infrastructure Cost Recovery for NW Circle Blvd.			Waive the assessment, as proper notice was not available and the property owner had done due diligence prior to purchasing the property
III. Philomath Water Agreement			Approve staff proceeding with developing a wholesale water agreement with the City of Philomath
IV. Corvallis Tourism Third Quarter Report			Accept Corvallis Tourism's Third Quarter Report for Fiscal Year 2005-06
V. Other Business	x		

Chair Zimbrick called the meeting to order at 12:00 p.m.

CONTENT OF DISCUSSION

I. Follow-up on Economic Development Allocations for Business Enterprise Center, Downtown Corvallis Association, and Majestic Theatre (Attachment)

Management Assistant Judy Somes said during the Economic Development deliberations, three organizations were allocated lump sums to fund various projects. The Allocations Committee asked these organizations to come back to the ASC with details about how the money will be used. The staff report includes a program/event itemization for each. Ms. Somes said contracts will be prepared upon Council's approval of the allocations.

The Committee decided to discuss and make individual motions on the allocations.

In response to Councilor Brauner's inquiry, Betsy Rock Fudge from the Majestic Theatre said her organization will seek other funding sources for the feasibility study. In response to Councilor Davis' inquiry, Ms. Rock Fudge said the Majestic recently established a fund with the Benton County Foundation and that many of their projects are tied to grant funding from other areas.

The Committee unanimously recommends that Council approve the $8,500 allocation for the Majestic Theatre as presented in the staff report.

Downtown Corvallis Association (DCA) Director Joan Wessell distributed door hangers for the upcoming Red White and Blues Festival (attached). Ms. Somes said DCA requests funding for four projects and the amounts have been adjusted from the original request. Ms. Wessell said she appreciates the opportunity to allocate the funds to meet DCA's needs. In response to Councilor Brauner's inquiry, Ms. Wessell said all four events will occur, but each will be scaled back according to funds received. For example, DCA will have fewer ornaments for holiday decorating. Ms. Wessell thanked Ms. Somes for her good work.

The Committee unanimously recommends that Council approve the $50,000 allocation for the Downtown Corvallis Association as presented in the staff report.

Mr. Bill Ford, Executive Director of the Business Enterprise Center (BEC) distributed a Success Starts Here brochure (attached). Mr. Ford said the new BEC had its grand opening and he appreciates the City's assistance. The BEC will use allocation funds for program development, leveraging a United States Department of Agriculture (USDA) grant to train and energize rural entrepreneurs. Councilor Brauner said he is pleased that City funds are being used to leverage the grant and he likes the mix of future support and helping those who are already at the BEC.

The Committee unanimously recommends that Council approve the $16,700 allocation for the Business Enterprise Center as presented in the staff report.

II. Infrastructure Cost Recovery for Circle Boulevard (Attachment)

Public Works Director Steve Rogers distributed a map of the subject area (attached). Referring to the properties marked on the map, Mr. Rogers said the City would typically ask property owners to repay infrastructure costs. The infrastructure being discussed at today's meeting was constructed using open space bond revenue, which is not typical. Matt Ponzoha, the subject property owner, spoke to the City several times prior to purchasing the land to determine if there were any assessments; City staff told him there would be none. When Mr. Ponzoha applied for an access permit for his driveway, he was told he was being assessed $51,299.72 for infrastructure improvements. Mr. Ponzoha is disputing the charge. To get a more timely resolution,

staff elected to bring the issue directly to the Council through ASC knowing it would be appealed.

Mr. Ponzoah said he has been a contractor in Corvallis for 25 years and has had no problems with City staff. He distributed a time line (attached) and read a written statement (attached).

Councilor Brauner asked staff if the information provided in Mr. Ponzoah's time line is accurate to the best of their knowledge. Mr. Turner said he had not previously received a copy of the time line, but he confirmed having discussions with Mr. Ponzoah and City records verify that Mr. Ponzoah spoke to the Finance Department. Councilor Brauner asked if it was normal practice to not put such a notice on a title search. Mr. Rogers said the ordinance is fairly old, it does not specify a process for these types of circumstances, and that staff recognizes that it needs to be addressed. Staff intended to capture the charge in the Permit Plan system, but it was not descriptive enough, so the attempt to track the charge failed. Mr. Turner added that the Permit Plan system relies on an inquiry and does not automatically generate notices. In response to Councilor Brauner's inquiry, Mr. Rogers said the only other potential situation that is similar is 29th Street project, but it was only a half-street improvement, so it really does not apply. Mr. Nelson stated that the situation is very unique. If Mr. Ponzoah paid an assessment, it would go toward debt service.

In response to Councilor Davis' inquiry about property #4170 on the map, Mr. Rogers said the infrastructure expense to that property owner would be minimal because only a small portion of the property borders the new street.

Councilor Brauner expressed concern about setting a precedent and asked if staff could provide any background. Mr. Turner said most cases are old local improvement districts and staff try to determine if the infrastructure cost was funded by assessments already in place; if so, the cost is not recovered again. Staff recognize the need to complete an inventory of similar situations. In response to Councilor Brauner's inquiry, Mr. Turner said one solution is placing a notice on the City's lien docket, not as a lien, but as a flag to the property owner or prospective buyer.

Councilor Davis said he believes Mr. Ponzoah tried in earnest to determine if any assessments existed prior to purchasing the property; Councilor Brauner agreed.

<u>The Committee unanimously recommends</u> that Council waive the assessment, as proper notice was not available and the property owner had done due diligence prior to purchasing the property.

III. Philomath Water Agreement (Attachment)

Mr. Rogers said the City of Philomath has only one water treatment plant and is seeking an emergency back up system for their water supply. They request re-establishing a water line connection between Corvallis and Philomath and approval to purchase water from the City of Corvallis. The water would be used for emergencies or when Philomath uses more than they have the capacity to treat.

Mr. Rogers said per the proposed ten-year agreement, Philomath would pay $996 per million gallons of water, with certain cost adjustments over time. The ten-year commitment recognizes that Philomath would need to invest in a pump and water line re-connection would be Philomath's responsibility. The rate recovers the City's costs for water treatment, capital investment, administration (including the franchise fee), water quality testing, and pumping and transmission.

Staff has determined that City of Corvallis water capacity exists and water Philomath draws will not impact City water service. Regarding the proposed rate, calculations show that on an apples-to-apples comparison, Corvallis customers pay .46 per unit of water and Philomath will pay .75 per unit. Mr. Nelson noted the cost-plus concept is similar to those accounts outside of Corvallis that are connected to City water. Mr. Rogers said Philomath would get water from the Rock Creek plant due to its geographic location. The City will make up the difference from the Willamette River. The environmental impact to Marys River is reduced because extra water capacity would be coming from Willamette instead of Philomath taking water from the Marys River.

In response to Councilor Davis' inquiry, Mr. Rogers said Philomath's desire to purchase water from Corvallis is not related to growth. Rather, it relates to a back up source and providing more flexibility for Philomath on the timing to build a new water treatment plant. He added that Philomath is currently working to expand its water rights.

Chair Zimbrick agreed that Philomath needs a back up resource for its water. Mr. Nelson said the City will recover its costs and approval is a good neighbor initiative, not a revenue source. He concurred with Councilor Brauner's statement that some people will relate this agreement to the Lowther requested annexation.

Mr. Jay Sexton, a Philomath citizen, agreed that the water treated at Rock Creek would normally come to Corvallis anyway, so diverting it to Philomath would lessen the impact to the Marys River. Mr. Rogers said given growth and capacity, the ten year agreement is suitable. He added that Corvallis' water use has been fairly flat over the years due to the City's conservation efforts and having solid pipes to transport the water.

The Committee unanimously recommends that Council approve staff proceeding with developing a wholesale water agreement with the City of Philomath.

IV. Corvallis Tourism Third Quarter Report (Attachment)

Ms. Somes said Corvallis Tourism (CT) is the only organization that does not report to ASC during the allocations process. CT's quarterly report is being presented as required by their contract. Ms. Somes said statistics are attached to the report, as well as the status of CT's work plan.

In response to Councilor Davis' inquiry, CT's Board President Dehn Blunt said Corvallis' top tourism draws are corporate business travel, mostly by Hewlett-Packard followed by OSU; groups and conventions; and OSU events such as graduation, sporting events, and Moms and Dads Weekends.

The Committee unanimously recommends that Council accept Corvallis Tourism's Third Quarterly Report for Fiscal Year 2005-06.

V. Other Business

Councilor Davis reminded the group that Corvallis Neighborhood Housing Services is having a tour on July 20.

Councilor Brauner noted that the Corvallis Chamber of Commerce and the Economic Development Partnership (EDP) have discussed a merger. If the merger is approved, the EDP contract awarded through the City's Economic Development Allocations would need to be updated.

Administrative Services Committee meetings for July 6, July 20, and August 10 have been canceled. The next meeting is scheduled for 12 pm, Thursday, August 24, 2006 in the Madison Avenue Meeting Room.

Respectfully submitted,

Scott Zimbrick, Chair

Memorandum

Date: June 6, 2006

To: Administrative Services Committee

From: Ken Gibb, Community Development Director

Re: FY 06-07 Economic Development Allocations for Downtown Corvallis Association, Majestic Theatre, and Business Enterprise Center - Specific Program Allocation

I. Issue

Allocation for program funding for the three organizations who have proposed specific use of funds to programs.

II. Discussion

The Economic Development Allocations Committee, consisting of the Administrative Services Committee and three citizen members, recommended funding in the following amount to the organizations listed:

Downtown Corvallis Association (DCA)	$50,000
Business Enterprise Center (BEC)	$16,700
Majestic Theatre Management	$8,500

All three of these organizations specified that the funds would be used for specific programs or projects. The Allocations Committee desired the organizations to come before ASC and discuss program/project priorities with the purpose of ASC recommending approval of funding to specific program/project to Council prior to executing an agreement between the organizations and the City. In the table below, each organization is listed with original project and funding request shown, if applicable, and as prioritized based on award:

	Program/Project	Original Request	As Prioritized by Organization
DCA	Downtown Economic Enhancement	$17,000	$13,000
	Downtown Image Marketing	$17,000	$13,000
	Red White & Blues Festival	$17,000	$14,000
	Downtown Holiday Decorations	$17,000	$10,000
	Total	$68,000	$50,000

The request total was $68,000, and as stated above, the award is $50,000. DCA's preferred split is far right column.

	Program/Project	Original Request	As Prioritized by Organization
BEC	Facility Fund Raising Efforts	BEC did not, in original request, specify amount to project/ program	$6,000
	Develop Educational Programs		$7,700
	Develop Better Client Support		$3,000
	Total	$19,000	$16,700

The request total was $19,000, and the award is $16,700.
BEC's preferred allocation to program is indicated in the far right column above. BEC indicates that the:

- $6,000 will pay half the cost of a grant writer to raise funds to build a permanent facility
- $7,700 will be leveraged with $15,000 from the USDA to develop and start an educational and support program aimed at small businesses drawn from the surrounding area and BEC client base. This program will include but not be limited to: volunteer support from area professionals, seminars development by LBCC, and training from BEC contractors, etc.
- $3,000 to pay one quarter of the cost of a client and program coordinator to better serve the BEC clients (businesses).

	Program/Project	Original Request	As Prioritized by Organization
Majestic	Feasibility Study	$8,000	$0
	Demographics Study	$5,000	$8,500 combined
	Expand Marketing Efforts with DCA Involvement	$7,000	
	Total	$20,000	$8,500

The request total was $20,000, and the award is $8,500
MTM reports that they will concentrate on using the economic development funds for marketing and identification of their user demographics, as these two items are related. MTM also feels increased marketing can help MTM add to the 30,000 users attracted to the Majestic each year, and thus also benefit their downtown neighbors. MTM will seek other sources of funds for the feasibility study.

III. Recommendation/Action

Staff requests a Motion for a recommendation for each organization's level of funding to each organization's program/project.

Review and Concur:

Nancy Brewer
Finance Director

Review and Concur:

Jon S. Nelson
City Manager

$5 for adults
Children under 12 FREE!

red 2006 white & blues

corvallis festival

kids' activities

wine, beer, and great food!

craft vendors

parade and 5k run

July 3rd

5pm-7pm
Johnny Dark & the Wondertones

8pm-10:30pm
"Hammer" Smith

July 4th

11:00am-1pm
Papaw's Blue Jelly Band

2pm-3:30pm
Plaehn-Hino

4:30pm-6:30pm
The Jeff Banks Band

7:30pm-9:30pm
Jimmy Thackery

9:30pm-10:30pm fireworks with the corvallis community band

poster design by matt harrington | www.harringtonvisual.com

For more information: (541) 754-6624

Outside food and beverages not permitted.

Client Clients: Notable & Quotable

John Gardner, President/CEO
ViewPlus Technologies, Inc.
Named Outstanding Incubator Client by the National Business Incubation Association.

"The B.E.C. helped ViewPlus take its innovative Tiger embossing technology and turn it into a successful commercial venture."

Jeff Peterman, Founder
Green Pastures Software
Founded in 1996, later sold to IBM.

"The BEC provided an environment to start and grow a high-tech organization. The financial, educational and organizational support we received from the BEC was absolutely essential to our success."

Thea Hardy, Co-founder
Pathworks

"PathWorks would not be as successful today without the stabilizing influence of the BEC during our critical early years."

Scott McCannell, Vice President
Sanda Communications
One of Oregon's fastest growing companies, 2001-04.

The BEC took our business seriously and asked us to present a business plan and report on our progress. There's nothing like accountability to keep you on track."

Tom Pape, President
Columbia Seeds
In 2003-2005, among the fastest growing seed aggregators in the U.S.
"The professional look, shared services and attractive conference room gave us the look and feel of a much more mature company."

Read more at www.thebec.com

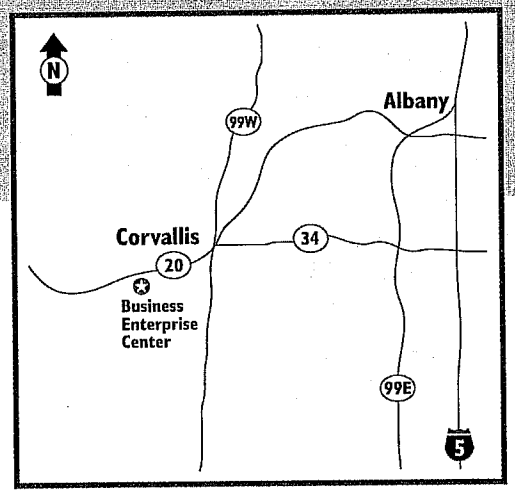
Start Your Success Now.

Call the BEC today.

541.758.4009

or visit www.thebec.com

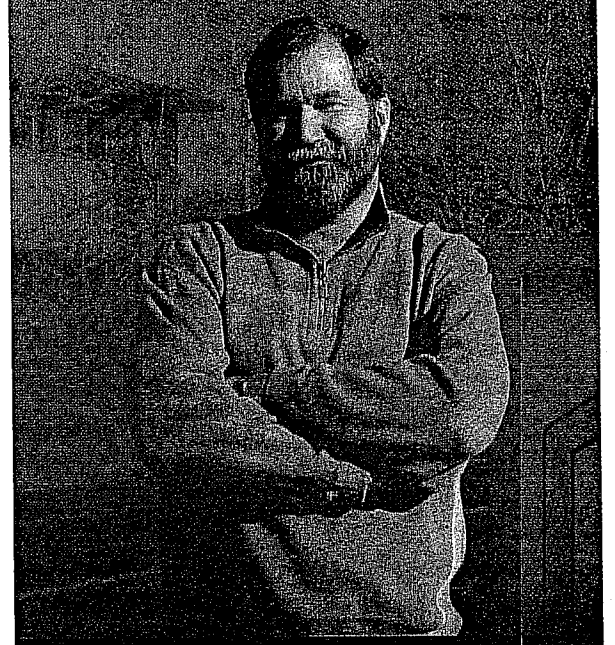
4100A SW Research Way, Corvallis, OR 97333



Corvallis (pop. 51,000) is 90 miles south of Portland and 45 miles north of Eugene. Located 10 miles west of I-5, the city is home to Oregon State University, HP's inkjet division and ONAMI (the Oregon Nanoscience and Microtechnologies Institute).

The Business Enterprise Center
Success Starts Here

Success Starts Here.



The Business Enterprise Center

Incubate Your Business

The Business Enterprise Center (BEC) is a non-profit business incubator where you can hatch an idea, build a prototype and launch a high-tech start-up in an entrepreneurial environment.

3 Out of 4 Succeed

The BEC has incubated over 85 start-up businesses. Three out of four have "graduated"– moving out to their own facilities. Typically, only 1-in-5 new companies make it through their 5th year, based on Dun & Bradstreet estimates.

The Right Place For The Right Companies

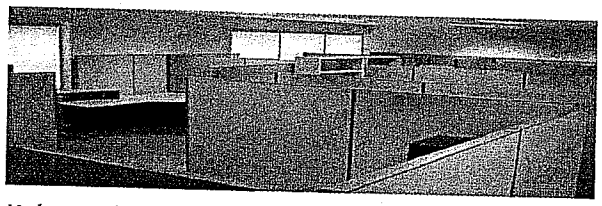
The BEC is dedicated to launching primarily software, R&D, manufacturing, high-tech and bio-tech companies that have a potential for job creation.

The BEC Vision

The BEC was created in 1988 by business and government to spark high-tech startups in the southern Willamette Valley, already home to giants like HP. Launched with money from the state lottery, the BEC expanded in 1992 and relocated to Research Way in 2006.

The BEC Vision is "To develop and sustain a regional center for innovation, business incubation, entrepreneurship, technology transfer and workforce development that promotes partnership and collaboration with academia, as well as the private and public sectors."

Your company will look more professional to important visitors



Modern, modular office areas are linked with wireless Internet.

Professional From Day One

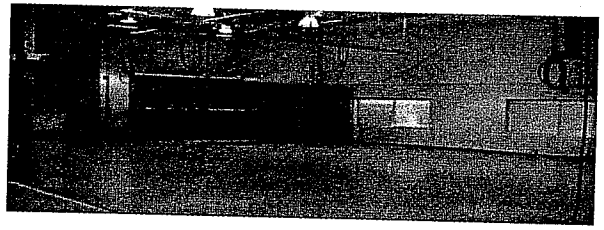
An office in the BEC's modern 4,000-sq.ft. office center on Research Way is more professional than a home office and classier than a garage. Yet it preserves an edgy, make-it-happen attitude that makes launching a company so thrilling. Instead of being isolated, at the BEC you will rub elbows with other start-up entrepreneurs, sharing resources and swapping ideas.

Support and Coaching

The BEC is far more than a copy machine co-op. In addition to essential services, the BEC takes an interest in your business. You get support and mentoring. A network of volunteer professionals and agencies are prepared to help you navigate the first years of business. Experienced entrepreneurs will advise you in writing a business plan and help you stay on track as you execute it.

Instant Networking

At the BEC you'll have an instant business network, with connections to HP, Oregon State University, the Oregon Nanotechnology and Micro technologies Institute (ONAMI) and other organizations in the community.



Ample manufacturing space allows you to scale to meet your needs.

Great Reasons To Be At The BEC

- **It's furnished.**
  Pull up a chair – a desk and table, too.
- **It's equipped.**
  Make a copy. Send a fax. Post a letter. The break roo has coffee, a microwave and refrigerator.
- **It's connected.**
  Wireless offices and conference rooms.
- **It's accessible 24/7.**
  Come and go as needed. Work nights and weekends.
- **It's affordable.**
  As little as $155/month. Pay for only the space you use.
- **It's flexible.**
  Short-term leases for as few as three months.
- **It's comprehensive.**
  All utilities included.
- **It's central & convenient.**
  A professional setting with plenty of parking, nice scenery and the perfect address: Research Way.
- **It's secure and well lit.**

Services For Your Success

The BEC's network of professionals will help you with financing, managing and promoting your business.

- **Business Planning**
- **Financing**
- **Accounting**
- **Management**
  Free management guidance.
- **Marketing**
  Advisors and writers help you attract media attention.
- **Synergy**
  Potential business partners and customers work just down the hall.

MEMORANDUM

TO: Administrative Services Committee

FROM: Steve Rogers, Public Works Director

DATE June 12, 2006

SUBJECT: Infrastructure Cost Recovery For Circle Boulevard

ISSUE

Should an infrastructure cost recovery charge be levied against connecting properties when the infrastructure was constructed from bond revenue and also when a prospective lot purchaser made inquiries regarding such charges but was provided inaccurate information?

BACKGROUND

City of Corvallis Municipal Code Chapter 2.18 prescribes that an infrastructure cost recovery charge be imposed when development connects to public infrastructure but did not previously pay its share of basic infrastructure cost. Basic public infrastructure typically consists of "local" level improvements such as 8-in water and sewer lines, local streets and drainage.

In 2002, the City constructed an extension of NW Circle Boulevard in conjunction with acquisition of open space. This section of NW Circle Boulevard is classified as a neighborhood collector and includes "extra-capacity" improvements such as on-street bike lanes. The street extension fronted four existing but vacant lots. Systems development charge revenue was used to fund extra-capacity street and waterline elements. Local street and waterline elements were funded from open space bond revenue. Sanitary sewer was already present but sewer laterals were added to serve the vacant lots.

In March 2006, Matthew Ponzoha applied for a minor replat to consolidate three of the vacant lots into two. The City issued a Notice of Disposition (Order No. 2006-054) for MRP06-00001 in April which conditionally approved the minor replat. This Notice referenced Circle Boulevard as improved but did not cite any pending infrastructure cost recovery charge.

In May 2006, Mr. Ponzoha contacted Public Works Development Review staff with plans for reconstructing the Circle Boulevard multi-use path to facilitate installation of driveways to serve the new lots. The issue of infrastructure cost recovery for connecting to the new infrastructure was raised at that time.

DISCUSSION

On May 24, 2006, a meeting was held between Development Review and Development Services staff and Mr. Ponzoha. Mr. Ponzoha explained that he had asked City staff about any pending charges on these lots prior to purchasing them and was told they were clear. Although exact details of such communication are not clear, staff have corroborated that such inquiry was made. Mr. Ponzoha also stated that the title report for the properties was clear and that the previous owner was not aware of any pending charge.

On Friday, June 9, 2006, City staff and Mr. Ponzoha met again. Mr. Ponzoha was notified that the infrastructure cost recovery charge has been determined to be $51,299.72. Due to the magnitude of this charge, the timing of the notice, the bond funding source and likelihood of an appeal, Mr. Ponzoha was advised that the question of implementing this particular charge would be heard at Administrative Services Committee and City Council.

As mentioned above, the majority funding for the infrastructure extension subject to recovery was bond revenue. A 2002 internal City memo indicates an expectation that infrastructure costs would be recovered from these lots when they develop. Staff have re-reviewed Chapter 2.18 for the context of bond funding implications and find that there is no language excluding bond funded projects from infrastructure cost recovery.

Staff also find that Chapter 2.18 is written differently from other similar code. Chapter 2.18 specifies that the infrastructure cost recovery charge is determined and payable upon application for connection to a utility or transportation facility. No public process is specified. In contrast, Municipal Code Chapters 2.06, Local Improvement Districts, and 2.16, Recovery Charge for Public Improvements (Zone of Benefit), include public notice and meetings to establish the respective assessment or charge. For Local Improvement Districts, assessments are due within 30 days after a public hearing to establish a final assessment roll. The Local Improvement District process does provide for payments on an installment basis. For a Zone of Benefit, the charge is payable upon connection or other development that would have triggered the infrastructure requirement.

Chapter 2.18 provides an opportunity for the infrastructure cost recovery charge to be paid in not more than 20 semi-annual installments with interest applied at 10% per annum.

The Ponzoha case highlights administrative changes that need to be made. The City's tracking of this charge was flawed. Current property owners should be notified when infrastructure cost recovery eligible projects are initiated. A means to establish surety that the pending charge comes up through title reports as properties change hands should be implemented. Applicants for land use decisions should be advised of pending charges. Customers should get accurate information about pending charges if they inquire at City offices. Staff will propose a means to achieve these objectives and report recommendations back to the Administrative Services Committee.

REQUESTED ACTION

City Council direction, through the Administrative Services Committee, is requested to determine, given that the pending infrastructure cost recovery charge questions were not properly answered prior to purchase and given the bond funding source, whether the full infrastructure recovery charge should be collected and/or if any special terms should be offered.

Review and Concur:

6/14/06

Ken Gibb — Date
Community Development Director

6/15/06

Nancy Brewer — Date
Finance Director

6/15/06

Jon S. Nelson — Date
City Manager

Attachments

Chapter 2.18

Infrastructure Cost Recovery

Sections:

2.18.010 Purpose.
2.18.020 Definitions.
2.18.030 Cost recovery imposed; review.
2.18.040 Methodology.
2.18.050 Collection.

Section 2.18.010 Purpose.

After appropriate public hearings and review, the City Council has determined it is reasonable to enact and impose a cost recovery mechanism to collect for the initial cost of providing a basic level of public infrastructure from developers when they apply for connection and did not previously pay their share of the cost for construction of the basic infrastructure.
(Ord. 2000-27 § 1, 11/06/2000)

Section 2.18.020 Definitions.

1) Developer - Any person, including a governmental agency, undertaking any development.

2) Development - Making any alteration or material change in the use or appearance of a structure or land by grading of the ground surface or construction of a structure or impervious surface. Where appropriate to the context, development refers to the act of developing or the result of development.

3) Basic Level Public Infrastructure:

a) Water: Public water transmission lines typically eight inches in diameter except service laterals.

b) Sanitary sewers: Public sewer lines typically eight inches in diameter except service laterals.

c) Streets: Local streets, sidewalks, curbs, gutters and drainage, park strips, street lighting and right-of-way acquisition.

d) Drainage: Public storm sewers typically ten inches in diameter.

4) Parcel of land - A platted lot or any other tract of land which is occupied or may be occupied by a structure or structures or other use, including the yard and other open spaces required under the Land Development Code, or reasonably attributable to an existing or proposed use.

5) Total project cost - All costs of right-of-way acquisition, materials, labor, contractual fees, construction, engineering fees, administrative fees, current and future financing costs, and other actual expenses of the improvement.
(Ord. 2000-27 § 1, 11/06/2000)

Section 2.18.030 Cost recovery imposed; review.

1) A cost recovery charge is established, and rates shall be calculated by the City Engineer using the methodology set by Chapter 2.18.040.

2) A cost recovery charge is imposed upon all development within the City, on development of all lands owned by the City but outside the boundary of the City, and all development outside the boundary of the City which utilizes utility or transportation infrastructure when they apply for connection to a utility or street and did not previously pay their share of the construction of said infrastructure.
(Ord. 2000-27 § 1, 11/06/2000)

Section 2.18.040 Methodology.

1) The methodology used to establish the cost recovery charge shall consider the cost of then-existing facilities, prior contributions by then-existing users, the value of the facilities, rate-making principles employed to finance publicly owned capital improvements, and other relevant factors identified by City Council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities.

2) The methodology used to establish the cost recovery charge shall be as follows:

a) A cost recovery shall be charged when a developer applies for connection to a City system and the property being developed did not previously bear the cost of construction or installation of the system and was not assessed for the construction or installation of the system. System, as used herein, refers to the basic level of public infrastructure including water, sewer, street, or drainage improvement.

b) The cost recovery charge shall be calculated in one of the following ways:

1] If a local improvement district was used to finance a system, the original total project cost shall be indexed to the current Engineering News Record (ENR) Construction Cost Index, with the year of construction constituting the "base year," to determine what the current cost of constructing the system would be. The indexed cost of the system shall at no time be less than the actual cost of construction. The original assessment formula employed for the system shall be applied to the indexed cost of the system to determine the cost recovery charge for the development.

2] If construction cost records for the system exist but no local improvement district was formed to fund its construction, the original total project cost shall be indexed to the current ENR Construction Cost Index, with the year of construction constituting the "base year," to determine what the current cost of constructing the system would be. The indexed cost of the system shall at no time be less than the actual cost of construction. The cost of the proportionate share of the system attributable to the development shall be determined and shall become the cost recovery charge.

3] If no construction cost records for a system exist, the current estimated total project cost of constructing the system shall be determined. The cost of the proportionate share of the system attributable to the development shall be determined and shall become the cost recovery charge.
(Ord. 2000-27 § 1, 11/06/2000)

Section 2.18.050 Collection.

1) The cost recovery charge is immediately due and payable upon application or utilization of the utility or transportation facilities as determined by a request for a water meter, request for sewer services or approval of an extension of services request.

2) If development is commenced or connection is made to the water, sewer or drainage system without an appropriate permit, the cost recovery charge is immediately due and payable upon the earliest date that any such permit was required. The developer shall pay, and the City Manager shall collect, the applicable cost recovery charge before issuing any building or development permit or before permitting any connection to any infrastructure system of the City. The City Manager shall decline to issue such a permit or to permit such a connection until that charge has been paid in full.

3) Whenever the full and correct cost recovery charge has not been paid and collected for any reason, the City Manager shall report to the City Council the amount of the uncollected charge, the description of the real property on which the development has occurred to which the development charge is attributable, the date upon which the charge was due, and the name or names of the developer(s) responsible. Following notification to the offender, the City Manager shall cite into Municipal Court, for violation of this Chapter, the developer of the development for which the cost recovery charge is imposed.

4) Whenever a cost recovery charge of $100.00 or more would otherwise be due and collectable, the developer may apply upon forms provided by the City Manager for payment of the charge in not more than 20 semi-annual installments plus interest. Upon receipt of such an application, the City Manager

shall compute the amount of the cost recovery charge and shall report the amount of the cost recovery charge, the date upon which the charge is due, the name or names of the developer or developers of the development for which the cost recovery charge is imposed, and the description of the property upon which said development is occurring; the obligation to pay the amount of the charge and interest upon the charge at the rate of 10% per annum, which interest shall be the full and only compensation to the City for its administrative costs, shall be secured by property, bond, deposits, letter of credit, or other security acceptable to the City Manager.
(Ord. 2000-27 § 1, 11/06/2000)

MEMORANDUM
October 10, 2002

TO: Eric Christensen, Engineering Tech III, CD, Development Services

FROM: Michael Tasman, Project Manager, PW, Capital Planning & Projects

SUBJECT: Open Space - Circle Boulevard Extension, Project No. 672230

The extension of Circle Boulevard from Witham Hill Drive to the Frager open space parcel is currently under construction. When it is complete, the new roadway will be 32 foot wide and be designated as a neighborhood collector. This new roadway will provide access to four previously "land-locked" private parcels of land. Those parcels are listed below and shown on the attached map:

1. 4140 NW Circle Boulevard - TL 11800 - 11528DD
2. 4150 NW Circle Boulevard - TL 11900 - 11528DD
3. 4160 NW Circle Boulevard - TL 12000 - 11528DD
4. 4170 NW Circle Boulevard - TL 12100 - 11528DD

With the extension of Circle Boulevard to the Frager open space, the four previously land locked parcels of private property that front the Circle Boulevard right-of-way will have access and could be developed. These four parcels would be allowed access onto Circle Boulevard. All of the other parcels adjacent to this improvement back onto the Circle Boulevard right-of-way, have primary access to other existing roadways and will not be allowed access onto Circle Boulevard.

