CORVALLIS
ENHANCING COMMUNITY LIVABILITY

# CITY OF CORVALLIS

# ACTIVITY CALENDAR

## FEBRUARY 5 - 17, 2007

MONDAY, FEBRUARY 5

- City Council - 12:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- City Council - 5:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard (work session)
- City Council - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

TUESDAY, FEBRUARY 6

- Airport Commission - 7:00 am - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Human Services Committee - 12:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Urban Services Committee - 4:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Budget Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

WEDNESDAY, FEBRUARY 7

- Planning Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- Library Board - 7:30 pm - Library Board Room, 645 NW Monroe Avenue

THURSDAY, FEBRUARY 8

- Citizens Advisory Commission on Civic Beautification and Urban Forestry - 8:00 am - Parks and Recreation Conference Room, 1310 SW Avery Park Drive
- Administrative Services Committee - 12:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- City Council - 3:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue (orientation)
- Riverfront Commission - 4:00 pm - Parks and Recreation Conference Room, 1310 SW Avery Park Drive
- Budget Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

SATURDAY, FEBRUARY 10

- Government Comment Corner (Councilor David Hamby) - 10:00 am - Library Lobby, 645 NW Monroe Avenue

TUESDAY, FEBRUARY 13

- Open Space Advisory Commission - 4:00 pm - Parks and Recreation Conference Room, 1310 SW Avery Park Drive
- Public Information Session - 5:30 pm - Downtown Fire Station, 400 NW Harrison Boulevard (Revised Land Development Code – significant vegetation; landscaping)
- Historic Resources Commission - 7:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

WEDNESDAY, FEBRUARY 14

- Citizens Advisory Commission on Transit - 8:15 am - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Community Policing Forum - 3:00 pm - Police Conference Room, 180 NW Fifth Street, (business meeting)
- Public Art Selection Commission - 4:00 pm - Library Main Meeting Room, 645 NW Monroe Avenue
- Housing and Community Development Commission - 4:45 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

THURSDAY, FEBRUARY 15

- Housing and Community Development Commission - 4:45 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Parks and Recreation Advisory Board - 6:30 pm - Downtown Fire Station, 400 NW Harrison Boulevard

SATURDAY, FEBRUARY 17

- No Government Comment Corner

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

# CORVALLIS
# CITY COUNCIL AGENDA

**February 5, 2007**
**12:00 pm and 7:00 pm**

**(Work Session at 5:00 pm)**

**Downtown Fire Station**
**400 NW Harrison Boulevard**

## COUNCIL ACTION

## PLEDGE OF ALLEGIANCE

## 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 – January 16, 2007
   2. City Council Work Session – January 22, 2007
   3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Bicycle and Pedestrian Advisory Commission – January 5, 2007
      b. Citizens Advisory Commission on Transit – December 13, 2006
      c. Commission for Martin Luther King, Jr. – December 19, 2006
      d. Downtown Parking Commission – November 29, 2006
      e. Historic Resources Commission – November 14 and December 4, 2006

B. Announcement of Vacancy on Housing and Community Development Commission (Sorte)

C. Announcement of appointments to Boards, Commissions, and Committees (Airport Commission - Allen; Watershed Management Advisory Commission - Cramer, Fehrenbacher, Davis, Campana; Channel 29 Oversight Committee - Grosch)

D. Announcement of Appointments to Core Services Committee and Downtown and Economic Vitality Plans Implementation Committee

E. Schedule a public hearing for February 20, 2007 to consider a potential appeal of a Land Development Hearings Board decision (MLP06-00019 – 210 SE Lilly Avenue)

F. Approval of an application for an "Off-Premises Sales" liquor license for Gabby's, 136 SW Washington Avenue, Suite 103 (New Outlet)

## III. ITEMS REMOVED FROM CONSENT AGENDA

## IV. UNFINISHED BUSINESS

A. City Legislative Committee – January 24, 2007

B. Deliberations on an appeal of a Historic Resources Commission decision (HPP06-00039 – Whiteside Theater Historic Preservation Permit application) **(noon meeting, continued in the evening, if necessary)**

## V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

B. Council Reports

C. Staff Reports

1. Council Request Follow-up Report – February 1, 2007

## 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 public right-of-way vacation (MIS06-00055 – SW Hollyhock Circle)
*ACTION:* *An ordinance vacating a portion of SW Hollyhock Circle right-of-way and reserving a public utility easement over its entirety, all located in the City of Corvallis,* **to be read by the City Attorney**

B. A public hearing to consider an appeal of a Land Development Hearings Board decision (MIS06-00051 – 2323 NW Monroe Avenue)

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

A. Human Services Committee – January 17, 2007
   1. Diversity Action Plan

B. Urban Services Committee – January 17, 2007
   1. Wastewater Temperature Discharge Limits

C. Administrative Services Committee – January 18, 2007
   1. Municipal Code Revision to Chapter 8.03, "Fees Chapter" (Building Permit Fees)
      *ACTION:* *An ordinance amending Corvallis Municipal Code Chapter 8.03, "Fees Chapter," as amended, and declaring an emergency,* **to be read by the City Attorney**
   2. First Quarter Operating Report
   3. Majestic Theatre Contract Planning

D. Other Related Matters

   1. *An ordinance amending Corvallis Municipal Code Chapter 3.06, "City Services Billing," as amended, and declaring an emergency,* **to be read by the City Attorney**

## X. NEW BUSINESS

A. City Hall Renovation Project

## 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
# COUNCIL ACTION MINUTES

## January 16, 2007

## SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Held for Further Review | Decisions/Recommendations |
|---|---|---|---|
| **Oath of Office**<br>1. Councilor Brown – Ward 4<br>Page 19 | | | • Administered oath |
| **Consent Agenda**<br>Pages 19-20 | | | |
| **New Business**<br>1. United Way of Benton and Lincoln Counties<br>Page 20 | Yes | | |
| **Unfinished Business**<br>1. Core Services Committee and Downtown/ Economic Vitality Plans Implementation Committee<br>2. City Legislative Committee<br>Pages 20-23 | <br><br><br>Yes | | • Mayor to appoint members to each committee |
| **Mayor's Report**<br>1. Benton County Board of Commissioners<br>2. 509J Board and 509J/City Subcommittee<br>3. Temporary Homeless Shelter<br>4. Saturday Stone Soup Breakfast<br>Page 23 | <br>Yes<br>Yes<br>Yes<br>Yes | | |
| **Council Reports**<br>1. Library Staff Productivity Statistics (York)<br>2. Staff Responses to Constituents' Concerns (Hamby)<br>3. Ward 5 Meeting (Beilstein)<br>4. Sidewalk Café Clearance (Beilstein)<br>5. Government Comment Corner (Beilstein)<br>6. Plastic "Film" Recycling (Beilstein)<br>7. DCA Reception (Daniels)<br>Pages 23-25 | <br>Yes<br>Yes<br><br>Yes<br>Yes<br>Yes<br>Yes<br>Yes | | |

| Agenda Item | Information Only | Held for Further Review | Decisions/Recommendations |
|---|---|---|---|
| **Staff Reports**<br>1. City Manager's Report – December 2006<br>2. Council Request Follow-Up Report – January 11, 2007<br>3. Funding Request – LBCC – 2007 Oregon Diversity Institute<br>4. Temporary Shelter for Homeless Persons<br>Pages 25-27 | <br>Yes<br>Yes<br>Yes | | • Approved transferring extreme weather sheltering contract money to Coalition for Sheltering the Homeless |
| **Items of USC Meeting of January 3, 2007**<br>1. Oregon State University Agreement – SW 14th and SW 15th Streets<br>Pages 27-28 | | | • Authorized CM to sign MOU |
| **Other Related Matters**<br>1. Municipal Code Chapter 1.04, "Purchasing"<br>Page 28 | | | • RESOLUTION 2007-01 passed U |
| **Visitors' Propositions**<br>1. 509J Visioning Process (Rieck, Tarzian)<br>2. SW Corvallis Neighborhood Area Plan (Morré)<br>3. North Riverfront Park (Jensen)<br>Pages 29-31 | <br>Yes<br>Yes<br>Yes | | |
| **Public Hearing**<br>1. CDBG/HOME Action Plan – FY 2007-2008<br>2. Whiteside Theater Historic Preservation Permit<br>Pages 31-62 | <br>Yes | <br>Deliberations February 5, 2007 | |

Glossary of Terms

| | |
|---|---|
| 509J | Corvallis School District 509J |
| CDBG | Community Development Block Grant |
| CM | City Manager |
| DCA | Downtown Corvallis Association |
| FY | Fiscal Year |
| HOME | HOME Investment Partnership Program |
| LBCC | Linn-Benton Community College |
| MOU | Memorandum of Understanding |
| U | Unanimous |
| USC | Urban Services Committee |

**CITY OF CORVALLIS**
**COUNCIL ACTION MINUTES**

**January 16, 2007**

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:00 pm on January 16, 2007, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Tomlinson presiding.

OATH OF OFFICE – WARD 4

Mayor Tomlinson recognized in the audience Councilor Brown's wife, Lisa, sons Patrick and Nathan, and father-in-law and mother-in-law, Jack and Barbara Mykrantz.

City Recorder Louie administered the oath of office to Ward 4 City Councilor Brown. Mayor Tomlinson noted that Councilor Brown was out of town when he and the other eight Councilors were sworn into office January 2nd.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

PRESENT: Mayor Tomlinson, Councilors Daniels, Grosch, Brown, Beilstein, Wershow, Zimbrick, Hamby, Brauner, York

Mayor Tomlinson directed Councilors' attention to items at their places, including an updated order of proceedings for public hearings.

Mayor Tomlinson circulated among the Council the Government Comment Corner schedule, asking Councilors to register to host Government Comment Corner sessions during the year.

Mayor Tomlinson announced that he distributed to the Council "trading cards" for the Corvallis Knights baseball team, which will play at Goss Stadium in Corvallis this June. The team is sponsored by Nike owner Phil Knight's wife.

II. CONSENT AGENDA

Councilors Brauner and Grosch, respectively, moved and seconded to adopt the Consent Agenda as follows:

A. Reading of Minutes
   1. City Council Meeting – January 2, 2007
   2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Airport Commission – November 7, 2006, and January 2, 2007
      b. Bicycle and Pedestrian Advisory Commission – December 1, 2006
      c. Committee for Citizen Involvement – October 5 and November 2, 2006

d. Corvallis-Benton County Public Library Board – October 4 and November 1, 2006
e. Housing and Community Development Commission – December 20, 2006
f. Land Development Hearings Board – December 6, 2006
g. Watershed Management Advisory Commission – December 12, 2006

B. Acknowledgment of receipt of updated Boards, Commissions, and Committees Summary

The motion passed unanimously.

III. ITEMS REMOVED FROM CONSENT AGENDA – None

X. NEW BUSINESS

A. United Way of Benton & Lincoln Counties Presentation

Kavinda Arthenayake, President of the United Way of Benton and Lincoln Counties (UWBLC) Board of Directors, introduced Jennifer Moore, the new Executive Director of the organization. Ms. Moore previously worked with United Way of Linn County and has extensive experience raising funds for United Way agencies.

Ms. Moore thanked the citizens of Corvallis, Benton County, and Lincoln County for their warm receptions. She looks forward to positive activities with the local United Way organization and the partner agencies it serves.

Councilor Brauner welcomed Ms. Moore and noted that the Council leadership and City Manager Nelson would like to meet with her soon to discuss the City's continuing relationship with UWBLC, the status of City funding of the agency, and other issues in preparation for a comprehensive report to the Council.

Councilor Daniels also welcomed Ms. Moore. She thanked the United Way Board of Directors for persevering with a lengthy search for a new Executive Director.

Mayor Tomlinson thanked Ms. Moore and Mr. Arthenayake for their efforts with United Way to support several community agencies.

IV. UNFINISHED BUSINESS

A. Core Services Committee and Downtown/Economic Vitality Plans Implementation Committee charges, timelines, and membership recommendations

Mr. Nelson noted that today's discussion is follow-up to discussions of the Council's January 2nd meeting, when the Council concurred that it would be appropriate to empower a committee to discuss the City's financial situation and future strategies regarding core services (those funded by property taxes, such as utilities) that are at risk because of a lack of supportive property tax funds (specifically, police, fire, parks and recreation, library, transit, and planning). The staff report in the Council meeting packet includes a proposed committee charge, a timeline, and suggested committee membership.

Mr. Nelson said staff suggested a second committee regarding Council-accepted plans for the Downtown area and community economic vitality. Implementation of the plans involves obligations for the City. Staff recommended that a committee be established to address those obligations.

Mr. Nelson said Council leadership reviewed staff's recommendations. Today he seeks Council approval for Mayor Tomlinson to appoint committee members so the work can begin next month.

*Downtown and Economic Vitality Plans Committee –*

Councilor York inquired whether staff had additional evidence or a strong indication that the City's previous committee approaches (e.g., the City's various master plans) contributed to the positive outcomes of the plans.

Mr. Nelson responded that the information included in his staff report was not intended to imply that the committee process was the only option. Since 2002, a successful initiative resulted from community involvement in discussing service reductions and additional revenue funding for the City's Street Fund. Unsuccessful initiatives were outcomes of Council decisions establishing levy amounts, followed by efforts to gain community support. He noted that Councilor York's inquiry relates more to the proposed core services committee than to implementation of the Downtown and Economic Vitality plans. The plans have extensive community support for implementation but may be at risk if property tax funding is lacking.

Councilor Grosch commented that the proposed processes would build upon the City's previous budget processes involving community outreach regarding potential service reductions. He believes the proposed process is a logical extension of the City's direction the past few years to garner public understanding and support and ensure that the budget process is understandable to citizens. Previous procedures did not provide specific outcome data but indicated that the approach was appropriate.

Councilor Wershow, as Council Liaison to the Transportation Maintenance Fee Committee, learned that support from different stakeholder group representatives might not have occurred without the committee process. While campaigning for his Council position last fall, he and citizens discussed how the Council handled proposals, with taxpayers indicating a preference for group discussions of service funding.

Councilor Zimbrick expressed support for the two proposed committees and suggested that the same Councilor and Budget Commissioner be appointed to both committees for continuity.

Council members concurred with Councilor Wershow's suggestion of including Oregon State University (OSU) representation on both the Downtown/Economic Vitality Plans Implementation and the Core Services Committees.

With no opposition expressed or further discussion, Mayor Tomlinson announced that he would appoint members to the Downtown/Economic Vitality Plans Implementation Committee. He invited Council members to suggest members for the Committee.

*Core Services Committee –*

Councilor Grosch expressed support for the proposed Committee. He noted that the Committee would consider the City's programmatic functions and individual City services. He suggested a Council discussion regarding whether overall organization structure should be considered, including how the organization functions, to determine efficiencies in service provision. He believes the City is well organized to meet its goals and objectives; however, to convey to taxpayers that the Committee has considered all options for service reductions and revenue sources, some type of organization assessment should be included.

Councilor Daniels suggested adding to the proposed activity list for May through August 2007 "consider possibilities other than proposed service reductions and proposed new revenue alternatives, including reorganization, merging, and increased efficiencies." She believes options in addition to service reductions and additional revenue sources should also be considered.

Councilor Daniels suggested amending the proposed activity for September 2007 to reference multiple financial strategies.

Councilor Daniels referenced the activity for March and April 2007, when background information will be gathered, and inquired whether staff would want to provide information regarding potential issues anticipated but not yet certain, such as procedural changes to be implemented several years into the future that would financially impact the City.

Mr. Nelson acknowledged the comments of Councilors Grosch and Daniels, noting that his proposal included giving the Committee a broad outline for its approach, with the Committee having the ability to add factors. Staff will share today's Council meeting minutes with the Committee to convey the Council's initial views of the proposed scenario. Anticipated procedural changes, as mentioned by Councilor Daniels, will be included in each department's business plan and the presentations. The assessment suggested by Councilor Grosch would be developed for review by the Committee. He noted that the proposed Committee scenario is subject to change, as the process evolves. The Committee will likely suggest other options for the Council's consideration.

Councilor York suggested that Councilor Grosch' proposal be more focused, such as reviewing service delivery alternatives, rather than opening the entire organizational structure to scrutiny. His approach would involve seeking alternative means of providing services, which can increase organizational efficiencies.

The Council indicated consensus with proceeding with the Core Services Committee proposed by Mr. Nelson and discussed by the Council.

B. City Legislative Committee

Mr. Nelson noted that much of the lobbying conducted before the Oregon Legislature is supported by the City's dues to the League of Oregon Cities (LOC), which relies upon support from Corvallis' Mayor and Council. Historically, the City had a City Legislative Committee (CLC) meet with City staff and provide recommendations to the Council and LOC staff regarding the City's stances on proposed State legislation. He noted that Mayor Tomlinson appointed Councilors Zimbrick, Hamby, and Wershow to the CLC. He reviewed the CLC meeting time and format. Historically, the CLC reviewed legislative bills directly impacting City government, with some exceptions. CLC members meet with legislators in Salem at least once during the State Legislative Session; and all members may testify to the Legislature, sometimes with little notice.

Mr. Nelson added that, barring Council objection, the previous CLC procedures would be used again this year.

## V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

Mayor Tomlinson reported that he attended the Benton County Board of Commissioners (BOC) meeting January 9th to explain that the Council will proceed with Core Services and Downtown Corvallis Association (DCA)/Economic Vitality Partnership (EVP) planning committees. He reported that the BOC is interested in the economic vitality perspective, and he will ask members of the BOC to serve on the committees. He said Council leadership and Mr. Nelson will periodically speak to the BOC to ensure strong relations between the two entities.

Mayor Tomlinson reported that he will meet with the Corvallis School District 509J (509J) Board tomorrow regarding the City/509J subcommittee and to continue discussions between the two entities. He spoke with 509J Board Chair Rieck, and they may present recommendations to the Council and the Board regarding the governance of the subcommittee.

Mayor Tomlinson invited Council members to visit the new temporary homeless shelter at 527 NW 23rd Street, which was established by community members. The shelter will be open at 6:45 pm each evening through February 28th.

Mayor Tomlinson invited Council members to participate, as he did, in the Saturday Stone Soup breakfast at First Christian Church. He encouraged the Council to witness activities and services that benefit the community.

B. Council Reports

Councilor York reported that he attended his first three advisory group meetings as Council Liaison. All three groups are focused on the upcoming budget process. The recent Library Board meeting included a tour of the Library facility and presentations regarding activities in each division. The Library has a relatively new staff member with experience at the

Multnomah County Library Central Branch, who shared interesting information regarding library staff productivity, comparing the Corvallis-Benton County Public Library with the Multnomah County Library.

Councilor Hamby thanked Mr. Nelson and Public Works Director Rogers for their prompt responses earlier this month to two concerns constituents reported to him.

Councilor Beilstein announced that he will conduct a Ward 5 meeting January 22nd at the Pentecostal Church. The group sponsoring the Ten Rivers Food Web would like to conduct food security meetings at various locations throughout the community, so he invited all Council members to attend the meeting and learn more about the organization's program.

Councilor Beilstein reported that the Bicycle and Pedestrian Advisory Commission (BPAC) met January 5th and discussed sidewalk cafés. He referenced from today's Council meeting packet a letter from Access Benton County (ABC) regarding this issue. The Commission is forwarding to the Council a recommendation that minimum sidewalk clearance around cafés be expanded to four feet; in some instances, the minimum required clearance is three feet. The Commission and ABC have similar concerns regarding people being able to maneuver around the cafés.

Councilor Beilstein reported the comments he received while hosting Government Comment Corner January 6th:

- Some railroad crossings at City streets are uneven.
- December windstorm damage in Avery Park had not yet been cleared. The Council received with today's meeting packet a report regarding storm clean-up, indicating that soils must be dry and stable to support clean-up equipment.
- A new resident moved to Corvallis because of its bicycle-friendly rating. Corvallis and Davis, California, are the only American cities with gold-star ratings for bicycle friendliness.
- A volunteer from the homeless men's emergency shelter expressed appreciation for the City's assistance in starting the new temporary shelter on NW 23rd Street. During early-January – before the recent period of very-cold weather – the shelter provided service to 15 people per night.

Councilor Beilstein reported that he joined a group from First Alternative Co-Operative (Co-Op) for a tour of the SP Recycling facilities in Clackamas, Oregon. He explained that SP Recycling accepts recycled materials from Allied Waste Services (AWS). There is local concern that items submitted for recycling for which there is no productive market are transferred to a landfill. Representatives of SP Recycling indicated that less than two percent of the material they receive is transferred to a landfill, and they accept plastic bags and "film" products. He noted that AWS recommends that plastic bags and similar "film" materials not be included with curbside recycling. He expressed concern whether it is in Corvallis' best interest for AWS to recommend not including plastic bags in curbside recycling. While plastic bags may be a small portion of the total waste stream of the community, it would be nice to include them in the materials acceptable for recycling.

Councilor Daniels reminded Council members that the DCA's reception for Mayor Tomlinson and the Council will be held January 18th, and reservations should be reported to the DCA.

C. Staff Reports

1. City Manager's Report – December 2006

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

2. Council Request Follow-up Report – January 11, 2007

Mr. Nelson reviewed issues addressed in the Report:

- Drainage issues in the Timberhill area was broached by former-Councilor Griffiths. Staff will provide the Report information to Ms. Griffiths.
- Laidlaw Transit and Amalgamated Transit Union contract negotiations are almost at an impasse. When the parties have previously reached impasse, the City has been approached by both sides regarding their respective versions of the cause of the impasse. Articles may appear in the local newspaper, and citizens may ask Councilors to engage in the negotiations in some manner. When an impasse occurs, staff presents information to the Council.
- Refillable water bottles and cups are available for Council members to use at Council meetings. This effort will help achieve the Council's sustainability goal.
- Instant runoff voting background information is included with the Report. Action on this concept must be initiated by the Oregon Legislature. Instant runoff voting will be presented during the 2007 Legislative Session.
- Councilor Hamby had requested information regarding the Fiscal Year 2005-2006 social services funding allocations.
- Parks and Recreation and Public Works staff are responding to damage from the December wind storm.

Mr. Nelson noted that Linn-Benton Community College requested the City's partnership in hosting the November 2007 Oregon Diversity Institute. Staff will recommend that the funding request be presented to the Budget Commission February 6th, along with other funding requests from non-City entities.

Mr. Nelson referenced from today's Council meeting packet a letter from Aleita Hass-Holcombe, Chair of the Coalition for Sheltering the Homeless. The Police Department budget includes approximately $5,500 designated for emergency cold-weather sheltering services through an arrangement with Community Outreach, Inc. (COI). People who prefer not to follow the guidelines for overnight accommodations at the COI shelter have an option for shelter when the weather is severe – generally colder than 30°F. The Coalition established a facility for Winter 2007 and spoke with COI Executive Director Donovan, who agreed that the designated funds may be dedicated to the new facility. Mr. Nelson said he spoke with Mr. Donovan, who indicated that, if necessary, the City may write a check to

COI, which will relay the funds to the Coalition. This resolves an internal City issue regarding providing financial support to non-profit agencies. Staff expressed concerns regarding future emergency shelter arrangements with COI, should the current arrangement not be continued to next year. Mr. Donovan indicated to Mr. Nelson a hope that a permanent solution will be realized during the ensuing year. If a permanent solution is not established, COI will reconsider its previous arrangement with the City.

Mr. Nelson said staff seeks Council direction regarding making the $5,500 in the Police Department budget available to the Coalition for operating its new emergency shelter for homeless persons.

Councilor Beilstein said he spoke with Ms. Holcombe regarding the issue before the Council. In response to his inquiry, Mr. Nelson clarified that the $5,500 is included in the Police Department's budget for a contractual arrangement between the City and COI for emergency shelter services when the weather becomes severe and temperatures drop. In those instances, COI makes space available for people who otherwise choose not to follow COI's facility guidelines. While COI includes those funds in its budget, the funds originate with the City via the Police Department, depending upon the number of people and number of nights for which COI provides shelter.

In response to Councilor Beilstein's further inquiry, Mr. Nelson explained that any unused portion of the $5,500 funding designation would be carried over to the next fiscal year. Staff would propose including a similar amount in the Fiscal Year 2007-2008 Police Department budget and work with the Coalition on establishing a permanent shelter solution.

In response to Councilor Hamby's inquiry, Mr. Nelson explained that the $5,500 funding designation is based upon historical practices. The City has a contract that allows for payment to COI for emergency sheltering services. The contract has an inflationary provision. The original amount of the contract was based upon ensuring that enough funds were available to provide emergency shelter for any specific year. The contract originated several years ago when the shelter at St. Mary's Catholic Church closed. The inflationary provision has gradually increased the contract amount to its current level of $5,574. To date staff has not had to ask the Council for additional funds.

Councilors Hamby and Grosch, respectively, moved and seconded to transfer the funding for extreme weather sheltering to the Coalition for Sheltering the Homeless. The motion passed unanimously

Councilor Daniels commented that the homeless shelter project began more than one year ago with a funding request to the Budget Commission for a very different proposal but a similar concept. She thanked community members who worked together to realize the goal of establishing a homeless shelter, despite many obstacles. She named Mr. Nelson; Fire Prevention Officer Patton, who helped find a suitable location; Mr. Donovan of COI; Rich Carone, who actively solicited

financial support from the business community; and Ms. Hass-Holcombe and Barbara Ross for assessing the situation to determine a solution that could be achieved through different resources. She expressed pride that many elements of the community collaborated to establish the emergency shelter for members of the community who are disadvantaged.

Councilor Grosch referenced the issue of the labor negotiations involving Laidlaw Transit and Amalgamated Transit Union and requested discussion during the Council's upcoming work session regarding the contract provision for the City to hire additional workers during a work stoppage. He expressed concern regarding replacement workers under the contract and the City's potential actions.

Councilor Grosch reported that a statewide group is working to present the instant runoff voting concept to the State Legislature and request a procedural change to allow preference voting. Instant runoff voting (also known as "preference voting") is allowed outright under the Oregon Constitution; however, procedural rules have changed since the concept's adoption, so the practice is not possible now. He would like a Council work session presentation regarding the nature of instant runoff voting.

Councilor Grosch thanked staff for the report regarding clean-up following the December wind storm. He speculated that citizens had difficulty understanding that, unless an emergency is declared and the community receives disaster-relief funding from the Federal government, it is challenging for the City to clean up after a storm event. The information in the Council Request Follow-up Report explains the City's clean-up actions and associated costs. While there was some confusion within the community regarding who picks up tree debris and when, City staff did a good job responding to storm damage, which he appreciated.

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

A. Human Services Committee – None.

B. Urban Services Committee – January 3, 2007

1. Oregon State University Agreement – SW 14th and SW 15th Streets

Councilor Grosch reported that the OSU Campus Master Plan (CMP) includes street improvements to SW 14th/SW 15th Street between SW Jefferson and SW Monroe Avenues (Monroe) by 2009 or in conjunction with significant improvements to buildings fronting the street. Apperson Hall at SW 15th Street and Monroe is being updated. The proposed Memorandum of Understanding (MOU) specifies that the current remodeling of Apperson Hall will not change the building's square footage or cause more traffic impact on the adjacent street; therefore, the City will not require street improvements in conjunction with the remodeling project. Nevertheless, the City is interested in completing the street improvements by the 2009 OSU CMP construction deadline. The proposed MOU specifies street

construction by the end of calendar year 2008, with OSU participating in the design work for the intersections the City desires to improve, thereby saving the City some financial investment.

Councilor Grosch moved to authorize the City Manager to sign the proposed Memorandum of Understanding with Oregon State University regarding redevelopment of SW 14th/SW 15th Street between SW Jefferson Avenue and SW Monroe Avenue, as amended to indicate that construction will be completed by the end of calendar year 2008. Councilor Daniels seconded the motion.

Councilor Grosch added that the proposed improvements along SW 14th/SW 15th Street have been a long-term high priority for the BPAC. The proposed MOU would achieve street improvement one year earlier than scheduled.

The motion passed unanimously.

C. Administrative Services Committee – None.

D. Other Related Matters

1. Mr. Nelson reported that staff did not propose amendments to the City's purchasing legislation. Adoption of the resolution would ensure that the legislation continues unchanged. Major legislative amendments were made a few years ago. State law requires that the legislation be re-adopted annually; otherwise, the City must follow the State purchasing rules.

Deputy City Attorney Brewer read a resolution relating to purchasing, re-adopting Corvallis Municipal Code Chapter 1.04, "Purchasing."

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

RESOLUTION 2007-01 passed unanimously.

Councilor Daniels commented that she would like to again receive the monthly "Read and Recycle" employee newsletter to learn of upcoming employee activities in which she could participate.

Mayor Tomlinson recessed the Council at 12:55 pm and reconvened the Council at 7:01 pm in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon.

I. ROLL CALL

PRESENT: Mayor Tomlinson, Councilors Daniels, Grosch, Brown, Beilstein, Wershow, Zimbrick, Hamby, Brauner, York

Mayor Tomlinson directed Councilors' attention to items at their places, including additional written testimony regarding the Whiteside Theater (WT) (Attachment A), a letter from Les Boudreaux regarding the

WT (Attachment B), and a memorandum from Councilor Beilstein regarding instant runoff voting (Attachment C).

## VI. VISITORS' PROPOSITIONS

Kari Rieck, 509J Board Chair, invited Council members to participate in 509J's community visioning process, which will involve the community in developing a shared vision for education. The process will last six to nine months. Board members are meeting with parent groups and staff in each school and with smaller groups and will conduct a large community forum. She invited the Council to participate in a forum February 22nd for City, business, and community leaders to address the type of education desired in the future. She reviewed three key questions being addressed through the visioning process:

- As a community, what knowledge and skills do we believe our students need to possess to be successful?
- What learning experiences and opportunities should we provide our students?
- What kind of culture are we committed to fostering in our district?

Ms. Rieck noted that the *"2020 Vision Statement"* and the Economic Vitality Partnership Strategic Plan were shared with the visioning process facilitator and consultant to ensure that the areas of opportunity outlined in the documents are included in the visioning process discussions.

Ms. Rieck distributed to the Council brochures regarding the visioning process (Attachment D). She invited the Council to complete the District's on-line survey as part of the visioning process.

In response to Councilor Hamby's inquiry, 509J Superintendent Dawn Tarzian clarified that the January 25th forum will be general in nature for the community. The March 13th forum will include feedback from the District to comments submitted by the community through the visioning process; additional public comments will be received at that time before an action plan is developed. The January 25th and February 22nd forums will be similar, with the February 22nd forum geared toward City and business leaders.

Susan Morré, 2775 SW Fairmont Drive, testified on behalf of neighbors in SW Corvallis who would like the Council, Planning Commission, and City staff to consider an area plan for their neighborhood. She said the area was not included in the planning processes for West, South, North, and Downtown Corvallis. During the past six to ten years, considerable development occurred in the area; the development was considered as isolated cases and did not include some amenities that other neighborhoods with area plans received, such as parks, gathering spaces, and traffic impacts. She submitted to the record a letter signed by 40 SW Corvallis residents (Attachment E) and offered to obtain additional signatures from other area residents. She said letter signers would like the City to consider traffic impacts, lack of parks, and walkable distance amenities in the neighborhood, which is bounded by SW Brooklane Drive (Brooklane), SW 45th Street, and SW Philomath Boulevard. The Marys River Natural Area borders the eastern edge of the subject area; however, the Area does not have a park or assembly facility. She said traffic impacts are becoming an issue in the neighborhood, including the speed humps on Brooklane, which are more abrupt, closer together, and higher than the speed humps in other neighborhoods of Corvallis. The speed humps on Brooklane require drivers to slow to 10 or 15 miles per hour to avoid vehicular damage. Area residents understand the importance of driving at a safe speed but would like to drive Brooklane at the speed limit and have emergency response vehicles arrive at their homes more quickly.

Community Development Director Gibb confirmed for Mayor Tomlinson that the Planning Commission will review Planning Division work priorities January 17th. Invitations for written comments regarding the Division's work program were mailed. Ms. Morré's letter will be considered with the Division's work priorities.

Ms. Morré said she was unable to locate the City's Parks and Recreation Facilities Plan on the City's Web site. Councilor York offered to loan Ms. Morré his copy.

Ms. Morré thanked Mayor Tomlinson for reaching out to the community and inviting people to meet with him and share their thoughts.

Mayor Tomlinson explained that he and Councilors are interested in meeting citizens in the wards and receiving constituent feedback. He dedicated two hours on Wednesday nights for this purpose.

Councilor York confirmed that he gave Mr. Nelson a list of issues broached during the neighborhood discussion at Ms. Morré's house, including the speed humps on Brooklane and the reliability of the electrical power system in the area.

Tom Jensen, 970 NW Garfield Avenue, Apt. 6, referenced plans to develop the area behind Michael's Landing as a park. He thought the area was a park, as people bring their dogs and children to the area, hand load jet skis and water skis, and go kayaking and innertubing in the Willamette River from the area. He said the area has been effective for these uses with minimal improvements, and he believes the area can be maintained and active as a park without improvements. He noted that development of the property as a park involves issues of Oregon Department of Transportation right-of-way and Willamette River Greenway permitting processes; if the area is not developed, these issues are not pertinent.

Mr. Jensen opined that leaving the referenced area in its current condition would allow the City to have a semi-wild park near the Downtown area. He referenced the suggestion of locating a band shelter in the area for the Community Band but noted that this group typically plays in Central Park during the Summer. Central Park has more space than the area behind Michael's Landing, which is being termed "North Riverfront Park." There is also more parking available at Central Park, and far less funding would be needed to create a larger gazebo or band shell at Central Park. He said this would also spread the City's cultural amenities throughout the community, rather than amassing them along the riverfront.

Mr. Jensen believes improvements would destroy the natural aesthetics of the area. He said people like the park area because of its natural environment and lack of improvements. He believes prohibiting motorized watercraft from the area would require operators to use the Marys River or Willamette Park boat ramps. This would also infringe upon the boat operators' use of the ramp at North Riverfront Park. Unloading a jetski would require as much space at the ramp as unloading a driftboat or other motorized water craft. He said allowing motorized water craft operators to use the ramp in this area would allow them a place to load and unload without interfering with boating. He believes the area could best benefit the community if it was left in its current condition. He also believes no money should be invested in the park and no improvements should be made to the area. He urged the Council to allow the park to remain in its current condition.

Mayor Tomlinson noted that Mr. Jensen's testimony will be forwarded to the North Riverfront Park stakeholder committee. He said the park planing process will have opportunity for public comment. Mr. Jensen said he spoke with Parks and Recreation Director Conway and requested information regarding the stakeholder committee's meeting schedule.

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 Tomlinson recessed the meeting from 7:20 pm until 7:30 pm.

## VII. PUBLIC HEARINGS

A. A public hearing to consider the Fiscal Year 2007-2008 Community Development Block Grant/HOME Investment Partnership Program Action Plan

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

*Staff Report*

Housing Division Manager Weiss explained that staff is beginning development of a one-year action plan for the fifth year of a five-year consolidated plan for the use of Community Development Block Grant (CDBG) and HOME Investment Partnership Program (HOME) funding. Fiscal Year 2007-2008 is the last year of the current consolidated plan. During the next 18 months, staff will develop a new five-year consolidated plan.

Mr. Weiss anticipated that the City's Fiscal Year 2007-2008 allocations will be unchanged from the previous fiscal year, specifically $560,000 in CDBG funds and $420,000 from the HOME. Exact funding allocations are still being decided by Congress but appear to remain stable, rather than decreasing.

Mr. Weiss said tonight's public hearing is an opportunity for the Council and staff to hear ideas for short-term and long-term investments of CDBG and HOME allocations. Long-term funding ideas can be incorporated into the next five-year consolidated plan. He would like to hear from agencies how the City performed in utilizing the funding allocations from the United States Department of Housing and Urban Development (HUD), either during the past year or since the City began receiving the allocations in 2001.

Mr. Weiss said no Council action is needed as part of tonight's public hearing. The Housing and Community Development Commission (HCDC) will receive applicant proposals February 14th and 15th and begin developing an allocation recommendation for the Council's consideration. A Council public hearing will be held in April regarding the Fiscal Year 2007-2008 action plan, when staff will seek approval or amendment of the plan.

*Public Testimony*

Barbara Ross, Corvallis Neighborhood Housing Services (CNHS) Board member, has been a housing advocate since 1970. She expressed appreciation for the City's support, through the Council and staff, for affordable housing in the community. She said CNHS submitted information regarding its proposed projects, for which it will request funding through the

HCDC. She distributed to the Council information regarding the Community Land Trust (CLT) Project and the Corvallis Supportive Housing Project (Attachment F). CNHS researched the CLT concept, under which a private, non-profit entity retains title to land, builds or remodels a house, and sells the house to a private owner, who is able to purchase a house for a lower price because they are not purchasing land. The Supportive Housing Project would provide apartment units for survivors of domestic violence, allowing them to rebuild their lives after leaving an abusive environment.

Jim Moorefield, Executive Director of CNHS, opined that the City's current consolidated plan and action plan are very good and balanced, addressing a broad range of housing needs. He does not anticipate need for short-term changes to the plans. He said the cost of housing construction should be considered in the long-term CDBG and HOME planning processes. Last week CNHS submitted proposals for two affordable housing projects, the cost of which are almost "undoable." CNHS staff struggled to determine funding sources to make the desired housing affordable. A solution to this situation is beyond the City's control, but the City may be able to influence a solution, such as State legislation to increase State investment in affordable housing, which will be considered during the next Legislative Session, and actions other housing agencies could undertake through their resources. He said more partners will be needed to make affordable housing developments possible. He also suggested that Urban Renewal Districts can support affordable housing.

Councilor Beilstein inquired whether property owned by a private, non-profit entity under the CLT concept would be removed from the tax roll, since the non-profit agency would not pay property taxes. Mr. Moorefield responded that the only issue, from his perspective, involves how the property would be valued. He intends for CNHS to pay property taxes on properties that are part of a CLT.

Councilor Beilstein surmised that property owned by a CLT would not be assessed the same as property owned by other property owners. Mr. Moorefield responded that properties with restricted resale values may have different values from properties that could be owned on the open market. This issue would need to be investigated.

Ms. Ross acknowledged that the CLT concept is new, and CNHS attempted to develop policy solutions but does not want to oversimplify the project.

Carolyn Miller, project manager for the Benton Habitat for Humanity (BHH) Hilltop Village site, thanked staff for working with BHH during the past two years to identify appropriate funding for the agency's projects. BHH is primarily supported by private funding and volunteers. Periodically Federal funds can create problems for BHH donors and the agency in terms of management.

BHH is progressing with the Hilltop Village development site planning, is preparing a Planned Development Detailed Development Plan, and is struggling with how to keep the BHH housing in the development affordable in the long term.

BHH is preparing an application for HOME funding for Fiscal Year 2007-2008.

Cindy Mitchell, Executive Director of BHH, expressed appreciation for the Council's support of the agency. BHH anticipates increased building costs and is addressing that issue before progressing much further with its projects.

Ms. Mitchell announced that the BHH Discount Building and Home Supply ReStore was purchased by private foundation grants and no government grants, resulting in a lower monthly purchase price than the previous rental rate.

Ms. Miller added that the Discount Building and Home Supply ReStore provides a good funding opportunity to help support BHH projects, such as Hilltop Village. The facility is also environmentally beneficial, having kept 300 tons of reusable housing materials from landfills.

Mayor Tomlinson closed the public hearing.

*Questions of Staff* – None.

B. A public hearing to consider an appeal of a Historic Resources Commission decision (HPP06-00039 – Whiteside Theater Historic Preservation Permit application)

Mayor Tomlinson directed Councilors' attention to additional testimony submitted since the beginning of tonight's meeting.

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

*Declaration of Conflicts of Interest* – None.

*Declaration of Ex Parte Contacts*

Councilor Daniels declared that the public hearing record includes a November 20, 2006, e-mail from her husband, Kent Daniels, to the Historic Resources Commission (HRC); it is included in the record as Attachment VI, page 35. She was unaware that her husband sent the e-mail and did not discuss the Historic Preservation Permit (HPP) application or the appeal with him. She declared that the e-mail will not affect her ability to make a fair and impartial decision.

Councilor Daniels declared that she received a November 14, 2006, e-mail in her personal e-mail account from Wendy Kincade; it is included in the public hearing record as Attachment VI, page 112. Councilor Daniels surmised that Ms. Kincade sent the message to a group for which Councilor Daniels is on an e-mail list. Councilor Daniels said she saw the subject of the e-mail but did not read the message. She declared that the e-mail will not affect her ability to make a fair and impartial decision.

Mayor Tomlinson declared that many people left voice-mail messages for him and commented to him regarding the HPP and the appeal. He tried to tell people with whom he spoke that he could not discuss the case. He declared that he attended a meeting last Fall during which the meeting group discussed the WT. He declared that these contacts will not prohibit him from making a fair and impartial decision.

*Rebuttal of Declarations of Conflicts of Interest or Ex Parte Contacts* – None.

*Declaration of Site Visits*

All Councilors declared making site visits.

*Objections on Jurisdictional Grounds* – None.

*Staff Overview*

Assistant Planner Richardson conducted a PowerPoint presentation of the background of the case, reviewing site location, historic resource classification, case history, proposed alterations to the south and west facades of the building, original and proposed south and west building facades, staff-identified Land Development Code (LDC) review criteria, the HRC's decision, and the appeal issues (Attachment G).

Mayor Tomlinson announced that failure to raise an issue, accompanied by statements or evidence sufficient to afford the City or other parties the opportunity to respond to the issue, precludes appeals to the State Land Use Board of Appeals based upon that issue. He also announced that 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.

*Applicant/Appellant Presentation*

David Dodson of Willamette Valley Planning said his client team, as the applicant, was unable to attend tonight's public hearing because of the weather and poor driving conditions. He identified the applicant team members:

- Tom Kemper is a partner specializing in downtown redevelopment projects. His firm worked on several historical rehabilitation projects in Portland and other Oregon cities.
- Kurt Schultz is a partner with SERA Architects, which has worked on several nationally recognized historic renovation projects in Oregon, including Portland City Hall, Multnomah County Courthouse, Portland Art Museum, Pioneer Courthouse, Weatherford Hall at OSU, and First Presbyterian Church in Corvallis.
- Jim Dix is a partner with Gray and Associates. He has expertise recruiting national niche retailers to specialized markets. The firm represents many of the nation's finest niche retailers, including Crate and Barrel, The Gap, Williams and Sonoma, The Pottery Barn, and Banana Republic.

Mr. Dodson conducted a PowerPoint presentation of the HPP application.

- The current south facade differs somewhat from its original construction.
  - » A new marquee was installed during the early-1950s.
  - » A new corner sign was installed.
  - » New entry doors were installed.
  - » Window displays were removed from either side of the main entrance and covered with plaster.
  - » The garden boxes were removed from the second-floor windows.
- The proposed alterations to the south facade include:

» Replace the existing 1950s-era neon marquee with a replica of the original 1920s-era marquee.
» Replace the non-original theater doors with storefront windows and doors.
» Install windows where original display windows were located on the western end.
» Install entry doors where original display windows were located on the eastern end to provide access to a restaurant on the second floor.
» Install a steel canopy over the new second-floor entry door on the eastern end.
» Install a sign for the restaurant, attached to the face of the steel canopy.
» Add two signs for new businesses below the replica marquee.
» Replace existing, non-original, vertical, wall-mounted, illuminated sign on the western end with a replica of the second 1920s-era illuminated sign.
» Install replicas of the two original garden boxes.

- The current west facade is generally the same as its original construction.
  » The movie poster display boards and associated lighting were removed.
  » The fire escape and associated exit doors were not included in the original construction.
- The proposed alterations to the west facade include:
  » Install storefront windows and doors on the first floor.
  » Install five steel canopies over the storefront windows and entries.
  » Install three signs for new businesses, attached to the faces of the canopies.
  » Install a historical information sign at eye level at the southern end.
  » Relocate two original exterior light fixtures to the northern and southern ends.
  » Install windows on the second floor.
  » Install a rooftop cornice.

Mr. Dodson said discussions with local historians indicated that the original marquee was comprised of painted wood and possibly some pressed tin. The marquee was fastened to the face of the building with metal rod tie-backs for additional support. The applicant proposed replacing the 1950s-era marquee with a replica of the original 1920s-era marquee. The new marquee would be constructed of painted metal and wood with metal tie rods. New windows, doors, and trim would have wood frames with metal-clad exteriors to withstand weathering but would retain the same dimensional symmetry of wood windows and doors.

The original 1922 corner sign was attached to the building some distance from the structure via steel brackets. The attachment structure makes the sign appear to be an afterthought. The second corner sign, believed to have been installed during the late-1920s, is a better example of the era of original construction and was mounted closer to the building and possibly supported by a steel frame atop the roof; the installation technique was the practice at that time because of cost and construction ease. The applicant proposed seismically upgrading the building, so the sign can be anchored to the building with metal brackets, avoiding the need for a rooftop steel frame support. The existing corner sign is the third sign of the building's history; the applicant proposed installing a replica of the second historic sign.

The applicant proposed installing new signs to the faces of the new steel canopies, similar to those at the Corvallis Arms Hotel on SW Second Street. The signs would be constructed of wood and metal frames and painted dark earth tones, with colors varying by the associated businesses. The signs would be attached to the canopies with concealed metal

brackets. The marquee signs would be constructed of wood and attached beneath the marquee with steel brackets or chains. The blade signs below the canopies would be constructed of wood and attached beneath the canopies with steel brackets or chains.

The existing second-floor windows on the west facade are lower than those of most buildings in the Downtown area because of the building's coved roof shape. The roof is supported by exterior load-bearing walls, and the wood-frame structure extends down the west and east walls of the building some distance. To compensate for this appearance and balance the expanse of bricks above the second floor windows, the applicant proposed installing a rooftop cornice in the form of a simple band designed to match the pattern and dimension of the existing cornice on the south facade. The cornice would be constructed of metal and painted dark earth tones.

The applicant proposed replacing the window and door openings on the south facade, using a pattern that mimics the existing historical patterns. The existing non-historical wood entry doors would be replaced with aluminum-clad glass storefront doors and windows in the existing curved pattern. The windows and doors would be installed where the original display windows (cases) were removed.

The staff report to the HRC recommended a condition of approval that would require a recessed panel to be incorporated below the west display windows, consistent with what was originally in the location.

The applicant proposed vertically orienting the window and door openings on the west facade to create wider openings, allowing natural lighting, offsetting the limited amount of natural light available to the building's south side because of colored glass and the efforts to preserve the existing south facade.

The proposed vertically oriented windows are similar to existing two-story buildings in the Downtown area. The applicant proposed storefront windows atop a concrete base with transom windows above. Second-floor windows would mimic the pattern established on the first floor – operable windows with transom windows above. Steel-framed canopies would provide improved weather protection for pedestrians along the west side of the building.

The existing west facade is a large, brick wall that is considered historical; although, it is not consistent with the design and orientation of most other buildings in Downtown Corvallis, which face a street and embrace a sidewalk. The applicant proposed "opening" the building with retail storefronts along the west facade, which is consistent with other Downtown retail building orientations and the National Main Street Program. The LDC criteria addresses building orientation and encourages preservation and minimal disturbance of a building's primary facade. The applicant asserted that the theater's orientation and main entry location make the south facade the primary facade. While the west facade is considered historical, it has not warranted the architectural significance of the building's south facade.

The applicant's architect calculated that ten new door and window openings on the west facade will result in penetration to 40 percent of the brick wall.

Mr. Dodson said the applicant concurred with staff's recommendation to the HRC, which supported the applicant's proposal for adaptive re-use of the building, respecting and being sensitive to the historical elements of the WT. He urged the Council to consider reversing the HRC's decision and impose staff's previous conditions of approval with some modifications. He distributed and reviewed recommended conditions of approval with amendments (Attachment H). He explained that metal-clad window frames have metal cladding over a wood frame, allowing improved weather protection and reduction in the need for repainting for approximately 20 years; wood-frame windows would need to be repainted in approximately five years. Based upon testimony to the HRC, the applicant proposed a condition of approval requiring services of an archeological consultant, should any excavation under the building be conducted.

*Questions of Applicant/Appellant*

In response to Councilor Brown's inquiry, Mr. Dodson confirmed that tonight's public hearing encompasses the entire original HPP application with no modifications other than the condition of approval amendments just reviewed. The applicant seeks Council approval of staff's original recommendation to the HRC, with the condition of approval amendments.

Councilor York noted the issue of the west facade and the definitions of "main facade" and "primary facade." He opined that a building could have multiple primary facades and one main facade.

Mr. Dodson responded that the applicant believes there is a distinction in facades for the WT. The applicant believes the primary facade is based upon the historical significance of the facade. If the building did not have a south facade and main entrance, the applicant would not consider the west facade to be a historically significant structure by itself. The applicant considers the south facade a historically significant structure, which was intended to be the main entrance to the building. The applicant considers the south facade to be the primary facade. The west facade is significant and historical because of its age and association with the building; however, the applicant does not consider it a primary facade. Therefore, the majority of the proposed penetrations and alterations to the building would occur along the west facade. Proposed alterations to the south facade are more minor in nature and would restore some of the original structural elements of the building, such as the marquee and window boxes.

*Staff Report*

Mr. Richardson continued his PowerPoint presentation, reviewing only the three issues appealed by the appellant.

- *The HRC used non-applicable review criteria, specifically relying upon the United States Secretary of the Interior Standards (Standards).*
  - » The Standards are nationally recognized guidelines for communities in developing codes. The Standards were used in the recent update of the City's LDC Chapter 2.9, "Historic Preservation Provisions," but are not criteria used to evaluate applications.
  - » On December 4, 2006, the HRC referenced the Standards in deliberating and during its public hearing, including referring to the marquee as historic "in its own right,"

conveying the notion of reversibility (something should be more "approvable" if it is reversible), and referring to a building or structure as a record of history.

» The HRC's rationale for denying the HPP application did not reference the Standards.

» The HRC relied upon criteria in LDC Chapter 2.9, particularly regarding facades and patterns of window and door openings.

» The HRC demonstrated familiarity with the Standards, which is appropriate, but did not rely upon the Standards as review criteria when deliberating and rendering a decision.

» The HRC reached its decision in an appropriate manner.

- *The west facade was not considered a primary facade.*
  - » The issue can involve interpretation of the terms "primary" and "main."
  - » The term "primary facade" evolves from building orientation criterion, which staff did not identify as an applicable review criterion because it primarily refers to a building being relocated to a site or a new building being constructed and ensuring that the building's front facade faces the street. Similarly, if garages in the neighborhood face an alley, a new garage should also face an alley. In the case before the Council, the building was not relocated or repositioned.
  - » The term "main facade" is included in the facades criterion. The appellant asserted that the west facade was given an "overly high" value and should not have been judged as a primary or main facade.
  - » Under the facades criterion, the west facade is a main facade, as it faces a right-of-way. The criterion states that particular attention should be paid to rights-of-way. Additionally, the west facade is a historically intact facade and elevation; therefore, the term "main facade" is most appropriate to characterize the west facade.
  - » The HRC expressed multiple views regarding how to value the west facade. The HRC denied the HPP application, citing the facades criterion.
  - » The HRC's decision was based upon applicable review criteria.
- *The HRC's decisions were based upon proposed interior alterations.*
  - » The HRC inquired about proposed interior building alterations.
  - » Interior building alterations are not evaluated against or regulated by LDC Chapter 2.9. The HRC's decision should not have been based upon proposed interior alterations.
  - » The HRC's decision was not based upon, and did not reference, proposed interior alterations, which were minimally mentioned in the HPP application.
  - » The HRC's decision was based upon applicable review criteria. The HRC's method of reaching a decision was appropriate.

*Questions of Staff* – None.

*Public Testimony – Support*

Les Boudreaux, 3220 NW Manzanita Place, reviewed a prepared statement distributed at the beginning of the meeting (Attachment B). He supports historic preservation and believes the applicant's proposal provides the community an opportunity to preserve a "wonderful building."

Bob Baird, 215 SW Fourth Street, co-owns a building across the street from the WT. His building was built in 1959 and does not have the same historical content of the WT. He said he does not have financial interest in the WT building or the applicant team proposing redeveloping the building. He believes it is vital to keep the Downtown area vibrant, and he expects that the proposed development would enhance the Downtown environment.

Mr. Baird observed that the City's advisory bodies are comprised of volunteers who invest extensive time deliberating and developing recommendations for the Council's consideration. He believes it is important that significance be given to the efforts of advisory body members, regardless of anyone's personal opinion of the body's recommendations.

Mr. Baird noted that the HRC is a new advisory body. The HRC's perspective of its relationship with the Council will depend to a great extent upon how its recommendation regarding the WT is received by the Council. He has observed that other advisory bodies have questioned their own efforts when their recommendations were reversed, and he does not believe this relationship should be developed. He was very impressed with how the HRC conducted its public hearing and how it interacted with the public. He questioned the type of relationship the community would want between different aspects of its governmental entity and the public. He urged the Council to carefully consider the HRC's recommendations.

Mr. Baird clarified that he supports the HPP application, with a great caution.

Jean Riley, 225 NW 31st Street, is a 34-year Corvallis resident and resides in the College Hill West Historic District. Her family renovated a house built in 1928, maintaining its original design but making it functional, which she considers important. She supports the applicant's redevelopment proposal and staff's opinion that the proposal should be approved. She opined that the key element of the issue involves which facade of the building is the main or primary facade. She quoted LDC Section 2.9.100.04.b.h) (Alteration or New Construction Activities Involving a Designated Historic Resource – Alteration or New Construction Parameters and Review Criteria for a HRC-Level Historic Preservation Permit – Review Criteria – Building Orientation) regarding minimizing the impact to primary facades from alterations or new construction. She does not believe the proposed renovation of the WT would impact the primary facade. She considers the front of a building to be the primary facade. She said she could not find a definition of "facade" in the City's LDC. She read the definition of "facade" from the Dictionary of Architecture & Construction, Third Edition (Attachment I). From the definition she read, she believes the west wall of the WT is simply a side of a building and not a facade.

Donna Brokken, 2895 SW Fairmont Drive, came to Corvallis during 1967. She displayed to the Council a telephone made during the 1920s, noting that it does not have a dial, bells, or buttons and does not take pictures. She said the telephone is no longer useful for communication. During the 1920s the Whiteside Moving Picture Theater was built, but it is no longer practical as a moving picture theater. She has fond memories of going to movies at the WT, but the building is no longer practical for its original purpose. She noted that the former *Corvallis Gazette-Times* office building is now a pizza parlor, Jeanne Smith's law office was once a bank, Rush Hour Photo was once a bank, the Assessor's Office was

once a bank, and the former Richey's Market grocery store is now occupied by a title company. She enjoys walking around Downtown Corvallis and knows that the City spends considerable effort and money to make the Downtown area pedestrian friendly. Regardless whether the west, brick wall of the WT is deemed a primary or main facade, she considers it not pedestrian friendly, as it does not invite window shopping. She encouraged the Council to accept the proposed alterations and make the west wall nicer for people walking through Downtown Corvallis. She considers the community fortunate to have a company willing to invest the time and money necessary to pursue the processes to restore the building. She believes the community should keep the memory of the moving picture theater but move on and make the building something useful.

Pat Lampton, 2323 SW 45th Street, read a prepared statement (Attachment J).

Cary Stephens, 412 NW Ninth Street, referenced his earlier letter to the HRC on behalf of the DCA. He distributed a letter regarding the legal aspects of the historic preservation provisions (Attachment K). He reminded the Council that the *de novo* nature of tonight's public hearing does not limit the Council's consideration to the applicant's appeal issues; the entire application is subject to the Council's review.

Mr. Stephens said the LDC provisions often indicate that alteration is needed in some circumstances to maintain the viability of the building.

Mr. Stephens reiterated earlier testimony that a focus of the issue involves the west facade of the building. When a legal definition of a term is ambiguous, statutory interpretation standards state that a general dictionary definition should be applied. Following that premise, "main" is defined as chief or principal; in the case of the WT, the main facade would be the south facade. He said the words should be interpreted based upon their context in the sentence. LDC code language specifies architectural features of a main facade. The west facade of the WT has no detail features. He believes the south facade is the only main facade of the building. He acknowledged that care must be exercised with any alterations to the west facade of the building, since it fronts a street right-of-way; however, the west facade does not warrant the higher level of scrutiny that should be applied to the south (main) facade.

Mr. Stephens referenced LDC Section 2.9.100.04.3.n. (Alteration or New Construction Activities Involving a Designated Historic Resource – Alteration or New Construction Parameters and Review Criteria for a HRC-Level Historic Preservation Permit) regarding compatability criteria and differentiation of alteration or new construction. He opined that differentiation involves balancing. The west facade could mimic the south facade; however, mimicking the facade too much loses the history of the building because it is difficult or impossible to distinguish original from non-original construction. He believes the proposed redevelopment would make the west facade relate to and be compatible with the south facade, but not to the extent that it could not be distinguished.

Mr. Stephens commented that the value of real estate in Corvallis is such that the WT could be slated for demolition. He urged the Council to "not love the Whiteside to death" and to let it live again with another form. He believes the building's original use will be visibly

obvious through the proposed redevelopment; so history will be preserved, and a new history can be created.

In response to Councilor Brown's inquiry, Mr. Stephens explained that *de novo* means the Council would consider the HPP application as though it had not been reviewed by another decision-making body. He concurred with Mr. Baird that the HRC did a great job reviewing the application; however, under a *de novo* review, the Council is not to give the HRC's decision any special value and is to consider the application as though it is being reviewed for the first time.

Lori Stephens, 412 NW Ninth Street, distributed and reviewed written testimony (Attachment L). She noted that the WT property title has a deed restriction prohibiting the next owner from using the facility to show movies of any type for 20 years. Despite the deed restriction, it is rare for single-screen theaters to be profitable in the current era; multi-screen theaters are more profitable. The Majestic Theatre and the Corvallis High School auditorium are live-theater venues, with the latter (being newer) drawing some business from the former. The Majestic Theatre is a commercial enterprise that is subsidized by the City but is barely profitable. She believes adaptive re-use is the best option for the WT.

Ms. Stephens said buildings change over time, including the WT. During the 1950s, the neon marquee was installed to revitalize the WT. She questioned whether the building could have been renovated during the 1950s, if the City had historic preservation provisions at that time. She supports historic preservation but believes a building's use should not be frozen in time; a building must be able to adapt and change to remain viable.

Ms. Stephens quoted LDC Section 2.9.100.04.b.3. (Alteration or New Construction Activities Involving a Designated Historic Resource – Alteration or New Construction Parameters and Review Criteria for a HRC-Level Historic Preservation Permit – Review Criteria – Compatibility Criteria for Structures and Site Elements) regarding the relationship of an alteration to the historic resource's period of significance. She speculated that the HRC may have struggled with the LDC provision that attention should be given to facades facing street rights-of-way and that architectural elements inconsistent with the historic resource's existing building design or style should be avoided. She questioned whether a plain, brick wall should be preserved because it faces a right-of-way, even though it is no more architecturally significant than the walls that face alleys throughout town. She asserted that the WT's plain brick facade with a fire escape is no more architecturally significant to the 19020s time period than to the current era. She opined that the WT's west facade, by itself, could not be classified into an architectural style and, therefore, is not important to the applicable period of significance. She further asserted that the west facade should not be considered a facade of primary importance.

Ms. Stephens noted that, if adaptive re-use of the WT is not possible, the property owners could proceed to apply for a demolition permit.

Eric Blackledge, 233 SW Second Street, reviewed a prepared statement (Attachment M). He noted that the proposed alterations to the WT's west facade seem to be the major issue in tonight's public hearing. He concurred that the WT's south facade is the primary facade. He does not consider the west facade to be a main facade, asserting that it is the back wall

of the building. The fact that the building backs up to another building, rather than an alley, resulted in the west facade serving as a back wall for functional utilities, doors for removing garbage, and the fire escape that was later required by fire codes. He does not believe the west facade of the building was intended to be a main facade, otherwise, more money would probably have been invested in the wall design. He referenced Ms. Brokken's statement that the large brick wall does not invite pedestrian traffic, and he noted that the City's current LDC provisions would prohibit development of a long stretch of unbroken wall space without weather protection and windows to promote pedestrian traffic. He believes the west wall has served as a barrier to retail activity moving into buildings farther north in that block. He also believes the barrier should be removed, as it would be under the applicant's proposal. He said the building could not be functionally viable without adding entrances in the west wall; otherwise, the building would never be rehabilitated and would eventually deteriorate. He believes the south facade of the building should be preserved. The City's historic preservation provisions were intended to enable property owners to preserve historic elements while having an economically viable building. He believes the HRC's decision was not based upon the City's LDC provisions and should be reversed. He urged the Council to approve the HPP application with the applicant's proposed condition of approval amendments.

Stan Nudelman, 2842 NW Larkspur Place, expressed understanding for both sides of tonight's public hearing. He owns two large properties listed on the historic register. He appreciates historic properties and their preservation. He commended the applicant for proposing to maintain the WT's south facade. He acknowledged the proposed alterations to the building's west facade, which he considered reasonable to make the proposed project viable. He said he understood the reason for the HRC's split (four to two) vote to deny the HPP application.

Mr. Nudelman said he has long been interested in Downtown Corvallis activities. He is a member of the Madison Avenue Task Force and the Downtown Parking Commission. He testified tonight as a private citizen.

Mr. Nudelman said he believes the proposed redevelopment of the WT is the best compromise possible to combine historic considerations and the City's perceived needs. The central location of the property is critical to the Downtown area, which needs to be busy, active, and vital with many people, rather than having a blank west wall. He believes the proposed redevelopment is needed not simply for economic reasons, but also to make the Downtown area pleasant for everyone. He also believes the proposed redevelopment would best incorporate the historic and current interests of Downtown Corvallis.

Mr. Nudelman acknowledged previous testimony regarding not overturning the decisions of hardworking, volunteer advisory bodies. He countered that the Council represents Corvallis citizens; and in a democratic society, the Council should not "rubberstamp" the decisions of its advisory bodies. The Council is responsible for assessing the decisions of its advisory bodies, and he believes the HRC would understand the Council fulfilling this responsibility. He opined that the HRC did a good job fulfilling its role of assessing the HPP application but would also understand the Council's responsibility to incorporate the HRC's assessment and render a decision that is in the community's best interests.

Mayor Tomlinson recessed the Council meeting from 9:02 pm until 9:12 pm.

Richard Gretz, 308 SW Madison Avenue, is a Downtown business owner and former member of the Council and the DCA. He said Carl Young and Albert Einstein created the term "synchronicity" to mean that the sum of the parts are not equal to the whole, indicating that more exists than what is readily apparent. He said the proposed redevelopment project would maintain the synchronicity of the WT, which was the applicant's objective. He believes the proposed redevelopment would give the community opportunity to maintain the building and create a viable enterprise well into the future. He has watched the building decay, the sign deteriorate, the windows be broken, and the bricks fall. He characterized the building as a dark spot in the Downtown area and a "drain." While the building is aesthetically pleasing to view, he believes it draws energy from the Downtown area. He commented that drivers can "always find a parking spot it front of" the WT. He asserted that the Council has opportunity to maintain the synchronicity of the WT structure and create something more. He urged the Council not to pass the opportunity while it is available.

Jerry Davis, 3610 SW Country Club Drive, commented that Corvallis is a great community because of an intact, viable Downtown. He acknowledged that the WT issue is difficult, with conflicting, important values that help create a viable community. He supports adaptive re-use of the WT as an "excellent community asset" to maintain the health of the Downtown area.

John Evans, 528 NW Eighth Street, identified himself as a former Downtown building owner. He is an urban planner and attempts to get smaller towns to revitalize their downtowns by honoring historic buildings. He believes smaller communities would eagerly pursue a project such as the one before the Council, particularly with a development team with an impressive history. He said a project such as renovating the WT is a "once in a lifetime opportunity" for a smaller town. He believes it is a positive indication of Corvallis' character and the Downtown development potential when a developer of high caliber takes a chance on a project such as the WT.

Mr. Evans commented that many people would like the WT restored to its glory; however, most people who advocate retaining the HRC's decision admit that the glory cannot be restored. He emphasized that despite a deed restriction prohibiting the showing of films, several people have attempted to restore the WT, including Paul Turner, who owns the Avalon and Dark Side Theaters. However, a town the size of Corvallis cannot support a theater business that cannot earn the revenue to cover the costs necessary to renovate the interior and maintain it while creating a thoughtful restoration of the building's exterior. Considering the condition of the building, the applicant's proposed redevelopment is the best effort presented during the past several years for adaptive re-use and integration of an old building in Corvallis' historic Downtown. If the community values its history, it will accept sensitive transformations to improve the Downtown's urban vitality. He believes the Downtown area will not remain economically viable if the language of LDC Chapter 2.9 is interpreted in a way that prevents creative and adaptive re-use.

Mr. Evans believes that out-of-state developers are making the outskirts of Corvallis resemble the uniform design of other communities by constructing "big box" stores and strip

malls. He believes Corvallis must consider the intent of LDC Chapter 2.9 and acknowledge, recognize, and support rare development proposals that counter the standard development patterns and take a chance that people will want to preserve and enhance their historic Downtown area by keeping it alive with new businesses, retail, and entertainment opportunities.

Mr. Evans encouraged the Council to support the application and overturn the HRC's decision.

Patrick Magee, 353 SW Madison Avenue, owns property adjacent to the WT. He said some people have described the WT as the "eight-hundred-pound gorilla right next door." Operating his business has been difficult since the WT closed. He purchased Burst's Candies ten years ago and tried to participate in Downtown activities and planning efforts, which seem to point to the applicant's redevelopment proposal as the type of development desired for Downtown. He believes the proposed redevelopment would aid his business and make the south side of the block seem livelier. When the WT closed, pedestrian traffic in front of his store and its building decreased approximately 25 percent, possibly just because the lights were off on the south side of the block. For a while, there was no activity on the west side of the block, until Corvallis Sewing and Vacuum Center moved into the northwest corner.

Mr. Magee expressed frustration at giving his best effort to his business and being negatively impacted by something over which he has no control. The opportunity of an enterprise moving into the WT and positively impacting his business prompted him to testify tonight. He encouraged the Council to overturn the HRC's decision.

Mysty Rusk, 420 NW Second Street, is President of Corvallis-Benton Chamber Coalition. She expressed uncertainty that the applicant's proposal is the best and highest use for the WT building. She believes Jackson Cassady presented a better proposal with a positive business plan. She worked with Mr. Cassady for three years to fund the plan, but they were unable to gain sufficient funding. She expressed concern that Ms. Stephens could be correct that unsuccessful adaptive re-use of the building could result in demolition of the structure. She would like to be able to take her children to the WT to watch reruns of classic children's movies, but she believes this scenario is unlikely at this time.

As President of the Coalition, Ms. Rusk quoted LDC Section 2.9.100.04, which provides an allowance for alterations or new construction as rehabilitation of a designated historic resource to make possible efficient, contemporary use of the structure. She believes this allowance would support the Council's approval of the HPP application.

Ms. Rusk referenced the portable restrooms that were positioned outside the WT during its later operation, noting that the WT structure has significant environmental and infrastructure conditions.

Ms. Rusk expressed support for most of the testimony presented so far tonight. She noted that Mr. Dodson is a local planner with personal investment in the Downtown area, including significant work on the Downtown Strategic Plan. She commented that SERA Architects has an impressive record of renovations such as the proposal. She believes the

efforts of those involved in the proposed redevelopment project will ensure that the community will be proud of the outcome, even if it compromises the original use of the WT.

Ms. Rusk said the Coalition believes historic preservation is an important part of the local economy and that historic integrity is an important part of Corvallis' Downtown. Many downtowns have lost their historic character, but Corvallis has maintained its Downtown historic charcter. The community is striving to balance the economic needs of the community with desires to maintain cultural and aesthetic icons.

Ms. Rusk said the Coalition's Government Affairs Committee and Board of Directors support overturning the HRC's decision and supporting the applicant's proposal.

Ms. Rusk noted that she submitted a letter to the record earlier today.

*Public Testimony – Opposition*

Walter Griffiths, 3377 NW Swallow Drive, identified himself as a local commercial property owner and reviewed his previously submitted testimony (Attachment N).

Mr. Griffiths quoted LDC Section 2.9.70 .a. (Historic Preservation Provisions – Exemptions from Historic Preservation Permit Requirements – Interior Alterations), stating that an exemption is allowed for interior alterations that do not alter a building's exterior. He opined that the reverse is also true, as indicated in a November 2006 memorandum from Mr. Richardson to the HRC, which he quoted. He said the interior alterations proposed by the applicant would alter the building's exterior, necessitating a HPP for review by the HRC and the Council, if the Council approves the current application.

Mr. Griffiths cited LDC Section 2.9.100.04.b.3. regarding compatibility review criteria for structures and site elements. He believes the west and south facades of the WT should be given attention, as they are along street rights-of-way. He surmised that the Whiteside brothers built their theater knowing that the building would face street rights-of-way, rather than the walls being construed as back sides of building.

In response to Councilor Hamby's inquiry, Mr. Griffiths said the City, in 1992, designated the WT fire escape as historically significant. The fire escape is also listed in the Oregon Inventory of Historic Properties.

Councilor Wershow commented that the Fire Department wanted the fire escape removed because it was deemed unsafe, which prompted the request to have the fire escape designated as historically significant. Mr. Griffiths acknowledge that the fire escape is no longer required by the City but has been on the building more than 50 years. He noted that many fire escapes of that era are no longer used as fire escapes, since many buildings have interior fire escapes. Corvallis has one of the few remaining exterior fire escapes.

Susan Morré, 2775 SW Fairmont Drive, said the proposed redevelopment of the WT violates several provisions of the LDC:

- LDC Section 2.9.20.b. regarding encouraging, effecting, and accomplishing protection, enhancement, and perpetuation of historic resources that reflect elements of the City's cultural, social, economic, political, and architectural history.
- LDC Section 2.9.20.d. regarding fostering civic pride in the beauty and noble accomplishments of the past. She believes the proposed redevelopment of the building will directly violate the basic purpose of the City's historic preservation provisions. The proposed redevelopment of the property would forever prevent the WT from being used as a theater again, which directly violates the stated historic preservation provisions. She noted that Corvallis is celebrating its 150th anniversary as an incorporated city, which she considers an opportunity for the community to find a way to preserve the WT in an economically and socially functioning use, rather than preventing its future use as a theater.
- LDC Section 2.9.20.e regarding promoting the use of historic districts and landmarks for education, pleasure, and public and economic welfare of the City. Several Oregon communities have preserved historic theaters. She considers the WT one of the best examples of a historic theater in Oregon. The Aladdin Theater, the Arlene Schnitzer Concert Hall, and the McDonald Theater are all very viable revitalized historic theaters. The Alma Draft House of Austin, Texas, was the inspiration for Jackson Cassady's earlier proposal; it was a historic theater that combined second-run movies; independent, foreign, and classic films; and interviews with local film makers and added food and beverages to sustain the theater as an income-producing resource for the City, combined with live music. The venue is so popular that two similar venues were created in the city. She believes the WT has a similar potential and that the threat of permanently losing the WT will prompt people to create a proposal for an economically viable theater. She considers the WT a valuable cultural resource for the community.
- LDC Section 2.9.100.04.a.5. regarding alteration or new construction not damaging historically signficant architectural features of a structure. She asserted that removing 40 percent of the west facade of the WT constitutes a significant change to a significant feature. She explained that the west wall defined the building as a theater. Cutting holes into the wall and creating window space will create the image of a two-story building. She said the artist's drawing of the proposed redeveloped WT building is very attractive, but the windows and doors in the west wall will not convey the image of the building as a historic or potential theater.
- LDC Section 2.9.100.04.b.1. a), b), d), e), and f) review criteria involving historical significance; historic integrity; architectural design or style, which is unique in the community; and the condition of the historic resource. The WT needs a new sewer line, which is not a reason to allow a property to fall into disrepair and neglect and say it can no longer be functional or self-supporting. The WT is one of the few remaining examples in Oregon of the Italian Renaissance design style.
- LDC Section 2.9.100.04.b.2.a) and b) require that a proposed alteration or new construction cause the designated historic resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable period of significance and be compatible with the historic characteristics of the designated historic resource and/or district.
- LDC Section 2.9.100.04.b.3. compatibility criteria are to be used as criteria. Subsection a) clearly indicates that a building may have more than one main facade, with particular attention to rights-of-way. Subsection c) addresses architectural details, and the west wall of the building is a defining architectural detail of a theater and should be

preserved. Per Subsection g), the proposed window and door openings are not aligned with the existing pattern of window and door openings. Subsection n) addresses differentiation, and new construction on a historic building should be differentiated from the historic features by changes in rooflines, eaves, or surface materials to differentiate between new construction and historic elements.

Ms. Morré opined that the WT is a treasure for Corvallis, and adaptive re-use is not the only way to save the building. If all community members who value cultural resources joined forces, the community could apply for grant funding with City participation and follow the models of other cities for preserving historic theaters. With more people moving to Corvallis and more people living downtown, she believes the WT has significant value for the community's future. She would also like to enjoy viewing a film at the WT.

In response to Councilor Grosch's inquiry, Ms. Morré said she did not consider a theater or entertainment venue as the only potential use for the WT. However, the applicant's proposed redevelopment of the building would preclude the building from ever being used again as a theater, denying the community the opportunity to maintain the building in its historic use.

Kimberly Griffiths, 3377 NW Swallow Drive, has been a member of the community, on and off, since 1959. She read a prepare statement (Attachment O). She concurred with Ms. Morré's comments. She submitted additional testimony from other citizens (Attachment P).

Susan Triplett, 29480 SW Volley Street, #19, Wilsonville, urged the Council to deny the HPP application to change the exterior of the WT building. She based her opposition on LDC Section 2.9 provisions. She opposed the addition of new storefront windows and doors on the building's west facade. Allowing alteration of the west wall would permanently change the historic nature of the building. LDC Section 2.9 does not allow new building materials, such as steel-channel canopies. Replacing the south facade theater doors, windows, and portions of the wall with new storefront windows and doors is prohibited by the LDC in maintaining the building as a historic resource. The proposed alterations to the interior of the building should be considered under LDC Section 2.9.70.a. because the alterations would affect the building's exterior. The existing 1950s-era marquee is historic and should not be removed. The proposed signs for the south and west facades are not consistent with the building's characteristics. The fire escape should remain as a historical structure of the building.

Ms. Triplett said she had difficulty understanding how gutting the WT's interior and cutting numerous holes in its exterior for doors and windows would preserve the building as a historical site. She believes the integrity of the building's exterior and interior should be considered as a whole. The proposed alterations would permanently damage the historic nature of the building and would preserve little of its charm.

Ms. Triplett urged the Council to deny the HPP application.

Margot Pearson, 477 NW Survista Avenue, has been a Corvallis resident for 34 years and worked with updating the City's Comprehensive Plan. She does all her shopping in

Downtown Corvallis and supports the community. She believes the proposed redevelopment of the WT would preserve only the south facade of the building, without the current, historic marquee, which would be replaced with a facsimile of the original marquee, which was installed on the building for a very short time period. The staff report indicated that the original marquee would be difficult to replicate because of poor documentation regarding its design.

Ms. Pearson asserted that the proposed redevelopment would result in irreparable destruction of the WT's interior and much of its exterior, the latter of which identifies the building as an outstanding example of a historic movie palace.

Ms. Pearson said she does not oppose adaptive re-use of the WT as retail and restaurant space, but she believes a more sensitive and imaginative conversion to a new use would allow more extensive preservation of the important theater elements of the building. She referenced numerous examples of theater conversion throughout the United States, including the Varsity Theater in Palo Alto, California, which was converted to a bookstore and maintains the exterior and interior of the building; and the Alhambra Theater in San Francisco, California, which was converted to a fitness facility and shows old movies on the screen.

Ms. Pearson expressed support of Mr. Baird's comments regarding the time and effort the HRC invested in rendering its decision, having attended both of the HRC's public hearings. She believes the HRC's decision should be carefully considered.

Doug Eaton, 344 SW Seventh Street, has lived in Corvallis 39 years and resides in Charles Whiteside's house, which was built in 1922 – the same year Charles and his brother, who were pioneers in the theater business in Corvallis, constructed the WT. During the late 1970s and throughout the 1980s the house in which he resides sat periodically empty between commercial use and rental property. Since purchasing the house in 1989, he met many people who looked at the house but didn't want the job of restoring it. He said he was lucky to find local people to help him restore the house to its glory. During 2000, the Historic Preservation Advisory Board (HPAB) awarded him a certificate of merit for the work completed on the house. Next month the State Historic Preservation Office will review the nomination of the house to the National Resister of Historic Places. He believes the Whiteside Theater should receive the same honor as Charles Whiteside's house, and the honor should have been bestowed long ago. He considers the WT Corvallis' grandest Downtown historic building, second only to the Benton County Courthouse.

While researching his house, Mr. Eaton learned much about the WT. When it was completed in 1922, it was described as Corvallis' most attractive business structure and the grandest theater in Oregon, except for the Liberty Theater in Portland, Oregon, which stood on Broadway and was demolished several years ago. The Paramount Theater in Portland was saved and is now the Arlene Schnitzer Concert Hall. He noted that other cities and their restored theaters have been cited; and, through internet research, he learned that Anchorage, Alaska, is restoring its historic movie palace. Salem, Oregon, restored the Elsinor Theater.

Mr. Eaton acknowledged that the WT is a community treasure, and he urged the Council to deny the HPP application, since it would significantly destroy the exterior and historical

integrity of the building. He opined that drastically altering the exterior of a building also alters its interior because of connection. Similarly, each facade connects, diminishing the arguments of "main facade" versus "primary facade."

Mr. Eaton said he has personal connection to the WT, as his parents attended OSU during the 1940s and went to the WT on dates. Mr. Eaton came to OSU in 1968 and remembers seeing "The Godfather" at the WT on its opening night in town. The WT is a link to the history of many Corvallis citizens. Once the WT is gone, which it will be if it is gutted to create commercial stores, it cannot be restored. He believes the applicant's proposed historic plaque on the west wall of the building will serve as a sad reminder of what could have been. He would like the City to wait a little longer and see if the WT can be restored through public and private donations, fund raising, and State and Federal preservation grants. He toured the WT two months ago and was amazed at the intact structure of the facility. He was glad no one tore down or drastically altered Charles Whiteside's house because he believes it is architecturally important and a historical structure in Corvallis. He would like the City to preserve the WT for what it was and still is and not let it be gutted, cut up, and altered.

B. A. Beierle, P. O. Box T, Corvallis, referenced her previoulsy submitted testimony. She noted that the applicant did not provide information regarding details of the proposed replacement awning and corner sign for the WT, in terms of dimensions, materials, surface texture, shape, pattern, design, lighting, and anchoring systems, all of which are specifically addressed in the LDC and must be identified in the HPP application. Therefore, she considers the HPP application incomplete. She urged the Council to deny the cited application elements as they are presented or deny the appeal outright, since the HPP application is incomplete.

Ms. Beierle noted that historic preservation is a significant component of a sound economic development policy. She believes the WT can add to economic development, provided its authenticity and historic integrity are maintained. She said the HPP fails to safeguard the WT's greatest long-term economic impact to Corvallis – its completeness as a thoroughly unchanged, genuine, historic resource. She asserted that Corvallis cannot have a historic economy if it does not have historic resources.

Ms. Beierle said the HPP application fails to meet the threshold of the LDC's general review criteria for historic preservation. The WT is not part of a historic district; therefore, alterations to the building must be considered based upon the building's historic design and not the characteristics of other structures that may be nearby. Based upon the language of LDC Section 2.9.100.04.b.2. (Alteration or New Construction Activities Involving a Designated Historic Resource – Alteration or New Construction Parameters and Review Criteria for a HRC-Level Historic Preservation Permit – Review Criteria), alteration or new construction to the WT must closely approximate the original historic design or style, appearance, or material composition relative to the applicable period of significance of the building, itself, rather than of surrounding buildings.

Depending upon the final design, Ms. Beierle said the proposed facsimile awning might cause the south facade to more closely approximate the original design. Other proposed perforations to the building's south facade destroy the building envelope, design, and

materials. She said the proposed corner sign of the building would not replicate the original design.