Pursuant to City ordinances, some of the costs associated with the roadway improvements will need to be borne by the properties as they develop. Among these costs will be "fair share" assessments for the costs of half-street improvements to a residential standard. Additional System Development Charges (SDC's) will also need to be applied as the properties develop.

To address traffic safety issues, Public Works has agreed to allow a secondary access onto Circle Boulevard from the Oak Vale Apartment complex located on the west side of Circle Boulevard at no cost.

Because of the existing multi-use path location, access to the four private parcels from Circle Boulevard needs to be addressed as these properties develop. Currently the 12-foot wide multi-use path runs along the east edge of the Circle Boulevard right-of-way parallel to the new roadway. The multi-use path is separated from the roadway by a 12 foot wide park strip. The path also has between 2 and 3 feet of vertical separation from the new roadway.

Due to safety issues concerning public use of the multi-use path, the City will need to limit the number of path crossings from private properties to the Circle Boulevard roadway. As part of the roadway construction, 25-foot wide driveway drops are being installed in the curb at locations that will allow for shared use of driveways by two parcels. The driveway drops are being centered

between 4140 and 4150 Circle Boulevard and between 4160 and 4170 Circle Boulevard. Each of the two adjacent lots will be required to share driveway access onto the roadway, limiting the driveway crossing of the multi-use path to two.

Because of the vertical separation between the new roadway, the existing multi-use path and the adjacent private property, vertical realignment of the path will be necessary to facilitate access. This re-alignment of the path will need to be accomplished by the developer of the private properties and coordinated with the Public Works Department.

As these four properties develop, we will be available to assist you in developing costs associated with the improvements, SDC's and design review for access. If you have any questions, please feel free to contact me at extension 5177.

Thank you.

MT/tf
Attachment
cc: Keith Turner, Development Review Engineering Supervisor
X:\Divisions\Engineering\Capital Planning&Projects\Projects\Archives\Files To Be Archived\CIP & Operating Projects\Street\Circle Ext - Park Road 672230\Doc\Eric Christensen 100102.wpd

Matt Ponzoha Construction
Matt Ponzoha
P.O. Box 1644
Corvallis, Oregon 97339
CCB# 28292

09-12-05

On or about: I made my initial inquiry regarding the relationship between the bike bath, Circle Blvd., and the lots. Spoke to Matthew Bolduc.

09-19-05

On or about: I made a second visit to City. Spoke to Matthew again regarding complications. He called Josh Bjornstedt. They both agreed bike path was not much of an issue and could be handled along with regular permit process as an approach. I disagreed and wanted someone to meet me at the site. They said that wasn't possible.

09-21-05

On or about: After speaking with and excavation contractor, we determined bike path was a big problem. Went back to city again to speak with Josh. Again asked if someone could meet me at the site to determine how best to handle the bike path. Again the answer was no. Josh suggested he could get a copy of the as-builts to help me with the problem.

09-23-05

Spoke to Tania Ross on the phone. Josh was gone for a few days. Tania emailed me a copy of the as-builts for Circle Blvd and the bike bath.

09-28-25

Received and Email from Josh regarding as-builts and the bike path in general.

10-03-05

On or about: After reviewing the as-builts I decided to try showing the problem to Matthew and Josh. I spoke to Matthew first, he referred me to Josh, and they finally see the problem and suggest I get an Engineer. Once again I asked to make an appointment with someone from the city to get it right the first time. Josh went in the back office to ask someone if that was possible (probably Keith Turner), I was told no…I must submit plans first, then they would tell me if I needed to change them.

I worked for the next couple of months with Cascade Engineering to come up with a design for driveway approaches and to rebuild the bike path.

02-13-06

On or about: I couldn't find and evidence of water or sewer service, so I went back to the building department and asked Matthew if they had been installed yet. He found water but not a map for sewer. He said he was certain they had both been installed with the new Circle Blvd extension. This was the first time I asked if there was any fees, liens or assessments due for the new street and city services. He said he saw none.

02-17-06

Received an Email from Matthew showing water and sewer locations.

02-22-06

I went to the building department and spoke with Matthew regarding a preliminary drawing for the bike path and approaches. I told him I wanted to do a minor replat and needed to know how to get the process started. I told me I would need to speak with Jason (not sure of the last name).

02-22-06

Received and Email from Matthew regarding city parking standards.

I met with Jason a couple of times over the next couple of weeks and by phone at least once but I am not sure of the days.

03-03-06

I went to the building department and asked one of the permit clerks if she had any was of checking for Bancroft's, liens or any other sort of assessment for new services extended to the lots. She couldn't find any but thought I should check with Matthew. They both searched several computers files and couldn't find anything. I explained I was about to finalize my purchase of the lots so I asked who would be the final source of that information. They suggested I talk to the finance department.

I went across the street to finance and spoke with a young gentleman who obviously had no idea what I was talking about. I said his supervisor was out but he would make a not and have her call me.

A woman from finance called me (I don't have the name). She told me she found nothing due for new city services.

I also checked public records at this point and couldn't find any liens or anything to do with city services.

03-09-06

Based on the knowledge I had, I made an offer on the lots.

03-14-06

I filed for the Minor Replat. I included a letter signed by the current owner giving me permission, even though I didn't own the property yet.

03-20-06

I received a preliminary title report showing no liens of encumbrances.

04-04-06

Margie and I closed on the purchase of the lots.

05-01-06

On or about: I took a copy of the engineered drawings for the approaches and bike bath to Matthew at the building department. He said they needed to decide how to permit them.

05-16-06

On or about: I got a phone call from Matthew saying Keith Turner has concerns about my engineered drawings and wanted to meet with me.

05-19-06

I met with Keith at the lots and he made some suggestions for changes.

05-21-06

I sent Keith an Email explaining my reluctance to have to change my plans.

05-23-06

I received a phone message from Keith saying he got my Email and would like to meet with Matthew and myself on Thursday June 25. And he had just discovered that I owed a "substantial amount" for new street and city services. This was the first time this was mentioned to me.

05-25-06

I met with Keith and Matthew first regarding plans for the bike path. Keith then informed me of the city's "mechanism" to recover expenses for new city infrastructure.

Presented to ASC on 6-2

To Whom It May Concern:

Regarding the Circle Extension Recovery Cost, I have prepared a timeline of my contact with City of Corvallis Officials in Planning, Building, Engineering and Finance departments.

While most of these contacts involved information pertaining to the rebuilding of the multi modal path to gain access to the lots in question, I think this timeline is important to stress the number of conversations I had with city officials about development of the lots and in specific about location and availability of water and sewer services.

Please note that on two different dates I spoke to at least four different people (two in the building department and two in finance) and asked specifically about any money owed to the city for road, sewer or water improvements. I was told the City of Corvallis finance department would be the final authority. I was told nothing owed and along with a clear Title Report, made the purchase of the property.

I relied on the repeated representations of city staff that there were no outstanding charges or obligations tied to the property. I specifically asked whether charges would be assessed against the property when I developed. I purchased the property based upon those representations and after doing a minor re-plat which, notably, also did not prompt the city to disclose the charges. Because of the misrepresentations and my justifiable reliance on the representations, at this point, I think the city is estopped from charging the cost recovery being assessed.

I also think "cost recovery" charges are not appropriate when the infrastructure was paid for by Open Space Bond Measure money. As I understand the workings of bond measure money, it can only be used in a manner consistent with the language of the measure. Thus, collecting cost recovery charges could allow money that was spent pursuant to the bond to be reimbursed and then used in a manner inconsistent with the bond measure. This appears improper.

In summary, I find myself faced with a cost that went from ZERO to over $51,000. As a prospective purchaser I used due diligence to seek out any hidden costs/charges/assessments. I would never have purchased the property at the price I did if I had known of the $51,000+ cost – which is an enormous sum for such a small project!

facsimile
TRANSMITTAL

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

CITY OF CORVALLIS
501 SW Madison Ave.
PO Box 1083
Corvallis, OR 97339
Fax: (541) 766-6936

DATE: 2/17/2006

TIME: 230 AM/PM

TO: MATT PONZOHA
COMPANY:

FAX NUMBER: 745-7694
Contact Person:
Phone Number:

FROM: MATTHEW BOLDUC
Department: DEVELOPMENT SERVICES
City of Corvallis
PO Box 1083
Corvallis, OR 97339

FAX NUMBER: (541) 766-6936
Contact Person:
Phone Number: 766-6929

NUMBER OF PAGES SENT
(Including Transmittal) 3

COMMENTS:
MATT - AS BUILT FROM STREET EXTENSION. DRAWING SHOWS SEWER LATERALS WERE INSTALLED WITH CLEAN-OUTS. THIS SHEET SHOULD GIVE YOU AN IDEA WHERE TO LOOK. LET ME KNOW IF FAX DOESN'T COME THROUGH WELL AND I CAN EMAIL.

- MATTHEW

cc:

Hard copy will be sent: ____ YES X NO

Subj: **Circle Blvd access**
Date: 9/28/2005 2:23:37 PM Pacific Standard Time
From: Josh.Bjornstedt@ci.corvallis.or.us
To: mponzoha@aol.com

Matt,

I believe Tania Ross with the City, forwarded the as-builts for the Circle Boulevard extension. Hope that helps. I received some background on the design of that multi-use path from the City's Capital Engineering group. During the design phase of this project the City discussed lowering the path and providing access. It was ultimately decided to leave it up to the property owner to lower the path. The reasoning was that we did not know how the property would be developed so any re-grading of the path would be speculative on our part and may or may not fit with the developers overall plans. The water service lines and the sewer laterals were laid well below existing grade to allow for lowering of the path without impacting those utilities.

It was recognized that given the existing slopes and grades, the reconstruction of this multi-use path to accommodate access to the lots would be extensive.

If you have any other questions regarding the history of this project, please let me know. Questions related to access approach design and multi-use path interface should be directed to Development Services as your access design will be part of your building permit.

Josh

Subj: **Circle Boulevard Extension As-builts**
Date: 9/23/2005 3:48:21 PM Pacific Standard Time
From: Tania.Ross@ci.corvallis.or.us
To: mponzoha@aol.com

Here are the as-builts we discussed. Please let me know if you have any trouble opening them, or if they do not contain the information you were seeking.

Tania Ross
Development Review
766-6729 xt. 5082

Subj: **Off-street Parking and Access Standards**
Date: 2/22/2006 2:29:38 PM Pacific Standard Time
From: MATTHEW.BOLDUC@ci.corvallis.or.us
To: mponzoha@aol.com

See attached.

I would suggest when you have a solution that seems to work, that you run it by us before applying for permits.

MATTHEW BOLDUC
CIVIL ENGINEER I
CITY OF CORVALLIS
DEVELOPMENT SERVICES
541.766.6929 PHONE
541.766.6936 FAX

<<Off-Street Parking and Access Standards (9-1-05).pdf>>

facsimile TRANSMITTAL

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

CITY OF CORVALLIS
501 SW Madison Ave.
PO Box 1083
Corvallis, OR 97339
Fax: (541) 766-6936

DATE: 2/17/2006

TIME: 2:30 AM/PM

TO: MATT PONZOHA
COMPANY:

FROM: MATHEW BOLDUC
Department: DEVELOPMENT SERVICES
City of Corvallis
PO Box 1083
Corvallis, OR 97339

FAX NUMBER: 745-7694
Contact Person:
Phone Number:

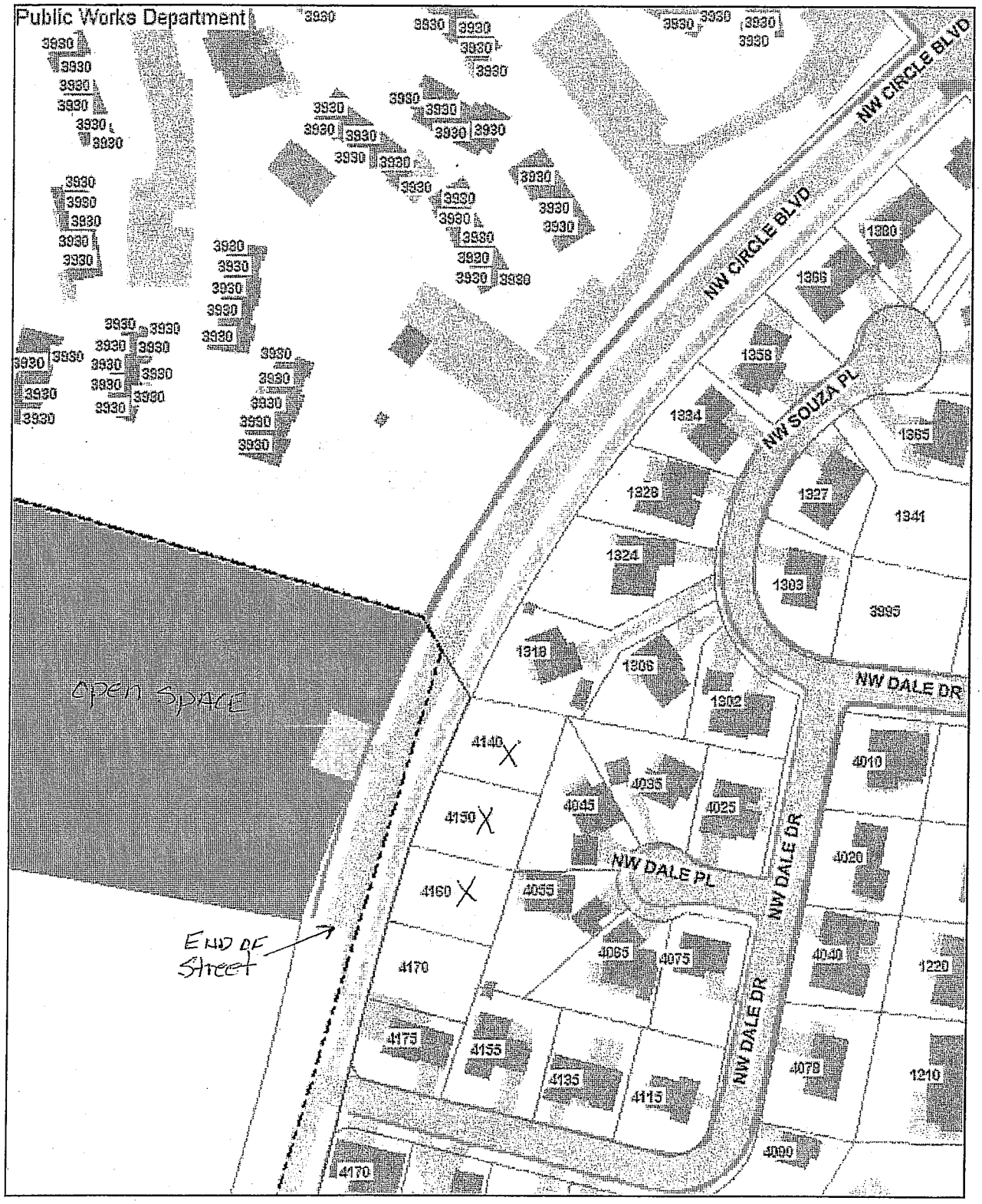
FAX NUMBER: (541) 766-6936
Contact Person:
Phone Number: 766-6929

NUMBER OF PAGES SENT
(Including Transmittal) 3

COMMENTS:
MATT - AS BUILT FROM STREET EXTENSION. DRAWING SHOWS SEWER LATERALS WERE INSTALLED WITH CLEAN-OUTS. THIS SHEET SHOULD GIVE YOU AN IDEA WHERE TO LOOK. LET ME KNOW IF FAX DOESN'T COME THROUGH WELL AND I CAN EMAIL.
- MATHEW

cc:

Hard copy will be sent: ____ YES X NO



X - subject property

MEMORANDUM

TO: Administrative Services Committee

FROM: Steve Rogers, Public Works Director

DATE: June 12, 2006

SUBJECT: City of Philomath Water Sales

ISSUE

The City of Philomath is interested in the wholesale purchase of treated water from the City of Corvallis.

BACKGROUND

Staff was asked to consider the possibility of wholesale water sales by the City of Philomath in August of 2005. Philomath's interests include the provision of a second water supply in the event of an emergency; to provide a supply when water demand exceeds Philomath's existing capacity; and/or to extend the need to construct additional capacity. At this time, Philomath is considering funding a small annual base amount for purchase of water for FY 07-08 and increasing this amount over time.

During the 1990's the Taylor Water Treatment Plant's (Taylor) capacity was increased to meet the need projected for an 80,000 population. Typically, treatment plants are increased in size just before capacity is exceeded, but the capacity increase always comes in steps that result in excess capacity for some time depending on the growth rate. At this time, Taylor can easily meet the needs of the existing Corvallis population, community growth and Philomath's request for at least a 10-year period. This information was shared with the City Council and the Council supported continued discussion with Philomath. The Philomath City Council also concurred with the concept.

A water sales proposal was developed and presented to the City of Philomath staff and their Public Works Committee. The proposal was essentially an offer to sell water to Philomath at the rate of $996 per million gallons (MG) with certain cost adjustments over time, responsibility assignments for connection and a commitment to a 10-year time period. The rate calculation included cost recovery for water treatment, capital investment, administration (including the franchise fee), water quality testing and pumping and transmission.

The Philomath Public Works Committee has directed their staff to bring a draft agreement to Philomath's City Council for consideration. If approved, Philomath is expecting to budget for 10 MG of purchased water in FY 07-08 and would consider increasing that purchase by 5 MG per

year. In general, Philomath would be responsible for funding the re-establishment of the connection between the two systems including the installation of a pump to match service pressures.

DISCUSSION

The following three criteria were used to assess the benefits of proceeding with an agreement with Philomath. The first is capacity. As noted above due to the way that water treatment production capacity increases are constructed and the fact that the last increase occurred fairly recently, the capacity to make treated water is available. It should also be noted that due to aggressive conservation measures, water use demand is growing at a lower rate than population. This will extend the period for which extra capacity is available. 10 MG per year represents 0.4% of the City's total water production.

The second is financial. The proposed wholesale water sales rate ($996 per million gallons) has been calculated to include all direct and indirect costs. The indirect costs include an amount covering the cost to construct the capacity. Some of this cost is still being paid by the rate payers as bond payments. It is proposed that the re-connection costs would be the responsibility of the City of Philomath. Some of the water system costs that are not included are utility billing, full distribution maintenance and operation costs and the water conservation program. The proposed rate is approximately 75% of the retail cost of water.

The third is environmental. Water purchases from Corvallis will be made up by increasing withdrawal from the Willamette River. In most cases, the sales are expected to occur during the summer months when the Marys River (Philomath water source) is at low flow level and much more sensitive to water withdrawal than the Willamette.

RECOMMENDATION

That the Urban Services Committee recommend to the City Council that staff proceed with developing a wholesale water agreement with the City of Philomath for the Council's consideration.

Review and Concur;

Jon S. Nelson

Jon Nelson, City Manager

Memorandum

Date: May 24, 2006

To: Administrative Services Committee

From: Ken Gibb, Community Development Director

Re: Corvallis Tourism's Third Quarter FY 05-06 Economic Development Program Review

I. **Issue:** Acceptance of the quarterly report from Corvallis Tourism for the period ending March 31, 2006. Typically, organizations report to ASC during the fourth quarter on third quarter operations during the Economic Development Allocations Committee meetings for the upcoming year's allocations held in May. However, as Corvallis Tourism did not request any supplemental funds beyond that dedicated by Council Policy, a review of their third quarter report is required.

II. **Background:** The City Economic Development Policy's (CP96-06.03) primary purpose is to preserve and support community livability by encouraging economic stability and sustainable economic opportunities. To provide a stable funding source for activities to support this goal, 30% of the transient room tax (TRT) revenue collected in the previous calendar year is allocated as dedicated funds to Corvallis Tourism. The allocation for FY 05-06 is $274,730 paid in 12 equal monthly payments.

III. **Discussion:** Attached is Corvallis Tourism's third quarter report on activities as well as financial information. Community Development staff finds no contractual concern with the services performed.

IV. **Financial Analysis:** Quarterly reporting requirements were modified in FY 98-99 so that only those agencies receiving more than 50% of their funding from the City are required to submit financial information on a quarterly basis. Corvallis Tourism is the only agency that meets that criteria. Financial statements submitted by Corvallis tourism were reviewed by Finance Office staff and found to be in compliance with their agreement. A copy of Finance staff comments are attached.

V. **Action Requested:** That the Administrative Services Committee consider this report and recommend City Council approve acceptance of the third quarter report as submitted by Corvallis Tourism.

Review and Concur:

Nancy Brewer, Finance Director

Review and Concur:

Jon S. Nelson, City Manager

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

RECEIVED
MAY 12 2006
Community Development

Finance Department
501 SW Madison Avenue
PO Box 1083
Corvallis, OR 97339-1083
(541) 766-6990
Fax (541) 754-1729

MEMORANDUM
May 11, 2006

TO: Judy Somes, Management Assistant

FROM: Bob Wrightson, Assistant Finance Director

SUBJECT: The Corvallis Tourism Quarterly Financial Review as of March 31, 2006.

The review of Corvallis Tourism's financial information consists only of inquiries and analytical procedures and thus the review is limited in its nature. The Balance Sheet, Budget vs. Actual Statements, and the Monthly Financial Management Report are unaudited interim financial reports intended for review by the City of Corvallis and are the representation of Corvallis Tourism's management.

Fiscal year to date revenue for the quarter ended March 31, 2006 is $223,612, 75 % of the annual budgeted revenues of $299,021. The City has made payments totaling $68,682.51 to Corvallis Tourism during the quarter ended March 31, 2006. Fiscal year to date the City has made payments totaling $206,047.53 to Corvallis Tourism. Corvallis Tourism's Profit & Loss Budget vs. Actual schedule has correctly accounted for the revenue received from the City. The Quarterly Report schedule is off $.09 on recording revenues received by the City, this appears to be a transposition error.

The March 31, 2006 fiscal year to date expenditures total $218,434.27, which is 73% of the $299,471.80 fiscal year budget. Fiscal year to date net income is $5,175.62. Net income (loss) was projected to be ($450.58) at the end of the third quarter.

Current assets increased by $1,644.26 during the third quarter, primarily due to an increase in the checking account balance. Accounts Receivable has a negative balance of $305.00. The negative accounts receivable balance would most likely be better reflected in the balance sheet as accounts payable. The relatively small negative balance does not cause concern at this time. The balance of long term assets remains unchanged. Long term liabilities remains unchanged at $2,865.12.

In connection with this review, no significant items were found that would be cause for further review or concern. Acceptance of Corvallis Tourism's 3rd quarter report is recommended.

L:\Finance\Function\Accounting\FIN REVIEW\FY 05-06\Corvallis Tourism 3rd qtr.wpd

CORVALLIS TOURISM

Corvallis, Oregon Convention & Visitors Bureau

Third Quarter Report 2005/2006
(Jan-March 2006)

CORVALLIS TOURISM
Corvallis, Oregon Convention & Visitors Bureau

Quarterly Report

Table of Contents

Corvallis Tourism Monthly Statistics Report

Balance Sheet

Budget to Actual Year to Date

Profit & Loss Budget Performance and Annual Budget

Check Register

Bank Reconciliation Statements

Work Plan Completion Report

CORVALLIS TOURISM
Corvallis, Oregon Convention & Visitors Bureau

Monthly Statistics

Transient Occupancy Tax

	J	A	S	O	N	D	J	F	M	A	M	J	Adj	TOTAL
96/97	71985	66166	59788	59762	50999	39056	39154	52019	43573	56436	57085	64594		660617
97/98	69945	62584	66510	56683	44626	39038	43186	47847	48288	50038	56500	64801		650046
98/99	69483	65744	60567	53239	49318	33855	37393	49291	54139	52820	54638	64862		645349
99/00	67802	69,850	69,801	62,282	59587	37232	41621	49671	62372.38	54386	59,753	72075.53		706433
00/01	76,239	67,012	76,907	70,502	55,009	42,213	42,226	49,749.55	69,427	58,992	69,299	75,800		753376
001/02	78,614	69,308	67,596	68,984	53,301	35,638	43,133	45,326	63,230	62,114	72,523	82,940	3,393	746099
02/03	79302	76089	73342	66877	57666	42545	46,390	53,969	63,352	57221	60160	77171		754084
"03/04	74754	75689	91875	79,583	64290	43826	50,372	63,379	79,673.18	77835	81,230	91954		874460
04/05	91,294	88255	76190	85455	80449	49478	62247	70838	83715	79,587	81572	97714		946794
05/06	103,696	90,859	102640	84,869	80000.98	48990	56475.69	72297						639828

Percentage Occupancy

	J	A	S	O	N	D	J	F	M	A	M	J
04/05	61.82	59.3	51.5	51.2	44.9	32.2	36	46.3				
05/06	63.5	60.4	56.7	47.7	46.1	30.6	34.4	47.3				

Changed to Smith Travel Research

Room Demand

		J	F	M	A	M	J	J	A	S	O	N	D
2004		9517	11526	14595	13517	14973	16132	18078	17326	14594	14988	12704	9410
2005		10524	12234	15124	13547	14372	16823	18586	17677	16211	13858	13034	8980
2006		10045	12504										

Average Daily Rate

	J	A	S	O	N	D	J	F	M	A	M	J
98/99	60.39	59.74	63.79	58.06	58	53.4	42	55.47	61.45	59.44	53.58	61
99/00	63.1	62	60	63.23	63.39	67.4	58.16	60.06	60.01	59.44	60.3	63
00/01	63.6	62.18	63.51	64.22	63.89	62.13	60.44	61.8	61.79	61.4	64.63	63.89
01/02	63.55	63.27	64.81	66.6	65.4	61.51	62.76	62.9	62.29	62.79	64.81	67.89
02/03	66.61	66.64	66.84	68.24	66.78	62.85	64.9	64.03	64	64.45	68.39	68.59

03/04	67.93	67.12	74.7	72.78	72.44	67.19	68.83	69.56	69.42	73.3	74.89	75.58		
04/05	68.89	70.76	69.55	66.52	73.13	62.04	65.4	67.93						Changed to Smi
05/06	74.75	73.74	78.54	72.9	69.98	64.63	66.53	69.09						

Visitor Center Count

	J	A	S	O	N	D	J	F	M	A	M	J		Totals:
97/98	880	550	440	140	258	250	242	205	392	323	456	480		4,616.00
98/99	480	474	420	162	159	123	168	148	343	222	276	361		3,336.00
99/00	514	496	562	513	342	166	278	243	362	346	385	758		4,965.00
00/01	873	752	962	366	174	371	459	582	535	462	759	1016		7,311.00
001/02	2148	2008	1344	1094	739	604	938	900	1050	1246	1380	1526		14,977.00
02/03	2176	1726	1558	1302	616	508	1102	898	1214	1744	1730	2540		17,114.00
03/04	2994	2158	1450	798	434	380	608	434	2130	1386	1002	1868		15,642.00
04/05	1874	3110	1372	912	616	486	510	394	2298	1272	1134	2018		15,996.00
05/06	1848	1902	1320	814	746	338	534	456	2304					10,262.00

Advertising Inquiries

	J	A	S	O	N	D	J	F	M	A	M	J		Totals
97/98	737	715	822	422	334	274	307	275	436	847	1428	1972		8569
98/99	1611	832	1007	403	419	247	295	710	2689	3473	1521	1298		14505
99/00	888	671	1045	650	494	623	666	836	1742	3479	1719	1013		13826
00/01	500	700	493	379	194	126	2157	710	1916	2725	1598	2342		13840
01/02	1360	749	687	631	395	146	411	1363	1753	1646	956	1997		12094
02/03	497	459	307	631	404	759	242	1252	2661	4742	746	656		13356
03/04	589	171	291	369	185	113	231	292	2389	1602	1372	1920		9524
04/05	430	343	245	403	241	263	457	568	1530	2174	4494	2354		13502
05/06	1026	859	2332	1586	960	436	576	9134	1184					18093

Web Site Users

	J	A	S	O	N	D	J	F	M	A	M	J		Totals
98/99	2302	2232	1320	1286	1522	1389	2348	2352	2502	2630	2667	2606		25156
99/00	3074	2792	2887	1285	2727	2153	3105	3821	5410	4569	4399	4500		40722
00/01	5877	6190	5731	5607	5582	4714	6499	6624	7689	10696	10,617	9449		85275
01/02	9764	8957	8294	9050	8255	6779	8522	8156	10116	10696	10,617	9449		108655
02/03	11745	11947	12323	11415	9874	9588	10976	8443	5781	12499	12360	12041		128992

03/04	12558	9488	10171	9782	8334	8025	10237	9661	12459	11578	11618	11613		125524
04/05	12559	14290	13794	12989	12895	12300	15004	15089	17941	18764	18633	18542		182800
05/06	19340	20121	19148	19446	17259	15607	19135	18918	26319					175293

On-Line Reservations

	J	A	S	O	N	D	J	F	M	A	M	J		
01/02	0	25	27	26	11	10	32	22	61	98	84	49		445
02/03	39	42	59	36	24	27	46	58	72	117	92	63		675
03/04	61	88	70	52	18	17	44	62	110	56	87	35		700
04/05	70	75	32	34	27	9	22	56	124	44	84	49		626
05/06	64	86	90	50	47	24	61	75	141					638

Tentative Conf Lead Generation Room Nights

	J	A	S	O	N	D	J	F	M	A	M	J		
02/03	920	2820	450	36	950	40	9000	21960	3400	2910	10243	695		53424
03/04	1320	0	68	1265	1340	600	1480	655	1245	32	3510	1610		13125
04/05	1095	23115	620	1754	2926	1909	630	2520	5820	1880	2275	587		45131
05/05	590	0	2045	1175	755	7595	1560	2766	560					17046

Corvallis Tourism

Balance Sheet

As of March 31, 2006

	Mar 31, 06
ASSETS	
Current Assets	
Checking/Savings	
Checking	28,131.95
Money Marketing Account	9,938.76
Total Checking/Savings	38,070.71
Accounts Receivable	
Accounts Receivable	-305.00
Total Accounts Receivable	-305.00
Total Current Assets	37,765.71
Fixed Assets	
Accumulated Depreciation	-19,986.00
Office Equipment & Furniture	24,510.36
Total Fixed Assets	4,524.36
Other Assets	
Security Deposit	1,500.00
Total Other Assets	1,500.00
TOTAL ASSETS	**43,790.07**
LIABILITIES & EQUITY	
Liabilities	
Long Term Liabilities	
Umpqua Bank line of credit	2,865.12
Total Long Term Liabilities	2,865.12
Total Liabilities	2,865.12
Equity	
Net Assets	35,266.18
Opening Bal Equity	480.06
Net Income	5,178.71
Total Equity	40,924.95
TOTAL LIABILITIES & EQUITY	**43,790.07**

11:45 AM
11/07/05
Cash Basis

Corvallis Tourism

Quarterly Report

2005/2006

	Jul 04-Jun05	Jul'05-Jun'06	July-Mar	Percent
Income	Actual	Budget	Actual	Budget
Bank Line of Credit	0.00			
City of Corvallis	236,859.33	274,729.92	206047.44	75%
Co-op Advertising Revenues	500.00	0	500	#DIV/0!
Co-op Promotions Income	1,125.00	2300	800	35%
Commissions	389.76	200	183.34	92%
Grants	7,000.00	3500	0	0%
Income/Misc	4.00	0	285	#DIV/0!
Information packets	3,233.80	3120	2659	85%
Interest Income	26.87	26.4	17.21	65%
Membership	9,598.06	9500	10750.49	113%
Mini-Theatre Sponsorship	1,226.00	0	0	#DIV/0!
Relo Leads Service	1,070.00	1070	0	0%
Souvenir Income	631.50	660	347.67	53%
Ticket Sales	250.00	0	1118	#DIV/0!
Web Ads	3,349.99	3315	50	2%
WVVA	600.00	600	854.74	142%
Total Income	265,864.31	299,021.32	223,612.89	75%
Expense				
Administration	42,156.05	45575.3	36338.88	80%
Conferences/Education	1,901.19	3195	2774.75	87%
Marketing/Advertising	27,092.87	40052.5	17484.95	44%
Marketing/Community Relations	933.33	1650	882.03	53%
Marketing/Convention Servicing	621.00	0	0	#DIV/0!
Marketing/Dues	3,312.00	3105	3361.1	108%
Marketing/Entertainment	1,790.76	2280	1231.4	54%
Marketing/Fees	5,000.00	5000	2500	50%
Marketing/Internet	6,212.06	7428	8935.41	120%
Marketing/Media Relations	1,010.89	1992	64.49	3%
Marketing/Post.Ship	11,372.84	11400	8104.95	71%
Marketing/Printing	10,533.63	7536	8664.63	115%
Marketing/Promotions	1,167.54	5348	1814.51	34%
Marketing/Public Relations	701.00	0	0	#DIV/0!
Marketing/Research	432.50	2520	3341.97	133%
Marketing/Sales Trips	6,060.92	6200	3115.61	50%
Marketing/Telephone	2,255.98	4452	2168.91	49%
Marketing/Visitor Services	7,171.39	5821	5864.19	101%
Personnel	135,859.02	145917	111786.49	77%
Uncategorized Expenses	0.00	0	0	#DIV/0!
Total Expense	265,584.97	299,471.80	218,434.27	73%
Net Income	**279.34**	**-450.48**	**5,178.62**	

2005/2006 Corvallis Tourism
Work Plan

		J	A	S	O	N	D	J	F	M	A	M	J	
c=completed n= not completed w= working														
Sports Marketing														
A1	Update local sports data base							c						
A2	**Mail sports folder to local org**							c						
A4	Repeat Sports biz calls							x						Eric
A5	Work with State Sports Commission			c										
A6	**Presentations to local sports groups**									x				Eric
A7	Site inspection DVD for sports & Web			c										
A8	Revatalize Sports Commission											x		
Conference Marketing														
B1	Bravo Trade Show				c									
B2	OSAM Trade Show & Conference				c									
B2.5	CECN Trade Show								c					
B3	SGMP Trade Show								c					
B4	**Site Inspections**			n		n		x		x				Eric
B5	Local Meeting planner awards luncheon											N		
B6	Alumni Open House					c								
B9	**Quarterly CCST Sales Missions**			n		n		x		x		x		Eric
B10	Site inspection DVD										x			
B11	**Develop Key Account list**									x				Eric
B12	Develop postcard mailing										x			
B13	Develop Pace report				c									
B14	Develop Show Your Badge promotion					c								
B15	**Expand on-line system to include catering**							x						John
B16	Sales Training Program for Hotels						c			c				
B17	**Create the Choose Corvallis program**								w					John
B18	Press Releases for meeting media				c		c			x				
B19	Conference Sales Team Meetings			c	c	c	c	c	c	x	x	x	x	
B20	Attend monthly SGMP and MPI meetings	c	c	c	c	c	c	c	c	c	x	x	x	
		J	A	S	O	N	D	J	F	M	A	M	J	
Leisure Travel Marketing														
C1	Develop new advertising campaign					c								
C2	Start work on next Dest Guide						c							
C3	Publish 2006 Dest Guide									c				
C4	Develop new festivals campaign				c									
C5	Hold Festival & Events Meetings				c						x			
C6	**Quarterly Email newsletters**		c	c				c			x			John
C7	Hwy 34 Scenic Byway					n								
C8	Work on train to coast										x			
C9	Visitor Center product of month			c										
C10	Update media list									c				
C11	Send out 3 press releases							c			x		x	
C12	2007 150th Anniversary of Corvallis Committee				w		w		w		x			
C13	DVD destination guide									N				
C14	Re-translate German web site									x				

2005/2006 Corvallis Tourism
Work Plan

					J	A	S	O	N	D	J	F	M	A	M	J	
C15	Update lodging hot deals section of website								c		c		c		x		
C16	Baggage Tag Promotions					c		c									
C17	Free Postcards				c	c	c	c	c	c	c	c	c	x	x	x	
C18	OSU January Promotion										x						John
C19	Create Beta Roll for festivals for Travel Oreg				c	c	c										
E-Marketing																	
D1	Do RFP for web site upgrade								c								
D2	Upgrade web site										c						
D3	E-Ticketing for festivals													x			
Public Relations																	
E1	Tourism Awards Luncheon														N		
E2	Tourism Think Tank											c					
E3	Training Sessions for Front Line Staff								c			c		x			
E4	Host Chamber after hours														x		
E5	Host DCA after hours											Oct					
E6	Bi-monthly article in Gazette Times						c		c		c		N		x		
Visitor Information Services					**J**	**A**	**S**	**O**	**N**	**D**	**J**	**F**	**M**	**A**	**M**	**J**	
E6	Publish annual events calendar on-line										x						Christie
E7	Complete annual distribution audit											c					
E8	Wi-Fi for Visitors				c												
E9	Relocation Box Redesign				c												
E10	Tent Cards to Restaurants				c		c		c		c		c		x		
E11	Visitor Survey				c	c	c	c	c	c	c	c	c	x	x	x	
E12	Add Charity Events & Multiple Category entry										c						
E13	Send out weekly Fast Fax to lodging				c	c	c	c	c	c	c	c	c	x	x	x	
E14	Maintain weekly lodging availability survey fc				c	c	c	c	c	c	c	c	c	x	x	x	
E15	Mail destination guide to inquiries				c	c	c	c	c	c	c	c	c	x	x	x	
E16	Service Station Training					c				x				x			Christie
E17	Restaurant Menu Book and Online								w								John
Membership Development																	
F1	Sell & Renew membership							c	c	c							
F2	Complete membership satisfaction survey					c											
F3	Create E-Newsletter for membership & Council				c												
					J	A	S	O	N	D	J	F	M	A	M	J	
Admin & Training																	
G1	Quarterly Report to City				c			c			c			x			
G2	Board Retreat								c					x			
G3	OACVB Meetings									c						x	
G4	TTRA Board Meeting	(Seattle)						c									
G5	TIA Outlook Forum	(Seattle)						n									

2005/2006 Corvallis Tourism
Work Plan

G6	TTRA Conference (Dublin)														x	
G7	Obtain .travel designation for URLs						c									
					J	A	S	O	N	D	J	F	M	A	M	J	
Research																	
H1	**Hotel Geographical Analysis**											x					**John**
H2	Conversion Study												c				
Willamette Valley Visitors Assoc																	
I1	Membership						c										
I2	Web site for WVVA	oregonwinecountry.org					c		c								
I3	WVVA Phone Response				c	c	c	c	c	c	c	c	c	x	x	x	
I4	Bookeeping for WVVA				c	c	c	c	c	c	c	c	c	x	x	x	
I5	RFP for new WVVA Site												c				

MEMORANDUM

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

To: Mayor and City Council
From: Julee M. Conway, Director
Date: June 28, 2006
Subject: Municipal Code Amendment Chapter 2.08 "Systems Development Charge"

Issue: City Council directed staff to return with an amendment to the Municipal Code Chapter 2.08, "Systems Development Charge", incorporating updates regarding the recent updates to the Park SDC methodology.

Background: The City Council held a public hearing on June 19th, 2006 to accept public comment regarding the Park System Development Charge (SDC) Methodology Update report. The public hearing was legally noticed on March 17, 2006 and a copy of the draft report was made available on April 19, 2006. Attachment A is the minutes of the June 19th public hearing.

Based on City Council direction in 2000, the Park System Development Charge Methodology was scheduled for updating in 2005. The process was initiated in 2005, following a similar process used for the other City utility SDC updates. Staff engaged the services of a consultant, Don Ganer & Associates, to provide the technical support and guidance for this update. Beginning in October 2005, the Urban Services Committee (USC), joined by an 11-member community stakeholder group, met seven (7) times to review and analyze the information and develop a draft methodology. Attachment B is the list of the Stakeholder Committee members. Public comment was taken at each USC meeting and the minutes of each meeting were forwarded to the City Council in the subsequent monthly Council packets.

The results of the USC meeting discussions was summarized and presented at the March 20, 2006 City Council work session. The City Council reviewed the draft methodology presented at the meeting and endorsed the methodology moving forward for final review and public comment at the June 19th public hearing, pursuant to ORS requirements governing SDC methodology updates. The final draft methodology was made available on April 19, 2006, 60 days prior to the scheduled public hearing date. Attachment C is the Park System Development Charge Methodology report.

Discussion: Based on the City Council direction received at the June 19, 2006 public hearing, the proposed ordinance and resolution is provided for City Council action. Based on the revised methodology, the ordinance amendments result in a Park SDC of $4,893 per single-family residential unit, and $3,627 per multi-family residential unit. As outlined on Page 14-Table 4.5 of the attached report, the rate represents a new Park SDC rate at 60% of full cost of service.

It should also be noted that the list of projects shown on the Park SDC Methodology Update Report-Appendix pages 15-19 have also been assigned a project priority. The ORS requirements, related to the methodology update, is to broadly identify when the projects may be undertaken. The projects have been assigned a priority, based on our adopted CIP plan and staff's knowledge of existing project implementation. These dates are flexible and can be changed annually during the annual construction cost index review process.

In order to implement the ordinance, the City Council is asked to provide direction regarding two items:

1. Implementation date-The staff has reviewed the administrative processes needed to implement the new fee rate and considered the effect on the building industry. Staff recommends either a 60-day or 90-day implementation date, from date of adoption.

2. Annual Inflationary Factor Adjustment-There was discussion during the USC review process to consider a separate inflationary factor, which would capture the cost of land acquisition during the annual review process. The City's current annual review includes the Engineering News-Record Construction Cost Index factor. Although this index accounts for inflation factors to construction related activities, it does not adequately measure and account for inflation-related factors for land acquisition. Since the Parks & Recreation project list includes projects that require land acquisition, there is a rationale to include a separate adjustment factor for changes in land value. Other Oregon communities have incorporated the following in their annual adjustment process.

   The annual adjustment factor would be based on the change in real market value (RMV) of undeveloped residential land in the City, according to the records of the Benton County Tax Assessor.

   Based on the list of park and open space projects identified in Park SDC Methodology Update Report-Appendix pages 15-19, it is recommended to apply a two-part index. It would include the Engineering News Record (ENR) Construction Cost Index (Seattle) at 67% of the total rate and the change in Benton County Real Market Value 33% to determine the annual rate structure, equaling 100%. The recommended percentages are determined by the percentage allocation of project costs assigned to acquisition and development for growth share's of the SDC eligible projects.

   By recognizing the two different elements that comprise the Park SDC rate, it is expected to improve the relevancy and accuracy of the Park SDC to current market conditions, in relation to the identified park projects.

Recommendation:

1. Staff recommends City Council adopt the attached ordinance and resolution.
2. Provide direction on the preferred implementation date, at either 60 day or 90 day from date of adoption.
3. Provide direction on including the land acquisition escalation cost index into the annual review calculation.

Review and Concur:

Jon S. Nelson, City Manager

Scott Fewel, City Attorney

Attachments:

A. City Council minutes-June 19, 2006 public hearing
B. Stakeholder Committee member roster
C. Park SDC Methodology Update Report
D. A resolution establishing Systems Development Charge rates, per Municipal Code Chapter 2.08, "Systems Development Charge," as amended, to be read by the City Attorney
E. An ordinance amending Corvallis Municipal Code Chapter 2.08, "Systems Development Charge," as amended, to be read by the City Attorney

CITY OF CORVALLIS
COUNCIL ACTION MINUTES

June 19, 2006

********* EXCERPT OF MINUTES ******* DRAFT *********

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:00 pm on June 19, 2006, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Berg presiding.

****

Mayor Berg recessed the Council at 1:15 pm and reconvened the Council at 7:00 pm in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon.

I. ROLL CALL

PRESENT: Mayor Berg, Councilors Grosch, Davis, Gándara (7:03), Hagen, Brauner, Tomlinson, Griffiths, Zimbrick, Daniels

****

VII. PUBLIC HEARINGS

A. A public hearing to consider Parks Systems Development Charges

Mayor Berg reviewed the order of proceedings and opened the public hearing.

Staff Report

Parks and Recreation Director Conway introduced Don Ganer, the City's consultant on the parks SDC update.

Ms. Conway explained that the parks SDC update process began last October under Council direction to review the SDC rate calculation methodology. Based upon tonight's Council decision, staff will draft an ordinance for the Council's consideration and potential adoption. As allowed by Oregon Revised Statutes (ORS), the SDC rate calculation methodology presented tonight can be amended without the necessity of another public hearing.

Ms. Conway reviewed the parks SDC update process:

- Urban Services Committee (USC) and stakeholder group representatives conducted seven meetings to review the SDC rate calculation methodology.
  - » The meetings included opportunities for public testimony.
- USC's recommendation was presented to the Council March 20th and was then made available for public review April 19, in accordance with ORS requirements.

In addition, Ms. Conway said "frequently asked questions" and responses were developed and provided to stakeholders and interested parties. She and Mr. Nelson met with representatives of the *Corvallis Gazette-Times* and provided the newspaper with the "frequently asked questions" and responses. A press release regarding tonight's meeting was published and sent to stakeholders, interested parties, and City advisory body members.

Ms. Conway reviewed the issues the Council asked USC and stakeholder group representatives to consider:

- Infrastructure Cost – Should the cost of infrastructure related to park development be included in the cost basis in the methodology?
  - » Costs of park improvements include sanitary sewers, water, transportation, half-street improvements, and storm water drainage.
    - → *Recommendation:* Include the related costs in the calculation of parks SDCs.

- Gateway Improvements – Should the cost to acquire and develop gateway improvements be included in the cost basis for parks SDCs?
  - » *Recommendation:* The gateway park type was not included in the Parks and Recreation Facilities Plan (PRFP), which was the basis for the SDC rate calculation methodology; therefore, gateway improvement should not be included in the parks SDC rate calculation methodology. The gateway park type should be considered for inclusion in the future update of the PRFP.

- Reimbursement Fee – Should the City develop a reimbursement fee to collect parks SDCs for facilities that have been identified as having "excess capacity"?
  - » ORS allows SDC rates to include improvement fee and reimbursement fee components.
  - » Reimbursement fees reimburse extra-capacity costs previously paid by the community.
  - » The City's parks system has only one park type with potential extra capacity; the excess dollar value was not sufficient enough to warrant assessing a reimbursement fee.
    - → *Recommendation:* Reimbursement fees should not be part of the parks SDC funding strategy.

- Non-Residential Fee – Should a non-residential fee be included in the SDC rate calculation methodology to collect fees from commercial developments?
  - » ORS allows assessing park SDCs to commercial developments.
  - » The City charges parks SDCs only on residential developments and has never charged parks SDCs on commercial developments.
  - » The PRFP does not indicate the types of parks and recreation facilities that may benefit businesses.
    - → *Recommendation*: A non-residential fee is not appropriate at this time but should be considered when the PRFP is updated.

- Allocation of Parks SDC Percentages – Should the City allocate a percentage of collected parks SDCs for expenditure on designated park types?

» USC and stakeholder group representatives wanted to give the Council as much flexibility as possible in allocating SDC funding for parks projects.
  → *Recommendation:* Do not allocate percentages of SDC funding within allowable allocation guidelines to specific park types, as doing so is very restrictive.

Ms. Conway summarized that the recommended SDC rate calculation methodology utilizes the improvements-based approach. USC reviewed projects and park types identified in the PRFP and determined the park types to not fund with SDCs, which reduced the proposed parks SDC rate. If the Council approves USC's recommendation, parks SDCs will not be used for the park types USC removed from SDC funding, specifically, swimming pools and special use areas. The PRFP identifies the Morse Bros. ponds east of the Willamette River as a potential special use area.

The current parks SDC rates, based upon the methodology established during 2000, are $2,075 per single-family unit and $1,556 per multi-family unit. USC recommended charging 60 percent of the full cost of service, resulting in proposed SDC rates of $4,893 per single-family unit and $3,627 per multi-family unit. These rates, based upon USC's recommendation, would not include funding for swimming pools and special use areas.

Staff seeks Council direction regarding the recommended SDC rate calculation methodology and will then prepare an ordinance and implementation schedule for the Council's consideration.

Questions of Staff

Councilor Gándara observed that the proposed, increased SDC rates would pay for only 60 percent of park development costs. He inquired as to the percentage of park costs have been paid by SDCs prior to the proposed increase.

Ms. Conway responded that, since the 2000 PRFP was adopted, approximately 11 percent of capital improvement program costs have been funded through parks SDCs; the remaining costs have been funded with bond issues, grants, and some property taxes. The City uses parks SDCs to leverage as much other funding as possible.

Councilor Gándara summarized that project costs are divided by the projected population over a planning horizon. If the projected population level was reduced, the anticipated projects needed for the reduced population level would also decrease by a proportionate ratio.

Mr. Ganer responded that projects identified in the PRFP were evaluated to 2020 and 2030 and population projections for each planning horizon. The different planning factors would have some impact on the proposed SDC rates because a different total project cost would be spread over a different population level. With the longer planning horizon and higher population level, the debt service credit would be decreased.

Ms. Conway added that reducing growth percentage for a specific time period would result in a higher SDC rate per person, as the same costs would be spread over fewer people. The

Council would need to consider which projects to fund, the planning horizon and how many new residents it might include, and the debt service and then recalculate the proposed SDC rate. In order to reduce the proposed SDC rate, with an assumed lower growth rate, the projects funded with SDCs would also need to be reduced.

Ms. Conway confirmed for Councilor Griffiths that most of the special use areas listed in PRFP Table B-3 are fully or partially developed. The extent of existing development of these areas prompted USC to not include special use areas as a park type for SDC funding.

Councilor Griffiths noted that Osborn Aquatic Center (OAC) is listed in PRFP Table B-3 as a special use area, but USC classified the facility as a swimming pool. Ms. Conway confirmed that OAC is slightly different from a traditional outdoor swimming pool. The PRFP included discussion of developing another water feature, such as a spray park, elsewhere in the community.

Councilor Daniels noted that the population projections were obtained from the Metropolitan Planning Organization's (MPO) 2020 estimates. Corvallis Area Chamber of Commerce (Chamber) Business Advocacy Committee, Corvallis-Benton County Economic Development Partnership, Willamette Association of Realtors, and Willamette Valley Home Builders Association (all of whom were represented during USC's review of parks SDCs) submitted a June 16th memorandum to the Council (Attachment G) and asserted that the population projections are high but did not provide an alternate source for population projections.

Ms. Conway responded that the memorandum suggests a population growth rate of 0.87 percent per year (18.31 percent for the period from 1990), and she surmised that the organizations were suggesting evaluating actual population growth rates since 1990. (No Chamber members were present at the public hearing.) She recalled that USC discussed that some years have more population growth than other years; over a 20-year period, the growth rate could normalize. She surmised that the organizations suggested using a population growth rate closer to the actual growth rate since 1990. She reiterated earlier explanations that decreasing population projections but not decreasing identified projects for funding would increase SDC costs and proposed SDC rates. Similarly, the debt service credit, which credits those who have already paid, may need to be adjusted. She emphasized that decreasing the proposed SDC rate involves adjusting more than one SDC rate calculation methodology factor.

Councilor Griffiths commented that USC discussed population projections several times, struggled with which projection was most accurate, and reviewed the projections of the City's Comprehensive Plan and various master plans. The PRFP did not indicate a population projection. USC determined that the MPO's population projection would be the most appropriate to use, even though it may appear high.

Mayor Berg observed that USC made the best possible estimates of the various factors involved in the SDC rate calculation methodology, with no objective of impacting the proposed SDC rate, considering only potential population, project needs, and project costs. This action complies with ORS requirements. The proposed SDC rates were more than USC and stakeholder group representatives wanted to assess, so the rates were reduced to

60 percent of their full amounts. She opined that the estimates were clearly made with no effort to hide any aspects of any of the calculation factors involved. Ms. Conway confirmed.

In response to Councilor Davis's inquiry, Ms. Conway confirmed the meaning of open space acquisition and enhancement and identified Riverfront Commemorative Park and Marys River as linear park topology.

Public Testimony

Charles Fisher, a stakeholder group representative for the PRAB during the parks SDC update, has lived in Corvallis 25 years. He believes that stakeholder group representatives reflected a variety of population segments, offered much input and interest in the SDC update, and thoroughly discussed the update issues. He supports USC's recommendation and believes the Council's endorsement of the recommendation would greatly assist the Parks and Recreation Department.

Mr. Fisher served on the PRAB during the mid-1980s. He said it is exciting to see that issues and projects presented and approved during his first tenure on the PRAB are now developed and viable parts of the community. He believes approving the recommended SDC rate calculation methodology will allow continued development of parks and recreation facilities.

Mr. Fisher noted that the demands, expectations, and requests on the PRAB regarding prioritizing funding needs for facilities and programs are more difficult than during the 1980s. He believes staff manages its funds well but needs resources, such as SDC funds, to leverage more grant funding. He is confident that in 2020, Corvallis citizens will say that the Council did a good job during 2006 to ensure future growth in Corvallis and the continuation of parks and recreation programs.

Bill York was a stakeholder group representative on behalf of the Capital Improvement Program Commission during the SDC update. He was satisfied with the update process and USC's recommendation. He believes development should pay its way, which is the approach USC followed until it calculated proposed SDC rates, which it believed would adversely affect affordability within the community. A percentage reduction was applied to moderate the proposed rates. He believes USC followed a positive, open process, which resulted in a good recommendation. He urged the Council to approve USC's recommendation.

Kent Daniels was an alternate stakeholder group representative for the PRAB. He thanked USC members for conducting collaborative meetings. He noted that everyone involved attempted to reach consensus, and he did not recall any representative objecting to any of the recommendations.

Mr. Daniels stated that the SDC rate calculation methodology is clear and well developed. He concurred with USC's recommendations. He believes all SDCs are critical to ensuring that some of the costs of growth are paid by new developments. He also believes that periodic revisions of SDCs are logical.

Mr. Daniels commented that Chepenafa Springs Park and Riverbend Park were created by the respective residential developers in lieu of SDC payments. He pondered how the parks would have been created without SDCs. The existence of the City's SDC program allowed creativity in development of the parks.

Mr. Daniels noted that SDCs comprise a small percentage of funding for parks and recreation capital projects. He opined that parks are as vital to the community as all other City-provided services and are a key factor in the local quality of life and the attractiveness of the community when economic prosperity is at stake.

Cary Stephens joined the Open Space Advisory Commission (OSAC) one year before the 2000 open space bond measure. He has observed the City's investment in open space from creating acquisition criteria through management. He supports the parks SDC rate calculation methodology and reminded the Council that the community supports parks; and citizens understand the relationship of parks, livability, and property value. He is glad that the parks SDC rate calculation methodology included open space acquisition and enhancement, as work remains on the City's existing open space properties. The proposed SDC rates would provide funds to complete actions promised in the open space bond measure.

Mr. Stephens noted that several City master plans provide for using natural systems to accomplish what is typically done with pipes and pavement, and open space properties can be utilized to achieve this objective. The North Corvallis Area Plan encompasses streams that are storm water drainage systems and are included in the Natural Features Inventory. SDC funds can be used for multiple purposes; open space property can be purchased and used for storm water drainage. The City's various master plans are interconnected.

In response to Councilor Gándara's inquiry, Mr. Stephens said he has done a great deal of work on the Timberhill open space property, including development of a new trail system that will connect the Timberhill neighborhood with Chip Ross Park and McDonald Forest.

In response to Councilor Gándara's inquiries, Mr. Stephens referenced an unnecessary "tension" between growth and protection of natural resources. He noted that Corvallis has tried to plan for growth and for having natural infrastructure in place for future growth. He emphasized the need to plan ahead, establish a long-term SDC program, and stay aware of changing circumstances. In the long term, using natural drainage systems can save some expenses associated with installing piped drainage lines.

Councilor Daniels noted that the City was fortunate to have Jane Lubchenco on the OSAC when the open space acquisition criteria were developed; Dr. Lubchenco contributed greatly to the criteria.

Mr. Stephens commented that several of the City's open space properties have attributes of clean water, fish, and wildlife. The issue of acquiring open space is not focused on using the property; the issue is how the property serves the entire community.

Mayor Berg closed the public hearing.

Questions of Staff

Councilor Zimbrick said the memorandum from the Chamber and others references USC's recommendation to double the population growth rate and the fact that the proposed parks SDC rate would be three times more than Albany's parks SDC rate. From Ms. Conway's memorandum, distributed earlier today, he noted that Albany's parks SDC rates are $1,500 for single-family and multi-family units. He inquired whether Albany has a means of funding parks other than SDCs.

Mr. Ganer responded that Albany has been updating its SDC rates for several years; the rates have not increased since the mid- to late-1990s. Three or four years ago he assisted Albany in reviewing its SDC rate calculation methodology, but no rate adjustments have been made since that review.

Councilor Zimbrick noted that Corvallis and Albany are two different communities, and it is difficult to compare the SDC rates because he does not know Albany's SDC plan, infrastructure development, or future development plans.

Mr. Ganer responded that Albany has a very different plan from Corvallis. During the last review of Albany SDC rates, proposed rates were comparable to the rates currently under consideration for Corvallis. Albany will need to implement significant SDC rate increases in order for SDCs to pay a greater share of the costs of growth. Albany plans many new facilities that the current SDC rates are insufficient to cover.

Councilor Griffiths noted that the administrative cost was included in the overall SDC rate reduction calculation, and she inquired why the administrative cost was not assessed at 100 percent. She noted that the proposed SDC rate was reduced to 60 percent to achieve a rate USC deemed would be accepted within the community.

Mr. Ganer responded that the administrative cost could be assessed at its full value. Doing so would slightly increase the overall SDC rate.

In response to Councilor Hagen's inquiry, Ms. Conway stated that USC and stakeholder group representatives did not discuss the ratio of parks per capita for Albany and Corvallis, and she does not have Albany's parks inventory information readily available. A straight acreage-per-capita ratio would not truly reflect how SDCs would be invested in either community. For a valid comparison with Corvallis' intended SDC investments, staff would need to know the acreage of Albany parks related directly to parks SDC funding.

Mayor Berg questioned whether the presence of a large university student population could impact Corvallis residents' desires for more park facilities.

Councilor Grosch acknowledged that SDCs impact overall housing costs; however, SDCs have a greater impact on overall up-front costs for developers. Corvallis has a higher per-capita income basis than Albany. The proposed SDC rate increase will perpetuate the scenario of Corvallis employees choosing to live in surrounding communities. As a Realtor, no potential buyer has told him that they would base their purchase decision on SDC rates. The amenities of comparable homes are upgraded in Corvallis, compared to Albany. He

noted that Albany has more land available for new housing development. The scarcity of land in Corvallis increases land values in Corvallis, compared with land values in Albany. He opined that part of the issue involves community values. Corvallis citizens emphasize the high value they place on acquisition and maintenance of open space and parks. He noted that USC and stakeholder group representatives extensively discussed the issues broached in the Chamber's memorandum and agreed by consensus that the chosen SDC rate calculation methodology supports Corvallis' plans. He believes SDC rates for Corvallis and Albany cannot be equitably compared.

Councilor Gándara added that USC reviewed SDC rates for communities other than Albany, and Corvallis' rates were in the middle of the range of rates. The proposed SDC rate was reduced to 60 percent to maintain Corvallis' mid-range position. He understood that the overall rate, including the administrative rate, was reduced to 60 percent, which USC deemed was affordable and comparable with other communities.

Councilor Griffiths said it is difficult to compare SDC rates for different communities because of the various factors involved in calculating SDC rates. The date of the last SDC rate adjustment is an important factor. Corvallis established a fairly aggressive schedule of SDC rate adjustments every five years. It is known that some communities have not updated their rates within the last several years.

Councilor Griffiths commented that following the Chamber's suggestion of applying a different population growth rate would result in a higher SDC rate. She passed among the Council the population projection information utilized in the SDC rate calculation methodology update.

Councilor Daniels referenced a recent e-mail to Council members regarding a national ranking of communities in terms of affordability. Corvallis is currently ranked 132nd in terms of over-value. Medford, Bend, Portland, Eugene, and Salem have more-inflated housing prices than Corvallis. SDC rates for Medford, Bend, and Portland are much higher than Corvallis' current SDC rates. She does not perceive a connection between parks SDCs and affordability.