Ms. Beierle said the proposed alterations to the west facade of the WT would destroy 40 percent (according to the applicant) of the existing, historic wall. She believes the south and west facades of the building are equally historically important, as each faces a street right-of-way and merits equal consideration under LDC Section 2.9.100.04.b.3.a) (Alteration or New Construction Parameters and review Criteria for a HRC-level Historic Preservation Permit – Review Criteria – Compatibility Criteria for Structures and Site Elements – Facades). She said the LDC does not specifically address primary or secondary facades; rather, the LDC refers to views from public and private rights-of-way as being equally important.

Ms. Beierle stated that the 1950s-era marquee achieved historic significance in its own right and merits retention and consideration. She said her earlier testimony elaborates upon this issue, demonstrating how the WT and the community have changed over time. She believes removing the marquee would erase and deny this aspect of a shared heritage. She urged the Council to retain the existing marquee.

Ms. Beierle said creating doors and windows on the south or west facades of the WT where none currently exist perforates the exterior fabric, creates new patterns, replaces historic brick with new glass, and comprehensively changes facades, all of which are prohibited by the LDC. Ms. Beierle said channel canopies are conjectural elements and expressly prohibited by the LDC. The proposed cornice is also prohibited by the LDC provisions regarding conjectural architectural details.

Ms. Beierle asserted that no one is suggesting that Downtown Corvallis be a museum or "freeze dried." She said a resource with the unusually high historic integrity of the WT requires very careful procedure. She believes one HPP application for the WT does not establish a comprehensive effort to mothball the Downtown area. She would support the proposed redevelopment project's design if it was an infill project. She said the caution of "less is more" applies to most historic resource projects – the fewer alterations to a designated historic resource, the more historic integrity and long-term economic vitality remain.

Ms. Beierle urged the Council to deny the appeal.

Ms. Beierle presented a miniature replica of the WT, with the proposed alterations depicted on the sides. She punched out the wall spaces where windows and doors are proposed. She then showed the altered replica to the Council and stated that the Council is responsible for implementing the City's LDC Chapter 2.9 regarding historic preservation provisions; however, she does not consider the proposed alteration, as depicted in her replica, to be historic, preservation, or indicative of Corvallis.

Wendy Kincade, 24566 Elderberry Lane, Philomath, distributed to the Council photographs of the existing west wall of the Whiteside Theater, of the proposed alterations overlayed on the west wall, and of the west wall after the proposed redevelopment (Attachment Q). She expressed frustration at testimony that pursuing the proposed redevelopment of the WT will

create economic vitality in Corvallis. She asserted that justifying destroying a historic, cultural icon for profit is a weak argument. She noted that the proposed redevelopment has not been proven to increase the community's economic success. She said more retail does not necessarily translate into more business – it means there may be more stores with insufficient customers.

Ms. Kincade commented that most of the people testifying in support of the HPP application presented arguments of an emotional nature, rather than arguments based upon the LDC provisions.

Ms. Kincade referenced her photographs, noting that the existing west wall of the WT is basically historically accurate, intact, and requires no changes to maintain its preserved and rehabilitated state. While some people may believe that the redeveloped wall is more attractive, she emphasized that the issue before the Council is not based on aesthetics. The LDC does not allow decisions based upon aesthetics or preferences. She calculated that the proposed redevelopment would affect more than 50 percent of the west wall. She believes a developer cannot destroy more than 50 percent of an intact wall and claim that doing so constitutes preservation or rehabilitation.

Councilor York referenced from the Council meeting packet indication of previous display cases on the west wall near the sidewalk level. He inquired whether Ms. Kincade would consider the HPP application more suitable if it restricted wall penetrations to the areas of the prior display cases.

Ms. Kincade responded that, with limited testimony time, she was unable to address all of her concerns regarding the HPP application. She added that it is not her job, nor that of the Council, to redesign the building for the applicant; the Council is responsible for evaluating the HPP application for approval or denial. She concurred with Ms. Morré's testimony, noting that many theaters throughout the United States are being renovated for live theater. She believes other options are possible.

Councilor Wershow opined that the current west wall of the WT does not depict the Italian Renaissance architecture style, which is how the building is classified. The applicable LDC criteria addresses complimenting the style of the primary resource. He suggested that the proposed windows for the west wall would be more similar to the Italian Renaissance style than the current brick wall, thereby complimenting the building's design.

Ms. Kincade disagreed. She said 1920s-era theaters had a very "Hollywood" style with a facade, which, by definition, had nothing behind it. The west wall of the WT was and is indicative of the 1920s-era theater construction. Today's construction tends to include ornamentation on all four sides of buildings. This makes it more important that the Theater's west wall remain intact for historical accuracy.

David S. Wilson, P. O. Box 335, Myrtle Point, distributed and reviewed a written statement (Attachment R). He lived in Corvallis for 18 years and served as manager of the WT from 1987 until 1992 and earlier as an employee. He opined that the HRC members who voted against the motion to deny the HPP application did not necessarily vote against the redevelopment project. The west wall of the WT was constructed to prevent light pollution

into a movie auditorium; he said this is a specific, historic purpose that is integral to the building.

Rebecca Landis, 2725 SW Morris Avenue, stated for the record that she is a member of the Downtown Strategic Planning Committee and that she was unable to attend the Committee's meeting referenced by Mr. Lampton, or the Committee's vote regarding the HPP application would not have been unanimous.

Ms. Landis submitted written testimony (Attachment S), asserting that the applicant misinterpreted some provisions of LDC Chapter 2.9 in ways she hopes the Council will not accept.

Ms. Landis concurred with staff's assessment that the HRC did not improperly rely on incorrect criteria in rendering its decision. She believes the Standards should not be removed from the City's LDC, which references the Standards regarding rehabilitation and preservation. Reference in the LDC to the Standards does not imply reliance upon the Standards.

Ms. Landis noted that the WT has two facades facing street rights-of-way. The LDC includes numerous references to alteration restrictions that are visible from public and private rights-of-way. Her earlier testimony expressed her speculation that the Whiteside brothers purposely located the WT, knowing that SW Fourth Street was not considered an alley.

Ms. Landis acknowledged that the LDC allows, but does not guarantee, adaptive re-use – LDC provisions must be met. She concurred with other people testifying tonight that gutting the west wall of the WT is sufficient reason to deny the HPP application. She does not believe the City is being unreasonable by asking applicants to follow LDC provisions. The Council is not responsible for deciding whether the redevelopment of the WT would affect the community's economic livelihood; the Council is responsible for determining whether the HPP application is complete and meets LDC criteria. The HRC determined that the HPP application does not meet LDC criteria. She urged the Council to deny the HPP application.

Carol Chin, 219 NW 23rd Street, concurred with everyone who testified in opposition to the HPP application. She noted that adaptive re-use does not require significant alterations to a historic resource, but the proposed redevelopment project would involve significant alterations. She referenced testimony regarding Downtown Corvallis being preserved as a museum. She believes the Downtown area is very different from a museum, which preserves articles and artifacts out of context. Corvallis' Downtown area is the context, and resources are being preserved within a context that makes the resources more important.

Ms. Chin referenced LDC Section 2.9.20.b. and e. (Purposes) and earlier testimony that the WT is no longer useful. She countered that the WT is very useful in communicating the community's history. She taught at the University of Tennessee, just after the Tennessee Theater was restored. She attended a performance in a smaller nearby theater that had not been renovated. She said most of the downtown area was occupied by vacant storefronts, and active businesses closed at 2:00 each afternoon. Restoration of the theater spurred other

downtown renovation and more commercial businesses moving into the area. By Fall 2006 the smaller theater was restored, Market Square had a performance and a farmers' market during the summer, and several other historic buildings had been restored and were occupied by other businesses. She observed that preservation generates economic development, which addresses the LDC purpose statement regarding public and economic welfare for the community. She commented that the University of Tennessee is near communities where development has "run amuck" with strip malls and "big box" stores, yet the downtown area is experiencing economic development and renewal because of the restoration of a historic theater.

Max G. Geier, 3505 NW Harrison Boulevard, lives in a house classified as a historic, contributing property in the College Hill West Historic District. He has been a Corvallis resident for almost 20 years and teaches history at Western Oregon State University, specializing in public history, which includes historic preservation. He also specializes in teaching history of the Pacific Northwest.

Mr. Geier concurred with much of the testimony presented tonight in opposition to the HPP application, especially the comments of Ms. Morré, Ms. Kincade, Ms. Beierle, and Ms. Chin.

Mr. Geier said the WT redevelopment proposal involves altering one of the most distinctive, historic resources in Corvallis. The proposed alterations directly conflict with the LDC regarding historic preservation and, if approved by the Council, would irreversibly degrade a key historic resource in the heart of historic Downtown Corvallis and establish a precedent that would threaten every historic resource in Corvallis. He asked the Council to consider his November 14, 2006, testimony during its deliberations. He also asked the Council to consider his arguments:

- The west and south facades of the WT face streets. The LDC specifies appropriate treatments for street-facing facades of designated historic resources. The LDC does not include provisions supporting claims that either of the facades is more or less important to preserve than the other facade. Both facades are protected under LDC Chapter 2.9 provisions.
- The west facade of the WT is a unique, feature-filled attribute of a building designed and used as a theater throughout its period of significance. The facade should be preserved in a manner that honors its heritage. The facade includes many architectural details – doors, windows, fittings, and brickwork – that are distinctive to the time, place, and purpose of original construction of the historic resource. The facade has been and is a defining characteristic of the building since its construction through the present and has continuously faced one of the City's primary thoroughfares. The location and positioning of the building is not an "accident," and SW Fourth Street is not an alley.
- The Theater has always been mostly empty during "regular" business hours. Nearby businesses have emerged and thrived with that reality. As a first-run venue, the bulk of the Theater's business was during weekday evenings and weekends, when most Downtown businesses were closed. Therefore, there is no need to rush to alter the building on the basis that the empty space must be filled. The empty building is not deteriorating the Downtown business climate. However, destroying the building and its marquee would permanently erode a primary feature and attraction that brings people to Downtown Corvallis.

- The lighted marquee adds life and vitality to Downtown Corvallis during the night, even when the WT is not open as a theater. The applicant does not have blueprints of the original marquee; therefore, efforts to replace the longstanding, authentic, historic feature constitute a destruction of a featured resource for replacement with a conjectural alteration. The proposed action does not meet the LDC standards for protection of a designated historic resource and degrades the leading attribute and significant attraction of Downtown Corvallis.
- There are many possible, potential approaches to adaptive re-use of historic buildings. Adaptive re-use does not necessarily require alterations to the exterior. The proposed redevelopment of the WT would involve an irreversible and destructive alteration of one of the most impressive and remarkable historic resources at the heart of Downtown Corvallis. The Downtown area is thriving, with historic buildings that regularly attract visitors to businesses that thoughtfully adapt their offerings to compliment the historic attributes. It is shortsighted and misguided to destroy an irreplaceable resource in order to make it conform with a business plan that is not well suited to a building with the historic attributes of the WT. If the new businesses fail, the City would only have a degraded resource.

Mr. Geier urged the Council to deny the HPP application and to uphold the HRC's decision. He noted that the HRC is comprised of members with various backgrounds and expertise who were charged by the Council to conscientiously review and consider historic preservation issues. He urged the Council to respect good stewardship that is apparent in the HRC's finding that the HPP application violates the clear meaning and language of LDC provisions applicable to designated historic resources.

Tina Empol, 202 NW 21st Street, lives in a historic house built in 1910. She commented that the proposed redevelopment of the WT amounts to destroying the WT but installing a plaque on the wall so people will know it was once a theater. She does not believe Corvallis supports these principles. She urged the Council to uphold the HRC's decision and deny the HPP application.

Referencing testimony that lack of adaptive re-use will result in the WT being destroyed, Ms. Empol said demolition can be avoided by substantially altering the value that placed the 1920s-era WT on the Corvallis Historic Register. If the Council approves the HPP application, authorizing substantial alteration to the Theater's value, and the structural alterations do not prove to be economically viable (which is not guaranteed), the property owner can request permission to demolish the building that is no longer economically viable. Under this scenario, there would then be no justification for keeping the building on the Corvallis Historic Register, which she believes should be carefully considered.

Ms. Empol summarized arguments expressed tonight that are not supported by the LDC:
- The identity of the planner.
- The identity of the architectural firm.
- Poor maintenance.
- Overturning staff and Downtown business groups.
- Making suppositions regarding what the HRC members meant when they applied the LDC.
- Whether the Majestic Theatre is subsidized by the Council.

- Potential demolition if the applicant does not receive approval of its HPP application.

Ms. Empol asserted that the proposed redevelopment does not involve creative adaptive use. However, the City has good examples of how creative adaptive use can be accomplished while preserving historic resources. She emphasized that the appropriate design must meet LDC criteria. She urged the Council to find the right plan for the WT, but she believes the HPP application before the Council is not correct. She urged the Council to wait for the best possible proposal.

Susan Massey, 1627 NW Highway 20, Albany, has been a member of the community more than 20 years and is a scientist and farmer.

Ms. Massey quoted LDC Section 2.9.20.b. (Purposes) regarding protecting and enhancing historic resources. She said the WT is an important cultural resource, and its perpetuation is an important part of the community, as it is the community's only historic theater. She considers the WT a beautiful, ornate example of another era and remarkably intact. The WT is currently vacant; however, it is acceptable for it to remain vacant until the right proposal is presented to preserve the community treasure. She believes the WT is too important a community treasure to destroy it for the first proposal that is presented. If the proposed redevelopment project is approved, the community will lose the WT as a historic resource. The Council is responsible for protecting the community's historic and cultural resources. If the HPP application is approved, the community will be responsible for failing to protect an important resource. The Downtown area is vital, so letting the WT wait for a proposal that is more compatible with its value as a historic theater will not hurt the viability of the Downtown area. Activity in the Downtown area increases every year. The community can support more than one performing arts center or other creative use.

Ms. Massey urged the Council to deny the HPP application so the WT can be enjoyed by future generations. She believes that strict adherence to the LDC provisions requires that the HPP application be rejected. The WT is the community's only intact historic theater and is irreplaceable. She believes it would be sad to trade the WT for shopping.

Carolyn Ver Linden, 644 SW Fifth Street, lives on the edge of the Downtown area, does most of her shopping Downtown, and is interested in the health and maintenance of Downtown Corvallis.

Ms. Ver Linden referenced earlier testimony tonight that the WT is no longer useful as a theater. If this were true, she questioned why Regal Cinemas determined that it was essential to place a deed restriction on the WT prohibiting showing first-run movies for 20 years. She noted that Regal Cinemas also placed portable restrooms along the sidewalk outside the building, rather than repairing the building's interior plumbing. Referencing other earlier testimony, she said the LDC clearly states that neglect is not a reason to demolish a structure. She noted that the HPP application is not the first proposal regarding the WT, and she does not expect it to be the last proposal. She would not be surprised by a community effort to preserve the WT.

Ms. Ver Linden referenced her written testimony to the HRC. She reviewed a prepared statement (Attachment T).

Holly Peterson grew up in Corvallis, owns a Downtown business, and is a member of the DCA and the Corvallis-Benton Chamber Coalition. In other cases she would support adaptive re-use; however, she encouraged the Council to uphold the HRC's decision and deny the HPP application for the reasons expressed tonight. She said the WT is a unique, historic structure to Corvallis, and its future needs more consideration.

*Public Testimony – Neutral* – None.

*Rebuttal*

Mr. Dodson acknowledged that the WT is one of the most significant, historical, commercial buildings in the community, particularly in the Downtown area. Much of tonight's testimony focused on the best use for the building and whether it can be retained as a theater. He recalled that a successful businessman in Corvallis sold his business several years ago and purchased and redeveloped a theater in downtown Albany with an effort to make it a music and movie venue. His effort was unsuccessful, and he sold the building, which is now occupied by a church. He acknowledged that Mr. Cassady had a good proposal and tried hard to succeed. He also acknowledged that restoring the building as a theater would be its best use, but he does not believe this will happen. Several unsuccessful attempts have been made. Based upon the HPP application and the record of the architects for adaptive re-use and historic preservation, he supports the proposal before the Council.

Mr. Dodson responded to testimony in opposition to the HPP application:

- *Interior alterations affecting the building's exterior.* Staff concluded that interior alterations under the proposed redevelopment project should not be considered applicable review criteria for the HPP application.
- *Conjectural alterations.* The LDC allows alterations to historic buildings. Removing a historic marquee is one issue, which differs from replacing the marquee with one that is more consistent with the original building design, based upon available information. This constitutes replacement and replicating what once existed and making it more consistent with the historical character and integrity of the building. Conjectural alteration involves combining elements and adding elements to try to replicate something that may have existed but did not really exist. Altering the west wall of the building to resemble the WT's entrance, with the same architectural elements, would constitute a conjectural alteration. The LDC specifically states that new construction should be differentiated. Contrary to testimony in opposition to the HPP application, new windows and doors are allowed on historic buildings, provided they differentiate from other building elements. The HPP application includes windows and doors on the west wall of the building that are different from the other elements of the building but are consistent with other historic buildings in the Downtown area.
- *The west, brick wall defines the building as a theater.* The west facade is obviously a wall; however, without considering the south facade, it would be difficult for people to know that the building is a theater. He concurred that the wall was constructed to keep outside light from entering the theater.
- *Fire escape.* The Fire Marshal inspected the building and determined that the fire escape was no longer operable and functional. The Fire Marshal requested that the fire escape be removed from the building so it would not be mistaken as a safe exit route from the building. The City asked the property owener to remove the fire escape; the

property owner's request to have the fire escape removed was denied because it was deemed a historic element and worth saving. Precautions were taken to keep people from unknowingly using the fire escape.

- *More than 50 percent of the west wall would be altered by penetrations.* The architect calculated that 40 percent of the wall would be penetrated with windows and doors.
- *Replicated elements (marquee, window boxes, and corner sign).* It is extremely costly and exhaustive to conduct research and develop construction drawings to fully depict the elements proposed for replication. The HPP application identified the expected construction elements. Staff's conditions of approval for the HPP application require that the architects provide detailed diagrams of the proposed replicated elements. Applicants typically do not submit such detailed drawings before they have land use approvals.

Councilors Brauner and Daniels, respectively, moved and seconded to continue the meeting until 11:30 pm. The motion passed eight to one, with Councilor Grosch, opposing.

Mr. Stephens read the beginning of the definition of "differentiation": "An alteration or new construction." Differentiation applies to both alteration and new construction.

*Sur-Rebuttal*

Ms. Morré said Mr. Cassady obtained almost enough funding to purchase the WT but had not applied for Federal or State preservation grant funding. Other funding options simply were not explored to support his proposal. The City may not have been approached as a partner in the proposal, which might be appropriate, since the WT is a shared community resource. Many communities are able to restore their theaters because the city governmental entities participate in total or in part. She believes other financial resources are available and should be explored.

Ms. Empol said the majority of people testifying in opposition to the HPP application did not exclusively request retaining the WT as a theater. She heard only one person express that argument. People testifying in opposition to the HPP application urged the Council to follow the LDC requirements regarding time, place, purpose, and original construction of the WT as a 1920s-era theater to maintain the building's listing on the Corvallis Historic Register. Similarly, conjectural alterations in a design that complies with the LDC requirements would be welcomed.

Ms. Empol said the issue of the west brick wall versus nine glass doors and a wall of windows is an issue for which the LDC provisions must be applied in terms of what design elements best respect place, purpose, time, and original construction. Any psychological issues associated with walking past a brick wall are not relevant and not addressed in the LDC. She urged the Council to adhere to the LDC requirements and reject the HPP application.

Mr. Griffiths quoted LDC Section 2.9.70.a. (Exemptions from Historic Preservation Permit Requirements – Interior Alterations), which allows interior alterations to a designated historic resource that do not alter the building exterior. The proposed south facade of the WT would have new doors where display cases previously existed at the eastern end to

accommodate access to the upstairs restaurant. The doors would change the building's exterior. Therefore, the HPP application would not qualify for an exemption from a HPP for interior alterations. If the inside of the building would be changed but would have no affect on the building's exterior, the applicant would not need a HPP permit. Similarly, the west facade of the building would be affected by interior alterations. The proposed windows on the second floor would be needed to provide more natural light for the restaurant, which is an interior alteration.

Mr. Griffiths said the proposed metal canopies and wooden signs exist on historic buildings in Downtown Corvallis but were installed in accordance with the previous provisions of LDC Chapter 2.9, prior to the 2006 amendment. The current LDC provisions must be applied to the HPP application before the Council.

Mr. Griffiths said Mr. Dodson's statement indicated that the proposed alterations to the west wall of the WT would create 40 percent more open space, implying 40 percent more open space than currently exists from windows and doors. This could account for Ms. Kincade's calculation that 50 percent of the west wall would be penetrated by doors and windows.

Mr. Griffiths said the window boxes were not included in the original HPP application. The applicant requested several design elements that were not included in the original application.

Ms. Kincade stated that, based upon the applicant's diagrams, the west wall is 180 square feet. She measured each window from the diagram and determined that approximately 100 square feet of wall space would be penetrated for windows and doors, resulting in her calculation of more than 50 percent of the wall being penetrated.

Ms. Kincade commented that the unsuccessful effort of restoring a theater in Albany does not mean that efforts in Corvallis would be unsuccessful, especially with the evidence of restored, successful historic theaters in other communities.

Ms. Kincade questioned the LDC provision Mr. Dodson cited regarding new construction being differentiated from existing structural elements.

Ms. Kincade argued that the applicant should conduct full research in order to truly preserve the historic value of the WT.

Councilor York questioned Ms. Kincade's calculation of the overall area of the west wall, which Ms. Kincade offered to verify.

Ms. Beierle referenced Mr. Dodson's statement that it is too costly at this stage of the HPP application process to research elements proposed for replication. She suggested that it is equally costly in terms of time and effort for the Council, the HRC, staff, and citizens testifying to the HRC and the Council for the applicant to not have conducted full research. She said complete applications are needed for full deliberation. The *quasi judicial* nature of the HRC and the new LDC require full application details. She believes the applicant is requesting Council approval of an incomplete HPP application.

Mr. Wilson concurred that the best use of the building is a theater. He disagreed with Mr. Dodson's statement that the west wall of the WT was constructed only to prevent light pollution into the theater. He referenced the photographs Ms. Kincade distributed and explained that the larger doors are relatively modern push-bar doors. The photograph depicts three original doorways; six original windows, including one as part of a door, all of which are original from the 1922 building construction; at least one original door to the basement with the boiler and a collection of paintings gathered by a janitor who lived in the basement during the 1940s; the original coal shute to supply coal to the boiler; two original light fixtures that the applicant would like to relocate; and the fire escapes that were installed during the 1950s. The photograph does not show the original poster display cases and a large advertising frame for mounting movie posters. He said the west wall of the building contains more original elements from 1922 than does the south facade. The current marquee was installed during the early 1950s. If the current marquee is removed, there are no remnants of the marquees from 1922 and 1929. While the west wall of the building was primarily intended to keep outside light from entering the movie theater, it contains original 1922 architectural features, and encases an office with "spectacular" views of Downtown Corvallis.

Councilor Brown inquired whether the older marquees might be under the 1950s-era marquee. Mr. Wilson said the issue was broached during the HRC's deliberations. He assured the Council that there are no remnants of the original marquees under the existing marquee. He saw photographs from when the marquee was delivered to the building on a truck from Portland, Oregon. The marquee was installed on a completely blank front facade. The 1920s-era marquees are completely gone. The 1950s-era marquee is electric and metal with approximately 1,000 running lights and a "beautiful" script "W," which was not mentioned tonight. There are no remnants of the original marquees attached to the south facade of the WT. There may be some broken light bulbs and living creatures inside the existing marquee, but there are no pieces of the wooden marquees from 1922 or 1929. The lighted "W" on the front on the marquee is the only element of the marquee that the applicant intends to retain but install in another location on the building. He believes it would be a "disgrace" for the rest of the 1950s marquee to be scrapped.

Mr. Geier referenced testimony tonight that Downtown Corvallis should not be a museum and observed an attempt to convert the Downtown area into a movie set, with the WT's facade being important, separate from the context of the building. He acknowledged that the west brick wall alone does not constitute a movie theater. However, the brick wall, in context with the south facade and all the architectural features on the brick wall that Mr. Wilson described, define the purpose and intent of the building and identify it as a remarkable, intact, historic resource that should be preserved and protected. The issue of context should be remembered when considering historic preservation. He said it is not enough to discuss facades and then choose which elements to include in a "movie set." He urged the Council to realize that the HPP application is asking the Council to select design elements. Mr. Dodson provided a detailed explanation of conjectural architecture, probably in reference to the proposed alterations to the south facade of the building and the historic marquee, which the applicant proposed replacing with a conjectural replica. Conversely, he said Mr. Dodson did not have difficulty applying conjectural elements to the west wall of the building, such as the cornice and windows. He urged the Council to consider the HPP application as it applies to the WT. He opined that the HPP application claims application

of LDC provisions for one aspect of the building and contradicts those claims regarding other aspects of the building. He believes the applicant selected specific LDC provisions to appear that the HPP application adheres to LDC provisions. He asserted that historic preservation cannot be conducted selectively and must take into consideration context. Downtown Corvallis is based upon context. People are drawn to the Downtown area because of the context of the Benton County Courthouse and intact buildings. The WT is a key element of the Downtown area, and small parts of it cannot be removed while believing that it is still historic. The City's history should reflect that the community is living and vital.

Councilor Wershow noted that Mr. Geier was a member of the HPAB and recalled that allowances were made for parts of structures that were not considered major areas. He inquired whether classifying the west wall of the WT as a secondary facade would allow more alteration to the west facade than the south facade.

Mr. Geier reiterated that the LDC does not allow a wall to be defined as a secondary facade. The west wall of the WT is on a historically significant building and faces a public right-of-way; therefore, the LDC defines the facade as a main facade. The building has two main facades, and the LDC does not allow differentiation between the two main facades because it does not provide for designation of a secondary facade. He noted that the HPAB reviewed applications under an LDC that has since been amended; the HPP application must be considered in relation to the current LDC provisions.

*Right to Submit Additional Written Argument*

Mr. Dodson indicated that the applicant waived the right to submit additional written argument.

Mayor Tomlinson closed the public hearing.

*Questions of Staff*

Councilor Hamby inquired why the applicant's land development option requests for proposed loading docks and canopies were not included in the HPP application.

Councilor Hamby also inquired why staff originally recommended approval of the HPP application but now recommends denial of the application.

Councilor Beilstein said the HRC's deliberations did not seem to consider the economic advantages of the HPP application proposal or the economic advantages of not approving the application. He inquired whether economic advantages to the community of redeveloping the property or leaving it as it is are a criteria for the Council's consideration. He cited LDC Section 2.9.100.04 regarding exterior alteration or new construction needed to ensure continued use of a historic resource. He inquired as to the meaning of the term "continued use" and whether it meant in an economically viable manner or as the building's current condition. Continuing to use the WT as a large, empty space would not require alterations. He would like to know the amount of consideration the Council can give to the potential economic benefits to the community or property owners from approval of the HPP

application. He also inquired whether the historical aspect of the building is the only criteria the Council can consider, as the HRC appeared to consider only the historical value and not potential economic opportunities from redevelopment or no development.

Councilors Wershow and Zimbrick, respectively, moved and seconded to continue the meeting until 11:30 pm. The motion passed eight to one, with Councilor Grosch opposing.

Councilor Zimbrick noted that the fire escapes appear to be apparatus, removable, and hazardous. He inquired about the historical significance of the fire escapes by themselves and as parts of the building.

Councilor Daniels inquired about the scope of the Council's deliberations, noting that it does not include issues of parking, traffic, and typical land use considerations unrelated to historic preservation. The Council is considering a request for a HPP. She inquired as to the relationship of the HPP application to land use issues and whether the Council can consider Comprehensive Plan policies beyond those specifically focused on historic preservation, if the Council believes such policies are relevant.

Councilor Daniels noted that the applicant raised three issued in its appeal. She inquired whether the Council was required to consider only the appeal issues or could consider the entire HPP application.

Deputy City Attorney Brewer responded that the LDC requires an appellant to state a reason for an appeal. The Council's public hearing is *de novo* in nature, and the Council is considering the HPP application as though it had not been previously reviewed. The Council should address the appeal issues in some manner, but the Council is considering the entire HPP application.

Councilor Brown inquired as to the scope of the Council's public hearing consideration and whether it was strictly historic in nature or historic, economic, and land use issue.

Councilor Brown inquired whether the Council must focus only on the appeal issues.

Councilor Brown noted that the HRC identified three sections of LDC Chapter 2.9 as the basis for its decision. He inquired whether the Council was limited to applying those LDC sections, or whether the Council could consider other provisions of LDC Chapter 2.9.

Councilor Brown referenced testimony tonight regarding what aspects of the proposed HPP application are permitted by the LDC. He presumed that the original staff review would have considered whether the proposed redevelopment aspects were allowed by the LDC. The HPP application involves many issues, and he wants to know the limits of what actions are or are not permitted by the LDC.

Mr. Gibb responded that staff identified review criteria in the staff report to the HRC. Staff and the HRC may have reached different conclusions. Attachment B1 of the staff report to the Council is a memorandum from Mr. Richardson to the HRC responding to the HRC's questions. The HRC decision referenced LDC provisions deemed applicable. The Council's review of the HPP application is not limited to the issues addressed by the HRC.

Mr. Brewer added that the HPP application involves altering a historic structure, which is the scope of the Council's consideration. The City has new LDC historic preservation provisions, which have not been interpreted by the Council in evaluating an application. Any ambiguity or non-historic LDC considerations may need to be addressed by Council leadership.

Councilor Brown inquired as to whether legal requirements will guide the Council's deliberations or whether the LDC is subject to the Council's interpretation.

Mr. Brewer responded that some legal limitations exist. The Council cannot interpret the LDC language to mean something other than what is stated. The Council's interpretation must be reasonable, given the language of the LDC and its context. The Land Use Board of Appeals and the Court of Appeals would support a reasonable Council interpretation but would not support the HRC's or staff's interpretations.

Councilor Grosch referenced testimony statements that the HPP application is incomplete and did not address specific aspects of the proposed redevelopment. He inquired whether the application was considered complete.

Councilor Grosch referenced testimony that the need to achieve a desired interior use for the building prompted the proposed exterior building alterations. He inquired whether the proposed interior use of the building would allow the proposed exterior building alterations.

Councilor Grosch requested staff's input regarding testimony urging the Council to consider the WT in relation to the total Downtown area and its context to the Downtown area.

Councilor Brauner noted that the WT is listed on the Corvallis Historic Register, based upon a March 29, 1984, survey that was approved during December 1989. The survey statements indicate the building's historic nature. He inquired whether the survey was the basis for the HPP application review or whether subsequent historic designations exist that should be considered. He noted that the fire escape's historic designation is not included in the 1984 survey.

Councilor Brauner noted that the WT is designated as historically significant because it is an example of Italian Renaissance architecture and is a theater. He inquired which aspect of the building creates the historic context.

Councilor Wershow said the Historic Resource Survey indicates that the building style is Italian Renaissance. The LDC states that alterations must compliment the building style. He inquired whether style, in the case of the WT, is the Italian Renaissance architectural style or the theater.

Mr. Gibb invited Council members to submit additional questions to staff for response prior to the Council's February 5th deliberations.

## XI. ADJOURNMENT

The meeting was adjourned at 11:50 pm.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY RECORDER

# Memorandum

To: Mayor and City Council

From: Bob Richardson, Associate Planner RAR

CC: Jon Nelson, City Manager

Date: January 16, 2007

Subject: Written Public Testimony regarding the Whiteside Theater Historic Preservation Permit Application (HPP06-00039)

Enclosed is written public testimony regarding the appeal of the Whiteside Theater application (HPP06-00039) received after the release of the January 11, 2007, City Council packet and before 4:30 pm on January 16, 2007.

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January 12, 2007

***Via Hand Delivery***
Corvallis City Counsel
c/o City Recorder
501 SW Madison Avenue
Corvallis, OR 97330

**Re:** Appellants: Whiteside Partners, LLC,
Appeal of Historic Resource Commission
HPP06-00039

Dear Councilors:

I write as President of the Downtown Corvallis Association ("DCA") board and as an interested citizen and lawyer familiar with land use and historic preservation. I write in strong support of the proposal by Whiteside Partners, LLC (hereinafter the "Proposal"). This is a de-novo appeal, so you are being asked to judge the application on its merits, not merely the specific grounds stated for appeal. I will therefore extensively review the application for code compliance.

With my DCA hat on, I must point out that the Whiteside sits at the heart of an increasingly vibrant downtown. A downtown that retains much of its historic charm and cherishes not only its past but also its future. To remain viable, historic buildings must be allowed to adapt over time "to assure [their] continued use." When speaking of structures, the saying: "use it or lose it" is directly applicable. One look at the demolition criteria in 2.9.110.03.c starkly points this out. The Proposal would not only assure that the building was saved, but it would infuse the heart of downtown with capital investment, increased customer traffic and increased city revenue. For these reasons, the proposal is not only the best way to protect the Whiteside, but also the best way to promote the vitality of Downtown Corvallis. A vibrant downtown in turn helps preserve the character and charm of Corvallis.

To use the Whiteside for a modern use, some significant Alternations[1] are required. To analyze what Alterations are allowable, I must put on my lawyer hat. First, the Proposal is clearly an Alteration under LDC 2.9.100.01 because it is "[a]n activity . . . involving a Designated Historic Resource [that it not] an exempt activity, a Demolition, or a Moving, **[and]** the activity . . . (a) . . . alters the exterior appearance of a Designated Historic Resource. Exterior appearance includes a resource's facade, texture, design or style, material, and/or fixtures."

LDC 2.9.100.04 states that "Some exterior Alterations or New Construction involving a Designated Historic Resource may be **needed** to ensure its continued use." *Emphasis added.* Notably the code uses the word "needed" rather than a weaker word like allowed or permitted. This evinces the drafter's recognition that buildings must be allowed to adapt to changing times to remain economically viable. How the Alterations are conducted, and the extent of allowable change, depends on the remaining HRC review process and criteria. I discuss this in detail below.

The broad scope of allowable changes to Designated Historic Resources is found in the Parameters section. The very existence of LDC 2.09.100.04.a.4. is a recognition that Alterations may "involv[e] changes in material or . . . impact historically significant architectural features." These types of Alterations must be reviewed as an HRC-level activity. LDC 2.09.100.04.a.7. further reinforces this conclusion, recognizing that proposed Alterations need not even "replicate the original features of the structure." Neither LDC 2.09.100.04.a.4. or LDC 2.09.100.04.a.7. would even exist if the HRC analysis was as simple as saying: no Alteration may change the materials, impact significant architectural features, or fail to replicate the original features of the structure. Rather such Alterations are allowed so long as they are compatible with the existing Designated Historic Resource.

The general review criteria, LDC 2.09.100.04.b.1. "are intended to ensure that the design or style of the Alteration . . . is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain." *Emphasis added.* Thus, the design or style of the Alteration must be compatible with that part of the Designated Historic Resource proposed to remain. (However, this must be balanced by "Differentiation," discussion below).

LDC 2.09.100.04.b.2. provides: "In general, the proposed Alteration or New Construction shall either:

> a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance; or
>
> b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style, appearance, or material composition of the resource. *Emphasis added.*

---

[1]All capitalized terms are intended to be used as defined by LDC 1.6.

The Proposal attempts to meet both tests. The Alterations proposed for the Madison Facade, standing alone, arguably meet subpart a), depending upon whether the Period of Significance was at the time the earlier marquee design or style was in place. However, subpart a) should require the proposal to be judged in its entirety because it the "the Designated Historic Resource" not a particular facade that must more closely approximate the original. Thus, to be fair, the Proposal, in my view, might not meet the test set out in subpart a); but as discussed below, the Proposal does meet the test set forth in subpart b) because the Alterations are compatible with the historic characteristics of the Whiteside.

Compatibility is judged by LDC 2.09.100.04.b.3. It provides:

> Compatibility considerations shall include the items listed in "a -n,"below, as applicable, and relative to the applicable Period of Significance. Alteration or New Construction shall complement the architectural design or style of the primary resource, if in existence and proposed in part to remain. *Emphasis added.*

"Primary resource" is not defined by the code, but in the context of the sentence, could be interpreted to mean the Designated Historic Resource as a whole since only one structure exists on the site and no other structure could be the primary resource, or it could be a part of the Designated Historic Resource, if that part was particularly distinctive and proposed to remain. This would certainly be the Madison facade. Nonetheless, under either interpretation, the Alterations must complement the architectural design or style relative to the applicable Period of Significance.

The Proposal must now be reviewed against the consideration "items" in order to determine whether the Alteration is compatible. Notably, the consideration "items" do not all need to be met, but are merely tools to help judge the overall compatibility. Items f), j), k), l),& m) are not applicable to the Proposal. As discussed below, the remaining items: a) - e), g), h), i), & n) can all be met, but again, I would conclude from the code language "considerations" that the items are not individual pass/fail tests.

> a) Facades - Architectural features, such as balconies, porches, bay windows, dormers, or trim details on main facades shall be retained, restored, or designed to complement the primary structure and any existing surrounding comparable Designated Historic Resources. Particular attention should be paid to those facades facing street rights-of-way. Architectural elements inconsistent with the Designated Historic Resource's existing building design or style shall be avoided.

"Main facades" is not defined. Using standard rules for statutory interpretation, however, you must first use the plain dictionary meaning. "Main" is defined as "chief or principal" in Websters. By this definition, the "main facade" would be the Madison facade both in use and in architectural styling. This is consistent with the next tool for statutory interpretation: context. In the context of the sentence: the Madison facade would be the main facade, because it is the only facade that even has significant architectural features to retain or restore. The word "facades" is stated in the plural, but given the definition of "main," as chief or principal, the plural tense of

the word likely results from the drafter's attempt to address the possibility of multiple structures on a site or an attempt to address this consideration item to the many Designated Historical Resources in the community. Either way, the plural tense is not relevant here because there is only one structure on the site. The Proposal meets the first part of this consideration item because the "main facade" is being retained and restored. Note: even if there were two main facades, so long as the Alteration's architectural features are designed to "complement" the primary structure, they would be allowable. This interpretation is consistent with a third tool for interpreting statutes: that all sections should be interpreted to give full meaning and effect to all other sections. The code's recognition that Alterations are needed to allow structure to continue to be used would be severely limited if this section were to be interpreted in a manner that prevents the Alteration of an otherwise Architecturally void brick wall. Since the design for the west facade "complements" the Whiteside as a whole without running afoul of the "differentiation" item discussed below, this item is met.

> b) Building Materials - Building materials shall be reflective of, and complementary to, those found on the existing primary Designated Historic Resource, if in existence and proposed in part to remain . . . . *Emphasis added.*

By using the terms reflective of, and complementary to, the drafters are recognizing again, that Alterations may bring new materials to the building. These new (non-original) materials should be similar in style and content (ie. reflective) but can be dissimilar if they are visually pleasing (ie. complementary). A chief complaint against the Proposal is that it replaces portions of the blank brick wall with new windows and doors. But any new windows on a brick structure would replace brick with glass, so the proper test is not whether glass is reflective of brick but rather whether the building materials being used (ie. the widows and doors) are complementary to that portion of the Whiteside that is "proposed in part to remain." Comparing the window styles from the west facade to the original Madison facade shows that the designer's took care to complement what was remaining. Thus, the Proposal meets this consideration.

> c) Architectural Details - Retention and repair of existing character-defining elements of a structure, such as molding or trim, brackets, columns, cladding, ornamentation, and other finishing details and their design or style, materials, and dimensions, shall be considered by the property owner prior to replacement. Replacements for existing architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.

The Proposal retains and restores the "character-defining" elements on the Madison facade. Any existing architectural elements being replaced are consistent with the resource's design or style. Given the dearth of character-defining architectural elements on the west facade, and given its complete lack of any particular "design or style," the west facade Alterations are consistent with the resource's style. Some opponents of this project argue that the awnings being added are a "conjectural architectural detail" that therefore should not be allowed. Putting aside that they are required by code, and that some awnings are even a Director level decision, awnings are not an

architectural detail in this Proposal. Rather they are a functional addition to the building. This is the only way 2.9.100.03.k. (awnings as director level decision) can be read consistent with this language. What is meant by "conjectural architectural details" in the context of this consideration item is the use of "historic looking" but false architectural details not from the Period of Significance – details that attempt to "dress-up" the building

> d) Scale and Proportion - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain . . . .

If this consideration is applicable, it is squarely met. The size and proportions of the Alterations are compatible with the part of the Whiteside that remains.

> e) Height - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. However, second story additions are allowed, provided they are consistent with the height standards of the underlying zoning designation and other chapters of this Code, and provided they are consistent with the other review criteria contained herein.

Since the height of any Alterations do not vary the exiting height, this consideration is squarely met.

> g) Pattern of Window and Door Openings - <u>To the extent possible</u> window and door openings shall be compatible with the original features of the existing Designated Historic Resource, <u>if in existence and proposed in part to remain</u>, in form (size, proportion, detailing), materials, type, pattern, and placement of openings.

This consideration item begins with "[t]o the extent possible," which recognizes that some Alterations may be so extensive that window and door changes may be compatibility should be judged flexibly. To the extent possible, the new proposed windows and doors in the west facade are of type, pattern, and placement compatible with the features in existence ad proposed to remain.

> h) Building Orientation - Building orientation shall be compatible with existing development patterns on the Designated Historic Resource site, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. In general, Alteration or New Construction shall be sited so that the impact to primary facade(s) of the Designated Historic Resource, if in existence and proposed in part to remain, is minimized.

The Whiteside is not being moved from its current placement. Thus, the building orientation is not changing the development patterns on the site. Arguments that the west facade Alterations "effectively" change the building's orientation miss the mark because orientation in this context

is referring to the development pattern of the site, in other words, the placement of the building on the site. That is not changing with this Proposal.

> i) Site Development - To the extent practicable, given other applicable development standards, such as standards in this Code for building coverage, setbacks, landscaping, sidewalk and street tree locations, the Alteration or New Construction shall maintain existing site development patterns, if in existence and proposed in part to remain.2.9 -30 LDC December 31, 2006

The existing development pattern is being maintained, so this consideration item is met.

> n) Differentiation - An Alteration or New Construction shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of Significance. However, it also shall be compatible with said Designated Historic Resource's Historically Significant materials, design or style elements, features, size, scale, proportion, and massing to protect the Historic Integrity of the Designated Historic Resource and its environment. Therefore, the differentiation may be subtle and may be accomplished between the Historically Significant portions and the new construction with variations in wall or roof alignment, offsets, roof pitch, or roof height. Alternatively, differentiation may be accomplished by a visual change in surface, such as a molding strip or other element that acts as an interface between the Historically Significant and the new portions.

This consideration item is very important. In its recognition that Alterations may be necessary, the drafters have gone so far as to make clear that the Alterations should not attempt to totally mimic the remaining portion of the building, but rather should be compatible with materials, design or style elements of the Historically Significant remaining portion. Thus, there is a balancing going on. The code wants the Alteration to be compatible with what remains, but not so closely mimic what remains that an observer cannot tell the new from the old. This balancing is done to protect the Historical Integrity of the building as a whole. The applicant has attempted this balance quite effectively. Notably, Historical Integrity is a defined term that should not be used loosely. LDC 1.6.20 states:

> Historic Integrity - Integrity of setting, location, materials or workmanship which is determined to be historic by fulfilling <u>at least two</u> of the following criteria:
>
> a. The historic resource is in its original location or is in the location in which it made a historical contribution;
> b. The historic resource remains essentially as originally constructed;
> c. Sufficient original workmanship and material remain to show the construction technique and stylistic character of a given Period of Significance;
> d. The immediate setting of the historic resource retains land uses, or landscaping and relationship with associated structures, consistent with the Period of Significance;
> e. The historic resource contributes to the architectural continuity of the street or neighborhood;

f. The site is likely to contain artifacts related to prehistory or early history of the community; or
g. The historic resource is now one of few remaining prime examples of an architectural style or design, or a type of construction that was once common.

The Whiteside's Historic Integrity will not be destroyed by the Proposal. It will still meet the test set forth above by meeting items: a and c.

**Conclusion:**

As set out in the LDC 2.9.20, there are several purposes for the Historic Preservation Provisions. These include, to "b. [e]ncourage . . . protection, enhancement, and perpetuation of historic resources; " "d. [f]oster civic pride in the beauty and noble accomplishments of the past;" "e. [p]romote the use of . . . historic landmarks for . . . the public and economic welfare of the City." The Proposal meets each of these express purposes.

The Whiteside has sat empty now for five years. Its use as a theater is over. Its design as a theater makes Alteration for modern use more extensive than some other historic buildings. But fortunately, the Proposal retains the "main" facade and the only portion of architecturally Historic Significance. Standing alone, the brick wall on the west facade does not meet the test for Historical Significance. *See* LDC 1.6.20 definition. In fact, nothing about the wall is unique to the Period of Significance of the Whiteside. It should not stand in the way of this Proposal.

Given the value of the real estate in question, the shadow of a wrecking ball is looming. Do not love the Whiteside to death. Let it live again with another life. Its original use will be visibly obvious under this Proposal. Thus history will be preserved and new history can be made.

Very truly yours,

Cary B. Stephens

## Richardson, Robert

**From:** Matthews, Kathleen on behalf of Planning
**Sent:** Tuesday, November 14, 2006 11:32 AM
**To:** Richardson, Robert
**Subject:** FW: Whiteside Theater proposal

**Attachments:** Whiteside Theater Proposal.doc

Whiteside Theater Proposal.doc...

-----Original Message-----
From: Cliff Michel [mailto:michelfc@juno.com]
Sent: Tuesday, November 14, 2006 10:38 AM
To: Planning
Subject: Whiteside Theater proposal

Attached are my thoughts on the Whiteside Partners, LLC, application for the renovation of the Whiteside Theater to be discussed on Tuesday, November 14, at the Corvallis Historic Resources Commission meeting.

To: Corvallis Historic Resources Commission

From: Frank C. Michel, Resident

Subject: Whiteside Theater Proposal

I am writing in **support** of the proposal by Whiteside Partners, LLC, to renovate the long empty Whiteside Theater building as another important step in the revitalization of the "downtown" as the commercial and cultural center of Corvallis.

In my first year in Corvallis (1970) the 4th and Madison intersection was the most commercially active one in town - Safeway store on the Southwest, J. C. Penney on the Northwest, Whiteside Theater Northeast and Lipman's on the Southeast. In addition, Payless was behind the JCPenney store, Les and Bob's Sporting Goods across 4th street, a Richey's market in the JCPenny block, etc.. In sum, the downtown was commercially alive and well. I see the proposal under review as one that would help to preserve the historic value of the Whiteside Theater **and** bring new retail activity to that part of our downtown area.

I am in agreement with the planner's conditional approval of the proposal and I urge the Commission to approve it as well. There is always a lot of talk about the "livability" of Corvallis; and it seems obvious that this project is a step toward enhancing that livability.

Thank you for the opportunity to provide citizen opinion on this proposal.

**Richardson, Robert**

**From:** Gene Davis [fmf.india@yahoo.com]
**Sent:** Tuesday, January 16, 2007 2:39 PM
**To:** Richardson, Robert
**Cc:** Walt Griffiths; Gene Davis
**Subject:** Testimony re: Corvallis City Council, Ref. Whiteside Theater (HPP06-00039)

From: **Vivian Davis**
E & V Developments
10875 SW 89th Avenue
Tigard, OR 97223-6501
(503) 246-5862
(503) 977-9343 fax
E-mail: fmf.india@yahoo.com

To: **Bob Richardson**, Associate Planner
City of Corvallis
Planning Division
P.O. Box 1083
Corvallis, OR 97339
(541) 754-1792 fax
E-mail: robert.richardson@ci.corvallis.or.us

Re: Testimony regarding Corvallis City Council
Reference Whiteside Theater (HPP06-00039)

My name is Vivian Davis. I am acquainted with Walt Griffiths and his effort to save the Whiteside Theater. I appreciate the City of Corvallis because it is a nice college town and I enjoy going there and visiting. The Whiteside Theater is part of what lends charm and character to your city.

Regarding that, I am very much against any and all proposed changes to the interior or exterior of the building according to the Whiteside Partnership LLC application. I strongly oppose the application under the Land Use Code Section 2.9. In my view, the existing 1950's marquee is historic and should not be removed. I oppose the addition of new storefront windows and doors on the west side of the building. The replacement of the south theater doors, windows and portions of wall with new storefront windows and doors would violate keeping the building as a historic resource.

I believe massive changes to the interior of the building should be considered under Section 2.9..70 because the application changes will affect the exterior of the building. The proposed signage to the south and west are not in keeping with the building's characteristics. I think the theater's historic fire escape should be left intact. The application's proposed changes would permanently damage the historic value of the Whiteside Theater.

Thank you for considering my thoughts on this matter.

Sincerely,
Vivian Davis
Principal, E & V Developments

## Richardson, Robert

**From:** Ginny Adams [adamspvkt@comcast.net]
**Sent:** Tuesday, January 16, 2007 2:40 PM
**To:** Richardson, Robert
**Subject:** Whiteside Theater renovation

I am in favor of the Whiteside Partners' proposal for the renovation of the existing structure. I support the City Staff's opinion that this plan be approved.

Ginny Adams
4215 SW Brooklane Drive
Corvallis, OR 97333

## Richardson, Robert

**From:** Sue Merrill [susanqmerrill@comcast.net]
**Sent:** Tuesday, January 16, 2007 3:36 PM
**To:** Richardson, Robert
**Subject:** Whiteside Theater

I am in favor of the Whiteside Partners proposal and support the City Staff's opinion that this proposal should be approved.

Susan Merrill
521 NW 35th ST.
Corvallis, OR 97330
541-758-4594

**Richardson, Robert**

**From:** abbottresources@comcast.net
**Sent:** Tuesday, January 16, 2007 3:59 PM
**To:** Richardson, Robert
**Subject:** FW: Testimony to Corvallis City Council, Reference Whiteside Theater (HPP06-00039)

---------- Forwarded Message: ----------
From: abbottresources@comcast.net
To: robert.richardson@ci.corvallis.or.us
Subject: Testimony to Corvallis City Council, Reference Whiteside Theater (HPP06-00039)
Date: Mon, 15 Jan 2007 23:18:05 +0000

Bob Richardson
Associate Planner
City of Corvallis

Mr. Richardson,

We wish to provide testimony to the Corvallis City Council Reference Whiteside Theater (HPP06-00039).

We request that the Corvallis City Council deny the application from the Whiteside Partnership, LLC, to change the exterior and the interior of the Whiteside Theater. Our opposition to the application is based on Land Use Code Section 2.9.

The Whiteside Theater has been a part of Corvallis history and culture for 85 years. The changes proposed by the Whiteside Partnership, LLC, to the building would permanently destroy the historic nature of the Whiteside Theater. In particular, we oppose the following proposed changes:
-The existing and historic marquee has been a Corvallis icon for over 50 years and should not be removed.
-The proposed signage to the south and west elevations are not in keeping with the buildings historic and existing characteristics and should not be allowed.
-We oppose the addition of new store front windows and doors to the west elevation of the building.
-The Whiteside fire escape should not be removed.
-The current code does not allow the use of new building materials like the proposed steel channel canopies.
-Code prohibits the proposed replacement of the south theater doors, windows and portions of the wall as the changes would permanently alter the historic character of the building.
-The massive changes proposed to the interior of the building will impact the exterior and therefore should not be allowed under 2.9..70 (a).

Please deny the proposed changes to the Whiteside Theater and protect this important and historic Corvallis landmark.

Sincerely,
Wayne W. Abbott, II

Janice R. Leonetti

**Richardson, Robert**

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**From:** JEAN E RILEY [jnjriley0523@msn.com]
**Sent:** Tuesday, January 16, 2007 1:54 PM
**To:** Richardson, Robert
**Subject:** Whiteside

I am in favor of the Whiteside Partners proposal and I support the City Staffs opinion that this proposal should be approved.

Jean Riley

CORVALLIS-BENTON
CHAMBER
COALITION

*Thank you to our Platinum Star Members*

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Jeanne Smith & Associates, P.C.
KeyBank
LandAmerica Lawyers Title
Michelle Kellison, CPA, CFP, P.C.
O'Brien Dental Lab, Inc.
OSU Federal Credit Union
Pope & Talbot, Inc.
Prudential
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R3 Engraving & Signs
Samaritan Health Services
The SCORE Association
Chapter #460
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Stover, Neyhart & Co., P.C.
Total Merchant Services
of Oregon
Town & Country Realty

420 NW 2nd Street
Corvallis, OR 97330
Phone: 541-757-1505
Fax: 541-766-2996
info@cbchambercoalition.com
www.cbchambercoalition.com

January 16, 2007

Corvallis Mayor and City Council
PO Box 1083
Corvallis, OR 97339

Dear Mayor and Councilors,

In realizing the job of a local elected official often means making decisions in less than ideal environments and taking diverse needs, information and emotions, into account, we realize you are faced with a highly controversial decision about the Whiteside Theatre. We know you will use all the information at your disposal in determining the best and highest value to the community in the long term.

The Corvallis Benton Chamber Coalition and its Government Affairs Committee would like you to consider the following in your decision.

In LDC section 2.9.100.04 it states, "some exterior alterations or new construction involving a Designated Historic Resource may be needed to assure its continued use... Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions."

Allowing the alterations to the exterior of the building will allow the building to be used again and prevent any further dilapidation from vacancy and deferred maintenance. Alterations to the signage on the south façade will make the building look more like the original 1920's façade. Alterations to awnings and windows will make the building appear more like the original or more like other downtown buildings from that period.

We believe in the case of the Whiteside Theatre, which has now been vacant five (5) years and cannot be used in a profitable way in its existing use because of a deed restriction, the alterations will assure its continued use by the community in a meaningful way. Additionally, David Dodson is an incredibly invested planner and personally committed to our downtown and Sera Architects has a great track record on historic preservation projects. Please support the Whiteside Partners, LLC in their efforts to keep our Whiteside Theatre a usable and meaningful space for generations to come.

Sincerely,

Mysty Rusk

President

cc: Whiteside Partners, LLC; Eastgate Theatre Inc. #142; David Dodson

[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

# The Whiteside Theater

- *To*: ward7@xxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: The Whiteside Theater
- *From*: mgjdw@xxxxxxxxxxx
- *Date*: Sat, 13 Jan 2007 17:53:26 +0000

Dear Mr. Ward,

My husband and I recently retired and moved here after visiting numerous times. During our visits, we were charmed by the downtown area and enjoyed some lovely walks there, visiting the stores and eating in the restaurants. We still enjoy those pursuits.

So that brings us to the Whiteside Theater. We've talked with folks who have lived here a long time, and they have discribed the inside of the theatre as a mess with plumbing problems and other issues (and this was while it was still in business--We can only imagine now). An empty building does not improve when left alone. Above all this, however, is the distraction of a large, shuttered building sitting in the midst of otherwise thriving downtown businesses.

While we understand the sentimental value to long time residents, to our eyes the exterior of the building is not an architectural wonder. The proposal to replace the "modern" marquee with a more historically accurate one sounds like a step in the right direction. Adding period correct windows and doors to the blank exterior wall (how important can a blank wall be?) shouldn't be a deal breaker.

We think that developing this building for new, self sustaining, uses is a great idea! We've seen it done in other places and it becomes a place to visit and not one that we get to watch decay and finally be bulldozed!

Time moves on. Let us preserve what we can of the Whiteside and do what is right for sustaining the downtown business community. This can best be accomplished by letting business developers rehabilitate this old building so that, once again, it is a downtown asset that pays its own way and that we just plain enjoy .

We hope you will vote in favor of the Whiteside project--making it fit for shops and restaurant(s). In our minds, it is the right thing to do for our community.

Thank you for serving our community.

Joyce and Mitchell Willcox
2988 NW Audene Place
Corvalllis, Oregon

541 207 3124

January 15, 2007

Mr. Bob Richardson, Associate Planner
c/o City of Corvallis Historic Resources Commission
501 SW Madison Avenue
Corvallis, OR 97333

**Subject: Written Testimony**
**(Whiteside Theater, HPP06-00039)**

Dear Mr. Richardson, Corvallis City Council, and Members of the Historic Resources Commission:

The newly reconfigured HRC certainly started its work with a high profile project. It is unfortunate the HRC did not have more time to develop a track record and experience prior to tackling this project. I do not feel the current recommendations of the HRC reflect the recommendations we might see from the board once they have had further time and review to develop their own sense or path with historic preservation interpretations.

I offer the following introduction for those on the council whom I have not had the pleasure to meet. After 30 years renovating, protecting and renovating historic resources has provided me with a knowledgeable and broad perspective toward historic preservation. I have experience within the private, public, and regulatory historic preservation sectors. I have won numerous historic preservation awards. I have lived in Corvallis over 18 years and served on the HPAB for several years.

Historic preservation guidelines protect historic resources while allowing flexibility with adaptive reuse. Historic preservation does not necessarily lock historic properties into a museum like freeze. The Whiteside is a singular Corvallis example of an old theater and worth saving as a cultural resource. Unfortunately, the days of the old theater have passed to smaller venues. The success of the Darkside across the street underscores the vitality of theater even outside the big-box multi-plex format. The demise of the Whiteside has more to do with its huge audience size rather than waiting for an owner with vision and funding. Attempts to find other truly viable uses for the building have not been successful. The HRC historic review can only consider the exterior facade and not the interior spaces or future uses. As we have seen, new construction does not necessarily knit well with historic fabrics. Fortunately, after years in the shadow of the wrecking ball there is new hope for the structure.

The application protects the main façade and the sense of history. The contentious element of the application deals with the treatment of the west façade. The development of windows and other fenestration along the west street facade destroys the monumental blank brick wall. The question is whether history can be protected while allowing the addition of windows. The windows support the adaptive reuse. I feel the entire brick wall does not need to be protected to protect the resource. I would hope the applicant could see clear to eliminate the windows adjacent to the corner leaving that short portion of wall in place. This would allow the windows

to be installed and still protect the sense or ability of the public to easily visualize the total blank wall before the addition of the windows. .

The treatment of the new windows and doors on the west façade need to be compatible but not identical to the original design details and massing, as well as the historic setting. The use of metal windows, etc. is in keeping with the compatibility rules. Conjectural historic details pertain to the introduction of elements not found on the original structure. The proposed windows and doors will not be confused with the actual historic structure and would fall outside restriction, but the addition of a new cornice would be confused with the historic fabric should be prevented.

The vitality of a downtown shopping district depends upon the continuous continuity of the whole. I served for years on the Seattle Pioneer Historic District Business Improvement Board. Our rules prevented large blank walls or non-retail occupancies on the retail frontage. Opening retail frontage on the west façade is good for the health of the downtown business core. This should not take precedence over the historic resource, but it is a mitigating factor.

Lastly, SERA architects is known nationally for their work protecting historic properties. They have years of experience threading the needle between the needs of private sector investors and the needs of historic preservation. Those efforts have resulted in numerous projects winning historic preservation awards their protection for the future. I feel fortunate to have their expertise and sensitivity on this project.

I hope the Council finds compelling reasons to support this application with some minor modification. Thanks you for the opportunity to comment. I hope I have not been to long winded.

Sincerely,

John D. Koch
Architect
3530 NW McKinley Drive
Corvallis, OR

*Date: January 15, 2007*

*TO: The Mayor and Corvallis City Council*
*% Bob Richardson, Associate Planner*

*Please allow the present applicant, Whiteside Partners LLC, to modify the Whiteside Theater property in order to develop it as a modern, lively commercial enterprise. The Whiteside is a building which can no longer serve the purpose for which it was originally intended, but could be remodeled in a commemorative style and be put to progressive use. The historic identification of the property could still be maintained as the property joins the city's plan for growth. . Actually, the present marquee is completely out of proportion to and overpowers the facades of the other businesses in the surrounding area. It certainly disturbs the architectural balance in a downtown that is and has been striving to become dynamic, up-to-date, and vital.*

*I do understand the emotional hesitancy to cut into the present building for the construction of appropriate showcase windows. However, many businesses in the downtown area have already successfully done so while preserving the present and pleasant sense of history. They have done so by maintaining the brick perimeters and painting them appropriately.*

*Being mindful of the present contract conditions that prevent the building from being used for film entertainment, it does seem appropriate that concessions be made to allow for the development of this building into a thriving business enterprise. They will not only provide all Corvallis residents with the services they require,*

*but will also generate tax income to assist the city in meeting its financial obligations. Prime property such as this deserves special attention in order to meet the requirements of today's population.*

*Sincerely,*

*Vida June Krantz*
*4020 SW West Hills Road*
*Corvallis, OR 97333*

15 January 2007

Mayor and City Council
City of Corvallis

Subject: Whiteside Theater

Dear Mayor and Councilors:

I am writing in support of the appeal of the Historic Resources Commission decision on the proposed renovation of the Whiteside Theater. I still adhere to the code-based arguments in my letter of 15 November 2006 to the HRC in support of the original application.

In this letter I wish to argue for the lack of historical significance of the western facade of the theater fronting 4th Street. I am neither an architect nor a planner, however I served on the Corvallis Planning Commission from 1997 to 2003, and I worked at the Harvard University Graduate School of Design for 13 years.

The theater, at least the front facade on Madison, is claimed to be in an Italian Renaissance revival style. If the exposed facades of the building were consistent with this style then the argument for preserving their distinguishing elements would be strong. However, the west facade hardly qualifies. Surveys of (photos of) buildings in the Italian Renaissance style do not show facades with the lack of ornamentation appearing on the west facade. One of the most famous buildings of the Italian Renaissance is La Rotunda by perhaps the most influential architect of that style, Andrea Palladio. This building was approximately symmetric about its square plan, with ornate porticos on each side faced with columns. (See photo next page.)

Some famous buildings do have relatively blank walls. One example is the church of Notre Dame du Haut by Le Corbusier. In this case the walls appear to be subordinate elements to the massive roof, in a kind of medieval style (photo next page). The Whiteside Theater is far different.

In my opinion the west facade of the theater is of minimal historical significance, and does not warrant being preserved in the same degree as the south facade. In LDC section 2.9.100.04.b.3.a on Facades, the west facade of the theater is neither a main facade in the sense of a facade that the public engages with in using the building, nor is it consistent with the style of the true main facade on the south side.

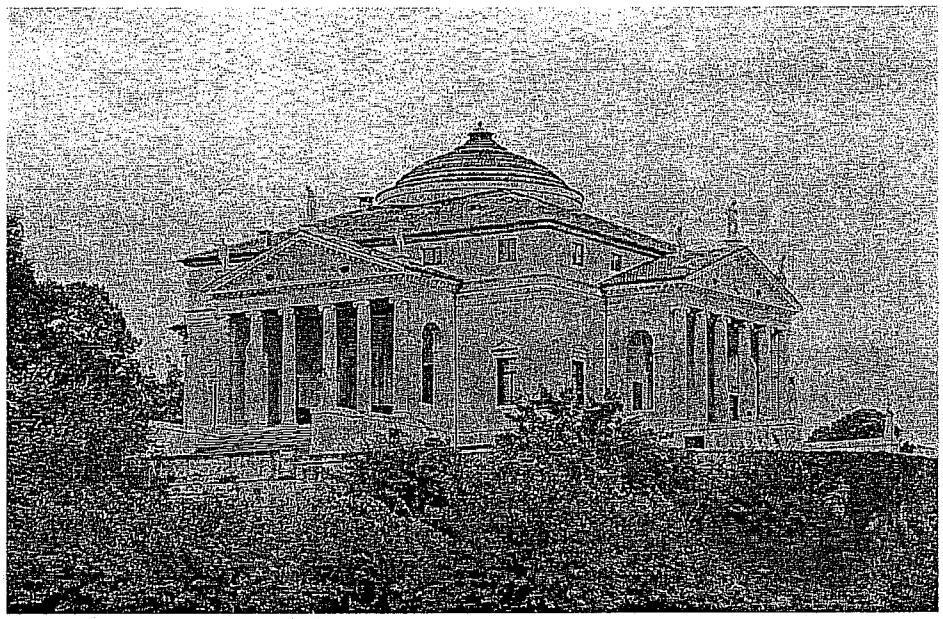
I urge the Council to reverse the decision of the HRC and approve the original application as conditioned.

Sincerely,

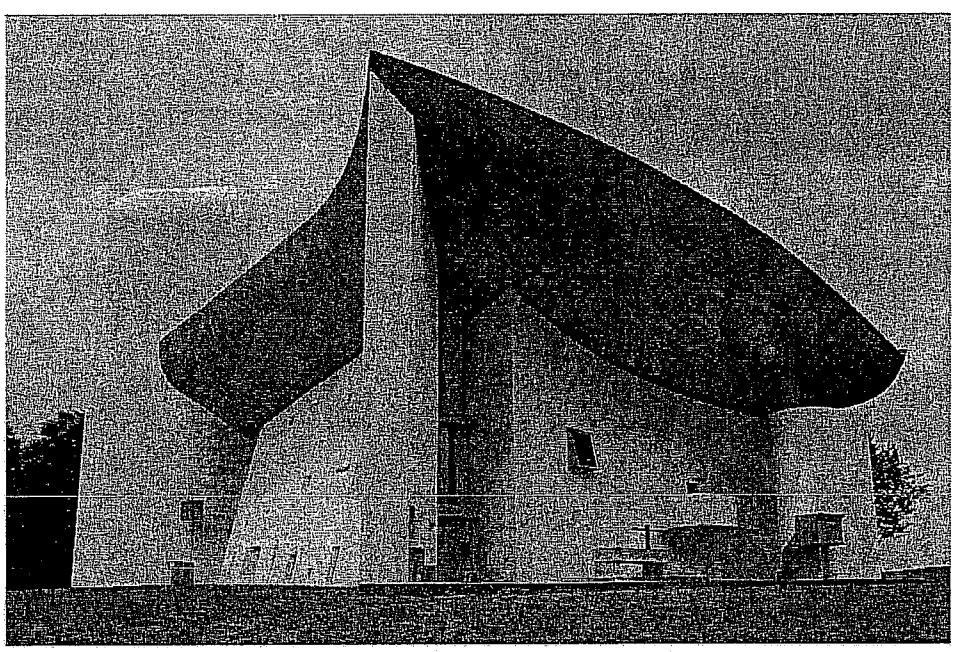
Denis White
3775 NW Wisteria Way
Corvallis

(photographs on second page)

Palladio, La Rotunda



Le Corbusier, Notre Dame du Haut



Both photographs reproduced from Wikipedia under the Gnu Free Documentation License

15 November 2006

Historic Resources Commission
City of Corvallis

Subject: Whiteside Theater

Dear Chair and Members of the Commission:

I have reviewed the Land Development Code chapter 2.9 and the staff report for the Whiteside Theater alterations case. I concur with the evaluation of staff that the proposed alterations meet the definitions and criteria of section 2.9.100.04 and I support the approval of the application as conditioned by staff.

While the south side alterations seem to more easily meet the "preservation" intent of the code by satisfying the "more closely approximate the original historic design" criterion of 2.9.100.04.b.2.a, the west side alterations call for a more complicated judgment.

I don't completely agree with the statement of the Chair of the Commission as quoted in the Gazette Times of November 15 that the decision before you strictly and absolutely divorces exterior appearance from use. In particular, the introduction to 2.9.100.04 says, "some exterior alterations ... may be needed to ensure its continued use." How should a need for continued use be judged? I think the only straightforward way is through the case-specific application process. So there is an application before the commission that has an intended "contemporary use" and it requires alterations to the largely blank wall along the west side. The exact nature of the use is not relevant, only that it is contemporary.

Then, if the alterations do not specifically attempt to more closely approximate the original historic design, they must meet criterion 2.9.100.04.b.2.b, and "be compatible with the historic characteristics of the designated historic resource and/or district". I accept staff's evaluation of the west side alterations as meeting this criterion, as conditioned.

Therefore, I think that staff has evaluated the application appropriately and I support their recommendation for approval.

Sincerely,

Denis White
Member, Corvallis Planning Commission, 1997-2003

January 13, 2007

City Council, City of Corvallis

**SUBJECT: WHITESIDE THEATER (HPP06-00039)**
**HEARING DATE 1/16/2007**

We wish to support the appeal submitted by Whiteside Partners LLC regarding the HRC denial of the Historic Preservation Permit for the Whiteside Theater.

The Whiteside Partners have submitted an application which, in our judgment, meets the City's requirements for historic preservation.

The HRC, in denying the application, erred by considering the west wall of the building. This wall has nothing to do with the primary architectural features which the citizens of Corvallis wish to preserve and protect. Whiteside Partners appropriately propose to preserve and/or restore the south-facing façade, which is the primary feature for which this building is known. To consider the west wall is an error and an over-extension of the City's preservation standards.

The HRC, in denying the application, also erred by considered the uses (and consequential modifications) of the interior spaces. The business uses and interior modifications should not be used to decide whether to grant a Historic Preservation Permit. The Whiteside Partners appropriately have proposed a legitimate business use that is consistent with the land uses permitted in this zone. The fact that interior spaces will be remodeled is irrelevant.

The Whiteside Partners proposal, if approved, gives the City the opportunity to change in a positive way a building that has long been abandoned. The empty building and vacant frontage detracts from the downtown and is an impediment in sustaining downtown as the community's primary commercial center. In fact, opening up the west face of the building with windows and retail opportunities is just what this building, downtown Corvallis and the citizens (taxpayers) of this community needs and deserve. Please, do not pass up this opportunity to improve the commercial viability of downtown and then later ask the citizens of this community, through their taxes, to support downtown.

The Whiteside Partners' proposal not only meets the requirements of the City's historic preservation standards, it will help keep downtown Corvallis a vital and vibrant business center. The proposal is proper. The time is right. Approve it now.

Paulette Baxter
Rolland Baxter
6002 SW Grand Oaks Dr.
Corvallis, OR

**Richardson, Robert**

**From:** Susan Triplett [susan.triplett@verizon.net]
**Sent:** Sunday, January 14, 2007 4:04 PM
**To:** Richardson, Robert
**Subject:** Whiteside Theater (HPP06-00039)

TO: Corvallis City Counsel
RE: Whiteside Theatre (HPP06-00039)

Gentlemen:

Please deny the application by the Whiteside Partners, LLC to change the exterior of the Whiteside Theater building.

I oppose the application under Land Use Code Section 2.9. I strongly oppose the addition of new storefront windows and doors on the west elevation of the building. To allow alteration of this wall would forever change the historical nature of the building. Land Use Code Section 2.9 does not allow new building materials such as steel channel canopies. Replacement of the south theater doors, windows and portions of the wall with new storefront windows and doors is prohibited in the code in keeping with the building as a historic resource.

The proposed massive changes to the interior of the building should be considered under Section 2.9.70 (a) because the application changes will affect the exterior of the building.

The existing 1950's marquee is historic and should not be removed. The proposed signage to the south and west elevations are not in keeping with the existing building's characteristics.

The Whiteside Theater's fire escape should also remain as a historical structure of the building.

It is difficult for me to see how gutting the interior of the building and cutting numerous wholes in the exterior for doors/windows would preserve the Whiteside Theater as a historical site. I strongly believe that the integrity of the building's exterior as well as the interior should be considered as whole. The proposed changes would permanently damage the historic nature of the Whiteside. The proposed plan preserves very little charm of the Whiteside. Please deny the application by Whiteside Partners, LLC.

Sincerely,

Susan Triplett
Wilsonville, Oregon
(503) 682-8515

## Richardson, Robert

**From:** declerckr@comcast.net
**Sent:** Saturday, January 13, 2007 9:20 PM
**To:** Richardson, Robert
**Subject:** Whiteside Theater (HPP06-00039)

Corvallis City Council:

I am in opposition to the proposed alterations to the exterior and interior of the historic Whiteside Theater. I, therefore, request denial of the application from the Whiteside Partnership, LLC to make such changes. I have many college memories of the Whiteside from my OSU experience, 1964-68, and I was glad when it earlier received hisorical protection. I return to Corvallis often for legal work and family gatherings, especially OSU events. Our daughter is a 2006 graduate and I hold out hope that a younger daughter will also get to share the OSU experience. So, I take this application seriously. I oppose the application under the Land Use Code, Section 2.9. I believe the existing 1950's marquee, doors, windows, fire escape, and walls are historic and should be preserved. The proposed interior changes should be considered under Section 2.9.70(a), as they will affect the exterior of the Whiteside. All of the proposed changes would permanently damage the historic nature of the Whiteside. Again, please deny the subject application. Thank you, Richard De Clerck.

## Richardson, Robert

**From:** Vicki Andrews [vickia1@msn.com]
**Sent:** Friday, January 12, 2007 7:30 PM
**To:** Richardson, Robert
**Subject:** Whiteside Theater (HPP06-00039)

Dear Mr. Richardson,

We are requesting that the Corvallis City Council deny the application from Whiteside Partnership involving modifications to the exterior/interior of the historic Whiteside Theatre. The changes proposed would permanently destroy the classic architecture of this building. The addition of stylistically inappropriate storefront windows, doors, steel canopies, and the proposed signage can only detract from this building as an integral part of downtown Corvallis.

Please help preserve our past for the future generations of Oregonians.

Thank you for your consideration in this matter.

Regards,

Mr and Mrs John E. Andrews, Jr.

CADD
Connection, LLC

Date: January 12, 2007

RE: Whiteside Theater Proposal (HPP06-00039), Corvallis, OR

Dear Corvallis City Council:

I am an owner of a local design firm and am familiar with the projects in the Corvallis area. I am writing you to request DENIAL of WHITESIDE PARTNERSHIP, LLC's application to change the exterior and interior of the theater building. After confirming the application's background, I wish to oppose the application under the Land Use Code Section 2.9. My rational is:

Overall, the proposal will permanently disfigure the historical nature of the Whiteside. Specifically,

(1) The existing 1950's marquee building is historic landmark for Corvallis and must be kept as such. On the contrary, the development requires addition of storefront windows and doors on the west elevation as well as the replacement of the south theater doors, windows and portions of wall with new storefront windows and doors. All are prohibited by Land Use Code Section 2.9 in the spirit of preserving historic buildings.

(2) Major changes to the interior of the building would be considered under Section 2.9.70 (a) because the application changes will affect the
exterior of the building.

(3) Finally, the proposed signage to both south & west elevations run contrary to the existing features of the building.

Thank you for your support.

Regards,

***Herb Yamamoto***
CEO
CADD Connection LLC
541-967-7954 (office)
503-740-2190 (cell)

1-888-300-CADD 33845 HWY 99E Tangent, OR 97389 Phone: 541-967-7954 Fax: 541-926-8571
Email: services@cadd-connection.com

**Richardson, Robert**

**From:** strrcs@comcast.net
**Sent:** Friday, January 12, 2007 2:28 PM
**To:** Richardson, Robert
**Cc:** Walt Griffiths
**Subject:** Whiteside Theater (HPP06-00039)

Attn: Corvallis City Council
Re: Whiteside Theater (HPP06-00039)

Both Wes and I were born and raised in Corvallis. We just celebrated our 50th Wedding Anniversary this past June. Our children were born and raised here and two of our four grandchildren. The Whiteside Theater is an established part of our past, present and, hopefully, our future. It is a grand old girl - a beautiful and majestic landmark.

Please deny the application from the Whiteside Partnership, LLC to change the exterior and interior of the building.

We oppose the application under the Land Use Code Section 2.9.

We believe the existing 1950's marquee is historic and should not be removed.

We oppose the addition of new storefront windows and doors on the west elevation of the building.

The code does not allow new building materials like steel channel canopies.

The replacement of the south theater doors, windows and portions of wall with new storefront windows and doors is prohibited in the code in keeping with the building as an historic resource.

We believe the massive changes to the interior of the building should be considered under Section 2.9..70(a) because the application changes will affect the exterior of the building.

Sincerely,

Wesley G. and E. Carol Starr
2312 NW Garfield Avenue
Corvallis, OR 97330

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**Subject:** Whiteside Appeal
**From:** "Gloria Chaves" <glogirl@earthlink.net>
**Date:** Thu, January 11, 2007 2:24 pm
**To:** ward7@council.ci.corvallis.or.us
**Priority:** Normal
**Options:** View Full Header | View Printable Version

I feel strongly that the Whiteside purchasers should be able to go forth with their planned renovation of the Whiteside. It is sad that the committee voted against that plan. What a wonderful addition to downtown Corvallis it would make, a downtown that has become so vibrant. The Whiteside would live on. How nice.
Thank you.
Gloria Chaves

Gloria Chaves
glogirl@earthlink.net
EarthLink Revolves Around You.

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**Attachments:**

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**Subject:** Whiteside proposal
**From:** "Susan and Curtis Johnson" <wcjssj@comcast.net>
**Date:** Wed, December 6, 2006 12:35 pm
**To:** ward7@council.ci.corvallis.or.us
**Priority:** Normal
**Options:** View Full Header | View Printable Version

To: Scott Zimbrick, Corvallis City Council
From: Susan Johnson
Re: Whiteside proposal

I strongly support the Whiteside Partners LLC's proposal for the historic Whiteside Theater and hope you will also.

From an aesthetic point of view:
I look at the bulling as a trained artist and art instructor. If one stands across Madison from the theater and looks at the Whiteside, one can see that the current marquee completely disrupts the design of the original architecture. It overpowers the top two thirds of original building, keeping many from even noticing the curved line architectural design of the original brick work. I believe the WP LLC's intention to go back to a more original marquee is really the right aesthetic and historic decision.

Also the "blank" brick wall on 4th is not really blank. It's broken in a random way by doors and a fire escape and does not reflect good design from any period.

From a Downtown point of view:
For many years I have worked on downtown projects: the Arts Center (ArtCentric), da Vinci Days, the Public Art Commission, the Madison Avenue Task Force, and the River Front. I believe one of the greatest strength's of Corvallis is it's downtown core. The WP LLC's proposal will increase the draw to downtown in a way that will help sales through-out downtown. Furthermore, the WP LLC'.s investment in this property will insure that the structure is renovated and maintained in the long term.

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**Attachments:**

untitled-[2] 1.7 k [ text/html ] Download | View

**Subject:** <web>Whiteside Redevelopment
**From:** "Rick Cardwell" <cardwellr@comcast.net>
**Date:** Fri, December 8, 2006 8:54 am
**To:** ward7@council.ci.corvallis.or.us
**Priority:** Normal
**Options:** View Full Header | View Printable Version

This is an enquiry e-mail via %s from: Rick Cardwell (cardwellr@comcast.net)
Dear Councilman Zimmerman: I was disappointed to learn of the Commission's judgement about redevelopment of the Whiteside theater property. I thought the proposal was a good one. The Whiteside has stood empty too long. We need downtown to attract our residents to shop and dine there. It needs to be upscale and progressive, while retaining the character of our community.

Thank you,

Rick Cardwell
2193 NW Kinderman Place
Corvallis, OR

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**Subject:** <web>Whiteside use
**From:** "Mary J. Levenspiel" <levenspiel@comcast.net>
**Date:** Wed, January 3, 2007 9:27 am
**To:** ward7@council.ci.corvallis.or.us
**Priority:** Normal
**Options:** View Full Header | View Printable Version

This is an enquiry e-mail via %s from: Mary J. Levenspiel (levenspiel@comcast.net)
I understand that I have until Jan. 16 to make a comment about the Whiteside Theatr use. I haven't done it before. I grew up in Corvallis and the Whiteside was my 'movie house' which I loved. Many happy memories are there. However, I also love downtown Corvallis and I feel that if we don't accept the developer's plans our downtown will disappear. I also went to CHS and am now so pleased with the new school. At least the Whiteside will not be razed. It will still be there, modified but still holding the memories. Please accept the developers appeal. Thanks, M.J. Levenspiel

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**Subject:** <web>Whiteside Theater Renovation
**From:** "Darius Adams" <adamsda@comcast.net>
**Date:** Sun, December 24, 2006 7:04 pm
**To:** ward7@council.ci.corvallis.or.us
**Priority:** Normal
**Options:** View Full Header | View Printable Version

This is an enquiry e-mail via %s from: Darius Adams (adamsda@comcast.net)
We urge the City Council to approve the development proposal for the old Whiteside that would allow retails shops and restaurants. Saving the downtown requires businesses that people will patronize not more tax-subsidized performing arts venues. The Historic Preservation committee was totally off-base in disallowing thi application. The Whiteside is an eyesore and a money sink as a theater. It's time t move on--do something substantive to sae our downtown!