Mayor Berg emphasized the importance of making the best-possible estimates, calculating SDC rates in accordance with State requirements, and demonstrating the basis of the rate calculation methodology. Similarly, it is important to compare local rates with a large number of Oregon communities and to maintain a SDC rate that is in the mid-range of the comparator communities.

Councilor Griffiths invited comments from Council members regarding assessing the administrative cost at 100 percent, rather than 60 percent, which would make a minor, permitted adjustment in the SDC rate calculation methodology.

Mr. Nelson commented that Councilor Griffiths' suggestion would increase the overall SDC rate by approximately $70.

Councilor Brauner said the proposed adjustment is a relatively small amount, justifying assessing the administrative cost at 100 percent. The impact on overall revenue would be

minimal. From a political perspective, it would be better to assess all parks SDC-related components at 60 percent. He believes it is not worth potential adverse politics to assess administrative costs at 100 percent and other SDC-related components at 60 percent.

Councilor Gándara expressed support for USC's recommendation, which was based upon consensus with stakeholder group representatives.

Councilor Griffiths said she had not thought about assessing the administrative cost at the full or reduced rate. She suggested that it be considered in the next SDC rate update.

Councilor Brauner observed that USC did a good job conducting its review, and stakeholder group representatives advocated for a wide variety of community perspectives.

Deliberations and Final Decision

Councilor Brauner moved to direct staff to draft an ordinance implementing Urban Services Committee's recommendation regarding a parks systems development charge rate calculation methodology. Councilor Davis seconded the motion. The motion passed unanimously.

XI. ADJOURNMENT

The meeting was adjourned at 8:36 pm.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY RECORDER

Stakeholders Task Force for Park SDC Update Process

	Organization	Nominated Representative	E-Mail Address	Telephone Number
1	Willamette Valley Home Builders Association	Lori Hickey, Executive Officer PO Box 440 Tangent, OR 97389	lori@wvhba.com	928-5159
2	Corvallis Area Chamber of Commerce	Robert Best Lincoln Financial Network 420 NW 2nd Street Corvallis, OR 97330	bestr@peak.org	760-8156
3	Economic Development Partnership	Mysty Rusk, President 420 NW Second Street Corvallis, OR 97330	mrusk@corvallisedp.com	757-1507
4	Willamette Association of Realtors	Amanda Dalton, Government Affairs Director Willamette Association of REALTORS PO Box 981 Salem, OR 97308	amanda@directnorthwest.com	503-364-7233 Phone 503-364-7234 Fax
	Willamette Association of Realtors (alternate)	Debbie Weaver 632 NW Third Street Corvallis, OR 97330	dweaver@proaxis.com	752-9926
5	Open Space Commission	Paul Hohenlohe 1038 NW 32nd Street Corvallis, OR 97330	hohenlo@yahoo.com	760-9233
6	Committee for Citizen Involvement	Tom Powell, Chair 2035 SE 3rd Street Corvallis, OR 97333	tompowell@proaxis.com	752-0805
7	Park and Recreation Advisory Board	Charles Fisher 33705 SE Terra Lane Corvallis,OR 97333	suchar@pacifier.com	757-9860
8	Capital Improvement Program Commission	Bill York 3765 SW Fairhaven Drive Corvallis, OR 97333	yorkb@peak.org	752-2535
9	Budget Commission	John "Jack" Davis 2940 NW Aspen St Corvallis, OR 97330	john.r.davis@att.net	753-2906
10	Corvallis Neighborhood Housing Services	Brigetta Olson 257 SW Madison Ave, Suite 113 Corvallis, OR 97333-4757	olsonb@corvallisnhs.org	752-7220
11	Corvallis Environmental Center	Tracy Noel 214 SW Monroe Ave. Corvallis, OR 97333	farm4thefuture@hotmail.com	753-9211
12	Betty Griffiths, Councilor, Ward 8	Betty Griffiths 3248 NW Taft Avenue Corvallis, OR 97330	ward8@council.ci.corvallis.or.us	766-6498
13	Rob Gandara, Councilor, Ward 5	Rob Gandara 419 NW 18th Street Corvallis, OR 97330	ward5@council.ci.corvallis.or.us	766-6495
14	George Grosch, Councilor, Ward 3	George Grosch 720 SE Atwood Avenue Corvallis, OR 97333	ward3@council.ci.corvallis.or.us	766-6493

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

PARKS AND RECREATION SYSTEM DEVELOPMENT CHARGES METHODOLOGY UPDATE

April 10, 2006

PO Box 91491 • Portland, OR 97291 • 503-690-8981 •

Don Ganer & Associates

CONTENTS

		page
1.0	INTRODUCTION	1
2.0	AUTHORITY AND BACKGROUND INFORMATION	4
	A. Legislative Authority	4
	B. "Improvement fee" and "Reimbursement fee" SDCs	4
	C. Requirements and Options for Credits, Exemptions, and Discounts	5
3.0	PARKS AND RECREATION SDC METHODOLOGY	7
	A. Population Growth	7
	B. Persons Per Dwelling Unit	8
	C. Facility Needs	8
	D. Facility Costs	9
	E. Compliance/Administrative Costs	9
	F. Total SDC-Eligible Costs	10
4.0	PARKS AND RECREATION SDC RATES	11
	A. Formula 4a: Improvements Cost Per Capita	11
	B. Formula 4b: Improvements Cost Per Dwelling Unit	12
	C. Formula 4c: SDC Debt Service Credit Per Dwelling Unit	12
	D. Formula 4d: Total SDC Per Dwelling Unit	13
	E. Formula 4e: Discounted SDC Per Dwelling Unit	14
APPENDIX:	Parks SDC Capacity Improvement Projects	15 - 20

TABLES

		page
TABLE 3.1:	Projected Population Increase From New Development (2005 - 2020)	7
TABLE 3.2:	Average Number of Persons Per Dwelling Unit	8
TABLE 3.3:	Facilities Required for Growth and Non-Growth Needs	8
TABLE 3.4:	Facility Costs	9
TABLE 3.5:	Compliance/Administrative Cost Estimates	10
TABLE 3.6:	Total SDC-Eligible Costs	10
TABLE 4.1:	Improvements Cost Per Capita	11
TABLE 4.2:	Improvements Cost Per Dwelling Unit	12
TABLE 4.3:	Debt Service Credit Per Dwelling Unit	13
TABLE 4.4:	Total SDC Per Dwelling Unit	14
TABLE 4.5:	Discounted SDC Per Dwelling Unit	14

CITY OF CORVALLIS

Parks and Recreation System Development Charges Methodology Update

1.0 INTRODUCTION

System Development Charges (SDCs) are one-time fees charged to new development to help pay a portion of the costs associated with building capital facilities to meet needs created by growth. SDCs are authorized for five types of capital facilities including transportation, water, sewer, stormwater, and parks and recreation.

Section 2.0 of this report presents authority and background information including (1) legislative authority for SDCs; (2) an explanation of "improvement fee" and "reimbursement fee" SDCs; (3) requirements and options for credits, exemptions and discounts; and (4) alternative methodology approaches. Section 3.0 presents the methodology used to update the Parks and Recreation SDCs, and section 4.0 presents the calculation of Parks and Recreation SDC Rates. A list of the SDC Capacity Improvement Projects that may be funded with SDC revenues are included as an Appendix to this report.

Process Overview

The City's current Parks SDC methodology was prepared in 2000. Based on City Council direction, the Park SDC methodology was slated for review and update in 2005. In August 2005, the City engaged Don Ganer & Associates, Inc. to provide the technical support and guidance for the update of the existing methodology, which will reflect the current costs of growth needs identified in the City's 2000 Park and Recreation Facilities Plan. The City followed a similar process to update its other City utility SDC rate methodologies. Beginning October 2005, the Urban Services Committee (USC), joined by a 11-member community stakeholder group, met seven (7) times over the period of 6 months to review and analyze the information and develop a draft methodology. The stakeholder group included a broad representation of the community including members of the business community, park, recreation and citizen advisory committees, homebuilders and realtors associations, housing services and the environmental community. Public comment was taken at each USC meeting and the minutes of each meeting were forwarded to the City Council in the subsequent monthly Council packets.

The City Council directed that the USC and the stakeholder group discuss 5 issues. These issues and the final recommendations follow:

1. **Infrastructure Cost** -should the cost of infrastructure (sanitary sewer, water, road improvements, etc) related to park development be included in the cost basis in the methodology.
Recommendation: Include the related costs in the calculation of the Park SDC fee.

2. **Gateway Improvements**-should the cost to acquire and develop gateway improvements be included in the cost basis for the Park SDC? The adopted 2000 Park and Recreation Capital Facilities Plan did not identify additional gateway improvements in its 2020 Plan as a need.
Recommendation: Since the Park SDC must be based on an adopted facilities plan recommendation, it is not recommended to not include them in the cost basis for the Park SDC.

3. **Reimbursement Fee-** should the city develop a reimbursement fee to collect Park SDC for facilities that have been identified with 'excess capacity'? It was determined that only one park topology, large urban parks, has 'excess capacity'.
Recommendation: Due to minimal amount of financial return that may be realized from implementing a fee for this one area of excess capacity, it is recommended that the reimbursement fee not be considered further, as it does not yield sufficient return for the investment of time and effort.

4. **Non-Residential Fee**-should a non-residential fee be included in the methodology to collect fees from commercial development? The adopted 2000 Park and Recreation Capital Facilities Plan did not include an analysis of how the city's park and recreation facilities meet the needs of employees who work in Corvallis-sited businesses.
Recommendation: The determination was made that this issue should be included in the next update of the Park and Recreation Capital Facilities Plan, and that a non-residential fee should not be considered during the current update process.

5. **Allocation of Park SDC Percentages**-should the City allocate a percentage of the collected Park SDC's for expenditure for designated park types? The Committee discussed the desire to retain flexibility to use collected Park SDC's in the broadest manner possible, as long in accordance with the State statute and in compliance with the adopted 2000 Park and Recreation Capital Facilities Plan.
Recommendation: It was determined to not include in the Park SDC formula an allocation of Park SDC expenditures to designated park types.

In addition, the City Council, based on Committee recommendation, removed the special use areas and swimming pool improvements from the base park SDC rate calculations. This decision further reduced the share of growth related costs that were included in the final park SDC fee. This methodology results in the exclusion of swimming pools and special use areas being funded with Park SDC's, however, would allow the greatest flexibility of use of Park SDC for other higher priority park types, such as, neighborhood and community parks, open spaces, linear parks, and large urban park areas. As outlined on Table 4.5 of the report, the final recommendation is to adopt a new Park SDC methodology at a 60% charge rate.

2.0 AUTHORITY AND BACKGROUND INFORMATION

A. Legislative Authority

The source of authority for the adoption of SDCs is found both in state statute and in the City's own plenary authority to adopt this type of fee. While SDCs have been in use in Oregon since the mid-1970's, State legislation regarding SDCs was not adopted until 1989, when the Oregon Systems Development Act (ORS 223.297 - 223.314) was passed. One of the purposes of this Act was to "provide a uniform framework for the imposition of system development charges". Legislative additions and modifications to the Act were made in the 1990's and in early 2000. The Oregon SDC Act requires local governments that enact SDCs to:

- adopt SDCs by ordinance or resolution;
- develop a methodology outlining how the SDCs were developed;
- adopt a plan and project list to designate capital improvements that can be funded with "improvement fee" SDC revenues;
- provide credit against the amount of the SDC for the construction of certain "qualified public improvements";
- separately account for and report receipt and expenditure of SDC revenues, and develop procedures for challenging expenditures; and
- use SDC revenues for capital improvements and compliance costs only - operations and maintenance uses are prohibited.

B. "Improvement fee" and "Reimbursement fee" SDCs

The Oregon Systems Development Act provides for the imposition of two types of SDCs: (1) "improvement fee" SDCs, and (2) "reimbursement fee" SDCs. "Improvement fee" SDCs may be charged for new capital improvements that will increase the capacity of the system in order to provide service to the new development. Revenues from "improvement fee" SDCs may be used for capacity-increasing capital improvements included in a required plan and list of projects that identifies the expected timing, cost, and growth-required percentage for each project. "Reimbursement fee" SDCs may be charged for the costs of existing capital facilities if "excess capacity" is available to accommodate growth. Revenues from "reimbursement fees" may be used for *any* capital improvement project, including major repairs, upgrades, or renovations. Capital improvements to be funded with "reimbursement fee" SDCs do not need to increase capacity, but they must be included in the list of projects to be funded with SDC revenues.

C. Requirements and Options for Credits, Exemptions, and Discounts

(1) Credits

A credit is a reduction in the amount of the SDC for a specific development. The Oregon SDC Act requires that credit be allowed for the construction of any "qualified public improvement" that (1) is required as a condition of development approval, (2) is identified in the plan and list of projects on which improvement fee SDC revenues may be used, and (3) either is not located on or contiguous to property that is the subject of development approval, or is located on or contiguous to such property and is required to be built larger or with greater capacity than is necessary to meet the needs of the particular development project to which the improvement fee is related.

The credit for a qualified public improvement may only be applied against an SDC for the same type of improvement (e.g., a parks improvement can only be used for a credit for a parks SDC), and may be granted only for the cost of that portion of an improvement which exceeds the local government's minimum standard facility size or capacity needed to serve the particular project. For multi-phase projects, any excess credit may be applied against SDCs that accrue in subsequent phases of the original development project.

In addition to these required credits, the City may, if it so chooses, provide a greater credit, establish a system providing for the transferability of credits, provide a credit for a capital improvement not identified in the City's plan and list of projects, or provide a share of the cost of an improvement by other means (i.e., partnerships, other City revenues, etc.).

(2) Exemptions

The City may "exempt" certain types of development, such as "affordable housing" from the requirement to pay parks SDCs. Unless an alternative source of funding for SDCs is identified, exemptions reduce SDC revenues and, therefore, increase the amounts that must come from other sources, such as bonds and property taxes.

(3) Discounts

The City may "discount" the amount of the SDC by reducing the portion of growth-required improvements to be funded with SDCs. A discount in the SDC may also be applied on a pro-rata basis to any identified deficiencies to be funded from non-SDC sources. For example, the City may decide, on a system-wide basis, to charge new development an SDC rate sufficient to pay for some types of facilities but not for others (i.e., neighborhood parks but not trails, etc.), or to pay only a percentage (i.e., 80%, 60%, etc.) of identified growth-required costs. The portion of growth-required costs that may be funded with SDCs must be identified in the City's SDC capacity improvements project list.

Because discounts reduce SDC revenues, they increase the amounts that must come from other sources, such as bonds or property tax funds, in order to achieve or maintain adopted levels of service.

3.0 PARKS AND RECREATION SDC METHODOLOGY

The City's 2000 adopted Park & Recreation Facilities Plan includes projects designed to address growth needs and repair deficiencies within the City's planning area. The SDC Capacity Improvement Projects list (Appendix) includes selected growth-related projects from this plan and identifies the growth-required percentage, the estimated cost, and the estimated project timing priority for each project through the year 2020. Projects include both acquisition and development components. Items identified as "short term" are expected to be completed within five years, and those listed as "long term" should be completed by 2020.

Park and recreation facilities benefit both existing and future City residents. The methodology used to update the City's Parks and Recreation SDCs establishes the required connection between the demands of growth and the SDC by analyzing the proportionate need of each type of facility for use by current and future residents. The SDCs to be paid by a development meet statutory requirements because they are based on the nature of the development and the extent of the impact of the development on the need for parks and recreation facilities for which they are charged. The Parks and Recreation SDCs are based on population, and the SDC rates are calculated based on the specific impact a development is expected to have on the City's population.

A. Population Growth

The Parks and Recreation SDCs are based on costs per "capita" (person). Table 3.1, below, shows projected population growth for the City through the year 2020.

TABLE 3.1

PROJECTED POPULATION INCREASE FROM NEW DEVELOPMENT (2005 - 2020)

Projected 2020*	-	Estimated 2005**	=	Projected Increase
67,228		53,165		14,063

* Source: Corvallis Area MPO
** Source: PSU Population Research Center

B. Persons Per Dwelling Unit

The Parks and Recreation SDC rates are based on costs per capita and are calculated based on the number of persons per dwelling unit. To determine the appropriate number of persons per dwelling unit, official U.S. Census data gathered for Corvallis for the year 2000 was analyzed, and the resulting calculations are displayed in Table 3.2, below.

TABLE 3.2

AVERAGE NUMBER OF PERSONS PER DWELLING UNIT

	Number of Persons
Single Family Dwelling Unit	2.55
Multi – Family Dwelling Unit	1.82

C. Facility Needs

The City's Park & Recreation Facilities Plan is incorporated into this report by reference. The plan identifies projects designed to address growth and non-growth needs within the City's planning area. The SDC Capacity Improvement Projects list (Appendix) includes selected growth-related projects from the plan and identifies the growth-required percentage, the estimated cost, and the estimated timing priority for each project.

Table 3.3, below, presents a summary of facility types included in the Appendix, both for growth and non-growth needs. The "Current Need" is the proportionate share needed to provide facilities to current residents at the levels of service resulting from facilities planned for 2020. The "Growth Need" is the proportionate share needed to provide facilities to future residents at the levels of service resulting from facilities planned for 2020.

TABLE 3.3

FACILITIES REQUIRED FOR GROWTH AND NON-GROWTH NEEDS

Facility Type	2020 LOS (Units/1000)	Current Inventory	Current Need	Surplus or (Deficiency)*	2020 Planned Units	Growth Need	Units
Developed Mini Parks	0.18	6.21	9.66	(3.45)	12.21	2.55	acres
Developed Neighborhood Parks	2.10	65.90	111.43	(45.53)	140.90	29.47	acres
Developed Large Urban Parks	6.59	369.52	350.24	19.28	442.89	73.37	acres
Developed Community Parks	2.03	71.60	108.03	(36.43)	136.60	28.57	acres
Linear Parks	0.55	11.71	29.20	(17.49)	36.93	7.73	acres
Open Space Land	18.10	1,094.10	962.10	132.00	1216.59	122.49	acres
Enhanced Open Space	18.10	962.10	962.10	0.00	1216.59	254.49	acres
Pathways & Trails	0.51	19.40	27.19	(7.79)	34.38	7.19	miles

* the amount of the deficiency (if any) is a non-growth need and is not eligible for SDC funding

For Open Space Land and Enhanced Open Space, the current level of service for Enhanced Open Space was used as the standard to determine facility needs for the year 2020 included in the list of SDC Capacity Improvement Projects (Appendix). There are no deficiencies (non-growth needs) for Open Space Land or Enhanced Open Space facilities.

Improvement fee SDC revenues may be used only for growth needs, and may not be used for non-growth needs. There are deficiencies (non-growth needs) for Mini Parks, Neighborhood Parks, Community Parks, Linear Park, and Pathways & Trails that must be funded from alternative, non-SDC revenues.

D. Facility Costs

The Parks SDC Capacity Improvement Projects list, included as an Appendix, identifies selected facilities needed to serve parks and recreation needs in the City planning area through the year 2020. Table 3.4, below, shows the cost per unit for each type of facility, total facility costs, growth costs, and non-growth need costs. The "Cost Per Unit" was derived from actual park development costs completed in Corvallis since 2002.

TABLE 3.4

FACILITY COSTS

	Cost Per Unit	Total Facility Costs	Growth Facility Costs	Non-Growth Need Costs
Mini Park Acquisition & Development (acres)	252,400	1,314,400	643,620	670,780
Neighborhood Park Acquisition & Development (acres)	366,842	27,513,150	10,825,267	16,687,883
Large Urban Park Development (acres)	165,000	12,106,050	12,106,050	0
Community Park Acquisition & Development (acres)	265,000	17,225,000	7,571,050	9,653,950
Linear Park Acquisition & Development (acres)	852,272	21,494,300	6,588,063	14,906,237
Open Space Land Acquisition (acres)	75,000	9,186,750	9,186,750	0
Open Space Enhancement (acres)	10,000	2,544,900	2,544,900	0
Pathways & Trails Development (miles)	528,000	7,909,440	3,796,320	4,113,120
Total All Facilities		**$99,293,990**	**$53,262,020**	**$46,031,970**

E. Compliance/Administrative Costs

The City incurs costs in the development and administration of the SDCs and may recoup a portion of those costs in accordance with ORS 223.307(5). Compliance/administrative costs during the planning period have been estimated as shown in Table 3.5, page 8:

TABLE 3.5

COMPLIANCE/ADMINISTRATIVE COST ESTIMATES

Compliance/Administrative Cost	Total
Master Plan Updates (2 X $225,000 for consulting and staff services)	$450,000
Annual SDC-CIP Management, Accounting and Reporting Costs (approximately $15,000 per year for consulting, legal, audit, financial reporting and staff services)	$225,000
SDC Methodology Reviews and Updates (3 X $20,000 for consulting services)	$60,000
Total Estimated Compliance/Administrative Costs	$735,000

F. Total SDC-Eligible Costs

The City's total SDC-eligible costs include growth costs (from Table 3.4, page 7) and compliance/administrative costs (from Table 3.5, above). The Total SDC-eligible costs are shown in Table 3.6, below.

TABLE 3.6

TOTAL SDC-ELIGIBLE COSTS

	Total SDC Eligible Costs
Growth Facility Costs	53,262,020
PLUS: Compliance/Admin Costs	735,000
SDC-Eligible Costs	$53,997,020

4.0 PARKS AND RECREATION SDC RATES

The City's Parks and Recreation SDC rates are calculated using a series of sequential formulas which, when completed, yield the total SDC rates for each new dwelling unit in the City. The formulas identify:

a) the improvements cost per capita (Formula 4a, below),
b) the improvements cost per dwelling unit (Formula 4b, page 10),
c) the SDC debt service credit per dwelling unit (Formula 4c, page 10),
d) the total SDC per dwelling unit (Formula 4d, page 11), and
e) the discounted SDC per dwelling unit (Formula 4e, page 12).

The SDC rate is an "improvement fee" only, and does not include a "reimbursement fee" component.

A. Formula 4a: Improvements Cost Per Capita

The improvements cost per capita is calculated by dividing the SDC-eligible costs (identified in Table 3.6, page 8) by the increase in population expected to be created by new development through 2020 (from Table 3.1, page 5).

4a.	SDC Eligible Costs	÷	Population Increase	=	Improvements Cost Per Capita

Table 4.1 presents the calculations of the improvements costs per capita.

TABLE 4.1

IMPROVEMENTS COST PER CAPITA

	SDC Eligible Costs	÷	Population Increase	=	Improvements Cost Per Capita
SDC-Eligible Costs	$53,997,020		14,063		$3,840

B. Formula 4b: Improvements Cost Per Dwelling Unit

The improvements cost per dwelling unit is calculated by multiplying the average number of persons per dwelling unit (from Table 3.2, page 6) by the improvements cost per capita (from Table 4.1, page 9).

4b.	Persons Per Dwelling Unit	X	Improvements Cost Per Capita	=	Improvements Cost Per Dwelling Unit

The results of these calculations are displayed in Table 4.2, below.

TABLE 4.2

IMPROVEMENTS COST PER DWELLING UNIT

Dwelling Unit Type	Average Persons Per Dwelling Unit	X	Improvements Cost Per Capita	=	Improvements Cost Per Dwelling Unit
Single Family	2.55		$3,840		$9,792
Multi-Family	1.82		$3,840		$6,989

C. Formula 4c: SDC Debt Service Credit Per Dwelling Unit

Debt instruments have been used for a portion of existing facilities and will likely be used as a future source for funding improvements needed to address non-growth capacity needs. A portion of funds used to repay these debts will come from property taxes paid by growth. A debt service credit has been calculated to account for the net present value of estimated future payments needed for currently outstanding debt, and 100% of potential future debt service and property tax payment for non-growth capacity needs. This credit is included in order to avoid charging growth twice; once through the SDC, and a second time through debt service and property tax payments. The credit amounts are based on the following assumptions:

- repayment of all currently outstanding debt for parks facilities;
- $3.85 million in additional annual debt service for parks facilities from 2009 through 2029;
- 6.0% average annual increase in total City property valuation for millage rate calculation;
- 3.0% annual increase in total assessed property valuations;
- 3.0% annual inflation (decrease in value of money); and
- average 2006 assessed property valuations for new construction at $221,900 for single family and $127,900 for multi-family dwelling units.

4c.	Net Present Value of Total Debt Service Payments (years 2006 + 2007...2029)	=	SDC Debt Service Credit Per Dwelling Unit

The net present value is calculated by first determining the estimated millage required for debt service for each year (2006 through 2029), based on the expected total assessed value of property for the City. The millage rate is multiplied by the expected assessed property value for each type of dwelling unit to determine the expected debt service payment for each year. The debt service payments for each year are then added together to calculate the total expected debt service payments for each type of dwelling unit. Finally, the total debt service payments are discounted to account for inflation, resulting in the net present value of these future debt service payments. The amount of this credit is shown in Table 4.3, below.

TABLE 4.3

DEBT SERVICE CREDIT PER DWELLING UNIT

Dwelling Unit Type	Debt Service Credit Per Dwelling Unit
Single Family	$ 3,202
Multi-Family	$ 1,845

D. Formula 4d: Total SDC Per Dwelling Unit

The Total SDC per dwelling unit is calculated by subtracting the debt service credit per dwelling unit (Table 4.3, above) from the improvements cost per dwelling unit (Table 4.2, page 10).

4d.	Improvements Cost Per Dwelling Unit	-	SDC Debt Service Credit Per Dwelling Unit	=	Total SDC Per Dwelling Unit

The results of these calculations are shown in Table 4.4, page 12.

TABLE 4.4

TOTAL SDC PER DWELLING UNIT

Dwelling Unit Type	Improvements Cost Per Dwelling Unit	-	SDC Debt Service Credit Per Dwelling Unit	=	Total SDC Per Dwelling Unit
Single Family	$9,792		($3,202)		$6,590
Multi-Family	$6,989		($1,845)		$5,144

E. Formula 4e: Discounted SDC Collection Rate Per Dwelling Unit

The City may discount the SDC rate to collect less than 100% of growth costs. A discount has been applied to the SDC rates so that only 60% of the maximum growth costs will be collected through SDCs. The Discounted SDC per dwelling unit is calculated by first multiplying the Total SDC per dwelling unit (Table 4.4, above) by the discounted collection percentage (60%), and then adding back a reduction in the debt service credit equivalent to 40% of the non-growth capacity needs.

4e.	Total SDC Per Dwelling Unit	X	Discounted Collection Percentage	+	Debt Service Credit Reduction	=	Discounted SDC Per Dwelling Unit

The results of these calculations are shown in Table 4.5, below.

TABLE 4.5

DISCOUNTED SDC PER DWELLING UNIT

Dwelling Unit Type	Total SDC Per Dwelling Unit	X	Discounted Collection Percentage	+	Debt Service Credit Reduction	=	Discounted SDC Per Dwelling Unit
Single Family	$6,590		60%		$939		$4,893
Multi-Family	$5,144		60%		$541		$3,627

CITY OF CORVALLIS PARKS AND RECREATION

page 1

SDC - CAPACITY IMPROVEMENT PROJECTS

4/10/06

A. MINI PARKS & NEIGHBORHOOD PARKS

SDC-CIP Project Number	Facility	Action	Estimated Project Cost ($)	Growth-Required Portion (%)	SDC-Eligible Growth Share ($)	Project Timing Priority
M-12	SEAVEY MEADOW AREA MINI PARK Acquire land and develop a new mini park to meet growth and non-growth needs.					YRS
	acres = 2.00	Acquisition	$0	0.00%	$0	<5
		Development	$304,800	42.50%	$129,540	
		Total Cost	$304,800		$129,540	
M-50	BELL AREA MINI PARK Acquire land and develop a new mini park to meet growth and non-growth needs.					
	acres = 2.00	Acquisition	$200,000	63.75%	$127,500	6 - 16
		Development	$304,800	42.50%	$129,540	
		Total Cost	$504,800		$257,040	
M-52	CLEARWATER AREA MINI PARK Acquire land and develop a new mini park to meet growth and non-growth needs.					
	acres = 2.00	Acquisition	$200,000	63.75%	$127,500	6 - 16
		Development	$304,800	42.50%	$129,540	
		Total Cost	$504,800		$257,040	
N-1	JACKSON AREA NEIGHBORHOOD PARK Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	6 - 16
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	
N -2	LEWISBURG ROAD AREA NEIGHBORHOOD PARK Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	6 - 16
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	
N -4	MOUNTAIN VIEW SCHOOL AREA NEIGHBORHOOD PARK Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	6 - 16
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	
N -5	HARMAN AREA NEIGHBORHOOD PARK Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	< 5
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	

CITY OF CORVALLIS PARKS AND RECREATION

page 2

SDC - CAPACITY IMPROVEMENT PROJECTS

4/10/06

A. MINI PARKS & NEIGHBORHOOD PARKS

SDC-CIP Project Number	Facility	Action	Estimated Project Cost ($)	Growth-Required Portion (%)	SDC-Eligible Growth Share ($)	Project Timing Priority
N-8	**CV RIDGE AREA NEIGHBORHOOD PARK** Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	< 5
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	
N-9	**SATINWOOD AREA NEIGHBORHOOD PARK** Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	< 5
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	
N-18	**WITHAM HILL AREA NEIGHBORHOOD PARK** Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	< 5
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	
N-22	**OAK AREA NEIGHBORHOOD PARK** Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	6 - 16
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	
N -33	**SKYVIEW AREA NEIGHBORHOOD PARK** Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	6 - 16
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	
N-34	**SQUAW AREA NEIGHBORHOOD PARK** Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	6 - 16
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	
N-41	**PLYMOUTH AREA NEIGHBORHOOD PARK** Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	6 - 16
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	

CITY OF CORVALLIS PARKS AND RECREATION

page 3

SDC - CAPACITY IMPROVEMENT PROJECTS

4/10/06

A. MINI PARKS & NEIGHBORHOOD PARKS

SDC-CIP Project Number	Facility	Action	Estimated Project Cost ($)	Growth-Required Portion (%)	SDC-Eligible Growth Share ($)	Project Timing Priority
N-45	**BROOKLANE NEIGHBORHOOD PARK(S)** Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	< 5
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	
N-53	**KIGER AREA NEIGHBORHOOD PARK(S)** Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	6 - 16
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	
N-54	**BOONEVILLE AREA NEIGHBORHOOD PARK(S)** Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	6 - 16
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	
N-55	**WELTZIN AREA NEIGHBORHOOD PARK(S)** Acquire land and develop a new neighborhood park to meet growth and non-growth needs.					
	acres = 5.00	Acquisition	$500,000	39.35%	$196,729	6 - 16
		Development	$1,334,210	39.35%	$524,956	
		Total Cost	$1,834,210		$721,684	
	Mini-Park Acquisition	4.00	$400,000		$255,000	
	Mini-Park Development	6.00	$914,400		$388,620	
	Neighborhood Park Acquisition	75.00	$7,500,000		$2,950,935	N/A
	Neighborhood Park Development	75.00	$20,013,150		$7,874,333	

APPENDIX

CITY OF CORVALLIS PARKS AND RECREATION						page 4
SDC - CAPACITY IMPROVEMENT PROJECTS						4/10/06
B. LARGE URBAN & COMMUNITY PARKS						
SDC-CIP Project Number	Facility	Action	Estimated Project Cost ($)	Growth-Required Portion (%)	SDC-Eligible Growth Share ($)	Project Timing Priority
LU-X	LARGE URBAN PARK DEVELOPMENT Develop approximately 73.37 acres of Large Urban Parks.					
	acres = 73.37	Acquisition	$0	0.00%	$0	< 5
		Development	$12,106,050	100.00%	$12,106,050	
		Total Cost	$12,106,050		$12,106,050	
C-3	HIGHLAND AREA COMMUNITY PARK Acquire and develop a new commmunity park to serve growth and non-growth needs.					
	acres = 20.00	Acquisition	$2,000,000	43.95%	$879,077	6 - 16
		Development	$3,300,000	43.95%	$1,450,477	
		Total Cost	$5,300,000		$2,329,554	
C-23	FAIRGROUNDS AREA COMMUNITY PARK Acquire and develop a new commmunity park to serve growth and non-growth needs.					
	acres = 30.00	Acquisition	$3,000,000	43.95%	$1,318,615	6 - 16
		Development	$4,950,000	43.95%	$2,175,715	
		Total Cost	$7,950,000		$3,494,331	
C-27	TAYLOR AREA COMMUNITY PARK Acquire and develop a new commmunity park to serve growth and non-growth needs.					
	acres = 15.00	Acquisition	$1,500,000	43.95%	$659,308	6 - 16
		Development	$2,475,000	43.95%	$1,087,858	
		Total Cost	$3,975,000		$1,747,165	
Large Urban Park Acquisition	0.00		$0		$0	
Large Urban Park Development	73.37		$12,106,050		$12,106,050	N/A
Community Park Acquisition	65.00		$6,500,000		$2,857,000	
Community Park Development	65.00		$10,725,000		$4,714,050	

CITY OF CORVALLIS PARKS AND RECREATION page 5

SDC - CAPACITY IMPROVEMENT PROJECTS 4/10/06

C. LINEAR PARKS & OPEN SPACE SDC-CIP Project Number	Facility	Action	Estimated Project Cost ($)	Growth-Required Portion (%)	SDC-Eligible Growth Share ($)	Project Timing Priority
LP-X1	**LINEAR PARKS** Acquire and develop linear parks for growth and non-growth needs.					
	acres = 25.22	Acquisition & Development	$21,494,300	30.65%	$6,588,063	< 5
		Total Cost	$21,494,300		$6,588,063	
OS-X1	**OPEN SPACE ENHANCEMENT** Provide enhancements to parks and recreation open space areas for growth needs.					
	acres = 132.00	Acquisition	$0	100.00%	$0	< 5
		Enhancement	$1,320,000	100.00%	$1,320,000	
		Total Cost	$1,320,000		$1,320,000	
OS-X2	**OPEN SPACE ACQUISITION & ENHANCEMENT** Acquire and enhance parks and recreation open space areas for growth needs.					
	acres = 122.49	Acquisition	$9,186,750	100.00%	$9,186,750	< 5
		Enhancement	$1,224,900	100.00%	$1,224,900	
		Total Cost	$10,411,650		$10,411,650	
Linear Park Acq. & Development	25.22		$21,494,300		$6,588,063	N/A
Open Space Acquisition	122.49		$9,186,750		$9,186,750	
Open Space Enhancement	254.49		$2,544,900		$2,544,900	

CITY OF CORVALLIS PARKS AND RECREATION page 6

SDC - CAPACITY IMPROVEMENT PROJECTS 4/10/06

D. RECREATION FACILITIES SDC-CIP Project Number	Facility	Action	Estimated Project Cost ($)	Growth-Required Portion (%)	SDC-Eligible Growth Share ($)	Project Timing Priority
R-2	**PATHWAYS AND TRAILS** Develop approximately 14.98 miles of trails to serve growth and non-growth needs.					N/A
	miles = 14.98	Development	$7,909,440	48.00%	$3,796,320	
		Total Cost	$7,909,440		$3,796,320	

RESOLUTION 2006-_____

Minutes of the June 19, 2006 Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, the methodology for establishing systems development charges is established in Municipal Code Chapter 2.08, as amended;

WHEREAS, Municipal Code Chapter 2.08, as amended requires the system development charge rates be established by resolution of the City Council;

WHEREAS, Municipal Code Chapter 2.08, has completed an update of the Park System Development Charge Methodology; and

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the park system development charge rates are determined as follows,

(1) System Development Charge Determination;

System Development Charge Rates

	Improvement Fee	Reimbursement Fee	Administrative Cost Recovery	System Development Charge/Person	Total System Development Charge
Unit Description					
Single Family	$1,892.73	N/A	$26.09	$1,918.82	$4,893.00
Multi-Family	$1,966.00	N/A	$27.10	$1,992.85	$3,627.00

(2) Average Persons Per Dwelling Unit;

Dwelling Unit Type	Average Persons Per Dwelling Unit
Single Family	2.55
Multi-Family	1.82

BE IT FURTHER RESOLVED that portion of Resolution 2006-08, previously establishing park system development charge rates for extra capacity facilities, are by this resolution rescinded;

BE IT FURTHER RESOLVED that the City Manager is hereby directed to apply these rates as required by Municipal Code Chapter 2.08, as amended for system development charges effective _____ days after the effective date of Ordinance 2006-____.

_____
Councilor

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

ORDINANCE NO. 2006-____

AN ORDINANCE relating to system development charges, amending Municipal Code Chapter 2.08, "Systems Development Charge," enacting and imposing system development charges

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 2.08.030. "SDC imposed; rates; review," subsection 3) is hereby amended and a new subsection 4) is hereby enacted as follows:

2.08.030 SDC imposed; rates; review.

3) The Park System Development Charge shall be reviewed annually and the capital projects costs used to set rates of charge shall be revised to reflect the changes in the Engineering News Record (ENR) Construction Cost Index (Seattle) and the Benton County Real Market Value of unimproved property. This also applies to modification of master facility plans or the list of eligible projects, as approved by Council. The change in the ENR shall be applied to 67% of the total Park SDC rate and the change in Benton County Real Market Value of unimproved property shall be applied to 33% of the total Park SDC rate, equaling 100%.

The recommended percentages are determined by the percentage allocation of project costs assigned to acquisition and capital development for growth share's of the SDC eligible projects.

4) The implementation date for the Park SDC fee shall be established in the first resolution determining the SDC rates adopted by the City Council after the adoption of this amendment to the ordinance.

Section 2. Municipal Code Section 2.08.040, "Reimbursement fee rate setting methodology," subsection 5) is hereby amended as follows:

2.08.040 Reimbursement fee rate setting methodology.

5) For Parks and Recreation.

a) A reimbursement fee shall not be applied to Park SDC rate structure.

Section 3. Municipal Code Section 2.08.050, "Improvement fee rate setting methodology," subsection 5) is hereby amended as follows:

2.08.050 Improvement fee rate setting methodology.

5) For Parks and Recreation.

a) The planned level of service shall be determined by the City based on the facility needs as set forth in the City's Park and Recreation Facilities Plan, herein referred to as the Plan.

b) The charge shall be calculated based on the adopted methodology, as identified in the Parks and Recreation System Development Charges Methodology Update Report, dated April 10, 2006.

PASSED by the Council this_____ day of July , 2006.

APPROVED by the Mayor this_____day of July, 2006.

EFFECTIVE this _____day of July, 2006.

_____
Mayor

ATTEST:

_____
City Recorder

MEMORANDUM

TO: Mayor and City Council

FROM: Steve Rogers, Public Works Director

DATE: June 15, 2006

SUBJECT: Intergovernmental Agreement Relating to Oak Fish Barrier Removal, Project No. 655291

I. ISSUE

The attached resolution will authorize the City Manager to execute the Intergovernmental Agreement with the Oregon Department of Fish & Wildlife (ODFW) for the Oak Fish Barrier Removal project.

II. BACKGROUND

In September, 2005, the Public Works Department received notice of grant approval from ODFW for the Screening and Passage Program funds for removal of a sheet-pile dam. This dam is a barrier to fish passage in Oak Creek, near 35th Street bridge. The amount of the grant is based on 65% of the total construction costs or $21,650, whichever is less. The City is required to provide a 35% match for in-kind services (contract management and construction services).

Staff has completed design and bidding with construction scheduled to begin in July, 2006. The grant amount is sufficient to complete the project as planned. The project is included in the adopted Capital Improvement Program for this year.

III. ACTION REQUESTED

Staff recommends City Council acceptance of the new Intergovernmental Agreement for the Oak Fish Barrier Removal project and adoption of the attached Resolution authorizing the City Manager to execute the Agreement and any future amendments related to the agreement.

Review and Concur:

Scott Fewel 6/16/06
Scott Fewel — Date
City Attorney

Nancy Brewer 6/20/06
Nancy Brewer — Date
Finance Director

Jon S. Nelson 6/21/06
Jon Nelson — Date
City Manager

SM/tf
Attachment
X:\Divisions\Engineering\Capital Planning&Projects\Projects\Stormwater Master Plan Projects\Stormwater CIP 05-06\Dixon-Oak Fish Barriers, 655291\Doc\grant memo - council consent.wpd

RESOLUTION 2006 - _____

Minutes of the meeting of July 5, 2006, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.326 (2) allows the City Council to accept grants after the budget has been approved; and

WHEREAS, the City of Corvallis has been offered a Screening and Passage Program grant from the Oregon Department of Fish and Wildlife in the amount of $21,650 for the purpose of constructing improvements associated with the Oak Fish Barrier Removal Project; and

WHEREAS, the grant acceptance requires approval by the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES to accept the grant offered by the Oregon Department of Fish and Wildlife and authorizes the City Manager to execute agreements accepting the grant and any future amendments relating to the agreement.

_____
Councilor

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

SCREENING AND PASSAGE PROGRAM (S&P)
Oregon Department of Fish and Wildlife
INTERGOVERNMENTAL AGREEMENT

Agreement #: 010-6153-IGA-FISH
Project #: P-02-0039
Cost Code/Grant #: 53300 882007 10
ODFW Allocation: $21,650
Grantee Share: $11,744
Total Project: $33,394
Estimated Start Date: June 15, 2006 **Completion Date: June 30, 2007**

Authorization. The Oregon Department of Fish and Wildlife (ODFW) enters into this Agreement under the authority of ORS 190.110 and is subject to Oregon Administrative Rules 635-001-0005 to 635-001-0007 as such rules may periodically be amended. This Agreement is entered into by and between the State of Oregon, acting by and through its **Department of Fish and Wildlife**, hereinafter called, "Department", and the **City of Corvallis.**, hereinafter called "Grantee".

Objective. The purpose of this Agreement is to reimburse the Grantee **to remove an existing, unused diversion dam on Oak Creek, tributary to Marys River in the Willamette Basin**, hereinafter called the "Project." The project is estimated to cost **$33,394 ($21,650 ODFW/$11,744 GRANTEE).**

Effective Date and Duration. The effective date of this Agreement is from date of last signature, and unless terminated or extended, expires when the Department accepts Grantee's completed performance or on **June 30, 2007**, whichever date occurs first. Expiration shall not extinguish or prejudice Department's right to enforce this Agreement with respect to any breach of the Grantee's warranty or any default or defect in Grantee's performance that has not been cured.

The Department's obligations to pay the Recipient under this Agreement are expressly conditioned upon the Department's receipt of funds from United States Fish and Wildlife Service (USFWS). If there are conditions in the Agreement that cause USFWS to request funds to be returned due to noncompliance by the Recipient, the Recipient shall reimburse the Department for all funds that are called back by USFWS as a result of the Recipient's noncompliance.

Agreement Documents. This Agreement consists of the following documents, which are listed in descending order of precedence: this Agreement less all exhibits, **Exhibit A** (Statement of Work), **Exhibit B** (Budget Detail), **Exhibit C** (Grantee's Cost-share Application to the Department), **Exhibit D** (the Schedule for release of funds) and **Exhibit E** (Grantee's request for fund release). **Exhibits A through E** are attached hereto and incorporated by this reference.

I. DEPARTMENT ACTIONS

The Department will:

A. Provide Funds. Subject to funds being legislatively appropriated, the Department shall reimburse "Grantee" the total sum **not to exceed $21,650 or 65% of total project costs (Federal funds-FRIMA), whichever is less,** to partially fund the **removal an existing, unused diversion dam which is a barrier to fish passage on Oak Creek, tributary to Marys River in the Willamette Basin.**

Ten percent (10%) of this amount, **$2,165**, will be withheld until the Project Final Report is completed per Exhibit D, Schedule for Release of Funds) of this Agreement.

B. Payments

1. The Department will make incremental payments to the Grantee upon Grantee's Request for Fund Release form (Exhibit E) and any invoices to Bob Hair, Project Coordinator, Oregon Department of Fish and Wildlife, 3561 Klindt Drive, The Dalles, Oregon 97058.

2. No payment will be made for any work performed before the effective date or after the expiration date of this Agreement.

3. The Department will pay the Grantee forty-five (45) days following the approval of the invoice of expenditures. If the Department has questions about or concerns with the invoices, the Department's Project Coordinator will contact the Grantee.

   No payments will be made to invoices submitted by the Grantee more than 45 days after the expiration date of this Agreement.

4. This Department shall make reimbursement only for the portion of the project as approved and specified in this Agreement by the Department.

II. GRANTEE ACTIONS

The Grantee hereby agrees:

1. To be responsible for proper administration of all costs associated with the administration of the Project.

2. To be responsible for the maintenance and operation of the Project and related facilities throughout the term of this agreement, as defined in Exhibit A, Statement of Work.

3. To oversee the Project with due diligence and to fulfill the specified below:

A. **Complete Tasks.** Reference Exhibit A, Statement of Work attached to this Agreement.

B. **Contribute.** The Grantee will contribute **all project costs that exceed the amount of ODFW's reimbursement as specified under Article I, Department Actions, above.** All in-kind contribution shall be documented and submitted to the Department upon each billing of this project by the Grantee.

C. **Use of Funds.** The Grantee agrees that the money provided by the Department will be used only for the purposes specified in the attached Statement of Work, unless the Department approves changes in the allocation of funds.

D. **Expenditures.** The Grantee understands and agrees that the Department's payment of amounts under this Agreement attributable to Work performed after **June 30, 2007** is contingent on the Department receiving from the Oregon Legislative Assembly appropriations, limitations, or other expenditure authority sufficient to allow Department, in the exercise of its reasonable administrative discretion, to continue to make payments under this Agreement.

The Grantee shall account for the funds distributed by the Department using Generally Accepted Accounting Principles (GAAP) to account for all income and expenses related to this project.

E. **Request for Reimbursement.**

1. The Grantee shall submit a **Grantee's Request for Fund Release** form (Exhibit E) to the Department's Field Coordinator or designated representative **for each payment** to be made under the terms of this Agreement. The Grantee's Request for Fund Release must include an itemized accounting invoice of how the requested money has been spent.

2. The Grantee shall supply an itemized listing of expenditures in each of the following categories: Salaries, Fringe Benefits (OPE), Contract Services and Materials Purchases.

3. Notwithstanding any other term of this Agreement, the Department will not accept a Request for Fund Release until the Department's Field Coordinator has reviewed and approved the invoice of expenditures. No modification to the budget shall be effective and bind either party until required state approval has been obtained.

4. Non-itemized and/or incomplete billings shall be detained for payment processing until Grantee supplies correct information to the Department.

F. **Recognize Responsibility.** The Grantee recognizes that the Project, once completed, will be the exclusive responsibility of the Grantee, without further reimbursement from the Department.

G. **Pay all Costs Due to Unauthorized Changes.** Failure to notify the Department of any changes to the project as agreed to herein shall cause costs related to said changes to be charged to the Grantee as a cost overrun.

If the Grantee proposes changes to the project while the project is in progress, the Grantee shall request an Amendment to this Agreement as specified in Article II, Grantee Actions, Paragraph I, of this Agreement.

Formal contractual commitments signed by or agreed to by the Grantee authorizing change orders, term extensions or other contractual obligations related to the project prior to an Amendment request to the Department shall be the sole obligation of the Grantee as a cost overrun.

Retroactive review by the Department of any project changes made by the Grantee shall be solely for the purpose of assuring that the integrity of the project based on this Agreement is preserved; and to assure that the project has not deviated to a purpose and use not intended by this Agreement. Review of unauthorized changes shall not require reimbursement by the Department notwithstanding the fact that they may be associated with the project.

H. **Provide the following notices.** Grantee shall notify the Department immediately when there is a proposed change order, cost modification or adjustment or any other proposed change to the project that will change, modify or materially affect the total estimated cost or outcome of this project as proposed by the Grantee and stated in the original Statement of Work, Exhibit A attached.

Without exception, notices to other cooperators participating in this project of changes to the project shall not be construed as notice to the Department notwithstanding the fact that they are State or Federal Agencies.

I. **Request to Amend Agreement.** The request to amend the Agreement for an extension of project term, cost modification, design change, project reconfiguration, or change the original plan in any manner whatsoever is the sole responsibility of the Grantee. Amendment requests shall be made in the manner specified below.

Any and all requests to the Department for Amendment of this Agreement shall be completed and acceptable in the following form:

i.. In writing, addressed to the Department as stated in Article III, Special Terms and Conditions, Paragraph 7, of this Agreement.

ii. The request to amend the Agreement shall be made to the Department at least 30 days prior to the expiration of the Agreement.

iii. The request shall state the reasons for the need to amend the Agreement.

iv. The request shall not become effective until such time as the Department has notified the Grantee in writing that the proposed changes have been reviewed by the Department and approved. Costs incurred by the Grantee prior to official, written notification of approval by the Department are not reimbursable.

v. Failure by the Grantee to exercise due diligence in oversight of the project and to follow-up on the necessary Amendment requests as specified herein shall result in the Grantee assuming all costs and related billings as a cost overrun.

A request to other Cooperators participating in this project to amend an Agreement with that Cooperator shall not be construed as being a request to the Department to amend this Agreement, notwithstanding the fact that the other Cooperator is a State or Federal Agency.

J. **Provide Notice of Intent to Complete the Project.** The Grantee shall provide the Department a written project status report, 45 days prior to the completion date of this Agreement. The report must include:

1. Notification of project completion as scheduled under this Agreement, or
2. A request for an amendment to this Agreement, for an additional term if the Grantee is unable to complete the project by the Agreement expiration date.

III. SPECIAL TERMS AND CONDITIONS

1. Funding provided by the Department will only be used for the purposes specified in the attached Statement of Work, Exhibit A of this agreement, unless the Department subsequently approves changes in the allocation of funds.

2. Funds shall be provided after the Grantee provides the Department proof that requirements for all necessary state, federal and local permits and leases have been completed; and the Grantee provides the Department proof that the Grantee selected contractor, if other than the Grantee, has obtained a performance bond in the amount of the construction contract from a surety company authorized to do business in Oregon.

3. Any substantial change in the project including the ending date must be requested in writing and have the prior written approval of the Department, which will be made a part of this agreement.

4. The Department and the Grantee agree to provide adequate notices that must be addressed as follows:

Department:	**Oregon Department of Fish & Wildlife** **Project Coordinator – Bob Hair** **3561 Klindt Drive** **The Dalles, Oregon 97058**
Grantee:	**City of Corvallis** **Attn: Bruce Moser** **Public Works Department** **PO Box 1083** **Corvallis, Oregon 97339-1083**

IV. TERMINATION PROVISIONS.

The following provide for the termination and modification of this agreement:

A. **Termination for Convenience.** The Recipient may terminate this agreement at any time upon thirty (30) days prior written notice, delivered by certified mail or in person to the Department, provided, however, that upon any such termination of the agreement the Recipient shall, within thirty (30) days of such termination, reimburse by check payable to the Department all funds contributed by the Department to the Project.

B. **Termination and Modification for Good Cause.** The Department, at any time upon thirty (30) days prior written notice delivered by certified mail or in person to the Recipient, may modify or terminate this agreement for good cause or may modify or terminate this agreement should Department funding under Federal Aid funds from USFWS, not be obtained or continued at the levels necessary to complete the Project, or should federal or state regulations or guidelines be modified, changed or interpreted in such a way that the Project, or any portion of the Project, is no longer eligible for Federal Aid funds.

C. **Termination for Default.** The Department may at any time upon thirty (30) days prior written notice of default, delivered by certified mail or in person to the Recipient terminate this agreement if:

   1. Any of the design, permitting, or construction of the Project is not pursued with due diligence;
   2. Any fee title to or other interest in the construction site is not sufficient, legal, and valid;
   3. The construction of the Project is not permissible under state, federal or local law;
   4. The Recipient does not abide by the nondiscrimination and affirmative action provisions of this agreement;
   5. During the term of this agreement, the Recipient conveys the Project or the Project property or converts the use of the Project or the Project property to a use which precludes free and unencumbered public access or which is other than the use described by the Recipient in the proposed Project inclusive of all Amendments.
   6. The Recipient does not abide by any other applicable provision of this agreement.

Upon receiving a notice of termination Grantee shall immediately cease all activities under this Agreement, unless Department expressly directs otherwise in such notice of termination. Upon termination of the Agreement, Grantee shall deliver to Department all documents, information, works-in-progress and other property that are or would be deliverables had the Agreement been completed. Upon Department's request, Grantee shall surrender to anyone Department designates, all documents, research or objects or other tangible things in Grantee's possession or contract that may be needed to complete the Services.

The Grantee shall, within thirty (30) days of its receipt of a notice of default reimburse by check payable to the Department all funds contributed by the Department to the Project.

V. FORCE MAJEURE

Neither the Department nor the Grantee shall be held responsible for delay or failure to perform when such act or delay or failure is due to fire, flood, epidemic, strikes, acts of God or the public enemy, legal acts of public authorities, or delays or defaults caused by public carriers, which cannot be reasonably foreseen or provided against.

VI. STANDARD CONDITIONS

The following are the Standard Conditions of this Agreement.

A. **Persons Not To Benefit.** No member or delegate to Congress, resident commissioner, officer, agent or employee of the United States of America, member of the Oregon Legislative Assembly, elected official of the state of Oregon, or official, agent, or employee of the state of Oregon, or elected member, officer, agent, or employee of any political subdivision, municipality or municipal corporation of the state of Oregon shall be admitted to any share or part of this agreement or derive any benefit that may arise therefrom.

B. **Records Maintenance; Access.** Grantee will maintain all fiscal records relating to the Agreement in accordance with generally accepted accounting principles. In addition, Grantee will maintain any other records pertinent to this Agreement so as to clearly document Grantee's performance. Grantee acknowledges and agrees that the Department, the Oregon Secretary of State's Office, the federal government and their duly authorized representatives shall have access to such fiscal records and other books, documents, papers, plans and writings of the Grantee that are pertinent to this Agreement, to perform examinations and audits, and make excepts and transcripts. Grantee will retain and keep accessible all such fiscal records, books, documents, papers, plan and writings for a minimum of six (6) years or such longer period as may be required by applicable law, following final payment and termination of this Agreement, or until the conclusion of any audit, controversy or litigation arising out of or related to this Agreement, whichever date is later.

C. **Disallowed Costs.** The Grantee agrees that any payment or payments made under this Agreement shall be subject to reduction for amounts charged thereto that are found on the basis of any audit examination not to constitute allowable costs under this Agreement. The Grantee shall refund by check payable to the Department the amount of such reduction payments under the completed, modified or terminated Agreement.

D. **Accounting Procedures and Audits.** The Grantee accounting procedures shall provide for an accurate and timely recording of receipt of funds by source, of expenditures made from such funds, and of unexpended balances. Controls shall be established which are adequate to ensure that all expenditures reimbursed under this Agreement are for allowable purposes and that documentation is readily available to verify that such charges are accurate.

E. **Overpayment.** In the event that the amounts of the Department's initial and interim payments to the Grantee exceed the reimbursable expenses of the final billing presented by the Grantee to the Department, the Grantee agrees to refund the payments in excess of billing by check payable to the Department within thirty (30) days.

F. **Dual Payment.** The Grantee shall not be compensated for or receive any other form of dual payment for work performed under this Agreement from any agency of the State of Oregon or the United States of America or any other party.

G. **Attorney Fees.** In the event a lawsuit of any kind is instituted on behalf of the State of Oregon to collect any payment due under this agreement, or to obtain performance of any kind under this agreement, the Grantee, agrees to pay such additional sums as the court may adjudge for reasonable attorney fees and to pay all costs and disbursements incurred therein.

H. **Governing Law; Venue; Consent to Jurisdiction.** This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit or proceeding (collectively, "Claim") between Department (and/or any other agency or department of the State of Oregon) and Grantee that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon; provided, however, if a Claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. In no event shall this provision be construed as a waiver of the states sovereign immunity. GRANTEE, BY EXECUTION OF THIS AGREEMENT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURTS.

I. **Payments by the Grantee.** The Grantee agrees to:

1. Make payment promptly as due to all persons supplying labor or materials for the Project;
2. Pay all contributions or amounts due to the State Industrial Accident Fund on behalf of the Grantee or any of its contractors for liability incurred in the performance of this Agreement; and
3. Not permit any lien or claim to be filed or prosecuted against the State of Oregon, the Department, or the Grantee as a result of any labor or material furnished for the Project.

J. **Compliance with Workers' Compensation.** The Grantee shall require that the contractor, its subcontractors, if any and all employers working under this Cooperative Agreement are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires them to provide workers' compensation coverage for all their subject workers.

K. **Compliance with Applicable Law/Nondiscrimination/Model Assurance Statement.**

1. Grantee will comply with all federal, state and local laws, regulations, executive orders and ordinances applicable to the Work under this Agreement.

2. Without limiting the generality of the foregoing, Grantee expressly agrees to comply with: (i) Executive Order 11246, Equal Employment Opportunity; (ii) Drug Free Workplace Act of 1988, P.L. 110-690; (iii) Title VI of Civil Rights Act of 1965; (iv) Section V of the Rehabilitation Act of 1973; (v) the Americans of Disabilities Act of 1990 and ORS 659.425; (vi) all regulations and administrative rules established pursuant to the foregoing laws; and (vii) all other applicable requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

3. Grantee offers all persons the opportunity to participate in programs or activities regardless of race, color, national origin, age, sex, or disability. Further, it is agreed that no individual will be turned away from or otherwise denied access to or benefit from any program or activity that is directly associated with a program of the Grantee on the basis of race, color, national origin, age, sex (in education activities) or disability.

L. **Sub-contracts Compliance with Applicable Law.** Any underlying sub-contracts to perform work consistent with the Agreement will be awarded by the Grantee based on a competitive Public Contracting (Procurement) process, consistent with the Oregon statutory and regulatory requirements applicable to the Public Contracting Oregon Revised Statutes, ORS 279A, 279B and 279C, or such other process that encourages competition, openness and impartiality and is approved by the Department.

M. **Statutory Requirements for Construction Contracts and Subcontracts.**

The Grantee shall comply, and require each contractor or subcontractor to comply with the following federal laws and all applicable standards, orders, or regulations issued pursuant thereto:

1. The Copeland "Anti-Kickback" Act, as amended (18 USC 874) as supplemented in Department of Labor regulations (14 CFR Chapter 60).

2. Nondiscrimination, Title VI of the Civil Rights Act of 1964 (P.L. 88-352), as amended (42 USC 2000d), and the requirements imposed by the regulations of the Department of Commerce (15CFR Part 8) issued pursuant to that title.

3. The Flood Disaster Protection Act of 1973 (P.L. 93-234), as amended. The Grantee will fulfill any flood insurance requirements under this act and any regulations issued thereunder by the U.S. Housing and Urban Development or that may be issued by NOAA.

4. Architectural Barriers Act (P.L. 90-480), 42 USC 4151, as amended, and the regulations issued or to be issued thereunder, prescribing standards for the design and construction of any building or facility intended to be accessible to the public or which may result in the employment of handicapped persons therein.

5. Rehabilitation Act of 1973, 29 USC 794, Executive Order 11914. No otherwise qualified handicapped individual shall, solely by reason of the individual's handicap, be denied the benefits of, be excluded from participation in, or be subjected to discrimination under any program or activity receiving federal financial assistance.

6. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (P.L. 91-646, as amended) 15 CFR Part 916.

7. The National Environmental Policy Act of 1969 (P.L. 90-190); the National Historic Preservation Act of 1966 (80 Stat 915, 16 USC 470); the Executive Order No. 1 11593 of May 31, 1971.

8. Equal Employment Opportunity, Executive Order 11245, as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 CFR Chapter 60). The Grantee shall cause or require to be inserted in any construction contract or subcontract for more than $10,000, or modification thereof, as defined in the rules and regulations of the Secretary of Labor at CFR Chapter 60, which is paid for in whole or in part with assistance provided under this agreement, the attached "Affirmative Action Requirements."

9. Certification of Non-segregated Facilities as required by the May 9, 1967, order (32 F.R. 7439, May 19, 1967) on Elimination of Segregated Facilities, by the Secretary of Labor. Prior to the award of any construction contract or subcontract exceeding $10,000, the Grantee shall require the prospective prime contractor and each prime contractor shall require each subcontractor to submit the following certification:

   By submission of this bid, the contractor or subcontractor certifies that he or she does not and will not maintain or provide any segregated facilities for the employees at any of the contractor's or subcontractor's establishments, and that the contractor or subcontractor does not and will not permit his or her employees to perform their services at any location under the contractor's or subcontractor's control where segregated facilities are maintained. The contractor or subcontractor agrees that a breach of this certification is a violation of the Equal Opportunity clause in this contract. As used in this certification, the term "segregated facilities" means any waiting rooms, work areas, restrooms, and washrooms, restaurants and other eating areas, time clocks, locker rooms and other storage or dressing areas, parking lots, drinking fountains, recreation or entertainment areas, transportation, and housing facilities provided for employees that are segregated by explicit directive or are segregated on the basis of race, creed, color or national origin because of habitat, local custom, or otherwise.