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**Subject:** <web>Whiteside Theatre
**From:** "Joyce Lance Spain" <lancespain@comcast.net>
**Date:** Thu, January 4, 2007 11:06 am
**To:** ward7@council.ci.corvallis.or.us
**Priority:** Normal
**Options:** View Full Header | View Printable Version

This is an enquiry e-mail via %s from: Joyce Lance Spain (lancespain@comcast.net)
I know that it will be difficult to reject the decision of the Historical Preservation Committee*, however, I hope that you and the Council will decide to dc just that in the best interests of the downtown. We are in danger of loseing the viable downtown we all want.

A positive response to the Portland group may encourage an occupant for the space soon to be vacated by Albright and Raw!

Joyce Lance Spain

Download this as a file

## Richardson, Robert

**From:** Bob McSweeny [goblue55@comcast.net]
**Sent:** Friday, January 12, 2007 11:22 AM
**To:** Richardson, Robert
**Subject:** Whiteside Theater HPP06-0039

Dear Mr. Richardson:

Although I am resident of Beaverton, I visit Corvallis frequently on business. I am distressed that the historic Whiteside Theater is being considered for alterations that would change its "Old Corvallis" appearance.

I understand that Whiteside Partners, LLC has plans to change the exterior of the Whiteside Theater. I believe that the replacement of the south theater doors, windows and portions of wall with new storefront windows and doors is prohibited in the code in keeping with the building as an historic resource.

In addition, I do not believe that the proposed signage to the south and west elevations are in keeping with the existing building's characteristics.

I believe further that these proposed changes would permanently damage the historic nature of the Whiteside.

Respectfully,

Robert H. McSweeny

goblue55@comcast.net

## Richardson, Robert

**From:** Mullens, Carrie
**Sent:** Friday, January 12, 2007 8:41 AM
**To:** Richardson, Robert
**Subject:** FW: <web>Whiteside Theater development

**Importance:** Low

-----Original Message-----
From: Webmaster
Sent: Friday, January 12, 2007 8:35 AM
To: Holzworth, Carla
Subject: FW: <web>Whiteside Theater development
Importance: Low

FYI

-----Original Message-----
From: Carole Boersma [mailto:cboersma@comcast.net]
Sent: Thursday, January 11, 2007 11:36 AM
To: Webmaster
Subject: <web>Whiteside Theater development
Importance: Low

This is an enquiry e-mail via %s from: Carole Boersma (cboersma@comcast.net)

I think many Corvallis citizens want to see the Whiteside property developed as a multi-use commercial venture. Let's go forward with that in mind so that more of us stay in town and shop locally. It's a prime spot for business, not preservation.

[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

# Whiteside Appeal

- *To*: ward7@xxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: Whiteside Appeal
- *From*: "Gloria Chaves" <glogirl@xxxxxxxxxxxxx>
- *Date*: Thu, 11 Jan 2007 16:24:06 -0600
- *Domainkey-signature*: a=rsa-sha1; q=dns; c=nofws; s=dk20050327; d=earthlink.net; b=Uh1gndQ+rvH2ukq8oo6FB3NFUQDf8kZiNsR3Cj6SqXHbps1sxJ6t2FHvKQ7ue7d+; h=Received:Message-ID:X-Priority:Reply-To:X-Mailer:From:To:Subject:Date:MIME-Version:Content-Type:X-ELNK-Trace:X-Originating-IP;
- *Reply-to*: glogirl@xxxxxxxxxxxxx

I feel strongly that the Whiteside purchasers should be able to go forth with their planned renovation of the Whiteside. It is sad that the committee voted against that plan. What a wonderful addition to downtown Corvallis it would make, a downtown that has become so vibrant. The Whiteside would live on. How nice.
Thank you.
Gloria Chaves

Gloria Chaves
glogirl@xxxxxxxxxxxxx
EarthLink Revolves Around You.

- Prev by Date: **Natural Step Framework Workshops**
- Next by Date: **Our Oregon - How low will they go?**
- Previous by thread: **Natural Step Framework Workshops**
- Next by thread: **Our Oregon - How low will they go?**
- Index(es):
  - **Date**
  - **Thread**

Mr. **Bob Richardson**
Planning Division,
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339

RECEIVED
JAN 1 2 2007
Community Development

***Corvallis City Council Reference Whiteside Theater (HPP06-00039)***

Dear Mr. **Richardson**:

In light of the significant future of our landmark of Corvallis, the Whiteside Theater, I am taking the liberty to submit my observations for your consideration.

After carefully reviewing the information that is available, I would urge to repeal the application from the Whiteside Partnership, LLC, to change the interior as well as exterior of the landmark building.

Whiteside Theater's marquee is historic with its invaluable roots from the 50's and should not be removed. In addition, the proposed new storefront windows and doors on the west elevation of the building will further destroy the aesthetic look.

I believe the Land Use Code Section 2.9 clearly supports the retraction of this application by the Whiteside Partnership and it further disallows the proposed new building materials of steel channel canopies. Furthermore, it also inhibits the replacement of the south theatre doors, windows and portions of wall with new storefront windows & doors, which would obliterate the theatre's historic characteristic.

I also believe the proposition to massively alter the interior should be considered under Section 2.9.70(a) because this will affect the exterior of the building as well. In addition, the proposed signage to the south and west elevations are not in keeping with the existing building's distinctiveness and the historic fire escape should remain.

Again, this application proposes changes that would permanently damage the historic beauty of Whiteside which has been such as marquee landmark to so many of us.

Thank you for your kind attention and diligent work.

Yours truly,

Stanley Tsang
*Managing Director*
Global Sustaining Equity Management, LLC
Suite 210, 121 SW Salmon Street
One World Trade Center
Portland, Oregon 97204
TEL: 503-279-9383
E-mail: stan@sustainingequity.com

RECEIVED
JAN 1 1 2006
Community Development

For submission to
HPP06-00039
Whiteside
CC Appeal
hearing
From R. Foster
JAN 11, 2007.

STATEWIDE INVENTORY NO:

# CORVALLIS, BENTON COUNTY, OREGON BUILDING AND STRUCTURE INVENTORY FORM

CORVALLIS PRESERVATION SOCIETY, INC.
CULTURAL RESOURCE SURVEY 1983-1984

INVENTORY NO: 231B
ROLL/EXP: 10B/11A

*Form Prepared By:*
NAME: J. Sanders Chapman
DATE: 3-29-84

## identification

BUILDING ADDRESS: 361 SW Madison

COMMON NAME: Whiteside Theatre

HISTORIC NAME: Whiteside Theatre

BUILDING TYPE/USE: Business/Whiteside Theatre

*Legal Description*

ADDITION: Original Marysville

MAP NO: 11 5 35 DC

BLOCK/TAX LOT NO: 17/7900

LOT NO(S): 11, 12

*Current Owner*

NAME: Vida Whiteside (Mrs. Samuel)
Darwin W. Woodcock

ADDRESS: P. O. Box 1262

CITY: Albany STATE: Oregon

ZIP CODE: 97321 PHONE: Woodcock: 926-1967

## data

CONSTRUCTION DATE: 1922

ARCHITECTURAL DESIGNATION:

20th Century Period
Italian Renaissance

**a.** RELATED OUTBUILDINGS AND FEATURES

**b.** HISTORIC PHOTO/SOURCE LOCATION
Harland Pratt Collection
Photos: Benton County Hist. Museum
Oregon Historical Society
Architect's Floor Plans: located at Whiteside Theatre (CONT. BELOW)

**c.** FORMER USE OF LAND

c. 1850: J. C. Avery Donation Land Claim
c. 1884: Meat-packing, horse barn, shed
c. 1888-1912: Horse barns, sheds
c. 1916: Outdoor ice cream parlor operated by the Corvallis Creamery; next door was the Airdome, an outdoor theatre, which showed motion pictures.

**d.** FORMER USE(S) OF PRESENT BUILDING

Architects Facade Plan: Corvallis Gazette Times, Nov. 9, 1922, p. 1.

SANBORN MAP REPRESENTATION: 1927, 1949

## status

- ○ NATIONAL REGISTER
- ○ STATEWIDE INVENTORY
- ○ 1982 COMPREHENSIVE PLAN
- ○ 1979 WOMANS CLUB SURVEY

## significance

- ○ NO
- ○ YES
- (X) POTENTIALLY SIGNIFICANT *(see continuation sheets)*

361 SW Madison ave Corvallis Source Benton Co Sandborn maps 1927

4TH

3RD

GRO.

ENTR.

GYMNASIUM

D.G.

267

STAGE & SCENERY

TRUSS ROOF REINF. CONC. PILASTERS

MOVIES

BALCONY

WHITESIDE THEATRE

35ST.

353-5

CONFT.

CANDY MAKING

NOTIONS

CAFETERIA

TELEPH. OFF.

PRINTING

COBBLER

NOTIONS

GRO.

STATION ICE MACH. & MEAT

ELEC. SUPPLIES

REST.

D.G. B.&S.

IR. POSTS

301

Madison

MASONIC BLDG.

CITY HALL

FIRE STATION

JAIL

OFF.

DRUGS

GRO.

REST. & CONFT.

LODGE RM.

HEAT FURN.

WATER OFF.

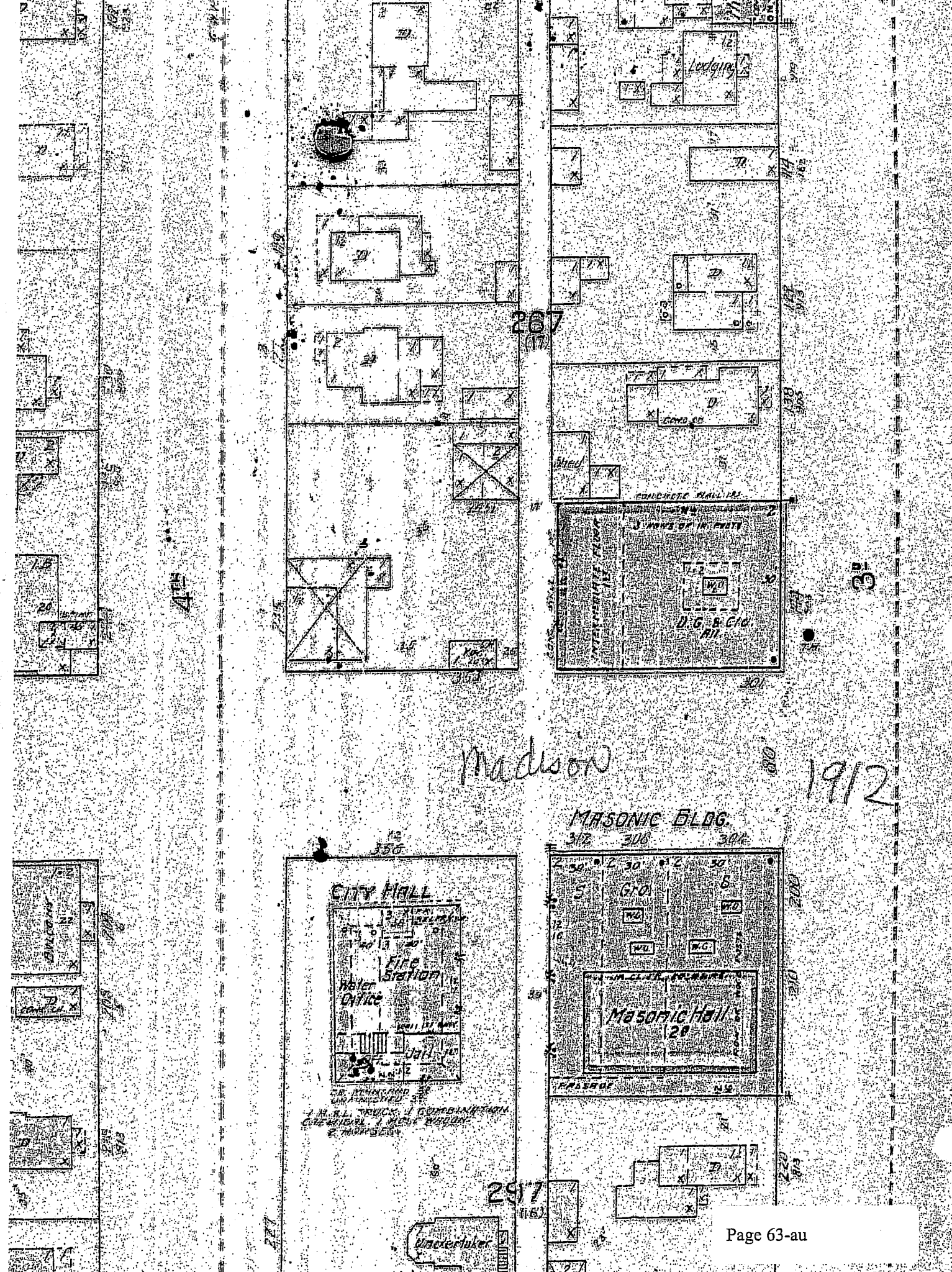
PASSAGE

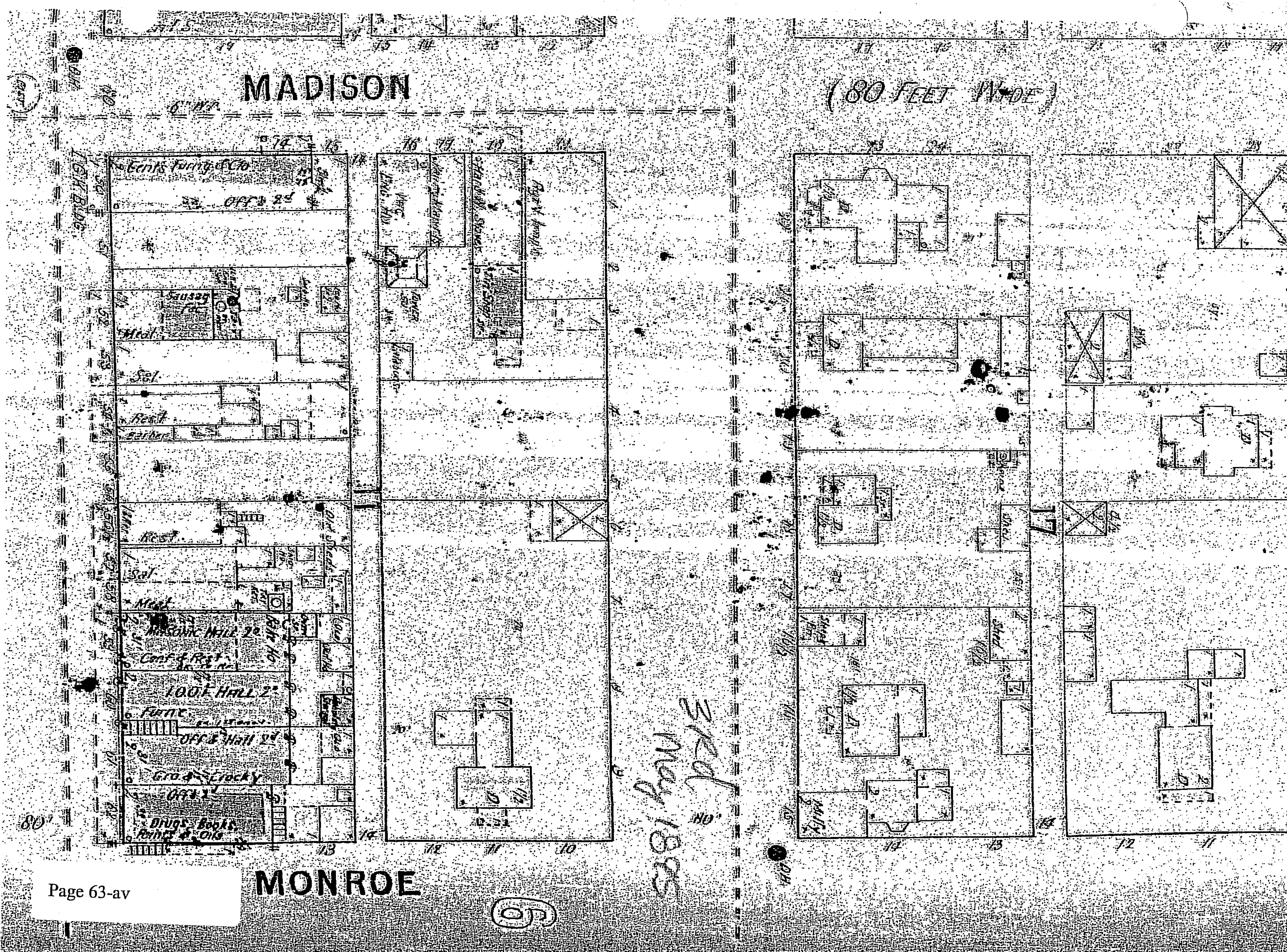
CREES BLDG.

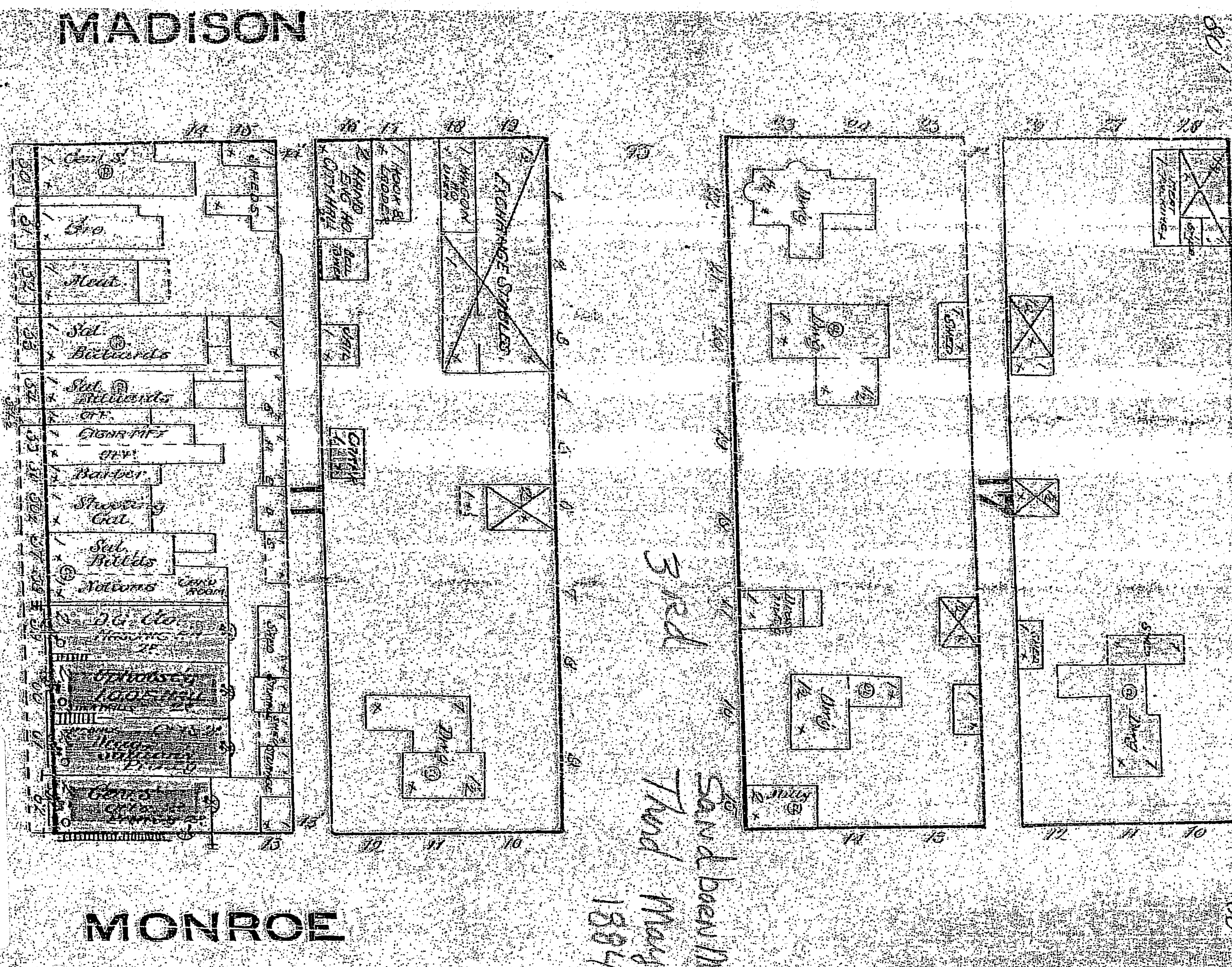
297

DRG. B.&S.

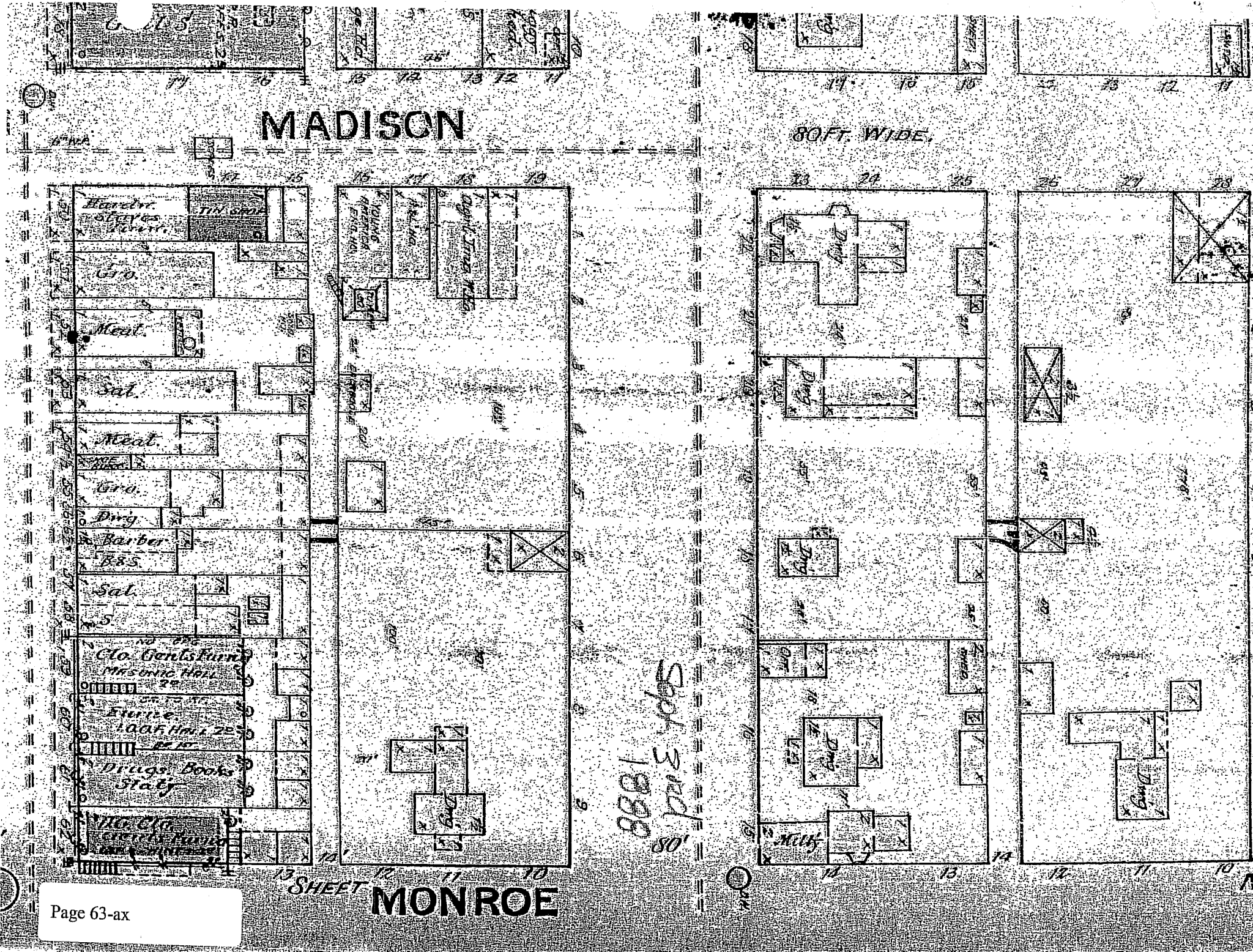
4

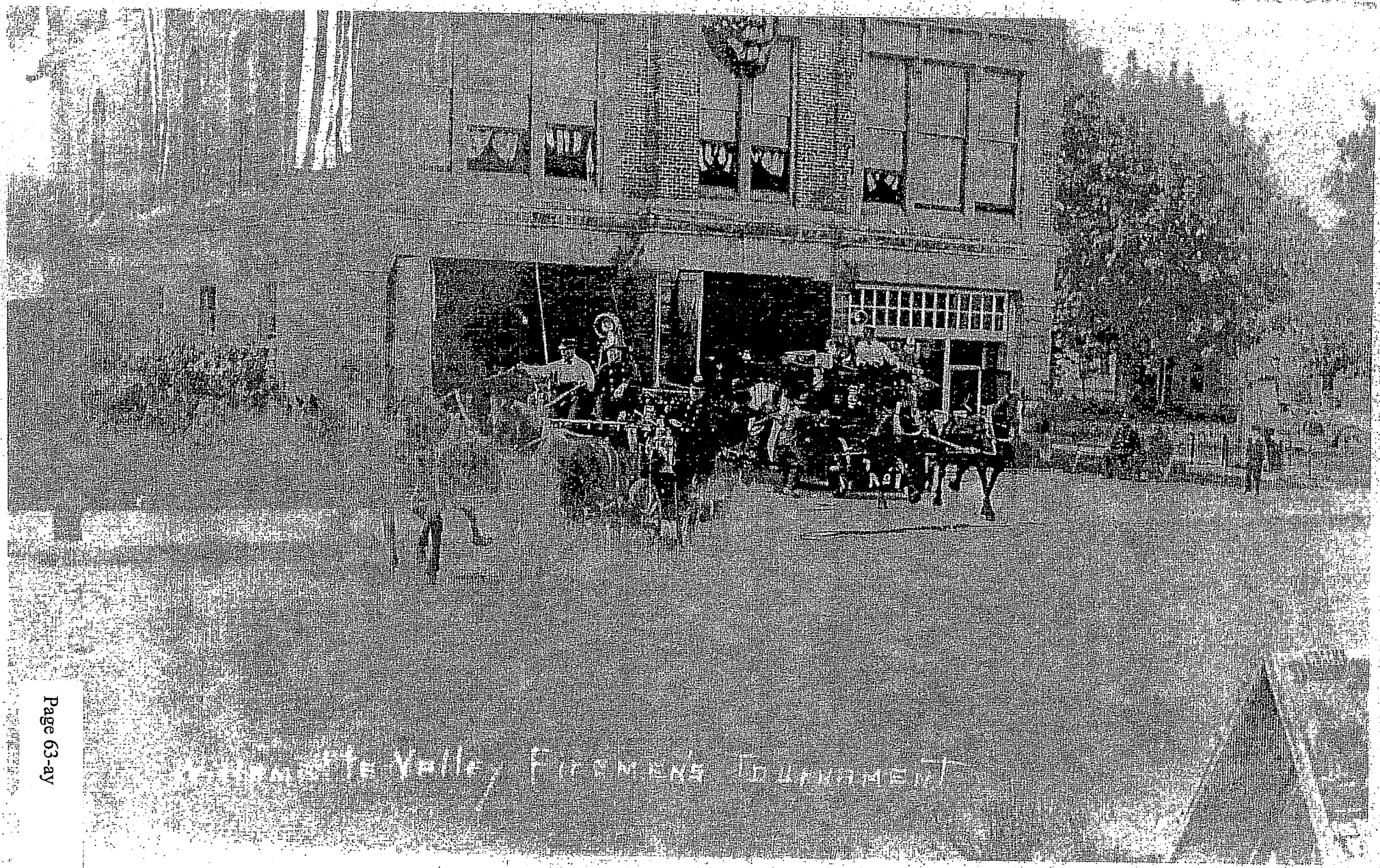

Lodging
267
(17)
Shed
CONCRETE WALL 12"
D.G. & G.I.
Madison
1912
MASONIC BLDG.
312
308
304
Gro.
Masonic Hall
28
CITY HALL
Fire Station
Water Office
Jail
Underduker
297
(18)
4TH
3RD


MADISON
(80 FEET WIDE)
6" W.P.
Gents Furn'g & Clo.
Off's 2d
Sausag. Fac.
Meat
Sal.
Rest.
Barber
Rest.
Sal.
Meat
Masonic Hall 2d
Conf. & Rest.
I.O.O.F. Hall 2d
Furn'e.
Off's. & Hall 2d
Gro. & Crocky.
Drugs, Books, Paints & Oils
Tower
MONROE
17
9
3rd May 1883

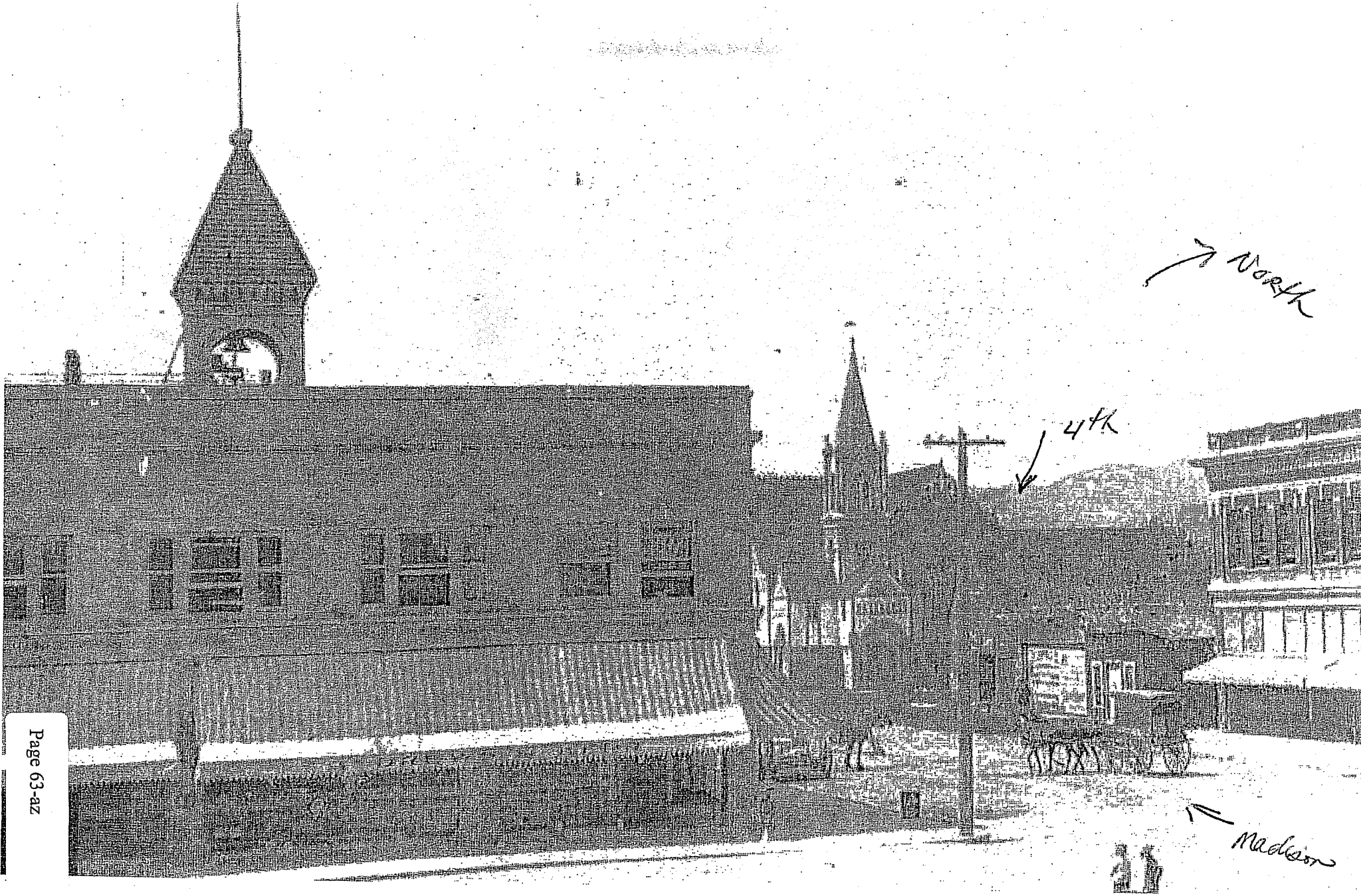

MADISON
MONROE
Gro.
Meat
Sal.
Billiards
Cigar Mfy
Barber
Notions
Exchange Stables
Dwg
3rd
Third
May
1884

Page 63-aw


MADISON
80 FT. WIDE.
Hardw. Stoves Furn.
TIN SHOP
Gro.
Meat.
Sal.
Meat.
Gro.
Dry
Barber
B&S.
Sal.
Clo. Gents Furn.
MASONIC HALL
Fancy Goods
Drugs. Books Stat.
Clo. Gents Furn.
Mill
80'
SHEET
MONROE




361 SW Madison Ave

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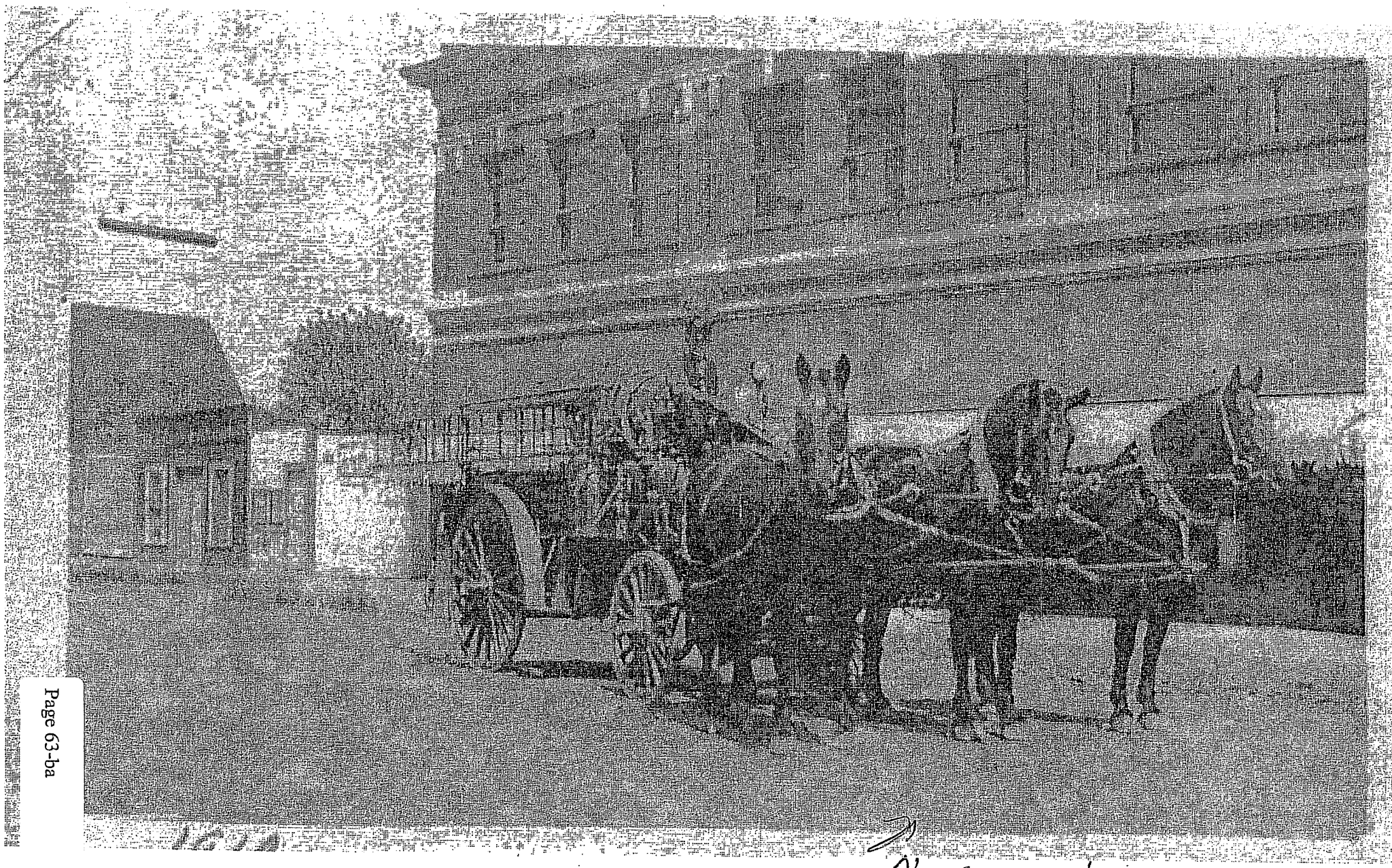

North aerodrome?

Page 63-ba

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

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Coleman Jewelers
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David Dodson
Jerry Groesz
Jeff Katz
David Livingston
Susan MacNeil

RECEIVED
JAN 11 2006
Community Developmen

January 10, 2007

Mr. Bob Richardson
c/o Mayor and City Council
500 SW Madison Avenue
Corvallis, OR 97333

Dear Mayor and City Council:

At the end of last year, the City Council accepted the Downtown Corvallis Strategic Planning Committee's Vision for Downtown Corvallis and the Downtown Corvallis Strategic Plan. These documents reflect the community's vision for a vital and prosperous downtown.

On January 9th, the Committee voted to unanimously support the adaptive reuse of the Whiteside Theater for retail and restaurant use. These uses are consistent with the work the DCA recently completed along with the City's new Land Development Code that promotes a pedestrian-friendly built environment.

In order for the downtown to remain competitive and vibrant, it is critical that existing buildings be adaptively reused. Please consider this when evaluating the merits of the appeal for adaptive reuse of the Whiteside Theater.

Sincerely,

Pat Lampton, Chair
Downtown Strategic Planning Committee

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

Jan 11, 2007

RECEIVED
JAN 11 2006
Community Developm

to Mayor Charlie Tomlinson
and the Corvallis City Council

On Dec. 4, 2006 the Corvallis Historic Resource Committee made the right decision consistent with historical designations, to reject the application of the Whiteside Partne to remodel the Whiteside Theater.

Now, it is your turn to reject their application for the good of our community and surrounding area. Corvallis already ha many good restaurants to suit every pocketboo with more on the way. And I would not be surprised if Corvallis already has more bars, lounges, saloons, and watering-holes including restaurants that serve alcohol than any city in the Northwest.

What Corvallis and our surrounding Communi do need is a Performing Arts Center and what better place than the Whiteside Theater with its 900 seats.

This would, also, be of great economic value to downtown Corvallis, as vans and bus loads of people come to enjoy cultural and entertainment events; and fan out into the area to make purchases while in town.

Income generated by Whiteside Partners woul go to a Portland based firm and the benefits to Corvallis would be marginal at best.

Jeanette Arbogast
[illegible] NW 30th St

RECEIVED
JAN 11 2006
Community Development

Jan 11, 2007

## Look to long term for Whiteside

I would like to encourage the Historic Resources Commission and Corvallis community to refrain from either of the two currently proposed Whiteside development proposals — the Portland developers or the Christian Family Group — for the present time.

Neither proposal takes into account both the basic long-term venue possibilities (900-plus seats) nor the historical importance of this unique facility.

Gutting the building — as the Portland group proposes — squanders its architectural/cultural heritage. The Christian group — although well-meaning — ultimately includes some sense of exclusion for our greater community.

The long-term big picture possibilities as a performance/cultural event facility for a new level of downtown community and tourism needs to be more thoroughly addressed and developed.

Various Deco-style theaters around the country have been restored and successfully developed into active cultural venues. A refurbished/restored Whiteside Theatre could be a local beacon for visiting artists and performers who do not include Corvallis on their itineraries for current lack of a large enough venue.

An active campaign — for community support, infrastructure and funding, cultural/civic partnerships, and logistic components like parking — needs to be researched and developed.

I say plan and develop the big picture community potential, and let the current two limited interest groups go.

**Ralph Penunuri**
**Corvallis**

to Mayor Charlie Tomlinson and the Corvallis City Council

The letter to the editor at left, appeared in the Corvallis Gazette-Times sometime prior to the Dec 4, 2006 hearing.

I am sending this copy to you, because it makes a lot of good sense.

Read and consider it.

Jeanette Arbogast
240 NW 30th St

## Richardson, Robert

**From:** Scott and Marie [scottandmarie@bellsouth.net]
**Sent:** Thursday, January 11, 2007 1:43 PM
**To:** Richardson, Robert
**Cc:** Walt
**Subject:** The Whiteside Theatre in Corvallis

Dear Corvallis City Council,

Reference Whiteside Theater (HPP06-00039)
Please deny the application by the Whiteside Partners, LLC to change the exterior of the building.
We oppose the application under the Land Use Code Section 2.9.
We believe the existing 1950's marquee is historic and should not be removed
We oppose the addition of new storefront windows and doors on the west elevation of the building
The code does not allow new building materials like steel channel canopies
The replacement of the south theater doors, windows and portions of wall with new storefront windows and doors is prohibited in the code in keeping with the building as an historic resource.
We believe the massive changes to interior of the building should be considered under Section 2.9..70 (a) because the application changes will affect the exterior of the building.
The proposed signage to the south and west elevations are not in keeping with the existing building's characteristics.
The Whiteside Theater's historic fire escape should remain.
The changes proposed would permanently damage the historic nature of the Whiteside.

Best Regards,

Scott and Marie Tittle

[Date Prev][Date Next][Thread Prev][Thread Next][Date Index][Thread Index]

# <web>Whiteside

- *To*: ward8@xxxxxxxxxxxxxxxxxxxxxxxxxx
- *Subject*: <web>Whiteside
- *From*: Shirley Wirth <shirleywirth@xxxxxxxxxxx>
- *Date*: Thu, 11 Jan 2007 11:05:13 -0800
- *Reply-to*: <shirleywirth@xxxxxxxxxxx>

This is an enquiry e-mail via %s from: Shirley Wirth (shirleywirth@xxxxxxxxxxx)
David,
My husband and I have lived in Corvallis all our lives (over 65 years). We enjoyed many happy hours at the Whiteside Theater. However, we feel at this point that the theater has out-lived its usefulness and that the building needs to be remodeled so that it can bring vitality and new businesses to the downtown area. . Reinovating it to preserve the unattractive side on 4th St. seems totally absurd. Opening it up with windows and store fronts would make much more sense. Allowing it to become a theater or church just delays the eventual destruction of the building. We need a place that all members of the community can enjoy.

Thank you for considering these things as you make the decision on the next step for the Whiteside.

Sincerely,
Don and Shirley Wirth


- Prev by Date: **spry Larrger 0rgasmm**
- Next by Date: **Legislators Won't Miss Much By Skipping The So-Called Health Care Summit**
- Previous by thread: **spry Larrger 0rgasmm**
- Next by thread: **Legislators Won't Miss Much By Skipping The So-Called Health Care Summit**
- Index(es):
  - **Date**
  - **Thread**

**Richardson, Robert**

**From:** Dave & Sue Cook [dcook@proaxis.com]
**Sent:** Tuesday, January 16, 2007 4:51 PM
**To:** Richardson, Robert
**Subject:** Whiteside renovation

Dear Mr. Richardson,

I am in favor of the Whiteside Partners proposal and support the City Staff's opinion that this proposal should be approved".

Sue Cook
7455 NE Haugen Rd
Corvallis, OR 97330

January 16, 2007

To: Corvallis City Council
Case: Whiteside Theater (HPP06-00039)

Dear Councilors:

My name is Les Boudreaux and I live in Corvallis. My wife and I own the Historic Kline Building located on the corner of 2nd. St. and Madison in Downtown Corvallis. I would first to state that I have no interest, financial or otherwise, in the Whiteside Partners, LLC, and in fact have never met anyone in that organization. I am primarily a Downtown property owner and citizen who is interested in a vibrant Downtown Corvallis.

My wife and I restored the Kline building in 1985-86 and proceeded to have it listed on the National Register of Historic Places. The work was done under guidelines of the SHPO and the US Department of the Interior. Even with the strict requirements of those agencies, we were allowed to make certain alterations to the building and remove certain features that were not original and not consistent with the original 1889 structure. We approximated the façade from the 1889 photos and added 2 windows to match one original window, and removed a late addition cantilevered canopy and returned the original style canvas awnings.

My point is that if the stringent standards of SHPO and the Dept. of the Interior allow certain alterations in order to make it feasible to preserve a property, how can we deny an application which retains the historic fabric of the Whiteside.

Adaptive use is important in preserving historically significant buildings.

I quote the following from the Corvallis Land Development code
Chapter 2.9:
Sec. 2.9.20 Purposes of the City's Preservation Provisions:
E. Promote the use of historic districts and landmarks for education, pleasure, energy conservation, housing, AND THE PUBLIC AND ECONOMIC WELFARE OF THE CITY.
(over)

**Sec.2.9.100.04 Some exterior Alterations or New Construction involving a Designated Historic Resource may be needed to assure its continued use.**
**Sec. 2.9.100.04, b.2. a)Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance.**
**Sec. 2.9.100.04, b. 3.a) Architectural features on main facades shall be retained, restored or designed to complement the primary structure.**
**C) if any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style.**

**In studying the Whiteside Partners proposal, I believe that it meets the criteria and I urge the Council to approve the appeal and allow the project to proceed. It will help strengthen our Downtown and add to the economic strength of Corvallis as well as providing an additional element in making our City and the Downtown a wonderful place to live and to visit.**

**Thank you,**

Les Boudreaux 1/16/07

**Les Boudreaux**

**City Councilor Mike Beilstein, Ward 5** **January 15, 2007**

**How would Instant Run-Off Voting work for selection of Planning Commission appointees?**

Instant run-off voting (IRV), preference voting, or assured majority voting are euphemisms for a method of electing a candidate for a single position from a field of more than two candidates. The same method can be used for only two candidates, but it becomes equivalent to the "winner take all" style election.

In an assured majority election the candidates are ranked by voters in order of preference. The elections official tabulates the number of first choice votes for each candidate. If one candidate receives a majority of the first choice votes, he is elected and the election is over. If there is no majority from the first choice votes, the candidate with the lowest first choice total is removed from the elections. The ballots for the removed candidate are recounted for the second choice votes. The second choice totals from the recounted ballots are added to the totals of the first choice votes from the initial count. If there is still not a majority, the candidate with the second lowest first choice total is removed and the process is repeated until there is a majority.

Here is an example to show how votes would be counted for an election with four candidates and nine electors.

Four candidates: Abe, Bob, Carl and Don
Nine electors: 1, 2, 3, 4, 5, 6, 7, 8 and 9.

Votes from the nine electors:

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|---|
| First choice: | Abe | Abe | Don | Carl | Bob | Bob | Bob | Carl | Abe |
| Second | Don | Don | Carl | Bob | Carl | Abe | Carl | Don | Don |
| Third | Carl | Bob | Abe | Don | Don | Carl | Don | Abe | Carl |
| Last choice: | Bob | Carl | Bob | Abe | Abe | Don | Abe | Bob | Bob |

From the first choice votes, the totals are: Abe 3, Bob 3, Carl 2 and Don 1. There is no majority, so Don is eliminated from the election. The ballot tally now looks like this (the eliminated candidate struck out):

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|---|
| First choice: | Abe | Abe | ~~Don~~ | Carl | Bob | Bob | Bob | Carl | Abe |
| | ~~Don~~ | ~~Don~~ | Carl | Bob | Carl | Abe | Carl | ~~Don~~ | ~~Don~~ |
| | Carl | Bob | Abe | ~~Don~~ | ~~Don~~ | Carl | ~~Don~~ | Abe | Carl |
| Last choice: | Bob | Carl | Bob | Abe | Abe | ~~Don~~ | Abe | Bob | Bob |

The ballot from elector 3 (with Don as first choice) had Carl as the second choice. The one vote for Carl is added to the first round count, giving a new total of: Abe 3, Bob 3 and Carl 3. There is still not a majority vote, so Carl who received the second lowest total in the first choice count (2 votes) is removed from the election. The ballot tally now looks like this:

| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|---|---|---|---|---|---|---|---|---|---|
| First choice: | Abe | Abe | ~~Don~~ | ~~Carl~~ | Bob | Bob | Bob | ~~Carl~~ | Abe |
| | ~~Don~~ | ~~Don~~ | ~~Carl~~ | Bob | ~~Carl~~ | Abe | ~~Carl~~ | ~~Don~~ | ~~Don~~ |
| | ~~Carl~~ | Bob | Abe | ~~Don~~ | ~~Don~~ | ~~Carl~~ | ~~Don~~ | Abe | ~~Carl~~ |
| Last choice: | Bob | ~~Carl~~ | Bob | Abe | Abe | ~~Don~~ | Abe | Bob | Bob |

The first choice vote totals for electors 1, 2, 5, 6, 7, and 9 are counted because Abe and Bob are still in the election. The first choice for elector 4 and the first and second choice for electors 3 and 8 have been

eliminated. Their respective second and third choices are counted and added to the remaining first choice votes. The total is then: Abe 5 and Bob 4. Abe is the winner and the election is over.

**What would happen if there were a three-way tie between only three candidates?** The candidate with the lowest total in the second choice count would be eliminated and the ballots would be re-tabulated as in the above example. The guiding principle is to select the candidate who has the highest preference for the most electors.

**Is it possible to have an election with no majority winner?** Yes, but the circumstances are similar to those that would produce no majority in a "winner take all" election. The probability of "no winner" is reduced in the assured majority election because of the possibility of variations between electors in the second and further ranked choices. The remedy is the same as the remedy for a failure to achieve a majority in a "winner take all" election. Re-poll the electors and hope that some will change their votes.

**Why use assured majority voting rather than the traditional method?** There are two reasons. The first is fairness. The opinion of each voter is considered in the decision, even when their first choice is discarded. Voting for a minority support candidate doesn't produce a "wasted" vote, because the second choice will be considered if the vote is critical to the outcome. In national elections, this would mean that voters could vote for Nader (and Al Gore as their second choice) without fear that their failure to support Gore will throw the election to Bush. For the Planning Commission, a councilor could vote for a candidate with which he shared an unpopular ideology, knowing that his second choice vote would go to the most desirable of the remaining candidates.

The second advantage of assured majority voting is efficiency. The selection of Planning Commission appointees must be by majority vote of the Council. In 1999, there were a large number of candidates for 4 positions. The council required multiple elections to achieve a majority for each position. The elections could only be completed by Councilors changing their votes from their preferred candidates to candidates with broader support. The assured majority system would require one vote for each position. The preference system would automatically produce a majority vote for the candidate with the broadest support.

**Is the assured majority system legal for selecting Planning Commission appointees?** Section 21 of the City Charter requires that Council decisions are made by majority vote. The assured majority system is a method of achieving a majority decision. Section 26 of the Charter applies State Election Law to City elections. The Oregon Constitution (Article 2, Section 16) makes specific provision for preference voting. The April 21, 2005 memo from Ashland City Attorney Michael Franell indicated his belief that a home rule city cannot compel its county government to conduct a preference election, however elections conducted by the city could use the system. The Planning Commission is selected without involvement of the County. The Boards and Commissions Ordinance, Corvallis Municipal Code Section 1.16.235 should be consulted to ensure there are no further restrictions on Planning Commission selection. However, based on the requirement for majority decisions, preference voting seems the preferred method of selecting appointees to the Planning Commission when there are more than two candidates for one position.

Subject to learning the opinion of the City Attorney and those of my fellow Councilors, it is my conviction that the decision to use preference voting is at the discretion of the Council. That decision must be made by a majority vote of the Council. In the event that the Council must select Planning Commission appointees from a field of candidates that could potentially result in failure to achieve a majority decision on the first vote, I intend to propose that the Council use preference voting for those decisions.

## Get Involved

There are a variety of ways to get involved. The following options are venues to provide input into the Corvallis Community Vision for Education.

**Invite Us to Hear From Your Organization**
We are excited about the opportunity to meet with community groups and organizations. Presentations and input sessions typically range from 20 to 60 minutes in length, depending on the availability of the group. However we are able to cater the facilitation to the needs of the group. These sessions allow the district to receive input from your members about K-12 education in Corvallis.

**Online Survey**
To participate in an online survey, visit the website at www.360eval.com/login and enter the login code "CorvallisVision" (all one word).

**Community Forum**
A community forum is scheduled for Thursday, January 25 at 6:00-8:30 p.m., at Linus Pauling Middle School. This forum will provide community members with an opportunity to offer input on their community vision for education.

**Culminating Event**
A public forum is scheduled on Tuesday, March 13 at 6:00-9:00 p.m., at Corvallis High School. The forum will share the initial findings of the community's vision and provide an opportunity to provide feedback on the emerging themes. Participants will engage in electronic voting and breakout groups to prioritize and further refine the vision.

To arrange a facilitation with your organization, contact Julie Catala in the Superintendent's Office by email: julie.catala@covallis.k12.or.us or phone (541) 757-5841.

**Corvallis School District**
Learning For All

1555 SW 35th St.
Corvallis, OR 97333
541-757-5811

Visit us online at
www.csd509j.net
to learn more about
Corvallis School District
and the Community Vision
for Education

*Engaging our community in creating a shared vision of a quality education.*

*"I am very excited to engage our community in a conversation about our district and the goals that we have for student learning."*

Dawn Tarzian
Superintendent

# Corvallis
Community Vision for Education

## An Invitation to Participate

The Corvallis School District is launching a process to identify the community's collective vision of quality education for our students. The goal of the Corvallis Community Vision for Education is to identify the community's values and align the targets for student outcomes with those values. The process also will include discussion about how our community defines student success.

The district will build the foundation for the Community Vision for Education by gathering information from a wide variety of stakeholders in the district community. The process seeks to engage students, staff, parents, businesspersons, community leaders and other community members.

The input gathered in the process will be used to create recommendations and a district model for student success used to guide the future actions of the Corvallis School District. It is our hope that the community connections created and enhanced through this process will thrive as our shared vision of a quality education is implemented.

Please join us in this important process to identify the future of Corvallis School District.

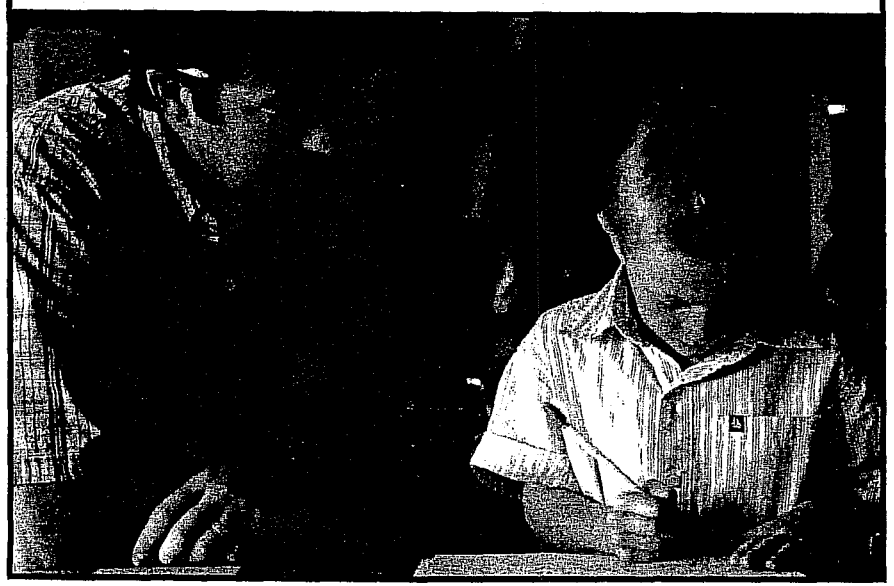
**2007**

## What Guides the Process?

There are three questions that guide the process. Participants in the community engagement sessions will be led through a facilitation to gather their input on key district issues. The following three guiding questions are the basis for the activities.

- As a community, what knowledge and skills do we believe our students need to possess to be successful?
- What learning experiences and opportunities should we provide for our students?
- What kind of culture are we committed to fostering in our district?

This Community Vision for Education will drive the focus of Corvallis School District for years to come. District initiatives, school improvement plans, professional development opportunities, and identification and allocation of resources will be determined relative to their place in achieving the community's vision for quality education and the resulting impact on student success.



## How the Process Works

For this process to be successful it must include the input of stakeholders across the community. These stakeholder groups will include the internal district community as well as the external Corvallis community. We'd like to see representation from the various stakeholder groups and ensure that those groups previously under-represented have a voice in this process.

Facilitative tools are used to gather input and generate discussion to create a vision for teaching and learning in the Corvallis School District. In addition, the emerging themes from facilitations will be formed into clear recommendations for the district.

A Synthesizing Group, comprised of representatives from various stakeholders will assist in the strategic planning process. Together, this group will help create clear recommendations and a shared vision for student success in our community.

Community feedback will not end at the input sessions; the Synthesizing Group will dig deeply into emerging themes. District feedback will be provided throughout the process to further engage the community and facilitate more discussion.

Corvallis
Community Vision for Education

## About Our District

In the Corvallis School District, we recognize the need to establish a collaborative and innovative culture to inspire staff to do their best work. Staff and community collaborate to explore and develop new ideas that will expand and enrich learning opportunities for all students.

The district serves approximately 6,700 students with about 775 staff members. Six elementary schools, two K-8 schools, two middle schools, and two high schools offer students and families a rich diversity of learning opportunities.

The district also provides an alternative education option for students in grades 6-12 who benefit from a different approach to learning.

**Corvallis School District**

- Adams Elementary
- Franklin School (K-8)
- Garfield Elementary
- Hoover Elementary
- Jefferson Elementary
- Lincoln School (K-8)
- Mountain View Elementary
- Wilson Elementary
- Cheldelin Middle School
- Linus Pauling Middle School
- Corvallis High School
- Crescent Valley High School
- College Hill/Harding Center

13 January 2007

To City of Corvallis Staff and Elected Officials:

From Southwest Corvallis Residents (Ward 1)

On behalf of our SW Corvallis neighborhood, we are requesting that Ken Gibb and the Development Services staff and Planning staff, City Manager Jon Nelson, Mayor Charlie Tomlinson, and both the Planning Commission and City Council consider the cumulative impacts of development in our neighborhood over the last 10 years, including impacts on traffic, quality of life, and the natural environment. Many relatively large developments have been approved by the City and built without providing basic amenities such as a neighborhood park or convenience store within walking distance. There is no cohesive plan for our neighborhood and no consideration of cumulative impacts of development decisions partly because Southwest Corvallis was left out of the Area Plan process, while all other parts of town had an Area Plan done.

We request that the City take the following actions over the next year:

1-- Do an Area Plan for our neighborhood before approving any further developments larger than one lot.
2-- Look at cumulative impacts on neighborhoods of proposed development projects inside the Urban Growth Boundary, to avoid the negative impacts of piecemeal development proposals that are currently considered in isolation. This will help remedy the current negative impacts on our neighborhood of several large development projects that are very near one another but that are only being considered on their own rather than in combination.
3-- Use at least half of System Development Charges paid by developers to provide amenities in the immediate neighborhood of the development to help maintain our quality of life and provide basic amenities that are currently lacking.
4--Remove the speedbumps along Brooklane that were not built to standard specifications in size, abruptness, and spacing, so that emergency equipment such as fire trucks and ambulances can respond more quickly, and so that we can all drive the 25 mile per hour speed limit on this collector street without damage to our vehicles. Replace them with ones that meet accepted design standards like the ones on 30th between Jefferson & Harrison.

Thank you for considering our request.

Sincerely,
Southwest Corvallis residents

Susan & Jeff Morré
2775 SW Fairmont Dr

Peter & Deborah Boll
2805 SW Fairmont Dr

Laurie Childers
2675 SW Fairmont Dr.
Corvallis OR 97333

2675 SW Fairmont
Corvallis, OR

Kathleen Hess
2710 SW Fairmont

2950 SW Fairmont

Jim Wohlwend
2695 SW Fairmont Drive
Corvallis, OR 97333

Sheryl Oakes Caddy
2725 SW Fairmont

40 total

13 January 2007

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Thank you for considering our request.
Sincerely,
Southwest Corvallis residents

2810 SW Fairmont Dr.
Corvallis OR 97335

Norman T. Bishop
Patricia J. Bishop
2680 SW Fairmont Dr.
752-4547 pat.bishop@comcast.net

Lucinda L. Taylor
George H. Tay
2795 SW Fairmont

Jessica Wisor
2755 SW Fairmont Dr.
541-207-3096 jlwisor@yahoo.com

2755 SW Fairmont Dr
541-207-3096 ewisor@yahoo.com

13 January 2007

To City of Corvallis Staff and Elected Officials:

From Southwest Corvallis Residents (Ward 1)

On behalf of our SW Corvallis neighborhood, we are requesting that Ken Gibb and the Development Services staff and Planning staff, City Manager Jon Nelson, Mayor Charlie Tomlinson, and both the Planning Commission and City Council consider the cumulative impacts of development in our neighborhood over the last 10 years, including impacts on traffic, quality of life, and the natural environment. Many relatively large developments have been approved by the City and built without providing basic amenities such as a neighborhood park or convenience store within walking distance. There is no cohesive plan for our neighborhood and no consideration of cumulative impacts of development decisions partly because Southwest Corvallis was left out of the Area Plan process, while all other parts of town had an Area Plan done.

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4--Remove the speed bumps along Brooklane that were not built to standard specifications in size, abruptness, and spacing, so that emergency equipment such as fire trucks and ambulances can respond more quickly, and so that we can all drive the 25 mile per hour speed limit on this collector street without damage to our vehicles. Replace them with speed bumps that meet accepted standards such as those along 30th Street between Jefferson and Harrison.

Thank you for considering our request.
Sincerely,
Southwest Corvallis residents

Will Koenitzer Marilyn Koenitzer
4240 SW Fairhaven Dr

13 January 2007

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Sincerely,
Southwest Corvallis residents

Balz Frei
2835 SW Fairmont Dr.
Corvallis, OR 97333

Simone Frei
2835 SW Fairmont
Corvallis, OR 97333

13 January 2007

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Sincerely,
Southwest Corvallis residents

Lyna
Mohaiza Dashwood 1-15-07
RAD Dashwood 1/15/07
2870 SW FAIRMONT DRIVE
CORVALLIS OR 97333

Bruce De Jong 1-14-07
Karen Dejong 1/14/07
2790 SW FAIRMONT DRIVE

Patricia Smythe
Robert Smythe
2753 SW Fairmont

13 January 2007

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Sincerely,
Southwest Corvallis residents


2710 SW DeArmond
Corvallis, OR

* (Kenneth F. Boorom)

* Theresa Hanover (Theresa M. Hanover)
2685 SW DeArmond Dr.
Corvallis OR 97333
753-6488

Ellen Monser
2730 SW DeArmond Dr.
Corvallis OR 97333

13 January 2007

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Sincerely,
Southwest Corvallis residents

SCOTT & SARA WRIGHT
2690 FAIRMONT
Scott Wright
Sara Wright

13 January 2007

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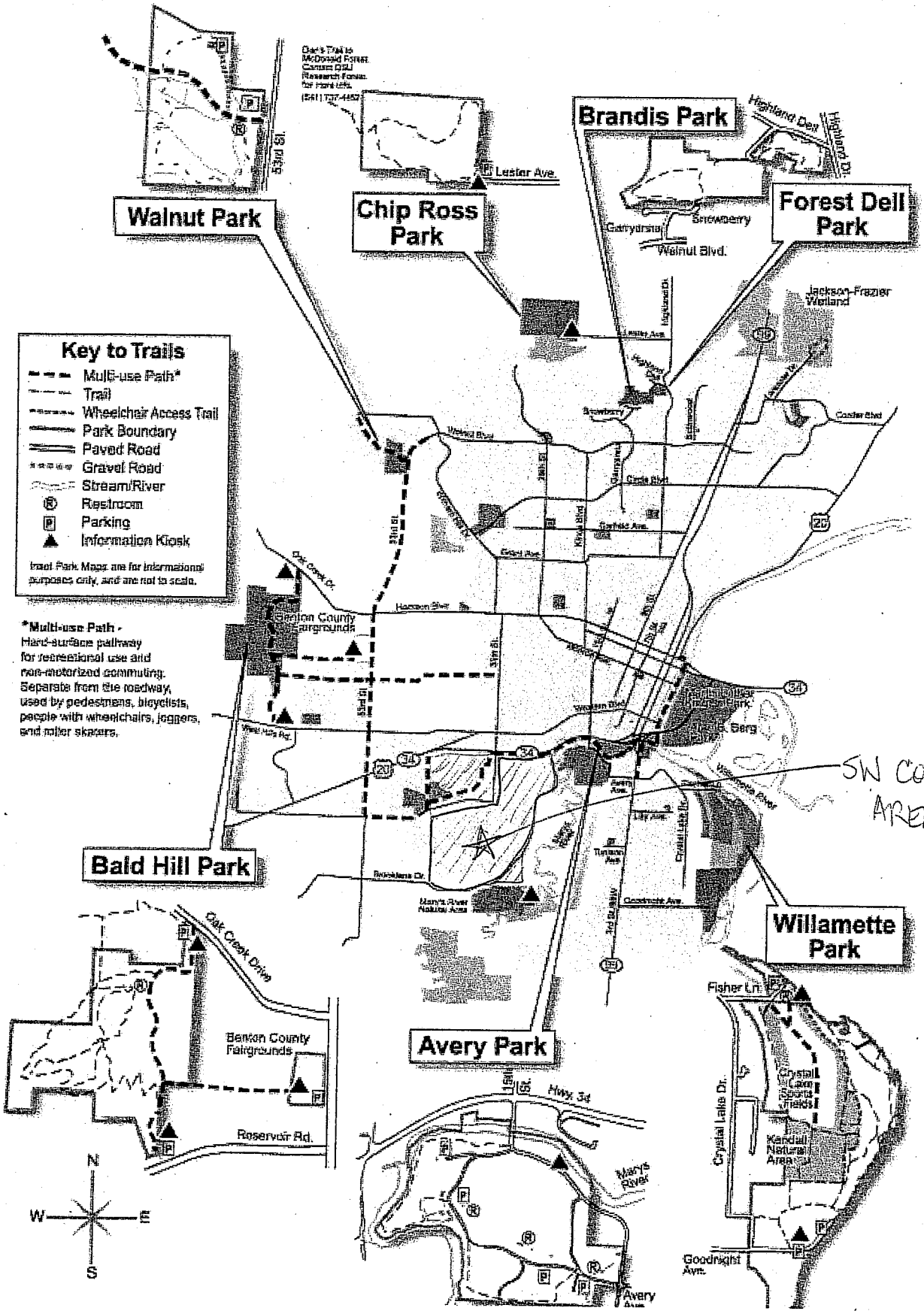
Thank you for considering our request.
Sincerely,
Southwest Corvallis residents

Charles Heath
Patty [illegible]
Robert M. Storm

(all Bedmond residents)

# Corvallis Parks & Recreational Trails

Corvallis Parks & Recreation • 1310 SW Avery Park Dr., Corvallis, OR 97333 • (541) 766-6918 • www.ci.corvallis.or.us




SW CORVALLIS AREA PLAN REQUES

# Corvallis Supportive Housing Project Summary and Updates

## Project Vision

*Up to ten housing units will be built or acquired and supportive services provided that help survivors of domestic violence transition into safe, self-sufficient lives and permanent housing.*

## Proposed Supportive Services

- Subsidized rent
- Case management
- Job skills training and support
- Transportation
- Childcare and children's activities
- Counseling
- Referrals to needed community resources

## Project Partners

**Corvallis Neighborhood Housing Services** (CNHS) is the developer and future owner of the transitional housing facilities. CNHS is working closely with **Center Against Rape & Domestic Violence** (CARDV), which will provide supportive programming for the program when complete, and is involved in the design and development of the housing. The primary project partners are supported by a **Project Steering Committee** that includes the United Way of Benton County and the City of Corvallis Housing Division.

## Background & Needs Assessment

The Transitional Housing Project is the result of years of needs assessment and discussion between Corvallis' core affordable housing and human services organizations, including those represented on the project's Steering Committee. In part because the City of Corvallis has identified transitional housing as a priority in its 5-Year Consolidated Plan, the partners have agreed that the time is now right to launch the project.

A three-year study of exit data for CARDV clients from 2003-2005 indicates that **an annual average of 35 individual women, including 23 children**, will be eligible for a supportive housing program each year.

Many families exiting emergency shelters, particularly those who have experienced domestic abuse, are not ready for independent living without support. Subsidized rent and supportive services will provide families the time and opportunity to develop the skills and confidence needed for successful independent living in our community.

## Progress Updates

**Corvallis NHS has:**

- Initiated work on a capital campaign by securing donations from local donors.
- Identified two possible sites for the transitional housing project.
- Started work on site plans and project financing for the two possible sites.

# Community Land Trust Project Summary and Updates

A community land trust (CLT) is a non-profit organization that owns land for the purpose of creating and sustaining affordable housing. A community land trust makes housing affordable by separating ownership of the land from ownership of the home. Homeownership is more attainable because the value of the land does not affect the price of the actual building.

• Community Land Trusts increase the supply of affordable homes for low and moderate income working people.

• Community Land Trusts provide a chance for the homeowner to earn limited equity. The CLT homeowner receives a percentage of the appreciation on their home when they sell it. This limited equity model allows the home to remain affordable for the next buyer.

• Community Land Trusts offer community benefits such as long-term affordability, retention of community investment, and the social benefits of homeownership.

## Progress Updates

Corvallis Neighborhood Housing Services has:

- Identified two potential sites for developing community land trust homeownership opportunities and started work on site plans and project financing.
- Worked with a Task Force to determine goals and research possibilities for community land trust projects.
- Continued working on a business plan for the CLT, including market analysis and organization and management.
- Drafted legal documents, including the ground lease agreement and resale formula.
- Identified possible foundation grant sources.
- Held a focus group to determine market readiness.
- Received an endorsement of the concept from the City Council and the City's Housing and Community Development Commission.

# Whiteside Theater (HPP06-00039)

Staff Presentation to City Council
Public Hearing
January 16, 2006

## Staff Overview

- **Site**
  The Whiteside Theater is located at 361 SW Madison Avenue on the northeast corner of SW Fourth Street and SW Madison Avenue.
- **Historic Classification**
  The Whiteside Theater is a Designated Historic Resource listed on the Corvallis Register of Historic Landmarks and Districts.

## Case History

- November 14, 2006 – HRC Public Hearing
- December 4, 2006 – HRC Deliberations
  – Application denied
- December 15, 2006 – Applicants Appeal

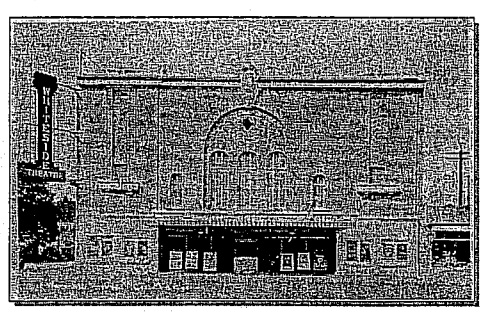
## Proposed Alterations - South Elevation

- Replace 1950's marquee with replica of 1920's marquee
- Install display windows on west corner, and doors on east corner
- Install canopy over doors on east corner

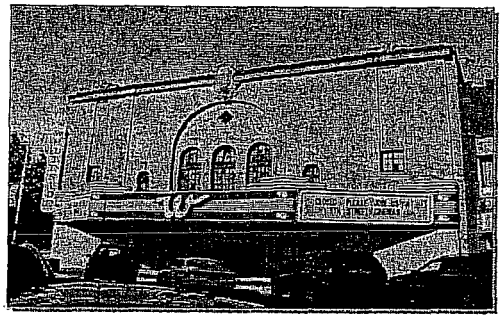
## Proposed Alterations - South Elevation

- Replace existing theater doors with storefront windows and doors
- Install blade signs below marquee and on canopy
- Replace existing Whiteside sign with replica of 1920's sign

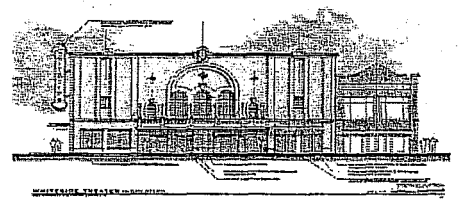
## Original South Facade



## Existing South Facade



## Proposed South Facade



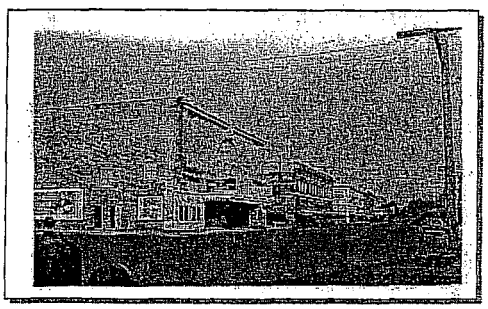
## Proposed Alterations - West Elevation

- Install storefront windows and doors
- Install second floor windows
- Install 5 canopies
- Install 2 signs on canopies and 3 blade signs

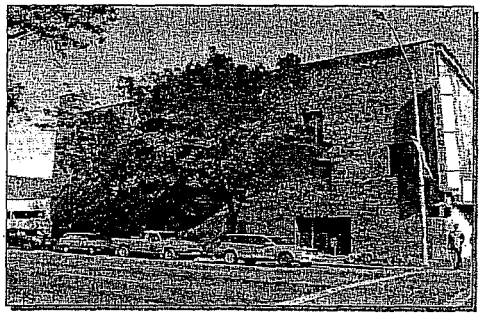
## Proposed Alterations - West Elevation

- Install a historical informational plaque
- Relocate 2 original exterior light fixtures
- Add cornice

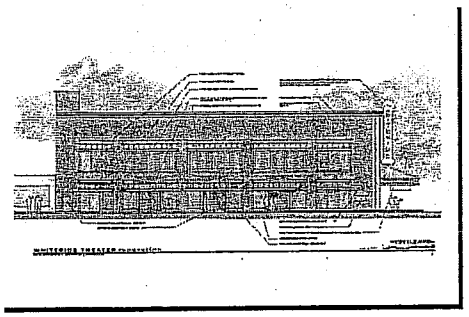
## Original West Facade



## Current West Facade



## Proposed West Facade



## Staff Identified Review Criteria LDC Chapter 2.9

- General
- Facades
- Building Materials
- Architectural Details
- Scale & Proportion
- Roof Shape
- Pattern of Window & Door Openings
- Differentiation

## HRC Decision

- Staff Recommended HRC Approval
  - 7 Conditions of Approval
- HRC denied application
  - 4 in favor of motion, 2 opposed
- Applicant appealed
  - 3 issues

## Appeal Issues

- Non-applicable criteria used
  - Secretary of Interior Standards
- West façade considered primary
- Decision based on interior alterations

## Full Staff Presentation

Whiteside Theater
(HP06-00039)

## Issue 1: Secretary of Interior Standards Used as Criteria

- Secretary of Interior Standards are not LDC criteria
- LDC Criteria embody S I Standards
- HRC references:
  - Historic in "its own right"
  - Reversibility
  - Record of history

1

## Issue 1: Secretary of Interior Standards Used as Criteria

- Rationale for denial did not reference Secretary of Interior Standards
- Motion / Deliberations referenced:
  - Facades
  - Pattern of Window & Door Openings

2

## Issue 2: West Façade Not Primary

- "Primary" based on Building Orientation criterion
- Building Orientation criterion not applicable
  - Orientation / position not changed
  - Impacts to west façade not caused by orientation
- West façade a "Main" façade per Facades criterion

1

## Issue 2: West Façade Not Primary

- West façade given overly high value
  - West façade a historically intact
  - West Façade a "main" facade facing ROW
  - Multiple HRC views on west façade's value
  - Motion to deny cited Facades criteria

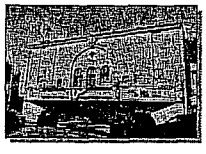
2

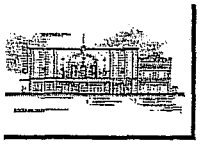
## Issue 3: Interior Alterations

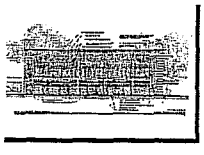
- HRC reached decision based on interior alterations
  - HRC asked questions / made reference to interior alterations
  - Rationale for denying did not reference interior alterations

## End

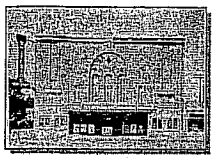
## Current & Proposed Facades







## Original Corner Signs

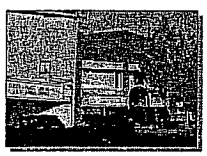


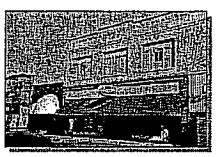
Original 1922 Sign

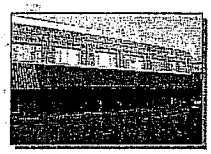
Late 1920's Sign

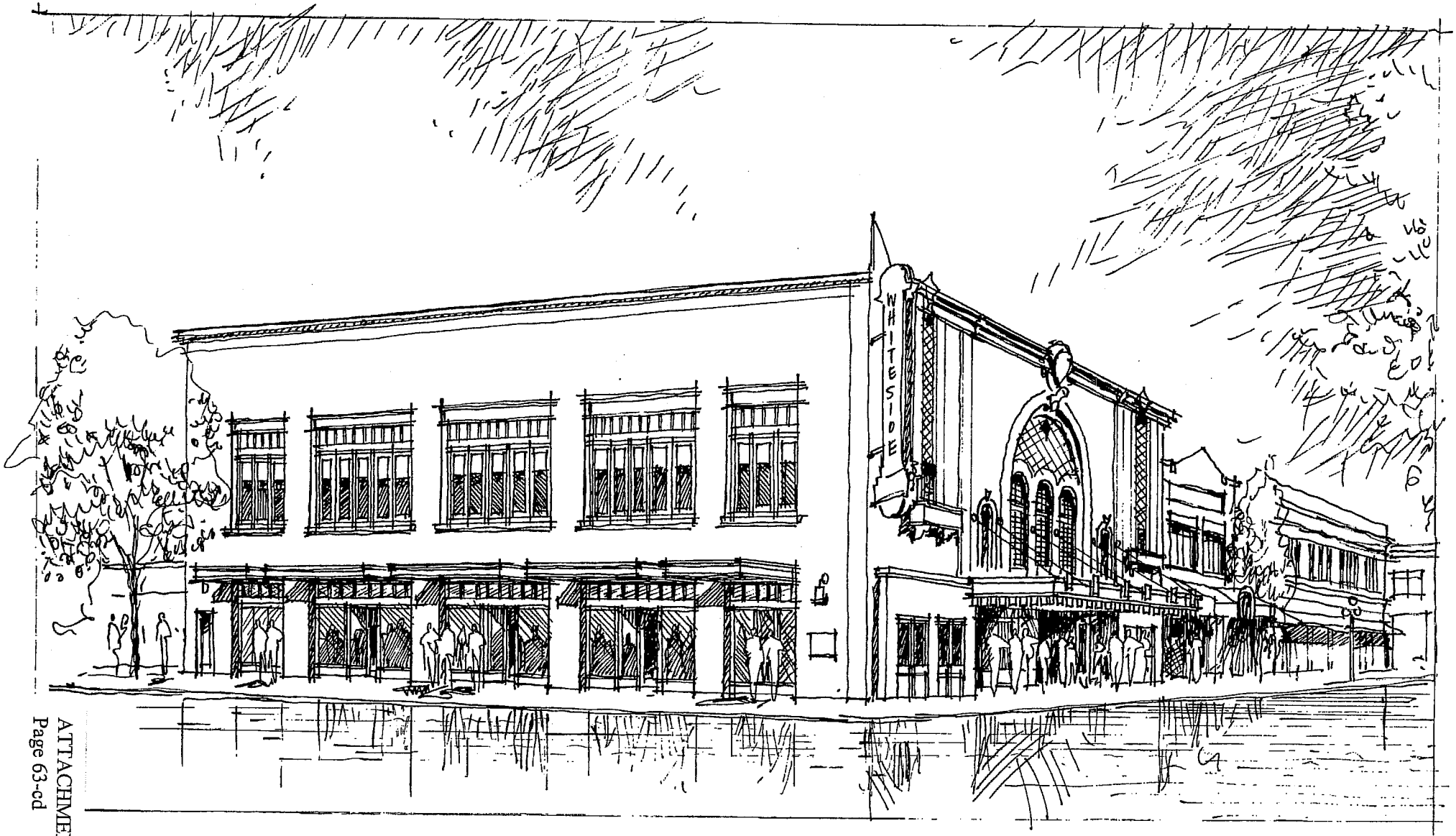
## Example of Steel Framed Canopy & Sign

## Examples of Window and Door Openings








WHITESIDE

**WHITESIDE THEATER (HPP06-00039)**
**RECOMMENDED CONDITIONS OF APPROVAL**
January 16, 2007

The applicants modifications to staff's recommended conditions are noted in red.