   The contractor or subcontractor further agrees that (except where he or she has obtained identical certifications from proposed subcontractors for specific time periods) he or she will obtain identical certification from proposed subcontractors prior to the award of subcontracts exceeding $10,000 which are not exempt from the provisions of the Equal Opportunity clause; that the contractor or subcontractor will forward the following notice to such proposed subcontractors (except where the proposed subcontractors have submitted identical certifications for specific time periods):

   NOTICE TO PERSPECTIVE SUBCONTRACTORS OF REQUIREMENT FOR CERTIFICATION OF NON-SEGREGATED FACILITIES. A Certification of Non-Segregated Facilities, as required by the May 9, 1967, order (32 F.R. 7439, May 1967) on Elimination of Segregated Facility, by the

Secretary of Labor, must be submitted prior to the award of a subcontract exceeding $10,000, which is not exempt from the provisions of the Equal Opportunity clause. The certification may be submitted either for each subcontract or for all subcontracts during a period (that is, quarterly, semiannually, or annually).

Note: The penalty for making false statements in offers is prescribed in 18 U.S.C. 1001.

10. The Clean Air Act, as amended, 42 USC 1857 et seq., the Federal Water Pollution Control Act, as amended, 33 USC 1251 et seq., and the regulations of the Environmental Protection Agency with respect thereto, at 40 CFR Part 15, as amended from time to time.

11. The Powerplant and Industrial Fuel Use Act of 1978 (92 Stat. 3318 P.L. 95-620) relating to the conservation of petroleum and natural gas. The Grantee shall comply with the requirements of the American Society of Heating, Refrigeration, and Air Conditioning Engineers Standard 90-75, "Energy Conservation in New Building Design."

12. The Davis Bacon Act (40 USC 276a et seq.) regarding minimum wage and fringe benefit rates for labors and mechanics. Rate determinations made by the Secretary of Labor are published in Vol. 3 of General Wage Determinations under the Davis Bacon and Related Acts, 2nd edition (1986), by the federal Dept. of Labor, Employment Standards Administration, Wage and Hour Division. These determinations are updated by weekly supplements that are available on a subscription basis or through purchase from the federal Government Printing Office. Notice of the weekly supplements is published in the *Federal Register*.

N. **Suits Resulting from this Agreement.** To the full extent permitted by Article XI, Section 10 of the Oregon Constitution and by the Oregon Tort Claims Act, the Grantee agrees to defend, save, and hold harmless the State of Oregon and the Department, its officers, agents, employees, and members, from all claims, suits, or actions of whatsoever nature resulting from or arising out of the activities of the Grantee, the Grantee's contractors, subcontractors, and the Grantee's agents and employees under this Agreement.

O. **State Tort Claims Act.** Grantee is not an officer, employee, or agent of the state as those terms are used in ORS 30.265.

VII. BINDING AGREEMENT

The provisions of this Agreement shall be binding upon and shall inure to the benefits of the Department and the Grantee and the respective successors and assigns.

A. **SEVERABILITY.** Department and the Grantee agree that if any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if the Agreement did not contain the particular term of provision held to be invalid.

B. **FAILURE TO ENFORCE.** The failure of the State of Oregon to enforce any provision of this Agreement shall not constitute a waiver by the State of Oregon of that provision or any other provision.

C. **WAIVER OF TERMS.** The terms of this Agreement shall not be waived, altered, modified, supplemented or amended, in any manner whatsoever, except by written instrument signed by both the Department and the Grantee.

D. **MERGER CLAUSE.** THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE DEPARTMENT AND THE GRANTEE. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH THE DEPARTMENT AND THE GRANTEE. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT. THE GRANTEE, BY THE SIGNATURE BELOW OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT THE GRANTEE HAS READ THIS AGREEMENT, UNDERSTANDS IT, AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

VIII. TERM OF AGREEMENT

The total cost of the Project shall not exceed **$33,394** ($21,650, ODFW/$11,744 GRANTEE). The effective date of this Agreement is from date of last signature, and unless terminated or extended, expires when the Department accepts Grantee's completed performance or on **June 30, 2007**, whichever date occurs first.

STATE OF OREGON:
Department of Fish and Wildlife

By:_____
Roxie Burns
Acting Deputy Director for Administration

Date:_____

Address:

Attention – Procurement Section
3406 Cherry Ave NE
Salem, OR 97303

GRANTEE:
City of Corvallis

By:_____

Title:_____

Date:_____

Address:

_____

_____

_____
Federal Employer Identification #

CO-GRANTEE:

_____

By:_____

Title:_____

Date:_____

Address:

_____

_____

_____
Federal Employer Identification #

EXHIBIT A

STATEMENT OF WORK

Oak Creek Dam Removal / P-02-0039

Project Objective: The purpose of this project is to remove an existing, unused diversion dam on Oak Creek, tributary to Marys River in the Willamette Basin.

Scope and Description of Work:

This work entails the removal an existing, unused diversion dam which is a barrier to fish passage on Oak Creek, tributary to Marys River in the Willamette Basin. All work will be conducted by the grantee or sub-contractors.

Timeline and Period of Performance:

Project Start Date:	June 15, 2006
Project End Date:	June 30, 2007

Grantee Responsibilities:

The Grantee is responsible for all project management, design, construction, and monitoring activities. The Grantee will track all project expenditures and provide ODFW with all project invoices within 45 days of project completion.

ODFW Responsibilities:

The Department will provide technical support during the implementation of the project, including grant administration and design approval. The Department will inspect the project after completion to insure that all federal and state fish passage criteria are met. The Department will review invoices submitted by the Recipient and provide reimbursement to the Recipient for the Department's portion of the project cost.

Project Cost (Outlay):

Estimated ODFW Outlay:	$0
Estimated Grantee Outlay:	
Labor:	$0
Services & Supplies:	$0
Contracted Services:	$33,394
Contingency	$0
Total:	$33,394
Estimated Total Project Cost:	$33,394

Project Cost (Cost-Share Funding Breakdown):

ODFW FRIMA Not to Exceed Contribution:	$21,650 or 65% of total project cost.
Grantee's Estimated Contribution:	$11,744

For detailed breakdown of project costs see Project Budget Estimate (Exhibit B).

Project Payment/Billing Schedule:

The Department will, if requested, provide partial reimbursements during the design and construction phases of this project as outlined in Exhibit D of the grant agreement.

Grantee Information:

Project Applicant:	**Bruce Moser**
Address:	City of Corvallis Public Works Department PO Box 1083 Corvallis, OR 97339-1083
Telephone:	(541) 766-6729 x 5131
Fax:	(541) 766-6951

ODFW Grantor Information:

Project Coordinator:	**Bob Hair**
Address:	3561 Klindt Drive The Dalles, OR 97058
Telephone:	(541) 296-8026
Fax:	(541) 296-7889
Administrative Contact:	**Tom Stahl**
Address:	3406 Cherry Ave NE Salem, OR 97303
Telephone:	(503) 947-6228
Fax:	(503) 947-6202

FISH SCREENING AND PASSAGE PROJECT BUDGET SHEET
EXHIBIT B

Project #: P-02-0039 | Proposed Start Date: 6/15/2006
Title: Oak Creek Dam Removal | End Date: 6/30/2007

(Project Number and Title to be assigned by ODFW)

PROJECT COSTS (attach additional pages if necessary)

Category/Description	Work By (check one): ODFW	Applicant	Rate	Number	GRANTEE COST	ODFW COST
Labor						
				Subtotal	$0.00	$0.00
Services & Supplies[1]						
				Subtotal	$0.00	$0.00
Misc.						
				Subtotal	$0.00	$0.00
Contract Services[4]						
Design and Removal		X			$11,744.00	$21,650.00
				Subtotal	$11,744.00	$21,650.00
Contingency					$ -	$ -
				Subtotal	$11,744.00	$21,650.00
				GRAND TOTAL		$33,394.00

FUNDING SOURCES

ODFW Complete This Area

Cost Code	Amount
37310 247015-00	$21,650.00

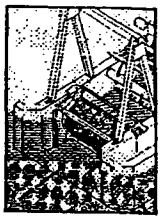
Applicant Complete This Area

Applicant Share		
Source	Secured?	Amount
City of Corv	Yes	$11,744.00
	Total Applicant Share	$11,744.00
	ODFW M66 Share (60 %)	$21,650.00
	GRAND TOTAL	$33,394.00

Exhibit C

OREGON DEPARTMENT OF FISH AND WILDLIFE

Fish Screening and Passage Program
Cost Share Grant Application



Applicant Information

Please type or print legibly in dark ink.

Project #: P-02-0039 Project Title OAK CREEK Dam Removal
(Project Number and Title to be assigned by ODFW)
Date Application Submitted: 1-15-05

Applicant Name: Oregon State University (co-applicant)
Co-applicant Name: City of Corvallis, Oregon (applicant)
(If applicable.)

Business Name: City of Corvallis Public Works Dept.
Mailing Address: PO Box 1083
Corvallis, OR 97339

Work Phone: (541) 766-6916 (TINA) Ext:
Home Phone: ( ) Other Phone: ( )
Fax: (541) 766-6951 E-mail:
Is applicant an Oregon taxpayer? Yes ☐ No ☐ Federal Tax ID or SS #:

(Please Note: To qualify for reimbursement or tax credit, either a TID or SS# must be supplied)

Contact Person (if different than applicant): Kelly Albers
Contact Person's Title: Conservation Specialist, Willamette Restoration Initiative
Mailing Address: c/o Benton SWCD
305 SW C Ave, Suite 2 Corvallis, OR 97333

Work Phone: (541) 753-7208 Ext: —
Home Phone: ( ) Other Phone: ( )
Fax: (541) 753-1871 E-mail: kelly.albers@oacd.org

Water Permit #: N/A Water Certificate # N/A
Permit Date: Certificate Date:
Permit Character: Certificate Type:
Is this a hydropower project? Yes ☐ No ☒

Project Information

Project #: P-02-0039 Project Title: OAK CREEK

TYPE: Specify type of project, i.e. fish ladder, pump, belt screen, etc.

Passage: dam removal

Stream miles made accessible: 1.33 miles
Passage only, additional miles only

Screening: _____

Flow Rate in cfs (Screens only): _____ cfs
cfs = "cubic feet per second." 1 cfs = 449 gallons per minute

Water Use Purpose(s): No longer withdrawing water from Oak Creek at this location.

Water Use Months: N/A

DESCRIPTION: Describe project purpose, history or background, techniques to be used, major project features, construction timing, etc. Use additional page(s) if necessary. Attach site map(s), photos, drawings and/or plans.

See attached.

LOCATION:

County: Benton

Watershed Council Area: Marys River

Tax Lot *(optional)*: 100

House District: 16

Senate District: 8

Stream Name: Oak Creek

Tributary to: Marys River

*Latitude: 44.5596°N

*Longitude: 123.2893°W

*(*Must be in decimal degrees, e.g. 44.83107°N, 120.03057°W. ODFW staff will survey site and supply these figures if needed.)*

CONTRIBUTORS	$ Amount
[1] USFWS FRIMA funds requested	22,000.00
[2] ~~Applicant~~ Oregon State University (co-applicant)	-0-
[2,3] Partner Contributions (list names of project partners): City of Corvallis	9,344
Willamette Restoration Initiative	2,320.00
TOTAL ESTIMATED COST:	$ 33,664

NOTES:
[1] FRIMA funds requested may not exceed 65% of total cost.
[2] FRIMA non-federal contributions must total at least 35% of total project cost.
[3] List names of project partner organizations and amount of their contribution.

Project Cost Estimate Sheet

Provide as much detail as possible.

Project #: P-02-0039 Project Title: OAK CREEK

CATEGORY	$ FRIMA FUNDS	$ OTHER FUNDS	$ TOTAL COST
Administration – Include personnel benefits in cost.			
Personnel Total	– 0 –		
Project Labor – Include personnel benefits in cost. Include in-kind labor in *"Other Funds"* column.			
Personnel Total			
Construction Materials – Provide amounts and cost per unit. – see attached			
Components			
Concrete			
Paint			
Other (describe):			
Supplies			
Transportation			
Fuels			
Equipment Rental			
Other (describe):			
Contract Services – Describe and attach subcontractor estimates including design/engineering.			
see attached			
Equipment – Use for individual pieces of equipment costing over $100.00. Be specific.			
see attached			
TOTAL COSTS	$22,000	$11,664	$33,664

Oak Creek Dam .ioval Project- Corvallis, OR

CONSTRUCTION MATERIALS, LABOR AND SUPPLIES Bid Item	Unit cost		Units	Total cost	$ FIRMA funds	$ Other funds	$ Total Cost
Mobilization	$ 5,000.00	Lump Sum	1	$ 5,000.00	$ 5,000.00		$ 5,000.00
Clearing and Grubbing	$ 1,000.00	Lump Sum	1	$ 1,000.00	$ 1,000.00		$ 1,000.00
temporary erosion and sediment control	$ 1,500.00	Lump Sum	1	$ 1,500.00	$ 1,500.00		$ 1,500.00
creek by-pass pumping system, in place	$ 2,200.00	Lump Sum	1	$ 2,200.00	$ 2,200.00		$ 2,200.00
Remove portion of sheet pile dam	$ 1,500.00	Lump Sum	1	$ 1,500.00	$ 1,500.00		$ 1,500.00
rock fill for bioengrd bank base, in place	$ 46.00	cubic yard	3	$ 138.00	$ 138.00		$ 138.00
bioengineered bank	$ 310.00	Foot	25	$ 7,750.00	$ 7,750.00		$ 7,750.00
24" rocks for cross vane	$ 40.00	cubic yard	10	$ 400.00	$ 400.00		$ 400.00
erosion control matting (for bank and seeded areas)	$ 1.83	square yard	45	$ 82.35	$ 82.35		$ 82.35
Seeding disturbed areas	$ 500.00	Lump Sum	1	$ 500.00	$ 500.00		$ 500.00
debris disposal	$ 40.00	ton	12	$ 480.00	$ 480.00		$ 480.00
permit fees	$ 1,100.00	Lump Sum	1	$ 1,100.00	$ 1,100.00		$ 1,100.00
TOTAL CONSTRUCTION				$ 21,650.35	$ 21,650.35		$ 21,650.35
PROJECT ENGINEERING AND DESIGN							
Engineering by Kelly Albers, WRI	$ 40.00	hour	60	$ 2,400.00			
TOTAL ENGINEERING				$ 2,400.00		$ 2,400.00	$ 2,400.00
PROJECT ADMINISTRATION & OTHER ACTIVITIES							
Design surveying by City of Corvallis - technician	$ 33.06	hour	20	$ 661.20			
Design surveying by City of Corvallis - lead worker	$ 40.42	hour	20	$ 808.40			
Contract bidding by City of Corvallis	$ 40.42	hour	45	$ 1,818.90			
Contract oversight by City of Corvallis	$ 40.42	hour	50	$ 2,021.00			
Construction inspection by City of Corvallis	$ 37.93	hour	80	$ 3,034.40			
Site revgetation w/trees by City of Corvallis	$ 1,000.00	lump sum	1	$ 1,000.00			
TOTAL ADMIN				$ 9,343.90		$ 9,343.90	$ 9,343.90
					$ 21,650.35	$ 11,743.90	$ 33,394.25
					64.8%	35.2%	100.0%
					Total FIRMA $	Total Other $	Total Cost

Oak Creek Dam Removal, Corvallis, Oregon

DESCRIPTION:

There is a water diversion dam on Oak Creek near the Oregon State University Entomology Research Laboratory building. The dam is constructed of steel sheet piling driven vertically into the stream channel bottom. OSU staff believes that the dam was constructed in the 1950's or 60's. OSU no longer diverts water from Oak Creek at this location. OSU has never had a water diversion right at this dam, and the University is not inclined to pursue a water right at this time. Therefore the dam is obsolete and can be removed.

The dam creates a barrier for both upstream and downstream movement of fish and other aquatic species, especially during low flow periods. Oak Creek is habitat for cutthroat trout, Chinook salmon and Pacific lamprey. Other native freshwater fish that have been recorded in Oak Creek include mountain whitefish, rainbow trout, large-scale sucker, mountain sucker, speckled dace, redside shiners, reticulate sculpin, torrent sculpin, and three-spined stickleback. Removal of the dam is primarily to improve passage for cutthroat trout and Chinook salmon.

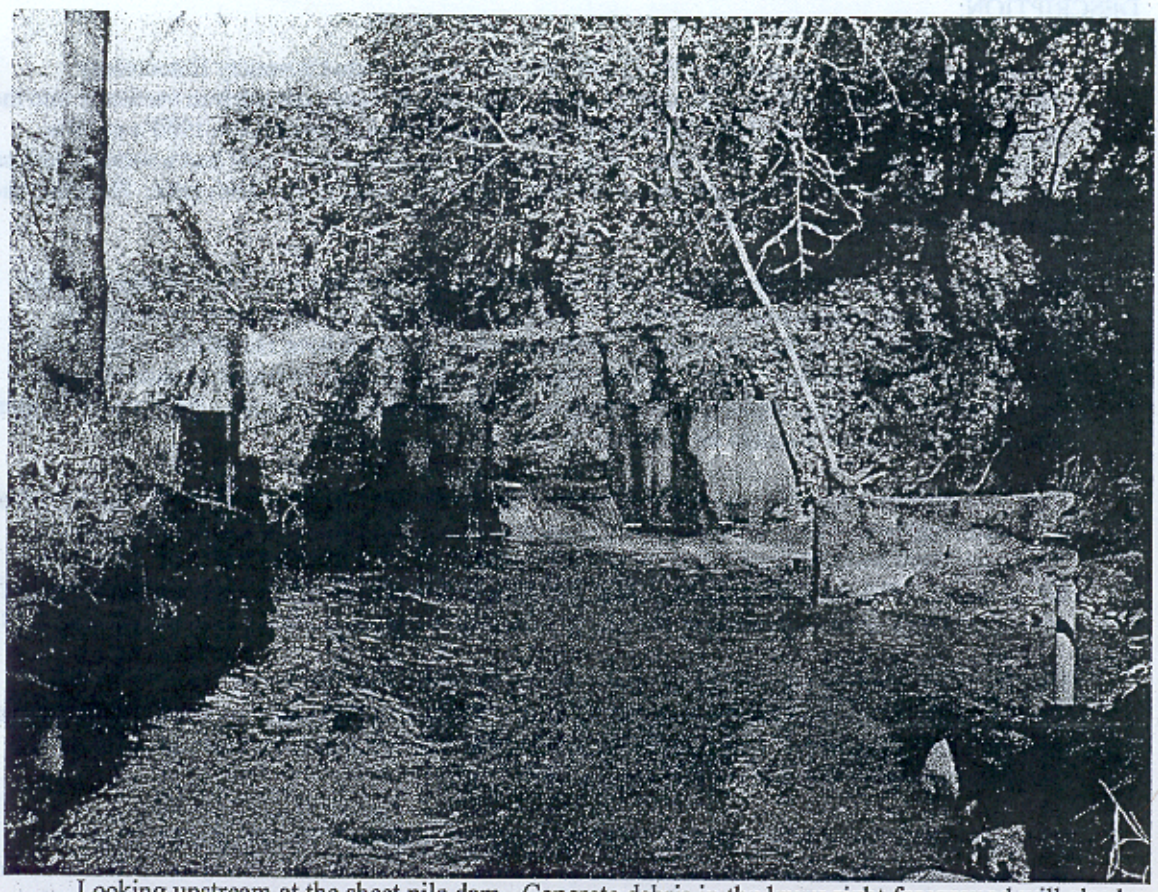
This dam is located 0.8 miles upstream of where Oak Creek joins the Marys River. Located another 1.33 miles upstream of this sheet pile dam, is a second dam, also owned by OSU. Between these two dams, there are three road crossings and one railroad crossing of Oak Creek, all of which are fish passable. With the removal of the sheet pile dam, fish will have unimpeded movement up and down Oak Creek from the mouth on the Marys River, up to the second OSU dam at river mile 2.13.

Usually, fish passage around a dam is accomplished by means of a fish ladder, however in this situation, OSU is not interested in keeping the dam. Removal of the dam provides the ultimate best condition for fish passage. Additionally, removal of the dam will promote more natural sediment transport and stream functions in this reach of Oak Creek.

The dam will be removed in a manner such that there will not be a head cutting action moving upstream. A 'u' shaped cross-vane constructed of large stones will be installed just upstream of the current dam location. (See page 4 of this attachment.) The cross-vane is a grade control structure that decreases near-bank shear stress, velocity and stream power, but increases the energy in the center of the channel creating a scour hole effect. The cross-vane is also a stream habitat improvement structure because it creates holding and refuge cover during both high and low flow periods in the scour hole area, and it increases bank cover due to a differential raise of the water surface in the bank region. When properly designed, the cross-vane does not create a barrier for fish passage.

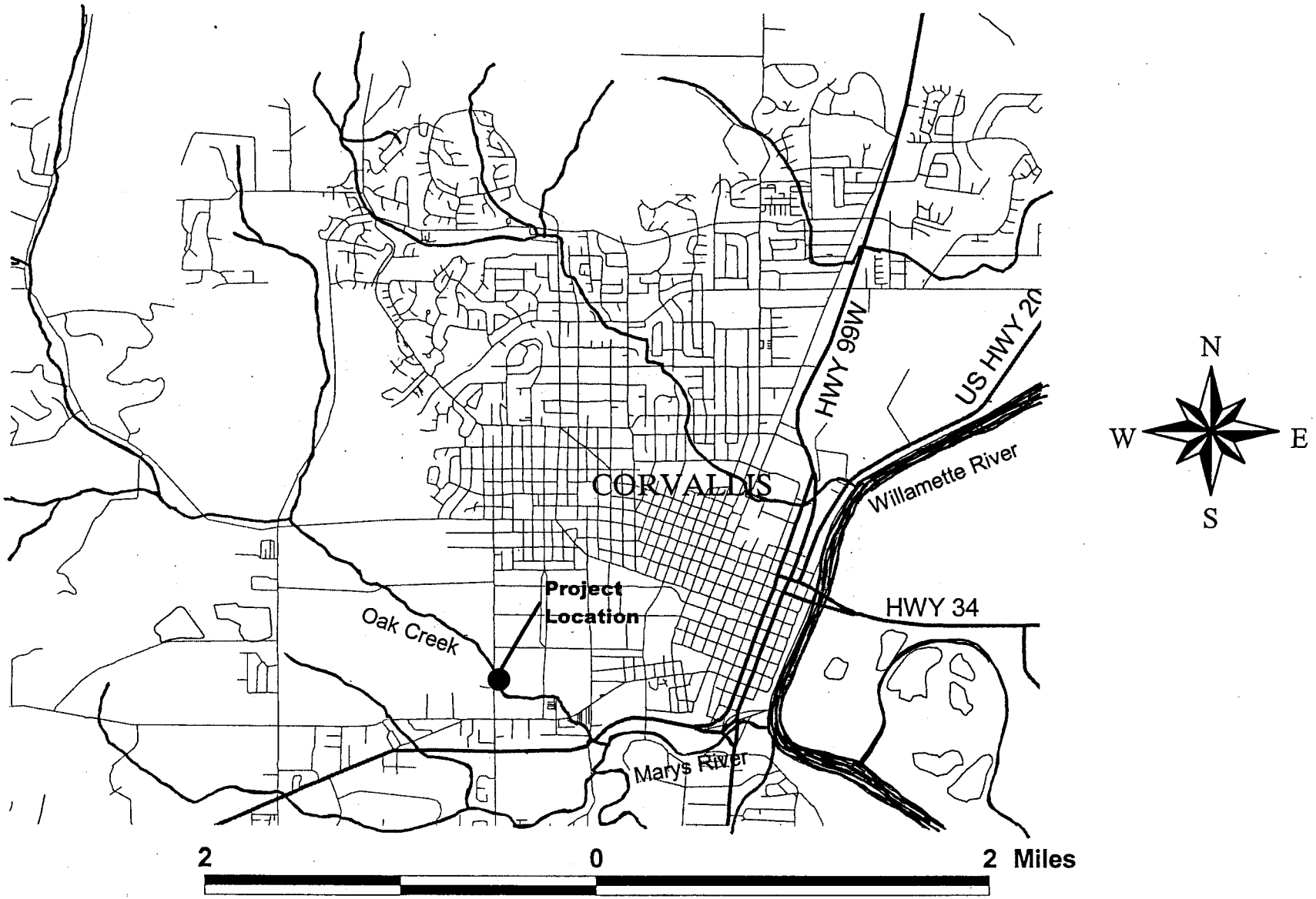
The project will remove the sheet piling approximately 1.5 feet below the existing channel bottom. The cross-vane will be constructed upstream of the current dam location. The cross-vane will be constructed of 2-foot diameter rocks, sitting on footer rocks of the same size, and it will be located so that the resulting scour hole will occur at about the same location as the scour hole that has developed immediately downstream of the dam. The east stream bank immediately downstream of the dam is experiencing moderate erosion due to the vortex currents created by the dam. Bank stabilization will be accomplished by using bioengineering techniques and/or bank shaping. Both methods would give a natural appearance while adequately stabilizing the bank. There are also concrete and asphalt debris in the creek just downstream of the dam, which will be removed as part of this project.

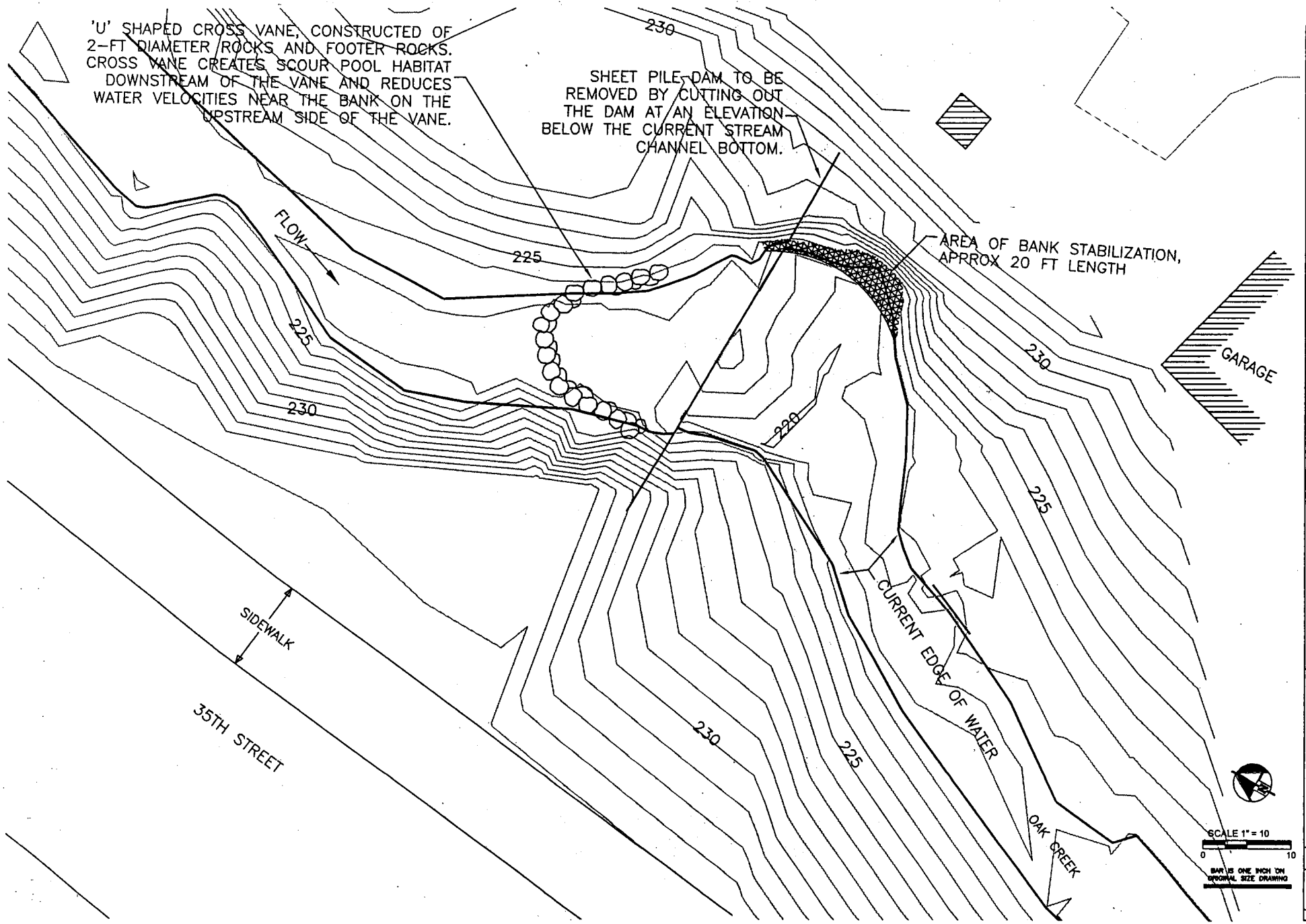
Construction is expected to take 2 weeks, and will take place during the 2005 in-water work period for Oak Creek (July 1 to September 30).



Looking upstream at the sheet pile dam. Concrete debris in the lower right foreground will also be removed as part of this project. (Photo was taken in early January 2005.)

Location Map
Entomology Lab Dam
Oak Creek Dam Removal Project





Designed K. Albers DATE 01/12/04
Drawn K. Albers 01/12/04
Checked
Approved
Title

PLAN VIEW

OSU DAM REMOVAL ON OAK CREEK

Willamette Restoration Initiative

BENTON COUNTY, OREGON

DESIGNED BY: WRI Willamette Restoration Initiative

REVISION DRAFT DATE JAN/05

DRAWING NUMBER X.X

Drawing 2 of X

Project Cost Estimate Sheet

Provide as much detail as possible.

Project #: P-02-0039 Project Title: OAK CREEK

CATEGORY	$ FRIMA FUNDS	$ OTHER FUNDS	$ TOTAL COST
Administration – Include personnel benefits in cost.			
Personnel Total	– 0 –		
Project Labor – Include personnel benefits in cost. Include in-kind labor in *"Other Funds"* column.			
Personnel Total			
Construction Materials – Provide amounts and cost per unit. – see attached			
Components			
Concrete			
Paint			
Other (describe):			
Supplies			
Transportation			
Fuels			
Equipment Rental			
Other (describe):			
Contract Services – Describe and attach subcontractor estimates including design/engineering.			
see attached			
Equipment – Use for individual pieces of equipment costing over $100.00. Be specific.			
see attached			
TOTAL COSTS	$22,000	$11,664	$33,664

Oak Creek Dam oval Project- Corvallis, OR

CONSTRUCTION MATERIALS, LABOR AND SUPPLIES Bid Item	Unit cost		Units	Total cost	$ FIRMA funds	$ Other funds	$ Total Cost
Mobilization	$ 5,000.00	Lump Sum	1	$ 5,000.00	$ 5,000.00		$ 5,000.00
Clearing and Grubbing	$ 1,000.00	Lump Sum	1	$ 1,000.00	$ 1,000.00		$ 1,000.00
temporary erosion and sediment control	$ 1,500.00	Lump Sum	1	$ 1,500.00	$ 1,500.00		$ 1,500.00
creek by-pass pumping system, in place	$ 2,200.00	Lump Sum	1	$ 2,200.00	$ 2,200.00		$ 2,200.00
Remove portion of sheet pile dam	$ 1,500.00	Lump Sum	1	$ 1,500.00	$ 1,500.00		$ 1,500.00
rock fill for bioengrd bank base, in place	$ 46.00	cubic yard	3	$ 138.00	$ 138.00		$ 138.00
bioengineered bank	$ 310.00	Foot	25	$ 7,750.00	$ 7,750.00		$ 7,750.00
24" rocks for cross vane	$ 40.00	cubic yard	10	$ 400.00	$ 400.00		$ 400.00
erosion control matting (for bank and seeded areas)	$ 1.83	square yard	45	$ 82.35	$ 82.35		$ 82.35
Seeding disturbed areas	$ 500.00	Lump Sum	1	$ 500.00	$ 500.00		$ 500.00
debris disposal	$ 40.00	ton	12	$ 480.00	$ 480.00		$ 480.00
permit fees	$ 1,100.00	Lump Sum	1	$ 1,100.00	$ 1,100.00		$ 1,100.00
TOTAL CONSTRUCTION				$ 21,650.35	$ 21,650.35		$ 21,650.35
PROJECT ENGINEERING AND DESIGN							
Engineering by Kelly Albers, WRI	$ 40.00	hour	60	$ 2,400.00			
TOTAL ENGINEERING				$ 2,400.00		$ 2,400.00	$ 2,400.00
PROJECT ADMINISTRATION & OTHER ACTIVITIES							
Design surveying by City of Corvallis - technician	$ 33.06	hour	20	$ 661.20			
Design surveying by City of Corvallis - lead worker	$ 40.42	hour	20	$ 808.40			
Contract bidding by City of Corvallis	$ 40.42	hour	45	$ 1,818.90			
Contract oversight by City of Corvallis	$ 40.42	hour	50	$ 2,021.00			
Construction inspection by City of Corvallis	$ 37.93	hour	80	$ 3,034.40			
Site revgetation w/trees by City of Corvallis	$ 1,000.00	lump sum	1	$ 1,000.00			
TOTAL ADMIN				$ 9,343.90		$ 9,343.90	$ 9,343.90
					$ 21,650.35	$ 11,743.90	$ 33,394.25
					64.8%	35.2%	100.0%
					Total FIRMA $	Total Other $	Total Cost

Fisheries Restoration and Irrigation Mitigation Act (FRIMA) Application Supplemental Information Sheet

This information supplements the Oregon Fish Screening and Passage Cost Share Grant Application *(page 9)*.

Please submit this sheet with the application to the designated point of contact *(page 16)*.
Your responses may refer to information included in the application or other materials attached to the application. To facilitate review of your application, please be sure that the project description and attachments clearly describe your proposed actions, anticipated benefits, and estimated costs. **Attach additional pages as needed.**

Eligibility

(Where appropriate, check Yes or No.)

1. Do you verify that federal funding is not being received from any other source for this same specific project purpose and that this action is not for the purpose of compliance with a FERC license requirement? ***(A "No" response means project is ineligible.)***

   Yes ☒ No ☐

2. Does the project screen a water diversion to increase survival and reduce entrainment of fish species native to the project area?

   Yes ☐ No ☒

   This project will remove a water diversion structure (dam).

3. Does the project provide or improve access to aquatic habitat for fish species native to the project area?

   Yes ☒ No ☐

4. What is the purpose(s) of the associated water diversion?

   In the past, OSU pumped water out of the creek for irrigation use at what is now the Entomology Labs. OSU no longer diverts water from Oak Creek at this location. The dam is obsolete and can be removed.

5. List the applicant(s) and additional sponsors of the proposed project. Identify which of the applicants or sponsors are local government, including irrigation or soil and water conservation districts.

   The City of Corvallis is the applicant. Oregon State University and the Willamette Restoration Initiative are additional sponsors.

6. Indicate the party or parties accepting responsibility for operation and maintenance costs of screening and passage facilities. Attach a letter documenting this commitment.

   This project will remove an existing sheet pile dam and install a rock cross-vane for grade control on the channel bed. The project will <u>not</u> install any feature which requires operation or maintenance.

7. Identify the cost share commitment of project applicants or cosponsors, which must be at least 35% of project costs and must be non-federal funds unless project is on federal land. Attach a letter documenting this commitment including determination of value of any in-kind contributions.

   The City of Corvallis and the Willamette Restoration Initiative are making in-kind donations of design services and project administration. See attached letters from each organization.

8. Identify contacts that have been made with U. S. Fish and Wildlife Service, Oregon Department of Fish and Wildlife, and/or any tribal fish and wildlife office concerning this project. Attach communications if appropriate.

In summer 2003, representatives from OSU and the Willamette Restoration Initiative met with ODFW Biologist Gary Galovich to discuss removal of the dam.

9. Identify regulatory reviews or approvals that will be needed prior to the construction or installation of this project and indicate steps already completed to accomplish this.

A Fish Habitat Enhancement General Authorization permit from the Division of State Lands will be obtained prior to construction. The permit will be applied for in February 2005.

10. Is the applicant or co-applicant the project operator, the owner of lands where the project will be sited, and the owner of lands required for construction access? If not, attach documentation indicating coordination and concurrence by the landowner.

Yes ☒ No ☐

Additional project information

Attach supplemental or explanatory information where appropriate.

11. Identify any fish species native to the project area that will benefit from this project. Indicate if any of those species are listed on the federal Endangered Species List or have other special conservation status.

The primary goal of the project is to improve passage for cutthroat trout and Chinook salmon. This reach of Oak Creek is identified as proposed critical habitat for Upper Willamette River Chinook salmon, a Federally listed threatened species.

12. Estimate the increase in survival to native fish species in percentage and/or number of fish attributable to the proposed project. Identify the basis for your estimate.

Distributions of fish have not been systematically surveyed in Oak Creek, therefore an estimate of the increase in native fish is unavailable at this time.

13. Estimate the amount and type of additional fish habitat that will be accessed or more completely utilized as a result of this project.

Approximately 1.33 stream miles of the mainstem of Oak Creek will be better accessed by fish as a result of the dam removal.

14. Indicate why you believe that the proposal will be both successful and cost effective in achieving the benefits indicated in questions 11-13.

This project is very cost effective because there are no structures to be maintained. Removing the dam will immediately restore unimpeded fish passage in this section of the creek.

15. Will installation of the project provide other indirect biological benefits or increased water use efficiency?

Removing the dam will restore the stream to a more natural state by restoring fish passage, promoting more natural sediment transport and stream functions.

16. Identify the time period that project design, pre-construction approvals, and project construction can be completed. Indicate the basis of your estimate.

Jan - April 2005 - Project design, applying for permit, drafting construction plans

May & June 2005 - City of Corvallis advertises project for bids

Construction will take 2 weeks sometime during the in-water work period (July 1 - Sept. 30) depending on contractor's schedule.

Grant Conditions

Project #: P-02-0039 Project Title: OAK CREEK

- To receive the State income tax credit in addition to the cost share, the cost share grantee (applicant) must submit fish screening and passage project plans and specifications to ODFW, as well as request and receive a preliminary certification from ODFW prior to construction. After construction is complete, an on-site inspection by Department personnel and verification of the net certified cost of the installation will be conducted. When the construction is approved, a final certificate will be issued [ORS 315.138]
- Grant monies shall be disbursed upon completion of the project after costs have been submitted to ODFW. Partial payments may be allowed if provided for in the grant agreement. The applicant shall maintain accounting records pertaining to this agreement according to generally accepted accounting principles and shall make all relevant records, documents and reports available to ODFW for the purpose of audit examination if requested by the Department.
- ODFW shall have the right of ingress and egress to and from the project areas, doing no unnecessary injury to the property of the landowner, for the purpose of designing or inspecting said projects and/or determining the adequacy of construction and compliance with project plans and provision of the grant agreement.
- Fish screening or by-pass device maintenance: Grantee is responsible for commitment by one or more project operators or sponsors to assume all operation and maintenance costs for the life of the project.
- Fish passage project maintenance: Grantee is responsible for all fishway repair and maintenance to keep it free from obstruction to the passage of fish at all times [ORS 498.351; ORS 509.610].
- Applicant is responsible for coordinating access for construction with the landowner.

Applicant signature below indicates acceptance of the above-listed grant conditions.

(BRUCE MOSER) 1-14-05

Name (Typed signature acceptable when completed electronically.) Date

PROJECT MANAGER

Title

ODFW Use Only -- Project Information

Please type or print legibly in dark ink.

Project #: P-03-0039 Project Title: OAK CREEK

This section to be completed by the ODFW District Biologist.

ODFW District: So. Willamette W.D. District Biologist: Steve Mamoyac Date: 2-28-05

Fish Species:	Spring Chinook	Fish Run:	Spring	Fish Status:	ESA Threatened
Fish Species:	Cutthroat Trout	Fish Run:	resident/fluvial	Fish Status:	
Fish Species:	Pacific Lamprey	Fish Run:		Fish Status:	Oregon "Sensitive"
Fish Species:		Fish Run:		Fish Status:	

Fish Migration: Yes ☒ No ☐

	High	Med	Low
Fish Numbers:	☐	☒	☐
Basin Priority:	☐	☒	☐
Habitat Quality:	☐	☒	☐

District Biologist Comments/Recommendation:

Project will allow juvenile spring chinook to access/utilize lower Oak Creek on a seasonal basis. Resident, and particularly fluvial, cutthroat trout will benefit from project. Given its close proximity to OSU, project likely to be utilized in ongoing educational programs. Will provide excellent example of habitat restoration.

This section to be completed by the ODFW Regional Field Coordinator.

Diversion Size (cfs): cfs Diversion Flow Relative to Stream Flow (%): %

Priority Points Diversions Screened in Stream (%): %

Field Coordinator Comments/Recommendation: Good DAM REMOVAL PROJECT.
Bob H

State Fish Screening/Passage Coordinator Comments/Recommendation: Excellent project concept and goal. As the stream re-stabilizes after the project, there may be channel grade changes (e.g., headcuts, scour) which cause passage problems at the site, upstream, or downstream. These should be anticipated in design (elevation of rockweir will be important) and monitored after construction. Also, there may be maintenance needs if high flow events dislodge part of the structure. Approve with design approval, maintenance, and monitoring.

Hydropower Program Leader Comments/Recommendation (if hydroelectric-related):

Approved ☒ Rejected ☐ Maximum Contribution: $23,086.75 FRIMA

Ray Hartlerode
Fish Screening & Passage Program Manager

8/18/05
Date

ODFW Use Only -- Certification

Please type or print legibly in dark ink.

Project #: P-02-0039 Project Title: OAK CREEK

PRELIMINARY CERTIFICATION

	DATE
Cost Share Grant Application received by ODFW Field Coordinator:	1-15-05
Preliminary inspection of project:	1-24-05
By: Bob H (Field Coordinator)	
Preliminary Certificate hereby ISSUED or DENIED	
By: (State Coordinator).	
Applicant notified that Preliminary Certificate issued:	
By: (State Coordinator)	

FINAL CERTIFICATION

	DATE
Applicant request for final inspection received by ODFW:	
Project construction complete:	
Final inspection of construction and installation:	
By: (Engineer, Field Coordinator, or State Coordinator)	

Project is approved: YES ☐ NO ☐

If project is not approved, state reason why:

FINAL CERTIFICATE *hereby* ISSUED *to*: _____ (Applicant/Water User)

From the Oregon Department of Fish and Wildlife this _____ *day of* _____

By: _____ (State Coordinator)

Net certified cost of installation:

$ _____

_____ (Fish Screening & Passage Program Accountant)

WILLAMETTE RESTORATION INITIATIVE

January 13, 2005

Bob Hair
Oregon Department of Fish and Wildlife
The Dalles Screen Shop
3561 Klindt Drive
The Dalles, OR 97058

Dear Bob:

RE: In-Kind Contribution for FIRMA grant application

The purpose of this letter is to document my in-kind contribution of work hours for the Oak Creek dam removal project. The following is an itemized projection of the time I will be spending on the project.

Completion the hydraulic study and project design	20 hrs
Complete permit application and coordinate with permitting agencies	20 hrs
Drafting of the construction drawings	10 hrs
Write contract specifications for construction contract	8 hrs
Total Hours	58 @$40 per hour = $2320

This time is in addition to the several hours that I have already spent on the preliminary project design and preparation of the FIRMA grant application.

Sincerely,

Kelly Albers

Kelly Albers, P.E.
Conservation Specialist

WRI in partnership with Benton SWCD
305 SW C Avenue, Suite 2
Corvallis, OR 97333
541-753-7208 541-753-1871 FAX

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Public Works Department
Engineering Division
1245 NE 3rd Street
PO Box 1083
Corvallis, OR 97339-1083
(541) 766-6731
FAX (541) 766-6951
TTY (541) 766-6477

January 14, 2005

Bob Hair
Oregon Department of Fish and Wildlife
The Dalles Screen Shop
3561 Klindt Drive
The Dalles, OR 97058

SUBJECT: In-Kind Contribution for FIRMA Grant Application

Dear Bob:

The purpose of this letter is to document the City of Corvallis' in-kind contribution of work hours for the Oak Creek dam removal project. The following is an itemized projection of resources the City will be spending on the project:

Surveying	$1,470.00
Contract Bidding	$1,819.00
Contract Oversight	$2,021.00
Construction Inspection	$3.03
Site Re-Vegetation	$1,000.00
Total	$9,344.00

This time is in addition to the hours spent on preliminary project design and preparation of the FIRMA grant application.

Sincerely,

Bruce Moser, P.E.
Project Manager

X:\Divisions\Engineering\Capital Planning&Projects\Projects\Stormwater Master Plan Projects\in kind ltr to odofw.wpd

MEMORANDUM

OREGON DEPARTMENT OF FISH AND WILDLIFE

Fish Screening and Passage Section

DATE: March 28, 2005

TO: Ray Hartlerode

FROM: Chris Penfield

SUBJECT: City of Corvallis FRIMA proposal

The City of Corvallis and Oregon State University (OSU) have proposed a dam removal project in conjunction with the Willamette Restoration Initiative (WRI). The dam consists of a series of steel sheet piles spanning Oak Creek 0.8 river miles upstream from Mary's River, in Corvallis. The structure served as a diversion point for an OSU laboratory and is no longer in service. The City and WRI have provided design work and proposed contract administration as in-kind contributions toward the cost of the project. The applicants are requesting cost share funding from the FRIMA program.

The proposed removal project will begin by removing the sheet pile structure, cut off approximately 1.5' below the streambed. A cross-vane structure consisting of boulders (2' dia.) spanning the creek will be installed. This will control head cutting and concentrate the flow/energy toward the center of the stream. The eastern bank downstream of the structure will be stabilized through bioengineering techniques and the site will be re-vegetated post-construction.

This project proposal appears to be an economical and feasible method to return the creek to a natural state. The removal of the dam will allow natural fish migration and sediment transport. It will provide uninhibited access to 1.33 river miles upstream of the current point of diversion. Streambed and bank stabilization efforts will ensure the area remains intact without requiring future maintenance.

P-02-0039

Oregon

Theodore R. Kulongoski, Governor

Department of Fish and Wildlife
Fish Division
3406 Cherry Avenue NE
Salem, OR 97303
(503) 947-6200
Fax (503) 947-6202
TTY (503) 947-6339
www.dfw.state.or.us

September 2, 2005

Bruce Moser
City of Corvallis
Public Works Department
P.O. Box 1083
Corvallis, OR 97339-1083

Dear Mr. Moser:

The City of Corvallis had submitted a request for funding the Oak Creek Dam removal project at Oak Creek to the Oregon Department of Fish and Wildlife (ODFW) for consideration of federal funding under the Fisheries Restoration and Irrigation Mitigation Act of 2000 (FRIMA). The U.S. Fish and Wildlife Service (USFWS) administers FRIMA funds. The FRIMA Project Review Team determines the eligibility and ranking of projects, and recommends projects to ODFW for funding. The team is comprised of representatives of the Oregon Water Resources Congress, Confederated Tribes of Warm Springs Reservation, Fish Screening Task Force, Fish Passage Task Force, USFWS and ODFW.

The FRIMA Project Review Team met on April 19, 2005 to review and rank the submitted projects.

ODFW presented a list of projects proposed for funding to the USFWS based on the total FRIMA funds of approximately $435,811. The Oak Creek Dam removal project was selected for funding.

ODFW has consulted with you regarding the level of funding you requested, and the amount of FRIMA funds available to you. ODFW has submitted a grant agreement to USFWS that would fund the Oak Creek Dam removal project for $22,000. After approval of the USFWS - ODFW grant agreement, another grant agreement will be needed between ODFW and the City of Corvallis. This ODFW - City of Corvallis grant agreement must be approved before any eligible expenses are incurred. ODFW will notify you when the grant agreement is ready for your signature.

Thank you for participating in the FRIMA program.

Sincerely,

Ray Hartlerode

Ray Hartlerode
Program Manager
ODFW Fish Screening & Passage Program
(O): 503.947.6215
(F): 503.947.6203
(E): ray.e.hartlerode@state.or.us

bmk

c ODFW Field Coordinator
File

EXHIBIT D

SCHEDULE FOR RELEASE OF FUNDS

Funds will be dispersed as follows:

1. Funds will be dispersed upon the receipt of a completed **Recipient's Request for Fund Release** form, accompanied by invoices and/or receipts for all project costs.

   Total funds granted (Lottery Funds – OWEB and FRIMA – USFWS) for the project is **$21,650** and **10%** retainment is withheld [required by OAR 635-009-0240 (5)] in the amount of **$2,165** until submission of final report.

   Progress Payments or Task and Sub-Task Payments. Upon completion of each Task or Sub-Task Recipient will follow procedures outlined in Section I., Item C. of the Grant Agreement.

2. Final payment will be released upon fulfilling the project(s) completion requirements.

3. Projects extending beyond the expiration date of the Agreement will require the Recipient to submit a request to extend or amend the Agreement. This request must be in writing and sent directly to the Field Coordinator or their designated representative. The request must detail the purpose of the amendment. Any modification or amendments to the Agreement are not authorized until an amendment to the Agreement has been signed by both approving authorities.

EXHIBIT E

Fish Screening and Passage Program

Oregon Department of Fish and Wildlife
3406 Cherry Avenue, NE
Salem, OR 97303

RECIPIENT'S REQUEST FOR RELEASE OF FUNDS

Name:	City of Corvallis – Public Works	Project No.	P-02-0039
Address:	PO Box 1083		
	Corvallis, OR 97339-1083	FIN:	_____
Phone:	(360) 885-2011	Date:	_____

I am requesting: ☐ Partial Payment ☐ Final Payment

I request the release of grant funds in accordance with the terms of the Agreement covering this Fish Screening and Passage project. The requested payment is reimbursement for work related to this project/grant Agreement only. Attached are copies of all project invoices for reimbursable costs incurred on this project. I understand that final reimbursement amount will be calculated by the Department in accordance with the terms of the grant agreement.

Total invoice amount submitted for consideration: $_____

I declare that this is, to the best of my knowledge, true, correct, and complete.

_____ _____
Recipient Signature Date

_____
Title

FOR DEPARTMENT USE ONLY

The Department Field Coordinator has reviewed and approved the attached supporting documents for processing by the Department's Fiscal Services section in accordance with the Agreement for this project.

Funding Source: ☐ M66 ☐ FRIMA ☐ OTHER _____

Contribution Level ($ amount or %): ODFW_____ Grantee_____

Project Inspection Date:_____ Project Completion %:_____

_____ _____
Department Field Coordinator Date

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

JUNE 28, 2006

TO: **MAYOR AND CITY COUNCIL**

FROM: **JON S. NELSON, CITY MANAGER**

SUBJECT: **CHAMBER OF COMMERCE/ECONOMIC DEVELOPMENT PARTNERSHIP MERGER**

DISCUSSION

As you are aware, the Chamber of Commerce and the Economic Development Partnership are negotiating a merger. Details of the merger are noted in the attached letter from Mysty Rusk.

In order to continue the City and Economic Development Partnership efforts, agreement and contracts assignments are necessary. Four assignments are attached.

Assigning the City/EDP general partnership agreement requires Council action. The City/EDP Airport Industrial Park contract, City/EDP Economic Vitality Partnership fiscal agent contract, and the FY 2006-07 City/EDP allocations contracts were all initially authorized by the City Council. It is proposed City Council authorize the assignments. City Manager signature on the assignments will occur following discussions to confirm the services and resource support will continue.

RECOMMENDATION

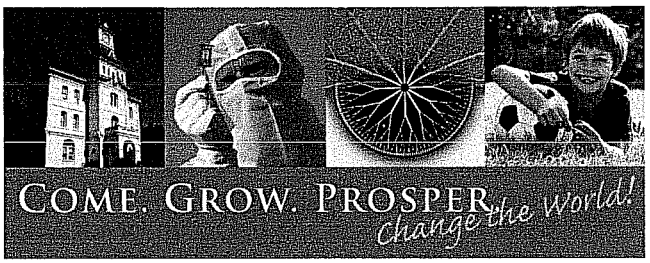
Council authorize the City Manager to sign the four EDP-related agreement and contracts assignments.

ALTERNATIVE

Council ask the Administrative Services Committee to review the EDP agreement assignment.

Steve Rogers Public Works Director	Ken Gibb by Judith Sonne Ken Gibb Community Development Director	Scott Fewel City Attorney

CORVALLIS/BENTON COUNTY
ECONOMIC DEVELOPMENT PARTNERSHIP



Board Members

Chuck Crowe, Chair
ATCO America

Skip Rung, Vice Chair/Secretary
ONAMI

Ron Stevens, Treasurer
Samaritan Health Services

Lyle Hutchens
Devco Engineering

Annabelle Jaramillo
Benton County Commission

Cindy Dahl
OSU School of Engineering

Brian Smith
UO Technology Transfer

Doris Johnston
Pacific Power

Chris Nusbaum
City of Philomath

Timothy Ijir
Hewlett Packard

Jeff Kubler
Adair Village

Carlyn Roy
OSU Federal Credit Union
Chamber of Commerce

Katherine Cleland
Cleland Marketing Consulting

Jim Sheldon
ATS Oregon

Rich Carone
Korvis Automation Systems

Steve Love
Hewlett Packard

Mysty Rusk
President

Signature Sponsor

ATS Oregon

Major Investor

Citizens Bank
Devco Engineering
Hewlett Packard
Qwest Communications
Samaritan Health Services

Jon Nelson
City of Corvallis
PO Box 1083
Corvallis, OR 97339

RECEIVED
JUN 22 2006
CITY MANAGER'S OFFICE

Dear Jon,

The Corvallis-Benton Economic Development Partnership (EDP) and the Corvallis Area Chamber of Commerce (Chamber) are in the process of negotiating a merger. As a result of a series of meetings of a joint task force, there is a recommendation to dissolve the EDP and transfer its assets to the Chamber. The Chamber has agreed to support EDP's mission and carry its work forward provided the contracts between the EDP and the City and County can be transferred to support the retention and recruitment of efforts.

Jeanne Smith and Associates has been retained to oversee the legal aspects of the merger and has prepared the enclosed contract assignment for your review. I respectfully request an opportunity to have the joint task force make a presentation to the Council in a work session with Benton County, the City of Corvallis and other public stakeholders. I also request the Council begin whatever process is necessary to make a decision about the EDP's contracts, assignments and support. If it is appropriate to meet individually with Councilors to review the proposal ahead of time, please let me know.

Enclosed is an Assignment of Contract for each of the following: 1) City/County contract for economic development services and subsequent economic development allocation contract, 2) Corvallis Airport Industrial Park management contract and 3) Economic Vitality Partnership grant from the City Council.

If you agree to this arrangement, please sign the attached forms and return to me by 5:00 pm June 28, 2006. We will be hosting a stakeholder meeting on the 28th at 8:30 am at the Corvallis Chamber of Commerce conference room, in case you'd like to hear the recommendation from the Joint Task Force and have your questions answered by the joint task force members. If the June 28 timeline is too short please let me know a more appropriate timeline.

Again, thank you for your investment in the EDP. I am especially grateful for the input, assistance, encouragement and support you've provided during my two years at the helm of the EDP.

Sincerely,

M. Rusk

Mysty Rusk

420 NW 2ND STREET · CORVALLIS, OREGON 97330 · P 541.757.1507

ASSIGNMENT OF AGREEMENT

This Assignment of Agreement is made this _____ day of _____ 2006, between the CITY OF CORVALLIS, an Oregon municipal corporation, CORVALLIS: the CITY OF PHILOMATH, an Oregon municipal corporation, PHILOMATH; the CITY OF ADAIR VILLAGE, an Oregon municipal corporation, ADAIR VILLAGE; and the CITY OF MONROE, an Oregon municipal corporation, MONROE, collectively known as the "CITIES"; BENTON COUNTY, an Oregon Political Subdivision, the "County"; the CORVALLIS-BENTON COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP, INC., the "PARTNERSHIP" and the CORVALLIS AREA CHAMBER OF COMMERCE, the "Chamber".

1. Introduction. The Parties have entered into an Agreement for Economic Development Partnership, a copy of which is attached hereto ("Agreement"). The Partnership has informed all of the Parties that it intends to dissolve and merge into the Chamber. The Parties desire to assign the Partnership rights and obligations under the Agreement to the Chamber. Under Section 9 of the Agreement all Parties must consent to this assignment.
2. Assignment. The Partnership hereby assigns to the Chamber all right title and interest in and to the Agreement. The Chamber agrees to perform every obligation of the Partnership under the Agreement and otherwise comply with the terms of the Agreement. The Parties agree to this assignment of the Agreement.

BENTON COUNTY

_____

By: _____, *Commission Chair*
Its:

_____

Dated:

Approved at to form:

_____

County Counsel

CORVALLIS-BENTON COUNTY ECONOMIC DEVELOPMENT PARTNERSHIP

_____

By: Chuck Crowe, *EDP Board Chair*
Its:

_____

Dated:

CITY OF CORVALLIS

_____

By: Jon Nelson, *City Manager*
Its:

_____

CITY OF PHILOMATH

_____

By: Randy Kugler, *City Manager*
Its:

_____

Dated:

Approved as to form:

_____
City Attorney

CITY OF MONROE

_____
By: _____, *Mayor*
Its:

_____
Dated:

Approved as to form:

_____

Dated:

Approved as to form:

_____
City Attorney

CITY OF ADAIR VILLAGE

_____
By: Jim Minard, *City Manager*
Its:

_____
Dated:

Approved as to form:

_____

ASSIGNMENT OF CONTRACT

This Assignment is made by and between the Corvallis-Benton Economic Development Partnership, Inc. ("EDP"), the City of Corvallis ("City") and the Corvallis . *Area* Chamber of Commerce ("Chamber").

1. Introduction. The EDP has informed the City that it intends to dissolve and transfer all assets to the Chamber. The Chamber has agreed to accept the assets and further agreed to continue the mission of the EDP through a restructuring of the Chamber.
2. Contract. The City has an Agreement with the EDP for Management of the Corvallis Municipal Airport and Industrial Park dated July 1, 2004 a copy of which is attached hereto ("Agreement"). Under Section 12 of that Agreement, the City must approve all transfers of the Agreement.
3. Agreement to Assignment. The EDP hereby assigns all right title and interest in and to the Agreement to the Chamber. The Chamber agrees to perform all obligations of the EDP and otherwise comply with the terms of the Agreement. The City agrees to the assignment of the Agreement to the Chamber.

This assignment is effective as of June __, 2006

CORVALLIS-BENTON ECONOMIC DEVELOPMENT PARTNERSHIP

_____

_____, President

CORVALLIS AREA CHAMBER OF COMMERCE

_____

Carlyn Roy, President

CITY OF CORVALLIS

_____

Jon Nelson, City Manager

Approved as to form:

_____

City Attorney

ASSIGNMENT OF CONTRACT

This Assignment is made by and between the Corvallis-Benton Economic Development Partnership, Inc. ("EDP"), the City of Corvallis ("City") and the Corvallis . *Area* Chamber of Commerce ("Chamber").

1. Introduction. The EDP has informed the City that it intends to dissolve and transfer all assets to the Chamber. The Chamber has agreed to accept the assets and further agreed to continue the mission of the EDP through a restructuring of the Chamber.
2. Contract. The City has a Funding Agreement with the EDP as a fiscal sponsor of the Economic Vitality Partnership ("EVP") a copy of which is attached hereto. Under the Funding Agreement the City provides funding for the EVP to complete its strategic plan for implementing the Economic Vitality section of the Corvallis 2020 Vision Statement. Under Section 5.6 of that Funding Agreement, the City must approve all transfers of the Funding Agreement.
3. Agreement to Assignment. The EDP hereby assigns all right title and interest in and to the Funding Agreement with the City for the benefit of the EVP. The Chamber agrees to perform all obligations of the EDP and otherwise comply with the terms of the Funding Agreement. The City agrees to the assignment of the Funding Agreement to the Chamber.

This assignment is effective as of June __, 2006

CORVALLIS-BENTON ECONOMIC DEVELOPMENT PARTNERSHIP

_____

_____, President

CORVALLIS AREA CHAMBER OF COMMERCE

_____

Carlyn Roy, President

CITY OF CORVALLIS

_____

Jon Nelson, City Manager

Approved as to form:

_____

City Attorney

ASSIGNMENT OF CONTRACT

This Assignment is made by and between the Corvallis-Benton Economic Development Partnership, Inc. ("EDP"), the City of Corvallis ("City") and the Corvallis . Area Chamber of Commerce ("Chamber").