1. **Consistency with Plans** - Development shall comply with the narrative and graphics in the submitted application, identified as **Attachment G** of the staff report, except as modified by Conditions of Approval or unless a requested modification otherwise meets the criteria for an Alteration or New Construction per LDC Chapter 2.9.

2. **Marquee, ~~and~~ "Whiteside" Corner Sign and Garden Boxes** - The marquee, ~~and~~ sign and garden boxes shall reflect the design, style, and materials of the original 1920's era marquee, ~~and~~ sign and garden boxes as presented by photographs and other information in the application, except that the marquee and sign shall extend from the building no further than two feet from the face of any street curb. Prior to issuance of building permits, the applicant shall submit to Planning Division Staff construction details which demonstrate compliance with this condition.

3. **Windows and Doors** - All windows and doors, and window and door trim shall be constructed with wood and glass (for openings) in the style and pattern shown in the application graphics. Trim shall be a minimum width of four inches. ~~Exterior metal cladding shall not be permitted on doors and windows.~~ The area under the two western display windows on the south elevation shall incorporate the paneled design shown in Attachment G.28 (the application).

4. **Signage** - All signs shall comply with Land Development Code Chapter 4.7. All signs, excepting the Historical Information Plaque, shall be constructed using wood or metal, as proposed by the applicant. Signs shall not be internally illuminated. Signs shall not use neon lighting unless the applicant obtains approval by the Land Development Hearings board for a sign variance to incorporate neon into signs.

5. **Cornice** - The applicant shall provide the proposed cornice along the west elevation.

6. **Documentation of Work** - Prior to issuance of Certificate of Occupancy, the applicant, or owner, shall submit to Planning Division staff architectural drawings, photographs, and written documentation using the Historic American Buildings Survey Guidelines, recording the changes made to the exterior of the building. The applicant or owner is strongly encouraged to document any changes made to the interior of the building using similar methods.

7. **Building Permits and other LDC Standards** - Prior to performing work related to this approval, the applicant shall obtain necessary building permits, and shall consult with the Development Services Division to ensure compliance with applicable development standards in the LDC, other than those of LDC Chapter 2.9, which were evaluated in the November 7, 2006 Staff Report to the Planning Commission.

8. **Archaeological Resources** – During construction, the applicant shall adhere to all State requirements pertaining to the finding of cultural materials, including but not limited to ORS 358.905 (which pertains to the finding of cultural materials), ORS 390.235 (which describes steps for State permits on sites where cultural materials are found), and OAR 736.051.0080 and OAR 736.051.0090 (which describe requirements for cultural materials found on public verses private land, respectively). The applicant is encouraged to make arrangements with a qualified archaeological consultant prior to commencement of ground disturbing activities so that the consultant can assist the applicant in a timely manner if cultural materials are found.

# DICTIONARY OF ARCHITECTURE & CONSTRUCTION

2200 illustrations

Third Edition

Edited by
**Cyril M. Harris**
Professor Emeritus of Architecture
Columbia University

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# F

**F** Abbr. for "Fahrenheit."

**FA** 1. On drawings, abbr. for "fresh air" duct section. 2. Abbr. for "fire alarm."

**FAB** On drawings, abbr. for "fabricate."

**fabric** The basic elements making up a building; the carcass without finishings or decoration.

**façade** The exterior face of a building which is the architectural front, sometimes distinguished from the other faces by elaboration of architectural or ornamental details.

**façade gable** A **wall gable** on the architectural front of a building.

**face** 1. The exposed surface of a wall, masonry unit, or sheet of material. 2. The surface of a unit designed to be exposed, as in finished masonry, or plywood having one side which is finished. 3. The broad surface of a board, timber, or panel. 4. The exposed vertical surface of an arch. 5. The striking surface of a hammer. 6. During a construction operation in a tunnel, the surface being excavated. 7. To install a surface layer of one material on another, as to face a concrete block wall with brick.

**face-bedded, edge-bedded** Stone set so that its laminae are vertical and parallel to the exposed face.

**face brick** See **facing brick**.

**face clearance** The distance between the face of a panel or light of glass and the nearest face of its retaining frame or stop, measured normal to the plane of the panel or glass.

**faced block** A concrete masonry unit having a special ceramic, glazed, plastic, or polished, face surface.

**faced plywood** Plywood faced with any sheet material other than wood.

**faced wall** A wall in which the facing and backing are so bonded as to result in a common action under load.

**face edge** See **work edge**.

**face feed** In welding, the application of **filler metal** to the joint, usually by hand, during brazing or soldering.

**face glazing** Glazing set in an L-shaped or rabbeted frame and fixed in place with a triangular bead of glazing compound.

**face guard** A prefabricated strip, or the like, which protects the face of a wall or column against damage by carts, wagons, etc.

**face hammer** A hammer having a cutting peen at one end and a flat striking face at the other; used in preparing stone for finer tool work.

**face joint** A joint which is visible on the face of a masonry wall, usually more carefully pointed or struck than the others.

**face mark** A pencil mark (X) which identifies the **work face** of a planed timber.

**face measure** 1. The measurement of the area of a board; **surface measure; superficial measure**. 2. The **face width**.

**face mix** A concrete mixture used for the exterior face of cast stone, superior in appearance and durability to the concrete cast immediately behind, to which it is fully bonded.

**face mold** 1. A template for marking the board out of which are cut ornamental handrailings, etc. 2. A template for checking the shape of wood or stone surfaces.

**face nailing** Nailing in which the nails are driven perpendicular to the face of the material.

**face panel** In a **flush door** constructed of wood, a plywood panel, having a veneer finish, which is bonded to the core and/or crossbanding.

**faceplate** Any protective plate, such as an **escutcheon** or the plate over a mortised lock.

Whiteside Theater appeal testimony / City Council January 16, 2007

My name is Pat Lampton and I genuinely appreciate the opportunity to speak to you tonight on one of my favorite topics.

I have been the Chairman of the Downtown Strategic Planning Committee for the last two years and have had the pleasure of delivering to you a completed Downtown Strategic Plan last month…a product that this body accepted. It contains a vision for downtown and suggested strategies towards achieving that vision. That the plan completed its course without a great deal of dissention, we hope, is evidence of broad acceptance by the community.

You have in your packets a letter from the Downtown Strategic Planning Committee that supports the proposal that is the subject of this hearing. The letter emphasizes the importance of adaptive re-use as a necessary technique if we are to meet the goals we have set out in your plan. We believe the project being considered tonight is consistent with the Downtown Strategic plan, and voted unanimously to forward our support in that letter

I would like to personally expand on that position. The following comments are my own. They are from the perspective of a long-time downtown watcher, property and business owner, past planning commission member, and Downtown Association President.

Our historic preservation criteria # 2.9.100.04 states in its introductory paragraph:

*"Some exterior alterations of new construction involving a designated historic resource may be needed to assure its continued use. Rehabilitation of a designated historic resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions."*

The value expressed in this criteria is a practical one. Yours is the difficult task of balancing community values. I contend that there is ample room within the preservation criteria to strike a reasonable balance of those values. I encourage you to embrace the brand of mainstream historic preservation practices that regard adaptive reuse as a practical way of preservation of both the structure and the structures context.

The context in this case is the Downtown. A functioning downtown is not simply a collection of buildings, but rather a vital piece of the community that provides a heart

for commerce, housing, employment, congregation, government, and entertainment. A downtown is only a downtown if it's occupied. Without the vitality that all of these elements bring, it ceases to be a downtown, and that which some fight to maintain unchanged will simply become an empty reminder of what we truly wanted to preserve. As our just-retired Mayor was fond of saying "Downtown is not a museum." If we are going to do justice to that larger view of preservation we need to do more than keep the buildings untouched, we need to recognize the fact that downtowns are organic. They grow and change to fit the times, and when they do not, they wither. Many (if not most) downtowns of our size have already met that fate.

The proposal you have before you is presented by a group with an admirable record of success in other challenging projects in the region. They bring the resources to do the job. They come with more than a dream. The plan details of the exterior rehabilitation show a structure that restores and maintains the Whitesides' most historically significant attributes. Other plans that might leave the West wall untouched would not have to restore the sign or awning, or address the interior ceiling at all. Along with a thoughtful rehabilitation will come renewed use, new downtown patrons, and another reason for others to bring their own capital to projects downtown...some of which will undoubtedly be applied to the preservation of other structures.

Not touching the exterior of the Whiteside will likely mean a future of underutilization, continued decay and non-contributing performance for the downtown and the city as a whole. Hoping to find a use that leaves the building both unchanged and at the same time warrants the expenditures needed to keep it from further decay is, I think, wishful thinking.

We can choose to interpret historic standards (as many communities do) in a way that allows for the survival and regeneration of our downtown while preserving the most notable characteristics of our past. Adopting a narrower perspective of a "museum" approach to preservation without a substantial public financial commitment may make some of us feel good about standing up for a principal, but is likely to be at the cost of other community values that we hold at least as dear.

Thank you for your attention and good luck with your deliberation.

Respectfully submitted,

Pat Lampton
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January 12, 2007

***Via Hand Delivery***
Corvallis City Counsel
c/o City Recorder
501 SW Madison Avenue
Corvallis, OR 97330

**Re:** Appellants: Whiteside Partners, LLC,
Appeal of Historic Resource Commission
HPP06-00039

Dear Councilors:

I write as President of the Downtown Corvallis Association ("DCA") board and as an interested citizen and lawyer familiar with land use and historic preservation. I write in strong support of the proposal by Whiteside Partners, LLC (hereinafter the "Proposal"). This is a de-novo appeal, so you are being asked to judge the application on its merits, not merely the specific grounds stated for appeal. I will therefore extensively review the application for code compliance.

With my DCA hat on, I must point out that the Whiteside sits at the heart of an increasingly vibrant downtown. A downtown that retains much of its historic charm and cherishes not only its past but also its future. To remain viable, historic buildings must be allowed to adapt over time "to assure [their] continued use." When speaking of structures, the saying: "use it or lose it" is directly applicable. One look at the demolition criteria in 2.9.110.03.c starkly points this out. The Proposal would not only assure that the building was saved, but it would infuse the heart of downtown with capital investment, increased customer traffic and increased city revenue. For these reasons, the proposal is not only the best way to protect the Whiteside, but also the best way to promote the vitality of Downtown Corvallis. A vibrant downtown in turn helps preserve the character and charm of Corvallis.

To use the Whiteside for a modern use, some significant Alternations[1] are required. To analyze what Alterations are allowable, I must put on my lawyer hat. First, the Proposal is clearly an Alteration under LDC 2.9.100.01 because it is "[a]n activity . . . involving a Designated Historic Resource [that it not] an exempt activity, a Demolition, or a Moving, **[and]** the activity . . . (a) . . . alters the exterior appearance of a Designated Historic Resource. Exterior appearance includes a resource's facade, texture, design or style, material, and/or fixtures."

LDC 2.9.100.04 states that "Some exterior Alterations or New Construction involving a Designated Historic Resource may be **needed** to ensure its continued use." *Emphasis added.* Notably the code uses the word "needed" rather than a weaker word like allowed or permitted. This evinces the drafter's recognition that buildings must be allowed to adapt to changing times to remain economically viable. How the Alterations are conducted, and the extent of allowable change, depends on the remaining HRC review process and criteria. I discuss this in detail below.

The broad scope of allowable changes to Designated Historic Resources is found in the Parameters section. The very existence of LDC 2.09.100.04.a.4. is a recognition that Alterations may "involv[e] changes in material or . . . impact historically significant architectural features." These types of Alterations must be reviewed as an HRC-level activity. LDC 2.09.100.04.a.7. further reinforces this conclusion, recognizing that proposed Alterations need not even "replicate the original features of the structure." Neither LDC 2.09.100.04.a.4. or LDC 2.09.100.04.a.7. would even exist if the HRC analysis was as simple as saying: no Alteration may change the materials, impact significant architectural features, or fail to replicate the original features of the structure. Rather such Alterations are allowed so long as they are compatible with the existing Designated Historic Resource.

The general review criteria, LDC 2.09.100.04.b.1. "are intended to ensure that the design or style of the Alteration . . . is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain." *Emphasis added.* Thus, the design or style of the Alteration must be compatible with that part of the Designated Historic Resource proposed to remain. (However, this must be balanced by "Differentiation," discussion below).

LDC 2.09.100.04.b.2. provides: "In general, the proposed Alteration or New Construction shall either:

> a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance; or
>
> b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style, appearance, or material composition of the resource. *Emphasis added.*

---

[1]All capitalized terms are intended to be used as defined by LDC 1.6.

The Proposal attempts to meet both tests. The Alterations proposed for the Madison Facade, standing alone, arguably meet subpart a), depending upon whether the Period of Significance was at the time the earlier marquee design or style was in place. However, subpart a) should require the proposal to be judged in its entirety because it the "the Designated Historic Resource" not a particular facade that must more closely approximate the original. Thus, to be fair, the Proposal, in my view, might not meet the test set out in subpart a); but as discussed below, the Proposal does meet the test set forth in subpart b) because the Alterations are compatible with the historic characteristics of the Whiteside.

Compatibility is judged by LDC 2.09.100.04.b.3. It provides:

> Compatibility considerations shall include the items listed in "a -n,"below, as applicable, and relative to the applicable Period of Significance. Alteration or New Construction shall complement the architectural design or style of the primary resource, if in existence and proposed in part to remain. *Emphasis added.*

"Primary resource" is not defined by the code, but in the context of the sentence, could be interpreted to mean the Designated Historic Resource as a whole since only one structure exists on the site and no other structure could be the primary resource, or it could be a part of the Designated Historic Resource, if that part was particularly distinctive and proposed to remain. This would certainly be the Madison facade. Nonetheless, under either interpretation, the Alterations must complement the architectural design or style relative to the applicable Period of Significance.

The Proposal must now be reviewed against the consideration "items" in order to determine whether the Alteration is compatible. Notably, the consideration "items" do not all need to be met, but are merely tools to help judge the overall compatibility. Items f), j), k), l),& m) are not applicable to the Proposal. As discussed below, the remaining items: a) - e), g), h), i), & n) can all be met, but again, I would conclude from the code language "considerations" that the items are not individual pass/fail tests.

> a) Facades - Architectural features, such as balconies, porches, bay windows, dormers, or trim details on main facades shall be retained, restored, or designed to complement the primary structure and any existing surrounding comparable Designated Historic Resources. Particular attention should be paid to those facades facing street rights-of-way. Architectural elements inconsistent with the Designated Historic Resource's existing building design or style shall be avoided.

"Main facades" is not defined. Using standard rules for statutory interpretation, however, you must first use the plain dictionary meaning. "Main" is defined as "chief or principal" in Websters. By this definition, the "main facade" would be the Madison facade both in use and in architectural styling. This is consistent with the next tool for statutory interpretation: context. In the context of the sentence: the Madison facade would be the main facade, because it is the only facade that even has significant architectural features to retain or restore. The word "facades" is stated in the plural, but given the definition of "main," as chief or principal, the plural tense of

the word likely results from the drafter's attempt to address the possibility of multiple structures on a site or an attempt to address this consideration item to the many Designated Historical Resources in the community. Either way, the plural tense is not relevant here because there is only one structure on the site. The Proposal meets the first part of this consideration item because the "main facade" is being retained and restored. Note: even if there were two main facades, so long as the Alteration's architectural features are designed to "complement" the primary structure, they would be allowable. This interpretation is consistent with a third tool for interpreting statutes: that all sections should be interpreted to give full meaning and effect to all other sections. The code's recognition that Alterations are needed to allow structure to continue to be used would be severely limited if this section were to be interpreted in a manner that prevents the Alteration of an otherwise Architecturally void brick wall. Since the design for the west facade "complements" the Whiteside as a whole without running afoul of the "differentiation" item discussed below, this item is met.

> b) Building Materials - Building materials shall be <u>reflective of, and complementary to,</u> those found on the existing primary Designated Historic Resource, if in existence and <u>proposed in part to remain</u> . . . . *Emphasis added.*

By using the terms reflective of, and complementary to, the drafters are recognizing again, that Alterations may bring new materials to the building. These new (non-original) materials should be similar in style and content (ie. reflective) but can be dissimilar if they are visually pleasing (ie. complementary). A chief complaint against the Proposal is that it replaces portions of the blank brick wall with new windows and doors. But any new windows on a brick structure would replace brick with glass, so the proper test is not whether glass is reflective of brick but rather whether the building materials being used (ie. the widows and doors) are complementary to that portion of the Whiteside that is "proposed in part to remain." Comparing the window styles from the west facade to the original Madison facade shows that the designer's took care to complement what was remaining. Thus, the Proposal meets this consideration.

> c) Architectural Details - Retention and repair of existing character-defining elements of a structure, such as molding or trim, brackets, columns, cladding, ornamentation, and other finishing details and their design or style, materials, and dimensions, shall be considered by the property owner prior to replacement. Replacements for existing architectural elements <u>or proposed new architectural elements shall be consistent with the resource's design or style</u>. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.

The Proposal retains and restores the "character-defining" elements on the Madison facade. Any existing architectural elements being replaced are consistent with the resource's design or style. Given the dearth of character-defining architectural elements on the west facade, and given its complete lack of any particular "design or style," the west facade Alterations are consistent with the resource's style. Some opponents of this project argue that the awnings being added are a "conjectural architectural detail" that therefore should not be allowed. Putting aside that they are required by code, and that some awnings are even a Director level decision, awnings are not an

architectural detail in this Proposal. Rather they are a functional addition to the building. This is the only way 2.9.100.03.k. (awnings as director level decision) can be read consistent with this language. What is meant by "conjectural architectural details" in the context of this consideration item is the use of "historic looking" but false architectural details not from the Period of Significance – details that attempt to "dress-up" the building

> d) Scale and Proportion - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain . . . .

If this consideration is applicable, it is squarely met. The size and proportions of the Alterations are compatible with the part of the Whiteside that remains.

> e) Height - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. However, second story additions are allowed, provided they are consistent with the height standards of the underlying zoning designation and other chapters of this Code, and provided they are consistent with the other review criteria contained herein.

Since the height of any Alterations do not vary the exiting height, this consideration is squarely met.

> g) Pattern of Window and Door Openings - <u>To the extent possible</u> window and door openings shall be compatible with the original features of the existing Designated Historic Resource, <u>if in existence and proposed in part to remain</u>, in form (size, proportion, detailing), materials, type, pattern, and placement of openings.

This consideration item begins with: "To the extent possible," which recognizes that compatibility should be judged flexibly because some Alterations may be so extensive that window and door changes may not be compatible in a strict sense. In this case, to the extent possible, the new proposed windows and doors in the west facade are of a type, pattern, and placement compatible with the features in existence and proposed to remain on Madison.

> h) Building Orientation - Building orientation shall be compatible with existing development patterns on the Designated Historic Resource site, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. In general, Alteration or New Construction shall be sited so that the impact to primary facade(s) of the Designated Historic Resource, if in existence and proposed in part to remain, is minimized.

The Whiteside is not being moved from its current placement. Thus, the building orientation is not changing the development patterns on the site. Arguments that the west facade Alterations "effectively" change the building's orientation miss the mark because orientation in this context

is referring to the development pattern of the site, in other words, the placement of the building on the site. That is not changing with this Proposal.

> i) Site Development - To the extent practicable, given other applicable development standards, such as standards in this Code for building coverage, setbacks, landscaping, sidewalk and street tree locations, the Alteration or New Construction shall maintain existing site development patterns, if in existence and proposed in part to remain.2.9 -30 LDC December 31, 2006

The existing development pattern is being maintained, so this consideration item is met.

> n) Differentiation - An Alteration or New Construction shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of Significance. However, it also shall be compatible with said Designated Historic Resource's Historically Significant materials, design or style elements, features, size, scale, proportion, and massing to protect the Historic Integrity of the Designated Historic Resource and its environment. Therefore, the differentiation may be subtle and may be accomplished between the Historically Significant portions and the new construction with variations in wall or roof alignment, offsets, roof pitch, or roof height. Alternatively, differentiation may be accomplished by a visual change in surface, such as a molding strip or other element that acts as an interface between the Historically Significant and the new portions.

This consideration item is very important. In its recognition that Alterations may be necessary, the drafters have gone so far as to make clear that the Alterations should not attempt to totally mimic the remaining portion of the building, but rather should be compatible with materials, design or style elements of the Historically Significant remaining portion. Thus, there is a balancing going on. The code wants the Alteration to be compatible with what remains, but not so closely mimic what remains that an observer cannot tell the new from the old. This balancing is done to protect the Historical Integrity of the building as a whole. The applicant has attempted this balance quite effectively. Notably, Historical Integrity is a defined term that should not be used loosely. LDC 1.6.20 states:

> Historic Integrity - Integrity of setting, location, materials or workmanship which is determined to be historic by fulfilling <u>at least two</u> of the following criteria:
>
> a. The historic resource is in its original location or is in the location in which it made a historical contribution;
> b. The historic resource remains essentially as originally constructed;
> c. Sufficient original workmanship and material remain to show the construction technique and stylistic character of a given Period of Significance;
> d. The immediate setting of the historic resource retains land uses, or landscaping and relationship with associated structures, consistent with the Period of Significance;
> e. The historic resource contributes to the architectural continuity of the street or neighborhood;

f. The site is likely to contain artifacts related to prehistory or early history of the community; or
g. The historic resource is now one of few remaining prime examples of an architectural style or design, or a type of construction that was once common.

The Whiteside's Historic Integrity will not be destroyed by the Proposal. It will still meet the test set forth above by meeting items: a and c.

**Conclusion:**

As set out in the LDC 2.9.20, there are several purposes for the Historic Preservation Provisions. These include, to "b. [e]ncourage . . . protection, enhancement, and perpetuation of historic resources; " "d. [f]oster civic pride in the beauty and noble accomplishments of the past;" "e. [p]romote the use of . . . historic landmarks for . . . the public and economic welfare of the City." The Proposal meets each of these express purposes.

The Whiteside has sat empty now for five years. Its use as a theater is over. Its design as a theater makes Alteration for modern use more extensive than some other historic buildings. But fortunately, the Proposal retains the "main" facade and the only portion of architecturally Historic Significance. Standing alone, the brick wall on the west facade does not meet the test for Historical Significance. *See* LDC 1.6.20 definition. In fact, nothing about the wall is unique to the Period of Significance of the Whiteside. It should not stand in the way of this Proposal.

Given the value of the real estate in question, the shadow of a wrecking ball is looming. Do not love the Whiteside to death. Let it live again with another life. Its original use will be visibly obvious under this Proposal. Thus history will be preserved and new history can be made.

Very truly yours,

Cary B. Stephens

BROADLEAF ARCHITECTURE

January 16, 2007

To the Corvallis City Council:

I support the Whiteside Partner's proposal for adaptive reuse of the Whiteside Theater. I have outlined below why adaptive reuse of the Whiteside is the best option for the building's survival. I am presenting to you four assessments for the future of the Whiteside:

Whiteside as a movie theater?

I have heard several rumors about the possibility of the Whiteside showing movies again. What are the facts? I did my own research and contacted the owners, Regal Cinema's, in Tennessee, about the deed restriction on the theater. To paraphrase, their deed restriction states that the property is not to be used as an operation showing any films including so called "first-run" or "sub-run" or "discount" or any combination or variation thereof for a period of twenty years from date of deed. They made it clear to me that they would not make an exception or change the wording of the deed to allow movies of any type to be shown by any buyer. The representative from Regal Cinemas also told me that there is no accepted back-up offer at this time. Whiteside Partners, LLC, is the only entity Regal Cinemas has an agreement with. Also, this deed restriction cannot be "lifted" after the sale.

Could the Whiteside be a movie theater again? No.

Whiteside as a live performance theater?

If the Whiteside cannot show movies for another 20 years, then it must have some other use. People have talked about the Whiteside as a performing arts center, but many forget that Corvallis has a performance theater - the Majestic. From my understanding the Majestic is not a highly profitable venue, but is subsidized by the city. I don't believe Corvallis can support two performing arts theaters when it struggles with one.

Could the Whiteside be economically viable as a live performance theater? Not likely.

Adaptive reuse of the Whiteside?

If movies and live theater are not viable options then the Whiteside must adapt to the economic and cultural values of the times or it will deteriorate and eventually be demolished. Chapter 2.9 of the

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City's Historic Preservation Provisions allows for "alteration to assure continued use" and states that, "Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions". Chapter 2.9 is not meant to freeze a building in time; it allows for changes and additions. This is the natural way most buildings survive over time - if done well, they adapt to the current times while retaining their original character and integrity.

The main reason why the HRC denied the Whiteside Partner's application, as I see it, has to do with the plain brick façade fronting 4th street. I understand some people on the committee had an issue with Chapter 2.9's reference to primary façades. Under 2.9.100.04 (3) Compatibility Criteria for Structures and Site Elements - Compatibility considerations shall include the items listed in "a - n," below, as applicable, and relative to the applicable Period of Significance.

The first item under this section deals with facades - (a) "Facades - .....particular attention should be paid to those facades facing street rights-of-way. Architectural elements inconsistent with the designated historic resource's existing building design or style should be avoided."

Does that mean that a plain brick wall should be preserved because it is on a right-of-way even though it is no more architecturally significant than the walls that front any alley in town?

Again, the section states that considerations shall include items, as applicable, and relative to the applicable period of significance. The question is whether a common brick façade is important to the period of significance. The Whiteside's plain brick façade with fire escape egress is no more architecturally significant to the 1920's time period than it is to the year 2007. The west façade, if judged on it's own merit, does not have an architectural style, could not be classified into an architectural style, and therefore is not important to the applicable period of significance. With this in mind, the west facade should not be considered a façade of primary importance.

That being said, "alteration or new construction shall complement the architectural design or style of the primary resource (the south façade), if in existence and proposed in part to remain". The council had sound recommendations for the HRC on how the 4th street façade could better compliment the Madison street facade. These recommendations are still applicable. As an architect I would also suggest, if structurally possible, replicating on the west façade the shallow pilasters found the on the south façade that give the façade its rhythm. It appears to me from the architect's sketch of the adapted west façade, that they attempted to position windows with a similar spacing pattern as that of the pilasters on the south façade, but I believe simple pilasters between the major windows would help towards bringing continuity between the west and south facades.

Is adaptive reuse a possibility for the Whiteside? Yes, if the council approves the application before them.

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Demolition of the Whiteside?

If adaptive reuse is not possible for the Whiteside, the owners can proceed to file for demolition. Under Chapter 2.9, if the historic integrity of the Whiteside has been substantially reduced or diminished due to unavoidable circumstances that were not brought on by the property owner, then demolition is an option.

If it is not economically feasible to rehabilitate the building or move it, and the building is not in the National Register of Historic Places Historic District, (which the Whiteside is not) then the only major hurdles the owner has are to document that the alternatives to demolishing the Whiteside have been pursued. These include the following:
a) Public or private acquisition of the Designated Historic Resource (with or without the associated land) has been explored;
b) Alternate structure and/or site designs that address the property owner's needs, and which would avoid Demolition of the Designated Historic Resource, have been explored and documented.

Items (a) and (b) are now before the city council. If the Whiteside is not approved for adaptive reuse, the owners will have met this part of the code for criteria to demolish the building and could proceed with a demolition application if they choose to do so.

Could the Whiteside be demolished? Yes.

In Conclusion: on another note.....

Corvallis has what many other communities lack and envy – a viable downtown. However, I have read of strip malls approved for sites far from the downtown. What other communities have realized, after the fact, is that locating retail chains outside of their downtown, whether it be in a mall or a single big box store, only harms the vitality of a city center. We have an opportunity to bring some regional retail stores into the Whiteside that may otherwise locate in malls outside of downtown. Adaptive reuse of the Whiteside will help all downtown retail by drawing more people to the heart of Corvallis.

The Whiteside has sat vacant for five years. Its time as a theater has passed. In order for the Whiteside to survive, it must adapt and once again be an asset to Corvallis or it will suffer a slow demise. I urge the Council to approve the Whiteside Partner's application and save the Whiteside.

Sincerely,

Lori Stephens
Architect, Broadleaf Architecture
626 NW 4th St STE B
Corvallis, OR 97330
PH-541-753-2900

BLACKLEDGE FURNITURE

233 S.W. Second Street • P.O. Box 639 • Corvallis, OR 97339-0639 • (541) 753-4851

To: Corvallis City Council

From: Eric Blackledge

Subject: Testimony on the Appeal of the Whiteside Theater Historic Preservation Permit Application HPP06-00039

The Whiteside Theater has many emotional connections to my life. As a child I saw my first movie there, I had my first date there, and I enjoyed many great movies and pipe organ concerts there.

I also have a strong appreciation for history and the value of historic preservation for communities and downtown commercial areas. I have visited many of the best historical central cities in the North America and Europe. My own business has been operating in downtown Corvallis since 1901. I was a founder of the Oregon Downtown Development Association and the Downtown Corvallis Association, and brought the "National Main Street Program" to Corvallis, which emphasizes historic preservation as a key element of downtown revitalization. As an ODDA leader I attended many training programs of the National Trust for Historic Preservation National Main Street Center, and was a presenter on re-development issues at statewide conferences and community meetings around the state.

I also served as Vice Chair of the City Planning Commission, Chair of the Land Development Hearings Board, and a member of the city's old Historic Preservation Advisory Committee when the City's original historic preservation policies were being developed and properties were being designated. I can remember promoting the preservation programs as a good tool for the downtown, and reassuring property owners that having their properties listed would not prevent them from making reasonable changes and improvements to their property when needed.

Based on the new Historic Resource Commission's first major decision, I may regret that involvement.

I will not repeat the 21 pages of detailed analysis in the City staff report, but I do agree with their findings that "The application satisfies applicable General and Compatibility review." and their conclusion that the application should be approved.

I believe members of the Historic Resources Commission ignored not only the City Staff report, but also the intent of the City's Land Development Code section 2.9.100.04 in their decision, and that the application should be approved. Part of the HRC decision seems to center on the opening up of the west wall to become viable retail frontage. As the staff report concludes, the proposed development plan will improve this frontage with a traditional design that is historically compatible not only with the building's south façade, but also with many other



MEMBER IDS INTERIOR DESIGN

historic buildings on Second and Third Streets. Although the existing west façade is old, I have wondered since I was a child, why such an attractive building on Madison Street could have such a bare, ugly, side wall with nothing more than a fire escape and a door for setting out the trash. As an adult involved in downtown revitalization I have continued to be saddened by its unattractiveness and by the psychological barrier that the long blank un-weather protected wall presents to the growth of viable retail businesses to the north on 4th Street. This is why today, other equally important sections of the new Land Development would prohibit construction of a blank wall like this on a downtown street frontage. The building is no longer economically viable as a theater, and even if it was, this kind of use, which would be inactive during regular commercial hours, would be a negative factor for Downtown improvement compared to the applicant's multi use proposal. With the current and foreseeable market for sizes of retail space downtown, the size of the building is probably not economically viable for the extent of improvements needed without adding the entrances and show windows proposed on the west façade. The application has been supported by the Downtown Association, the Chamber Coalition, and the Downtown Strategic Planning Committee because they understand these realities.

The HRC members also seemed to want the applicant to retain the current 1950s marquee which is incompatible with the historic architecture of the south façade, and inappropriate for a retail use building. The City would never let me put up huge, movable message, neon sign boards to advertise specials for my retail business, why would we not want the applicant to replace it with a far more attractive, and historically correct, style marquee for their retail development as specified in LDC Sec. 2.9.100.04.b2.

If the application is denied, two things will happen. First, The Whiteside property will continue to sit empty and unused until it eventually deteriorates to the point that it will have to be completely torn down and the land used for a new modern structure. This will result in economic loss for the owner, business lost for the downtown, property tax revenue lost for the City, and a loss of history for all of us.

Secondly, if this application is denied, it will also send a clear message to other local owners of older buildings that to avoid potential economic loss on their investments, they should fight historic listings and do everything they can to remove historic elements and character from their properties.

I urge the Council to approve this Historic Preservation Permit application which is consistent with the City's historic preservation code and important to the future of downtown Corvallis.

Date: January 10, 2007
To: the Corvallis City Council
Regarding: Public Hearing of Appeal of Historic Resource Commission decision to deny the proposal by the Whiteside Partners, LLC to alter historic resource known as the Whiteside Theatre (HPP06-00039)
From Walt Griffiths, Corvallis resident and commercial property owner

**Synopsis: I urge the City Council to uphold the decision of December 4, 2006 by the Historic Resource Commission to deny the application by the Whiteside Partners. This commission was given authority by the City Council in June 2006 to preside over applications such as this and they have rendered a decision.**

**I urge the City Council to also deny the proposal based on the Land Use Code Section 1.6, and Section 2.9, Historic Preservation, and not make exceptions that would not only damage the credibility of the HRC but will open the City up to future exceptions of Historic Preservation to the City's valuable resources.**

**The Council should review the following specifics of Code violation and deny the application.**

**Specific Code Violations:**
Code 1.6.30 In defining the resource as having "Historic Significance" and "Historic Integrity". The period of significance (as defined) of the Whiteside Theatre spans from 1922 to the late 1980 while the Whiteside family operated the Theatre. The Oregon Inventory of Historic Properties (attached) is clear in its definitions that the Whiteside Theatre's significance as a Historic Resource is attributed to over 60 years that the Whiteside family operated a theatre at this location.

"**Historic Integrity** - Integrity of setting, location, materials or workmanship which is determined to be historic by fulfilling at least two of the following criteria:
**a.** The historic resource is in its original location or is in the location in which it made a historical contribution;
**b.** The historic resource remains essentially as originally constructed;
**c.** Sufficient original workmanship and material remain to show the construction technique and stylistic character of a given Period of Significance;
**d.** The immediate setting of the historic resource retains land uses, or landscaping and relationship with associated structures, consistent with the Period of Significance;
**e.** The historic resource contributes to the architectural continuity of the street or neighborhood;
**f.** The site is likely to contain artifacts related to prehistory or early history of the community; or
**g.** The historic resource is now one of few remaining prime examples of an architectural style or design, or a type of construction that was once common."

"**Historic Significance (or Historically Significant)** - Determination made for a resource that is in and of itself significant or that contributes to historic and cultural resources of the community. Such a determination is made when the resource is 50 years old or older and when at least one of the additional criteria listed below applies to it. Resources that are less than 50 years old may be considered eligible for historic designation if they are of exceptional importance, based on National Register of Historic Places Criteria for Evaluation (36 CFR 60).
**a.** It is associated with events that have made a significant contribution to the broad patterns of political, economic, cultural, or industrial history of the City, county, state or nation;

**b.** The resource is fundamentally related to the work, achievements, or life story of a person, group, organization, or institution that has made a significant contribution to the City, county, state or nation;
**c.** It embodies distinctive characteristics of a type, Period of Significance, or method of construction;
**d.** It may be a prime example of an architectural style or design, or may represent a type of construction that was once common and is now one of few remaining examples;
**e.** It represents the work of a master, i.e., it is a noteworthy example of the work of a craftsman, builder, architect, or engineer significant in City, County, State, or national history;
**f.** It demonstrates high artistic values in its workmanship or materials;
**g.** It yields or is likely to yield information important in prehistory or history;
**h.** It is a visual landmark; or
**i.** It contributes to the continuity or the historic character of the street, neighborhood, and/or community, or contributes to the Historic Integrity of the Period of Significance represented."

The current marquee is greater than 50 years of age and qualifies as historically significant in its own right. The proposal requests changing the widely known current marquee for a replica of a sign, that is portrayed in a photograph (of poor quality), that was in existence for only a few short years. The proposal desires remove the authentic and historic marquee for one that is contrived to suit the applicant's needs rather than preserve the historic nature of the building and its structures. This is a clear violation of Section 2.9.100.04.a.5.b which contains "The Alteration or New Construction shall not damage any Historically Significant architectural features of the structure." The fire escape mounted on the western wall has also been designated historically significant in the 1980 decisions by the Historic Resource Advisory Board operating under the City's authority. Even though the fire escape is not necessary for current codes and probably would not be used as such, it does demonstrate the historic period and construction technique that has been lost in much of the City. Unless the current marquee and fire escape are deemed a safety hazard to the public, they appear to be in repairable condition and do not warrant removal. Replacing or altering building parts signs or entrances with speculative reproductions is clearly counter to the mandate of the Code. The proposal should be denied on this basis.

The "Historic Integrity" of the Whiteside Theatre is thoroughly documented and can be seen by the casual observer as well, both resident and those passing through Corvallis. As listed in the Oregon Inventory of Historic Properties, the Whiteside Theatre is **"probably Corvallis' best historic commercial building in terms of original design and integrity."** Meeting all seven of the criteria for determining a resource as having "Historic Integrity" the City Council would be derelict in their duty to uphold the codes they themselves established and approved if they did not deny this proposal.

As a corner building, the Whiteside Theatre has two, not one, primary façades. Both façades are preserved and intact being visibly combined to demonstrate that this is a rare example of and last remaining theatre buildings in Corvallis. The proposed alterations would destroy the connectedness of the two façades and importance of this resource. The proposal would place over 50 windows and doors on the western wall that would permanently alter the presence and purpose of the 20,000 plus locally manufactured

bricks, antique and historically significant fire escape and current windows and doors. The alterations as proposed would be destructive to both façades and the overall integrity of the historic resource. For this reason, again, the proposal should be denied.

In a November 29, 2006 memorandum from Bob Richardson to the Historic Resource Commission under "Scope of HRC Review", Mr. Richardson notes that the following code "exempts interior alterations from review unless the proposed interior change alters the exterior of the building."

**"Section 2.9.70 - EXEMPTIONS FROM HISTORIC PRESERVATION PERMIT REQUIREMENTS**

The following changes to a Designated Historic Resource shall be exempt from the requirement for a Historic Preservation Permit. Property owners are advised that other permits may be required to make such changes, such as other land use permits, Building Permits, and other provisions of this Code, such as landscaping requirements in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

**a. Interior Alterations** - Changes to the interior of a Designated Historic Resource that do not alter the building exterior."

**It is clear, however, that the interior changes as presented by the applicants will alter the exterior of the building and therefore those interior changes will require an Historic Preservation Permit and will be open for review by the HRC and the City Council should this Council not deny this application.**

Although the applicants have been intentionally vague about their plans to demolish and destroy the existing stage, screen, balcony, seating and architectural elements of the building's interior, the changes of creating retail space and restaurant/bar interior space will require exterior changes. My testimony on the interior change implications to the exterior shall be reserved unless the Council desires to open this issue.

Section 2.9.100.04.b.1 Review Criteria subsections a-g: "**General -** The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. Consideration shall be given to:

a) Historic Significance and/or classification;
b) Historic Integrity;
c) Age;
d) Architectural design or style;
e) Condition of the subject Designated Historic Resource;
f) Whether or not the Designated Historic Resource is a prime example or one of the few remaining examples of a once common architectural design or style, or type of construction; and
g) Whether or not the Designated Historic Resource is of a rare or unusual architectural design or style, or type of construction."

The criteria for such alteration or new construction has been presented in the application incompletely and without adequate consideration of the criteria to maintain historic preservation.

The (a) Historic Significance of its years as a theatre and the "period of significance" of operation by the Whiteside family from 1922 to the late 1980's puts this building in a

distinctive classification of its own and should be treated with extreme care in the preservation of historical architecture in Corvallis.
The (b) Historic Integrity is recognized by local designation and Oregon Historic Inventory as note above. Few, if any, commercial buildings in Corvallis can measure up to that of the Whiteside Theatre.
For (c) age, the Whitesides' 84 years, through fires, storms, earthquakes, depression, prosperity and downturns, this theatre remains as a monument, a memorial, a recognizable beacon of our past, present and future.
The (d) architectural design or style by Architect H. Ryan of Seattle and built by Frank McFadden in a style dubbed Italian Renaissance style, it is not duplicated elsewhere in the area.
The (e) condition of the subject DHR is very good considering the abandonment of operations by the existing owner, Eastgate Theater, Inc. or Regal Entertainment. It is structurally sound and utilized until its doors closed in 2001. The Whiteside is the last remaining movie house of seven (7) single-screen theatres operating in Corvallis at the height of cinematic prosperity. It is not just "a prime example" it is "the prime example"; one deserving preservation.
And lastly, (g) the Whiteside is a "rare" architectural design, style, and type of construction that should not be open to the type of alteration proposed by the applicants. Please deny the application and appeal.

It is the applicants responsibility to demonstrate that the proposal also meets Section 2.9.100.04.b.2 **"In general, the proposed Alteration or New Construction shall either:** a) Cause the Designated Historic Resource to more closely approximate the original historic design or style, appearance, or material composition of the resource relative to the applicable Period of Significance; or b) Be compatible with the historic characteristics of the Designated Historic Resource and/or District, as applicable, based on a consideration of the historic design or style, appearance, or material composition of the resource."

The proposed alterations in this application do neither. The HRC is to ensure that one of these two criteria are met by what will happen to the Whiteside if the applicants gut our history and the symbol of cherished architecture. **The Historic Resource Commission denied the proposal and it is now the City Council's time to deny the applicant's appeal**.

Section 2.9.100.04.b.3 deals with the compatibility criteria of which the applicants have attempted to twist the clear definitions and limitations of materials, building elements, architectural details, scale and proportion, pattern of window and door openings, building orientation and differentiation.

The façade has already been addressed earlier, however, this portion of the Code subsection (a) notes that:
"Facades - Architectural features, such as balconies, porches, bay windows, dormers, or trim details on main facades shall be retained, restored, or designed to complement the primary structure and any existing surrounding comparable Designated Historic Resources. Particular attention should be paid to those facades facing street rights-of-way. Architectural elements inconsistent with the Designated Historic Resource's existing building design or style shall be avoided." (emphasis added)

Both the south and west facades face street right-of-ways so "particular attention should be paid". The Architectural elements proposed by the applicants are inconsistent with the existing western wall and historically significant elements on the south façade as well. For this reason alone, the application should be denied, but in combination with all other reasons listed allows no other decision.

The building materials criteria in subsection (b) notes that:
"Building Materials - Building materials shall be reflective of, and complementary to, those found on the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources."

However, the metal awnings, wooden signs, types of windows and glass doors proposed by the applicant are not keeping of the materials used in construction of Whiteside Theatre. This attention must be applied first to the Whiteside Theatre, then also to those surrounding DHR buildings. You can not apply the use of materials from other DHR buildings if those materials are not consistent with the DHR in question, the Whiteside.

Under subsection (c) it notes:
"Architectural Details - Retention and repair of existing character-defining elements of a structure, such as molding or trim, brackets, columns, cladding, ornamentation, and other finishing details and their design or style, materials, and dimensions, shall be considered by the property owner prior to replacement. Replacements for existing architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. ***Conjectural architectural details shall not be applied.***" (emphasis added)

Here again the code is clear that the fire escape and the 1950s marquee, both historically significant and "character-defining elements of a structure" must remain in their restored or replaced condition. The code does not allow for removal alone. Additionally a conjectural detail of a replica 1920's marquee is not allowed. Again, the application should be denied in its entirety.

Subsection (g) states:
"Pattern of Window and Door Openings - To the extent possible window and door openings shall be compatible with the original features of the existing Designated Historic Resource, if in existence and proposed in part to remain, in form (size, proportion, detailing), materials, type, pattern, and placement of openings."

The massive demolition of the west wall proposed by the applicant and the addition of over 50 windows and doors is not in keeping with the scale and proportion of the building. The size of the windows, the scope and proportion are designed for modern storefront configuration that can be attributed to new or non-historically designated buildings. The replacement on both the west and south facades with full glass doors rather than wooden doors is not consistent or compatible with the original features of the Whiteside Theatre.

The orientation of the building addressed issues in subsection (h):

"Building Orientation - Building orientation shall be compatible with existing development patterns on the Designated Historic Resource site, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. In general, Alteration or New Construction shall be sited so that the impact to primary facade(s) of the Designated Historic Resource, if in existence and proposed in part to remain, is minimized."

The proposed massive destruction and redevelopment of the western wall would irreversibly alter the primary orientation of the building from the south to the west while destroying the historic integrity of the façade itself and its historic architectural elements. The proposal is not in keeping with the criteria that "Building orientation shall be compatible with existing development patterns on the Designated Historic Resource site".
Again for this reason, I urge the City Council to deny the application.

**Summary:**
The current marquee is greater than 50 years of age and qualifies as historically significant in its own right. The proposal desires remove the authentic and historic marquee for one that is contrived to suit the applicant's needs rather than preserve the historic nature of the building and its structures. The fire escape mounted on the western wall has also been designated historically significant.

Meeting all seven of the criteria for determining a resource as having "Historic Integrity" the City Council would be derelict in their duty to uphold the codes they themselves established and approved if they did not deny this proposal.

**Section 2.9.70 - EXEMPTIONS FROM HISTORIC PRESERVATION PERMIT REQUIREMENTS**
**Interior Alterations** - Changes to the interior of a Designated Historic Resource that do not alter the building exterior."

**It is clear, however, that the interior changes as presented by the applicants will alter the exterior of the building and therefore those interior changes will require an Historic Preservation Permit and will be open for review by the HRC and the City Council should this Council not deny this application.**

Section 2.9.100.04.b.3
Both the south and west facades face street right-of-ways so "particular attention should be paid". The Architectural elements proposed by the applicants are inconsistent with the existing western wall and historically significant elements on the south façade as well. The proposed building materials including the metal awnings, wooden signs, types of windows and glass doors proposed by the applicant are not keeping of the materials used in construction of Whiteside Theatre. This attention must be applied first to the Whiteside Theatre, then also to those surrounding DHR buildings. You can not apply the use of materials from other DHR buildings if those materials are not consistent with the DHR in question, the Whiteside. The code is clear that the fire escape and the 1950s marquee, both historically significant and "character-defining elements of a structure" must remain in their restored or replaced condition. The code does not allow for removal alone. Additionally a conjectural detail of a replica 1920's marquee is not allowed.

The massive demolition of the west wall proposed by the applicant and the addition of over 50 windows and doors is not in keeping with the scale and proportion of the building. The size of the windows, the scope and proportion are designed for modern storefront configuration that can be attributed to new or non-historically designated buildings. The replacement on both the west and south facades with full glass doors rather than wooden doors is not consistent or compatible with the original features of the Whiteside Theatre.

The proposed massive destruction and redevelopment of the western wall would irreversibly alter the primary orientation of the building from the south to the west while destroying the historic integrity of the façade itself and its historic architectural elements. The proposal violates criteria a,b,c,g,h and I urge that the City Council deny the application in its entirety.

Attachment: Oregon Inventory of Historic Resources

Walter F. Gryfach
3377 NW Sakellar Drive
Corvallis, OR 97330

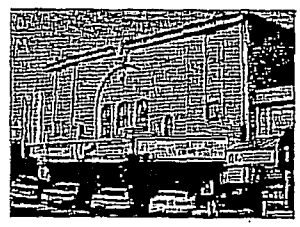
OREGON INVENTORY OF HISTORIC PROPERTIES
HISTORIC RESOURCE SURVEY FORM

Historic Name: Whiteside Theatre
Current Name: Whiteside Theatre
Street: 361 SW MADISON AVE
City: Corvallis
County: Benton
Owner: EASTGATE THEATRE INC #142 (ETAL)
919 SW TAYLOR ST #900
PORTALND OR 97205-2542
Category: Building Location: Urban
TRS: 11S 05W 35 DC
Quad: Corvallis
Map: 11535DC TLN: 7900
Addition: Original Marysville
Block: 17 Lot: 11 & 12

Original Use: Theater
Current Use: Theater
Secondary Current Use:
Building Date: 1922 Moved? ☐
Theme: Recreation
Secondary Theme: 20th Century Architecture
Style: Italian Renaissance
Secondary Style:
Architect:A H. Ryan, Seattle
Builder: Frank McFadden

Condition: Good
Integrity: Unknown
Local Ranking: NA

Plan Shape: Rectangle Number of Stories: 2.0
Foundation Material: Poured concrete Basement? ☑ Porch? ☐
Roof Form: Flat Roofing Material: Rolled
Structural Framing: Brick
Window Type: Unknown



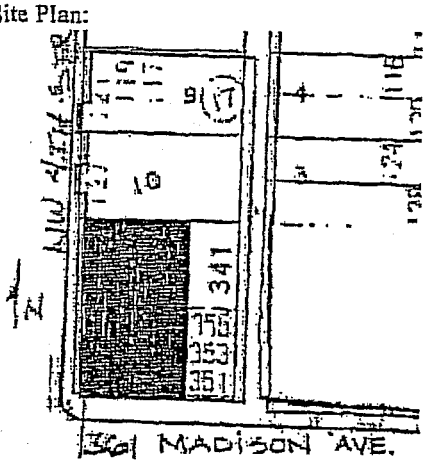
Exterior Surfacing Materials: Brick
Decorative Surfacing: Refer to Statement of Significance
Decorative Features: Refer to Statement of Significance
Alterations/Additions: Refer to Statement of Significance
Landscape Features: Refer to Statement of Significance
Associated Structures: None
Known Archaeological Features: Unknown
Setting: The Whiteside Theatre is situated at the heart of downtown Corvallis on the corner of 4th and Madison Streets. Numerous historic commercial buildings are in the immediate vicinity.

Historic Name Whiteside Theatre
Street: 361 SW MADISON AVE
Recorder: J. Sanders Chapman
Recorded: 3/29/84
Map: 11535DC TLN 7900
TRS: 11S 05W 35 DC Quad: Corvallis
Local Number: 231B SHPO Number: 713

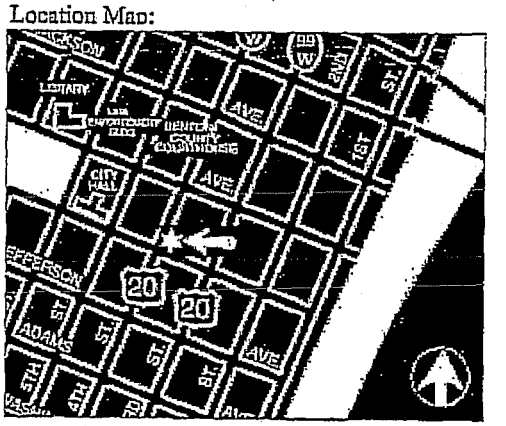
Attachment A - 1

OREGON INVENTORY OF HISTORIC PROPERTIES
HISTORIC RESOURCE SURVEY FORM

Site Plan:




Location Map:




## Statement of Significance:

### Significance

When built in 1922, the Whiteside Theatre was the second grandest movie palace in Oregon at that time. The building is an excellent example of Italian Renaissance architecture applied to a theatre. It is probably Corvallis' best historic commercial building in terms of original design and integrity. The upper story of the exterior of the building retains its original ornamented effect, executed in brick, and glass, cast "stone" and plaster. The original layout of the theatre is intact and numerous interior decorative features remain from the 1920's period.

The Whiteside brothers were the pioneers of the movie industry in Corvallis. They started with the Palace Theatre in 1908 and eventually operated six more theatres within the city. The family remains today the oldest continuous theatre operators in the State of Oregon. The Whiteside Theatre remains in fond memory of numerous Corvallis residents.

### Physical Description

The Whiteside Theatre (75' x 100') was built in 1922 in the Italian Renaissance style of architecture. The brick structure rests on a foundation of solid reinforced concrete. There is a basement beneath the building. The theatre front is composed of over 15,000 pressed concrete cream colored face brick.

The front facade is embellished with cast "stone" and plaster ornamentation. Featured are a cornice decorated with an egg and dart design, a central cartouche above a mask (which rest upon a central decorative arch) and two masks atop the cornice on either end. Other decorative features include art-glass windows in arched surrounds with cast keystones, basket weave panels below the two cornice masks, and two plaster patera on either side of the central decorative arch. Small pateras are found directly below the cornice upon projecting brick strips. Garden boxes at the base of these strips are no longer featured.

The neon marquee is a 1950's addition, designed to replace the original flat-roofed marquee. The ground floor facade has been somewhat altered. Movie posters today cover the original window display. The several pairs of front entrance doors are not the original walnut. The entrance to the theatre features a Caen stone effect walkway and the words "White Side".

On the west elevation are found exit doors and windows in the red brick wall. Two original lamps hang above the paired doors. (Movie posters were originally hung upon the wall.)

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|---|---|---|
| Historic Name Whiteside Theatre | Map: 11535DC | TLN 7900 |
| Street: 361 SW MADISON AVE | TRS: 11S 05W 35 DC | Quad: Corvallis |
| Recorder: J. Sanders Chapman | Local Number: 231B | SHPO Number: 713 |
| Recorded: 3/29/84 | | |

The interior of the theatre has changed very little since a 1927 restoration. Saved from the 1927 fire were the foyer, restrooms on the mezzanine, and the business offices. A new concession was added to the foyer in 1948.
At the bottom of the two interior stairways, to the left and right of the concession, are original alcoves with artistic lighting devices. The restrooms and projection room are intact. The two business offices retain the original stenciled frieze and ceiling trim, black enameled furnaces, intercom telephones, and one has the original Whiteside roll-top desk. Throughout the theatre, the original tile and wood floors are covered over.

The auditorium features gilt stenciled frieze work and decorative plaster cast mouldings. Centrally located overhead is a dome for indirect lighting with hundreds of concealed bulbs. The original chandelier, replaced after the 1927 fire, was a replica of the famous Paniagew in Los Angeles.

To either side and in front of the stage are theatre boxes originally used for the organ pipes and for use as decorative garden boxes. When Talkies came in, speakers were placed in two of the upper boxes.
The theatre was built for stage shows and moving pictures. Originally seating 1135 people, today 960 people can view motion pictures at one time in the Whiteside Theatre.

Historical Background

The Whiteside Theatre opened to the public on November 9, 1922. The picture "The Old Homestead" was shown that night with Mrs. Lillian McElroy accompanying on the $20,000 two-manual double touch Wurlitzer Organ. That organ was the largest, and the Whiteside Theatre the grandest, in the state of Oregon (excepting the Liberty Theatre in Portland). The Whiteside Theatre cost over $100,000 to build (a substantial sum at that time).
The theatre was designed by Seattle architect H. Ryan and erected by local contractor Frank McFadden.

It was built with brick from the Builders Supply Company and lumber from Buxton's Central Planing Mill, both Corvallis firms. Interior painting (except for the original paneled tapestries) was accomplished by local decorators E. Bethers and W.N. Babb. Seattle decorators put the finishing touches on the building and provided the furnishings in the restrooms. Yundt and Keyser, a local firm, supplied the heating and ventilating system.

The Whiteside Theatre was the pride of owners Samuel and George Whiteside. These two brothers pioneered the theatre business in Corvallis. Two other brothers were instrumental in the Corvallis automobile business in the 1920's.

Samuel and George Whiteside were born in Burlington, Iowa; Sam in 1878 and George in 1874, of Samuel and Sarah Follette Whiteside. The family came to Benton County in 1891 and located on a farm. Later they moved nearer Corvallis to a home at "College Farm" near Country Club Way. Samuel Whiteside Jr.'s Tudor Revival home remains on a portion of that tract.

The Whiteside brothers first operated a transfer service in Corvallis, later, they were in the grocery business, and then they operated a shoe store on North Second Street. It is reported the brothers also operated a traveling theatre tent show that visited small towns in the area (c.1906). Their interest in motion pictures prompted them to open The Palace Theatre in 1908 on North Second Street. This theatre was destroyed by fire and the Whiteside brothers then operated the Crystal Theatre (and apparently the Idlewile Theatre) before building The Majestic Theatre in 1913.

The Whitesides opened the State Theatre, a remodel of a garage building, in 1931 and Charles Whiteside, a brother, opened the Mid Way Drive-in Theatre in 1953.

Sam and George Whiteside built the Whiteside Theatre in 1922 in honor of their father. The theatre building today is held in co-trust by Vida Carison Whiteside, whom Samuel Jr. married in 1915. The Whitesides have thus been involved in the theatre business in Corvallis for 76 years so far.

When the Whiteside Theatre was opened in 1922, it was splendidly decorated befitting the grand movie palace which it was. The foyer was richly carpeted with Wilton rugs and hung with rose color velour hangings. Attractive wall lamps

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| Historic Name Whiteside Theatre | | Map: 11535DC | TLN 7900 |
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| Recorder: J. Sanders Chapman | Local Number: 231B | SHPO Number: 713 | |
| Recorded: 3/29/84 | | | |

and a marble drinking fountain were featured. Statues, flowers and artistic lighting devices were arranged within alcoves at the bottom of the two, wide staircases which led to the balcony and restrooms. The floors in the foyer were tile, the exterior doors were walnut. Beveled mirrors remain hanging upon the walls.

The ladies restroom was beautifully furnished with couches, dressing tables and writing stands of French blue and ivory wicker. The walls were paneled in orange and black and the carpets were blue and black velvet. Off the restroom was a separate writing room and lavatory. The men's lounging room also had wicker writing tables, velvet curtains and a specially designed fireproof smoking room. The general restrooms had furnishings in blue and gold, upholstery in silk mohair fabric and lighting fixtures with antique gold finish. The "damask effect" draperies were imported and carpets were rose and toque colored. Fern baskets were at the windows.

The auditorium walls were a warm ivory color with blue and rich gold trim. The gilt frieze work was $4000.00 worth of decorative plaster cast. Three large tapestry panels with landscape scenes, floral shrubbery and even a peacock were featured. Overhead in the center of the building was an indirect light dome (still present) with hundreds of concealed lightbulbs. The fixture originally had three circuits with three colors each and dimmers. The chandelier was reported to be a replica of the Paniagew in Los Angeles.

The Theatre was built for cinema; however, live productions were carried out upon the stage. The organists dressing room on the right was used as a women's dressing room and the uniformed lady ushers' dressing room on the left was used for a men's dressing room. The stage was hung with heavy velour curtains of neutral tones bordered with silk fringe. The cinema screen of gold fiber material was constructed especially for the Whiteside Theatre and was the same kind used in the Capitol Theatre in New York City. The screen was scientifically manufactured to fit the exact distance between the screen and the projector and it was meant to absorb or reflect rays of light in a manner to make viewing easy.

On either side of the stage were boxes (still present) which were used for the organ pipes, and for decorative effect. These were "gardens" instead of the "old-fashioned royalty boxes". Flowers and shrubs were placed in the boxes temporarily, for example, Christmas trees at Christmas time or shocks of corn and fields of yellow pumpkins in the fall. Two of the boxes are speakers; and at one time, organ music emanated from behind curtained booths.

The seats in the theatre were large and comfortable. On both the balcony and main floor were two rows of leather upholstered spring seat loge chairs. The 1135 seats in the theatre (500 in the balcony) were made from walnut. The aisles, like the foyer, were richly carpeted.

On the front upper floor, behind the balcony, are two private offices which look much as they did when the theatre was opened. The original heaters, telephones, the Whitesides' writing desk, and the stenciled frieze work remain. One office was for the Whiteside brothers, and one for the bookkeeper.

In the projection room were three Simplex cinematographs. The operators room was constructed using laminated steel and asbestos. Also in the room was a fire-proof film rack, a spot light, a slide lantern, and a special ventilator. Today, there are two large Ashcraft Super-Power projectors.

The ventilating system was reported to be "perfect". A pressure system at 80 pounds to the inch brought under pressure at the rate of 45,000 cubic feet per minute, kept the theatre constantly supplied with fresh air. There was a heating system in the basement.

In March of 1927, the Whitesides passed management of the Whiteside and Majestic Theatres to Universal Theatres Corporation, a company owning over 600 theatres in the United States. Sam and George were retiring after almost 20 years in the business. Only the theatre business and the furnishings were leased to the new corporation and the Whitesides retained ownership of the buildings and ground.

Later on in 1927, on October 19, the interior of the Whiteside Theatre was gutted by fire. It was estimated that $50,000

worth of damage occurred. The fire was believed to have started in the work room backstage. The interior was completely wrecked except for the foyer, restrooms in the mezzanine, and the business offices. Flames, smoke and heat rolled along the ceiling of the auditorium and destroyed the balcony. All seats in the balcony charred and burned. Chunks of plaster and terra cotta dropped from the walls. The first 15 rows of seats on the main floor were also ruined; however, the seats and carpet under the balcony on the first floor were in good condition. The grand Wurlitzer organ had to be replaced. The console was wrecked and the pipe installation damaged.

Fifty patrons were in the theatre at the time of the fire and two women in the restroom had to climb out the front windows over the marquee since the stairs were hidden from view. There was no fire alarm turned in but when the firemen came (from the fire station across the street!) there was a delay in manning hoses and they had to break down the stage door. Water turned upon the blaze smothered the fire.

The theatre was completely redone inside "from rafters to basement" and reopened on January 2, 1928. A comedy, Glenn Tryon in "A Hero For a Night" was played. The new theatre manager, E.M. Ludwig, conducted a tour through the "New Whiteside Theatre". There was a new $20,000 Wurlitzer organ and the interior of the theatre was decorated in Polychrome stripped finish highlighted in gold. Cove lighting and hidden lights of red, green, orange and blue were installed in the auditorium. A new chandelier was hung from the grillwork dome overhead.

A new stage curtain of Mettaline ran on a track instead of being raised. This curtain was used to flash the movie title upon, then it was withdrawn to reveal the screen. The new screen was white rubberized rayon which was reported to be smoother and better than the previous screen. Improvements were made to the stage for vaudeville acts. All the seats on the lower floor and upper floor were replaced with soft cushioned decorative iron chairs. The old loge seats were moved upstairs and new ones installed on the main floor. New furniture and heavy rose colored carpets were placed throughout the movie house. New drapes and a polychrome decorative scheme were added to the entrance box office. Caen-stone effect was used on the front walk and antique bronze was effective on the marquee.

By November of 1928, it was permitted to show movies on Sundays in Corvallis. One month later, the Whiteside Theatre showed the first "Talking Movie" in town. In order to accomplish this, Greg Allen installed vitaphone talking picture equipment in the theatre. The equipment, from Philadelphia, cost $35,000.

In October of 1936, fire struck the theatre again. The cause of the blaze was a mystery but it appears that one night flames broke out between the ceiling and the roof in the auditorium. Fortunately, the organ and sound equipment were not damaged and all the seats in the theatre were salvaged (they were covered with tarpaulins.). In 1947, Mrs. Samuel Whiteside donated the theatre organ to Gill Coliseum at Oregon State University in Corvallis. At one point, the movie projector and screen were replaced.

Today, the Whiteside Theatre continues in operation as a movie theatre. The exterior of the building is mostly original (except for the addition of the neon marquee). The interior, though quite intact, has suffered from the ravages of time. However, the "movie palace" resplendence could be returned. A proper restoration with a focus on capturing the spirit of the 1920's and improving the original design and color scheme could bring new life into the venerable theatre building.

| | | |
|---|---|---|
| Historic Name Whiteside Theatre | Map: 11535DC | TLN 7900 |
| Street: 361 SW MADISON AVE | TRS: 11S 05W 35 DC | Quad: Corvallis |
| Recorder: J. Sanders Chapman | Local Number: 231B | SHPO Number: 713 |
| Recorded: 3/29/84 | | |

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Community Development
Planning Division
501 SW Madison
P.O. Box 1083
Corvallis, OR 97339-1083
FAX (503) 757-6936
(503) 757-6908

NOTICE OF DISPOSITION

ORDER 89-139

CASE DC(HPO)-89-70, Whiteside Theatre

APPLICANT Eastgate Theatre Inc. ETAL

LOCATION 361 SW Madison Avenue
Corvallis, OR 97333

REQUEST This property be listed on the Corvallis Register of Historic Landmarks and Districts and requests that the Historic Preservation Overlay (HPO) designation be added to this property.

The Land Development Hearings Board conducted a review of the proposed request on December 7, 1989 and found that the request should be approved and adopts the findings of fact and conclusions contained in the staff report, dated November 30, 1989.

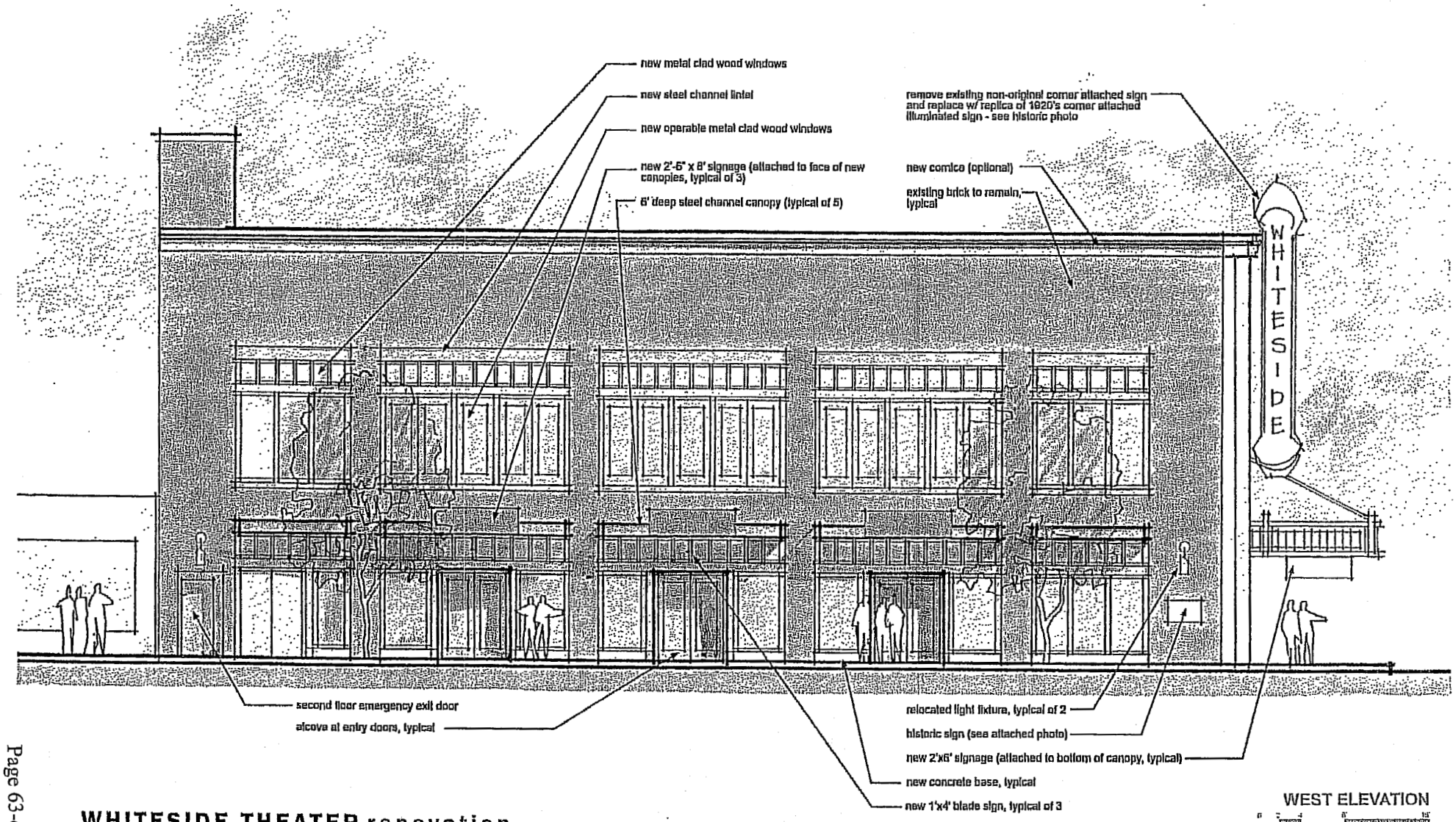
If you are an affected party and wish to appeal this decision, appeals must be filed within 10 days from the date of decision, in writing, with the City Recorder. The following information must be included:

a. Name and address of the appellant(s).
b. A reference to 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 $92.00 (no fee required for an appeal of the Planning 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 Attorney's office in the Central Park Municipal Building, 760 SW Madison Avenue.

Gary Beck, Chairman
Land Development Hearings Board




WEST ELEVATION

1/8" = 1'-0"

**WHITESIDE THEATER** renovation

sera architects + whiteside partners llc

5

Honorable Council,

I testified at the earlier Historic Resources Commission meeting concerning my feelings that the petition for the Whiteside Partners LLC should be denied. I strongly believe that the plans that have been submitted will alter this Historic gem irreparably. Adding the innumerable windows along 4th street is enough to decline the petition according to the code. The change to the Madison Street façade does not conform to the criteria outlined in section 2.9 of the land use code and again, will alter the building and degrade the historic significance.

In addition I would like to state my concern that although the petitioners in this case are entitled to appeal the HRC's decision, I am concerned that a ruling by this council overturning the HRC's decision will render the commission impotent in any further petitions brought before them. The committee is so new and their history so short that I feel their role is in grave jeopardy. Please do not undermine their authority.

I would sincerely like you to all think carefully about this decision as it is of such great import to this community.

Thank you,
Kim Griffiths

Kim Griffiths
3377 NW Swallow Dr
Corvallis, OR 97330

**Kaytie Fiedler**
**6533 Artemis Lane**
**West Linn, OR 97068**

January 11, 2007

Mr. Bob Richardson,
Associate Planner
PO Box 1083
Corvallis, OR 97339

This letter is to inform you of my opposition to the application from the Whiteside Partnership, LLC to change the exterior and interior of the Whiteside Theater.

The proposed changes to remove the marquee, add storefront windows and doors and the replacement of the south theater doors, windows and portions of the wall with new storefront windows and doors is prohibited in the Land Use Code Section 2.9 in preserving the building as a historic resource.

These and other massive changes should be considered under Section 2.9..70 because the application will affect the exterior of the building.

The proposed signage to the south and west elevators are not in keeping with the buildings characteristics. The 1950's marquee and fire escape should remain in order to preserve the historic nature of the theater.

I am not in favor of the application and request that it be denied.

Sincerely,

Kaytie Fiedler

**Subject** : CORVALLIS CITY COUNCIL REFERENCE WHITESIDE THEATER HPP06-00039
**Date** : Wed, 10 Jan 2007 22:37:00 -0800
**Linked to** : Peter & Cathy Berger
**From** : Peter Berger <peterjensberger@yahoo.com>
**To** : <robert.richardson@ci.corvallis.or.us>

Dear Mr. Richardson,
I was recently surfing the internet to learn more about examples of Italian Renaissance architecture and came across this proposal for the Whiteside Theatre. I wanted to quickly express my concern about the plan to change the building original design. I worked for Widmer Brother Brewing Company in Portland, OR and one of the buildings that were used by the WBBC Administration and Sales/Marketing departments were in the Italian Renaissance style. The Brothers were so glad to be able to preserve such a building and use its image in many marketing campaigns. The building and their beer are examples of craftmanship. The building is on the National Historic Register and is part of many national video presentations about the success of Widmer beer.
It is my opinion that any changes proposed to the Whiteside Theatre building should be done in the Italian Renaissance style.
Thank you for your time and consideration.
Sincerely,
Peter Jens Berger

Let us endeavor so to live that when we come to die even the undertaker will be sorry.
Mark Twain

**Subject** : <no subject>
**Date** : Wed, 10 Jan 2007 17:38:00 -0800
**Linked to** : Mike Brantley
**From** : Mike Brantley <mike.brantley@crmleaders.org>
**To** : <robert.richardson@ci.corvallis.or.us>

Robert Richardson
City Planning Division of Corvallis

11 January 2007

Subject: Whiteside Theatre & Associated Retails Space (HPP06-00039)

Mr. Richardson,

I am writing to weigh in on the forthcoming appeal and consideration by the Whiteside Partners, LLC in their request to buy and make significant alterations to the Whiteside Theatre – changes that violate Land Use Code and the city's desire to protect its heritage. Pursuant to recent hearing by the council, and Land Use Code Section 2:9, I most strongly encourage & request that you and the council deny the request by the Whiteside Partners. I cannot overstate how strongly this issue must be resisted.

Their desire to make such extensive changes to the building, from new steal canopies, removing the historic marquee, removing the historic fire escape, to the new windows cut in the walls and the original doors removal and replacement, are absurd and offensive to the city's values. The core purpose and intent of the building changes are destructive to the city, its heritage and violates the historic preservation intent by numerous codes and policies. A people need roots – these roots, good heritage and identity include architecture and buildings with memories. The fundamental changes violate this memory, this city treasure and leave us with nothing to link us to our past, our city, our forefathers.

More than the emotional appeal for our heritage, I site Section 2.9..70 as this violates the code of the city and intent in every way. From the changes above mentioned, to the foundational building alterations destroy its heritage and disregard our duty to be the guardians of the city's desire to preserve these landmarks. These carpet baggers do not care for the city's character & quality of life, but making a fast buck at the city's expense.

We know there are others interested in development of this location, development that would enhance and protect the building, as well as fuel life in the city centre. Retail does not lend to the character and contribute to a city's core life and vitality. Neither does destroying landmarks and history.

Please stand firm in front of the city code, protect its intent and deny this profit mongering group from coming in town and digesting the city's heritage for a quick buck. Thank you for your time and consideration.