1. Introduction. The EDP has informed the City that it intends to dissolve and transfer all assets to the Chamber. The Chamber has agreed to accept the assets and further agreed to continue the mission of the EDP through a restructuring of the Chamber.
2. Contract. The City has a Funding Agreement with the EDP dated July 1, 2005 a copy of which is attached hereto. Under the Funding Agreement the City provides funding for the EDP to assist new and existing businesses with their location, retention and expansion plans and to assist in economic diversification. Under Section 5.6 of that Funding Agreement, the City must approve all transfers of the Funding Agreement.
3. Agreement to Assignment. The EDP hereby assigns all right title and interest in and to the Funding Agreement with the City. The Chamber agrees to perform all obligations of the EDP and otherwise comply with the terms of the Funding Agreement. The City agrees to the assignment of the Funding Agreement to the Chamber.

This assignment is effective as of June __, 2006

CORVALLIS-BENTON ECONOMIC DEVELOPMENT PARTNERSHIP

_____

_____, President

CORVALLIS AREA CHAMBER OF COMMERCE

_____

Carlyn Roy, President

CITY OF CORVALLIS

_____

Jon Nelson, City Manager

Approved as to form:

_____

City Attorney

Circle Boulevard Extension Infrastructure Cost Recovery
Matt Ponzoha Allocation Calculations
May 2006

Street Construction Costs:	$130.54	Per Frontage Foot	
Waterline Construction Cost:	$35.93	Per Frontage Foot	
Property Frontage:	245.19	Feet	
Street/Water Subtotal:	$40,816.78		
Sewer Service Cost:	$2,147.32	EA	
Water Service Cost:	$764.26	EA	
No. of Sewer Services:	2.00		
No. of Water Services:	2.00		
Services Subtotal:	$5,823.16		
February 2003 Total:	$46,639.94		
February 2003 Seattle CCI	7680.23		
May 2006 Seattle CCI	8447.56		1.10
CCI Adjusted Total:	$51,299.72		

7/5 Mayor/Council, F/I, Kathy

NOVEMBER 2006 GENERAL ELECTION
WEBSITE INFORMATION

•Mayor/City Council Elections (link to info below)
•City Charter Amendment (link to ballot title)

[New laws and more forms this election year; please call 766-6901 and schedule a short meeting with the City Recorder prior to circulating signatures]

Mayor/City Council Elections

In November 2006, Corvallis voters will elect a Mayor and nine nonpartisan City Council members to the City Council.

The Mayor will be elected to serve a four-year term from January 2007 to December 2010.

The nine City Councilors will be elected individually from the nine Wards to serve a two-year term from January 2007 to December 2008.

Qualifications for Candidates

To qualify as a candidate for Mayor, you must be:

- A Corvallis registered voter
- A Corvallis resident for at least one year prior to the election

To qualify as a candidate for City Council, you must be:

- A Corvallis registered voter
- A Corvallis resident for at least one year prior to the election
- Reside in the Ward you are running at the time the nomination petition is filed

Nomination Packets

Nomination packets for the Mayor and the nine nonpartisan City Council positions will be available **from Wednesday, July 5, 2006 to 5:00 pm on Monday, August 7.** Please call 766-6901 and schedule a short meeting with the City Recorder to go over the nomination packet materials and election forms!

Completed nomination packets will be accepted by the City Recorder from **Friday, July 28 through 5:00 p.m. on Friday, August 18.**

Filing Information

Candidates must **first** notify the City Recorder of their intent to run for office by filing a Prospective Petition (SEL 120). Once the City Recorder approves the Nomination Signature Sheet (SEL 121) with the Statement One or More/No Petition Circulators Will be Paid form (SEL 300) attached to each page of the Signature Sheet, the candidate will be able to collect 20 signatures from registered voters who reside in the candidate's Ward for City Council positions or 100 signatures from registered voters within the city limits for the Mayor's position.

Candidates **must** have the signatures on their Nominating Signature Sheets (SEL 121) verified by Benton County Elections, 120 NW 4th Street, Room 13, Corvallis, Oregon, (541) 766-6756. Signature Sheets may be submitted to Benton County Elections for verification from **Wednesday, July 5, 2006 to 5 p.m. on Monday, August 7, 2006.**

The completed nomination packet, along with the verified signature sheets, can be filed with the City Recorder. This includes filing a Perfected Petition (SEL 120) and other forms required by State law.

- SEL 120 (Filing of Candidacy for Nonpartisan Nomination)
- SEL 121 (Nomination Signature Sheets to be signed by Ward's registered voters)
- SEL 300 (Statement of Circulator Compensation – must be attached to each signature sheet)
- SEL 220 (Candidate's Statement of Organization)
- SEL 223 (Campaign Account Information)
- PC 7 (Certificate of Limited Contributions and Expenditures)

Filing Officer

In the City of Corvallis, the City Recorder is the Election Officer for the City. All documents must be filed with Kathy Louie, Assistant to City Manager/City Recorder. **Please call ahead to schedule an appointment with her for approval of your forms and for filing of completed packets.** The City Recorder is located in the City Manager's Office, City Hall, 501 SW Madison Avenue, and may be reached at 766-6901.

Other Election Information

Upon qualification for the official ballot, the City Recorder will provide additional information on reporting contributions and expenditures and other materials to assist you in your candidacy for office. A full orientation program will begin in late September for candidates and members of the City Council.

To learn more about the positions and election forms, please review the election nomination packet. For general election information, visit the City's website. To review the City Elections Manual, visit the Oregon State Elections Division website.

* * * MEMORANDUM * * *

JULY 4, 2006

TO: MAYOR AND CITY COUNCIL

FROM: KATHY LOUIE, ASSISTANT TO CITY MANAGER/CITY RECORDER

SUBJECT: VOTERS' PAMPHLET QUESTIONS

This memorandum responds to Voters' Pamphlet questions concerning the upcoming September election relating to the Telecommunications Service Tax.

Can the County limit the number of submittals in a Voters' Pamphlet for mailing purposes?

Benton County Elections cannot limit the number of arguments in favor or in opposition of a measure. However, the Benton County Board of Commissioners can choose not to publish a Voters' Pamphlet in any election. If the County opts to publish a Voters' Pamphlet, any arguments filed by the deadline with the appropriate $300 filing fee per argument must be included in the County Voters' Pamphlet.

Benton County Elections has been inserting Voters' Pamphlet information in the ballot envelopes to help cities keep election costs down. Benton County Elections Supervisor Jill Van Buren confirmed that a Voters' Pamphlet not larger than 20 pages can be included with the ballots. It is likely that Benton County Elections will be able to insert the September Voters' Pamphlet information in the ballot envelopes if no other measures are filed by the July 20 deadline.

In any event, the City will incur a portion or all of the expenses in the September election and Voters' Pamphlet publication.

What is the filing timelines for a Voters' Pamphlet?

The City must file an explanatory statement no later than Thursday, July 20, 2006.

Persons interested in filing measure arguments (in favor or in opposition) with Benton County Elections is 5 p.m. on Monday, July 24, 2006.

As soon as the City Council makes a decision on whether to publish a Voters' Pamphlet for the September election, I will notify Benton County Elections.

c: City Manager Nelson

OFFICE OF THE SECRETARY OF STATE

BILL BRADBURY
SECRETARY OF STATE

RECEIVED
JUL 0 3 2006
CITY MANAGERS OFFICE

ELECTIONS DIVISION
JOHN LINDBACK
DIRECTOR
141 STATE CAPITOL
SALEM, OREGON 97310-0722
ELECTIONS—(503) 986-1518
FAX—(503) 373-7414

June 29, 2006

COPY

7/5/06
cc → M + CC
pkn

David E. Picray
236 NE Azalea Dr.
Corvallis OR 97330

Dear Mr. Picray:

We have reviewed the complaint you submitted to our office on June 19, 2006, in consultation with our legal counsel from the Attorney General's Office, and offer the following advice. Your complaint relates to the legality of the City of Corvallis and the Corvallis Farmer's Market restricting the gathering of signatures on petitions at the Corvallis Farmer's Market.

You described the circumstances involved; that you had been at the Corvallis Farmer's Market on Saturday, June 17, 2006, at which you were approached by a petition signature gatherer nearly a block from the market on a side street. You explain that you asked the petition gatherer why he wasn't at the market where all the people were and he told you he had been restricted from gathering signatures there. You state you became furious knowing that the Farmer's Market and the city of Corvallis has a policy of intimidating people into relinquishing their constitutional rights with no legal basis to do so. You describe that you then found the market director, Rebecca Landis, who confirmed that she had told the signature gatherers that they could not go past the entrance to the market. You note that five years ago you were harassed at the Farmer's Market for gathering petition signatures, and again two years ago for distributing leaflets.

You submitted an additional letter to this office on June 28, 2006. In this letter, you note that the deadline for submitting petition signatures is rapidly approaching. You explain you again went to the market on a Saturday, this time with petitions, and you told all the petitioners you saw at the entrances that they could legally go into the market. You stated that although you were not harassed by Ms. Landis, because she knows who you are, you witnessed her harassing two other petitioners. You state Ms. Landis stated, "it is the market policy and the policy of the city...is that we ask petitioners to go to the four entrances..."

The Secretary of State, Elections Division has jurisdiction over state election law and administrative rules pertaining to elections, Oregon Election Laws, Chapters 246 to 260, and Administrative Rules, Chapter 165. The Secretary of State, Elections Division does not have jurisdiction to interpret or enforce ordinances, statutes and charters other than state election law. As stated above, this office has reviewed this complaint with our legal counsel at the Attorney General's Office and advise that the Secretary of State does not enforce laws governing the locations at which petition signatures may be gathered, as this is not addressed in state election law or rules. Oregon election law does not address where a petitioner of an initiative, referendum or recall petition may circulate for signatures. There have been several court cases on this subject. These determinations are made on a case-by-case basis through private litigation or criminal prosecutions for trespass. Some of the cases on this issue include Wabban, Inc. v. Brookhart, 142 Or App 261 (1996); Stranahan v. Fred Meyer, Inc., 153 Or App 442 (1998); and Safeway, Inc. v. Jane Does 1 through 50, 141 Or App 541 (1996). These cases are available in county law libraries.

As there is no election law on where petitioners may circulate for signatures, the Secretary of State Elections Division cannot provide any ruling on this issue, or the appropriateness of a law enforcement agency's enforcement of criminal trespass statutes.

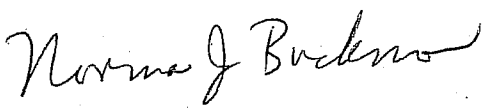
If there are allegations of actions that may go beyond solely the enforcement of an overall policy on petition circulation by a property owner or controller and implicate restrictions set out in election laws such as ORS 260.665 and ORS 260.432 (if the situation involves public employees) we could review the situation as it relates to those laws. However, in and of itself, it is not an election law violation for a property controller to regulate activities on their public or private property.

For example, for there to be a violation of ORS 260.665, a person must first subject someone to undue influence consisting of "force, violence, inflicting injury, damage or harm, loss of employment or other loss or the threat of it, fraud or giving or promising to give money, employment or other thing of value," and second, a person must do so with the specific intent to induce the other person to take one of the actions specified in ORS 260.665(2)(a)-(h). These actions include, in part, inducing a person to vote in a particular way, to render or refrain from rendering services to any candidate, political party or political committee. The definition of "undue influence" is specific, and does not include every circumstance that may be considered "influence." The use of "influence" in and of itself, is not a violation of election law. For there to be a violation of ORS 260.432(2), it must be established that a public employee acted on his or her work time to promote or oppose the gathering of signatures on an initiative petition or to promote or oppose a political committee.

We do not find any indication in the complaint that would establish that the city of Corvallis or the Corvallis Market personnel, by enforcing a policy apparently applicable to any petition circulator, subjected the petition gatherers to undue influence with the intent to induce them to refrain from rendering services to a political committee, or to establish that they acted to oppose the gathering of signatures on certain petitions. Rather, it appears that market personnel were attempting to enforce their understanding of city and market policy. There is no indication that these actions occurred based on any of the employee's opposition to the issues of the petitions being circulating or to the political committee they might represent. The statements made by Ms. Landis indicate that it is the market and city policy to ask petitioners to go to the four entrances rather than circulate for signatures inside the market.

We note that by our advice about this situation, we do not express any opinion on the appropriateness of this city and market policy. As no violation of Oregon election law has been found, this case is considered closed and no further action is planned. Thank you.

Sincerely,



Norma J. Buckno
Compliance Specialist

Enclosure

c: City of Corvallis
Corvallis Farmer's Market
Benton County Elections

Case no. 2006-267

* * * MEMORANDUM * * *

JULY 4, 2006

TO: MAYOR AND CITY COUNCIL

FROM: KATHY LOUIE, ASSISTANT TO CITY MANAGER/CITY RECORDER

SUBJECT: WARD 6 VACANCY

Issue

Councilor Emily Hagen informed our office last Friday that she has moved out of her Ward.

Discussion

Corvallis Municipal Code Section 1.21.020 (ward residency requirement) states that if a Councilor moves to another residence in the City in the last one-third of the term, the Councilor may continue to serve until the first meeting following the general municipal election in November at which time the newly elected Councilor shall fill the office.

Council Hagen began her term of office in January 2005 and she is eligible to continue serving Ward 6 until the November 7, 2006 general election. Her last City Council meeting will be November 6, 2006.

Candidates interested in filing for Ward 6 will follow the timeline and nominating procedure for the November 2006 election. The newly elected Ward 6 Councilor will be sworn into office at the November 20, 2006 City Council meeting.

Recommendation

This memorandum is for information only and no Council action is required.

REVIEW AND CONCUR:

Jon L. Nelson

Jon Nelson, City Manager

c: City Attorney Fewel

The Hawaiian Singing Leslie's

265 SE Ryan Street, Corvallis, Oregon 97333
541/753-6587 or 808/285-1366

June 30, 2006

City of Corvallis Parks & Recreation Dept.
Attention: Julie Conway, Director
1310 SW Avery Lane
Corvallis, OR 97333

Re: Benefit Luau for Monica Pilson Medical Fund

Dear Ms. Conway:

I am writing, first of all, to inform you of the event we are sponsoring on Saturday, August 19, 2006 to raise funds to aid the medical expenses of a very ill little girl, Monica Pilson. Monica is battling a rare genetic disorder and currently has no medical insurance to help pay her increasing medical expenses.

My family and I are sponsoring a Luau benefit at the Corvallis Senior Center. The food is being donated and my family will be preparing the meal and supplying the entertainment. We will be selling tickets for the luau. We will also be holding an auction of donated items from local Corvallis Businesses during the luau. All funds raised will go toward this child's medical fund. We, the Leslie Family, are not charging any fees to this family for our services and no one else is to profit from this benefit.

The second reason from my letter is to request your help. After paying the rental fee of the Senior Center ($480), Permit to Operate Concessions in the City Park ($120), the park permit ($25), and the 5 hour rental fee of the Cline Room ($160), there is a total of $785.00 coming out of any monies we may raise on Monica's behalf. It would be of great benefit for our cause if these fees could be lessened. We are requesting that you would please consider a total waiver of these fees on Monica's behalf, but any type of assistance you could offer us in decreasing this expense would be of great benefit.

Thank you for giving this matter your prompt attention. Any assistance you can give us is greatly appreciated. Please help us do all we can for this family to lessen the burden of this child's illness.

Mahalo & God Bless You!

Mae Leslie

cc: Mayor Helen Berg
Corvallis City Council

Memorandum

To: Mayor and City Council

From: Bob Richardson, Associate Planner RAR

Date: July 5, 2006

Subject: Staff Identified Review Criteria for Corvallis Business Park - Schlosser (CPA05-00005)

Enclosed are Staff identified review criteria applicable to the above referenced case. The enclosed criteria are excerpted from the criteria in the April 26, 2006, Staff Report to the Planning Commission. Review criteria presented to the Planning Commission are listed in Attachment III.132-154 of the June 23, 2006, Memorandum to the Mayor and City Council from the Community Development Director.

Staff Identified Applicable Review Criteria

Schlosser - Corvallis Business Park
Comprehensive Plan Amendment
(CPA05-00005)

The following is a list of staff identified review criteria pertaining to the proposed Comprehensive Plan Amendment case, referenced above. Criteria are from the Corvallis Land Development Code, Corvallis Comprehensive Plan, and Oregon Administrative Rules.

Land Development Code

Chapter 1.2 Legal Framework

1.2.110.02 - Special Development

Special Development includes development activities that require applying at least some amount of discretion. As with General Development, approval of the use is subject to district standards and other development provisions of the Code and City ordinances and requirements. There are two types of special developments:

Type I: Generally requires considerable discretion and involves a public hearing, in accordance with the provisions of Chapter 2.0, and approval by an established hearing authority; and

Type II: Requires less discretion than Type I and involves review and approval by staff without a public hearing. This type of development qualifies as a Limited Land Use Decision under ORS 197.015. Type II Special Developments require public notice prior to a decision being made by staff with a follow-up notice being provided to affected persons who responded in writing to the first notice. Appeals are made to the Land Development Hearings Board and City Council in accordance with Chapter 2.19.

1.2.110.02.01 - Type I: Special Development

Special development activities that require a public hearing are described in the following sections of Article II - Administrative Procedures:

Chapter 2.1	-	Comprehensive Plan Amendment Procedures
Chapter 2.2	-	Development District Changes
Chapter 2.3	-	Conditional Development
Chapter 2.4	-	Subdivisions and Major Replats
Chapter 2.5	-	Planned Developments
Chapter 2.6	-	Annexations
Chapter 2.7	-	Extension of City Services Outside the City Limits

Chapter 2.8	-	Vacating of Public Lands and Plats
Chapter 2.9	-	Historic Preservation Provisions (excluding Section 2.9.60 - Procedures for Alteration of an Historic Resource)

Chapter 2.3 Comprehensive Plan Amendment

Section 2.1.20 - PURPOSES

This chapter sets forth review criteria and procedural requirements:

a. Respond to changing conditions and community attitudes;

b. Ensure flexibility while at the same time maintain the integrity of the Comprehensive Plan; and

c. Establish procedures by which the Plan text and map may be amended.

2.1.30.02 - Frequency of Plan Amendments

Applications for Comprehensive Plan amendments initiated by property owners shall be reviewed semi-annually in March and September by the Planning Commission. The City Council may initiate amendments to the Comprehensive Plan at any time. Comprehensive Plan Amendments filed in conjunction with an annexation application shall be reviewed concurrently. Comprehensive Plan amendments are exempt from the time limits established in State law for development review processes and shall be exempt from time restrictions set forth in this code.

2.1.30.03 - Application Requirements

An application may be filed jointly by any or all of the property owners of record or their authorized agents within the area of the proposed Comprehensive Plan amendment. Applications shall be on forms provided by the Director and include a description and map of the area to be affected by the proposed change, a statement of the reasons for the change, and other information as may be necessary for an adequate review of the application. Notice shall be provided to the Land Conservation and Development Commission (LCDC) of any proposed amendment or new regulation as provided by State law.

2.1.30.06 - Review Criteria

Comprehensive Plan amendments shall be reviewed to assure consistency with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council.

a. Amendments shall be approved only when the following findings are made:

1. There is a public need for the change;
2. The change being proposed is the best means of meeting the identified public need; and
3. There is a net benefit to the community that will result from the change.

b. In addition, the following compatibility factors shall be considered for proposed amendments to the Comprehensive Plan map:

1. Visual elements (scale, structural design and form, materials, and so forth);
2. Noise attenuation;
3. Noxious odors;
4. Lighting;
5. Signage;
6. Landscaping for buffering and screening;
7. Traffic;
8. Effects on off-site parking;
9. Effects on air and water quality.

Comprehensive Plan Policies

1.1.6 The Comprehensive Plan Map shall be modified, as necessary, to accommodate shortfalls in any identifiable land use designation.

1.2.2 All Comprehensive Plan Policy changes shall be reviewed by both the Planning Commission and the City Council in public hearings prior to adoption.

1.2.3 Amendments to the Comprehensive Plan can only be approved where the following findings are made:

A. There is a demonstrated public need for the change.

B. The advantages to the community resulting from the change shall outweigh the disadvantages.

C. The change proposed is a desirable means of meeting the public need.

1.2.5 The City shall coordinate revisions of the Comprehensive Plan with regional, State, and Federal agencies.

3.2.1 The desired land use pattern within the Corvallis Urban Growth Boundary will emphasize:

A. Preservation of significant open space and natural features;

B. Efficient use of land;

C. Efficient use of energy and other resources;

D. Compact urban form;

E. Efficient provision of transportation and other public services; and

F. Neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas.

3.2.7 All special developments, lot development options, intensifications, changes or modifications of nonconforming uses, Comprehensive Plan changes, and district changes shall be reviewed to assure compatibility with less intensive uses and potential uses on surrounding lands. Impacts of the following factors shall be considered:

A. Basic site design (i.e., the organization of uses on a site and its relationship to neighboring properties);

B. Visual elements (i.e., scale, structural design and form, materials, etc.);

C. Noise attenuation;

D. Odors and emissions;

E. Lighting;

F. Signage;

G. Landscaping for buffering and screening;

H. Transportation facilities; and

I. Traffic and off-site parking impacts.

4.10.7 To minimize the negative impacts of development, stormwater runoff after development should be managed to produce no significant reduction of water quality than prior to development unless more appropriate provisions are identified in adopted comprehensive storm water management plans.

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.

8.9.3 Lands designated for industrial use shall be preserved for industrial and other compatible uses and protected from incompatible uses.

8.9.7 The City shall designate Research-Technology Center (RTC) as a distinct industrial district that helps continue the practice of providing adequate green open space to maintain community livability. The RTC district shall contain the following features:

A. Campus-like development plan;

B. Use of natural site characteristics and other significant design elements as a means of buffering adjacent land uses;

C. Orderly, economic provision of an adequate level of key facilities; and

D. The RTC district shall be used to help assure the availability and adequacy of sites for "high-tech," "biotech," and renewable resource-based businesses and industries, and to foster the transfer of academic and private research results into practical applications.

8.9.15 Industrial and commercial development adjacent to rail lines shall be designed and constructed in a way that does not preclude the future use of the rail facility.

8.10.1 The location, type, and amount of commercial activity within the Urban Growth Boundary shall be based on community needs.

8.10.2 Given the community's intention to prevent decline in existing commercial areas, the City shall explore opportunities to facilitate and assist in the redevelopment of existing commercial areas, in a manner that meets current standards.

8.10.4 New commercial development shall be concentrated in designated mixed use districts, which are located to maximize access by transit and pedestrians.

8.10.5 Commercial activity extending from existing commercial areas along collector or arterial streets (strip type development) shall not be permitted beyond the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

8.10.7 The City shall develop standards for a hierarchy of mixed use commercial districts, with minor neighborhood centers serving neighborhood shopping and office needs, major neighborhood centers serving community shopping and office needs, and the downtown commercial districts serving regional shopping and office needs. The Professional and Administrative Office district can serve both community and regional office needs. Major neighborhood centers shall be sited at transit nodes on arterial streets and shall incorporate pedestrian-scale features such as building orientation to the street and limiting the maximum block perimeter. As the Land Development Code is updated, districts shall be developed that address all of the community's desired commercial needs.

8.12.1 Commercial activity on or extending from North 9th Street shall be limited to the area designated in the Comprehensive Plan Map, dated December 1998, except, commercial activity on the south side of Circle Boulevard may be extended east 490 feet to the existing railroad right-of-way, located on the west boundary of Hewlett-Packard.

9.2.5 Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:

A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.

B. Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.

C. Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.

D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.

E. Neighborhoods have a mix of densities, lot sizes, and housing types.

F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.

G. Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.

H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.

I. Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.

J. Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.

K. Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.

L. Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.

M. Neighborhoods have street trees in planting strips in the public right-of-way.

10.2.9 All developments shall comply with adopted utility and facility master plans and the Capital Improvement Plan.

10.2.11 Developers shall be required to participate financially in providing the facilities to serve their projects as a condition of approval.

10.2.12 Developers will be responsible for the construction of all facilities internal to and fronting their properties and for needed extensions of facilities to and through their site.

10.3.6 The City shall take steps to minimize the effects of development on downstream drainage systems through the use of appropriate strategies as identified in the Stormwater Master Plan.

10.4.2 Private utility facilities shall be planned and sited consistent with the City's Comprehensive Plan, development standards, prudent management of the City-owned right-of-way, and laws governing franchised utilities.

11.2.2 The transportation system shall be managed to reduce existing traffic congestion and facilitate the safe, efficient movement of people and commodities within the community.

11.2.3 The City shall develop and promote alternative systems of transportation which will safely, economically, and conveniently serve the needs of the residents.

11.2.7 The City shall establish a Capital Improvement Program for the transportation system which:

i. Is subject to annual review;
ii. Is consistent with land use policies of the Comprehensive Plan and considers other facility plans;
iii. Defines the locations of rights-of-way necessary for the creation of a community-wide transportation system;
iv. Establishes a priority for improvements to the system;
v. Provides for the needs of all modes of transportation with the rights-of-way; and
vi. Considers the economic impacts upon properties resulting from transportation improvements.

11.2.11 The City shall coordinate with the Oregon Department of Transportation (ODOT) in implementing its highway improvement program.

11.2.12 The transportation system shall reflect consistency with the Corvallis Comprehensive Plan, land use designations, and regional and statewide transportation planning efforts.

11.2.14 Oregon Department of Transportation should fund, maintain, and improve all State highway facilities (highways, 99W, 34 and 20) to meet level-of-service standards contained in the Oregon Highway Plan. When specific construction plans are proposed, ODOT should prepare comprehensive roadway designs that recognize urban usage for surface transportation modes, including facilities for pedestrians, bicycles, transit, drainage, curbs and gutters.

11.3.6 Adequate street widths and routes shall be provided for emergency and service vehicles while maintaining accessibility to abutting properties.

11.3.9 Adequate capacity should be provided and maintained on arterial and collector streets to accommodate intersection level-of-service (LOS) standards and to avoid traffic diversion to local streets. The level-of-service standards shall be: LOS "D" or better during morning and evening peak hours of operation for all streets intersecting with arterial or collector streets, and LOS "C" for all other times of day. Where level-of-service standards are not being met, the City shall develop a plan for meeting the LOS standards that evaluates transportation demand management and system management opportunities for delaying or reducing the need for street widening. The plan should attempt to avoid the degradation of travel modes other than the single-occupant vehicle.

11.3.10 In addition to level-of-service and capacity demands, factors such as livability, sustainability, and accessibility shall be considered in managing the City's transportation system.

11.5.2 Bikeways shall provide safe, efficient corridors which encourage bicycle use. Bicycle use of major streets shall be considered as improvements are made to major transportation corridors.

11.7.1 An improved public transportation system within the Urban Growth Boundary should be established to improve the livability of the community, to reduce pollution and traffic, and to reduce energy consumption.

12.2.5 The City shall encourage land use patterns and development that promote clustering and multiple stories, take advantage of energy efficient designs, and have ready access to transit and other energy efficient modes of transportation. A location where this is desirable is in the Central City.

13.5.1 The City shall encourage private investment in the downtown that supports the diverse activities of the Central City and is consistent with maintaining downtown as the primary shopping center and business district area.

13.5.4 The City shall seek opportunities to assist downtown in maintaining its market share of the retail dollars spent in and by the community.

13.5.6 Development of a regional shopping center outside the downtown is inappropriate.

40.2.2 Mixed Use Commercial

These areas will provide for primarily commercial uses but also will allow for some civic, industrial, and residential uses that are compatible with the predominant commercial uses, while maintaining the City's supply of commercially-designated lands.

40.3.4 General Industrial

Intended to provide appropriate locations for a variety of general industrial uses including manufacturing and related activities with few, if any, nuisance characteristics.

40.4.1 Neighborhood Centers

The Neighborhood Centers denote commercial areas that are designed with a pedestrian orientation and serve the general community and/or surrounding neighborhood. Neighborhood Centers may be designed to incorporate a mixture of uses. The dots denote the conceptual location of the Neighborhood Centers and the circles represent a 1/4 distance from the Centers, which is considered to be a comfortable walking distance. The shaded circles depict possible Minor Neighborhood Centers for which further study is needed.

Applicable Oregon Administrative Rules

660-012-0060 Plan and Land Use Regulation Amendments

a. Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and performance

standards (e.g. level of service, volume to capacity ratio, etc.) of the facility. This shall be accomplished by either:

1. Limiting allowed land uses to be consistent with the planned function, capacity, and performance standards of the transportation facility;
2. Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division;
3. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes; or
4. Amending the TSP to modify the planned function, capacity and performance standards, as needed, to accept greater motor vehicle congestion to promote mixed use, pedestrian friendly development where multi-modal travel choices are provided.

2. A plan or land use regulation amendment significantly affects a transportation facility if it:

   A. Changes the functional classification of an existing or planned transportation facility;
   B. Changes standards implementing a functional classification system;
   C. Allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility; or
   D. Would reduce the performance standards of the facility below the minimum acceptable level identified in the TSP.

Applicable Oregon Statewide Planning Goals

Goal 1 - Citizen Involvement Goal 2 - Land Use Planning Goal 5 - Natural Resources, Scenic and Historic Areas, and Open Spaces Goal 6 - Air, Water, and Land Resources Quality	Goal 9 - Economy of the State Goal 11 - Public Facilities and Services Goal 12 - Transportation Goal 13 - Energy Conservation

Memorandum

To: Mayor and City Council

From: Bob Richardson, Associate Planner

Subject: Written testimony regarding Corvallis Business Park - Schlosser (CPA05-00005)

Date: July 5, 2006

Enclosed is testimony received after the release of the June 23, 2006, Memorandum from the Community Development Director, to the Mayor and City Council, regarding the above case.

CABLE HUSTON BENEDICT HAAGENSEN & LLOYD, LLP
ATTORNEYS AT LAW
582 NW VAN BUREN
P.O. BOX 546
CORVALLIS, OREGON 97339

OF COUNSEL
GEORGE B. HEILIG

PHONE (541) 754-7477
FACSIMILE (541) 754-0051
Email: lawyerg@peak.org

RECEIVED
JUL 0 5 2006
Community Development

July 5, 2006

HAND DELIVERED

Mayor Helen Berg
Corvallis City Council
501 SW Madison
Corvallis OR 97333

RE: Corvallis Business Park - Schlosser, Comprehensive Plan Amendment (CPA05-00005)

Dear Mayor Berg and Members of the Council:

Our offices represent Industrial Welding who has applied to the City for a land use decision under File No. CPA05-00004. The applicant's proposed text amendment to the Corvallis Comprehensive Plan policies number 8.10.5 and 8.12.1 may be inconsistent with the Planning Commission's approval of the Industrial Welding application. We therefore urge the City Council to deny the applicant's suggested amendments and urge the Council to adopt the staff and Planning Commission recommendations regarding this application.

Very truly yours,

George B. Heilig

GBH:skm