Warm regards

Mike Brantley
Mike.Brantley@crmleaders.org

"Followers want comfort, stability, and solutions from their leaders, but that's babysitting. Real leaders ask hard questions and knock people out of their comfort zones and then manage the resulting distress."
Ronald Heifetz and Donald Laurie in "The Work of Leadership," – Harvard Business Review

# THE WHITESIDE THEATER

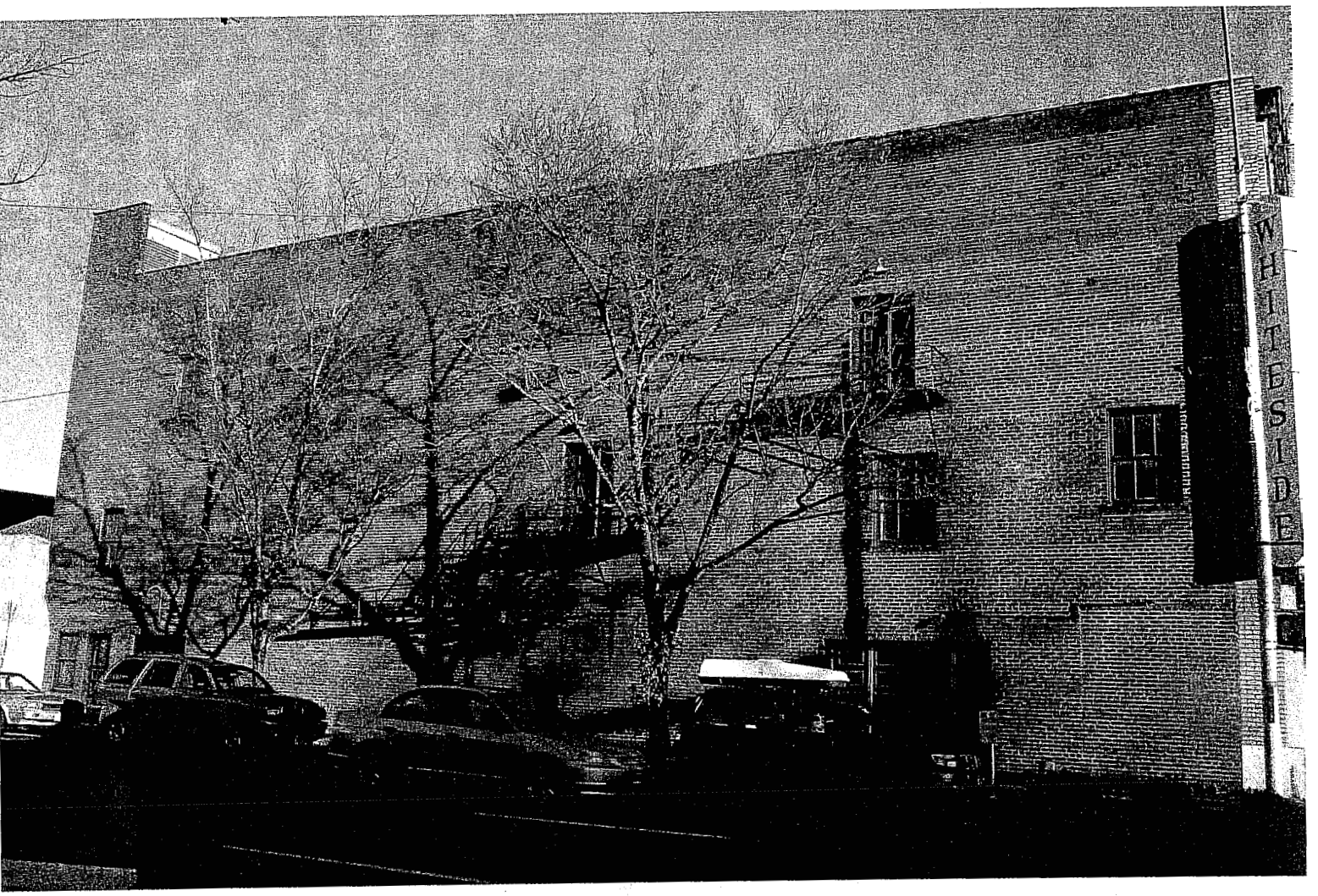
## PHOTOGRAPHS OF THE WEST WALL:

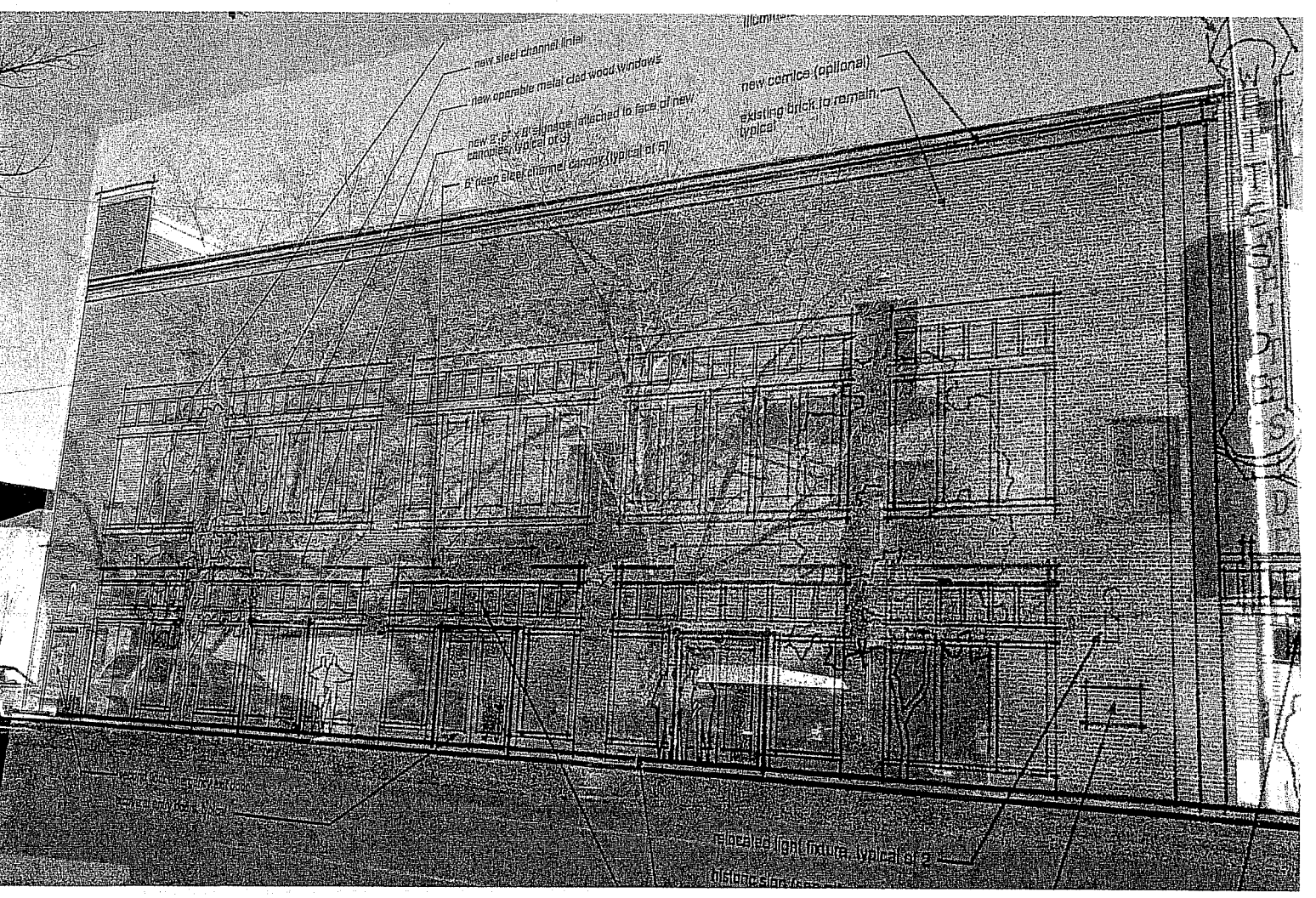
## The Reality and The Illusion

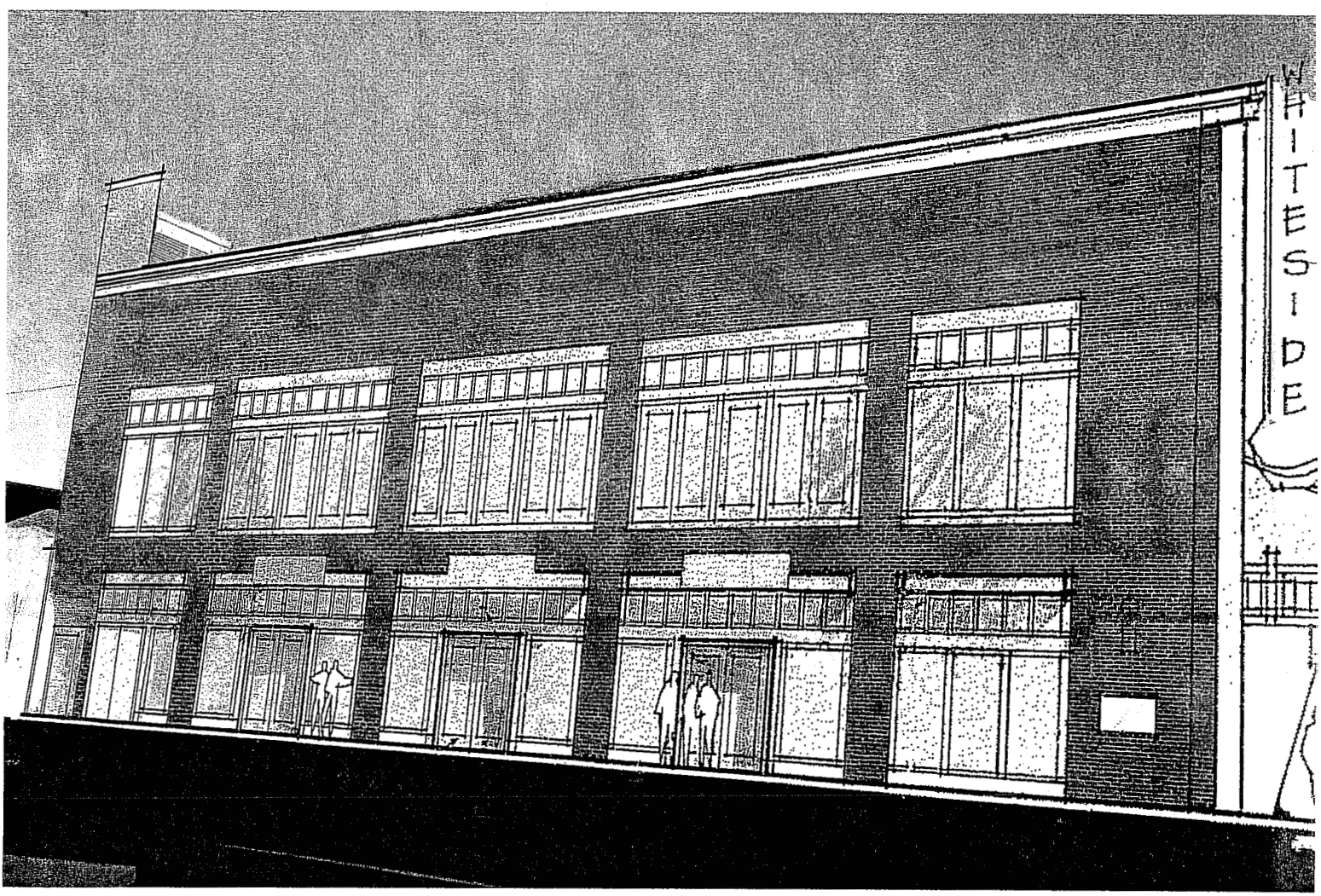
Prepared and Submitted
by Wendy A. Kincade

January 16, 2007

To the Mayor and City Council Members
of the City of Corvallis, Oregon


WHITESIDE


new steel channel lintel
new operable metal clad wood windows
new 3'-6" x 8' signage (attached to face of new canopies, typical of 3)
8" deep steel channel canopy (typical of 5)
new cornice (optional)
existing brick to remain, typical
located light fixture, typical of 2


WHITESIDE

City Council
City of Corvallis, Oregon
RE: Whiteside Theatre Appeal Public Comments
Case # HPP06-00039

January 16, 2007

Honorable City Council Members:

The "Whiteside Partners" hope that you, the City Council of Corvallis, will overturn the December 4th decision of the Historic Resources Commission. These "developers" want to permanently alter the historic Whiteside Theatre. I ask that you **deny** their appeal and **fully uphold** the decision approved in a 4-2 vote by the HRC.

I think everyone interested in the Whiteside Theatre has read the City of Corvallis' website, which states: "It is probably Corvallis' best historical commercial building in terms of original design and integrity". The Whiteside is the last original Corvallis movie palace still existing as a movie theatre; it exudes a remarkable sense of the 1920's. It's a nationally-recognized architectural treasure, a textbook example of style & design; it defines & accentuates the architectural context it dominates, 1950's marquee and all. The Whiteside Theatre is an 85-year-old jewel unique to downtown; a beautiful building full of history. It is not an "eyesore", as some say. It will become an eyesore, however, if the "Whiteside Partners" have their way.

I attended the HRC meeting on 12/4/06. The commission deliberated this proposal for hours. They carefully examined the massive changes proposed to the Whiteside Theatre. One commissioner stated the proposal was "in conflict with the code" and that "the project fails to recognize historic purpose". Another stated "changes to the west wall are profound...changes to the west façade are too dramatic... (And) we would be setting a radical precedent for this city's future". Only **two** commissioners voted against the motion to deny; not a close vote. I urge the City Council to please respect that **vote** and the **integrity** of the HRC, and uphold their decision.

"Whiteside Partners LLC" would radically and permanently devastate the exterior of the Whiteside Theatre, and gut the interior. It would be impossible to ever restore the building. **It would no longer be the Whiteside Theatre.** Just an empty shell...a strip mall with no soul. Corvallis has many strip malls---but only **one** Whiteside Theatre. It must be saved.

Eighteen years ago I and others here tonight asked to have the Whiteside listed on Corvallis' historic register. We believed it was then protected. A careful decision to deny this destructive proposal would re-affirm the continued protection of the Whiteside Theatre for future generations. A council vote to overturn the HRC's decision would be the **death** of the most important historic commercial building in downtown Corvallis!

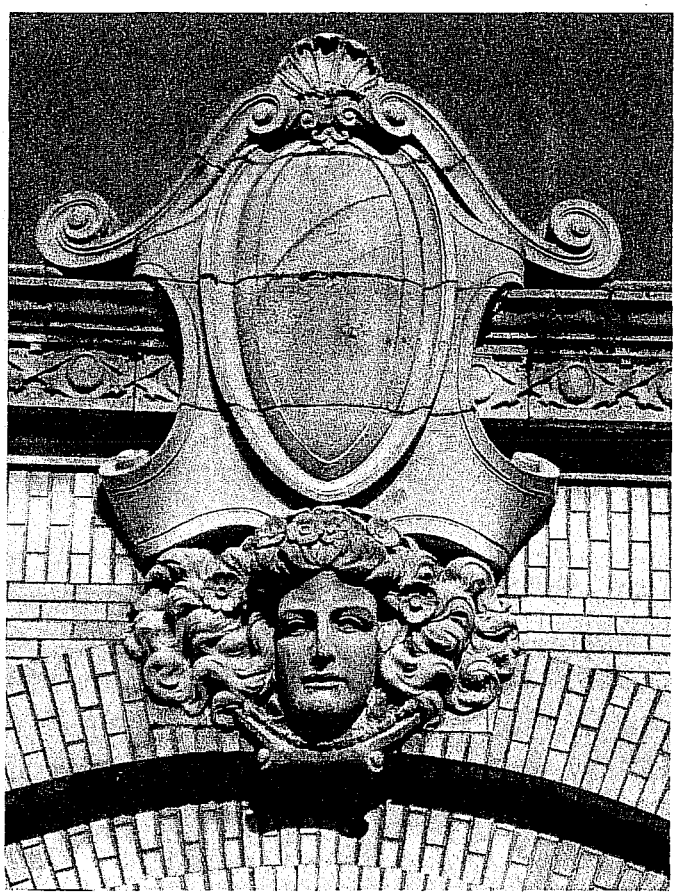
The developers believe we must accept this proposal immediately **or** the Whiteside will remain forever vacant. I believe better possibilities exist. The developers (and the local paper) claim the Whiteside has no future as a single-screen movie theatre. Really? Apparently they're unaware of the Kuhn Theatre in Lebanon, the Pix Theatre in Albany,

the Star Cinema in Stayton, or the Egyptian Theatre in Coos Bay--all operate as renovated, historic and successful movie theatres in downtown locations. A renovated Whiteside could operate as a live music venue, booked with touring bands and orchestras that now pass us by on I-5. This is successful in Eugene (McDonald Theatre), Grants Pass (Rogue Theatre) and Bend (Tower Theatre). Please realize: This proposal is NOT the only possibility for the Whiteside Theatre!! Don't believe the hype that only the "Whiteside Partners" have the best solution for the Whiteside Theatre.

**The Historic Resources Commission did the right thing when they voted to deny the massive and irreversible changes proposed to the Whiteside Theatre. I urge the City Council to now uphold that decision and neither undermine the commission's integrity, nor the architectural integrity of the irreplaceable Whiteside Theatre. If the City Council votes to ignore the HRC, you will have authorized the permanent dismemberment of the historic treasure that is the Whiteside Theatre.**

What message would that action send to the people of Corvallis and its visitors in this sesquicentennial celebration of all things historic in the City of Corvallis??

David S. Wilson, Manager, Whiteside Theatre, 1987-1992



**Testimony of Rebecca Landis before the City Council Jan. 16, 2007**

I submitted written testimony to the CHRC on Nov. 14, 2006, which is a part of the record before you.

Although this proceeding is *de novo,* it seems important to contest the points cited by Whiteside Partners LLC in its appeal letter, which reveals some twisted interpretations of 2.9 that I hope you will not accept.

The applicants/appellants claim that the CHRC relied on the Secretary of the Interior's Standards for the Treatment of Historic Properties instead of applicable sections of code. The standards are the underlying basis for much of our new code, whose purposes expressly include implementation of the two most commonly used "treatment areas," rehabilitation and preservation. To the applicant, it seems any mention of the standards constitutes prohibited reliance.

If you go back and examine the minutes, I'm sure you will see that the commissioners framed their statements on code provisions. There were plenty that backed up the denial decision, and they cited a number of them. You also will be citing code provisions, but you should not submit to this bizarre gag order.

Since when is a building side facing a major downtown street, which is also a state highway, not a primary façade? The code does not say that some primary façades are "equaler" than others. But this is a fairy tale that the applicant must have you believe – or lose on the merits.

The code clearly indicates that historic resources on corner lots are treated so as to respect all façades on rights-of-way. This is evident from many code references restricting alterations visible from public rights-of-way and even private street rights-of-way. Owners get a pass on various alterations if they are only visible from alleys. Can we agree that 4th Street is not an alley? And the code does refer to "primary façade(s)." I found this in 2.9.100.04.(b)(3)(i), although in (a) of (3) they are called "main façades." That citation further states: "Particular attention should be paid to those façades facing street rights-of-way."

Regarding the allegation that CHRC improperly considered interior alterations, the record does not support the plaintiffs. If they considered it at all, commissioners only dealt with the interior in the context clearly allowed by 2.9: what effects on protected façades are involved? The applicant/appellant would rather that you focus on this non-issue than on the fact that they are proposing massive alterations on the <u>exterior</u> of the west façade. Those alterations alone are ample basis to deny the application.

Sincerely,

Rebecca Landis

To: Corvallis City Council 1/16/07
Re: Whiteside Theater

Dear Council Members,

I am requesting that you deny this appeal to overturn the HRC decision regarding the Whiteside Theater. I believe that this building is uniquely special in fulfilling the city's mandate for historic preservation.

In its time the Whiteside Theater was considered to be the second grandest theater in Oregon and with the demolition of the Liberty theater, which was considered to be the premier theater, the Whiteside now takes on that mantle. It gives Corvallis a distinct identity and enhances the downtown – it is not just another piece of real estate amenable to a makeover for more shops. You just simply cannot replace a building like this.

There is nothing of bona-fide preservation in the Whiteside Partners' proposal, except a stab at duplicating some conjectural elements (previous blades and a marquee "likely constructed of painted wood that incorporated pressed tin" – an approximation of an approximation – and who gets to choose which is more historical?) (Conjectural architectural details are disallowed by Code 2.9.100.04c). Furthermore, they requested approval of these proposals before they had done the research. This is not a good recipe for the adaptive re-use of historic resources, and most certainly not for the alterations proposed for this rare building.

We're a high velocity culture; in our efforts to be progressive, we're often a little too quick to destroy some the best elements of our society. I believe that we owe it to ourselves to see in a wider arc, to realize that the value of historic resources has a way of recycling itself, resurfacing repeatedly through time. I would like to suggest that the city would do itself a great favor by recognizing that the Whiteside Theater is a gem that should be treasured by the city – a rare crown jewel whose presence enriches the city. In their attempts to create an asset, these developers are destroying an even more valuable asset, even sitting empty. I don't think its value as a historic resource can be overestimated.

It is very painful to watch the piecemeal destruction of our historic buildings, and it is the City's job to see that our resources are not squandered. I think that the City would be ahead of the curve if it became proactive in taking charge of its historic resources, as it did with the Natural Features scoping project. Other buildings can be used for shops; there is only one rare and unique, and now the oldest and best, extant example of a theater of this era left in Oregon. If this destructive development is allowed, the Whiteside Theater will no longer be a unique feature in this town. Corvallis will be the poorer for it, and I believe that future generations will shake their heads about its destruction just as we do about the Urban Renewal damage of the 60's.

Thank you.
Carolyn Ver Linden 644 SW 5th St. Corvallis, Oregon

**CITY OF CORVALLIS**
**CITY COUNCIL WORK SESSION**

**January 22, 2007**

The work session of the City Council of the City of Corvallis, Oregon, was called to order at 5:30 pm on January 22, 2007, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Tomlinson presiding.

I. ROLL CALL

PRESENT: Mayor Tomlinson, Councilors York, Daniels, Grosch, Brown, Beilstein, Wershow, Zimbrick, Hamby, Brauner

The Mayor and Councilors were joined by facilitator Joseph Bailey, City Manager Jon Nelson, and Assistant to City Manager/City Recorder Kathy Louie.

II. NEW BUSINESS

A. 2007-2008 City Council Goal-Setting

The Mayor and Council conducted goal-setting for the 2007-2008 Council term. The Council will continue discussion of the goals at another work session scheduled for February 5, 2007. Individual Councilor goal ideas and a draft set of Council goals from Facilitator Bailey is attached.

III. ADJOURNMENT

The meeting was adjourned at 9:15 pm.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY RECORDER

Linn-Benton
COMMUNITY COLLEGE
**Business and Employer Services**

Joseph Bailey
6500 Pacific Blvd SW
Albany, OR 97321
joseph.bailey@linnbenton.edu
541-917-4935

# Corvallis City Council 2007-08 Goals

*DRAFT* *DRAFT* *DRAFT* *DRAFT*

| Councilor | Goal #1 | Goal # 2 | Goal # 3 | Goal # 4 | Goal # 5 |
|---|---|---|---|---|---|
| Mike Beilstein | Enhanced bus schedules | Reduced commuting to Corvallis. Decrease jobs, increase housing | Develop food/ agri-sustainable local systems | Bicycle amenities | |
| Hal Brauner | Develop implementation strategy for EVP and Downtown plans and begin implementation | Develop fiscal strategy for core city services and begin implementation | Identify and implement changes to ordinance and policies to carry out diversity charter amendment | Continue organization sustainability efforts | |
| Dan Brown | Enhance community livability: enforcement, code alignment, dept. coordination | Collaborate more with public and private organizations | Adopt a customer orientation. | Research participation in public life | Refine Chapt. 2.9 of the land development code |

| Councilor | Goal #1 | Goal # 2 | Goal # 3 | Goal # 4 | Goal # 5 |
|---|---|---|---|---|---|
| Patricia Daniels | Develop coordinated approach for ways to improve neighborhood livability, including: enforcement of code, outreach, exploration of need for additional tools | Begin implementation of Downtown Strategic Plan | Develop multi-year funding strategies for delivery of parks, recreation, and open space programs. | Establish Corvallis as a sustainable community using eco-municipality guidelines. | Develop broad-based community understanding of and support for core city services. |
| George Grosch | Complete the specific code adjustments that require completion A-4, 1-10-07 | Begin process for urban renewal district in D.T. | Review S. Corvallis master plan to identify potential barrier to retail/commercial development | Coordinate with other jurisdictions (County and other cities) on County-wide water plan | Align sustainability policy with eco-municipality designation |
| David Hamby | Develop materials to increase budget understandability | Evaluate and strengthen industrial park infrastructure (power, water, sewer, internet) | SW development plan | | |
| Stewart Wershow | Develop livability ordinance | Develop funding strategy for community programs | Improve coordination of neighborhood watch and neighborhood association through CCI | | |
| Bill York | Increase citizen participation in, and understanding of, the City's budget process | Implement the economic vitality plan | | | |
| Scott Zimbrick | Communication strategy | Eco-municipality model | Balance of affordable housing and jobs | Implement DCA and EVP Plan | Budget stability (5 years) |

| | | | | | |
|---|---|---|---|---|---|
| Charles Tomlinson | Downtown plan | EVP Plan | Implement community sustainability plan | Work with community sustainability plan | Achieve fiscal stability |

**Citizen Involvement Cost Efficiency Diversity Sustainability**

| **Culture and Recreation** | **Central City** | **Economic Vitality** | **Education and Human Services** | **Governing and Civic Involvement** | **Protecting the Environment** | **Where We Live** |
|---|---|---|---|---|---|---|
| Develop funding strategies for parks and rec. | Implement EVP and DCA plans (8) | | | Develop comprehensive and collaborative communication plan for better citizen understanding of city budgets and services (3) | Development of community-wide sustainability initiative (such as eco-municipality) (5) | Master plan review (South and SW) (1) |
| | Implement DCA and EVP plan (include balance of affordable housing and jobs (1) | | | Fiscal/budget stability (3) | City/county water plan | Livability and community safety (7)<br><br>b. Code enforcement/livability |
| | | | | Review policies and ordinances for charter compatibility (2) | | |

**DRAFT**
Subject to review & approval by BPAC

# Bicycle and Pedestrian Advisory Commission
## MINUTES
## January 5, 2007

**Present**
Susan Nelson, Vice Chair
Rosie Toy
Jack Schubert
Josh Storer
Mike Beilstein, City Council
Joel Rea
Brad Upton

**Staff**
Joe Whinnery, Public Works
Lisa Namba, Public Works
Michael Mann, Police Department

**Visitors**
Walt Prichard, Mid-Valley Bike Club
Dan Crall
Dave Lenher

**Absent**
Andrew Ross, Vice Chair
Kenyon Solecki, ASOSU

**SUMMARY OF DISCUSSION**

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Call Meeting to Order/ Introductions | X | | |
| II. Approve December 1, 2006 Minutes | | | Approved, as amended |
| III. Visitor Comments | X | | |
| IV. Old Business<br>• Witham Oaks Subdivision Proposed Bike/Ped Elements<br>• Review of Boundary for Sidewalk Restrictions of Bicycles and Skateboards | <br>X<br><br>X | | |
| V. New Business<br>• Sidewalk Furnishing Zones | | | Approved recommendation to increase pedestrian sidewalk clearance to four feet, effective January, 2008 |
| VI. Information Sharing | X | | |

## CONTENT OF DISCUSSION

### I. Call Meeting to Order/Introductions

The meeting was called to order by Vice Chair Nelson and introductions were made.

### II. Approve December 1, 2006 Minutes

Page 3, under Information Sharing, last bullet, the minutes shall reflect that Vice Chair Ross requested a status update, not a full discussion, on the subcommittee's report.

**Commissioners Rea and Upton, respectively, moved and seconded that the Commission approve the December 1, 2006 minutes, as amended. The motion passed unanimously.**

### III. Visitor Comments

- Mr. Lenher distributed copies of what he termed the *Oregon Bicyclist's Manual* and the *Oregon Driver's Manual*. He first referenced the bicyclist's manual's requirement that the rules of the road for motorists also apply to bicyclists. He then referenced the driver's manual which states "Slow moving vehicles must display a SMV (Slow Moving Vehicle) sign when on highways". He asked how to obtain such signage for a bicycle, as local bike shops didn't have them. Mr. Whinnery suggested that "slow moving vehicle" signs may pertain only to motorized vehicles and suggested that Mr. Lenher contact DMV for clarification.

  Mr. Lenher presented a recommendation for a sharrow on the center lane on 3rd Street turning left onto Harrison Boulevard. He noted that a bicyclist needs to be in the center lane when turning onto Harrison Boulevard in order to safely access the bike lane once on Harrison. He realizes this is a matter for ODOT to deal with since ODOT is responsible for 3rd Street. Mr. Whinnery noted that he doesn't know of any state highways that have the sharrow marking, but that this location meets the criteria for sharrows because the lanes of traffic are moving in the same direction and it's a situation where motorists should expect to have to share the lane with bicyclists. Commissioner Upton agreed with all the points presented, but noted that he doesn't feel this is a critical issue, since there are many ways to simply avoid that intersection. Officer Mann pointed out that this intersection has the highest accident rate in the City, providing another reason for bicyclists to avoid it.

- Mr. Crall reported that he has been in touch with Public Works employees regarding clearing bike lanes of debris left from the recent windstorm. He noted that the bike lanes on 9th Street, Highland Drive, Walnut Boulevard, Circle Boulevard and Highway 99W are often cluttered with debris and would like to see them kept clean. Mr. Whinnery said street sweepers are not equipped to pick up branches. He told Mr. Crall to report any branches to Public Works and employees will clear the bike lanes by hand. It appears that some landscaping companies have been routinely putting debris into the bike lanes. Public Works is considering an information campaign to highlight the need for keeping bike lanes clear of debris. There was discussion about the development of a card/door hanger with

information regarding City ordinances on debris in bike lanes and the sweeping schedule. Ms. Namba pointed out that the development of informational materials is intended for Public Works staff to hand out, not for citizen distribution. Officer Mann said that any citizen can call the Police Department at any time to report a potential street hazard.

## IV. Old Business

### • Witham Oaks Subdivision Proposed Bike/Ped Elements

Mr. Whinnery reviewed elements of the proposal which may not have been addressed during Terri Valiant's presentation to the Commission at the December, 2006 meeting.

- The proposed bus shelter will be moved slightly west on Harrison Boulevard to increase safety.
- The Circle Boulevard extension will be required by the City in the first phase, not in the fourth phase as proposed by the developer.
- There are no traffic calming elements south of the last new intersection, and there is discussion on what kinds of features may be appropriate.
- The northern part of the existing multi-use path alignment from Witham Hill Drive to the north project boundary will stay as currently configured.
- There is discussion in Development Review regarding the best place to locate a safe crossing for the multi-use path.
- A trail within the new development is proposed as soft surface to minimize environmental impacts.
- Better linkages between the ends of cul-de-sacs and the trail system will be required. Ms. Namba noted that the Land Development Code requires pedestrian connectivity from cul-de-sacs to other pedestrian facilities.
- Mr. Whinnery noted that, in order to minimize the wetland impacts, the developer will be requesting a variance to provide sidewalk on just one side of the street in certain areas. In addition, a smaller separation between sidewalk and curb will be considered in particular areas.
- A homeowners association will be created and will be responsible for maintenance of the internal path systems.

Vice Chair Nelson requested that staff follow-up on the possibility of having the developer provide a pull-out on the south end of the Circle Boulevard extension to allow for police presence in that area.

In response to a question from Mr. Prichard about a potential sidewalk gap along Harrison Boulevard, Ms. Namba noted that it was fairly standard to require developers to build off-site improvements to fill in missing pieces of sidewalk frontage. She believes the Planning Division will be requiring the developer to do this from the end of the existing sidewalk on Harrison Boulevard to the frontage of the Witham Oaks site.

Commissioner Toy wondered if there were plans for a transit stop along the Circle Boulevard extension. Ms. Namba said it would make sense to have transit service on that street in the future, and that the 12-foot park strip would allow for the placement of a shelter, if desired, at that time.

- **Review of Boundary for Sidewalk Restrictions of Bicycles and Skateboards**

There are several differences between skateboard area restrictions and bicycle restrictions. Although bicycles are allowed, skateboards are prohibited in Central Park. Bicycling is not permitted on sidewalks on Monroe Avenue from 15th Street to 26th Street because of the high volume of pedestrians. Only one marking is currently visible on Monroe Avenue in this reach, at the northwest corner of 15th and Monroe. Some corners in the downtown may also need to be remarked.

## V. New Business

- **Sidewalk Furnishing Zones**

The ADA law requiring sidewalk clearance to be expanded from three to four feet is still in the rule making phase at the federal level and is expected to become federal law in 12-18 months. In advance of a change in the ADA standard, staff requested that the Commission recommend that City Council approve the current standard providing a 3-foot clearance area as a City standard for sidewalks City-wide, effective immediately. Commissioner Storer expressed an interest in pro-actively recommending the 4-foot standard for new permits. Businesses with existing sidewalk permits would be allowed to keep them at the current 3-foot standard, but would be required to meet the 4-foot standard when they renew their permits, no later than January 1, 2008. Businesses requesting new sidewalk cafes or other permits would be required to meet the new standard immediately.

**Commissioners Storer and Rea, respectively, moved and seconded that the Commission approve staff's recommendation, with an addendum to increase the pedestrian clearance zone for new permits to a minimum of four feet for new applications submitted within the existing calendar year, and that all applicants be held to the new standard starting January 1, 2008.**

Discussion ensued regarding the motion. Commission Upton pointed out the possible frustration which may occur if the City changes its standards in anticipation of federal standards being passed, only to have the federal standards be different than anticipated. This could require the City to further alter its existing policy.

**The motion passed unanimously, with Commissioner Upton abstaining.**

Mr. Whinnery will forward the recommendation to City Council.

## VI. Information Sharing

- Mr. Whinnery reported that Sheila Lyons is the newly-appointed ODOT coordinator for Bicycle and Pedestrian Safety Issues. Ms. Lyons is also the head of the Benton County Bicycle Advisory Committee. Michael Ronkin will continue working with ODOT for the next three months to complete a long-term project.

- Commissioner Upton asked Officer Mann if records of bicycle crashes are public record. Officer Mann answered that all bicycle crashes which are responded to by the Police Department are a matter of public record. In response to a question about perceived harassment, he noted that it is not uncommon for officers to use routine contact with the public, including bicyclists, to uncover potential criminal activity.

- Commissioner Toy asked Officer Mann at what times of day a bicycle light is required. Officer Mann said a light is required at times when a bicyclist's ability to be seen is hampered by lack of daylight. As with all laws, it's a matter of interpretation for the officer and the bicyclist. He said it is prudent to err on the side of turning on lights sooner rather than later. Commissioner Rea asked about enforcement of bicycle light laws. Officer Mann said officers are encouraged to approach bicyclists who do not have lights.

- Mr. Whinnery discussed the time line for the Transportation Enhancement (TE) grants. The committee which makes the final selections and recommendations to the Oregon Transportation Commission meets January 25th. The deadline for presenting public testimony on behalf of grants has passed. Grant approvals will be announced at the end of February. Both of the grants submitted by Corvallis, Rails With Trails and 35th Street Improvements from Western Boulevard to Washington Avenue, have made it to the final selection process.

- Mr. Whinnery distributed City Council appointments for Boards and Commissions. He also distributed copies of *The City* newsletter which contains an article about the law stating bicycles and motorized vehicles must yield the right of way to buses.

- The City of Corvallis, as an employer, has been recognized as a "Best Workplace For Commuters". This recognition is the result of the City providing employees with transit group pass programs, promoting bicycling and flex times. OSU was recognized recently for the same honor.

- The recommendations from BPAC's subcommittee on Education and Enforcement were presented to City Council. Council referred the report to the Urban Services Committee. As previously stated in BPAC meetings, Public Works Director Steve Rogers encouraged Mr. Whinnery to attempt to acquire grants to fund the recommendations within the report. Mr. Whinnery also described a grant opportunity developed by the Benton County Health Department that may be applicable. Mr. Whinnery asked if some members of the subcommittee would be available to attend the Urban Services Committee meeting to answer any questions about the report. Commissioners Upton and Storer agreed to attend.

- Ms. Namba said six grants were recently submitted to ODOT for transit and pedestrian-related improvements, including upgrading missing segments of sidewalks and ramps, and

installing concrete pads between the sidewalk and curb at bus stops. These grants would be in addition to upgrades made through the City's Sidewalk Safety program.

**NEXT MEETING: February 2, 2007, 7:00 a.m., Madison Avenue Meeting Room**

**DRAFT**
Subject to review & approval by CACOT

# CORVALLIS CITIZENS ADVISORY COMMISSION ON TRANSIT
# MINUTES
# December 13, 2006

**Present**
Scott Carroll
Stephan Friedt
Joe Harrod
Bob Lowry, Chair
Brandon Trelstad
Lita Verts, Vice-Chair
Robert E. Wilson

**Staff**
Lisa Namba, Public Works
Michelle Rhoads, Public Works

**Visitors**
David Coulombe, City Attorney's Office
George Grosch, City Councilor
Stewart Wershow, City Councilor

**Absent**
Kenyon Solecki, ASOSU

## SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Introductions | X | | |
| II. Approval of October 18, 2006 and November 8, 2006 Minutes | | | Approved |
| III. CACOT/Visitor's Comments | N/A | | |
| IV. Advertising on Corvallis Transit System Buses | | | Approved the draft policy |
| V. Operating and Maintenance Facility | X | | |
| VI. ADA Paratransit Service Fare Review | X | | |
| VII. Information Sharing | X | | |
| VIII. Adjournment | X | | |

## CONTENT OF DISCUSSION

### I. Introductions

Introductions of Commission members, staff and visitors were made.

### II. Approval of October 18, 2006 and November 8, 2006 Minutes

**Commissioners Friedt and Trelstad, respectively, moved and seconded that the Commission approve the October 18, 2006 minutes. The motion passed**

**unanimously, with Commissioner Wilson abstaining because he did not attend that meeting.**

**Commissioners Wilson and Friedt, respectively, moved and seconded that the Commission approve the November 8, 2006 minutes. The motion passed unanimously, with Vice-Chair Verts abstaining because she did not attend that meeting.**

## III. CACOT/Visitor Comments

There were none.

## IV. Advertising on Corvallis Transit System Buses

**Commissioners Wilson and Friedt, respectively, moved and seconded that the Commission approve the draft policy for advertising on Corvallis Transit System buses.**

Discussion ensued regarding the motion. Vice-Chair Verts asked Ms. Rhoads if CTS had been approached to advertise any material which could be deemed inappropriate in nature. Ms. Rhoads said that long ago there was an incident in which it was necessary to suggest that the original proposed artwork be redesigned. Recently there was another situation in which a political candidate advertised and some citizens voiced concerns that it looked as though the City was endorsing that candidate.

Mr. Coulombe said the draft policy is a combination of input from the City Council and additional language culled from policies of other local transit jurisdictions. He was asked about distinctions on religious advertising. He said the City intend to create a commercially-oriented advertising policy, not to create a public forum. Ads that support or oppose a particular religion, belief, or viewpoint would not meet the intent of the policy.

Ms. Namba raised the issue of Public Service Announcements (PSA), non-commercial expressions, and if there was any risk that they might lead into the establishment of a "public forum" and potentially controversial areas. Mr. Coulombe noted that it was a matter of degree, and that if too large a percentage of ad space was being used for PSAs, it could unintentionally provide a basis for the claim that CTS has established a public forum. If a small percentage of total advertising space were available for PSAs we could avoid that issue. We could also consider limiting PSAs to government entities. Ms. Rhoads noted that "the goal of the policy is to "maximize revenue", thereby limiting the available space for PSAs. Commissioner Friedt said he would be interested in seeing how other transit agencies deal with this. He said that most PSAs he sees on other systems are inside the buses. Councilor Wershow suggested that staff track the number of requests for PSA ads and report to the Commission if the requests begin to grow in number. Mr. Coulombe noted that the Purpose and Intent section of the policy would help in addressing and constraining the PSA issue.

Ms. Rhoads said another potential source of revenue for the City, as yet unexplored, would be advertising on bus shelters and benches. Mr. Coulombe said the advertising policy could be revisited when, and if, advertising were expanded to bus shelters and benches. Shelters and benches are typically located in public sidewalk areas that have traditionally been considered "public forums", and that it would necessary to take a closer look at potential issues if we were interested in allowing advertising on those facilities.

On behalf of the Commission, Chair Lowry thanked Mr. Coulombe for his time and effort on this matter.

**The motion passed unanimously.**

Ms. Rhoads stated that the recommended policy will be forwarded to the City Council via the usual process of Council Committee review and recommendation; then Council review and approval. She also announced that the City sent an offer to Lamar Advertising to extend the existing contract one year, beginning January 1, 2007. The City retains one additional option year that may be exercised if desired. A copy of the draft advertising policy was sent to Lamar representatives and they responded favorably to it.

## V. Operating and Maintenance Facility

The City has identified three sites for a proposed Operating and Maintenance Facility. The sites are: The old mill site on Reservoir Road; the City Public Works site; and the Corvallis Industrial Park in South Corvallis (behind the DMV on SW Deschutes Street).

Ms. Namba reported the City recently held a public meeting to discuss this item. Attendance was light and the consultants will be summarizing the comments received by attendees. The consultants will begin researching the sites in depth by looking at environmental issues, natural and cultural resources, environmental justice, archeological resources, etc. The consultants and City staff will use the criteria matrix approved by CACOT to identify one preferred site. A site design and cost estimate will then be produced and shared with City Council and the public. Commissioner Friedt inquired as to the timeline for completion of the environmental work. Ms. Namba said the schedule has been extended several months and we will likely not have one preferred site by the end of January, 2007, as we had originally hoped.

## VI. ADA Paratransit Service Fare Review

Commissioner Wilson, a Benton County Special Transportation Advisory Committee (STAC) member, reported the recommendation for an ADA paratransit fare increase from $1.00 to $1.50 was reviewed and approved at a public meeting of the STAC. The fare has not been increased in the previous ten years. Dial-A-Bus has established a scholarship fund to offset the cost of fares for economically-disadvantaged riders. The recommendation will be forwarded to a City Council committee and then to City Council. It is anticipated that the fare increase will take effect in February 2007.

## VII. Information Sharing

- Ms. Rhoads reported CTS ridership continues on track to set a record for 2006. Although November ridership did not set a record, ridership for both CTS and the Philomath Connection was higher than the prior five-year average. On-time performance for November was lower than in previous months in part because the week the data was gathered included the Thanksgiving Holiday and the Civil War football game. With OSU out of session for the Winter Break, it is anticipated that December on-time performance will improve. Commissioner Lowry reminded the Commission that on-time performance can be affected by unavoidable factors like trains. Ms. Rhoads said it is difficult to build time into routes for train-related delays.

- Ms. Rhoads stated that the potential revision to Route 4, reversing the directional path around the hospital area, is still being discussed. Residents of The Regent have noted that once the buses travel on Elks Drive, they are headed downtown, so people have to first travel downtown before returning to the medical complex. CTS drivers feel that the Route 4 should be reversed because some passengers are confused and waiting on the wrong side of the street. Previously Ms. Rhoads had been asked by the Commission to gather passenger count data among Routes 2, 4 and 7 in the hospital area. The data shows an almost equal passenger count among the three routes, and indicates that the Route 4 stop at the bottom of the hill on Elks Drive has a fairly high level of use. Even considering this, Ms. Rhoads supports the driver recommendation. It is anticipated that there will be further discussion among City staff prior to a decision. Ms. Rhoads does not anticipate on-time performance to be negatively impacted if the Route 4 revision were put into place. CACOT reaffirmed they will leave it to staff to make the determination about changing the direction of Route 4 at the medical complex.

- Commissioner Friedt asked whether it would be possible to use the VIS to access information about on-time performance more often than one week out of a month. He said it would be useful to observe the difference in on-time performance during different times of the day. He stated that in the future, as we evaluate the possibility of route adjustments, he'd like to see more data before changes are made.

- Passenger shelters are scheduled to be relocated starting January 2007.

- Ms. Rhoads continues to be in contact with Luminator, the City's contractor, regarding working out minor glitches in the Auto Announce System.

- Ms. Namba reported that the City was recently awarded a federal Job Access Reverse Commute (JARC) through ODOT to expand CTS Saturday service and add one earlier morning run on the Philomath Connection, effective January, 2007. Ms. Namba recently wrote another six grants for the 2007-09 Oregon Department of Transportation (ODOT) discretionary grant funding cycle. The grant requests were recently reviewed and ranked by the Benton County STAC, and are as follows:

    1. Continue funding for the recently awarded JARC grant to expand service hours for CTS on Saturdays and weekday service for the Philomath Connection.

2. Slightly expand service outlined in #1.

3. Software for an unlimited license server to enable web-users access to real-time information on bus routes.

4. Paving of bus pads (area between sidewalk and curb) at bus stops.

5. Ramps for wheelchair access and missing segments of sidewalks throughout the City

6. Bus shelter maintenance.

- Ms. Rhoads reported that another grant submitted by the Benton County Special Transportation Program received a high ranking from the Benton County STAC. The request is for operating funds and capital to provide a transportation service between Lincoln County and Benton County on Mondays, Wednesdays and Fridays.

- Ms. Namba reported that since the 2006 Federal Transit Administration (FTA) Triennial Review, the City has met all deadlines for making program corrections and providing deliverables. Two deadlines remain, one in December, 2006 and one in January, 2007.

- Ms. Namba distributed a transit revenue sources summary. In response to a question from Commissioner Verts, she explained that the Group Pass dollars (including OSU) are considered fares, while OSU Contract Revenue is a direct contribution to the transit service, not a fare. Contract revenue may be used for local match, while fares may not. She explained that approximately one-third of the City's operating budget comes from a federal grant, one-third is local funding required to match the federal grant, and the approximate remaining one-third, referred to as "overmatch", is also local funding. Local funds primarily come from the General Fund (property taxes) and Business Energy Tax Credit (BETC) funds. Ms. Rhoads stated that the City transit program has not experienced budget cuts like other City services have the past few years because, in part, the reliance on General Fund money has decreased dramatically. Chair Lowry expressed appreciation for staff's efforts over the years in accessing alternative funding sources. Councilor Wershow said that during his previous tenure on City Council, the transit program was cautioned that an increased dependence on (BETC) funds may not be available in perpetuity and that alternate means of revenue may need to be unearthed in the future. BETC monies do appear to be more stable for now.

  Councilor Wershow asked if restructuring the way OSU delivers its payments to the City, i.e. not classifying payments as "group pass fares" would be a more useful way for the City to categorize revenue**.** Ms. Rhoads said it would be important to proceed prudently in distinguishing fares versus operating support payments as FTA could have some concerns about such a change in revenue distinction.

- Samaritan Health Services, a group pass plan member, is attempting to deal with arrival and departure issues on the Linn Benton Loop for its employees at their Avery Square site on NW 9th Street. Currently, Albany residents must ride a Linn Benton Loop bus and then transfer to a CTS bus to get to Avery Square. Ms. Rhoads worked with a Samaritan Health Services representative to develop a customized "cheat sheet" for their employee

use. She will develop a similar sheet for Samaritan Health Services employees who work on the main campus on NW Elks and NW Satinwood. Chair Lowry suggested a survey of riders who use this service.

## VIII. Adjournment

The meeting was adjourned by Chair Lowry.

**NEXT MEETING: January 10, 2007, 8:15 a.m., Madison Avenue Meeting Room**

# MARTIN LUTHER KING, JR. COMMISSION
# MEETING NOTES
## December 19, 2006

| **Members Present** | | **Absent** | **Staff** |
|---|---|---|---|
| Deborah Hobbs, Chairperson | Todd Allen | Laura Sneeden | Linda Weaver |
| Doug Hillpot | Dana Alexander | Rob Gandara | |
| Tammi Paul | Mary McKay | | |
| Keita Broadwater | | | |

2007 Event Update: The final arrangements were discussed. The keynote speaker, Kenneth Little Hawk will arrive on the evening of the 9th, Todd will provide transportation to the hotel. The high school programs will be 45 to 50 minutes in length. Beverly Miller was provided the contact information for both schools as well as the Majestic Theater. Tammi will contact the Albany School District to let them know that Kenneth is remaining in Corvallis for a few days, and would be available to other schools.

The evening program was discussed. Deborah will open the evening at 7 p.m., the Mayor, Charles Tomlinson will provide a welcome from the City of Corvallis. Mary will present the award for the essay contest. Deborah will then present the Citizen award and introduce Kenneth It is anticipated this will take no longer then ½ hour. Kenneth will have the next hour. At 8:30, Deborah will introduce Absolute who will wrap up the evening, and be asked to close the event. Dana suggested that a quote from Dr. King, be printed in the program.

Discussion was held as to providing a sign language interpreter. This service has been provided in past years, when an interpreter is available. The Commission felt this is an appropriate statement regarding diversity and they should attempt to find someone. Mary will try and obtain an interpreter through the Linn-Benton-Polk ESD, and if someone is available, the cost is typically $35-$45 per hour.

Lighting was discussed, last year an employee of the Majestic provided that service, Linda will ask the Majestic to provide this service again this year. In the past the Commission has discussed video taping the celebration event, Deborah will contact Kenneth's manager, to inquire if that is something he would agree to, and if so she will see if she can find someone to provide this service. Todd moved, to allow up to a $400 budget for video taping, Doug seconded and the motion carried.

Essay Contest: Most Commissioners have turned in their vote for the essay contest and Linda reported that at the current time, two entries are tied for first place. Dana had not yet read the essays, she took copies and will call Linda with her votes. Linda will follow-up with Mary, who will announce the winner at the event.

Publicity: The event will be announced in the "City" newsletter. Keita will send a notice to the HP intranet. Linda will write a press release, and send it to Tammi who will distribute it through her distribution network as well as contacting the GT to print the press release. Robb will arrange the ad's with the GT, which will be based on Laura's poster.

Other: The Commission decided to continue the practice of taking the keynote speaker to dinner before the event. This year is will be at China Delight, Todd will make the reservation beginning at 5 p.m.. Linda will contact the family of the citizen award to make sure she will be at the evening event. Deborah will contact the City Council to invite them to the event, she will also invite Terril Ross.

Keita reported back from the POC, regarding coordination of future year's events. They have a review lead time of four months, it was decided that initial contact must be made by August 2007, to discuss the January 2008 event.

Next Meeting: Tuesday, February 20th, 2007, 12 noon to 1:30 pm, in the City Manager's Conference Room.

**DRAFT**
Subject to review & approval by Downtown Parking Commission

# DOWNTOWN PARKING COMMISSION
# MINUTES
# November 29, 2006

**Present**
Jeff Katz, Chair
Joan Wessell
Stan Nudelman
John Howe
Josh Kvidt

**Absent**
Lita Verts, Vice Chair
Rob Gándara
Andrew Ross
Richard Mehlhaf
Mike Blair

**Staff**
Joe Whinnery, Public Works
Lisa Namba, Public Works
Jim Mitchell, Public Works
Kathy Begin, Parking Enforcement

**Visitors**
Bill Mercer, Edward Jones Investments

## SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Call Meeting to Order | X | | |
| • Approve November 29, 2006 Minutes | | | Approved |
| II. Commission Reports | | | |
| • Chair Reports | X | | |
| • BPAC | X | | |
| • CACOT | X | | |
| • City Council | X | | |
| III. Old Business | | | |
| • Review 6th and Adams Parking Control Change - Edward Jones | | X | |
| • Parking Meter Charges/Revenue Review (Held Until 2007 Parking Plan Review) | | X | |
| • Conversion of 2-Hour Signed Spaces to 2-Hour Metered Spaces (Held Until 2007 Parking Plan Review) | | X | |
| IV. New Business | | | |
| • Revisit of Overlength/Oversize Vehicle Parking in Diagonal Spaces | | X | |
| V. Visitor Comments | N/A | | |
| VI. Other Business/Actions/Information Sharing | | | |
| • December Meeting Cancelled due to Holidays | X | | |

## CONTENT OF DISCUSSION

### I. Call Meeting to Order/Approve October 25, 2006 Minutes

The meeting was called to order by Chair Katz.

**Commissioners Wessell and Kvidt, respectively, moved and seconded that the Commission approve the October 25, 2006 minutes. The motion passed unanimously.**

### II. Commission Reports

- **Chair Reports**

There was nothing to report.

- **BPAC - Andy Ross**

In Commissioner Ross's absence, Mr. Whinnery reported that the bike lane project on 14th/15th Street between Jefferson Avenue and Monroe Avenue will be completed no later than 2009. Staff hopes and expects the project to be completed by OSU by 2008.

The City has submitted two applications for Transportation Enhancement (TE) grants: improvements on 35th Street and a Corvallis to Albany Rails-With-Trails design and right-of-way acquisition project.

- **CACOT - Lita Verts**

In Vice Chair Verts' absence, Ms. Namba reported increased ridership for OSU's Beaver Bus due in part to route changes. Service was expanded to Southwest Corvallis and NW Second Street. Service will be suspended while students are on winter break and will resume in January when classes resume. Beginning in December, Saturday service hours on CTS will be expanded, thanks to a recently awarded ODOT grant. Hours will more closely resemble weekday service hours. Also, one additional early morning weekday run from Philomath to Corvallis will be added to the Philomath Connection.

There will be a public meeting December 5th to discuss the process for identifying a site for a proposed Transit Operations and Maintenance Facility. A consultant has been hired by the City to aid in the search for a site.

- **City Council - Rob Gándara**

Councilor Gándara was not present.

## III. Old Business

- **Review 6th and Adams Parking Control Change - Edward Jones**

**Background:**

Currently, only one of the four spaces in front of the Edward Jones office, 556 SW Adams Avenue, is signed for two-hour parking. The remaining three spaces are free parking. Staff recommended installation of four two-hour parking meters in front of Edward Jones based on a request for parking control changes from the business. The Commission approved that recommendation at its June 28, 2006 meeting, but this work had not yet been completed. Mr. Mercer appeared at this meeting to address the Commission and ask that the spaces not be converted to metered spaces as had been previously approved by the Commission, but that they remain as currently configured, with signage indicating two-hour maximum parking for all four spaces. He presented a memo he wrote (attached). Staff indicated to the Commission and Mr. Mercer that the current control was for only one space, and the decision of the Municipal Court Judge to dismiss a ticket at the location in question had been the catalyst for the proposed change. The work to convert the spaces to metered parking was postponed at Mr. Mercer's request until he could appeal the decision of the Commission in person.

**Discussion:**

Chair Katz said that because the Commission is in the midst of discussing adoption of a policy regarding meters vs. signage, and because the work to convert the spaces to metered parking has not yet occurred, action on this matter should be tabled for now. Chair Katz assured Mr. Mercer that the Commission will keep him apprised of future discussions relating to this issue. Conversion work will be put on hold until a final decision has been made. For now, there will be one signed spaced and three free, unrestricted spaces.

- **Parking Meter Charges/Revenue Review (Held until 2007 Parking Plan Review)**

This item will be held until 2007.

- **Conversion of 2-Hour Signed Spaces to 2-Hour Metered Spaces (Held until 2007 Parking Plan Review)**

This item will be held until 2007. Mr. Mitchell suggested that rather than having these items continue to be tracked under "Old Business", a new category of "pending items" be created. The Commission supported the suggested change.

## IV. New Business

- **Revisit of Overlength/Oversize Vehicle Parking in Diagonal Spaces**

  Mr. Whinnery distributed a letter written by Rolland Baxter (attached). Current Municipal Code states that a vehicle must park within a marked space. The exception to that rule is for areas outside the downtown where an oversized vehicle may park such that it is not fully contained in a marked space if the size and shape of the vehicle makes compliance impossible. Diagonal spaces are painted to accommodate vehicles 18 feet long but there is no marking to indicate the back of the space.

  Commissioner Howe said he is in favor of painting delineating lines at the end of the diagonal spaces. He said that to not do so would perpetuate an already dangerous situation. Commissioner Wessell agreed with Commissioner Howe's assertion. Mr. Mitchell said that contrary to popular perception, having diagonal parking is actually safer when motorists are backing out of spaces because they are more cautious and approaching vehicles can see the back-up lights as a clue. Bicyclists also tend toward the same safety practices when encountering overlength vehicles. Mr. Whinnery and Mr. Mitchell said that their research revealed no accidents which have occurred because of sight problems with overlength vehicles in diagonal spaces.

  Chair Katz cautioned that action taken by the Commission that results in overlength vehicles being unable to park in these spaces may result in loss of business for merchants in the affected areas.

  Staff will accumulate data on the number of potentially affected spaces, financial impact and anecdotal evidence from cities which have enacted painted spaces. Commissioner Wessell agreed to contact her constituents.

- Commissioner Wessell was contacted by the owner of Solstice Café on 3rd Street who is concerned that motorists attending OSU football games via the OSU shuttle are parking in downtown spaces during the games, thereby limiting parking for downtown business patrons. When the shuttle first became operational, motorists were encouraged to park at the parking lots on First Street behind Econo Lodge and the south lot on Second Street near the Skate Park. Chair Katz pointed out that motorists attending OSU games are also potential downtown business patrons before and after games. Commissioner Howe confirmed that business picks up before and after games. The consensus was that Commissioner Wessell would revisit this with the owner of the Solstice Café.

## V. Visitor Comments

There were none.

## VI. Other Business/Actions/Information Sharing

- **December Meeting Cancelled Due to Holidays**

**NEXT MEETING: January 24, 2007, 5:00 p.m., Madison Avenue Meeting Room**

WEDNESDAY, NOVEMBER 29TH, 2006

TO: DOWNTOWN PARKING ADVISORY COMMISSION

FROM: BILL MERCER, EDWARD JONES INVESTMENTS, 556 SW ADAMS

When I moved my office over 6 years ago I deliberately chose to stay in downtown Corvallis for two reasons- provide convenient access for my clients and to have a business presence in downtown.

When I moved to my current location I worked with Buck Taylor from city staff to change the parking from parallel to angle which increased available parking in front of my business. With signage, the intent was that all four spaces be 2 hour maximum parking. My client appointments typically last from 1- 1 1/2 hours while many clients are in and out within ten minutes. Having easy access is a great benefit to my clients and to my business.

The memo dated May 16, 2006 states that the request to install parking controls was made by the business owner. Unfortunately, it was someone on my staff that overstepped their bounds. This individual is no longer employed by Edward Jones. Until several weeks ago, I was unaware of the May 16th memo.

There have been minimal problems with the 4 spaces using the 2 hour maximum. As the business owner affected by this decision, please leave the spaces as was established over 6 years ago that has all four angle parking spaces designated as 2 hour maximum spaces.

Thank you.

Sincerely,

Bill Mercer

Bill Mercer

November 29, 2006

DOWNTOWN PARKING COMMISSION

You have been asked "should the City restrict extended length vehicles from parking in diagonal parking spaces in the Downtown Corvallis Business District?"

The answer to this question should be "YES".

In no other location do you permit vehicles to extend INTO A DESIGNATED LANE OF MOVING TRAFFIC. And you should cease this practice.

The downtown area where you permit over-length vehicles to extend into the designated traffic lane is dangerous. Dangerous to drivers and dangerous to bicyclists. This practice results in obstructed traffic lanes and requires that a motorist change lanes or encroach into an adjacent lane. Further, this is not a typical condition that motorists face, so they are potentially unprepared to make a safe movement. This situation is particularly bad (dangerous) on 2nd Street.

Because you know of the problem and have had it repeatedly reported to you, you are, in my opinion, obligated to address it. But the problem is easily resolved. Other cities have already faced the situation and appropriately responded by placing boundary ticks or lines at the end of the stalls. If a vehicle exceeds the boundary, they are illegally parked and are subsequently ticketed. If your staff needs a listing of municipalities that have made this adjustment, I would be happy to provide such a list.

You should not feel reluctant to initiate this improvement to downtown parking. Everyone knows that they have to park legally, within spaces and without obstructing traffic. This isn't new, since cars and vehicles have always had to park according to the rules. The City of Corvallis has simply not enforced this practice when applying the rules to diagonal parking. Now is the time to do so. You don't let cars parked parallel on 3rd or 4th street to leave their front ends or rear ends sticking into the traffic lane, and you shouldn't do so on the diagonal spaces.

There may be an alternate solution if you do not choose to install ticks or boundaries on the diagonal spaces. You could, for instance, change 2nd street(or Madison or others) to a single through lane. This would provide for a wider lane and thus deeper parking spaces. I am not recommending this, simply suggesting that if you want to continue to permit giant over-length vehicles to park in standard car spaces, you need to adjust your lane assignments..

Thank you for the opportunity to provide an opinion.

Rolland Baxter
6002 SW Grand Oaks Dr.
Corvallis, OR 97333
541-929-4612
prbaxter@peak.org

CITY OF CORVALLIS
HISTORIC RESOURCES COMMISSION MINUTES
7:00 p.m., Tuesday, November 14, 2006
Madison Avenue Meeting Room, 500 SW Madison Avenue

**Members Present**
Bruce Osen
Cynthia Solie
Deb Kadas
Michael Pope
Jim Morris
Lori Fulton
E. Ross Parkerson
Scott McClure
Karyn Bird, Planning Commission Liaison
(left at 10:49 p.m.)

**Absent/Excused**
Denise Saunders (SHE IS NOT ON THIS COMMISSION)
Scott Zimbrick, City Council Liaison

**Staff**
David Coulombe, City Attorney
Ken Gibb, Community Development Director
Bob Richardson, Associate Planner
Mark Lindgren, Recorder
Becky Merja, Parks & Rec, Urban Forester

**Guests**
Bob Baird, Book Bin
B A Beierle, PO Box T
Louise-Annette Burgess, 445 SW Tunison, #8
Peter Burke, 510 NW 7th Street
Les Boudreaux, 3220 NW Manzanita Place
Carol Chin, 219 NW 23rd Street
David Dodson, 350 NW Polk Avenue
Doug Eaton, 344 SW 7th Street
John Evans
Jim Faulkner, Highland Assets
Max Geier, 3505 NW Harrison Boulevard
Kim & Walt Griffiths, 3377 NW Swallow
Roen Hogg, 344 SW 7th Street
Pete Johnson, 5000 Crescent Valley
Tom Kemper, 1230 SW Firs 1 Penthouse, Portland
Wendy Kincaid, 24566 Elderberry Lane, Philomath
Rebecca Landis, 2725 SW Morris Avenue
Susan Massey, 1627 NW Hwy 20
Wendy Madar, 529 NW 31st Street
Susan Morre, 2775 SW Fairmont Avenue
Thea Michalck, 1450 SW 53rd Street
Stan Nudelman, 2842 NW Larkspur
Margot Person, 477 NW Survista
Holly Peterson, 2221 SW 45th Street
Alice Rampton, 927 NW Chipmunk Place
Karen Richie
Mike Riddle, 3015 NW Grant Place
Kurt Schultz, SERA Architects
Tammy Stehr, 3560 NW Tyler Avenue
Yvonne Stevens, 3010 NY Lynwood Circle
Carol Sweeney, 444 NW 35th Street
Steve Weiler
Hugh White, 146 NW 28th Street
Carolyn VerLinden, 644 SW 5th Street

## SUMMARY OF DISCUSSION

| Agenda Item | Recommendations |
|---|---|
| **I. Opening** | Called to Order at 7:00 p.m. |
| **II. Visitors' Propositions** | None. |
| **III. Public Hearing**<br>Tree Removal at 3560 NW Tyler Avenue, HPP06- 00037 | Approved w/conditions |

| | |
|---|---|
| **IV. Public Hearing**<br>Whiteside Theater, 361 SW Madison Avenue, HPP06-00039 | Delibs deferred to December 4th. |
| **V. Public Hearing**<br>Hotel Benton, 408 SW Monroe Avenue, HPP06-00040 | Application denied. |
| **VI. Interpretation of Historically Significant Tree Definition** | Staff has determined that it is under the purview of staff to interpret the definition of Historically Significant Trees |
| **VII. Other Business/Info Sharing - Approve Minutes of October 10, 2006, meeting.** | Minutes of the October 10, 2006 were approved as submitted. |
| **VIII. Visitors' Propositions** | None. |
| **IX. Adjournment** | Meeting adjourned at 12:15 a.m. |

## CONTENT OF DISCUSSION

**I. OPENING:** Chair Bruce Osen called the meeting to order at 7:00 p.m. in the Madison Avenue Meeting Room, 500 SW Madison Avenue. Introductions were made.

**II. VISITORS' PROPOSITIONS:** None.

**III. PUBLIC HEARING - 3560 NW Tyler Avenue, HPP06-00037, Tree Removal**

**A Opening and Procedures**

The Chair 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 - Ross Parkerson related that he is a member of the Civic Beautification and Urban Forestry Commission (CBUF); though the issue came before CBUF at its October meeting, he abstained from both the discussion and vote at that time.

3. Site Visits - Declared by all Commissioners.
4. Objections on Jurisdictional Grounds - None.

**C. Staff Overview:**
Associate Planner Bob Richardson related that the tree under review is located at 3560 NW Tyler Avenue in the College Hill West Historic District. The owner is the City of Corvallis and the applicant is Julee Conway, Director of the Parks and Recreation Department. The request is for the removal of the tree, which is defined as Historically Significant under Chapter 1.6.63.

**Becky Merja, Urban Forester for the City of Corvallis, Park and Rec Department,** stated that the tree is one of a group of thee pin oaks located in the public right-of-way and is adjacent to the residence at 3560 NW Tyler Avenue. The tree sustained root injury during a sewer line replacement project in 1999. The tree's roots had penetrated the older, collapsing clay tile sewer pipe, tapping into significant amounts of nutrients and moisture. The method used to replace that sewer line is called pipe bursting; the method is often used to try to minimize disruption of nearby tree roots. During that operation, the tree's roots were severed, cutting off those nutrients and moisture. The tree showed decline in its canopy (twig dieback, smaller than average leaf growth and epicormic growth) over the next two years. Due to the root injury, the tree was placed on a monitoring list; the tree has been found to have not recovered from its root injury and has been in decline.

Forester Merja added that a recent water main rupture at the base of the subject tree required excavation of the adjacent water main and road base for repairs, causing further root injury. The amount of dead wood is now much greater and it is shedding that dead wood onto the roof of the adjacent property as well as onto the power line, a transformer and the public right-of-way. Therefore, the City considers it a public safety issue.

**Mike Riddle, 3015 NW Grant Place,** Vice-Chair of CBUF and an arborist and landscaper certified with the International Society of Arboriculture, concurred that the tree is declining and his recommendation is that the tree be removed. He reported that CBUF discussed the proposed removal and voted unanimously (with Mr. Parkerson abstaining) to support the removal.

Mr. Riddle added that the tree is sited near a power line, so mandated pruning has reduced the canopy to roughly one fifth the diameter of the other two pin oaks in the area. He cautioned that in evaluating the degree of hazard of the tree, with the adjacent home, power line, sidewalk, and alleyway, there are numerous targets for falling dead wood. He added that the epicormic growth (sprouts from dormant buds along the dormant buds along the trunk) is indicative of severe stress. Such growth is only weakly attached to the trunk, which becomes more problematic over time.

Mr. Riddle observed that while the pin oaks are important to the character of the area, the tree is quickly becoming a liability and removal will have the least amount of impact among the three and the historic character of the neighborhood will be retained.

Ms. Merja noted that stump grinding (to roughly ten inches below grade) would be the least invasive method during removal and would be used. The roots would not be excavated, leaving roots grafts in place. The removal would likely enhance the health of the remaining two trees. Mr. Riddle added that the Corvallis Street Tree ordinance specifies that removal of trees in the public rights-of-ways be conducted according to ISA and E300 standards.

**D. Legal Declaration:** Deputy City Attorney David Coulombe stated that the Commission will consider the applicable criteria as outlined in the staff report, and 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. Applicants Presentation:**

**F. Staff Report**: Associate Planner Bob Richardson noted that according to Chapter 2.9.110.03, to remove or demolish any historic resource, the resource must have been reduced or diminished due to unavoidable circumstances that are not a result of action or inaction by the applicant or owner. In this case, the methods used to prune the tree and to put in the new utility line were the least invasive methods to undertake those necessary actions, so the application meets the criterion. The second criterion applied to demolition of all historic resources is that the physical condition of the resource is deteriorated beyond economically feasible rehabilitation. While this normally would be applied in regards to a building, in this case, there is no way to return this trees' health to being a safe tree in that location, so it does comply in that respect, as well.

There is also a subset of criteria that apply to historically significant trees. Associate Planner Richardson stated that to remove a historically significant tree, the proposal must demonstrate compliance with one of six criteria. In this case, the applicant has demonstrated compliance with criteria #6, which states that the tree is a hazard tree, as determined by a certified arborist. The City Forester is so certified and has submitted a hazard tree evaluation that clearly states that it is a hazard tree. Therefore, staff recommends approval of the proposal as conditioned on pages 8 and 9 of the staff report.

**G. Public Testimony in Favor of the Applications: Tammy Stehr, 3560 NW Tyler Avenue,** stated that she lives at the house adjacent to the tree. She emphasized the tree leans over the driveway as well as her bedroom. Now that winter storms have begun, the tree is an increasing hazard, with branches often falling on the sidewalk below. Ms. Stehr displayed photos of the canopy of the tree, highlighting branches without leaves. The tree has begun to lean even more after the recent water main rupture. She urged the commission to take the dangerous situation seriously. She stated that the tree are much loved and are an important part of the adjacent property.

**H. Public Testimony in Opposition to the Applicant's Request: Carol Sweeney, 444 NW 35th Street,** distributed a copy of her written testimony to the Commissioners. She stated that six trees of historic value have been removed over the last 13 years (before the area was established as a historic district), reducing the canopy in the neighborhood. She disputed the assertion that the canopy of the pin oak in question does not contribute to the canopy of the block. She cited the contributions of the tree to air quality, temperature control, esthetics, monetary assessment and animal and bird habitat. Ms. Sweeney stated that if the tree represented an immediate hazard, the HRC would have been bypassed.

Ms. Sweeney also proposed that since only Certified Utility Arborists can work within ten feet of energized lines, that the City authorize such pruning; she has seen no evidence of pruning to the tree in the last six years. She proposed that the tree be allowed to remain until spring in order to prune it judiciously. If the Commission decides that the tree must be removed, she requested that the tree be replaced.

**I. Neutral Testimony:** None.

**J. Rebuttal by Applicant:** Forester Merja replied that the City does not view the suggested pruning as a viable option; also, pruning does not revive a tree that is in decline. Mr. Riddle added that pruning

actually removes from a tree's energy reserve. Also, the power company is mandated by the Public Utilities Commission to keep the power lines free and clear of obstructions and hazards; the power companies prune on a three-year cycle. He emphasized that one cannot predict when or where it will fail and whether it will make it until the spring. Mr. Riddle also noted that while power lines could be buried underground, it is very expensive and also causes disruption of tree roots.

**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:** Commissioner Pope moved, and Commissioner Parkerson seconded to close the public hearing; motion passed. Chair Osen declared the public hearing closed. There were no requests to hold the record open or for a continuance.

**N. Discussion and Action by the Commission:**
**Questions from the Commission:** (Reflected in some Rebuttal testimony.)

**MOTION: Commissioner Morris moved to approve the request as conditioned by the four conditions in the staff report; Commissioner Parkerson seconded. Chair Osen added the four conditions and included that there should be consistency with the plans; that there be a documentation prior to removal of the tree through some electronic photographs, showing the tree in its context; that if possible, some lumber from the tree be used to create a project that could be donated to the City, possibly to be auctioned off for tree preservation; and that any other permits that are required be secured. 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.

## IV. PUBLIC HEARING - WHITESIDE THEATER, 361 SW MADISON AVENUE, HPP06-00039, ALTERATION/ NEW CONSTRUCTION

**A. Opening and Procedures.** The Chair 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.

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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. Commissioner Pope declared that three neighbors had contacted him regarding the application but he did not discuss it with them. Commissioner Osen stated that during his site visit, he noticed some things that were different from the materials submitted by the applicant.
3. Site Visits - All Commissioners, except Commissioner Morris stated they had made a site visit.
4. Objections on Jurisdictional Grounds - None.

**C. Staff Overview:** Associate Planner Bob Richardson noted that several new pieces of testimony were received prior to the meeting and were part of the orange packet. Richardson noted that several pieces of testimony were incorrectly printed from back to front. He also referred the HRC to a handout that contained excerpts of the application graphics to assist in their review of the case. Richardson also stated that there is a revised recommended condition of approval # 2 located on the last page of the handout; this clarifies that staff would not be the body that would have discretionary review over the marquee, though staff would review anything that the HRC approved as a condition of approval.

Associate Planner Richardson also noted the heightened interest in the application of the last several weeks and emphasized that there is only one application regarding the Whiteside Theater. This application will be reviewed against the Land Development Code Chapter 2.9 criteria.

The Whiteside Theater is located at 361 SW Madison Avenue, and is listed on the Corvallis Register of Historic Landmarks and Districts. The applicant is requesting to make alterations to the exterior of the building. These proposed alterations include:

* removing the existing 1950s marquee and replacing it with a marquee that would resemble the marquee of the 1920s era;
* replace the doors and windows on the south facade with new storefront doors and windows, of different materials than the current materials;
* install door and window openings on the south facade where there are currently none;
* add signage to the west and south elevations, including replacing the existing, vertical wall-mounted "Whiteside" sign with a new sign closer in appearance to the 1920s sign;
* adding storefront doors and windows on the west elevation ground level and second floor level;
* install steel-channel canopies on the west elevation and one on the south elevation;
* relocate two exterior light fixtures on the west elevation, and;
* install an informational plaque on the west facing side that documents the history of the Theater.

**D. Legal Declaration:** Deputy City Attorney David Coulombe stated that the Commission will consider the applicable criteria as outlined in the staff report, and 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: Tom Kemper, 1230 SW First Street, Penthouse, Portland, Oregon,** introduced himself as a managing member of Kemper Co Partners and Whiteside Partners and introduced other Whiteside Partners; Jim Dix and Ron Skov. Mr. Kemper stated the Portland-based KemperCo focuses on mixed-use, infill development, including several high-profile developments in the Portland area; where two of it's current projects are on the local Historic Register in Portland area. Mr. Dix, a partner in Whiteside Partners, is from Gray and Associates, which he described as a major Northwest retail leasing firm. Mr. Kemper stated that the development team also includes SERA Architects, whose work includes experience with redevelopment of historic properties; and they are represented by Kurt Schultz and Greg Flinders. The team also includes Dave Dodson, of Willamette Valley Planning.

Mr. Kemper stated the intent is to develop the building in a way that is respectful of the key historic features of the property and to create a strong business-oriented retail focus to the property that will attract business and pedestrians, injecting additional economic health into the downtown Corvallis business core. A second floor restaurant will require windows that showcase that business.

David Dodson displayed a series of slides of the existing building and the proposed alterations. Among the alterations over the years to the south facade include the newer marquee, installed in 1950; the corner sign; newer entry doors; the corner "window" displays on either side of the doors have essentially been removed and the garden boxes, once under the second floor windows, have been removed and are now marked by differently colored sections of brick.

Mr. Dodson reiterated the proposed alterations noted earlier in Mr. Richardson's staff overview as the following:

* remove existing marquee and replace it with one that replicates the original 1920 marquee;
* replace non-original theater doors with storefront windows and doors;
* replace original display windows on the west wall with windows;
* new entry doors, which would be accompanied by signage and protected by a steel canopy, would lead to stairs and an escalator to the second floor restaurant;
* add two new signs near the marquee;
* replace the non-original, vertical, wall-mounted illuminated sign on the western corner, with a 1920s replicated sign.

Dodson noted that while a historical photo of the entire facade has not been located, a photo from the time of construction shows corner signage advertising what was showing at the theater. Since construction, other alterations over the years have included: the addition of a fire escape, the addition of two doors, and the removal of poster display boards.

The proposal for alterations to the western facade include:

* installing storefront windows and doors along the ground floor;
* installing steel canopies over the storefront windows and doors;
* installing three signs above the canopies;
* installing a historical information sign at approximately eye-level similar in appearance to others located on downtown structures;
* relocating two original light fixtures;
* installing windows on the second floor with transoms above them; and,
* a new rooftop cornice to help frame the building.

Mr. Dodson also stated that the applicable review criteria includes consistency with a purpose of perpetuation of historic resources (so that buildings are not abandoned and fall into disrepair). This

proposal allows for the adaptive reuse of the Whiteside building, ensuring it would remain as an enduring downtown landmark. The intent of the historical plaque that would be installed would act as a means of education about the significance of the building, consistent with the purpose of historical education.

Dodson provided an example of the proposed windows which, along with the new doors and trim, would have wood frames and be compatible with existing doors and windows.

Mr. Dodson also stated that the developers have had discussions with local historians and after doing research, they concluded that the original marquee may have been constructed of painted wood and may have also been composed of pressed tin on the underside; and fastened to the face with metal tie rods. The developers are proposing to install a marquee that would mimic that original design.

According to Dodson, research also found that several corner signs have been placed on the building over the years. The original 1922 sign protruded considerably from the building and the developers would like to replicate the design of the marquee that appeared in the late 1920s because they believe the design is more appropriate and tasteful.

Dodson noted that the proposed steel channel canopy awnings would be placed over the new storefronts. The entrance to the upper floor restaurant would be similar in design to that on the Corvallis Arms Hotel, with signage attached above, and additional blade signs attached below the awnings.

In regard to architectural detail, scale and proportion, the second floor windows had to be placed lower than most such windows, because the cove ceiling is supported by the exterior walls. Transoms above them are proposed for additional daylight. A cornice along the top of the building that would mimic the shape and form of the existing cornice on the south side is proposed in order to frame the building.

The patterns of windows and door openings on the south side mimic the existing historical patterns. The existing non-historic wood entry doors would be replaced with new storefront doors and windows in the existing curved pattern The patterning, such as the ganged windows, mimics other windows in the downtown area, including the Masonic Temple.

The existing west facade consists of a large brick wall, which is considered historical. However, this large blank wall is not consistent with the design orientation of most of the other buildings downtown. Therefore, the applicants are seeking to open up the building with retail storefronts on 4th Street, consistent with other downtown retail building orientation, as well as those of the National Main Street Program.

Regarding site development, the site is being developed consistent with the code standards for this type of building, including the addition of weather-protected awnings and seismic upgrades. Brick restoration will be undertaken in a manner to minimize damage to any historical materials on the building.

In regards to differentiation, most proposed alterations will be differentiated from existing materials; they will appear new and unweathered. However, they will also be designed in a manner that is compatible with the existing theater and nearby historically significant commercial buildings.

The applicants concur with the staff report recommendations to approve the request, with the exception of Condition #3, which talks about window types. Mr. Dodson stated the applicants are proposing wood-framed doors and window that are metal-clad. The mullion frames and scale and proportion are identical, but the metal clad doors and windows are considerably more durable, with the paint likely lasting ten to twenty years, versus wooden windows lasting only five years. The metal clad windows are more expensive but the applicants feel they are a better choice, so they suggest deleting the Condition #3 sentence, "Exterior metal cladding shall not be permitted on doors and windows." Dodson contrasted samples of metal clad versus wood door and window systems.

Commissioner Lori Fulton asked about brick detail in relation to proposed south facade changes. Mr. Dodson replied that the original stone or concrete window boxes were likely removed due to water damage issues. Bricks were placed in the facade where those boxes were; those bricks are proposed to be retained. Cynthia Solie noted the applicants' illustrations shows new vertical elements continuing down and inquired whether these actually represented the applicants' intentions. Kurt Schultz, SERA Architects replied that the intention is that when the lower panels are removed, the intention is to see what is there and to repair the brick to its condition in the 1920s. It appears that when the original window boxes were removed, the vertical lines that continued down, as in the original historic photo, were altered. The intention is to leave the facade as it is and only repair the base of the building and not to return the window boxes.

Commissioner Solie asked why the applicants would not consider replacing the garden boxes. Mr. Dodson replied that there is a significant cost to the alterations that are being proposed. Discussions with others who have done alterations to Corvallis historic buildings have indicated that garden boxes are very problematic in terms of drainage and other issues.

Commissioner Morris stated that though it was not relevant to the application, he was curious whether the applicants planned to retain any of the existing interior. Mr. Dodson replied that it was not part of the applicable review criteria and would not discuss it.

Commissioner Osen asked about the proposed wrapping of the cornice to meet the existing cornice. He stated that the cornice now stops short of the southwest corner. Mr. Schultz replied that that was correct and that the intention is to stop the new cornice at the dark brick; it would not necessarily wrap around, thereby differentiating it from the existing cornice Mr. Kemper noted the drawing is incorrect in that regard. Mr. Schultz added that it would be the same proportion and height but with less detail.

Commissioner Osen noted that with the additional west window and door openings, they would have to be patched with masonry and asked what the proposal was for how they would appear. Mr. Dodson replied that the hope is to salvage all the brick that is removed and to use that for any patching and repairing.

Commissioner Pope asked if any changes were proposed to the north side of the building. Mr. Dodson replied that the plan is to leave that side of the building as it is today, including the chimney flue.

Commissioner Kadas asked inquired about the lighter colored brick that appears to have been used to fill in areas where original windows may have been. Mr. Schultz replied that when the plaster that was applied back in the 1950s is removed during renovation, it is hoped that the original brick is still under it and can be salvaged and used to repair the wall to its original state.

Commissioner Kadas stated that she understood that the applicants intend to retain the hexagonal tiles near the entryway; she asked whether there are any plans to use the same pattern on the new west entryways in order to tie them in to the south. Mr. Schultz replied that it was a great idea.

Ms. Kadas asked whether the applicants had obtained any copies of the original drawings. Mr. Schultz replied that they have not been able to find them; they have been working from historical photos.

Commissioner Scott McClure asked wether the display cases on the south face of the west corner would be used for display cases or for windows to the interior. Mr. Dodson replied that the proposal is to rework the former west display cases into windows looking into the interior. The recessed panels would be reinstalled below the new windows. On the east side, the wooden storefront doors would lead into the lobby area and the second floor restaurant.

Commissioner Bruce Osen asked whether, if the original moldings from the original windows are still present in the display windows, if there are any plans to retain them. Mr. Schultz replied that if they are still there, they will use the existing brick and insert new windows. If not, it will be replicated in a lighter colored brick to achieve a similar look.

Commissioner Deb Kadas observed that she had noticed that a lot of older storefronts downtown have recessed panels under large picture windows. She asked whether that would only be done on the south side or whether that would also be done on the west side, as well. She added that sills in older buildings in this area are often made of brick; and she asked whether that would be done on the west side also. Mr. Schultz replied that the proposal was not to do a standard panel below the windows because they planned to bring glass down to about 12 inches above the sidewalk, in order to maximize display space.

Commissioner Lori Fulton asked what was currently behind the pair of metal doors next to the emergency exit. Mr. Dodson replied that it provided secondary access to the upper floor and there was a refuse and recycle room there now. The proposal would have these doors replaced with new, recessed-panel hollow steel doors that would replicate the existing doors.

Ms. Fulton asked about proposed venting for the proposed restaurant. Mr. Schultz responded that there would be venting as required by code.

Commissioner Cynthia Solie asked for clarification on the windows on the west side of the south elevation. The rendering seems to show that the glass portion is larger in size than whatever exists now. Mr. Schultz replied that while the drawings may have been stretched in Photoshop, the intention is that the windows would be in the same proportions as the existing openings.

Commissioner Kadas noted that the existing lights on the west side were small and asked whether that would be enough light to illuminate the proposed historic plaque at night. Mr. Dodson replied that they would probably be sufficient; if not, a small spot light could be used.

Commissioner Pope asked whether the divided light structure would be retained in the central windows of the upper south side. Mr. Schultz replied they would be retained and repaired.

Ms. Kadas asked whether there were plans for the fire escape. Mr. Kemper replied that it would be removed and replaced by an internal stair exit; in fact, most city codes now frown on fire escapes. Ms. Kadas asked whether there was a full basement. Mr. Dodson replied that there was only a very small room that contained a boiler. Ms. Kadas asked whether the foundation level supports would remain as they are now. Mr. Kemper replied that the theater floor sweeps down below grade; the alterations would bring that up to grade.

Commissioner McClure asked whether the seismic upgrades would impact the facade. Mr. Schultz replied that it would not.

Commissioner Pope noted the proposal was to retain the existing ticket booth as it is; he asked whether it was the original 1920s design or whether it had been changed. Mr. Dodson replied that the outside of the current booth seems to be similar to the original. Mr. Schultz added that only repair of the booth is planned.

Commissioner Morris noted that the original facade is very symmetrical. He asked that since the plan is to put recessed panels under the left windows, whether it was possible to get the right doors to match those panels. Mr. Schultz replied that it would be possible.

**F. Staff Report:** Associate Planner Bob Richardson stated that staff had reviewed the proposal in two general perspectives. First was in terms of the general criteria listed in the LDC. Second was the

compatibility criteria: Applications for new construction/alterations should either cause the historical resource to more closely approximate the original resource or the changes and the alterations should be compatible to the resource based on the criteria listed in the LDC. The application in different ways met both of those two broad sets of criteria, both in moving towards its original form and also providing elements that, though they do not move it towards its original form, are nonetheless compatible with the historical resources or other comparable resources in the downtown area. Richardson stated that he would summarize the proposed changes and how they do or do not meet the criteria in the code.

In regards to the marquee on the south elevation, the applicant is proposing to replicate the 1920s marquee as closely as possible to the original marquee based upon available photos and other available information. A new sign would be installed to mimic the 1920s Whiteside sign. Those two features are important, visible features on the south facade; by returning those features to what was there originally, this satisfies the review criteria for moving the historic resource closer to its original form.

Other proposed elements on the south facade are not necessarily moving it to its original form but are compatible, including the proposed windows and doors, which are similar in terms of the original pattern and scale and proportion to what was existing and what was there originally. The canopy proposed for the south elevation has a similar horizontal orientation to that of the current and original marquee. The sign proposed for the south elevation would be constructed of wood and metal materials, which is similar to the materials found on other historical resources downtown, and which have been approved for those resources during the historical review process in place at those times. Those changes are compatible in scale and proportion, building materials, the facade criteria and architectural details. No architectural details on the building's facade are proposed to be altered or damaged. The windows on the west side of the south facade are proposed to be returned; and on the east side of the south facade, where there were once display windows, a door would be installed. While the door is a different type of opening, it is an opening in a place where originally there was one. Subsequent changes have removed the opening, so in that regard, what the applicant is proposing to do is returning the original facade closer to its original character (in terms of replacement of openings).

The west elevation is where the most significant changes are proposed; and Richardson emphasized the west elevation maintains a high degree of historic integrity. Therefore, it is important to determine whether the proposed changes are compatible, since the changes would be taking the building away from its original form. In terms of the LDC criteria, the proposed windows and doors are proposed to reflect the patterns of original openings on the south facade.

The canopies would be similar to the type of canopy shown on the south facade; the horizontal orientation matches the orientation of the existing and proposed marquee. The proposed wood and metal signage would be similar to the south facade and similar to other historic resources downtown, thus complying with the building materials criteria.

As proposed, the windows and doors would be wood with metal cladding. That is a change from the existing materials, which are wood framed. The recommended staff condition of approval is that the new windows and doors be wood through and through, without metal cladding, to reflect the existing materials.

The light fixtures on the west side of the building are proposed to be preserved, though they would be moved. The cornice on the west facade is the other primary change. It would be similar in size and scale to the existing cornice on the south facade though it would be considerably less ornate. Therefore it meets the criteria for differentiation while at the same time allowing the two sides to be more tied together (currently the two sides are very distinct).

Associate Planner Richardson concluded that, as conditioned, the proposal satisfies the general criterial in terms of moving the building closer to its original form, as well as satisfying the compatibility criteria,

which allow changes and alterations to historic buildings, if the proposal complies with those criteria. This application complies with applicable review criteria, therefore, staff recommends that the HRC approve the request, subject to the conditions of approval listed on pages 20 and 21 of the staff report and the revised condition #2 in the handout to the HRC. If the HRC accepts the staff recommendations, there is a suggested motion on page 20 that the Commission could consider.

Commissioners elected to reserve their questions for staff until later.

**G. Public Testimony in favor of the application:** Chair Osen stated that public testimony would be limited to three minutes.

**Peter Burke, 410 NW 7th Street, Corvallis,** stated that the criteria included promoting "the use of historic districts and landmarks for education, pleasure, energy conservation, housing and the public and economic welfare of the City" and to "be compatible with the historic characteristics of the designated historic resource and/or the district, as applicable." The proposed plans make it appear that the building could have been built that way originally in the 1920s and would be compatible with many other buildings in the district. The west facing brick wall currently looks like a back alley rather than something that should be on a main thoroughfare.

**Stan Nudelman, 2842 NW Larkspur,** noted that he purchased and maintains the old First Congregational Church (8th and Madison) and the Bosworth House (8th and Buchanan) in keeping with a historic perspective. He stated that the west wall of the Whiteside building is not attractive and needs to be changed; it should be lit, active and compatible with what is going on downtown.

**Hugh White, 146 NW 28th Street,** stated that he and his wife own and remodeled buildings across the street from Whiteside (corner of northwest corner of 4th and Madison). He commended the proposal for minimizing the changes to the interior, bringing back the replicated historic features which includes but minimizes the visual impact of seismic improvements. He stated that changes are often necessary to make a historic building viable again.

**John Evans** stated he is a downtown resident and former downtown building owner. He concurred with the previous testimony. He also noted that the developer's architect has a good record of doing historically accurate remodels that have been great assets in other cities and they could do the same with this structure.

**Les Boudreaux, 3220 NW Manzanita Place,** stated that he is a downtown resident and shared his experience restoring the Kline Building (northwest corner of 2nd and Madison Avenue). He stated that he supports returning historic buildings as close as possible to their original form, but the west wall of the Whiteside structure is currently more suitable to an alley. The proposed changes would bring it back closer to its original form, are necessary to make it viable and would be an improvement of the building and to the downtown area. He also supported Deb Kadas' suggestion that the applicants consider the Kline Building's south entrance design as an example.

**Wendy Madar, 529 NW 31st Street,** stated her family has lived in Corvallis since the 1880s and built the Harding Building at 3rd Street and Madison Avenue. She said that she has been a long-time supporter of historic renovation and is persuaded that the proposed plan is one of the best ways to preserve the building, even better than using it as a theater. Ms Madar also added that the blank west wall looks like an alley and is a pedestrian dead space.

**H. Public Testimony in Opposition to the Applicant's Request:**

**Max G. Geier, 3505 NW Harrison Boulevard,** stated that the document which he distributed to the Commission members specifies a number of ways that the applicant's alteration/new construction request to modify the Whiteside Theater's south and west elevations violates the City of Corvallis Land Development Code as it pertains to historic resources. He stated he is providing the information from the perspective of a professional historian specializing in public history, as a former member of the Historic Preservation Advisory Board, and as a resident and owner of a historic home in the College Hill West Historic District.

Mr. Geier stated that if this application is approved by the HRC, the alterations would irreversibly degrade a keystone historic resource at the heart of historic downtown Corvallis. The alterations would decimate the integrity of the Whiteside Theater and would establish a precedent that would threaten every historic resource in the city.

Mr. Geier also cited a number of code violations associated with the proposed plan. Under LDC 1.6.30 (Definitions), the Period of Significance for the Whiteside Theater extends from 1922 through the 1980s, during which the Whiteside family was involved in the building's primary theme, Recreation-theater (architecture is listed as the *secondary* theme). He noted that the applicant's proposal to replace elements of historical significance with conjectural elements linked with the date of original construction are clearly at odds with the code language defining the period of significance.

Mr. Geier stated that structures greater than 50 years of age, such as the marquee on the structure are historically significant in their own right. The proposed reconstruction of the "original" marquee is conjectural, non-historic addition. The applicants themselves admit it will not be possible to replicate the original marquee in either materials or design and cite this in authenticity as meeting the standard of differentiation.

Geier also highlighted pages 3, 4, 5, and 6 in his submitted testimony, noting that the west facade will essentially be demolished and replaced with non-historic elements, is typically viewed along with the south facade. He noted that the west side of the building is what is viewed by those going south on 4th Street to Highway 99 W; the architectural features on the west facade are what defines that building as a theater. If that is destroyed, the building will not be recognized as a theater. The proposed changes to the west and south facades will make the building virtually unrecognizable.

Mr. Geier cited photos on page 5, noting that the west wall is not actually blank; it has many defining characteristics and significant historic features. For example, the fire escape was explicitly identified by the Historic Preservation Advisory Board (prior to his membership) as a feature that was historic in its own right and should be protected. He added that it is erroneous to equate aesthetic characteristics with historic preservation.

**Kimberly Griffiths, 3377 NW Swallow,** noted she grew up in Corvallis. She emphasized that the application, by her count, includes 49 new windows and doors; however, the Review Criteria in 2.9.100.04 prohibits windows and doors to be added to the exterior of the building. Such windows and doors would ruin the integrity and unique architectural design. When buildings of unusual architectural and historical significance are modernized with little resemblance to what they were, then they have not been preserved, but lost forever. Ms. Griffiths added that a relative of the Whiteside family offered their support for keeping the Whiteside a theater and not changing its exterior.

**Doug Eaton, 344 SW 7th Street,** stated he has been a resident of Corvallis for the past 40 years and is currently a member of the Benton County Historic Resources Commission. He restored his residence, the Charles Whiteside House, at the corner of 7th and Adams. Mr. Eaton related the process of research involved for nominating it for the National Historic Registry, and learned that the Whiteside Theater was once characterized as the grandest theater in Oregon except for the Liberty Theater in Portland (which has since been demolished). Portland's Paramount Theater is now the Arlene Schnitzer Hall and also

considered one of Portland's greatest treasures. Mr. Eaton noted that, like the Whiteside Theater, his house also sat empty for years. Mr. Eaton urged the Commission to deny the application because it would significantly destroy the exterior and historical integrity of the Whiteside Theater.

**Pete Johnson, 5000 Crescent Valley,** stated that he attended OSU in the 1950s and is a long time resident of the Corvallis area. He sated that the Whiteside Theater and the Benton County Courthouse are probably Corvallis' most important historical assets; both the interior and the exterior. Mr. Johnson stated that the addition of the many proposed display windows would make the building appear more like a drugstore than a theater and would mutilate this asset. He added that he remembered the sign from the 1950s and contended that 50 years of its history are also important elements to be protected.

**Carolyn Ver Linden, 644 SW 5th Street,** stated that contrary to the applicant's claim that the Whiteside Theater is deteriorating due to non-use, non-use does not cause deterioration; rather, lack of maintenance does. Neither this nor the applicant's stated desire to create an economically thriving retail center are factors that may be considered in the decisions made by the HRC. Only proposed design elements may be considered; pre-design is not the same as meeting the historic criteria for preservation, which is substance of the Commission's review.

Ms. Ver Linden stated that this is not just another building for adaptive reuse; rather, the Whiteside Theater is unique and defining historic and cultural resource in the historic downtown. The adaptive reuse argument in this case is too invasive and too damaging for this resource. The proposed alterations will permanently alter the character of the building beyond recognition.

She noted that the Fox Theater in Oakland sat vacant for 40 years and abandoned for over 30 years. The City of Oakland purchased the building in 1998 and is restoring it. She highlighted the Regal Cinema's monopolistic business restriction on the deed that will not allow first run movies to be shown there for 20 years after transfer of ownership, noting that it is in their interest to see the building removed as a theater altogether.

**Wendy Kincaid, 24566 Elderberry Lane, Philomath,** stated that the City of Corvallis has an incredible opportunity to restore the Whiteside Theater building; the proposal will not do that. The historical significance, its historical integrity and architectural design relates to the fact that the building is a theater. Even if the use of the building is changed, people passing by need to be able to recognize that it was once a theater. However, theaters do not have windows across their entire wall. Ms. Kincaid asked whether the proposed doors and windows were in fact in the Italian Renaissance style. She noted that while the west facade is not pretty, it speaks to the history of the building. She noted that many historic theaters around the country are being maintained by the communities; some are used for film festivals.

**Margot Pearson, 477 NW Survista,** related that she is a 35 year Corvallis resident. She emphasized that the proposal would significantly alter both facades of the Whiteside Theater, which is described in the Statement of Significance as probably Corvallis' best historic commercial buildings in terms of original design and integrity. Ms. Pearson stated that the proposed design basically preserves only the south facade, minus one of its most prominent elements; the current marquee, which is historic in its own right. Rather, the proposal is to replace the marquee with something that is not historic, and does not fit the criteria of historic preservation. The proposal for the west facade would result in irreparable damage to much of the theater's exterior, which identifies the building as an outstanding example of a historic movie palace. While the proposal's destruction of the interior is not part of the review criteria, it needs to be pointed out. Ms. Person cited examples of what she felt were more imaginative reuses of historic moving theaters throughout the country.

**Carol Chin, 219 NW 23rd Street,** concurred with the testimony of Mr. Geier and the written testimony of David Wilson (see the packet). She stated that she is a regional representative on the Historic

Preservation League of Oregon and a board member for the Oregon Preservation Alliance, though she is representing neither in her testimony. Ms. Chin emphasized the rarity and historic integrity of the building. According to 2.9.100.04.e.1.b., f. and g., "Of the many theaters in Corvallis' past, many of them run by the Whiteside family, the Whiteside Theater is the last remaining historically intact theater building in Corvallis."

Ms. Chin also noted that replacement of the current, authentic marquee, although not the original, with a replica, is not consistent with 2.9.100.04.b.3.a.,c., g., and 1. She expressed concern for possible damage to the building resulting from installation of the proposed interpretive sign; it could also make the building look inauthentic. The installation of awnings, windows and the west cornice are also not consistent with the above cited code.

She noted that several testifying have referred to taste or aesthetically pleasing aspects; however, aesthetics are not part of historic preservation, which has to do with historic integrity and authenticity.

The proposal also refers to steel channel canopies on other Corvallis buildings; however, they are also not original to those buildings. The proposal to move toward an original form on the south facade is negated by what is proposed for the west side. What is there now has integrity in its own right and should remain. The extensive proposed alterations to the west side can be equated to demolition of that side of the building.

**Louise-Annette Burgess, 445 SW Tunison, #8,** distributed written testimony to the Commission. She stated she is an independent business owner and believes in integrity of local businesses and in maintaining the vitality of the downtown economic and cultural center and is a strong supporter of downtown Corvallis. She emphasized the importance of being good stewards to the unique character of the community.

In 2.9.20, the purposes of historic preservation provisions are not met by the proposal. The purposes of establishing the Whiteside Theater as designated historical resource in 1989 included 2.9.20.b, "Encourage, affect and accomplish the protection, enhancement and perpetuation of historic resources," section 2.9.20.d., "Foster civic pride in the beauty in the beauty and noble accomplishments of het past," and section 2.9.20.e., "Promote the use of historic districts and landmarks for the education, pleasure, energy conservation, housing and the public and economic welfare of the city." The proposed alterations so greatly over-reaches that it would be impossible to maintain the cited purposes.

The request to replace the south facade doors, windows and portions of the wall with the new storefront windows and doors, removing the existing doors and adding storefront windows to the west facade, installing second story windows to the west elevation, adding steel channel canopies and adding a cornice to the west dramatically alter the very edifice that the historic overlay was designed to protect and which was deemed to merit preservation in 1989.

Ms Burgess noted that the mere creation of retail space does not guarantee future economic viability. She noted that when working *with* historic preservation, there are monies to be had from investors, heritage programs, grants, special loans and tax incentive programs which encourage the appropriate rehabilitation and maintenance of historic properties.

**B.A. Beierle, P.O. Box T,** stated that in the supplemental narrative, the applicant requests that the HRC approve alterations subject to staff review and approval. Any approval of such significant changes to an overwhelmingly conspicuous architectural element of the historic facade are discretionary decisions that are the responsibility of the HRC and not staff.

Ms, Beierle stated that historic preservation is a significant aspect of a sound economic development policy, including healthy, viable down towns and city centers, improved property values, improved

quality of life, and the growing cultural tourism market. All these elements call for an emphasis on authenticity as a distinguishing factor for a successful program. The Whiteside Theater can add to all these aspects of economic development, provided its authenticity and its historic integrity are maintained. While the application claims to support downtown vitality, it fails to safeguard the Whiteside's greatest long-term impact to Corvallis; its completeness as a thoroughly unchanged genuine historic theater.

Ms. Beierle cited review criteria 2.9.100.04 (General): "The Whiteside Theater merits particularly careful and sensitive review by the HRC, since it embodies all the criteria listed in 2.9.100.04.f.1.a. though g." The proposed alterations fail to meat both (a) and (b); the comprehensive changes proposed preclude consideration under (a). Further, the Whiteside is individually recognized for its historic importance and is *not* part of the district. Consequently, alterations must be considered on their own historic design and style, material compositions and not on the characteristics of nearby resources.

Ms. Beierle noted that both elevations are equally historically significant, since they were constructed at the same time, and equally contribute to the historic integrity of the resource during its period of significance. Since both elevations face the street right-of-way, each merits equal consideration under 2.9.110.04.b.3.a.

The existing marquee, installed in 1950, has achieved historic significance in its own right and merits retention and consideration as historic fabric. It is more than 50 years old and meets (a), (b), ©, (d), (f), (h) and (I) of Historic Significance in Chapter 1.6, Definitions.

Ms. Beierle proceeded to make a visual metaphor by removing the gold lining from an apparent scale model of the Whiteside Theater, knocking out a large number of windows on the west elevation and then noting the Commission is charged with reviewing the building under Chapter 2.9, the Historic Preservation Provision. She stated that the proposal is not historic, it is not preservation and is not the Whiteside Theater.

**Walt Griffiths, 3377 NW Swallow,** submitted written testimony and stated that he and his wife own properties in Benton, Linn, Lincoln, Clark, Washington and Multnomah counties, including the 1924 Roosevelt Hotel in Portland. He concurred with Mr. Geier and Ms. Beierle's testimony. He displayed a picture of the Western Wall in Jerusalem and noted that the proposal seeks to convert Corvallis' own Western Wall into something resembling a drugstore. He noted that not only are there 49 new doors and windows proposed but there are also 42 new proposed transom windows.

The proposal is not preservation of a building; it does not meet the criteria of 2.9.100.04, which states that the proposed alteration or new construction shall either cause the designated resource to more closely approximate the original historic design *or* be compatible with the characteristics of that historic resource. The butchering of the exterior of the building means that neither the criteria is met. Both the existing marquee and the fire escape have historic status but are proposed to be removed. The application does not meet 2.9.2.d; it does not foster civic pride in the beauty and noble and accomplishments of the past.

**Thea Michalek, 1450 SW 53rd Street,** stated she is a student at Linn-Benton Community College majoring in architecture. She contended that the large number of proposed windows on the west wall make it the equivalent of a demolition of the wall. She stated that replacing the actual 1950s historic marquee with a 1920s replica is an insult to the building. The proposed changes would ruin the building and would be permanent.

**Holly Peterson, 2221 SW 45th Street,** submitted written testimony; she stated that she is the owner of Ball Photography studios and was raised in Corvallis. She stated that she, along with many others who have testified, share memories of the Whiteside Theater. She asked the HRC to not support the application and proposed alterations of the building because Corvallis has very few buildings with such

historical and emotional significance to our community. Corvallis has not kept a lot of its architectural history and has an opportunity to preserve a building that has not had major structural changes since 1927.

**Rebecca Landis, 2725 SW Morris Avenue,** stated that she and her husband own a 1920s home and a 1980s farmhouse south of town. In the rehabilitation of the farmhouse, she has learned that every change has an implication for other parts of the building.

She stated that she appreciated the willingness of the applicants to meet before this evening, but believes that the application has been rushed to arrive at this meeting and contains irreversible changes. She urged the HRC members to (if the application is approved) not to go along with the applicant's proposal to delegate important decisions to staff (who simply don't have the expertise to make those decisions).

She also emphasized that the Whiteside Theater is unique and cannot, as the applicants have proposed, be compared to other downtown properties in order to look as though they might be complying with the code. The wholesale creation of a new west facade cannot be justified by comparing it to existing downtown retail buildings. None of the buildings pictured in the application have a comparable facade or history.

Landis stated that she addressed the review criteria in her written testimony, given to the recorder. She noted that some of the proposed changes are conjectural. Section (g) states that "the pattern of windows and openings is to be consistent with the features of the existing designated resource," *not* with other downtown buildings. While the new-traditional design values espoused by the applicants are generally good for communities, they are not appropriate for the non-windowed facade of this historic theater. Rather, the applicants are treating the west facade as though it is a blank slate that has been waiting 80 years for a multi-use development remodel.

Ms. Landis added that while the applicants are claiming they have been unable to locate architectural resources for the structure, they have an obligation under the code to look.

**Karen Richey,** stated that she had submitted written testimony and expressed support for preserving the Whiteside structure in its current form.

**Susan Massey, 1627 NW Highway 20,** stated that the Whiteside Theater is a gem and that the community values it as a theater; however, the proposal would destroy the resource. Ms. Massey also stated that she concurred with the previous citations of how the proposed changes to the exterior violate the code. She noted that she loves the simplicity of the west facade. Though the HRC cannot address interiors, it must be said that the proposal would destroy the resource.

**Roen Hogg, 344 SW 7th Street,** stated that he is a downtown resident. The Whiteside Theater and the Benton County Courthouse are the two most significant historic buildings in Corvallis. Mr. Hogg noted the roughly $120,000 construction cost in 1922 is roughly comparable to that of the Riverfront Renaissance building being constructed on the riverfront.

Mr. Hogg noted that the proposal would demolish 55% of the west facade and would be replaced with modern glass windows and doors. He emphasized that the alteration is not occurring in a warehouse; rather, it is a very historically significant Corvallis building. Mr. Hogg added that some of the windows being added on the south side are replacing display cases for posters for upcoming movies; they never were windows. A door would also be added on the south where no door has existed before.

Mr. Hogg added that the only more significant theater in Oregon was the now-demolished Liberty Theater in Portland; the Whiteside is a historic structure for the rest of Oregon as well. It is worth preserving the building as it is; not destroying significant parts of its features.

**Alice Rampton, 927 NW Chipmunk Place,** highlighted a booklet that she is publishing for her family about the Whiteside Theater (where her parents went on their first date in 1933). She emphasized the importance of preserving the building as a theater as it was intended. While economic vitality, businesses and shopping are also important, they can happen anywhere; the Whiteside can only happen where it is. Ms. Rampton recalled that there had been a similar debate about demolishing or relocating the Benton County Courthouse, as well.

**Steve Weiler,** stated that he owns the structure on the southwest corner of 4th and Madison, and has an equity stake in other companies that own roughly a block of downtown Corvallis real estate. He believes that any development that would take the Whiteside offline as a theater would be a major mistake historically and economically.

Last year a group he is partnered with completed the renovation of what was the co-op building at northwest corner of 1st and Monroe Avenues, known as the Water Street Market. Mr. Weiler stated that they went to great lengths to preserve the historical integrity of the building and subsequently received an award from the Historic Preservation Advisory Board; it was also the first green building in the downtown area. He related that visitors often marvel at the historic maple floors and massive trusses and beams.

Citing 2.9.20, Mr. Weiler stated that "Purposes" does not speak to design; rather, it speaks to use. Section (b) relates to protection of the city's cultural history; tearing up the interior of the theater where cultural and cultural experiences occur runs against the provision. Regarding section (d), Mr. Weiler stated that he saw nothing noble or that will foster civic pride in destroying the building as a theater; rather, many in the community will look at any development that changes the inside of the building and takes it offline as a theater with shame and regret.

Regarding economic welfare, section (e), Mr. Weiler related that his own experience as a real estate analyst indicates that downtown areas are most vibrant when there is a good mix of entertainment and consumer product venues. People often venture downtown for entertainment then spill out to dining and shopping opportunities. There is nothing unique about the proposed development. He emphasized that a major benefit of retaining the building as a theater is that it promotes downtown development for housing.

Mr. Weiler also related that he and his partners have evaluated their future development plans for downtown Corvallis on the basis of the presence of the Whiteside Theater and the likelihood of its being reborn at some point. With the potential of the Whiteside Theater being taken offline, they may have to consider postponing, scaling back or potentially canceling some of their downtown development plans,

**Susan Morre, 2775 SW Fairmont Avenue,** stated that she has a background in architecture and a strong interest in the sustainable development of the community; part of the latter is keeping the best of our past as we move forward into the future. It would be a travesty to gut this prime architectural and cultural resource, as proposed, in order to have more shopping and restaurants; there are plenty of them already. Ms. Morre requested the record be kept open for written testimony.

Ms. Morre also noted that many portions of the Code in Chapter 2.9 are violated by the proposal; in particular, Part (b), "Encouraging, affecting and accomplishing protection, enhancement and perpetuation of historic resources." She noted that the city has not yet tried to get any grant funding from available historical preservation sources, such as the American Institute of Architects in San Francisco.

Ms. Morre stated that there are inaccuracies in both the applicant's proposal as well as the staff report. For example, the so-called "display windows" are actually display cases for posters; they were *never* piercings. She stated she finds it disturbing that there would be consideration of something this important to the community based on an incomplete application that refuses to discuss what would

happen to the interior of the building, which is an important part of this unique historical and cultural resource. Also, there has been incomplete research on other historical components of the resource.

**Yvonne Stevens, 3010 NW Lynwood Circle,** asked that the community be given a chance to save the building for the purpose that it was intended. At one time, it was the only one of its kind. None of the many restored historic theaters that she has seen are as special as the Whiteside Theater. She stated that the community is not now aware of how completely it could be changed if the proposal is approved.

**I. Neutral Testimony: Bob Baird, of the Book Bin,** stated that the Book Bin is located across the street from the Whiteside Theater. He observed that the Book Bin building also has space that has no windows (much like most of the Whiteside building), and it has proved difficult to rent out space for that very reason.

He added that no matter what use the Whiteside ultimately is put to, there will be a parking problem. Historically, the Whiteside has generated a significant parking problem in the neighborhood. Currently, only ten spaces border the Whiteside; it will be interesting to see how any proposal will be economically viable with only ten parking spaces.

**J. Rebuttal by Applicant: Mr. Dodson** stated that someone had testified that because the current marquee is over 50 years old that it is considered historically significant. While that is true, the person wrongly concluded that it cannot be changed for that reason. If we can show that we can replicate the original design, the request to replicate it can be made.

Dodson also noted that a number people testified that they requested that the building be retained for the purpose that it had been built for, as a theater. He paraphrased the Regal Cinema's deed restriction: "Upon the sale of this property, it cannot be used for a movie theater or motion picture theater, which includes first-runs, sub-run, discount, IMAX, or drive-in theater or any combination or variation thereof for a period of 20 years after the date of this deed is imposed," (which is the sale, or closing). He also stated that this restriction makes it very difficult to retain the building's use as a theater.

Mr. Dodson cited Mr. Paul Turner's testimony (located in the packet). He related that Mr. Turner, owner of the Darkside Theater, evaluated the Whiteside to see if he could adaptively reuse it for theater use. Mr. Turner concluded that he could not find a way to make it work due to the deed restriction and inherent venue restrictions, etc.

Mr. Dodson noted that several pieces of testimony received stated that if the developers were seeking to do a historical restoration on the south facade, they should consider replacing the garden boxes. He stated that in discussion just now with the development partners, they indicated that they would be willing to do that if it were imposed as a condition of approval, especially since the existing bricks do not match the rest of the building very well.

Mr. Dodson also noted that several folks cited the staff recommendation condition of approval that left some discretionary decisions to staff; he encouraged the Commission to address that particular concern.

**Mr. Schultz** stated that he agreed with some of the testimony that the building is a gem in downtown Corvallis. The issues of preservation and adaptive reuse are a passion for both him and his firm. The development group wants to do the right thing for the Whiteside Theater and the City. Cities are organic and adjust and evolve over time. The proposed design does not demolish the building, rather, the design is a hybrid approach. It focuses on the points in time that highlight the Italianate design. Replicating the 1920s marquee is the right thing to do because it is the one that is in historic context with the Italianate design.

The way the original Whiteside was designed, one can see the architectural intent. All the detain has been put on the south side; as one turns the corner to the west side, one can see the change in the materials and brick. Such theaters were designed as facades, as slot or alley infills in down towns, which is why all the attention was lavished on the main and primary facade. The back and side facades were meant to be utilitarian, back-of-the-house facades that were designed to be as cheap as possible. The proposal approach is to do pure preservation on the south facade, because it is a gem, but to do adaptive reuse on the west side that fits into the historic context of other downtown buildings.

Mr. Schultz also stated that the proposal was not in any way rushed, as some have contended. Hundreds of elevation studies were done on the west elevation in order to create a facade that is historically compatible with the south facade and with the downtown in general. His firm has a passion for development that creates vibrant, active, pedestrian-oriented, transit-oriented, sustainable and smart growth that fulfills all of the LDC criteria.

Mr. Dodson stated that as someone requested that the written record remain open for seven days, the applicant would also request an additional seven days to respond to any additional testimony.

Commissioner Pope asked whether there had been any attempt to vacate the deed restriction on usage. Mr. Dodson replied that it is his understanding that it is not negotiable. It has been in the sales agreement for the last five years that the property has been on the market; the seller has not budged.

Commissioner McClure asked if any of the other design sketches were available for review. Mr. Schultz replied that this is the proposal that the applicants are putting forward.

No members of the public who spoke in favor of the application came forward to rebut.

**K. Sur-rebuttal: Ms. Kincaid** stated that, regarding the 20 year deed restriction, the owners would eventually tire of their unsold asset. It is worth waiting 20 years.

**Ms. Massey** noted that "theater" refers not only to film; music and theatrical performances could also be held at that venue.

**Mr. Griffiths** stated that the deed restriction, despite what Mr. Dodson stated, is *not* set in stone. He stated he is the other person who has been looking to buy the Whiteside and in his own negotiations, he would simply not be able to run anything new than 180 days; he has that in writing. Mr. Griffiths also stated that he has been dealing directly with the Vice-President of Regal Entertainment.

**Mr. Geier** cited 2.9.100.04.b.3.c., "Retention and repair of existing character-defining elements of a structure, design, style, materials, and dimensions *shall* be considered by the property owner prior to replacement." He emphasized the concluding sentence in the section, "Conjectural details shall not be applied." The proposed reconstructed marquee resembling the 1920s marquee is a conjectural alteration that the applicants themselves concede will not replicate the original in either materials or exact design; in fact, they argue that for a case of differentiation.

Mr. Geier also stated that despite Mr. Schultz' contention, this building was never a slot infill. It is now and has always been at the intersections of two major thoroughfares that has been public space. The Oregon Inventory of Historic Resources specifically identifies the western wall and the way that it was used; it was never intended to be hidden; rather, it was a way of advertising how that theater was going to be used. The design of the building is intended to draw attention to the building as a theater.

The building was, in fact, used for vaudeville theater at one time as well as for film; there are dressing rooms inside.

**Ms. Beierle** stated that she disagreed with the statement that a high standard of preservation was being applied to the south facade. Replacing display cases, which are affixed to the exterior wall of the building, with windows and doors, places windows and doors in places where none have ever existed; it perforates the exterior fabric and creates new window and door patterns and replaces a historic wall with glass materials and comprehensively changes the main facade. This is all prohibited by 2.9.100.04.d.3.g., e.3.b. and b.3.a.

**Ms. Burgess** stated that the application is not for owner-proposed changes; rather, they are proposed-owner changes. She stated that it was important to clarify that the applicants are not seeking to replicate the original sign; they are actually seeking to replicate the *second* sign. The proposed historic plaque at eye level would not be at eye level for persons with disabilities. She noted that the picture that accompanies the picture of the proposed interpretive plaque makes it appear as if there is neon in the curves of the sign; however, there has never been neon in those curves.

**Ms. Chin** concurred with Ms. Beierle's testimony regarding the applicants' assertion that they are doing pure historic preservation on the south side. Replacing an authentic architectural feature that has high historic integrity is not preservation; she cited 2.9.100.04.b.2.a. She noted also that although the applicants also cite that section in support of their application, the existing marquee, which is part of the building, was applied during the building's period of significance (which Mr. Geier defined as the period in which the Whiteside family owned the property).

Regarding the applicant's discussion of the west side, Ms. Chin sited 2.9.100.04.b.3.h., Building Orientation; the changes do not preserve the south facade as the primary facade; the proposed changes actually confuse someone who is looking at the building as to which is actually the primary side; that is not consistent with preservation standards.

**Mr. Weiler** noted that regarding the deed restriction, in the previous attempt to purchase the theater by Jackson Cassidy, the prospective purchaser related encountering the same conditions that were related by Mr. Griffiths, that movies must be six months or older.

**Mr. Weiler** disputed Mr. Dodson's claim that the ability to show only older films would not be economically viable. He noted that Mr. Turner has a very good business showing older movies. OSU formerly (and may still) did a good business showing older, foreign movies. Also, there is a variety of other uses that could be done with the space other than showing old movies, including providing opportunities for schools to use the space.

**Ms. Morre** disputed Mr. Dodson's claims about the economic viability of the theater. She noted that Jackson Cassidy's previous development attempt sought to emulate what has been done successfully in Austin, Texas, which is to show independent, foreign and second-run films, as well as to host film training sessions, live music and food in a historic theater.

She cited 2.9.100.04.b.3.a.: "Facade Features: Architectural elements inconsistent with the designated historic resources' existing building defining style should be avoided,"; the proposal violates that. The same section, in ©, the applicants' mimicking the original marquee is prohibited. In regard to Part (d), Scale and Proportion of the Proposed Changes, the massive amount of added glass windows is completely out of scale from the original structure. The proposal also alters the pattern of doors and windows, also a violation.

**Ms. Ver Linden,** noted that though Mr. Dodson characterized proposal opponents as claiming that because the marquee is over 50 years old, it *couldn't* be changed, opponents were actually saying it *shouldn't* be changed. Regarding the deed restriction, many other types of entertainment can happen in the building.

**L. Additional Time for Applicant to Submit Final Argument:** Chair Osen noted there has been a request to hold the record open, which means that people may submit written testimony for an additional week, by 5 p.m., Tuesday, November 21, 2006. The applicant has one week to reply to those with a final written argument; by 5 p.m., Tuesday, November 28, 2006.

**M. Close the Public Hearing:** Chair Osen declared the public hearing closed.

**N. Discussion and Action by the Commission:** The HRC will meet to discuss the application at 7:30 p.m. on Monday, December 4, 2006, in the Madison Avenue Meeting Room.

**O. Questions from the Commission:** There were no questions.

## V. PUBLIC HEARING - HOTEL BENTON, 408 SW MONROE AVENUE, HPP060040 - ALTERATION/NEW CONSTRUCTION

**A Opening and Procedures**

The Chair 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 - Declared by all Commissioners.
4. Objections on Jurisdictional Grounds - None.

**C. Staff Overview:** Associate Planner Bob Richardson summarized the application of the property of the Hotel Benton, 408 SW Monroe Avenue; the building is listed on the local register of historic landmarks and districts and also on the National Register. The request is a "New Construction/Alteration" request to install two wall-mounted signs and one blade sign on the northeast corner of the building. The wall-mounted signs are to be on the north and east elevations, while the blade sign would hang under the canopy on the east corner. The wall-mounted signs are proposed to be about three feet tall by 12 feet wide and the blade sign is proposed to be about one foot tall by three feet wide.

**D. Legal Declaration:** Deputy City Attorney David Coulombe stated that 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:** Jim Faulkner, Highland Assets, introduced David Dodson of Willamette Valley Planning. Mr. Dodson stated that the sign on other upper portion, with a yellow Sprint logo, would be made of aluminum with the letters painted black and placed atop of an existing band. The blade sign would be made of wood.

Mr. Dodson stated that each of the wall-mounted signs would be lit by three spotlights, as shown in the exhibit. He added that the standard Sprint sign was modified for this application. Individual letters would be flush with the band, about an inch or two out from the building, with about two to three anchor bolts holding each letter. There would be no lighting associated with the blade sign. Mr. Faulkner stated that there are two businesses in the building as well as the County offices. He added that the proposed wall-mounted signs are smaller than others that have been used on the building in the past, including a larger illuminated "Hotel Benton" sign on the corner.

Mr. Dodson also noted that any interior signs are subject to the landlord's approval. Sprint has recently opened for business at that location and have not submitted plans for any proposed lighting. Sign code allows for 1.5 times the street frontage of the building; since there is 200 lineal feet of frontage; 300 square feet of signage would be allowed on the building.

Commissioner Kadas asked whether the Commission needed to look at and approve the proposed lighting. Mr. Faulkner replied that the proposal states that the electrical wires would go through the wall, so conduits would not be visible.

Associate Planner Richardson informed the Commission that if they believe that the sign meets the criteria, they could condition a change to meet the criteria if it wished to do so. Richardson also added that review of the lighting was under the HRC's review, as it represents an alteration to the exterior of the building. Commissioner Solie noted that no information was available regarding lighting materials, colors, or how far it projects beyond the letters. Mr. Faulkner replied that there was information in the proposal that lighting extended over the sign from above, with the lights directed strictly onto the sign only.

Commissioner Parkerson concurred with Commissioner Solie, adding that in view of the scale and location of the sign, the Commission ought to have more detail available than what was provided. This should also include how the sign is attached to the building and more information on the lighting; the Commission does not have enough information to act on the application as it is presented.

**F. Staff Report:** Associate Planner Richardson related that there are three criteria from Chapter 2.9 that bear on the application. These include the Facade Criteria, the Architecture Criteria and the Scale and Proportion Criteria. The blade sign is proposed to be attached to an existing canopy and would not damage or impact the actual facade of the building. The wall-mounted signs would use lag bolts and rest upon, but not damage or completely obscure the architectural band. While the wall-mounted signs appear to meet the criteria, it would be appropriate for the HRC to condition letters to a different size if it believed that it would better meet the criteria. The proposed aluminum materials of the letters have

been typically approved on historic buildings. Since the application meets the criteria, staff recommends approval of the application.

**G. Public Testimony in Favor of the Application:** None.

**H. Public Testimony in Opposition to the Applicant's Request: Carol Chin, 219 NW 23rd Street,** stated she shared the Commission's concern regarding the lack of detail in the application for the wall-mounted sign. The scale of the wall-mounted sign is not appropriate. The previous large sign cited by the application actually advertised the entire building, not just an individual business; she highlighted Attachment B-11. The change in scale of the sign could change the apparent identity of the building.

**B. A. Beierle, PO Box T,** shared the concern expressed about the lighting, noting that it is not clear to her whether, if new lamps are used, would they be differentiated from the historic fabric, if they will be faux-historic lamps or if there will be conjectural features. There is simply not enough information provided in the application to make a decision. Ms. Beierle noted that there was no precedent for a sign on the bank of the building. If a sign must be placed on the band, it would respect the historic fabric more if it were placed within the reveals, instead of being half above and below it. She added that there are corporate options for re-designing their signs; large corporations can and do adjust for local code.

**Carolyn Ver Linden, 644 SW 5th Street,** stated she concurred with Mr. Chin and Ms. Beierle, adding that the scale is wrong for the building and cited the lack of detail provided.

**I. Neutral Testimony.** None.

**J. Rebuttal by Applicant:** Mr. Faulkner noted that the lighting is secondary and he is willing to make it conform to the Commissions requests. The intent is to make it unnoticeable. He added that there have been letters attached to the band over the last 80 years; photographs exist that show the letters.

Chair Osen stated that scale drawings would be helpful. Commissioner Kadas asked staff to bring back more information regarding signs in windows. Commissioner Parkerson asked the applicant to provide more information regarding the specific lighting proposed; the size letters that would fit within the band; how they would be attached and photos of previous signs that had been placed within the band.

**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:** Chair Osen declared the public hearing closed:

**N. Discussion and Action by the Commission:**

**Questions from the Commission:** Reflected in previous text.

**MOTION:** Siting insufficient information provided, Mr. Parkerson moved and Ms. Fulton Seconded to deny the application; 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.

**VI. INTERPRETATION OF HISTORICALLY SIGNIFICANT TREE DEFINITION**
Community Development Director Ken Gibb stated that staff has determined that it is staff's purview to interpret whether a tree is Historically Significant (versus asking the Commission to do so).

**VII. OTHER BUSINESS/INFORMATION SHARING:** Commissioner Parkerson moved and Commissioner Morris seconded to approve the October 10, 2006, meeting minutes as presented; the motion passed unanimously.

**VIII. VISITORS' PROPOSITIONS:** None.

**IX. ADJOURNMENT:** The meeting was adjourned at 12:15 a.m.

Minutes approved at the January 9, 2007 HRC Meeting

CITY OF CORVALLIS
HISTORIC RESOURCES COMMISSION MINUTES
7:00 p.m., Monday, December 4, 2006
Madison Avenue Meeting Room, 500 SW Madison Avenue

**Members Present**
Bruce Osen
Cynthia Solie
Deb Kadas
Michael Pope
Lori Fulton
E. Ross Parkerson
Scott McClure
Chick Gerke
Karyn Bird, Planning Commission Liaison

**Staff**
David Coulombe, City Attorney
Ken Gibb, Community Development Director
Bob Richardson, Associate Planner
Mark Lindgren, Recorder

**Guests**
B A Beierle, PO Box T
David Dodson, 350 NW Polk Avenue

**Absent/Excused**
Scott Zimbrick, City Council Liaison
Jim Morris

## SUMMARY OF DISCUSSION

| Agenda Item | Recommendations |
|---|---|
| **I. Opening** | Called to Order at 7:00 p.m. |
| **II. Visitors' Propositions** | None. |
| **III. Historic Preservation Month** | Planning for Historic Preservation Week, May 2007 |
| **IV. Deliberations,** Whiteside Theater, 361 SW Madison Avenue, HPP06-00039 | Application denied on a vote of 4-2. See minutes for more detail. |
| **V. Other Business/Info Sharing** | Second meeting in January necessary. January 23, 2007. Discussion on deliberations. |
| **VI. Visitors' Propositions** | A training by Ms. Beierle on preservation economic development will be scheduled. TBA |
| **VII. Adjournment** | Meeting adjourned at 9:11 p.m. |

## CONTENT OF DISCUSSION

**I. OPENING:** Chair Bruce Osen called the meeting to order at 7:00 p.m. in the Madison Avenue Meeting Room, 500 SW Madison Avenue. Introductions were made.

**II. VISITORS' PROPOSITIONS:** None.

**III. HISTORIC PRESERVATION MONTH**
Associate Planner Bob Richardson stated that he wanted to provide an overview of past Historic Preservation Month activities supported by the Historic Preservation Advisory Board (HPAB), and get a sense of the level of interest of the HRC in participating, organizing and leading those activities. In the past , the HPAB coordinated activities with the Benton County Historic Resources Commission

(BCHRC), local citizens with an interest in historic preservation, and with the non-profit group, PreservationWorks to hold a variety of activities to celebrate, educate and raise awareness of National Historic Preservation Month. The local celebration also coordinates with the theme established by the National Trust for Historic Preservation.

For example, last year's activities included: walking tours of historic districts; tours of Finley Wildlife Refuge and the Willamette River; as well as presentations by Donovan Rypkema, a nationally recognized speaker; and related displays at the Public Library and at the Footwise window display.

Associate Planner Bob Richardson noted that the role, in the past, of the HRC has not be clearly defined and he asked the HRC to consider the information and offer their suggestions. He added that this is the sesquicentennial anniversary for Corvallis, and believes that it is a particularly important time to be part of preservation activities.

Commissioner Ross Parkerson stated that because it is the 150th anniversary for Corvallis, the year will be saturated with Corvallis history, so the month of May (Historic Preservation Month) presents an opportunity to focus on events and issues that may not be covered with the other celebrations connected with the sesquicentennial.

Associate Planner Richardson reported that the 5th and Harrison Boulevard space over Harrison Boulevard has been reserved for a banner for two weeks in May 2007. Funds are also available through the grant from the State Historic Preservation Office (SHPO) to purchase a banner. Richardson advised that the banner wording should be general enough to be used from year to year. The wording and look of the banner should be determined over the next month to allow time to order the banner and get it made in time for the placement in May. Richardson also noted that the SHPO funds could also be used to fund workshop topics, i.e., maintenance of historic homes, energy efficiency, etc., but planning such events take time and would need to start immediately.

Commissioner Parkerson related that in the recent past there have been up to six walking tours during preservation month, offering the opportunity to focus on historic neighborhoods. Parkerson also noted that on the next HRC agenda will be an opportunity to review a grant proposal to locate and identify sidewalk stamps in Corvallis.

Commissioner Parkerson suggested breaking out into a subcommittee which would develop and return ideas back to the HRC as a time saving effort. Associate Planner Richardson reminded the Commissioners to have no more than four HRC members on a subcommittee, more than four would constitute a quorum. Commissioners Parkerson, McClure and Fulton volunteered to serve on the subcommittee. Community Development Department Director Ken Gibb offered to coordinate the subcommittee with other groups, such as the BCHRC and PreservationWorks. Ms. Fulton stated that it would be helpful to get a list of events from the past several years.

Commissioner Deb Kadas inquired about the awards that have been given out in past years. Associate Planner Richardson stated that the HPAB also presented awards in the past to properties, businesses and individuals that the Board felt was deserving of recognition. The HRC could discuss what awards seemed most appropriate at this time. Commissioner Parkerson stated that the subcommittee would return with its recommendations to the full HRC at its January 23, 2007, HRC meeting.

## IV. DELIBERATIONS - WHITESIDE THEATER, 361 SW MADISON AVENUE, HPP06-00039, ALT

### A. Declarations by the Commission: Conflicts of Interest, Ex Parte Contacts, Site visits

**1. Conflicts of Interest** - Chick Gerke stated that he would excuse himself from deliberations because had been a paid consultant for another party interested in developing the Whiteside.

2. **Ex Parte Contacts** - Bruce Osen noted that there were a number of letters to the editor and editorials in the Corvallis Gazette Times since the last meeting and at least some of the Commission members may have seen them.
3. **Site Visits** - Ross Parkerson, Michael Pope and Deb Kadas declared site visits.

Chair Osen highlighted a staff memorandum dated November 29, 2006, in response to his questions regarding the parameters of HRC decision-making. Associate Planner Richardson outline the memo, distinguishing between the two types of treatment methods available when working on a historic property: rehabilitation or preservation. Historic Preservation application review types can be exempt, director-level, or HRC-level. He also noted that the three general limits on scope of HRC review are that activities that alter the interior are not reviewed by the HRC; consideration of use cannot be considered by the HRC, and the HRC should rely on review criteria in evaluating proposals and in their deliberations. Richardson also stated that the HRC should make clear findings as to the ability of an application to comply or not comply with the criteria in the LDC.

In response to Chair Osen's request, Associate Planner Richardson gave a brief staff overview of the Whiteside Theater application. City Deputy Attorney David Coulombe related that the applicant's final written argument included two documents; however, introducing new evidence in support of the application is prohibited. One was a document purported to be an excerpt of a contract and the other was a letter from Regal Entertainment.

Mr. Coulombe stated that the Commission may determine that the two documents are in fact evidence and determine not to consider them. If the Commission decides that they are evidence and want to consider them, then it would need to re-open the public hearing to allow participants to address the new evidence. It could also determine that they are evidence and choose not to consider them. Planning Commissioner Liaison Karyn Bird stated that the excerpt from the contract was not new evidence, as it was entered during the public hearing.

Commissioner Cynthia Solie proposed that the two documents were not relevant to the criteria (as they relate to use) and that the Commission not consider them; the Commission concurred with Ms. Solie.

Chair Osen suggested to begin deliberations by having Commissioners discuss how different aspects of the application square with the applicable criteria, starting with the proposed removal of the existing 1950s neon marquee and replacing it with the replica of the 1920s marquee. Commissioner Ross Parkerson stated that the proposal to replace the marquee appears in conflict with the code and the basic preservation of the historic landmark. Parkerson added that it does not preserve the existing resource.

Commissioner Kadas stated that it is possible that the 1920s marquee may lie under the existing 1950s marquee, given how chunky it is and how it is built. Chair Osen concurred that there may be original material there. Ms. Kadas stated that though she understands Commissioner Parkerson's position, replacing it with a replica does meet 2.0.100.b.2.a., "The proposal causes the designated historical resource to more closely approximate the original historic design or style, appearance, materials...". Replicating the original is not conjectural because the design was original and it is even possible that during the removal, the developer might find the original, which could be restored.

Commissioner Pope stated that the existing marquee is out of scale and detracts from the south facade. If the original is under the existing marquee, the Commission could condition approval in that regard.

Commissioner Solie stated that she would prefer to consider a facade in its entirety. If the intention is to restore the south facade to something that is closely approximate to what was there at a particular point in time when the building was significant, then it also might make sense to consider having a different marquee and corner sign. Ms. Solie also expressed her concern with the possibility of the Commission selectively choosing what aspects of the proposal that it approved.

Chair Osen stated that there was fairly good photographic evidence of the original marquee. He added that if one of the reasons for the building to be considered important was its Italian Renaissance architectural style, then while the existing 1950s marquee has been there over 50 years, its "Buick-like" appearance does nothing for the building in terms of stylistic integrity.

Commissioner Parkerson stated that the proposal to replace the existing marquee with a replica of the 1920s marquee begins to diminish the historic preservation aspect of the 80 year-old building. The existing marquee represents part of the building as the community has known it. Also, as someone testified, it cannot be known to what extent that a fabricated 1920s marquee replica would be satisfactory in terms of replacing the historic essence of the building; he contended that it would not be of benefit.

In discussion, Associate Planner Richardson clarified that Revised Condition #2 was developed because the original condition, as written, appeared to give staff discretionary decision-making authority over what the marquee would look like. The revised condition basically states that the marquee should reflect the 1920s in terms of materials, form, size, etc. The HRC could specify certain details of the marquee, such as size, materials, or style. Community Development Director Ken Gibb added that staff's job is to ensure that alterations are consistent with what the decision making body approves, not to interpret it.

Commissioner Solie asked about sign code requirements related to neon. Associate Planner Bob Richardson replied that while the sign code does not call out neon as something that is prohibited; it does say that lights must not be bare or exposed, which is what a neon light is, (it has no shielding to prevent light trespass). The condition of approval regarding neon states that if the applicant wanted to vary from that particular sign standard, they would have to follow another process and apply for a sign variance. Ms. Solie stated that she likes the neon and proposed that if the Commission would allow the signage to go back to an earlier form of marquee, that the Commission also allow components such as the neon.

Commissioner Pope asked if there was evidence that a neon sign existed on the corner of the building; Chair Osen replied that there was (as well as ex parte evidence for neon use in the past for the marquee as well). Associate Planner Richardson reminded the Commission that the proposal was only for neon in the corner sign, not the marquee.

Commissioner Ross Parkerson stated that it is difficult to discuss and analyze part of the proposal without considering the whole of the proposal. Chair Osen invited the Commission to discuss the proposed changes in general terms, if they so wish, and to perhaps come back later to discuss individual pieces. Parkerson stated that the applicant has made a proposal for renovation and revision of the Whiteside; he stated that he was not in favor of the proposal. He expressed concerns about the feasibility of coming to agreement about part of the proposal and moving on to another part regarding discussion of 2.9 provisions. Chair Osen encouraged the Commissioners to weigh in on the whole package.

Commissioner McClure stated that with regards to the marquee, there is a standard view that anything that has acquired historic status in its own right should be retained. However, there are conflicting standards in this case and the existing marquee does nothing for the building architecturally.

Commissioner Solie stated that the Code covers architectural details on main facades, but it is not clear how to define what the main facades are. Ms. Solie asked if all street-facing facades should be considered to be equal and whether they are to be treated the same way; she noted that there was testimony that was presented for both sides. Commissioner McClure replied that there is a reference to building orientation in 2.9.100.4.3.h., "Building orientation shall be compatible with existing development patterns on the designated historic resource site...In general, alteration or new construction shall be sited so that the impact of the primary facade of the designated resource is minimized..." Mr. McClure stated that given this, would the proposed modifications to the west wall significantly change

one's orientation to the building. Chair Osen noted that the Code's reference to "efficient contemporary use" affected this evaluation.

Commissioner McClure also cited the Code's "Purposes" section, which states that the Commission should adequately implement the Secretary of Interior's Standards (a widely considered "gold standard" for rehabilitation). Associate Planner Bob Richardson cautioned that although those standards were used in the creation of Chapter 2.9, the Commission is encouraged *not* to rely on them as review criteria. Chair Osen also added that the meaning and community values within the 2.9 standards may conflict, which is why the Commission is required to make judgment calls.

Commissioner Ross Parkerson noted that both Madison Avenue and 4th Street are major streets, with equal value. Chair Bruce Osen replied that considering the construction and historic patterns, clearly a considerable amount of money and care was spent on one facade and very little on the other facade. So while the west facade may have a significant presence on the street, originally, they were not valued the same; the two facades were differentiated from the outset. Commissioners McClure and Solie concurred. Commissioner Deb Kadas also noted that some historic theaters that had largely windowless facades would sometimes still include a degree of ornamentation on them.

Commissioner Lori Fulton stated that she agreed with the staff's analysis on the south facade, and that the 1950s marquee does not add anything to the architectural elegance of the south side. The prominent time of this building is the 1920s architecture. However, a huge intervention is being proposed for the west side, with the windows and storefronts, that would not allow one to read that side of the building as having ever been part of the theater. Ms. Fulton also stated that although she could accept some degree of modification, the proposal overwhelms the western facade. Ms. Fulton added that she could also cite criteria that the proposal does not meet.

Commissioner Pope concurred with Commissioner Fulton's evaluation that the proposed changes to the west facade are profound. The structure would not have much historical integrity remaining after such changes. Mr. Pope stated that a concern with the proposed changes to the south facade include issues such as the larger windows; however, these could possibly be addressed with discussion and conditions. He also noted that 75-90% of the Oregon Inventory of Historic Properties report focuses on the high integrity of the interior of the Whiteside, which the HRC may not address. He added that he cannot conclude that the proposed changes would not appear compatible.

Chair Osen stated that the south facade is definitely the primary or main facade of the building and its architectural style is part of its significance. It is his belief that the west wall, in its mute way, is very large and can stand significant intrusion without impacting the sense of the building as it is now. He added that he also believes that it could stand a massive intervention and still be seen as a blank brick wall, with contemporary interventions that may promote a more contemporary use. Although, he added, he would suggest some modifications to the proposal as it is presented.

Commissioner Ross Parkerson referenced 2.9.100.04.b, Review Criteria, Section 3a, Facades: "Architectural features (e.g., balconies, porches, bay windows, dormers, trim details) on main facades shall be maintained, restored or designed to complement the primary structure and any existing surrounding comparable designated historic resources. Particular attention should be paid to those facades facing street rights-of-way. Architectural elements inconsistent with the designated historic resources' existing building design or style shall be avoided." He stated that the project fails to recognize that purpose of the Code.

Chair Osen replied that the differentiation between the main and secondary facades may trump the facades facing the streets rights-of-way criterion; the intent of that is an assumption that facades facing streets rights-of-way are generally facades that have architectural elements or features that respond to that street interface; this building never had that. Commissioner Parkerson replied that in one view, that

would be correct, but in another, since the building is 80 years old, and it was designed as a movie theater during a time when the focus was on the marquee side, the west wall represents an important historic reference for how movie theaters were built and designed in those times. He stated that to destroy the west wall would not be historic preservation; it represents a record of history and ought not be changed.

Commissioner Solie stated that it is her belief that the proposed changes to the west wall are not historic preservation, but that is not the standard that the Code has established for this kind of application, and it is not the balance that was struck. Ms. Solie noted that embedded in the ordinance is the desire to see more or less to see adaptive reuse of Corvallis' historic resources that impact the resource as minimally as possible.

Commissioner Parkerson stated that although he understands Ms. Solie's view, and while there may be some elements in the Code to support them, the proposal has no consideration for the historic reference of the building.

Chair Osen cited 2.9.100.04, "Some exterior alterations or new construction involving a designated historic resource may be needed to assure its continued use. Rehabilitation of a designated historic resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions. A Historic Preservation Permit request for any of the following Alteration or New Construction activities shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria listed below." Osen asserted that the proposal involves efficient contemporary use and it requires changing the fabric of the resource.

Commissioner Ross Parkerson disagreed, stating that he views the proposal as an extreme renovation, one which is more than the structure or the Commission needs to accept. Commissioner McClure also noted that the LDC criteria does not refer to it specifically, but the Secretary of Interior Standards often refer to the degree of reversibility of a project. Without having information about the interior space, McClure stated that he can only infer from the information provided about the window's design that the interior would be changed to such a point that reversibility of the project would be difficult. Chair Osen replied that he didn't see reversibility listed in the HRC code criteria. Commissioner McLure's response was that could be helpful to reference the Secretary of Interior Standards in complicated cases.

Commissioner Kadas stated that for her it came down to what issues trumped others. Kadas added that most adaptive reuses of the building would require some changes to the west facade. Ultimately, what decided her was the section that Chair Osen read in which the request must be approved if it meets the criteria. However, the proposed changes to the west, in terms of scale, numbers of windows, etc., do not acknowledge the architectural features on the south. She added, however, that under "Facades," "Main facades shall be retained, restored *or* designed to compliment the primary structure." meaning that the Commission has the flexibility in interpreting the application. She added that additional language states that, "...the architectural elements should be consistent with the resource."

Commissioner Solie asked how Ms. Kadas would define "compliment." Commissioner Kadas replied that though there are a number of ways to do so, currently, there is nothing on the west facades that compliments the architectural style of the south. One could refer to windows patterns, such as whether they are double-hung or whether the sills are made of brick or the use of glass or arches or brick detail. Chair Osen cautioned that at the same time, one wouldn't want to include conjectural details that could be confusing (an alien detail could end up being the most appropriate).

Commissioner Parkerson asked if the Commission's conditioning process could change what the applicant is proposing to do. Chair Osen stated that it should only happen with great care, such as with subtle changes. Commissioner Pope added that it is not the scope of the Commission to redesign the proposal.

Commissioner Michael Pope stated that the proposed design of the west facade looks more like a commercial space, not a theater. He asked staff what would be the process if the applicant desired to remove the historical overlay of the building. Associate Planner Richardson replied that an application to remove an overlay would also have to be reviewed by the HRC, which would have to determine that the building no longer has historic value.

**Commissioner Parkerson moved to deny the project as proposed** for the following reasons: 2.9.20.b states that, "The purposes of the City's Historic Preservation Provisions (include),...to encourage, effect and accomplish the protection, enhancement and perpetuation of historic resources, historic resource improvements and, of historic districts that represent or reflect elements of the City's cultural, social, economic, political and architectural history." The proposed project fails in each purpose cited in 2.9.20.b. The project also fails meeting Section 2.9.20.d., which states, "Foster civic pride in the beauty and noble accomplishment of the past." Under 2.9.100.04.b.3.a., Facade, "Architectural features (e.g., balconies, porches, bay windows, dormers, trim details) on main facades shall be maintained, restored or designed to compliment the primary structure and any existing surrounding comparable designated historic resources. Particular attention should be paid to those facades facing street rights-of-way. Architectural elements inconsistent with the designated historic resources' existing building design or style shall be avoided." Mr. Parkerson stated that the proposed project fails to recognize the stated purpose of the historic preservation. He added that consistency with the existing historic resource (listed in that section) has been ignored. **Commissioner Pope seconded the motion.**

Commissioner Fulton asked if one could join the stated motion even if one did not concur with all the stated rationales. Community Development Director Ken Gibb replied that joining a motion did not lock a commissioner into those rationales; a Commissioner can enunciate their own perspectives as they see fit.

Commissioner Cynthia Solie asked Commissioner Parkerson and Commissioner Pope whether there were any changes to the west facade that they would find acceptable in regard to meeting the stated criteria of the Code. Mr. Parkerson replied that he is moving to deny the project; one either accepts a project or one doesn't. Ms. Solie asked if the project would be compatible with the Code if it were less extensive. Mr. Parkerson replied that the issue for him is the proposed change. Mr. Pope added that for him it was also an issue of the HRC setting a precedent for future changes to significant historic resources in the community. If the Commission allows such a major change to one facade, it establishes a precedent that is too radical for the future. At this stage, the Commission should be conservative in its approach, given that there are new criteria and a new Commission. He added that while he agreed with much of what Mr. Parkerson said, the proposal also appears to potentially violate criteria regarding patterns of window and door openings. While he could be in agreement for some change in the west wall, the proposed changes to the west side are too dramatic.

**MOTION: The motion passed to deny the application 4-2, with Commissioners' Kadas and Solie opposing. (Chair Osen did not vote.) Parkerson, Pope, Fulton and McLure voted for the motion.**

**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.

**V. OTHER BUSINESS/INFORMATION SHARING** - Associate Planner Bob Richardson noted that given the number of applications, a second meeting in January would be necessary and polled the members as to whether they were available to attend an additional meeting Tuesday, January 23, 2007. Enough members indicated that they could attend to constitute a quorum.

During the discussion regarding Commission deliberations, Chair Osen stated that it was acceptable for the Commissioners to talk with staff but not with other Commissioners. Commissioner Pope asked about consulting resources other than the Code. Deputy City Attorney Coulombe responded that if one reads

the Code, the standards have been adequately addressed in the Code; the only stand-alone standards are in Chapter 2.9. Mr. Coulombe advised that if something is ambiguous and needs clarification, he advised them to look to the Purposes section. He also cautioned that Purposes are not stand-alone, they only reflect aspirations. Also, there are provisions and views that will conflict. He noted that Commissioners may find referring to the Comprehensive Plan's General policies helpful. Commissioners must balance and weigh different issues; there are not objective standards; if there were, then it would be a Director-level decision. He also cautioned members against bringing new evidence into deliberations; they must weigh evidence brought forward in the public hearing with 2.9 Code criteria.

Commissioner Pope stated that the room had been too small to properly accommodate the large number of public attending the Whiteside public hearing and asked that a larger room be considered for use in the future. Community Development Director Ken Gibb stated that the issue heated up at the last minute, and there wasn't time to make other arrangements. If needed, and there was time to prepare, meetings could be held at a larger facility in the future.

**VI. VISITORS' PROPOSITIONS:** B.A. Beierle stated that it was her understanding that she would be doing some training for the Commission on preservation economics development at the December meeting, but it appears the agenda is already full. Ms. Beierle asked for guidance on when to reschedule the training. (She related that she is condensing remarks by Donald Rypkema and is preparing documents for the Commission.) Community Development Director Ken Gibb stated that he had not been aware of the commitment for her to do the training and will review the Commissions upcoming schedules to find a time for the training.

**VII. ADJOURNMENT:** The meeting was adjourned at 9:11 p.m.

Minutes approved at the January 9, 2007 HRC Meeting

# MEMORANDUM

**To:** City Council Members

**From:** Charles C. Tomlinson, Mayor CCT

**Date:** January 16, 2007

**Subject:** Vacancy on Housing and Community Development Commission

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Attached is an e-mail from Bruce Sorte indicating his impending relocation from Corvallis, creating a vacancy on the Housing and Community Development Commission. Bruce's term on the Commission expires June 30, 2007.

I would appreciate your nominations of citizens to fill this vacancy.

1002

## Day, Emely

**From:** Louie, Kathy
**Sent:** Tuesday, January 16, 2007 9:44 AM
**To:** Day, Emely
**Subject:** RE: Housing & Community Development Commission

Let's announce Ithis one on 2/5 ..k

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**From:** Sorte, Bruce - AREC [mailto:bruce.sorte@oregonstate.edu]
**Sent:** Wednesday, January 10, 2007 4:01 PM
**To:** Weiss, Kent
**Subject:** Housing & Community Development Commission

Per our earlier discussion and the note below, I did accept the position at Minnesota so I must resign from the Commission. I have learned a great deal working with you, the Commission members and Housing staff. Thank you fc always giving my ideas due consideration and your commitment to the very important service the community provides to people who despite their persistence and effort face significant difficulty obtaining/creating a comforting home. After my experience in this service, I believe strongly that we must reconsider the housing designs that can meet the "comforting" criteria and I would appreciate the chance to detail my ideas with the Commission, during one of my commutes to Oregon. I expect the Minnesota experience to be a two to three year "sabbatical" and hopefully we can work together again. Good luck and take care,

Colleagues/Friends-

Almost twenty-two years ago on a sunny April Fools' Day, I parked my car on 11th street and walked to the Administration Building to begin work at my alma mater as the OSU Contract Administrator. Through many wonderfu experiences in the OSU Business Office, the Dean & Director's Office in the College of Agricultural Sciences, the Agricultural & Resource Economics Department/Rural Studies Program and the Faculty Senate, I have learned a great deal and had great fun working with you. We have helped a number of people and often done so in ways others would not have imagined.

The University of Minnesota has recently expanded their very progressive community vitality initiative. Yesterday I accepted a combined regional economist/researcher and teaching position with their Extension Service and Crookstor Campus Business Department in Northwest Minnesota. On March 1st, I will begin working in the most northern counties in the contiguous U.S. with a very experienced and diverse team of folks. Some of the issues in those rural communities appear to be similar to Oregon's and some quite different. It is a great opportunity to learn and develop ways to assist people facing difficult circumstances.

Minnesota has graciously allowed me a good deal of time to continue work on some key projects in Oregon so I hope we can continue to visit and work together in the future. Oregon State University is a great place to work and I will certainly miss you and OSU. Thank you again for the ideas, friendship and guidance you have given me.

Sincerely, Bruce Sorte

# MEMORANDUM

**To:** City Council Members

**From:** Charles C. Tomlinson, Mayor CCT

**Date:** January 31, 2007

**Subject:** Appointments to Boards, Commissions, and Committees

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I am appointing the following persons to the indicated advisory boards and commissions for the terms of office shown:

Watershed Management Advisory Commission

Jennie Cramer
980 SE Park Avenue
Corvallis, OR 97333
Telephone: 738-2604 (Home)
Term expires: June 30, 2007

Jen Cramer is the Program Director and a Conservation Biologist for the RARE Partnership, a stewardship education program of the Institute for Applied Ecology. She has a Bachelor of Science in Natural Resources from Cornell University and a Masters of Science in botany from the University of Vermont. Her specialties include rare and endangered plants, native plant propagation, ecological restoration, and citizen science.

Matt Fehrenbacher
2932 NW Snowberry Place
Corvallis, OR 97330
Telephone: 541-754-6182
Term expires: June 30, 2007

Matt Fehrenbacher lives in Corvallis with his wife and two daughters. A graduate of the OSU College of Forestry, Matt has been managing private forestlands in western Oregon for more than ten years. Currently, Matt is a forester for The Pacific Forest Trust, a regional land trust focusing on conservation of private working forest lands.

Jerry Davis
3610 SW Country Club Drive
Corvallis, OR 97333
Telephone: 231-9332 (Cell)
Term Expires: June 30, 2008

Jerry Davis is a former City Councilor who represented Ward 1. In his work life, Jerry was the Benton County Natural Areas and Parks Director. As Director, Jerry was responsible for developing habitat conservation plans and worked extensively with landowners to protect and enhance natural areas.

Michael E. Campana, Ph.D.
Director, Institute for Water and Watersheds
Professor of Geosciences
210 Strand Agriculture Hall
Oregon State University
Corvallis, OR 97331
Telephone: 737-2413 (Office)
Term Expires: June 30, 2008

Michael E. Campana, a hydrogeologist and international expert on a range of complex water management issues, is the director of the Institute for Water and Watersheds at Oregon State University. Dr. Campana, who received a doctorate in hydrology from the University of Arizona, has done extensive research on water resources in developing countries, transboundary water resource issues, water allocation and availability, and other areas.

Airport Commission

Dan Allen
2095 SE DeBord Street
Corvallis, OR 97333
Telephone: 752-5189 (Home)

Dan is interested in economic development in Corvallis, ran for city council last year, and is a real estate professional. He lives in Ward 3.

Channel 29 Oversight Committee

George Grosch
720 SE Atwood Avenue
Corvallis, OR 97333
Telephone: 757-2348 (Home)

George expressed interest in serving on the Channel 29 Oversight Committee and is a long-time supporter of quality public education and community engagement.

I will ask for confirmation of these appointments at our next Council meeting, February 20, 2007.

1008

# MEMORANDUM

**To:** City Council Members

**From:** Charles C. Tomlinson, Mayor CCT

**Date:** January 31, 2007

**Subject:** Appointments to Core Services Committee

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I am appointing the following persons to the Core Services Committee, representing the stakeholder groups indicated opposite their names:

| | |
|---|---|
| CIP Commission | Jacque Schreck |
| Library | Sandy Ridlington |
| Parks and Recreation | Kent Daniels |
| Public Works/Transit | Bob Wilson |
| City Council | Hal Brauner |
| City Council | Bill York |
| Budget Commission | Tim Cadman |
| Budget Commission | Rich Carone |
| Police | Jim Swinyard |
| Fire | Doug VanPelt |
| Citizen | John Detweiler |
| Citizen | Open |
| Citizen | Open |
| Rural Fire | Tom Nelson |
| Downtown Corvallis Association | Open |
| Corvallis-Benton Chamber Coalition | Judy Corwin |
| Community Development | Brandon Trelstad |

I plan to appoint *ex-officio* members to the Core Services Committee from the City's four bargaining units.

I will ask for confirmation of these appointments at our next Council meeting, February 20, 2007.

1009

# MEMORANDUM

**To:** City Council Members

**From:** Charles C. Tomlinson, Mayor CCT

**Date:** January 31, 2007

**Subject:** Appointments to Downtown and Economic Vitality Plans Implementation Committee

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I am appointing the following persons to the Downtown and Economic Vitality Plans Implementation Committee, representing the stakeholder groups indicated opposite their names:

| | |
|---|---|
| Economic Vitality Partnership | Larry Plotkin |
| Economic Vitality Partnership | Open |
| City Council | Patricia Daniels |
| City Council | Scott Zimbrick |
| Budget | Julie Manning |
| Budget | Barbara Ross |
| Downtown Corvallis Association | Dave Gazeley |
| Downtown Corvallis Association | Dave Livingston |
| Oregon State University | Belinda Batten |
| Oregon State University | Open |
| Corvallis-Benton Chamber Coalition | Open |
| Corvallis-Benton Chamber Coalition | Open |
| Citizen | Pam Folts |
| Citizen | Liz Foster |
| Benton County | Open |

I will ask for confirmation of these appointments at our next Council meeting, February 20, 2007.

1010

# MEMORANDUM

**TO:** **Mayor and City Council**

**FROM:** **Ken Gibb, Community Development Director**

**DATE:** **January 30, 2007**

**RE:** **Scheduling Public Hearing for Appeal of Minor Land Partition Decision MLP06-00019 - ** POTENTIAL CITY COUNCIL HEARING ***

On February 7, 2007, the Land Development Hearings Board will hold a public hearing for an appeal of a Director's Decision related to a Minor Land Partition application. The subject property is located at 210 SE Lilly Avenue.

Due to the necessity to comply with the State's 120-day decision rule for land use applications, a potential appeal of the LDHB decision may occur, and it would be necessary for the City Council to hear and make a decision on the potential appeal prior to March 2, 2007.

The Land Development Code requires that the City Council hold a public hearing for the appeal of the Land Development Hearings Board's decision. It is recommended that the Council establish the hearing date for the potential appeal on February 20, 2007.

MEMORANDUM

To: Mayor and City Council

From: Tony Krieg, Customer Services Manager

Subject: LIQUOR LICENSE INVESTIGATION

Date: February 5, 2007

The City has received an application from Joni Berri, owner of Gabby's Inc, dba Gabby's located at 136 SW Washington St Suite 103. This application is for a new outlet for an Off-Premises Sales liquor license.

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

Staff recommends the City Council authorize endorsement of this application.

[1]

**Off-Premises Sales License**
Allows the sale of malt beverages, wine and cider in factory-sealed containers for consumption off the licensed premises, and allows approved licensees to offer sample tasting of malt beverages, wine and cider on premises.

* * * MEMORANDUM * * *

**JANUARY 24, 2007**

**TO:** **MAYOR AND CITY COUNCIL**

**FROM:** **JON S. NELSON, CITY MANAGER** Jon

**SUBJECT:** **JANUARY 24, 2007 CITY LEGISLATIVE COMMITTEE WORKING NOTES**

1. Call to Order

Mayor Tomlinson called the meeting to order at 7:30 am, with Councilors Hamby, Wershow, and Zimbrick in attendance. Staff in attendance included City Manager Nelson and Parks and Recreation Director Conway.

2. January 8, 2007 Meeting Schedule Memorandum

The Committee discussed the memo (attached). The Committee was comfortable with the meeting dates and presentation schedule. They also noted:

- Mayor Tomlinson has contacted the Benton County Commissioners and will most probably participate in meetings involving the Commissioners and Legislators,
- A League of Women Voters Saturday Legislature schedule (Attachment A) will be included in the next agenda so Committee members provide coverage; Mayor Tomlinson will attend the January 27 session,
- Staff will approach Senator Morse and Representative Gelser for separate February briefing sessions (Monday, February 12 will be pursued), and
- Committee members were asked to calendar Wednesday, April 25th as the League of Oregon Cities "Cities Day" in Salem.

3. Review of Pending Legislative Proposals

a. Parks and Recreation Director Conway reviewed the attached January 22 memorandum, with attachments. Director Conway and Councilor Wershow will be visiting with Senator Morse and Representative Gelser on Friday, January 26 to discuss Parks and Recreation-related legislation, in particular SB45. This System Development Charges (SDC) legislation combines city parks and recreation SDCs with school SDCs and places a cap on them. Director Conway will also attempt to provide additional background on this issue for Committee members. Mayor Tomlinson will be talking with Corvallis School District 509J Board contact(s) on their position relative to SB45. No position on SB45 is recommended until further Committee discussions are held. Director Conway also shared information on Federal Forest Legacy Funds.

b. City Manager Nelson briefed the Committee on the initial LOC Legislative priorities:
   - Land Use – Measure 37, annexations
   - Transportation – Connect Oregon II, gas tax increase
   - Finance and Taxation – Double majority, long-term tax reform, SDCs, tort reform
   - Economic Development – urban renewal, enterprise zones, Oregon Economic and Community Development Department
   - Personnel – mandatory bargaining and staffing levels
   - Ethics – Government Standards and Practices Commission stable funding

   More on all of these later.

4. Next Meeting – February 7, 2007

5. Adjournment – The meeting adjourned at 8:30 am.

For information only, no motions for City Council consideration.

4010

# MEMORANDUM

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

Steve + going w/ Julee for ORAP day on 1/26/07

**To:** Legislative Committee
**From:** Julee M. Conway, Director
**Date:** January 22, 2007
**Subject:** Park and Recreation Legislative Items

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Staff is working with LOC staff representatives regarding 2007 Legislative issues affecting Parks and Recreation services. The Oregon Recreation and Park Association (ORPA), a non-profit organization representing parks and recreation interests, has an active Legislative Committee, of which Julee Conway, Director is a member. The Committee meets on a regular basis to discuss issues and to determine the preferred course of action. Staff representatives from LOC and SDAO also serve on the Committee. ORPA has engaged Western Advocates to track related legislative issues this session. ORPA's legislative platform is attached. Western Advocates' *Status Summary Report* is also attached.

There are several legislative items that are being discussed that deserve the city's attention , including the following:

1. **Senate Bill 45**-System Development Charges(SDC)-the bill was introduced at the request of an interim workgroup called the Senate Commission on Educational Excellence. The Commission studied all aspects of education including funding sources. The bill authorizes SDC's charges to fund capital improvements for schools that are made available for public recreation uses. It includes setting an arbitrary cap on the total amount, yet to be determined. This total amount would be 'shared' between schools and park entities. It has been referred to the Finance & Revenue Committee, and a hearing has not yet been schedule. A companion bill has not yet been introduced in the House, although there are indications that one is being drafted. House cap ≈ 8,000 Parks & Schools. (4900 City)

Staff is very concerned about this bill due to the negative impact an arbitrary cap would have on the ability of the city to have local control over it's Park SDC charge rate. As written, this bill would place local school districts and governmental park and recreation service providers in a competitive position over developing and implementing its SDC methodology. A copy of the bill is attached.

**Proposed Action Item:**
Staff recommends that the City Council take an official position against SB 45 or any measure that would combine and cap SDC's for schools & parks.

Against combining + capping

CT → Q's: why? School Board?

support outside UGB

2. **Forest Legacy**-there are no measures that have been introduced to date. The 2005 Legislature authorized the Department of State Forestry to apply for Federal Forest Legacy Funds. Although early in the program implementation, the Forest Legacy funding program is being successfully used in Oregon. The 2005 Legislature placed a restriction on use of the funds. Currently they may only be used within the UGB, and there is keen interest in introducing legislation this session to extend the eligibility beyond a jurisdiction's UGB. at this time, there are not active projects in the City that this may affect, however, it may be of value as we work with Benton County on its Habitat Conservation Plan. A summary of the program is attached.

**Proposed Action Item:**
None at this time. Updates will be provided, as available.

Staff will provide periodic updates through the Session on issues of importance to the City of Corvallis related to park and recreation service delivery.

For more information, contact Julee Conway, Director 754-1702 or julee.conway@ci.corvallis.or.us

**Attachments:**

1. Western Advocates-Status Summary Report
2. ORPA Legislative Platform Summary
3. Senate Bill 45
4. Forest Legacy Program Information

| Bill #/Staff | Summary | Relating To | Sponsors | Position/ Priority | Last Referral | Last Action |
|---|---|---|---|---|---|---|
| SB 0367 AR/KR | Directs Department of Education to collect data from school districts on number of minutes of physical education provided to kindergarten through grade 8 students. | Relating to physical education; declaring an emergency. | Senator COURTNEY (Presession filed.) | | 1/15/2007 Senate President's desk | 1/15/2007 Introduction and first reading. Referred to President's desk. |
| SB 0370 AR/KR | Establishes minimum amount of participation in physical education by kindergarten through grade 8 public school students. | Relating to physical education. | Senator COURTNEY (Presession filed.) | | 1/12/2007 Senate President's desk | 1/12/2007 Introduction and first reading. Referred to President's desk. |
| SB 0372 AR/KR | Directs Department of Education to develop statewide assessment system in physical education. | Relating to physical education. | Senator COURTNEY (Presession filed.) | | 1/15/2007 Senate President's desk | 1/15/2007 Introduction and first reading. Referred to President's desk. |
| SB 5530 AR/KR | Limits certain biennial expenditures from fees, moneys or other revenues, including Miscellaneous Receipts, but excluding lottery funds and federal funds, collected or received by State Parks and Recreation Department. | Relating to financial administration of the State Parks and Recreation Department; declaring an emergency. | Presession filed at the request of Budget and Management Division, Oregon Department of Administrative... | | 1/12/2007 Joint Ways and Means | 1/12/2007 Referred to Ways and Means. |
| SJR0007 AR/KR/TR | Proposes amendment to Oregon Constitution to increase percentage of net proceeds from State Lottery that must be deposited in education stability fund. | Proposing amendment to Oregon Constitution relating to education stability fund. | Senator DEVLIN (Presession filed.) | | 1/12/2007 Senate President's desk | 1/12/2007 Introduction and first reading. Referred to President's desk. |
| SJR0010 HS/AR/GI | Proposes amendment to Oregon Constitution to modify double majority voting requirement in property tax elections so that double majority requirement does not apply to property tax measures after June 19, 2008. | Proposing amendment to Oregon Constitution relating to elections. | Presession filed at the request of Secretary of State Bill Bradbury | | 1/15/2007 Senate Finance and Revenue | 1/15/2007 Referred to Finance and Revenue. |

| Bill #/Staff | Summary | Relating To | Sponsors | Position/ Priority | Last Referral | Last Action |
|---|---|---|---|---|---|---|
| SB 0060 AR/GI/TR | Requires Oregon Volunteers Commission for Voluntary Action and Service to identify goals for developing and facilitating initiation of public and private programs that encourage and reward citizen participation and volunteerism. | Relating to Oregon Volunteers Commission for Voluntary Action and Service; declaring an emergency. | Presession filed at the request of Governor Theodore R. Kulongoski for Housing and Community Services... | | 1/11/2007 Senate Health and Human Services | 1/17/2007 Public Hearing Scheduled. |
| SB 0061 AR/GI | Requires Oregon Volunteers Commission for Voluntary Action and Service to adopt recommended best practices for use by organizations and entities for screening volunteers. | Relating to Oregon Volunteers Commission for Voluntary Action and Service. | Presession filed at the request of Governor Theodore R. Kulongoski for Housing and Community Services... | | 1/11/2007 Senate Health and Human Services | 1/17/2007 Public Hearing Scheduled. |
| SB 0080 HS/AR/GI | Deletes references to double majority voter participation requirement for tax measures. | Relating to elections on tax measures; prescribing an effective date. | Presession filed at the request of Secretary of State Bill Bradbury | | 1/15/2007 Senate Finance and Revenue | 1/15/2007 Referred to Finance and Revenue. |
| SB 0100 AR/KR | Places Oregon State Fair Account within State Parks and Recreation Department Fund. | Relating to Oregon State Fair Account. | Presession filed at the request of Governor Theodore R. Kulongoski for State Parks and Recreation... | | 1/12/2007 Joint Ways and Means | 1/12/2007 Referred to Ways and Means. |
| SB 0101 AR/GI/KR | Requires Class I and Class III all-terrain vehicle operators who are seven years of age or older to have all-terrain vehicle operator permit when operating vehicle on premises open to public. | Relating to all-terrain vehicles. | Presession filed at the request of Governor Theodore R. Kulongoski for State Parks and Recreation... | | 1/12/2007 Senate Business, Transportation and Workforce Development | 1/12/2007 Referred to Business, Transportation and Workforce Development. |
| SB 0102 AR/KR | Establishes Oregon State Fair and Exposition Center. | Relating to the Oregon State Fair and Exposition Center. | Presession filed at the request of Governor Theodore R. Kulongoski for State Parks and Recreation... | | 1/12/2007 Senate Health Policy and Public Affairs | 1/12/2007 Referred to Health Policy and Public Affairs, then Legislative Operations and Reform. |
| SB 0242 AR/KR | Requires school districts to consider including safety improvements that create safer routes to schools as part of large construction projects. | Relating to school districts. | Senator DEVLIN; Senator WALKER (Presession filed.) | | 1/15/2007 Senate Education and General Government | 1/15/2007 Referred to Education and General Government. |
| SB 0361 AR/TR | Adds inspectors to category of workers who must be paid prevailing wage rates on public works. | Relating to payment of prevailing wage rates to inspectors. | Senator MORRISETTE (at the request of Raymond Steel) (Presession filed.) | | 1/17/2007 Senate Commerce | 1/17/2007 Referred to Commerce. |
| SB 0366 AR/KR/TR | Authorizes school district to establish impact fee on creation of lot or parcel. | Relating to school impact fee. | Senator SCHRADER; Representative TOMEI (Presession filed.) | | 1/15/2007 Senate President's desk | 1/15/2007 Introduction and first reading. Referred to President's desk. |

| Bill #/Staff | Summary | Relating To | Sponsors | Position/ Priority | Last Referral | Last Action |
|---|---|---|---|---|---|---|
| HB 2425 HS/AR/KR/ GI | Provides that public body may condemn property only if public body's primary purpose is to allow property to be owned and used by public. | Relating to purposes for which property may be condemned; declaring an emergency. | Presession filed at the request of former Representative Jeff Kropf | | 1/17/2007 House Judiciary | 1/17/2007 Referred to Judiciary. |
| HB 2429 HS/AR/TR | Permits employer to deduct from employee's wages reimbursement for cost of employee's drug test when test result is positive for illegal use of controlled substance. | Relating to deduction from wages to reimburse employer for cost of drug test given to employee. | Presession filed at the request of former Representative Jeff Kropf | | 1/17/2007 House Business and Labor | 1/17/2007 Referred to Business and Labor. |
| HB 2445 AR/KR | Provides that amount owner of land receives from public body in return for granting public permission to enter or go upon land for recreational purposes is not charge by owner. | Relating to recreational land; declaring an emergency. | Representative P SMITH (at the request of Oregon Hunters Association) | | 1/12/2007 House Speaker's desk | 1/12/2007 First reading. Referred to Speaker's desk. |
| HB 2450 KR/AR | Prohibits city, county or local service district from transferring ownership of real property owned outside corporate boundaries of city, county or district to United States or federally recognized Indian tribe. | Relating to sale of proprietary real property of local government. | Representative DALLUM (at the request of Don Lumba) | | 1/17/2007 House Speaker's desk | 1/17/2007 First reading. Referred to Speaker's desk. |
| HB 2458 AR/GI | Makes participation in Bureau of Labor and Industries' annual wage survey voluntary. | Relating to wage surveys used to determine prevailing rates of wage. | Representative BRUUN | | 1/17/2007 House Speaker's desk | 1/17/2007 First reading. Referred to Speaker's desk. |
| SB 0010 GI | Directs Oregon Government Standards and Practices Commission to charge public bodies amount based on number of public officials serving public body for purposes of funding activities of commission. | Relating to government ethics; declaring an emergency. | Senators BROWN, COURTNEY (Presession filed.) | | 1/8/2007 Senate Rules | 1/18/2007 Public Hearing Scheduled. |
| SB 0045 AR/KR | Authorizes system development charges to fund capital improvements for schools that are made available for public recreation uses. | Relating to system development charges. | Presession filed at the request of Senate Commission on Educational Excellence | | 1/11/2007 Senate Finance and Revenue | 1/11/2007 Referred to Finance and Revenue. |

# Status Summary Report

**2007 Oregon Legislature**

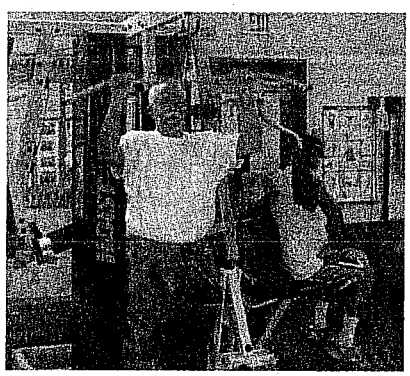
| Bill #/Staff | Summary | Relating To | Sponsors | Position/ Priority | Last Referral | Last Action |
|---|---|---|---|---|---|---|
| HB 2021<br>AR/TR | Makes public agency liable for workers' unpaid wages, fringe benefits and liquidated damages when public agency fails to include certain information about prevailing rates of wage in specifications for public works contract. | Relating to prevailing rates of wage. | Representative SCHAUFLER (Presession filed.) | | 1/11/2007<br>House Business and Labor | 1/19/2007<br>Public Hearing scheduled. |
| HB 2062<br>GI/AR | Requires operators and passengers of Class I and Class III all-terrain vehicles to wear motorcycle helmets with fastened chin straps. | Relating to all-terrain vehicle helmet requirements. | Presession filed at the request of Governor Theodore R. Kulongoski for State Parks and Recreation... | | 1/10/2007<br>House Transportation | 1/10/2007<br>Referred to Transportation. |
| HB 2063<br>AR/GI | Prohibits operators of Class I and Class III all-terrain vehicles from carrying passengers on vehicles not designed for passengers. | Relating to passenger safety on all-terrain vehicles. | Presession filed at the request of Governor Theodore R. Kulongoski for State Parks and Recreation... | | 1/10/2007<br>House Transportation | 1/10/2007<br>Referred to Transportation. |
| HB 2071<br>AR | Increases service charge that agents of State Marine Board may impose for issuing temporary permit to operate boat. | Relating to fees assessed for boat permits. | Presession filed at the request of Governor Theodore R. Kulongoski for State Marine Board | | 1/10/2007<br>House Transportation | 1/10/2007<br>Referred to Transportation with subsequent referral to Ways and Means. |
| HB 2072<br>AR | Repeals sunset on changes regarding reciprocity for ocean charter vessel and outfitting and guiding licensees of other states. | Relating to interstate reciprocity for persons regulated by the State Marine Board. | Presession filed at the request of Governor Theodore R. Kulongoski for State Marine Board | | 1/10/2007<br>House Transportation | 1/10/2007<br>Referred to Transportation. |
| HB 2073<br>AR | Establishes official name for interagency coordinating council dealing with hunger and homelessness. | Relating to the coordination of social service efforts; appropriating money. | Presession filed at the request of Governor Theodore R. Kulongoski for Housing and Community Services... | | 1/11/2007<br>House Human Services and Women's Wellness | 1/11/2007<br>Referred to Human Services and Women's Wellness with subsequent referral to Ways and Means. |
| HB 2140<br>AR | Makes technical changes to Public Contracting Code. | Relating to the Public Contracting Code. | Presession filed at the request of Attorney General Hardy Myers for Department of Justice | | 1/10/2007<br>House Business and Labor | 1/19/2007<br>Public Hearing scheduled. |
| HB 2413<br>AR | Prohibits public contracting agencies, Oregon University System and Oregon Health and Science University from requiring, in public contracts or other agreements or when issuing grants or guaranteeing bonds or loans, participation by labor organization. | Relating to business transactions of public bodies. | Representative BUTLER (Presession filed.) | | 1/17/2007<br>House Business and Labor | 1/17/2007<br>Referred to Business and Labor. |

# Oregon Recreation & Park Association

An affiliate member of the National Recreation and Park Association.

**Mission:**
To provide resources for the public and our members who create community through people, parks and programs.

The Oregon Recreation and Park Association, a non-profit 501(c)(3) organization founded in 1954, is celebrating over 50 years as a network offering opportunities, information, and contacts directly related to the recreation and park profession.



## Oregon Recreation Park Association Legislative Platform

While the Oregon Recreation Park Association (ORPA) has adopted a Legislative Platform for 2007, the issues and actions noted below are considered to be the highest priority.

### Support Forest Legacy Act

ORPA supports legislation that would extend program eligibility to projects that lie beyond a jurisdictions urban growth boundary.

### Protect System Development Charges for Parks and Recreation

ORPA opposes legislation that will negatively impact the ability of local governments to assess, collect and use Park System Development Charges (SDC's) for growth related improvements including such provisions as limitations on charges, inappropriate changes in methodology, and/or elimination of Park SDC's.

### Protect Measure 66 Fund Allocations

Lottery

8 million local share
capital match

Protect and expand the program where possible. ORPA opposes legislation that would redirect funding away from park uses or assign eligibility for funding to services that are not park related providers. ORPA supports the State Parks budget proposal and supports legislation to maintain and/or increase the proposed budget.

### Support Children's Health and Wellness

ORPA supports legislation that addresses issues such as childhood obesity, after school programming, and funding for programs that improve the general health and wellness of Oregon's children and recognizes park and recreation agencies as eligible participants in such programs.

# Senate Bill 45

Printed pursuant to Senate Interim Rule 213.28 by order of the President of the Senate in conformance with presession filing rules, indicating neither advocacy nor opposition on the part of the President (at the request of Senate Commission on Educational Excellence)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced.**

Authorizes system development charges to fund capital improvements for schools that are made available for public recreation uses. Limits amount of system development charges that local government may collect for parks and recreation and schools.

## A BILL FOR AN ACT

Relating to system development charges; amending ORS 223.299, 223.304, 223.307 and 223.309.

**Be It Enacted by the People of the State of Oregon:**

**SECTION 1.** ORS 223.299 is amended to read:

223.299. As used in ORS 223.297 to 223.314:

(1)(a) "Capital improvement" means facilities or assets used for the following:

(A) Water supply, treatment and distribution;

(B) Waste water collection, transmission, treatment and disposal;

(C) Drainage and flood control;

(D) Transportation; or

(E) Parks and recreation **and schools**.

(b) "Capital improvement" does not include costs of the operation or routine maintenance of capital improvements.

(2) "Improvement fee" means a fee for costs associated with capital improvements to be constructed.

(3) "Reimbursement fee" means a fee for costs associated with capital improvements already constructed, or under construction when the fee is established, for which the local government determines that capacity exists.

(4)(a) "System development charge" means a reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement or issuance of a development permit, building permit or connection to the capital improvement. "System development charge" includes that portion of a sewer or water system connection charge that is greater than the amount necessary to reimburse the local government for its average cost of inspecting and installing connections with water and sewer facilities.

(b) "System development charge" does not include any fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed upon a land use decision, expedited land division or limited land use decision.

**SECTION 2.** ORS 223.304 is amended to read:

223.304. (1)(a) Reimbursement fees must be established or modified by ordinance or resolution

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

setting forth a methodology that is, when applicable, based on:

(A) Ratemaking principles employed to finance publicly owned capital improvements;

(B) Prior contributions by existing users;

(C) Gifts or grants from federal or state government or private persons;

(D) The value of unused capacity available to future system users or the cost of the existing facilities; and

(E) Other relevant factors identified by the local government imposing the fee.

(b) The methodology for establishing or modifying a reimbursement fee must:

(A) Promote the objective of future system users contributing no more than an equitable share to the cost of existing facilities.

(B) Be available for public inspection.

(2) Improvement fees must:

(a) Be established or modified by ordinance or resolution setting forth a methodology that is available for public inspection and demonstrates consideration of:

(A) The projected cost of the capital improvements identified in the plan and list adopted pursuant to ORS 223.309 that are needed to increase the capacity of the systems to which the fee is related; and

(B) The need for increased capacity in the system to which the fee is related that will be required to serve the demands placed on the system by future users.

(b) Be calculated to obtain the cost of capital improvements for the projected need for available system capacity for future users.

(3) A local government may establish and impose a system development charge that is a combination of a reimbursement fee and an improvement fee, if the methodology demonstrates that the charge is not based on providing the same system capacity.

(4) The ordinance or resolution that establishes or modifies an improvement fee shall also provide for a credit against such fee for the construction of a qualified public improvement. A "qualified public improvement" means a capital improvement that is required as a condition of development approval, identified in the plan and list adopted pursuant to ORS 223.309 and either:

(a) Not located on or contiguous to property that is the subject of development approval; or

(b) Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

(5)(a) The credit provided for in subsection (4) of this section is only for the improvement fee charged for the type of improvement being constructed, and credit for qualified public improvements under subsection (4)(b) of this section may be granted only for the cost of that portion of such improvement that exceeds the local government's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under subsection (4)(b) of this section.

(b) A local government may deny the credit provided for in subsection (4) of this section if the local government demonstrates:

(A) That the application does not meet the requirements of subsection (4) of this section; or

(B) By reference to the list adopted pursuant to ORS 223.309, that the improvement for which credit is sought was not included in the plan and list adopted pursuant to ORS 223.309.

(c) When the construction of a qualified public improvement gives rise to a credit amount

greater than the improvement fee that would otherwise be levied against the project receiving development approval, the excess credit may be applied against improvement fees that accrue in subsequent phases of the original development project. This subsection does not prohibit a local government from providing a greater credit, or from establishing a system providing for the transferability of credits, or from providing a credit for a capital improvement not identified in the plan and list adopted pursuant to ORS 223.309, or from providing a share of the cost of such improvement by other means, if a local government so chooses.

(d) Credits must be used in the time specified in the ordinance but not later than 10 years from the date the credit is given.

**(6) If a local government establishes system development charges for capital improvements for parks and recreation and schools:**

**(a) A reimbursement fee may not exceed _____, but the methodology may provide for annual adjustments as described in subsection (9)(b) of this section; and**

**(b) An improvement fee may not exceed _____, but the methodology may provide for annual adjustments as described in subsection (9)(b) of this section.**

[*(6)*] **(7)** Any local government that proposes to establish or modify a system development charge shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge.

[*(7)(a)*] **(8)(a)** Written notice must be mailed to persons on the list at least 90 days prior to the first hearing to establish or modify a system development charge, and the methodology supporting the system development charge must be available at least 60 days prior to the first hearing. The failure of a person on the list to receive a notice that was mailed does not invalidate the action of the local government. The local government may periodically delete names from the list, but at least 30 days prior to removing a name from the list shall notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

(b) Legal action intended to contest the methodology used for calculating a system development charge may not be filed after 60 days following adoption or modification of the system development charge ordinance or resolution by the local government. A person shall request judicial review of the methodology used for calculating a system development charge only as provided in ORS 34.010 to 34.100.

[*(8)*] **(9)** A change in the amount of a reimbursement fee or an improvement fee is not a modification of the system development charge methodology if the change in amount is based on:

(a) A change in the cost of materials, labor or real property applied to projects or project capacity as set forth on the list adopted pursuant to ORS 223.309; or

(b) The periodic application of one or more specific cost indexes or other periodic data sources. A specific cost index or periodic data source must be:

(A) A relevant measurement of the average change in prices or costs over an identified time period for materials, labor, real property or a combination of the three;

(B) Published by a recognized organization or agency that produces the index or data source for reasons that are independent of the system development charge methodology; and

(C) Incorporated as part of the established methodology or identified and adopted in a separate ordinance, resolution or order.

**SECTION 3.** ORS 223.307 is amended to read:

223.307. (1) Reimbursement fees may be spent only on capital improvements associated with the

systems for which the fees are assessed including expenditures relating to repayment of indebtedness.

(2) Improvement fees may be spent only on capacity increasing capital improvements, including expenditures relating to repayment of debt for such improvements. An increase in system capacity may be established if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the improvements funded by improvement fees must be related to the need for increased capacity to provide service for future users.

(3) System development charges may not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements or for the expenses of the operation or maintenance of the facilities constructed with system development charge revenues.

(4) Any capital improvement being funded wholly or in part with system development charge revenues must be included in the plan and list adopted by a local government pursuant to ORS 223.309.

**(5) When a local government establishes system development charges for parks and recreation and schools that are based on a need for school facilities and assets, the school facilities and assets must be:**

**(a) Adjacent to parks and recreation facilities or assets; and**

**(b) Made available for public recreation uses.**

[*(5)*] **(6)** Notwithstanding subsections (1) and (2) of this section, system development charge revenues may be expended on the costs of complying with the provisions of ORS 223.297 to 223.314, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures.

**SECTION 4.** ORS 223.309 is amended to read:

223.309. (1) Prior to the establishment of a system development charge by ordinance or resolution, a local government shall prepare a capital improvement plan, public facilities plan, master plan or comparable plan that includes a list of the capital improvements that the local government intends to fund, in whole or in part, with revenues from an improvement fee and the estimated cost, timing and percentage of costs eligible to be funded with revenues from the improvement fee for each improvement.

(2) A local government that has prepared a plan and the list described in subsection (1) of this section may modify the plan and list at any time. If a system development charge will be increased by a proposed modification of the list to include a capacity increasing capital improvement, as described in ORS 223.307 (2):

(a) The local government shall provide, at least 30 days prior to the adoption of the modification, notice of the proposed modification to the persons who have requested written notice under ORS 223.304 [*(6)*] **(7)**.

(b) The local government shall hold a public hearing if the local government receives a written request for a hearing on the proposed modification within seven days of the date the proposed modification is scheduled for adoption.

(c) Notwithstanding ORS 294.160, a public hearing is not required if the local government does not receive a written request for a hearing.

(d) The decision of a local government to increase the system development charge by modifying the list may be judicially reviewed only as provided in ORS 34.010 to 34.100.

# Forest Legacy Program

***Protecting Private Forest Lands Being Converted to Non-Forest Uses***

## Program Purpose

Development of the nation's forested areas poses an increasing threat to maintaining the integrity of our country's valuable forest lands. Intact forest lands supply timber products, wildlife habitat, soil and watershed protection, aesthetics, and recreational opportunities. However, as these areas are fragmented and disappear, so do the benefits they provide. While local governments commonly guide development away from the most sensitive areas through traditional land use controls (like zoning and performance standards), sometimes these measures are not sufficient to fully protect the forested component of our natural resource base.

The Forest Legacy Program (FLP), a Federal program in partnership with States, supports State efforts to protect environmentally sensitive forest lands. Designed to encourage the protection of privately owned forest lands, FLP is an entirely voluntary program. To maximize the public benefits it achieves, the program focuses on the acquisition of partial interests in privately owned forest lands. FLP helps the States develop and carry out their forest conservation plans. It encourages and supports acquisition of conservation easements, legally binding agreements transferring a negotiated set of property rights from one party to another, without removing the property from private ownership. Most FLP conservation easements restrict development, require sustainable forestry practices, and protect other values.

## Program Activities

The Forest Legacy Program complements private, Federal and State programs focusing on conservation in two ways. First, FLP directly supports property acquisition. Additionally, FLP supports efforts to acquire donated conservation easements. FLP funded acquisitions serve public purposes identified by participating states and agreed to by the landowner.

## Eligibility

Participation in Forest Legacy is limited to private forest landowners. To qualify, landowners are required to prepare a multiple resource management plan as part of the conservation easement acquisition. The federal government may fund up to 75% of project costs, with at least 25% coming from private, State or local sources. In addition to gains associated with the sale or donation of property rights, many landowners also benefit from reduced taxes associated with limits placed on land use.

The USDA Forest Service administers the Forest Legacy Program in cooperation with State partners. The state grant option allows States a greater role in implementing the program. FLP also encourages partnerships with governments and land trusts, recognizing the important contributions landowners, communities, and private organizations make to conservation efforts.

ATTACHMENT A

## Louie, Kathy

**From:** Doris Waring [35waringx2@exchangenet.net]
**Sent:** Thursday, January 25, 2007 3:57 PM
**To:** Louie, Kathy
**Subject:** LWV Town Hall

LWV Town Halls, co-sponsored with Corvallis Benton Library, dates are:

January 27 Oregon Revenue
March 31
April 28
June 2
June 30

Time for all meetings: 9:30-11:30 Main meeting room, Corvallis Public Library

Topics for meetings will be determined by legislative schedule

doris waring

# Memorandum

To: Mayor and City Council

From: Bob Richardson, Associate Planner

Date: January 31, 2007

Subject: Staff Response to City Council questions regarding the Whiteside Theater Historic Preservation Permit application (HPP06-00039)

At the close of the January 16, 2007, public hearing on the Whiteside Theater Historic Preservation Permit application (HPP06-00039), the City Council asked staff to prepare responses to Council's preliminary questions regarding the application. Enclosed with this memo are staff responses to those questions. These responses are prefaced with an outline of a possible method for the City Council to use to evaluate, make findings, and reach a decision on the application.

Suggested Method for Review and Deliberation:

Whiteside Theater Historic Preservation Permit Application (HPP06-00039)

The appeal of the HRC decision on the Whiteside Theater application is the first appeal of a Historic Preservation Permit application to the City Council under the revised Historic Preservation Provisions. Recognizing this, the following outline has been prepared as a possible method for the City Council to use to evaluate the facts and criteria, make findings, and reach a final decision during the February 5, 2007, deliberations on this case. The following steps progress from a macro-level view of the proposed alterations to the more detailed considerations of compatibility criteria.

I. Review Parameters – LDC Section 2.9.100.04.a
   A. Request appropriately determined as an HRC-level decision?
   B. If yes, cite specific parameters.

II. Review Criteria – LDC Section 2.9.100.04.b.1
   A. Consider items a – g.
   B. Refer to definitions in LDC Chapter 1.6 for Historic Integrity and Historic Significance.
   C. Would changes alter the Whiteside Theater building to such an extent that it would no longer be "historically significant", or could no longer be considered to have "historic integrity" as those terms are defined in the LDC?

III. Review Criteria – LDC Section 2.9.100.04.b.2
   A. Determine if either of the following is true:
      1. In general, the proposal causes the building to more closely approximate the original building or design; <u>or</u>
      2. The changes are compatible with the historic character of the building. (IV below will help make this determination)

IV. Review Criteria / Compatibility Criteria – LDC Section 2.9.100.04.b.3
   A. Consider all criteria a-n.
   B. These criteria are not standards that an application either meets or does not meet. They are to be considered and balanced.

V. Background and Applicability & Purposes - LDC Sections 2.9.10 and 2.9.20
   A. If there is ambiguity in how to apply the Review Criteria, refer to the Purpose section of the LDC Chapter 2.9.
   B. If the ambiguity is not dispelled, refer to Comprehensive Plan Article 5.4 – Historic and Cultural Resources.

Staff Response to City Council Questions

Whiteside Theater (HPP06-00039)

**1) What is the scope of City Council's review?**

Refer to the November 29, 2006, Memorandum to the HRC from Associate Planner, Bob Richardson (Attachment V of the Staff Report to City Council).

**2) What is the role of the appeal issues?**

To appeal an issue, the appellant must identify specific grounds for an appeal. Appeals heard by the City Council are de novo. This means the City Council should act on the application as if it were completely new. The City Council may not make a decision on the application based only on the merits of the appeal issues. The City Council may or may not consider or incorporate findings made by staff and the HRC.

**3) Respond to the assertion that the application is not complete.**

Staff determined the application was complete with receipt of revisions submitted by the applicant on October 20, 2006. Application requirements are listed in LDC Section 2.9.90.02. Application requirements are not review criteria. However, if the application does not have sufficient information to persuade the decision making body that it meets the applicable criteria, that would be a basis for denying the application.

**4) What is the relationship of the HPP application to other compatibility issues considered under other land use applications that require a Public Hearing? Why are the LDO requests not part of the HPP application?**

Historic Preservation Permit applications are only evaluated for their ability to comply with applicable Historic Preservation Provisions. The HRC does not have the authority to make decisions on other types of Land Use applications, and only considers land use issues relative to impacts on Designated Historic Resources. The LDO requests have been approved contingent upon approval of the Historic Preservation Permit.

**5) Can the City Council use criteria other than those cited by the HRC in reaching its decision?**

The City Council may use criteria other than those cited by the HRC. Staff identified review criteria are presented in Attachment VIII of the Staff Report to City Council. All staff-identified review criteria were taken from LDC Chapter 2.9. Some terms used in the review criteria are defined in LDC Chapter 1.6.

If, in making a land use decision, the City Council relies upon criteria that were not listed in the notice, and a person appeals the City's decision to LUBA, the City may not complain that the reasons for the appeal to LUBA were not raised at the City public hearing level.

**6) Can Comprehensive Plan policies be relied on? Which policies?**

Please refer to Attachment V-3 of the Staff Report to City Council.

Also, Land Development Code section 2.9.10 – Background and Applicability, states that the Historic Preservation Provisions were designed to implement the policies in Comprehensive Plan Article 5, Section 5.4 – Historic and Cultural Resources. In other words, if an application complies with the provisions in LDC Chapter 2.9, it also complies with the policies in Section 5.4 of the Comprehensive Plan.

**7) What is the link between interior alterations and exterior alterations relative to LDC criteria?**

Land Development Code Section 2.9.70 – Exemptions from Historic Preservation Permit Requirements states:

*a. Interior Alterations – Changes to the interior of a Designated Historic Resource that do not alter the building exterior.*

Staff interprets this section of the Code to mean that interior alterations are exempt from Historic Preservation review. If the interior alteration causes an exterior change, the exterior change is subject to Historic Preservation review. This provision does not mean that interior changes that cause exterior alterations necessitate review of the interior changes.

**8) Should the building be viewed in the context of the downtown area?**

It is appropriate to view the building within the context of the downtown area. Downtown Corvallis does not have a designated historic district. It does contain a number of Designated Historic Resources, including at least one Italian Renaissance style building (Hotel Benton). Many review criteria in Land Development Code Chapter 2.9 state that alterations should be compatible with the structure proposed to be altered, or with surrounding comparable Designated Historic Resources.

**9) What is the basis of the Historic Designation; what gives the building historic significance?**

In 1984, an Oregon Inventory of Historic Properties Survey Form was completed (City Council Staff Report, Attachment VIII.22). This survey provides a Statement of Significance. In 1988, four (presumably) members of the Corvallis Historic Preservation Advisory Board (HPAB) independently evaluated the Whiteside

Theater building to determine its historic significance and historic integrity. This evaluation provided information that led to the Land Development Hearings Board decision to place the Whiteside Theater building on the Local Register of Historic Landmarks and Districts (City Council Staff Report, Attachment VIII.27). The criteria used by the HPAB to evaluate the historic significance and historic integrity were very similar to the definitions for significance and integrity found in the current LDC Chapter 1.6 (and in LDC Chapter 1.6 at time of application).

Though not review criteria, the City Council may consider the current definitions of historic significance and historic integrity in light of applicable review criteria to determine the compatibility of the proposed changes.

**10) If the alterations proposed are approved, will it preclude the Whiteside Theater building from being listed on the National Register of Historic Places? Would approval alter the building's status on the Local Register?**

In its current form, staff believes that the building would be a strong candidate for listing in the National Register of Historic Places. However, unless a Downtown Historic District is formed, the only way for the building to be listed in the National Register would be if the property owner initiated and received State and Federal approval for listing the property. The potential purchasers of the building have indicated that they are not interested in pursuing a National Register listing. At this point it would be speculative to comment on the impacts of the proposed changes relative to the potential for listing the building in the National Register.

The Historic Preservation Overlay is not proposed to be removed with the current application. To remove the Historic Preservation Overlay, thereby removing the property from the Local Register, would require approval of a separate Historic Preservation Permit, in accordance with LDC Chapter 2.2 – Development District Changes. Approving the current application would not affect the building's status as a Designated Historic Resource on the Local Register.

If the City Council approves the application, it would be done, presumably, because the proposed changes were found to be compatible with the historic character of the building. To help determine if the building would maintain its Historic Significance and Historic Integrity should the proposed changes be approved, the City Council may refer to the definitions of these terms in LDC Chapter 1.6.

**11) What is the historic significance of the fire escape ladder?**

The fire escape ladder is not an independently listed Designated Historic Resource, but because it is on the theater building, it is subject to Historic Preservation Provisions.

The fire escape ladder has not previously been the subject of a Historic Preservation Permit application. However, in August 1996, while giving a verbal progress report

on an approval to install new doors on the theater building, the Whiteside Theater owner or representative suggested he wanted to remove the fire escape ladder because it did not meet current fire codes and was cost prohibitive to make usable. Members of the Historic Preservation Advisory Board expressed the opinion that the fire escape ladder should remain on the building.

**12) What do the phrases "assure its continued use" and "make possible an efficient contemporary use" mean?**

Please refer to Attachment V.1 – 2 of the Staff Report to City Council.

The term "use" as employed above refers to the ability to make use of a building. It does not refer to a use classification such as commercial use or civic assembly use, and it does not refer to the historic use(s) of a building or site such as an auto repair garage, or church. In short, these sentences mean that historic buildings may be altered to meet changing needs for the building. Examples include:

- Enlargement of basement windows to meet building codes for bedrooms;
- Addition of ADA accessible ramps;
- Additions to homes to accommodate growing families.
- Specific examples include the expansion of the public library, and the 2004 approval to replace a garage door with new inset door entry to convert the A.L. Stevenson Garage building to retail space (The Toy Factory).

These approvals occurred under the previous Historic Preservation Provisions, but the concept of continued and contemporary use is exemplified.

**13) Under LDC Chapter 2.9, does the concept of "adaptive reuse" justify a change to a Designated Historic Resource of the magnitude proposed?**

The term "adaptive reuse" is not defined in the Land Development Code. Land Development Code Chapter 2.9 does not limit the magnitude of changes that may occur. Very significant changes may occur to a Designated Historic Resource as long as those changes are compatible. Land Development Code Chapter 2.9 provides a list of criteria for the decision making body to consider to determine compatibility; one criterion is Scale and Proportion. One example of a large magnitude alteration is the 2005 approval to construct a replica of the original 1899 roof on OSU's Apperson Hall. The original 1899 roof was removed in 1920. A second example is the 2006 approval to construct an addition to a home in the College Hill West Historic District. The addition's footprint was nearly half the size of the existing home's footprint. A third example is the large addition to the public library approved in 1989. For these alterations to have been approved, they had to have been deemed historically compatible.

**14) Should both the architectural style and historic use be considered? Is one more important than the other?**

Staff believes that architectural style is the more important consideration. This perspective is based on two rationale:

- Language in LDC section 2.9.100.04 states “Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions” (meaning use may change); and
- Review criteria reference compatibility with design, style, and appearance, but do not include reference to historic use.

Both the General and the Compatibility Criteria state that compatibility should be relevant to the Period of Significance. The Period of Significance for the Whiteside Theater is not defined in the Statement of Significance. Based on the narrative in the Statement of Significance, staff suggests that the Period of Significance was approximately between 1922, when the theater was constructed, and 1936, the year of the last major fire that required significant renovations. This is also the period between World Wars I and II. Staff suggests that the most notable time of this period is the 1920’s. The 1920’s marked a period of relative wealth that made movie viewing affordable to a broader population. The ornamentation that defines the south façade was original to the 1922 construction, and existing brick and lumber used to construct the building were from Corvallis businesses in existence in the 1920’s. No significant exterior changes occurred until the addition of the 1950’s marquee which replaced the original, constructed in 1922. Additionally, the last sentence of the Statement of Significance indicates that the 1920’s was the most significant period. It states, “A proper restoration with a focus on capturing the spirit of the 1920’s and improving the original design and color scheme could bring new life into the venerable theater building”.

**15) Do economic benefits outweigh historic preservation?**

Generally, Staff believes that Historic Preservation does not compete against economic vitality. If the City Council decides to reverse the HRC’s decision and approve the application, the City Council would be doing so based on findings that the proposal would result in a historically compatible rehabilitation of a Designated Historic Resource.

**16) Should the City Council consider economic feasibility issues when evaluating the proposal?**

The Land Development Code does not have criteria to evaluate the economic feasibility of Alteration or New Construction activities on Designated Historic Resources.

**17) Why did staff recommend that the HRC approve the application, and recommend that the City Council uphold the HRC's decision to deny the application?**

Staffs' recommendation to the City Council to uphold the HRC's decision was based on the appeal issues that asserted that the HRC reached its decision using non-applicable review criteria and by inflating the historic value of the west facade. Staff believes that the HRC used applicable review criteria and properly used its discretion in reaching its decision. The HRC has been designated as the appropriate body to make discretionary decisions regarding Historic Preservation Permit applications. Staff carried forward the HRC's decision to the City Council.

**18) Should the Whiteside Theater application be approved, how would the City explain the apparent difference in approval standards that would allow large changes to the Whiteside Theater building while comparatively minor changes to private homes may be denied? Is LDC 2.9 being inequitably applied?**

The application requirements for all HRC-level Historic Preservation Permit applications for Alteration and New Construction activities are the same, as are applicable review criteria. Staff and the review body (HRC or City Council) independently evaluate each application based on its own merits, and every effort is made to treat each applicant fairly and equitably. Staff believes that its recommendations to the HRC, and the HRC decisions, have impartially applied the Corvallis Historic Preservation Provisions. It should also be noted that staff works closely with applicants so that their final applications are in a form that staff will feel comfortable recommending the HRC approve. Since 2004, the city has decided on 114 Historic Preservation Permit Applications. Of those, 106, or 92% have been approved, and 8 have been denied. This indicates that, though applications are closely evaluated by staff and the HRC, in the end, the applicants' proposals are almost always approved.

Charlie T

# White Paper: Future Oil Supply Uncertainty and Metro

April 18, 2006

prepared by
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METRO

May 9, 2006

**Re: Future Oil Supply Uncertainty white paper**

Dear Colleague:

The rising demand and declining supply of oil will likely have tremendous impacts on land use and transportation planning efforts in the Portland region for decades to come.

This will be an issue of ongoing concern to Metro as we work with the public, businesses and other governments to shape regional transportation planning and growth management policies. Increasing volatility in oil prices could have serious effects on every industry, from health care to agriculture to high technology, and it may impact citizens' commuting options, home heating sources, and other uses of oil as well.

At my request, Metro policy staff developed the attached white paper (also available online at http://www.metro-region.org/article.cfm?ArticleID=18966) which outlines some of the policy challenges and opportunities the region faces if we wish to maintain our quality of life in the face of a more unstable and more expensive supply of oil. The white paper discusses how Metro may respond to future uncertainty in the supply and price of oil. It identifies oil supply uncertainty as a timely risk management issue and establishes a basis for the Metro Council to consider possible policy and program responses.

How we as a region respond through our transportation and land use policies to the growing uncertainty in the supply and cost of oil will have a direct impact on our economy and quality of life for many years to come. It is our hope that governments and organizations in the region will work together to identify and implement the best responses to this significant and complex issue.

Sincerely,

RBM

Rex Burkholder
Metro Councilor, District 5

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# 1 Purpose of this Report

The purpose of this White Paper is to explore how Metro may approach the possibility of future uncertainty in the supply and price of oil. It identifies future oil supply uncertainty as a timely risk management issue, and establishes a basis for the Metro Council to consider possible policy and program responses.

# 2 Emerging Issue

Over the last few years, an increasing number of leaders in business, government and science have warned that the factors of world oil supply and demand are entering a period of fundamental change. **Demand** for oil is projected to increase significantly as the less-developed world continues industrializing. The **supply** of oil, however, does not seem likely to increase commensurably (see Appendix B. Projections of the Peaking of World Oil Production). Major oil companies such as Chevron readily state that much of the most-easily accessible oil has already been produced, making increased oil production dependent on significant changes in production methods and sources. Also, potential civil and political instability in key oil-producing countries detracts from the stability of world oil markets. These changing factors of supply and demand thus raise **concerns about the certainty of our future supply of cheap oil.**

As a political issue in the U.S., **future oil supply uncertainty** is generally approached from either a security angle ("Energy Security") or scarcity angle ("Peak Oil"). The "energy security" view focuses on the risk to U.S. interests posed by external forces, whether unfriendly governments or natural disasters, that may affect the supply and price of oil. The "peak oil" view focuses on a theorized imminent (within the next 30 years) decline of worldwide oil production. The views are not non-complementary, and both agree that **we are entering a period of uncertainty in oil supply and price**

Both views have been supported by established petroleum geologists, as well as by mainstream political figures such as U.S. Senator Richard Lugar (R-IN) and former National Security Advisor Robert McFarlane. Most proponents of these views seek to spur public and private actions to reduce the share of domestic energy consumption met by oil, and prepare systems and infrastructure for an energy future of constrained oil supplies. Although there is some disagreement about the urgency and veracity of all the details of these views, the general issue of future oil supply uncertainty seems sufficiently established to warrant serious consideration by Metro as the body responsible for long-term land use and transportation planning in the Portland metropolitan region.

"Most experts agree that we will reach the peak within 25 to 30 years."

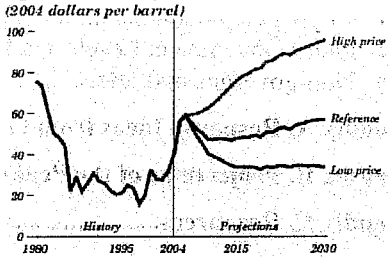
– **Robert McFarlane** (former National Security Advisor) and **James Woolsey** (former Director of the CIA), "America must end its dependence on oil." Financial Times, January 23, 2006.

"The days of inexpensive, convenient, abundant energy resources are quickly drawing to a close."

– **Rep. Roscoe Bartlett (R-MD)** quoting an Army Corps of Engineers report on the House floor, March 14, 2006. http://www.energybulletin.net/13881.html

**Oil Price Cases Show Uncertainty in Prospects for World Oil Markets**

*Figure 29. World oil prices in three cases, 1980-2030 (2004 dollars per barrel)*




World oil price projections in the *AEO2006* reference case, in terms of the average price of imported low-sulfur crude oil to U.S. refiners, are considerably higher than those presented in the *AEO2005* reference case. The higher price path in the reference case does not result from different assumptions about the ultimate size of world oil resources but rather anticipates a lower level of future investment in production capacity in key resource-rich regions and a reassessment of the willingness of OPEC to produce at higher rates than projected in last year's outlook.

The historical record shows substantial variability in world oil prices, and there is arguably even more uncertainty about future prices in the long term.

– **Energy Information Administration**, United States. "Annual Energy Outlook 2006."

# 3 Importance/Urgency

Whether created by political events or constrained production capabilities, uncertainty in future oil supply presents potentially significant challenges to governments at all levels. Oil scarcity *in itself* is not the problem (given enough time, the private sector will create alternatives to current oil-centric technologies) so much as the sheer difficulty of planning for future economic, land use and transportation patterns that may fundamentally change as the worldwide system of conventional oil production and consumption enters a period of fundamental —and potentially erratic— change.

> "One thing is clear: the era of easy oil is over... [M]any of the world's oil and gas fields are maturing. And new energy discoveries are mainly occurring in places where resources are difficult to extract, physically, economically, and even politically.
>
> – From **Chevron's** "Will You Join Us?" advertising campaign, February 2006.

## *3.1 Risk Factors*

Overall risk stems from three clear factors associated with a future period of oil supply uncertainty:

1. **Dependency:** Oil is, in the short-term, an assumed, essential, and non-interchangeable input of our economic system, from the global to the local levels.

2. **Volatility:** Sudden and severe fluctuations in oil prices will likely accompany a tightening of oil supply coincident with an expansion of demand.

3. **Uncertainty:** It has been historically difficult to establish accurate facts and realistic forecasts on oil supply and production for the long term, and will likely continue to be difficult.

### 3.1.1 Systems Dependencies on Oil

The defining risk factor for this issue is the current sheer **dependence of our economic systems on oil.** This has three basic components:

a) **Oil as an <u>assumed</u> system input:**
The economic system of the industrialized world is built on an assumption of relatively stable oil supplies and prices. This is reflected in everything from the physical infrastructure used to transport goods and people (highways, airports, fleets of trucks and ships), to the innumerable relationships and agreements that establish where and how goods are produced, transported and consumed (trans-national companies, international trade agreements, nationwide distribution systems).

b) **Oil as an <u>essential</u> system input:**
Oil is a key raw material in the industrialized world, largely for motor gasoline, but also for jet fuel, home heating oil, industrial fuel oil, and plastics. Of particular concern is the reliance of the modern food system on oil as a fuel for farming and transporting, and a raw material for pesticides and plastics

> "...[E]nergy is the albatross of U.S. national security...[T]here is not a full appreciation of our economic vulnerability..."
>
> – **Sen. Richard G. Lugar (R-IN)**, address to the Brookings Institution, March 13, 2006.
>
> "Oil (and natural gas) are the essential components in the fertilizer on which world agriculture depends; oil makes it possible to transport food to the totally non-self-sufficient megacities of the world. Oil also provides the plastics and chemicals that are the bricks and mortar of contemporary civilization..."
>
> – **Daniel Yergin**, *The Prize: The Epic Quest for Oil, Money, and Power*. 1991.

(packaging for transport and preservation)[1]. Instability in oil supply and price may thus have serious consequences for transportation, electricity production, manufacturing, agriculture, and other sectors of the economy.

c) **Oil as a <u>non-interchangeable</u> system input:** Although alternatives to oil do exist for many of its key applications, whether as a fuel (biofuels, fuel cells, wind-generated electricity) or as a raw material (cellulosic plastics, biopesticides), they are generally marginal to oil as the dominant resource for these uses. Even the European Union, which is far more dependent on imported oil than the U.S., has only been able to set a modest goal of increasing the biofuel share of all transport fuels to 5.75% by 2010.[2]

> **CNN.com.**
>
> CNN Presents Classroom:
> **We Were Warned: Tomorrow's Oil Crisis**
> *(CNN Student News) – Set your VCR to record the CNN Presents Classroom Edition: We Were Warned: Tomorrow's Oil Crisis when it airs commercial-free on Monday, April 3, 2006, from approximately 4:10 - 5:00 a.m. ET on CNN.*
>
> It is September 2009. A Category 5 hurricane roars through Houston, destroying oil refineries, drilling platforms and pipelines--the complex system that provides a quarter of our nation's daily fuel supply. Three days later, terrorists attack two key oil installations in Saudi Arabia, the world's largest supplier. In the days and weeks that follow, gasoline prices hit record highs, food prices soar as trucks cannot afford to make deliveries, and Americans begin to realize that their very way of life is in peril.
>
> In *We Were Warned: Tomorrow's Oil Crisis*, CNN's Frank Sesno explores the potential ripple effects of this frightening scenario. The events depicted are hypothetical, but oil experts believe the scenario is entirely plausible. His interviews with energy experts reveal that we are nearing the point at which the world, led by the U.S. and China, will begin to consume more oil than can be pumped from the ground and the oceans. Tracking the global race to find new pools of oil, Sesno also considers the viability of alternative fuels, such as

The ready and cheap supply of oil is currently as presupposed and essential to our economy as the supply of potable water is to our communities. This factor alone makes any reasonable threat to the steady supply of oil cause for concern.

### 3.1.2 Supply and Price Volatility

The second key risk factor for this issue is the **increasing potential for sudden and severe fluctuations in oil prices** that will likely accompany a tightening of oil supply coincident with an expansion of demand. A February 2005 report for the U.S. Department of Energy (known as the "Hirsch Report" after the primary author) on the peaking of world oil production noted,

> "...a shortfall of oil supplies caused by world conventional oil production peaking **will sharply increase oil prices and oil price volatility**. As oil peaking is approached, relatively minor events will likely have more pronounced impacts on oil prices and futures markets."[3] (emphasis added)

> "More and more oil will come from fewer and fewer countries, primarily the Middle East members of OPEC...
>
> "...[T]here are enormous uncertainties surrounding Russia's energy future."
>
> – International Energy Agency. "IEA Director Releases World Energy Outlook, Says Current Energy Trends 'Call for Urgent and Decisive Policy Responses'." October 16, 2004.

As demonstrated by the 1970s oil crises, as well as recent events such as Hurricane Katrina or the March 2006 temporary shutdown of Nigerian production, even relatively small changes in oil production rates can have clear effects on oil prices in the U.S. Moreover, such price volatility may be expected to worsen given that roughly half of conventional oil production worldwide currently takes place in countries that potentially are either unstable or have competing geopolitical interests to the U.S.; Saudi Arabia, Russia, China, Iran and Venezuela alone account for nearly 35% of world production.

> **Bloomberg**
>
> **Oil Rises Above $70 a Barrel in New York on Iran Supply Concern**
>
> April 17 (Bloomberg) — Crude oil rose above $70 a barrel in New York for the first time since Hurricane Katrina on concern the dispute over Iran's nuclear program may disrupt shipments.
>
> "The Iranian situation is getting no better and any combination of events could lead to a conflagration," said Michael Fitzpatrick, vice president of energy risk management at Fimat USA Inc. in New York. "China's GDP is growing at over 10 percent so demand for oil will stay strong."

---

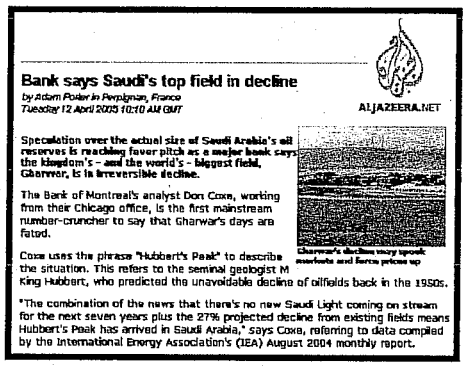
[1] It is a common misconception that fertilizers are oil-based and would similarly be affected by constrained oil supplies. Most fertilizers are in fact produced from natural gas-derived ammonia.

[2] Directive 2003/30/EC of the European Union, May 8, 2003, "on the promotion of the use of biofuels or other renewable fuels for transport."

[3] Hirsch, Robert. et al. "Peaking of World Oil Production: Impacts, Mitigation, & Risk Management." Report for the U.S. Department of Energy, February 2005. Page 30.

### 3.1.3 Inherent Difficulties in Forecasting

A third key risk factor with this issue is the **difficulty of establishing facts and realistic forecasts on oil supply and production**. The complex system of oil production and consumption is perhaps the most essential factor defining the current geopolitical system. Reliable and accurate data on oil reserves are typically corporate or state secrets; it may not be in the immediate interest of oil suppliers and producers to acknowledge the diminishing of their source of economic and political power, particularly as many such states are potentially unstable or have competing geopolitical interests with regard to the U.S. Without reliable data, however, planners and policymakers will have difficulty forecasting just how oil supplies and prices will change in the future.



**Bank says Saudi's top field in decline**

*by Adam Poder in Perpignan, France*
*Tuesday 12 April 2005 10:10 AM GMT*

ALJAZEERA.NET

**Speculation over the actual size of Saudi Arabia's oil reserves is reaching fever pitch as a major bank says the kingdom's - and the world's - biggest field, Ghawar, is in irreversible decline.**

The Bank of Montreal's analyst Don Coxe, working from their Chicago office, is the first mainstream number-cruncher to say that Ghawar's days are fated.

Coxe uses the phrase "Hubbert's Peak" to describe the situation. This refers to the seminal geologist M King Hubbert, who predicted the unavoidable decline of oilfields back in the 1950s.

"The combination of the news that there's no new Saudi Light coming on stream for the next seven years plus the 27% projected decline from existing fields means Hubbert's Peak has arrived in Saudi Arabia," says Coxe, referring to data compiled by the International Energy Association's (IEA) August 2004 monthly report.

### 3.1.4 Mitigating Factors

In addition to the risk factors above, various mitigating factors should also be considered for this issue.

1. **Oil Production System Resilience:**
   As a multi-trillion dollar undertaking, the oil industry clearly has the resources to protect its interests. Technological advances have, in the past, increased oil output beyond initial projections, and have enabled previously inaccessible oil deposits to be produced. As easily-accessed "light sweet" crude oil reserves dwindle, alternative oil sources such as deepwater oil, polar oil and tar sands have already become more financially feasible to exploit.

2. **Economic System Resilience:**
   The world capitalist system is notable for its ability to respond to economic shifts and adopt new technologies without major government intervention.[4] Given enough time, the current economic system can reasonably be expected to respond to shifts in supply and demand with alternative energy and material sources, new technologies, new planning assumptions, and new behaviors. Governments can also be expected to undertake significant mitigating actions if the economic system is clearly threatened.

3. **Existing Alternatives to Oil:**
   Alternatives to oil as both an energy source and production material have existed for years and continue to develop. The economic attractiveness of "renewable" energy sources, cellulosic plastics and other non-oil materials can be expected to increase as oil supplies tighten.

A key characteristic of these mitigating factors is that they are all simply price-driven. They will contribute to future outcomes in ways that may be different than long-range planning efforts that comprehensively consider economic, environmental and social equity goals.

[4] To be sure, the world capitalist system also has proven its potential to encourage risky and potentially disastrous investment behavior, as evidenced by the Asian financial crisis of the 1990s.

## 3.2 Need for a Response

As a **risk management issue**, oil supply uncertainty can be summarized as such:

*We increasingly face the potential for economic crisis brought about by uncertainty in our supply of oil, but we are unable to accurately predict in what way that supply may be threatened, and how severe that threat may be.*

*Although the resilience of the world economic system in general –and the oil production system in particular– may sufficiently mitigate a crisis with ample time, these systems may not be able to respond in desirable ways to sudden and severe periods of instability.*

The February 2005 Hirsch Report called attention to the potential for economic hardship that may result from oil scarcity, and highlighted a need for aggressive, early, government-initiated mitigation actions addressing both supply and demand (see sidebox). Elected officials, scientists and others have also called for a range of actions at all levels of government, from local initiatives to encourage use of non-oil energy sources to federal proposals to expand international cooperation on energy issues.

Risk management for this issue will necessarily take different forms at different levels of government. With its mix of regional responsibilities (particularly for long-range planning and inter-jurisdiction coordination) Metro faces both unique challenges and unique opportunities for addressing the risks that oil supply uncertainty pose for the Portland metropolitan area.

> "Peaking will result in dramatically higher oil prices, which will cause **protracted economic hardship** in the United States and the world...
>
> "Mitigation will require a **minimum of a decade** of intense, expensive effort...
>
> "**Intervention by governments will be required**, because the economic and social implications of oil peaking would otherwise be chaotic."
>
> – Hirsch, Robert. et al. "Peaking of World Oil Production: Impacts, Mitigation, & Risk Management". Report for the U.S. Department of Energy, February 2005. (emphasis added)

# 4 Oil Supply Uncertainty and Metro

## 4.1 Defining the Issue

Oil supply uncertainty poses a risk management problem for Metro in the discharging of its Charter responsibilities and the execution of its internal operations. Metro Council and staff will need to consider the potential short-term and long-term ramifications of this problem, and determine the degree and manner in which to respond to it.

The following table is an initial step to broadly defining what oil supply uncertainty may mean for Metro It lists Metro's Charter responsibilities together with example long-term and short-term issues that might be considered in oil supply uncertainty planning scenarios.

**Table 1. Metro Charter Responsibilities, and Considerations for Oil Supply Uncertainty**

| Charter Responsibility | Long-term Considerations | Short-term Considerations |
|---|---|---|
| **land-use and transportation planning** (primary responsibility) | ▪ dominant transportation modes<br>▪ dominant land use and transportation patterns<br>▪ local, regional and national economic patterns | ▪ planning assumptions |
| **solid waste disposal system** | ▪ kinds and quantities of disposed materials | ▪ fuel for vehicles (contract negotiations with haulers) |
| **enterprise operations** (Zoo, OCC, PCPA, Expo) | ▪ OCC dependence on national travel trends | ▪ stable energy supplies for facilities |
| **parks and open spaces** | ▪ land prices as affected by transportation patterns and modal split | ▪ fuel for vehicles |
| **planning and response coordination for natural disasters** | ▪ emergency response planning (i.e., for a protracted energy shortage?) | ▪ emergency response planning (i.e., for a sudden energy shortage?) |
| **development and marketing of data** | ▪ scenario forecasting | ▪ scenario forecasting |

## *4.2 Approaching the Issue*

Metro officials and staff will need to determine the extent to which oil supply uncertainty should be considered in the agency's activities and plans. There are two key steps to approaching the issue:

1. **Characterizing the risks Metro faces.**
2. **Identifying the Metro activities that may be most vulnerable to impacts.**

### 4.2.1 Characterizing the Risks

Oil supply uncertainty will most clearly impact the price of oil; thus the **key risk** of this issue is potential **instability in the price of oil**. The specific risks inherent in oil price instability can be operationalized in oil price scenarios that consider relative *magnitude*, *rapidity* and *duration* of price instability episodes. For example, an "Energy Security" scenario of an unexpected political or military event temporarily affecting oil production may be characterized by a short-term but immediate and significant oil price shock. Alternatively, a "Peak Oil" scenario of gradually diminishing production may be characterized by long-term increasing price fluctuations, increasing average price, and eventual broad availability of oil substitutes.

Different oil price scenarios will have different ramifications for issues of concern to Metro planning and operations, from the energy needs for running day-to-day operations to the long-term assumptions of land use and transportation patterns.

**Contextual risks** may not necessarily be specific to Metro or to any given scenario, but should be considered when addressing Metro vulnerabilities. Identification of such relevant contextual risks is beyond the scope of this paper, but some examples include:

- **insufficient government reaction:** ex., future lack of federal leadership in fuel alternatives may make it difficult for new fuels or technologies to be implemented.

- **excessive government reaction**, aka the "Betamax Scenario": ex., future aggressive federal leadership in fuel alternatives may favor a sub-par solution.
- **inter-regional impact:** ex., oil price instability may be significantly greater (or lesser) in metro Portland than in other regions, changing regional competitiveness in the global market.
- **extra-regional impacts**: ex., oil price instability elsewhere may impact global supply chains and markets in ways that significantly affect the metro Portland economy.
- **insufficient public understanding / awareness:** ex., Metro or other government responses that depart from the status quo may be opposed if they are not satisfactorily justified to the public.

### 4.2.2 Identifying Vulnerable Activities

Vulnerability in relation to oil supply uncertainty can likely be identified for all of Metro's responsibilities. For example, long-term changes in oil prices may result in land use and transportation patterns in 2016 that are significantly different from the patterns we plan for (and invest in) in 2006. Alternatively, severe oil price instability over more than six months may discourage travel, and cut into Oregon Convention Center revenues. Such possibilities are too broad to usefully addressed, however; vulnerabilities are better identified at the level of specific Metro activities.

A vulnerability assessment would help determine which of Metro's activities within its specific Charter responsibilities may be most significantly impacted by oil supply (and price) instability. This could take into consideration factors such as the importance of the activity to the region and the dependence (or assumption) of the activity on oil supply *stability*. For example, Metro's primary responsibilities of land use and transportation planning are broken down, below, into the following aspects, each of which may relate to oil supply uncertainty in a different manner. At this level of detail, specific responses can be proposed for specific risks (see 4.3.2 below).

- **Land Use**
  - "New Look" at regional choices
  - 2040 Growth Concept
  - Urban growth boundary
  - Guides and Plans for Building Livable Communities
  - New area planning
  - Affordable housing

- **Transportation**
  - Transportation system planning: Regional Transportation Plan (RTP)
  - Transportation investment priorities: MTIP, TPP
  - Transportation research and modeling services
  - Transit-oriented development implementation
  - Transportation demand management

A final vulnerability "ranking" would likely include a mix of prioritized activities from different Charter responsibilities. For example, an informal discussion with Planning staff identified these four Metro activities as possibly the most sensitive to impacts from oil supply uncertainty.

- Transportation system planning (RTP process)
- Transportation investment prioritization (MTIP process)
- Growth management strategy and UGB expansion process
- Solid waste and recycling programs and hauling contracts

## *4.3 Addressing the Issue*

### 4.3.1 Previous Actions

The Portland metropolitan region is already better suited than most major metropolitan areas in the U.S. to manage possible scenarios of oil supply constraint. Decades of foresighted land use and transportation planning have (compared to other major metro areas) reduced mean travel distances and enabled greater use of public transit, bicycling and walking as viable transportation modes. The pursuit of these **mobility** and **choice** goals has already helped reduce the growth rate of vehicle miles traveled in the region, and increase the share of transportation modes that are less susceptible to oil supply instability than private automobiles.

### 4.3.2 Directions for Further Action

A good policy starting point for applying this broad issue to Metro's responsibilities is the existing 2040 Growth Concept. The Concept's goals of encouraging the development of "centers" and "corridors," and discouraging suburban sprawl, will help reinforce the existing favorable conditions for mobility and transportation choice throughout the region. The current "New Look" revision of the 2040 Growth Concept, and the periodic updates of the Regional Transportation Plan (RTP), are opportunities to build on these goals in ways that more specifically consider the potential ramifications of oil supply uncertainty.

Prioritizing these existing opportunities, here are four areas in which further action may be considered:

1. **As part of the "New Look" study and evaluation process:**
   - Review the past 30 years of planning to produce an assessment of how well or how poorly the region has dealt with energy supply and prices since the first and second energy crises.
   - Conduct a full MetroScope evaluation of the land use and transportation impacts of different oil cost increase scenarios (at both the consumer and produce levels) over a 15- to 30-year period.
   - Develop a set of recommendations identifying what the State, Metro and local governments may change to better meet the challenge of oil supply uncertainty, and recognizing existing conditions and practices that should be emulated.
2. **As part of the RTP update:**
   - Review the existing RTP to determine the adequacy of how it addresses the potential for oil supply uncertainty; consider alternative projects, or processes for envisioning, configuring and developing alternative projects.
   - Develop or consider a set of criteria that Metro and other transportation entities could use as indicators that the world oil supply situation has developed such that price and behavior assumptions need to be changed.
   - Develop a set of procedures and policies that would minimize the risk associated with oil supply uncertainty in selecting and developing RTP projects.
3. **Consider the oil supply uncertainty issue specifically within these existing activities:**
   - "Ag/Urban Study"
   - Solid Waste and Recycling: hauling contracts, recycling markets, etc.
   - Enterprise operations (Zoo, OCC, etc.)
4. **Use these existing forums as resources for review and response on strategies:**
   - Economic Advisory Board

- Joint Policy Action Committee on Transportation (JPACT), Transportation Policy Alternatives Committee (TPAC)
- Metro Policy Advisory Committee (MPAC), Metro Technical Advisory Committee (MTAC)
- Solid Waste Advisory Committee (SWAC)

### 4.3.3 Other considerations

The following additional considerations are beyond the scope of this paper to fully develop but worth mention:

- A significant (i.e., protracted) impact on the economy will likely change the population/employment forecasts which drive Metro land use and transportation planning. Approached another way, it may be useful to identify a "tipping point" (i.e., a particular gasoline price) that signals a change to a new set of assumptions about projected land use and transportation patterns.
- It may be prudent to monitor certain key systems in the region that are vulnerable to impacts of oil supply, regardless of their immediate applicability to Metro concerns. These may include agriculture and food supply, public transportation (TriMet), electricity and heating oil, and other systems.
- Too much action can be as problematic as too little action. For example, if Metro is too aggressive in either densifying centers or expanding the UGB, our risk increases.
- At a threshold level, what sort of risks is Metro willing to take? Are there strategies Metro can pursue that are adaptable, correctable and/or reversible? Remember the lesson of the WPPSS (Washington Public Power Supply System) nuclear power plant projects of the 1970s and 80s: it's hard to stop a big public investment once it's started.
- How should the equity issue (i.e., the economic impact of marginal increases in fuel price will be regressive) best be approached?
- Key tracks for this issue: education, change in demand patterns, and structural questions.
- Key concepts for planning: conservation, efficiency, redundancy, framing.

# 5 Other Governments' Responses

## 5.1 City Governments

As of March 2006, non-federal government reaction to oil supply uncertainty appears to be limited to a handful of jurisdictions, but interest does seem to be growing quickly. Denver Mayor John Hickenlooper is the most prominent non-federal official to explicitly connect local government policies to the issue. Oakland has a significant Sustainability Initiative, although it is not explicitly working with the oil supply uncertainty issue. On April 11, 2006, San Francisco became the largest U.S. city to pass a resolution regarding oil uncertainty.

In Portland, Commissioner Dan Saltzman is currently working with a citizen group (Portland Peak Oil) to bring a resolution to City Council in May calling for a "Peak Oil" task force. This task force will make recommendations to City Council on actions to "...mitigate the impacts of declining energy supplies in areas including, but not limited to: water, food security, essential transportation, essential health care, non-grid dependent communications, land use planning, and business and home energy use." The City's Office of Sustainable Development (headed by Commissioner Saltzman) continues to be a national leader in pursuing a wide range of tangible sustainability projects. These have most recently included a "green building" program to promote environmentally-conscious construction practices, the "Diggable City" project to

promote local agriculture, and negotiations to provide 100% of the City government's electricity needs from renewable energy sources.

The towns of Sebastopol (pop. 7,685) and Willits (pop. 5,609) in Northern California seem to have the most ambitious jurisdictional efforts to date related explicitly to oil uncertainty. In Willits, a comprehensive "localization" plan is being developed for the City by a grassroots group (WELL: "Willits Economic LocaLization"); the City supports the effort, but does not seem to have taken any official or formal steps towards policy formulation. In Sebastopol, the City Council is sponsoring an ad hoc "Energy Vulnerability Citizens' Committee" to develop contingency plans for providing primary (public safety; water) and secondary (transportation; schools) municipal services in various energy-constrained scenarios. Less comprehensive that Willits' community approach, it is government-driven and seems intended to lead to clear policy decisions.

City-oriented conferences and summits on Peak Oil and Energy Security have also begun taking place. Denver hosted a World Oil Forum in November 2005, likely the largest such conference of its kind to date. Leaders from Sebastopol and elsewhere are organizing an "Energy Vulnerability" summit (http://www.ecoleader.org/) in May 2006 for elected officials, managers and department heads from the five-county area north of San Francisco; the summit will be followed up by a larger conference in September for business leaders and community groups. In Portland, representatives from the City and Metro are collaborating with a non-profit organization, Illahee, and other organizations to host a regional symposium (http://illahee.org/symposium) in June for business and political leaders to learn about and discuss energy and water issues in Oregon.

The following table lists notable local governmental actions to date regarding oil supply uncertainty:

**Table 2. Notable Local Government Actions Regarding Oil Supply Uncertainty (U.S. and Canada)**

| Jurisdiction (2004 pop.) | State | Contact | Actions |
|---|---|---|---|
| **San Francisco**<br>744,230 | CA | Aaron Preskin<br>President, Bd. of Supervisors<br>415-554-7450 | ▪ Resolution acknowledging the challenge of "Peak Oil" and the need for a plan of response and preparation (see Appendix). |
| **Denver**<br>556,835 | CO | Beth Conover<br>Mayor's Sustainable Development Initiative<br>720-865-9000 | ▪ Mayor hosted World Oil Forum last year.<br>▪ Press conferences on Peak Oil.<br>▪ Efficiency measures in City infrastructure, fleet.<br>▪ Study of material dependencies on oil. |
| **Portland**<br>533,492 | OR | Brendan Finn<br>Chief of Staff, Cmmr. Dan Saltzman<br>503-823-4151 | ▪ Considering Council resolution to establish Peak Oil Task Force.<br>▪ City Office of Sustainable Development pursuing various projects related to energy security, food security and other issues. |
| **Oakland**<br>397,976 | CA | Carol Misseldine<br>Mayor's Sustainability Pgm.<br>510-238-6808 | ▪ Project to supply 50% of food from within 50 miles by 2015. |
| **Burnaby**<br>197,292 | BC | | ▪ Staff report completed Jan. 4, 2006, "Global Peak in Oil Production: The Municipal Context". (see Appendix) |
| **Humboldt County**<br>128,529 | CA | | ▪ Humboldt County General Plan 2025, Energy Element Background Technical Report. (http://www.redwoodenergy.org) |
| **Sebastopol**<br>7,685 | CA | Larry Robinson<br>City Councilor<br>707-823-1708 | ▪ Town Hall meeting in fall 2005, resulting in an ad hoc "Energy Vulnerability" Citizen's Committee to develop Contingency Plans for municipal services. |
| **Willits**<br>5,098 | CA | Alan Falleri<br>Community Development | ▪ Declaration supporting "sustainable localization" in a community energy audit and recommendations made by a local citizen group. (http://www.willitseconomiclocalization.org/Papers/Papers.htm) |

## 5.2 Other Government Levels and Countries

At the federal level, Rep. Roscoe Bartlett (R-MD) and Rep. Tom Udall (D-NM) founded the Congressional Peak Oil Caucus in October 2005. Both have addressed the House of Representatives numerous times on energy issues related to the peak oil theory, most recently on March 14, 2006 when Rep. Bartlett presented a previously unreleased Army Corps of Engineers report on Army challenges in meeting its energy needs.

Internationally, government awareness of and action on oil supply uncertainty is, predictably, highest in European countries and Australia. These range from local efforts, such as the Kinsale, Ireland (pop. 2,257) "Energy Descent Action Plan," to the recent declaration by the Swedish government that that country will be completely independent of oil by 2020. In between are studies, plans and projects, examples of which can be found in Appendix A. Elsewhere, Brazil's aggressive development of ethanol has led to that fuel accounting for 40% of all of that country's vehicle fuel, and Cuba has received acclaim for sustainably "localizing" most of its food and energy production following the virtual disappearance of its oil imports following the collapse of the Soviet Union.

## 5.3 Non-governmental efforts

Much of the political interest in this issue is still being driven by private citizens, whether as grassroots activists, independent researchers, or authors and lecturers.

> "Understanding depletion is simple. Think of an Irish pub. The glass starts full and ends empty. There are only so many more drinks to closing time. It's the same with oil. We have to find the bar before we can drink what's in it."
>
> – Colin J. Campbell, Ph.D., retired petroleum geologist, founder of ASPO.

- The Association for the Study of Peak Oil (ASPO), conducts research and distributes a widely-read newsletter by founder and retired petroleum geologist Colin J. Campbell. ASPO is based in Europe and has chapters in at least eight western countries. The US chapter of ASPO co-sponsored the Denver World Oil Forum in November 2005. http://www.peakoil.net/
- The Post-Carbon Institute, based in Vancouver, British Columbia, hosts a network of over 75 such grassroots groups, mostly in the U.S. and Canada. This includes groups such as Portland Peak Oil, WELL (in Willits, CA), and East Bay Peak Oil (Oakland, CA). http://postcarbon.org
- A growing number of news websites, weblogs, and other special interest websites focus on various aspects of this issue. Among some of the more popular and useful are:
  - http://en.wikipedia.org/wiki/Peak_oil
    A good, relatively balanced issue starting point for overview information and links.
  - http://www.energybulletin.net/, http://www.peakoil.com
    News and messageboard sites.
  - ASPO's and Post-Carbon Institute's sites, listed above.

At the national level of advocacy, the Apollo Alliance (http://www.apolloalliance.org/) is a labor-backed non-profit seeking to build a "broad-based constituency in support of a sustainable and clean energy economy that will create millions of good jobs for the nation, reduce our dependence on foreign oil, and create cleaner and healthier communities." At the state level, Oregon Apollo (http://www.onwardoregon.org) is a progressive non-profit pushing a ballot measure[5] to "spur the growth of Oregon's biofuels industry and build the state's clean energy braintrust through the creation of Centers of Excellence across the state."

[5] Chief petitioners for the measure are former Governor John Kitzhaber (D) and State Senator Ben Westlund (I-Bend).

Upcoming conferences include:

- "Local Solutions to the Energy Dilemma," April 27-29, 2006 in New York City. Sponsored by Peak Oil NYC & Local Energy Solutions, LLC. http://www.energysolutionsconference.org/
- "Sustainable Energy Forum 2006: Peak Oil and the Environment", May 7-9, 2006 in Washington, DC. Sponsored by the University of Maryland. http://www.beyondpeak.org
- "Energy Vulnerability: Can Local Public Policy Support a Competitive and Sustainable Economy in the Face of Rising Energy Costs?" May 19, 2006 in Petaluma, CA. A summit of elected and appointed officials from the five counties north of the San Francisco Bay Area. Sponsored by the Leadership Institute For Ecology and the Economy; http://www.ecoleader.org/.
- Fifth International Conference of the Association for the Study of Peak Oil and Gas (ASPO), July 18-19, 2006 in San Rossore (Pisa), Italy. http://www.peakoil.net/ASPO_2006.html

# Appendix A. Response Ideas from Other Sources

1. **International Energy Agency (IEA)**
   *International Energy Agency. 2005. "Saving Oil in a Hurry: Measures for Rapid Demand Restraint in Transport." page xiv.*

2. **Western Australia**
   *Robinson, B. June 2002. "Global Oil Vulnerability and the Australian Situation: A background paper for WA State Sustainability Strategy." Government of Western Australia.*

3. **San Francisco, California**
   *Board of Supervisors, City of San Francisco. 2006. "Resolution acknowledging the challenge of Peak Oil and the need for San Francisco to prepare a plan of response and preparation." (Adopted April 11, 2006.)*

4. **Burnaby, British Columbia**
   *City of Burnaby, City Council Transportation Committee. 2006. "Global Peak in Oil Production: The Municipal Context."*

**Table E-2: Summary of direct cost-effectiveness of various policies**

| Direct Cost Effectiveness Range | Measure | Other Potential Impacts | Oil Savings (from Table E-1) |
|---|---|---|---|
| **VERY INEXPENSIVE** Less than $1 per barrel saved. | **Carpooling:** large programme to designate emergency carpool lanes along all motorways, designate park-and-ride lots, inform public and match riders | | Very Large |
| | **Driving ban:** odd/even licence plate scheme. Provide police enforcement, appropriate information and signage | Possibly high societal costs from restricted travel | Very Large |
| | **Telecommuting:** large programme, including active participation of businesses, public information on benefits of telecommuting, minor investments in needed infrastructure to facilitate | | Large |
| | **Compressed work week:** programme with employer participation and public information campaign | | Large |
| | **Tyre pressure:** large public information programme | Likely safety benefits | Moderate |
| | **Carpooling:** small programme to inform public, match riders | | Moderate |
| **INEXPENSIVE** Less than $10 per barrel saved | **Speed limits:** reduce highway speed limits to 90km/hr. Provide police enforcement or speed cameras, appropriate information and signage | Safety benefits but time costs | Very Large |
| | **Driving ban:** 1 in 10 days based on licence plate, with police enforcement and signage | Possibly high societal costs from restricted travel | Large |
| **MODERATE COST** Less than $50 per barrel saved | **Bus priority:** convert all existing carpool and bus lanes to 24-hour bus priority usage and convert other lanes to bus-only lanes | | Small |
| **EXPENSIVE** More than $100 per bbl saved* | **Telecommuting:** Large programme with purchase of computers for 50% of participants | | Large |
| | **Transit:** free public transit (set fares to zero); 50% fare reduction similar cost | | Moderate |
| | **Transit:** increase weekend and off-peak transit service and increase peak service frequency by 10% | | Moderate |

* Note: none of the listed policies are estimated to cost between $50 and $100 per barrel saved.

## Recommendations

1. Formation of a broad-based Oil Vulnerability Task Force is recommended to evaluate and communicate details of WA's oil vulnerability, both direct and indirect, and to develop appropriate responses. It will need to catalyse and coordinate industry, government and community approaches to the looming issue of future oil supply uncertainty.

2. Proven cost-effective measures to reduce Perth's automobile dependence should be enhanced or implemented.

(a) The Perth Bicycle Network should be completed and upgraded as a matter of urgency and bicycle networks developed for regional centres.

(b) TravelSmart programs should be implemented to cover the entire Metropolitan area and extended to regional centres.

(c) A skilled and cohesive bicycle transport planning and engineering group should be formed within the Planning and Infrastructure portfolio to promote, plan and coordinate the provision of bicycle facilities in urban areas and to ensure that all new roads and developments and all road modifications in urban areas always make provision for safe and convenient bicycle transport

A 20% reduction in Perth's petrol use can be realistically and rapidly achieved by the combination of TravelSmart programs, the completion of the bicycle network and the provision of Safe Routes to Schools for students to ride bicycles to school or walk

(d) Funding for the provision of any major additional urban roads should be reviewed in the light of the probable decrease in future automobile travel demand as a result of oil vulnerability and of the success of TravelSmart and the provision of non-automobile travel alternatives like better facilities for cycling, walking and public transport.

(e) State motor-vehicle charges such as stamp duty, registration and third-party insurance should be progressively modified in a revenue-neutral or revenue-positive manner to give substantial encouragement to the purchase of small fuel-efficient motor vehicles. A Federal-State initiative for a change from a vehicle-ownership basis for road user charges to a vehicle-use basis would reduce the current subsidies from those people who use their motor vehicles only a little towards those who use them more than average.

WHEREAS, The Department of Energy-sponsored study[ii] on mitigation of Peak Oil demonstrated that a twenty-year lead time is required for effective mitigation, while current measures supported by the federal government will replace only three-weeks worth of gasoline consumption by 2012[iii]; and,

WHEREAS, Alternative sources of transport fuels from coal and natural gas both require high energy inputs and increase total carbon emissions, and biomass-based fuels compete with soil fertility, impacting agricultural sustainability[iv]; and,

WHEREAS, Substitution of petroleum with other fossil fuels threatens even greater damage to water, air, soil, and species diversity through their extraction and combustion; and,

WHEREAS, North American production of natural gas has already peaked, and 46% of California's electricity supply is generated from natural gas; and

WHEREAS, San Francisco has demonstrated leadership in confronting challenges of environmental quality and energy security, promoting environmental and economic equity, and has a rich diversity of citizens committed to maintaining San Francisco's long-term viability; now, therefore, be it

RESOLVED, That the Board of Supervisors of the City and County of San Francisco acknowledges the unprecedented challenges of Peak Oil; and, be it

FURTHER RESOLVED, That the Board of Supervisors supports the adoption of a global Oil Depletion Protocol to provide transparency in oil markets, control price swings, address issues of equity in access to remaining oil resources, and provide a framework of predictability within which municipal governments can adjust to increasing oil scarcity; and, be it

FURTHER RESOLVED, That the Board of Supervisors supports the undertaking of a city-wide assessment study in order to inventory city activities and their corollary resource requirements, evaluating the impact in each area of a decline in petroleum availability and of

## 4. Burnaby, British Columbia

**Table: Possible Municipal Ideas as a Government**

| Strategy | Transportation | Heating | Other |
|---|---|---|---|
| **New Energy Sources** | | Incentives to use sustainable energy sources in new buildings | |
| **Efficiency** | Preferred parking for hybrid vehicles and/or hybrid access to High Occupancy Vehicle lanes | Explicit discussion of energy in re-zoning reports | Greater role (in partnership with energy suppliers) in promoting energy efficiency programs |
| | | Incentives (e.g., density bonuses, fast-track approvals) for buildings certified by Leadership in Energy and Environmental Design (LEED) | Use municipal publications for messages on consumption patterns and fuel-efficient habits |
| **Consumption Patterns** | Allow higher development densities in transit-oriented locations | Promote more temporal and spatial variation of interior temperatures in buildings | Engage other levels of government in a dialogue on coordinated responses to peak oil |
| | Improve quality and extent of pedestrian networks | | Protect existing agricultural lands and encourage urban agriculture (e.g., in residential or commercial areas) |
| | Improve quality and extent of cycling networks | | Support appropriate actions by outside agencies (e.g., protection of agricultural lands, more transit passes, implementation of pay-as-you-drive insurance) |
| | Enhance quality of bus stops (amenities) | | Develop a plan for additional measures that may be needed post-peak |
| | Reduce investment in road capacity increases | | |
| | Increase implementation of priority measures for select modes (transit, High-Occupancy Vehicles, trucks) | | |
| | Consider Trip Reduction Plans for larger new developments | | |
| | Work to bring amenities closer to where people live | | |
| | Consider revising parking standards for commercial and multi-family residential developments | | |
| | Evaluate energy impacts of various strategies (e.g., reducing the speed limit on Local Residential roads to 40 km/hr, converting traffic signals to roundabouts where feasible) | | |
| | Increased use of parking meters | | |

Municipalities are also major employers, land owners, developers, and oil consumers. In these capacities, municipalities can lead by example, exhibiting best practices for other corporations. In the process, the market for more sustainable products is stimulated. Municipalities can also expect a direct financial benefit from operating more efficiently.

The City of Burnaby has done this in the past, for example through the building retrofits of the EnergyFit program, or by installing end-of-trip facilities for cyclists. Table A.2 presents a sample of the possibilities that are available to municipalities as corporate citizens.

**Table: Possible Municipal Ideas as a Corporate Citizen**

| Strategy | Transportation | Heating | Other |
|---|---|---|---|
| New Energy Sources | | New municipal buildings to consider on-site energy sources | Purchase renewable energy from BC Hydro or other sources |
| Efficiency | Purchase vehicles with exemplary fuel efficiency whenever possible (e.g., light-weight, hybrid, electric) | New municipal buildings to incorporate LEED principles | |
| | Research energy-saving retrofits to existing vehicles | | |
| Consumption Patterns | Consider pay parking at municipal facilities and/or provide free transit passes to employees and reclaim the freed-up parking space | Explore conversion of existing building to alternative energy sources | Identify those major product purchases (e.g., asphalt) that are most strongly linked to oil prices |
| | Identify any positions for which telecommuting may be possible at certain times | Allow more temporal and spatial variation of interior temperatures in municipal buildings | Include energy considerations in purchasing decisions (e.g., buying more locally-produced items) |
| | Retrofit bicycle end-of-trip facilities into more municipal buildings | | Review fiscal policies and financial projections (revenues and major expenses) to assess the possible impact of peak oil |

# Appendix B. Projections of the Peaking of World Oil Production

*Hirsch, Robert. et al. "Peaking of World Oil Production: Impacts, Mitigation, & Risk Management". Report for the U.S. Department of Energy, February 2005. Page 19.:*

| Projected Date | Source of Projection | Background & Reference |
|---|---|---|
| 2006-2007 | Bakhitari, A.M.S. | Iranian Oil Executive [1] |
| 2007-2009 | Simmons, M.R. | Investment banker [2] |
| After 2007 | Skrebowski, C. | Petroleum journal Editor [3] |
| Before 2009 | Deffeyes, K.S. | Oil company geologist (ret.) [4] |
| Before 2010 | Goodstein, D. | Vice Provost, Cal Tech [5] |
| Around 2010 | Campbell, C.J. | Oil company geologist (ret.) [6] |
| After 2010 | World Energy Council | World Non-Government Org [7] |
| 2010-2020 | Laherrere, J. | Oil company geologist (ret.) [8] |
| 2016 | EIA nominal case | DOE analysis/ information [9] |
| After 2020 | CERA | Energy consultants [10] |
| 2025 or later | Shell | Major oil company [11] |
| No visible peak | Lynch, M.C. | Energy economist [12] |

[1]Bakhtiari, A.M.S. "World Oil Production Capacity Model Suggests Output Peak by 2006-07." *OGJ*. April 26, 2004.

[2]Simmons, M.R. ASPO Workshop. May 26, 2003.

[3]Skrebowski, C. "Oil Field Mega Projects - 2004." *Petroleum Review*. January 2004.

[4]Deffeyes, K.S. *Hubbert's Peak-The Impending World Oil Shortage*. Princeton University Press. 2003.

[5]Goodstein, D. *Out of Gas – The End of the Age of Oil*. W.W. Norton. 2004

[6]Campbell, C.J. "Industry Urged to Watch for Regular Oil Production Peaks, Depletion Signals." *OGJ*. July 14, 2003.

[7]*Drivers of the Energy Scene*. World Energy Council. 2003.

[8]Laherrere, J. Seminar Center of Energy Conversion. Zurich. May 7, 2003

[9]DOE EIA. "Long Term World Oil Supply." April 18, 2000. See Appendix I for discussion.

[10]Jackson, P. et al. "Triple Witching Hour for Oil Arrives Early in 2004 – But, As Yet, No Real Witches." *CERA Alert*. April 7, 2004.

[11]Davis, G. "Meeting Future Energy Needs." *The Bridge*. National Academies Press. Summer 2003.

[12]Lynch, M.C. "Petroleum Resources Pessimism Debunked in Hubbert Model and Hubbert Modelers' Assessment." *Oil and Gas Journal*, July 14, 2003.

# Appendix C. Resources

A comprehensive list of relevant local government-level studies and initiatives is beyond the scope of this white paper. The following is a selective list of reports and other documents that may serve as resources for developing a policy response for Metro.

| City | Country | Actions |
|---|---|---|
| | Australia | ▪ Study: Dodson, J. and Sipe, N. "Oil Vulnerability in the Australian City." Griffith University, Brisbane, Australia. Urban Research Program. December 2005. "This paper assesses the resilience or vulnerability of urban communities to increased fuel prices and how the socio-economic impacts will be spread across different localities. In particular, the paper seeks to assess how different socio-economic groups will be affected by rising fuel costs, at the neighborhood level. We base our analysis on ABS Census variables that are combined to indicate potential household vulnerability to fuel price rises, based on existing levels of social disadvantage, household motor vehicle ownership and current dependence on motor vehicles for work trips. |
| | Australia | ▪ Robinson, B. "Global Oil Vulnerability and the Australian Situation: A background paper for WA State Sustainability Strategy." Government of Western Australia. June 2002. |
| Burnaby, British Columbia | Canada | ▪ Staff Report, "Global Peak in Oil Production: The Municipal Context". Burnaby, British Columbia, January 2006. |
| Basel | Switzerland | ▪ "2000-Watt Society" program, implemented in Basel by the Swiss Federal Institute of Technology, promotes a reduction of per-capita energy use in Switzerland from the current average to 6,000 watts to the 2,000-watt world average. The program includes applied research, professional symposia, and project partnerships with government bureaus of environment and energy, engineering and planning, and economy. |
| Humboldt County, California | USA | ▪ Humboldt County General Plan 2025, Energy Element Background Technical Report. (http://www.redwoodenergy.org/uploads/Tech%20Report%20Public%20Draft.pdf) |
| New York City | USA | ▪ Committee pre-report on a series of initiatives submitted to the New York City Council in 2004 on preparing for energy shortages, in response to recent heatwaves and a blackout. These initiatives would have amended the City charter in relation to ... "creating an energy shortage contingency plan,... the creation of an energy office and public awareness city-wide of energy efficiency and conservation measures, ...a survey regarding clean on-site power generation for city facilities, and... the creation of a program regarding building commissioning and energy efficiency and conservation training." http://webdocs.nyccouncil.info/attachments/61517.htm |
| Oakland, California | USA | ▪ Oakland's Sustainability Program (part of the Mayor's office, and under the direction of Sustainability Director Randy Hayes) includes a number of initiatives for energy efficiency and renewable energy. http://www.denvergov.org/admin/template3/forms/hayes.pdf |
| Willits, California | USA | ▪ WELL Energy Group. "Recommendations Towards Energy Independence for the City of Willits and Surrounding Community." August 2005. http://www.willitseconomiclocalization.org/Papers/Papers.htm |

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# COUNCIL REQUESTS

# FOLLOW-UP REPORT

# FEBRUARY 1, 2007

**********

1. Speed Humps on SW Brooklane Drive (York)

In response to discussions with constituents, Councilor York asked three specific questions regarding the traffic calming program and speed hump installations.

a. Do we have a standard speed hump design, and does it relate to the speed limit?

The City has consistently used speed hump designs developed by the City of Portland. There are two designs; a 22-foot design for collector and neighborhood collector streets and a 14-foot design for local streets. Both are three inches high at the maximum height. Both have two-foot tapers towards the street curb or road edge, regardless of the presence of bicycle lanes. Both have ramps that are parabolic in shape that are seven feet long.

Speed humps are constructed using metal templates to assure reasonable close tolerances with the design. Since asphalt compacts at different rates depending on thickness, it is difficult to precisely match design lines every time. The first several speed hump installations were generally built low. Since then most installations have been surveyed after construction to provide quality control.

b. Does our review process consider people who have to travel the street, or just those who reside on it?

The review is a grass-roots, neighborhood-driven process that results in a project designed to achieve the neighborhood's interests. The neighborhood is usually those people who live along the street; although, in several cases the neighborhood has included an entire neighborhood association. The defining factor has been to allow those who pay to be those who decide. The general public is also given an opportunity to provide input to the City Council both before the traffic calming project is authorized by City Council

and again, about six months after construction, when the installation is made final.

c. What is the process for modifying or removing speed humps that are not meeting the needs of the neighborhood?

The primary opportunity is at the six-month review. There is no policy that describes a process for any other review; however, the City Council could, at anytime, ask for a review and consider an action to remove or modify existing speed humps.

2. Parking Along West Side of NW Lantana Avenue (Zimbrick)

Councilor Zimbrick received a request from Mr. Watson that the City evaluate his concern that parking on NW Lantana Drive (Lantana) between NW Circle Boulevard (Circle) and NW Jameson Drive presents a safety hazard to motorists. His expressed concern is that vehicles parked on both sides of the street narrow the street to a single travel lane; and, due to limited sight distance caused by a small hill, there is a chance for a head-on collision.

The street is classified as a local street, 32 feet wide, with parking allowed on both sides. The Corvallis Transportation Plan establishes the standard street width for a local street with parking on both sides to be 28 feet. The 28-foot width with parking on both sides assumes a shared travel lane rather than two separate travel lanes. The speed limit in the area is 25 mph. No accidents have been noted here in the last three years. In the last five years, only one accident was recorded – a rear-end collision on Circle turning left onto Lantana. The driver of the vehicle in the rear was cited for following too closely.

Although sight distance is limited due to the peak of the road in this area, restricting parking on one or both sides of the street appears unwarranted. Observation of parking on this section of Lantana during site visits by staff was very light, and what parking was present provided some traffic calming by narrowing the travel lanes.

Due to the lack of any recent accident history at this location, along with the fact that the street is already wider than most residential streets, changes to the parking on this street are not recommended.

3. Status of NW Walnut Boulevard Repairs (Nelson)

Retaining wall repair work related to the closed section of NW Walnut Boulevard east of NW Kings Boulevard is scheduled to begin by the end of February 2007 and is projected to take three weeks to complete. The wall repairs will be constructed

of reinforced concrete; therefore, the new concrete will need to reach structural design strength before starting water line and street repair work. This concrete "curing" process takes two to three weeks. The water line and street repair work is projected to take an additional two to three weeks to complete after the wall has cured.

In late-December 2005, a portion of Walnut Boulevard was closed to traffic due to failure of a retaining wall at the Timberhill Shopping Center. Work progressed from then to determine the cause and an appropriate construction plan to assure the security of the wall and of the public street. In September 2006, the City received assurances from the retaining wall property owner that repair plans would be received by the end of September and that construction would proceed quickly. Based on these assurances, the City originally estimated the repair would be complete by November 15, 2006.

In October 2006, repair plans were received and reviewed by the City and permits issued. Contractors have now been selected for both the repair of the wall and the repair of the public infrastructure. The repair of the public infrastructure will proceed after repair of the wall, which requires a company with specific expertise which was not available until the end of February.

4. Assembly Guidelines at National Guard Memorial (Grosch)

Attached is an explanation from Corvallis Police Department regarding a January 2007 gathering at the Benton County Veterans' Memorial, located at the National Guard Armory facility on NW Kings Boulevard, and the analysis of the City Attorney's Office regarding the legality of public assembly at the location and intended Police action in response to future gatherings there.

Jon Nelson
City Manager

**January 30, 2007**
**COUNCIL REQUEST — WERSHOW and GROSCH:**
**January 1, 2007 Police Response for Protest at Benton County Veteran's Memorial (located on the grounds of the Oregon Army National Guard Armory, 1100 NW Kings Boulevard)**

On January 1, 2007, from approximately 8:30 PM to 11:30 PM, a peaceful forum(protest) occurred at the Benton County Veteran's Memorial, located on the Oregon Army National Guard Armory grounds. Both the armory and the memorial are located at 1100 NW Kings Boulevard.

Sergeant Goodwin, Corvallis Police called Mr. Les Whittle at his request. Mr. Whittle is the person responsible for the Benton County Veteran's Memorial and represents Benton County Veteran's Memorial, Incorporated . Mr. Whittle expressed concern to Sergeant Goodwin that the protestors did not have a permit to protest on the memorial and had not coordinated with him to hold their event on the memorial. Mr. Whittle also expressed concern about possible vandalism/criminal mischief to the memorial and candle wax droppings damaging the cement at the memorial. Mr. Whittle said damage from candle wax droppings and vandalism/criminal mischief to the memorial occurred during a May 2006 protest at the same location.

Mr. Whittle said he believed he had the right to control the actions of people on the memorial because the Benton County Veteran's Memorial Foundation has a lease from the Army Corps of Engineers to use the property and must also carry liability insurance for the memorial site.

Sergeant Goodwin arrived at the Armory at approximately 7:00 PM. He met with Mr. Whittle and one male member of the protest group to discuss Mr. Whittle's concerns about people being on the memorial. During this conversation, Mr. Whittle again voiced his concern about protestors holding candles while standing on the memorial and the damage (stains and very difficult to remove) the candle wax causes. While this conversation was occurring, Leah Bolger reportedly arrived and announced to the group that they wanted to be on the memorial to read the 3000 names of Americans who have been killed in Iraq and Afghanistan.

During the reading of the names, Sergeant Goodwin positioned himself and his vehicle across the street from the memorial, on the south side of NW Lincoln Avenue (near Kinkos). Mr. Whittle and a male protestor (name unknown) later walked over and stood with Sergeant Goodwin during the name reading. At some point during the protest, Mr. Whittle bought a pizza and drinks from a nearby pizzeria. He offered pizza to Sergeant Goodwin (who declined) and the male protestor (who ate a few pieces and had something to drink) while all three stood and watched the reading of the names.

The armory building and the real property (land) is the property of the United States Army Corps of Engineers, and thus is property of the United States. The Oregon Army National Guard enjoys an open-ended lease which provides them the authority to grant or deny permission to outside organizations to gather/use armory grounds and buildings. The Benton County Veterans Memorial, Incorporated enjoys a five year renewable lease. All real property (memorial, benches, etc) at the memorial is the property of the Benton County Veterans Memorial, Incorporated — a licensed, private, non-profit organization.

In that the property is Federally-owned, public property, the area is open and available for reasonable time-place forums to occur — similar to forums held on the lawns of the county courthouse, parks, streets, and sidewalks. The exercise of free speech and non-criminal expressive conduct is therefore allowable on the grounds of the armory. If people do congregate on armory property, people cannot interfere in anyway with the conduct of daily/routine business. Examples of interference are: blocking doorways, blocking passage on sidewalks leading to/from the armory, and entering the armory building with intent to disrupt business.

Based on discussions with representatives from the Joint Forces Headquarters - Oregon, Oregon Army National

Guard, it is agreed that the open areas/lawns surrounding the armory are available for the public to hold forums. The Oregon Army National Guard expects protestors to respect the grounds/landscaping and not interfere in anyway with the conduct of business at the armory. Soldiers will in turn offer water or restroom facilities (during normal business hours) if the forum is peaceful and non-destructive to their property, regardless of the subject of the protest/forum

Telephonic discussions between Corvallis Police Department command staff and Oregon Army National Guard command staff on May 16, 2006 indicated that the National Guard believed the armory property to be protected from trespass of any type. Based on this belief, the National Guard filed a trespass complaint with the Corvallis Police Department. Further review and conversation between Corvallis Police Department command staff, Oregon Army National Guard Judge Advocate General Corps staff (military attorneys), and the Corvallis City Attorney's Office revealed that the armory property is in fact not protected from the type of lawful public forum that occurred (excluding the Abuse of Venerated Objects/Abuse of a Memorial to the Dead incident).

Based on this new information, the Corvallis Police Department recognized the public status of the armory property and will not pursue/enforce trespass complaints against persons exercising lawful expressive speech or conduct in areas open to the public.

On January 24, 2007, City Attorney Jim Brewer advised he had spoken with the Army Corps of Engineers, who concur there is no federal regulation that allows Mr. Whittle and the Benton County Veterans Memorial, Incorporated from preventing protestors from using the memorial. Mr. Whittle may communicate his concerns about preventing damage (candles, flower beds) to the memorial, but cannot prohibit any person from using the site.

Based on this information, the Corvallis Police Department will not take any enforcement action for trespass against persons using the memorial for peaceful protests. The Corvallis Police Department will continue to enforce applicable Oregon Revised Statutes (ORS) if intentional damage to the memorial is committed. The applicable ORS' include: ORS 166.075 Abuse of Venerated Objects, ORS 166.076 Abuse of a Memorial to the Dead, 164.345 Criminal mischief in the third degree, 164.354 Criminal mischief in the second degree, and 164.365 Criminal mischief in the first degree.

Corvallis Police Department patrol and command staff have received the above information.

## CITY OF CORVALLIS – COUNCIL QUESTS – TRACKING REPORT
## PENDING REQUESTS

| Council Request Item | Requested By | Date of Request | CM Report Due Date | Assigned to | Response in CM Rpt No. | Comments |
|---|---|---|---|---|---|---|
| Assembly guidelines at National Guard memorial | Grosch | 01-02-07 | 01-30-07 | Boldizsar | CCR 02-01-07 | |
| Parking along west side of NW Lantana Avenue | Zimbrick | 01-03-07 | 01-30-07 | Rogers | CCR 02-01-07 | |
| Speed humps on SW Brooklane Drive | York | 01-16-07 | 02-15-07 | Rogers | CCR 02-01-07 | |
| Reliability of electrical service on Country Club Hill | York | 01-16-07 | 02-15-07 | Rogers | | |
| Sidewalk repairs – north side of 202 SW Ninth Street | Nelson | 01-25-07 | 02-15-07 | Rogers | | Robert E. Wilson |
| Status of NW Walnut Boulevard Repairs | Nelson | 01-26-07 | 01-30-07 | Rogers | CCR 02-01-07 | |

# ADMINISTRATIVE SERVICES COMMITTEE
# SCHEDULED ITEMS

## February 1, 2007

| MEETING DATE | AGENDA ITEM |
|---|---|
| February 8 | • Council Policy Reviews: CP 10.01 through 10.08, "Financial Policies"<br>• Paratransit Fare Increase |
| February 22 | • Municipal Court Judge Contract Review Process<br>• Benton County Fair Annual Report<br>• Council Policy Review: CP 98-2.10, "Use of E-Mail by Mayor and City Council" |
| March 8 | • Second Quarter Operating Report<br>• daVinci Days Loan Agreement Status Annual Report |
| March 22 | • Ambulance Rate Review<br>• Reauthorization of a Voluntary Downtown Economic Improvement District<br>• Franchise Utility Renewals<br>  • Consumers Power, Inc.<br>  • Pacific Power |
| April 5 | • Allied Waste Services Annual Report<br>• Economic Development Allocations Second Quarter Reports |
| April 19 | • Funding Agreement Annual Report<br>  • Corvallis Environmental Center |
| May 10 | • Economic Development Allocations Orientation |
| May (special) | • Economic Development Allocations Presentations |
| May 24 | • Economic Development Allocations Deliberations |
| June 7 | • Third Quarter Operating Report |
| June 21 | |
| July 5 | • Economic Development Allocations Third Quarter Reports |
| July 19 | |
| August 9 | |
| August 23 | |
| September 6 | • Fourth Quarter Operating Report |
| September 20 | |
| October 4 | • Council Policy Review: CP 92-1.05, "Miscellaneous Property Ownership"<br>• Council Policy Review: CP 94-2.09, "Council Orientation"<br>• Council Policy Review: CP 91-3.04, "Separation Policy" |
| October 18 | • Economic Development Allocations Fourth Quarter Reports |

| MEETING DATE | AGENDA ITEM |
|---|---|
| November 8 | • Utility Rate Annual Review<br>• Benton County Historical Society/Museum Annual Report<br>• Economic Development Allocations Application Process and Calendar |
| November 22 | No meeting |
| December 6 | • Comprehensive Annual Financial Report (CAFR) |
| December 20 | • Economic Development Allocations First Quarter Reports<br>• First Quarter Operating Report |

**ASC PENDING ITEMS**

| | |
|---|---|
| • DCA/EVP Stakeholder Committees | CMO |
| • Downtown Corvallis Association Membership | CMO |
| • 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

## February 1, 2007

| MEETING DATE | AGENDA ITEM |
|---|---|
| February 6 | • ArtCentric Annual Report<br>• Public Art Selection Commission Annual Report<br>• Municipal Code Revision to Chapter 5.03, "Offenses," Related to Procession of the Species Event |
| February 21 | |
| March 6 | • Council Policy Review: CP 97-4.09, "Guidelines for Free Use of Park Facilities"<br>• Civil Rights Ordinance; New Charter Provisions |
| March 20 | |
| April 3 | • Council Policy Review: CP 98-4.12, "Guidelines for Public Art Selection"<br>• Social Services Second Quarter Report<br>• Corvallis Neighborhood Housing Services Second Quarter Report |
| April 17 | • Majestic Theatre Annual Report<br>• Boys and Girls Club Annual Report |
| May 8 | • Liquor License Annual Renewals |
| May 22 | • Corvallis Fall Festival Annual Report<br>• daVinci Days Annual Report |
| June 5 | • Social Services Third Quarter Report<br>• Corvallis Farmers' Markets Annual Report<br>• Boards and Commissions Sunset Reviews:<br>  • Open Space Advisory Commission<br>  • Riverfront Commission |
| June 19 | • Social Services Allocations – Fiscal Year 2007-2008 |
| July 3 | |
| July 17 | • Corvallis Neighborhood Housing Services Third Quarter Report |
| August 7 | • Parks and Recreation Annual Fee Review |
| August 21 | |
| September 5 | |
| September 18 | • Social Services Fourth Quarter Report<br>• Rental Housing Program Annual Report |
| October 2 | • Council Policy Review: CP 92-5.04, "Hate/Bias Violence" |
| October 16 | |

| MEETING DATE | AGENDA ITEM |
|---|---|
| November 6 | • Council Policy Review: CP 94-4.07, "City-Owned Art Objects on Private Property"<br>• Council Policy Review: CP 96-6.03, "Economic Development Policies"<br>• Corvallis Neighborhood Housing Services Fourth Quarter Report |
| November 20 | |
| December 4 | |
| December 18 | • Social Services First Quarter Reports<br>• Corvallis Neighborhood Housing Services First Quarter Report |

**HSC PENDING ITEMS**

- CDBG/Home and Needs Assessment linkage to social services policy — Community Development

**Regular Meeting Date and Location:**

Tuesday following Council, 12:00 pm – Madison Avenue Meeting Room

# URBAN SERVICES COMMITTEE
# SCHEDULED ITEMS

## February 1, 2007

| MEETING DATE | AGENDA ITEM |
|---|---|
| February 6 | • Airport Lease Assignment – Larry Carpenter<br>• Airport Lease Option – REACH Air<br>• Greenberry TMDL Mitigation |
| February 21 | • Bike and Pedestrian Safety Recommendations<br>• First Street Bollards<br>• Council Policy – Transit Bus Advertising<br>• Airport Lease Assignment – CAS |
| March 6 | • Council Policy Review: CP 97-7.13, "Municipal Airport and Industrial Park Leases"<br>• Systems Development Charge Annual Review |
| March 20 | |
| April 3 | |
| April 17 | |
| May 8 | |
| May 22 | |
| June 5 | • Boards and Commissions Sunset Reviews:<br>  • Bicycle and Pedestrian Advisory Commission<br>  • Citizens Advisory Commission on Transit |
| June 19 | |
| July 3 | |
| July 17 | |
| August 7 | • Council Policy Review: CP 99-7.14, "Prepayment for Public Street Improvements" |
| August 21 | |
| September 5 | |
| September 18 | |
| October 2 | • Council Policy Review: CP 91-7.01, "Assessments - Sanitary Sewer and Water System Improvements"<br>• Council Policy Review: CP 91-7.02, "Assessments - Storm System"<br>• Council Policy Review: CP 91-7.03, "Assessments - Street Improvements"<br>• Council Policy Review: CP 91-8.01, "Watershed Easement Considerations"<br>• Council Policy Review: CP 9.01, "Crosswalks"<br>• Council Policy Review: CP 9.02," Dirt on Streets" |

| MEETING DATE | AGENDA ITEM |
|---|---|
| October 16 | • Council Policy Review: CP 91-7.11, "Water Main Extensions and Fire Protection"<br>• Council Policy Review: CP 91-7.09, "Traffic Control Devices, Cost of"<br>• Council Policy Review: CP 91-7.10, "Water Line Replacement Policy"<br>• Council Policy Review: CP 91-9.03, "Residential Parking Permit District Fees"<br>• Council Policy Review: CP 91-9.04, "Street Lighting Policy" |
| November 6 | • Council Policy Review: CP 02-7.15, "Fee-in-Lieu Parking Program" |
| November 20 | |
| December 4 | |
| December 18 | |

**USC PENDING ITEMS**

- Airport Industrial Park Master Lease Review — Public Works
- Disability Access at Sidewalk Cafes — Community Development

**Regular Meeting Date and Location:**
Tuesday following Council, 4:00 pm – Madison Avenue Meeting Room

# UPCOMING MEETINGS OF INTEREST

## City of Corvallis

**FEBRUARY - JUNE 2007**
(Updated February 1, 2007)

## FEBRUARY 2007

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| 1 | 7:00 pm | Budget Commission | Downtown Fire Station | |
| 1 | 7:15 pm | Committee for Citizen Involvement | Madison Avenue Mtg Rm | |
| 2 | 7:00 am | Bicycle & Pedestrian Adv Cmsn | Madison Avenue Mtg Rm | |
| 3 | 10:00 am | Government Comment Corner | Library Lobby - Stewart Wershow | |
| **5** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| ***5*** | ***5:00 pm*** | **City Council** | **Downtown Fire Station** | **work session** |
| **5** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| 6 | 7:00 am | Airport Commission | Madison Avenue Mtg Rm | |
| 6 | 12:00 pm | Human Services Committee | Madison Avenue Mtg Rm | |
| 6 | 4:00 pm | Urban Services Committee | Madison Avenue Mtg Rm | |
| 6 | 7:00 pm | Budget Commission | Downtown Fire Station | |
| 7 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| 7 | 7:30 pm | Library Board | Library Board Room | |
| 8 | 8:00 am | Citizens Advisory Cmsn on Civic Beautification and Urban Forestry | Parks & Rec Conf Room | |
| 8 | 12:00 pm | Administrative Services Committee | Madison Avenue Mtg Rm | |
| **8** | **3:00 pm** | **City Council** | **Madison Ave Mtg Rm** | **orientation** |
| 8 | 4:00 pm | Riverfront Commission | Parks & Rec Conf Room | |
| 8 | 7:00 pm | Budget Commission | Downtown Fire Station | |
| 10 | 10:00 am | Government Comment Corner | Library Lobby - David Hamby | |
| 13 | 4:00 pm | Open Space Advisory Commission | Parks & Rec Conf Room | |
| 13 | 5:30 pm | Public Information Session – Revised LDC | Downtown Fire Station | significant vegetation; landscaping |
| 13 | 7:00 pm | Historic Resources Commission | Madison Avenue Mtg Rm | |
| 14 | 8:15 am | Citizens Adv Cmsn on Transit | Madison Avenue Mtg Rm | |
| 14 | 3:00 pm | Community Policing Forum | Police Conference Room | business meeting |
| 14 | 4:00 pm | Public Art Selection Commission | Library Main Meeting Rm | |
| *14* | *4:45 pm* | *Housing and Cmty Dev Cmsn* | *Madison Avenue Mtg Rm* | |
| *15* | *4:45 pm* | *Housing and Cmty Dev Cmsn* | *Madison Avenue Mtg Rm* | |
| 15 | 6:30 pm | Parks & Recreation Advisory Board | Downtown Fire Station | |
| 17 | | No Government Comment Corner | | |
| 19 | | City Holiday – all offices closed | | |
| **20** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| 20 | 12:00 pm | Cmsn for Martin Luther King, Jr. | City Hall Meeting Room A | |
| ***20*** | ***5:30 pm*** | ***City Council*** | ***Downtown Fire Station*** | ***work session*** |
| **20** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| 21 | 12:00 pm | Human Services Committee | Madison Avenue Mtg Rm | |
| 21 | 4:00 pm | Urban Services Committee | Madison Avenue Mtg Rm | |
| 21 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| 22 | 12:00 pm | Administrative Services Committee | Madison Avenue Mtg Rm | |
| ~~22~~ | ~~5:30 pm~~ | ~~City Council~~ | ~~Madison Ave Mtg Rm~~ | ~~tentative work session~~ |
| 24 | 10:00 am | Government Comment Corner | Library Lobby - Mike Beilstein | |

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| ~~26~~ | ~~5:30 pm~~ | ~~City Council~~ | ~~Madison Ave Mtg Rm~~ | ~~tentative work session~~ |
| 28 | 5:00 pm | Downtown Parking Commission | Madison Ave Mtg Rm | |
| 28 | 5:30 pm | Public Information Session – Revised LDC | Downtown Fire Station | minimum assured development area |

## MARCH 2007

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| 1 | 7:15 pm | Committee for Citizen Involvement | Madison Avenue Mtg Rm | |
| 2 | 7:00 am | Bicycle & Pedestrian Adv Cmsn | Madison Avenue Mtg Rm | |
| 3 | 10:00 am | Government Comment Corner | Library Lobby - George Grosch | |
| **5** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **5** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| 6 | 7:00 am | Airport Commission | Madison Avenue Mtg Rm | |
| 6 | 12:00 pm | Human Services Committee | Madison Avenue Mtg Rm | |
| 6 | 4:00 pm | Urban Services Committee | Madison Avenue Mtg Rm | |
| *6* | *6:00 pm* | *EVP Steering Committee* | *Madison Avenue Mtg Rm* | |
| 7 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| 7 | 7:30 pm | Library Board | Library Board Room | |
| 8 | 8:00 am | Citizens Advisory Cmsn on Civic Beautification and Urban Forestry | Parks & Rec Conf Room | |
| 8 | 12:00 pm | Administrative Services Committee | Madison Avenue Mtg Rm | |
| 8 | 4:00 pm | Riverfront Commission | Parks & Rec Conf Room | |
| 10 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| **12** | **7:00 pm** | **Mayor/Council/City Manager** | **Madison Ave Mtg Rm** | **quarterly work session** |
| 13 | 4:00 pm | Open Space Advisory Commission | Parks & Rec Conf Room | |
| 13 | 7:00 pm | Historic Resources Commission | Madison Avenue Mtg Rm | |
| 14 | 8:15 am | Citizens Adv Cmsn on Transit | Madison Avenue Mtg Rm | |
| 14 | TBD | Community Policing Forum | Crescent Valley High School | |
| 15 | 6:30 pm | Parks & Recreation Advisory Board | Downtown Fire Station | |
| 17 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| **19** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **19** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| 20 | 12:00 pm | Human Services Committee | Madison Avenue Mtg Rm | |
| 20 | 12:00 pm | Cmsn for Martin Luther King, Jr. | to be determined | |
| 20 | 4:00 pm | Urban Services Committee | Madison Avenue Mtg Rm | |
| 21 | 12:00 pm | Housing and Community Dev Cmsn | Madison Avenue Mtg Rm | |
| 21 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| 22 | 12:00 pm | Administrative Services Committee | Madison Avenue Mtg Rm | |
| 24 | 10:00 am | Government Comment Corner | Library Lobby - Stewart Wershow | |
| *26* | *5:30 pm* | *EVP Steering Committee* | *Madison Avenue Mtg Rm* | |
| 28 | 5:00 pm | Downtown Parking Commission | Madison Avenue Mtg Rm | |
| 31 | 10:00 am | Government Comment Corner | Library Lobby - Charles Tomlinson | |

## APRIL 2007

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| **2** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **2** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| 3 | 7:00 am | Airport Commission | Madison Avenue Mtg Rm | |
| 3 | 12:00 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 | |
| 6 | 7:00 am | Bicycle & Pedestrian Adv Cmsn | Madison Avenue Mtg Rm | |
| 7 | 10:00 am | Government Comment Corner | Library Lobby - Scott Zimbrick | |
| 10 | 4:00 pm | Open Space Advisory Commission | Parks & Rec Conf Room | |
| 10 | 7:00 pm | Historic Resources Commission | Madison Avenue Mtg Rm | |
| 10 | 7:00 pm | Ward 1 (York) meeting | Stoneybrook Assisted Living Activity Room | City sponsored |
| 11 | 8:15 am | Citizens Adv Cmsn on Transit | Madison Avenue Mtg Rm | |
| 12 | 8:00 am | Citizens Advisory Cmsn on Civic Beautification and Urban Forestry | Parks & Rec Conf Room | |
| 12 | 4:00 pm | Riverfront Commission | Parks & Rec Conf Room | |
| 14 | 10:00 am | Government Comment Corner | Library Lobby - Patricia Daniels | |
| **16** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **16** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| 17 | 12:00 pm | Human Services Committee | Madison Avenue Mtg Rm | |
| 17 | 12:00 pm | Cmsn for Martin Luther King, Jr. | City Hall Meeting Room A | |
| 17 | 4:00 pm | Urban Services Committee | Madison Avenue Mtg Rm | |
| 19 | 12:00 pm | Administrative Services Committee | Madison Avenue Mtg Rm | |
| 19 | 6:30 pm | Parks & Recreation Advisory Board | Downtown Fire Station | |
| 18 | 12:00 pm | Housing and Community Dev Cmsn | Madison Avenue Mtg Rm | |
| 18 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| 21 | 10:00 am | Government Comment Corner | Library Lobby - Mike Beilstein | |
| *23* | *5:30 pm* | *EVP Steering Committee* | *Madison Avenue Mtg Rm* | |
| 25 | 5:00 pm | Downtown Parking Cmsn | Madison Avenue Mtg Rm | |
| 28 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |

## MAY 2007

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| 1 | 7:00 am | Airport Commission | Madison Avenue Mtg Rm | |
| 2 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| 2 | 7:30 pm | Library Board | Library Board Room | |
| 3 | 7:15 pm | Committee for Citizen Involvement | Madison Avenue Mtg Rm | |
| 3 | 7:00 pm | Budget Commission | Downtown Fire Station | |
| 4 | 7:00 am | Bicycle & Pedestrian Adv Cmsn | Madison Avenue Mtg Rm | |
| 5 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| **7** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **7** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| 8 | 12:00 pm | Human Services Committee | Madison Avenue Mtg Rm | |
| 8 | 4:00 pm | Open Space Advisory Commission | Parks & Rec Conf Room | |
| 8 | 4:00 pm | Urban Services Committee | Madison Avenue Mtg Rm | |
| 8 | 7:00 pm | Historic Resources Commission | Madison Avenue Mtg Rm | |
| 8 | 7:00 pm | Ward 2 (Daniels) meeting | Library Main Meeting Rm | City sponsored |
| 9 | 8:15 am | Citizens Adv Cmsn on Transit | Madison Avenue Mtg Rm | |
| 9 | 3:00pm | Community Policing Forum | Police Conference Room | business meeting |
| 10 | 8:00 am | Citizens Advisory Cmsn on Civic Beautification and Urban Forestry | Parks & Rec Conf Room | |

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| 10 | 12:00 pm | Administrative Services Committee | Madison Avenue Mtg Rm | |
| 10 | 4:00 pm | Riverfront Commission | Parks & Rec Conf Room | |
| 10 | 7:00 pm | Budget Commission | Downtown Fire Station | |
| 12 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| 16 | 12:00 pm | Housing and Community Dev Cmsn | Madison Avenue Mtg Rm | |
| 16 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| 17 | 6:30 pm | Parks & Recreation Advisory Board | Downtown Fire Station | |
| 19 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| **21** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **21** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| 22 | 12:00 pm | Human Services Committee | Madison Avenue Mtg Rm | |
| 22 | 12:00 pm | Cmsn for Martin Luther King, Jr. | City Hall Meeting Room A | |
| 22 | 4:00 pm | Urban Services Committee | Madison Avenue Mtg Rm | |
| 23 | 5:00 pm | Downtown Parking Cmsn | Madison Avenue Mtg Rm | |
| 24 | 12:00 pm | Administrative Services Committee | Madison Avenue Mtg Rm | |
| 26 | | No Government Comment Corner | | |
| 28 | | City Holiday – all offices closed | | |
| *29* | *5:30 pm* | *EVP Steering Committee* | *Madison Avenue Mtg Rm* | |

## JUNE 2007

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| *2* | *10:00 am* | *Government Comment Corner* | *Library Lobby - George Grosch* | |
| ***4*** | ***12:00 pm*** | ***City Council*** | ***Downtown Fire Station*** | |
| ***4*** | ***7:00 pm*** | ***City Council*** | ***Downtown Fire Station*** | |
| *5* | *12:00 pm* | *Human Services Committee* | *Madison Avenue Mtg Rm* | |
| *5* | *4:00 pm* | *Urban Services Committee* | *Madison Avenue Mtg Rm* | |
| *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 & Rec Conf Room* | |
| *12* | *7:00 pm* | *Historic Resources Commission* | *Madison Avenue Mtg Rm* | |
| *14* | *8:00 am* | *Citizens Advisory Cmsn on Civic Beautification and Urban Forestry* | *Parks & Rec Conf Room* | |
| *14* | *4:00 pm* | *Riverfront Commission* | *Parks & Rec Conf Room* | |
| *16* | *10:00 am* | *Government Comment Corner* | *Library Lobby -* | |
| ***18*** | ***12:00 pm*** | ***City Council*** | ***Downtown Fire Station*** | |
| ***18*** | ***7:00 pm*** | ***City Council*** | ***Downtown Fire Station*** | |
| *19* | *12:00 pm* | *Human Services Committee* | *Madison Avenue Mtg Rm* | |
| *19* | *12:00 pm* | *Cmsn for Martin Luther King, Jr.* | *City Hall Meeting Room A* | |
| *19* | *4:00 pm* | *Urban Services Committee* | *Madison Avenue Mtg Rm* | |
| *21* | *12:00 pm* | *Administrative Services Committee* | *Madison Avenue Mtg Rm* | |
| *21* | *6:30 pm* | *Parks & Recreation Advisory Board* | *Downtown Fire Station* | |
| *20* | *12:00 pm* | *Housing and Community Dev Cmsn* | *Madison Avenue Mtg Rm* | |
| *23* | *10:00 am* | *Government Comment Corner* | *Library Lobby - David Hamby* | |
| *25* | *5:30 pm* | *EVP Steering Committee* | *Madison Avenue Mtg Rm* | |
| *30* | *10:00 am* | *Government Comment Corner* | *Library Lobby - TBD* | |

**Bold** type – involves the Council ~~Strikeout~~ type – meeting canceled *Italics* type – new meeting

LDC Land Development Code TBD To be Determined

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
Robert England, Vice-President,
The Mac Store
Susan MacNeil, Treasurer,
InsideOut Garden Visions
Steve Hutchison, co-Treasurer,
US Bank
Amy Childers, Secretary,
Starbucks
John Coleman,
Coleman Jewelers
Iain Duncan,
LeBistro
Catherine Holdorf,
Sibling Revelry
John Howe,
Red Horse Coffee
Corrine Oberllin,
Francesco's Gelato-Caffe
Bruce Pedersen,
Corvallis Super 8

**Staff**
Joan Wessell,
Executive Director
joan@downtowncorvallis.org

**Ex-Officio**
Kathleen Gager,
City Planning
Trish Daniels,
City Council
Dave Henslee,
Corvallis Police Dept.
Corvallis Tourism
Corvallis-Benton Chamber Coalition
Associated Students of OSU

**EID Task Force Members**
Jerry Davis
David Dodson
Jerry Groesz
Jeff Katz
David Livingston
Susan MacNeil

RECEIVED
JAN 29 2007
CITY MANAGERS OFFICE

January 25, 2007

The DCA is asking for your support for renewal of the Economic Improvement District (EID), which provides the majority of funding for the Downtown Corvallis Association (DCA).

**The DCA invites you to participate in an EID informational meeting at 5:30 pm on Thursday, February 8th at the Madison Avenue Meeting Room, 500 SW Madison Avenue, in Corvallis. Light food and beverages will be provided.**

The reason we are asking you to support the EID is simple: The Downtown Corvallis Association is a local program that is strengthened by volunteers from our business community—people like us—who serve in the best interest of downtown. The DCA has been instrumental in making Downtown Corvallis one of the most successful downtowns in the Northwest. The following programs are just a sampling of those provided by the DCA:

- Professional downtown management
- Downtown business advocacy
- Design assistance and zero-interest loans for building improvements
- A regular schedule of educational business seminars
- Promotion/Marketing: Rhapsody in the Vineyard wine walk, Red White & Blues Riverfront Festival, Crazy Days & Fall Festival sidewalk sales, Holiday & Halloween events to attract thousands
- Recruitment of businesses to help maintain a healthy downtown mix
- Participation and advisory on city commissions addressing downtown issues

If we don't do it, who will?

Downtown Corvallis will continue to change, as demonstrated by recent downtown enhancements, including riverfront improvements, Madison Avenue upgrades, the Downtown Transit Center and two new buildings nearing completion near the Riverfront. The challenge for us, the downtown business community, is to manage these and other changes so that we can improve the business and investment climate downtown.

We ask you to actively support the EID. By doing so, you will contribute to the future health of downtown Corvallis and your downtown property investment.

Thank you.

Cary Stephens
DCA Board President

Pat Lampton
DCA Board & EID Task Force

**What is the Downtown Corvallis Association?**

The Downtown Corvallis Association (DCA) is a business advocacy organization, working to improve business opportunities and to help increase the value of your downtown investment. The DCA is guided by a Board of Directors comprised of eleven local business leaders. Many accomplishments of the DCA are due to thousands of volunteer hours and services contributed to DCA's programs by over 400 active Members. With more than 13 years experience working for Downtown Corvallis interests, DCA's Executive Director, Joan Wessell is currently pursuing Downtown Main Street Certification, which will make Downtown Corvallis the only program in Oregon with a Certified Main Street Downtown Director.

**Property owner & business support provided by the DCA over the past five years:**

- The DCA has helped property owners lease space to over 40 businesses.
- To address parking concerns, the DCA advocated to establish the Downtown Parking Commission. The DCA Executive Director is a member of the Commission.
- To keep downtown Corvallis businesses informed on current activities and issues such as fraud alerts, the DCA established the Block Captain Program and emails bimonthly "Downtown Updates".
- Each year, the DCA presents 6-8 business training seminars and brings nationally-acclaimed speakers/specialists to Corvallis to consult with downtown property and business owners.
- The DCA sponsors promotional and marketing activities throughout the year to attract thousands of customers to downtown.
- The DCA has granted over $98,000 in zero-interest loans for downtown building improvements.
- The DCA sponsors marketing and customer surveys to help identify recruiting and marketing opportunities.
- To keep downtown businesses informed and connected, the DCA sponsors monthly Membership meetings and monthly business-networking "After Hours" events.

**Advocacy with the city over the past five years:**

- For each dollar of Economic Improvement District funds, the DCA has leveraged $0.83 of Economic Development Funds from the city for downtown improvements and beautification projects.
- The DCA worked with the city to bring over $46,400,000 in downtown capital improvement projects.
- The DCA advocated to the city to reduce parking requirements downtown, continue to support Downtown as the community's primary shopping area, and study lower SDC fee rates for downtown.
- The DCA has worked with the city and various downtown business interests to prepare the Downtown Strategic Plan outlining a program to continue strengthening the vitality of downtown.
- The DCA implemented key downtown initiatives, including improvement projects, market research, and creation of the Downtown Strategic Plan by administering $287,000 of City Economic Development funds.

**Management of downtown common area during the past five years:**

- To attract customers, the DCA provides management services to keep downtown clean, safe, attractive, interesting, and convenient.
- The DCA assists business and property owners with civic beautification efforts and graffiti removal.
- The DCA maintains over 30 custom-designed trash receptacles; participates in and contributes to the Downtown Flower Basket Program; and provides holiday decorations and event banners.

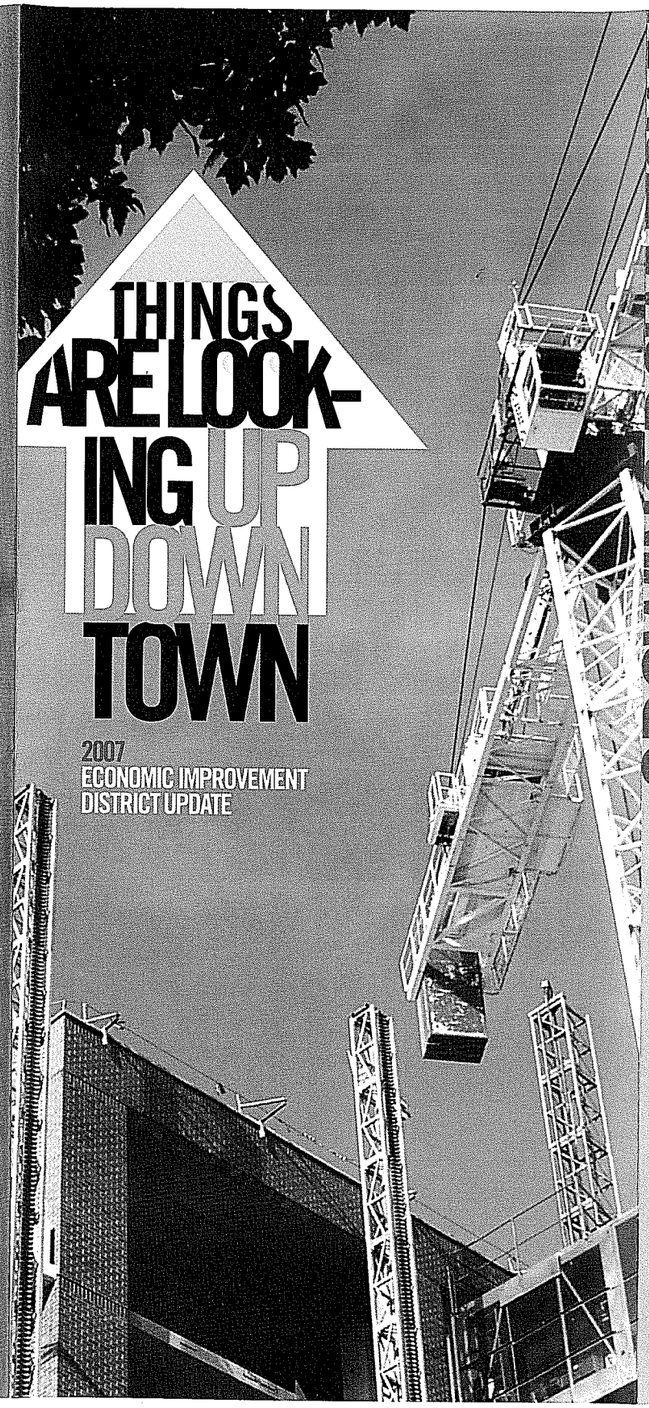
**Promotions, events, and marketing:**

- To attract customers, the DCA sponsors and organizes multiple events throughout the year such as the biannual "Rhapsody in the Vineyard" wine walk, which has attracted over 10,000 people downtown since its introduction in September 2003.
- The DCA provides marketing and promotional services such as group advertising, festivals, parades, image events, sidewalk sales, and holiday events.
- The DCA sponsors events with OSU to draw students, conferees, sports fans and others to downtown.
- The DCA markets and promotes downtown to Corvallis, throughout the Valley, and the state.
- The DCA sponsors children's events including Halloween activities, and Downtown Gingerbear.
- For a more detailed listing of the DCA's services and programs, see the other side of this handout or contact Joan Wessell at: 754-6624 (voice), 740-1326 (cell) or joan@downtowncorvallis.org. Visit DCA's website at: www.downtowncorvallis.org

# YOU'RE MAKING IT HAPPEN

## 2001–2006 DOWNTOWN ECONOMIC IMPROVEMENT DISTRICT PARTICIPANTS

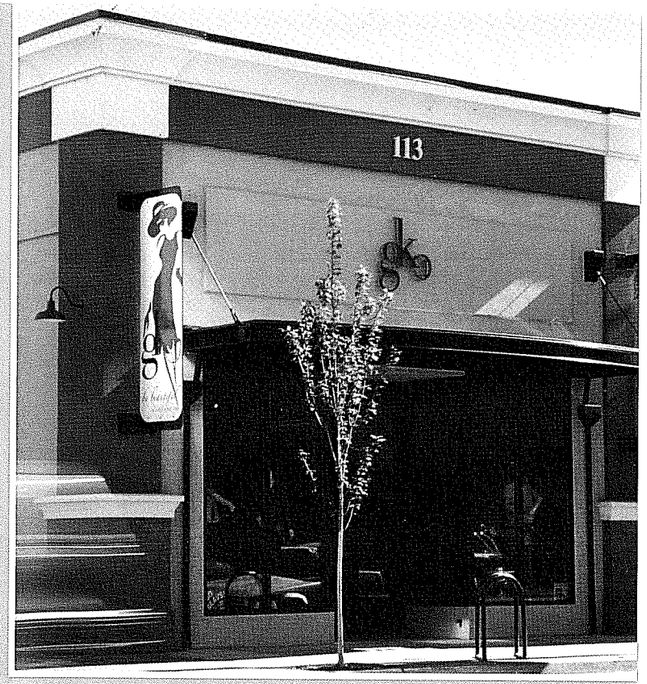
101 Jackson LLC
145 Second LLC
521 Second LLC
Abby Ghiassy
Tom & Linda Ahlers Trust
Joanne Anderson Trust
Eric 5/12 Anderson
Anderton Rentals
Bank of America
Bryan K. Baker
Ball Properties LLC
Beamer Properties LLC
Beaver Apartments LLC
Benton Properties LTD
Bilsland LLC
Eric R. Blackledge
Blackledge Property Co.
Anthony & Vince Borcich
Lester J. Boudreaux Jr. Trust Etal.
Robert L. Bullard Trust
Caldwell Fourth St. Property
Stephen Callahan & Jean A. Hall
Deanna S. Carr
Citizens Bank
Clair Properties LLC
John N. Coleman
Christie Connard & Michael Gemperie
Copper Gutter Properties LLC
Corvallis Chamber of Commerce
Corvallis Office Supply
Corvallis Railway & Navigation
Theodore W. & Veronica O. Cox
Crystal Theatre Properties LLC
Ronald G. & Garnetta L. Day Trust
Depot Investors LTD
Hung M. & Camlan N. Do
David J. Dodson
Carone & Associates
DSK/McDonald's
Eastgate Theatre Inc #142 Etal.
Ed Colson
Charles V. Elizondo Trust
Family Recovery Inc.
Feuerstein/Corvallis Indep. Prop.
Feuerstein/Endex Properties
Feuerstein/Post Office Properties
Charles E. & Lynette A. Field Trust
Fishburn Limited Partnership
Peggy Fuller
Gibson and Gibson
GLI Realty Co.
Kimberly A. Gray
Robert & Diane Hass
William Heck & Anastasia Athon
Kristine G. Hennessy
Steve Hessel
Jackson Place LLC
JD Tops
Jefferson Place LLC
Jolma Millis & Miller Ins.
Jeffery B. Katz
Thomas L. Kiersky
KJE LLC
Pat & Amy Lampton
Lawrence & Emma Lengwin
Lights & Layouts
Richard E. Lindsey
Lipman Building LLC
Gregory E. Little
Lucidyne Technologies Inc
SMRK, LLC
Patrick M. Magee III
Marwong Properties LLC
Jay M. McHenry
McMenamins Inc.
Me Investments LLC
Mountain Creek Investments
Nancy Oja Munson
Gregg Oberlin
Pacific Power & Light Co.
Marianne N. Padfield Trust
Frank Pascoe
Mario D. & Alma M. Pastega
Pizza is Our Life LLC
Dorothy Davis Pyle
Qwest Corporation
Random Properties Inc.
Paul & Lori Rentz
Reynolds Invest Group LLC
Rim Rock Investors Group LLC
Robert G. Ringo
Jerry Robnett
Gary A. & Julie H. Rodgers
Rose Property Management Corp.
Howard James & Sallie L. Rowlee
Safeway Stores #4333
Enrique & Debra Kay Semandeni
K. Pradeep Sharma
SSS Investments
The Peninsula Group LLC
Third & Jackson Building
Third & Van Buren Properties
United Way of Benton County
Lipman Building LLC
US National Bank of Oregon
William Weinberg Trust
Wells Fargo Bank Corporate Prop.
Peter & Dolores J. Wendel
Nancy Kathleen Wike

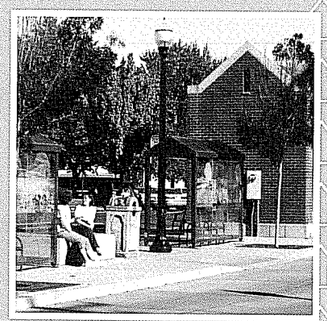


# THINGS ARE LOOKING UP DOWN TOWN

2007
ECONOMIC IMPROVEMENT DISTRICT UPDATE

GROWING DOWNTOWN



## KEEPING DOWNTOWN VIBRANT

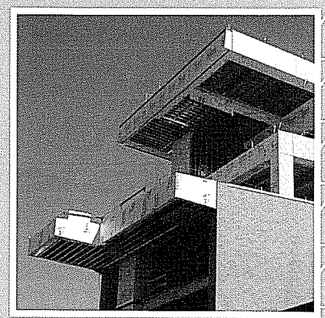
The Downtown Corvallis Association (DCA) and the Economic Improvement District (EID) fund have created a solid foundation for downtown businesses. With your continued support, and the support of new members, we can solidify that base and continue to improve the downtown area, drawing in new customers and attracting more investments. By supporting the Economic Improvement District we can make downtown the primary destination for shopping, business, living, dining, and entertainment.

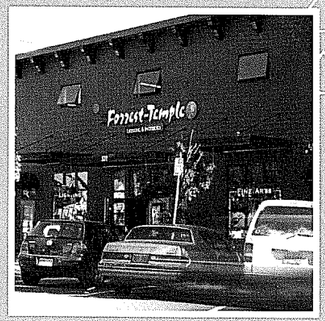
# REVITALIZING OUR NEIGHBORHOOD

The Downtown Corvallis Association is an advocate of downtown business success. Our mission is to promote and put plans into motion that build upon our already exciting and diverse community. During the past five years the EID fund has contributed to the environment that spawned the downtown growth cited below. These improvements have increased property values 18%, generated investor interest, and improved the overall health of the downtown economy. A few of these accomplishments are listed below.

## DOWNTOWN GROWTH AND RENEWAL

American Dream Pizza
Andale Burritos
Bike 'N Hike
Book Bin
Broken Yolk
Browsers Books
Budget Blinds
Bullfrog Music
Corvallis Arms
Corvallis Floor Covering
Cultured Pearl
Cyclotopia
Darkside Cinema
Donna Bella
Dutch Bros.
Edwards Building
Elements Building
Forrest Temple Lighting
Francesco's
gk1
Gracewinds Music
Holiday Inn Express
InsideOut Garden Visions
kaari k
LandAmerica Lawyers Title
Le Patissier
Madison Avenue Imporovement
Miss Meers
Peak Sports
Pegasus Gallery
Pythias Lofts
Riverfront Park
Riverfront Renaissance
Riverside Windows and Doors
Shoetini's
Solstice Cafe
Taking It Home
The Inkwell Home Store
Toy Factory
Transit Mall
Water Street Market






# GROWING BUSINESS CORVALLIS

# REVITALIZING OUR FUTURE

The accomplishments of the last five years illustrate the success of the DCA and EID in creating and developing an environment poised for continued growth. Our commitment to the success of downtown business is enduring and we will continue advocating for improvements that will increase downtown growth and stability. In the fall of 2006, the DCA presented a long-term strategic plan to the City Council. Designed to increase business vitality, improve parking, and help downtown businesses grow—this plan includes the following three parts:

## STRATEGIC PLAN

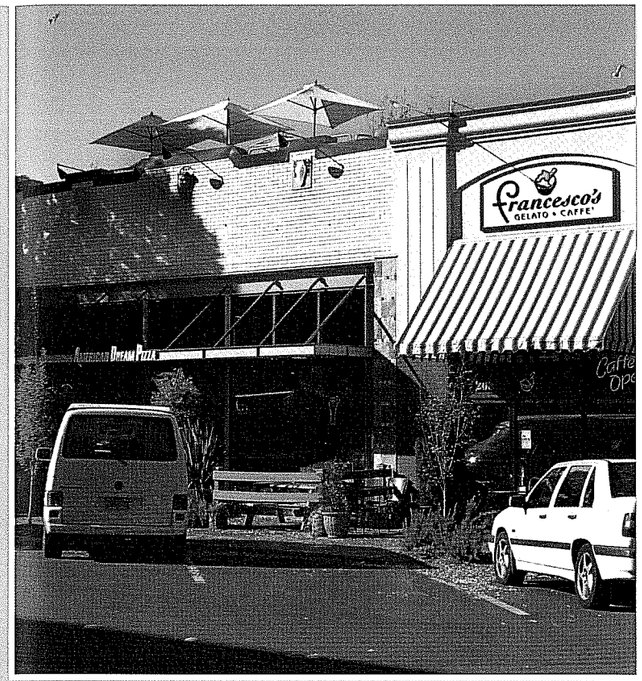
Downtown Vision Report
Downtown Market Study
Downtown Housing Feasibility Report
Urban Renewal Feasibility Program
Downtown Strategic Plan
Strategic Plan Implementation Strategies Report
City Formation of a Downtown Commission

## ECONOMIC DEVELOPMENT

Business Advocacy
Zero Interest Loan Program
Develop Long-Term Parking Plan
Economic Development Projects
Formation of an Urban Renewal District
Recruitment and Retention Program

## EVENTS

Red White and Blues Riverfront Festival
Crazy Days Sidewalk Sale
Fall Festival Sidewalk Sale
Rhapsody in the Vineyard Downtown Wine Walk
After Hours Business Networking
Downtown Trick or Treating
A Slice of Downtown
Christmas Parade




# YOUR CONTINUED SUPPORT IS NEEDED

By supporting the DCA and EID, you are taking a significant role in the continued sustainability and growth of our downtown economy. As we celebrate our recent accomplishments, it is even more vital to keep this momentum going and growing. Visit our web site or contact us for more information, as we all work together to keep our downtown district strong.

DOWNTOWN CORVALLIS ASSOCIATION

The Downtown Corvallis Association
P.O. Box 1536, Corvallis, OR 97339
Phone (541) 754-6624
Fax (541) 758-4723
www.downtowncorvallis.org

Kathy - P/se share in 2/5/07 packet. Thx. Jan

RECEIVED
JAN 22 2007
CITY MANAGERS OFFICE

# Corvallis School District 509J

*Honoring Diversity*

January 18, 2007

Dear Corvallis Community Leader,

I would like to personally invite you to participate in a community visioning process for the Corvallis School District. The goal of the Corvallis Community Vision for Education is to engage the community as a partner to identify the community's values and align the targets for student outcomes with those values. I am especially excited to hear your input as I respect your contribution as a community leader. The process will include representation from various stakeholder groups including teachers and parents, as well as community and business leaders like you to ensure that the process cumulates in a well-rounded set of recommendations that include a variety of perspectives. The following three questions are guiding the process:

1. *As a community, what knowledge and skills do we believe our students need to possess to be successful?*
2. *What learning experiences and opportunities should we provide for our students?*
3. *What kind of culture are we committed to fostering in our district?*

The goal of this process is to identify the community's collective vision of quality education for our students and create a community definition of student success. To identify these values and successfully accomplish this task, the participation of community and business leaders is essential. As the future employers and mentors of our students, your comments will be uniquely insightful.

The process will be facilitated to engage all participants and efficiently gather input. At this time the commitment is only for one evening although you may be invited to future forums. I hope you will be able to set aside the time for this important process. The community and business leader input forum is scheduled for:

**Date:** **Thursday, February 22, 2007**

**Time:** **5:45 – 6:00 p.m. – Meet and greet with the superintendent and school board**
**6:00 – 8:30 p.m. – Community and business leader input facilitation**

**Location:** **Corvallis/Benton County Public Library, Main Meeting Room. 645 NW Monroe Ave.**

If you are unable to attend February 22, please feel free to join us for our Community Forum on January 25 at 6:00-8:30 p.m., at Linus Pauling Middle School. Another option is to complete an online survey at www.360eval.com/login and enter the login code "CorvallisVision" (all one word). If you would like additional information about the process, please contact Julie Catala at 757-5841 or julie.catala@corvallis.k12.or.us.

This Community Vision for Education will drive the focus of Corvallis School District for years to come. Future actions will be determined relative to their place in achieving the community's vision for quality education and the resulting impact on student success. Thank you for your willingness to partner with us as we develop a plan to ensure the success of all Corvallis School District students.

Sincerely,

Dawn Tarzian
Superintendent

**Dawn Tarzian, Superintendent • Administration Office • 1555 SW 35th Street • PO Box 3509J • Corvallis, OR 97339**
**(541) 757-5811 • FAX (541) 757-5703**

RECEIVED
JAN 26 2007
CITY MANAGERS OFFICE

First United Methodist Church
1165 NW Monroe Ave.
Corvallis, OR 97330

January 7, 2007
+14,

TO: Governor Ted Kulongoski,
Senate President Peter Courtney,
Senate Majority Leader Kate Brown,
House Speaker Jeff Merkley,
House Majority Leader-elect Dave Hunt,
Mike Carrier, Natural Resource Policy Director,
Director Lane Shetterly, Dept of Land Conservation & Development,
Benton Co Commissioners Dixon, Jaramillo & Modrell,
Corvallis Mayor Tomlinson,

Dear Leaders,

As Oregonians and as members and friends of First United Methodist Church in Corvallis, we urge you to **fix Measure 37 so it is fair to all Oregonians, while still maintaining sustainable land practices.**

This measure was sold to the voters as a way to make Oregon's land use laws fairer, such as letting a family build a house on their land. Instead, Measure 37 has opened flood gates of greed.

Thousands of claims have been filed in Oregon covering hundreds of thousands of acres and asking for billions of dollars in compensation. In the Hood River Valley alone, over 1/3 of the farmland is now subject to Measure 37 claims. A growing number of Oregonians are now affected by claims on neighboring property.

**We acknowledge that some reasonable changes are needed to our land use laws.**
**However, uncontrolled subdivisions, strip malls, and gravel pits on farm and forest land will:**

**threaten our water supplies,**
**hurt our state's economy,**
**promise conflict between neighbors,**
**overwhelm our roads and public safety agencies,**
**and hurt our quality of life.**

Recent polls have shown that a *large majority of Oregonians would now vote against Measure 37.*

Because Measure 37 is a statute and not a constitutional amendment, **we ask you to:**

1. **Immediately suspend Measure 37 and the development resulting from already approved land use waivers.**
2. **While Measure 37 is suspended, conduct hearings throughout Oregon so that citizens can voice their concerns about Measure 37 and its effects.**
3. **Use this information to reform Measure 37, to provide real fairness to all Oregonians and to protect what we all value about our State.**

Sincerely,

Oregon citizens-- members and friends of Corvallis First United Methodist Church

| Signature | Printed name | Address (street, city, zip) |
|---|---|---|
| 1. LoEnna Simpson | LoEnna Simpson | 1863 NW Estaview Dr. Corvallis 97330 |
| 2. Margaret Robinson | Margaret Robinson | 1642 SW. Country Club Pl. Corvallis OR 97333 |
| 3. James Simpson | James Simpson | 1863 NW Estaview Dr Corvallis OR 97330 |
| 4. Sara Power | Sara Power | 235 N 13th Philomath, OR 97370 |
| 5. Madgette Mueller | Madgette Mueller | 4395 NW Queens Ave. Corv. 97330 |
| 6. Marge Stevens | Marge Stevens | 1428 NW Highland Dr Corvallis 97330 |
| 7. Carol Jensen | Carol Jensen | 5542 SW Redtop Pl, Corvallis, OR 97333 |

Oregon Leaders - Fix Measure 37: make it fair to all Oregonians, but maintain sustainable land practices. Jan 7, 07

| | Signature | Printed name | Address (street, city, zip) |
|---|---|---|---|
| 8. | Valerie Jowhite | Valerie White | 2709 NW Glenwood Pl. Corvallis, OR 9733 |
| 9. | Betty Lawrence | BETTY LAWRENCE | 1430 NW 27th St Corv OR 97330 |
| 10. | Frank Shaw | FRANK SHAW | 1735 NW Hills Vista Dr, Corvallis, 9733 |
| 11. | Linda Lamb | LINDA LAMB | 3335 NW Gumwood Ave, Corvallis OR 973 |
| 12. | [illegible] | Larry White | 2709 NW Glenwood Pl. Corvallis OR 973 |
| 13. | Helen + Jim | Hukari (Hukari) | 2601 NE Jack London #6 9733 |
| 14. | Carol Carter | CAROL CARTER | 29567 NE WESLINN CORVALLIS 973 |
| 15. | Dian House | DIAN HOUSE | 33125 SE White Oak Rd #54 Corvallis 973 |
| 16. | Lena Proebsting | Lena Proebsting | 7350 NW Oak Creek, Corvallis 9733 |
| 17. | Joan Cook | Joan Cook | 3105 NW Taft Corvallis OR 97330 |
| 18. | Ruth Shirley | Ruth Shirley | 32320 Old Hwy 34, Tangent, OR 97330 |
| 19. | Rhonda Mast | Rhonda Mast | 455 NW Ponderosa Corvallis 97330 |
| 20. | Mariol R Wogaman | MARIOL R. WOGAMAN | 2159 NW BEECHWOOD PL-CORVALLIS 9733 |
| 21. | Barbara B. Weber | Barbara B. Weber | 3200 NW Garfield Corvallis 97330 |
| 22. | Matt Gregory | MATT GREGORY | 636 NW 17th ST, CORVALLIS 97330 |
| 23. | William Veley | William Veley | 1639 Bullevard, Philomath, OR 97370 |
| 24. | Marian G. Veley | Marian G. Veley | 1639 Bullevard, Philomath, OR 97370 |
| 25. | Philip C Magnusson | Philip C. Magnusson | 4700 SW Hollyhock Circle #119, Corvallis OR 97333 |
| 26. | Madgette Mueller | Madgette Mueller | 4395 NW Queens Ave. Corv. 97330 |
| 27. | Richard Mueller | Richard Mueller | 4395 NW Queens Ave Corvallis 9733 |
| 28. | Patty McIntock | Patty McIntock | 3338 NW Firwood Dr. 97330 |
| 29. | Thomas C McIntock | THOMAS C. McCINTOCK | " " " |
| 30. | [illegible] | Jennifer H. Davis | 3405 NW Maxine Circle, Corvallis 9733 0 |
| 31. | | | |
| 32. | | | |
| 33. | | | |
| 34. | | | |
| 35. | | | |

# MEMORANDUM

TO: Mayor and City Council

FROM: Steve Rogers, Public Works Director

DATE: January 12, 2007

SUBJECT: MIS06-00055, Vacation of a Portion of SW Hollyhock Circle

## ISSUE

On November 22, 2006, Matrix Development Corporation submitted an application requesting to vacate a 1,172 square foot triangular section of public right-of-way for SW Hollyhock Circle. On December 6, 2006 a resubmittal was made that included more detailed information as requested by City staff. The original application and reapplication are attached. Attachments A-1 thru F are as referenced in the application.

## BACKGROUND

The portion of Hollyhock Circle right-of-way proposed for vacation is located adjacent to the south eastern corner of lot 53, Stoneybrook Village Assisted Living Phase 1 (see Attachment A-1). The right-of-way platted with Stoneybrook Village Assisted Living Phase 1 is 50 feet wide to accommodate Hollyhock Circle, a local street. The alignment of the right-of-way was selected based on plans for future development to the south. The later development to the south, Stoneybrook Phase 5, did not follow the same alignment that was previously established and created an unnecessary triangular portion. Site maps of the area and right-of-way proposed to be vacated are included in Attachment A-1 and A-2.

The vacation of this triangular portion of right-of-way will create a continuous 50 foot wide right- of-way as specified in the Land Development Code for a local street. The applicant requests that the portion of the right-of-way being vacated be added to lot 53, Stoneybrook Village Assisted Living Phase 1. Currently this triangular section of right-of-way is occupied by a driveway that leads to the rear of the above mentioned lot.

## DISCUSSION

Chapter 2.8 of the Land Development Code requires that persons applying for vacation of public rights-of-way submit letters of consent from all abutting property owners and owners of not less than two-thirds in the area of the real property affected (see Attachment F).

The Land Development Code also states that a vacation may be approved if the City Council finds that the request:

1) Is consistent with the purposes of Chapter 2.8 of the Land Development Code, and any other applicable policies and standards adopted by the City Council;

2) Will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, or public facilities/utilities;

3) Will not have a negative effect on traffic circulation or emergency service protection; and

4) Will serve the public interest, present and future.

The petitioner has discussed the rationale for their request and argue that the right-of-way is part of a street alignment that was not followed with progressing development. Staff agrees that the triangular portion of right-of-way is a remnant from a change in alignment when the property to the south was developed. The proposed right-of-way vacation proposal is consistent with review criteria 1 through 4 listed above.

## RECOMMENDATION

Staff recommends that City Council adopt an ordinance (Attachment G), which vacates a triangular portion of SW Hollyhock Circle right-of-way.

**Review and Concur:**

Scott A. Fewel 1/16/07
Scott A. Fewel — Date
City Attorney

Gary Boldizsar 1/18/07
Gary Boldizsar — Date
Police Chief

Dan Campbell 1/22/07
Dan Campbell — Date
Fire Chief

Ken Gibb 1/23/07
Ken Gibb — Date
Community Development Director

Jon S. Nelson 1/23/07
Jon S. Nelson — Date
City Manager

Attachments:
General Application
Application for Vacation of Public Right-of-way
A-1, Proposed Right-of-way Vacation Map
A-2, Proposed Right-of-way Vacation Map
B, Legal Description of Proposed Right-of-way Vacation
C, Vacation Notification Area
D, Affected Property Information Sheets
E, Affected Properties and Consent
F, Consent Letter from Affected Properties
G, Vacation Ordinance

# 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 Number_____ 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 Mod_X_major ___minor |
| _____ Conditional Development Modification | _____ Planned Development (Conceptual) |
| _____ Comprehensive Plan Amendment | _____ Planned Development (Detailed) |
| _____ Tentative Subdivision Plat | _____ Planned Develop (Nullification) |
| _____ District Change | _____ Plan Compatibility Review |
| From _____ | _____ Hillside Density Transfer |
| To _____ | _X_ Vacation of Public Land |
| _____ Minor Land Partition | _____ Willamette River Greenway |

**Please give us a brief summary of the action requested:**
*Requesting approval of a right-of-way vacation near the intersection of SW Hollyhock Circle and SW Birdsong Drive.*

**Name of Project:** *Stoneybrook Vacation*

**Applicant's Name:** *Matrix Development Corporation* Phone *503-620-8080*
Address *12755 SW 69th Avenue, Suite 100* FAX *503-598-8900*
*Portland, OR 97223*
Signature James R. Rutherford Date 8/16/06

**Property Owner Name:** _____ Phone _____
Address _____ FAX _____
_____
Signature _____ Date _____

**Project Staff** (name & address):

Planner *David Dodson - Willamette Valley Planning* Phone *541-753-1987*
*350 NW Polk Avenue, Corvallis, OR 97330* FAX *541-738-0468*

Engineer *Jasmin Woodside - OTAK* Phone *541-738-1611*
*435 NW 5th Street, Suite B, Corvallis, OR 97330* FAX *541-738-1612*

**Please tell us about your site:**

Location address (or general vicinity, side of street, distance to intersection)
*At the southeast corner of the Stoneybrook Assisted Living facility, north of lot 51 in the Stoneybrook subdivision, and west of SW Hollyhock Circle.*

| *Assessor's Map Number(s) | Related Tax Lot(s) |
|---|---|
| 1. *12-5-9BD* | *NA*, _____, _____, _____ |
| 2. _____ | _____, _____, _____, _____ |

*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)

Lot Area *1,172 square feet*
Development District (i.e. zone) *PD(RS-6) Low Density Residential with a PD overlay*
Comprehensive Plan Designation *Residential Low Density*

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 application submittal*
(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(RS-12)* | *Stoneybrook Assisted Living Facility* |
| South | *PD(RS-6)* | *Homes and vacant lots in the Stoneybrook Subdivision* |
| East | *PD(RS-6)* | *Vacant lots in the Stoneybrook Subdivision* |
| West | *PD(RS-12)* | *Stoneybrook Assisted Living Facility* |

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 nearby 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.
*The subject property does contain an access driveway approach serving the Stoneybrook Assisted Living facility.*

3. For your project, please indicate the uses proposed and describe the intended activities:
*The 1,172 square feet of right-of-way is proposed to be transferred to the Stoneybrook Assisted Living lot.*

4. Will the project be completed in phases: ☐ Yes ☑ No If Yes, please explain.

5. Proposed Uses

6. Site Cover

| **Use Type** | # of acres or sq ft | Percent of site | | **Coverage Type** | # of acres or sq ft | Percent of site |
|---|---|---|---|---|---|---|
| Residential<br>High | *1,172 SF* | *100%* | | **Impervious**<br>- New Structural footprints<br>- Parking & drives | | |
| Commercial<br>School<br>Industrial<br><br>Open Space<br>- Parks<br>- Drainageways<br>- Other | | | | **Mostly non-impervious**<br>Open Space<br>- Parks<br>- Drainageways<br>All Other<br>Green areas or yards, walks, patios, and landscape areas | | |
| **Total** | *1,172 SF* | *100%* | | **Total** | *NA* | *NA* |

Description of other types (e.g. recreational facilities): *None.*

For Residential Development:

| Type | # Units | # Bedrooms | Density (living units per acre) |
|---|---|---|---|
| *NA* | *NA* | *NA* | *NA* |
| | | | |

7. How will open space, common areas and recreational facilities be maintained?
*All open space, common areas, and recreational facilities will continue to be maintained by Excel Management, the owner of the Stoneybrook Assisted Living facility.*

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.

**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?
*The applicant has contacting some of the affected property owners in order to obtain the necessary 2/3 consent. A neighborhood meeting is not planned at this time.*

## Authorization for Staff and Decision Maker to Enter Land:

City staff, Planning Commissioners and City Councilors are encouraged to visit the sites of proposed developments as part of their review of specific land use applications. Decision maker site visits are disclosed through the public hearing process. Please indicate below whether you authorize City staff and decision makers to enter onto the property(ies) associated with this application as part of their site visits.

- ☑ I authorize City staff and decision makers to enter onto the property(ies) associated with this application.
- ☐ I do not authorize City decision makers to enter onto the property(ies) associated with this application.

## Public Notice Signs

The applicant is responsible for posting public notice signs in at least one conspicuous place along each street frontage of a site 20 days prior to the public hearing date. Staff will prepare the signs and will let you know when the signs are ready to be picked up from City Hall.

Please indicate who will be responsible for posting any required signs:

Name: *David Dodson*

Phone: *541-753-1987*

# *An Application for Vacation of Public Right-of-way at Stoneybrook*

*Submitted to:*

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

**The City of Corvallis**
**501 SW Madison Avenue**
**Corvallis, OR 97333**

RECEIVED
DEC 6 2006
DEVELOPMENT ENGINEERING

*Submitted by:*

**Matrix Development Corporation**
**12755 SW 69th Street, Suite 100**
**Portland, OR 97223**

December 2006

# *Narrative for the Stoneybrook Right-of-way Vacation*

## *SUMMARY OF THE REQUEST*

*The applicant is requesting the City to vacate a 1,172 square foot triangular section of public right-of-way that no longer serves the public. The original right-of-way was dedicated to the City when the first and second phases of Stoneybrook Village Assisted Living facility was originally platted around 2001. The remaining phases of Stoneybrook were sold to Pahlisch Homes in 2003, who revised the subdivision design which resulted in the remnant piece of right-of-way. The applicant requests that the portion of the right-of-way being vacated be added to the existing Stoneybrook Village Assisted Living lot.*

*To approve a vacation of public land, it must be found that the proposal complies with applicable sections of the Land Development Code (LDC) and does not harm the City or adjacent properties.*

## *ATTACHMENTS*

*A - Proposed Right-of-way Vacation & Existing Conditions*
*B - Legal Description*
*C - Vacation Notification Area*
*D - Affected Property Information Sheets from Assessors Office*
*E - Table of Affected Properties and Consent*
*F - Consent Letters from Affected Properties*

## *PURPOSE*

*Applicable Land Development Code Section:*

**Section 2.8.20 - PURPOSES**

**The procedures and review criteria established in this chapter are used for vacating public lands and plats for the following purposes:**

**a. Permit vacation of public lands not needed for municipal purposes where it is consistent with the community land use policies and goals; or**
**b. Permit private ownership of public land where the proposed use of the lands promotes the public welfare; and**
**c. Permit vacating of all or part of undeveloped plats.**

*The purpose of the proposed right-of-way vacation is to transfer land that is no longer needed to accommodate street improvements, consistent with LDC Section 2.8.20.a above.*

## *PROCEDURES*

*Applicable Land Development Code Section:*

**Section 2.8.30 - PROCEDURES**

**2.8.30.02 - Application Requirements**

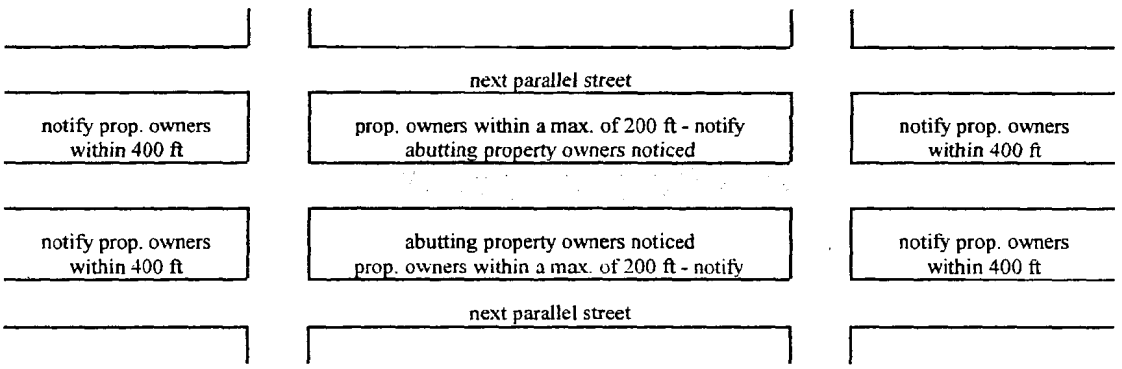
**a. Applications submitted by property owners shall be made on forms provided by the Director and be accompanied by a map of the area proposed to be vacated and such other information as may be necessary for an adequate review of a petition.**

*The applicant has submitted a map and legal description of the area proposed to be vacated, (Attachments A & B). A map showing the vacation notification area and property information sheets from the Assessors office has also been provided, (Attachments C & D). Consent letters and a table summarizing acreage and those who support the request have also been submitted, (Attachments E & F), consistent with LDC Section 2.8.30.02.a above.*

**b. At the time the application to vacate public land is submitted, the person(s) filing the application shall submit a letter or letters of consent from affected property owners. For purposes of this Code and in compliance with ORS 271.080, affected property owners shall be defined as follows:**

**1. All abutting property owners, and**

**2. Owners of not less than two-thirds in area of the real property affected thereby. "Real property" shall be deemed to be the land lying on either side of the street or portion thereof to be vacated and extending laterally to the next street serving as a parallel street, but not in any case to exceed 200 ft, and the land for a lateral distance on either side of the street for 400 ft, as shown in the following illustrated example.**



3. **In the case of vacating a plat or part thereof, consent of the owners of two-thirds of the land area of the property included within the plat or part thereof, except where the vacation includes a street, the requirements in "2" above shall apply.**

c. **Consent of the owners of the required amount of property shall be submitted in writing and duly acknowledged by the Director prior to scheduling of a public hearing for the requested vacation.**

d. **At the discretion of the City Engineer, utility connections may be required to be removed or abandoned by the applicant prior to final approval.**

*All abutting property owners (tax lots 6500 and 20800) have provided their written consent for the proposed vacation. Additionally, affected property owners are considered to be those lots that are 400-feet north and south of the proposed vacation, and 200-feet east and west, (Attachments C & D). The applicant has submitted consent letters from 24 of the 33 affected property owners. Of the 14.34 acres of affected property, 10.23 acres or 71% have given their consent, in compliance with LDC Section 2.8.30.02 b and c above, (Attachments E & F).*

## *REVIEW CRITERIA*

*Applicable Land Development Code Section:*

**2.8.30.06 - Review Criteria**

**A vacation may be approved if the City Council finds that the request:**

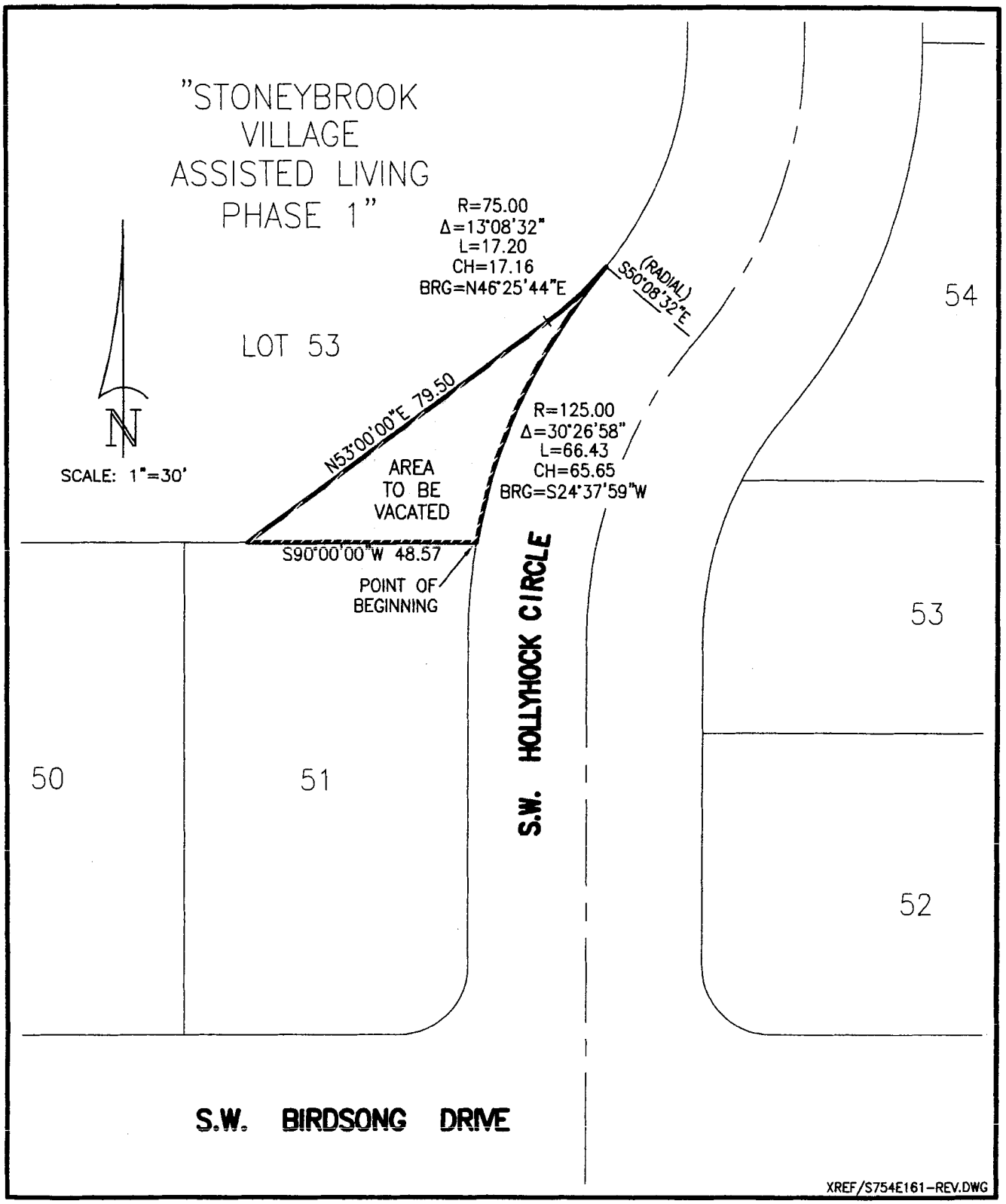
a. **Is consistent with the purposes of this chapter, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council;**

b. **Will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, or public facilities/utilities;**

c. **Will not have a negative effect on traffic circulation or emergency service protection; and**

d. **Will serve the public interest, present and future.**

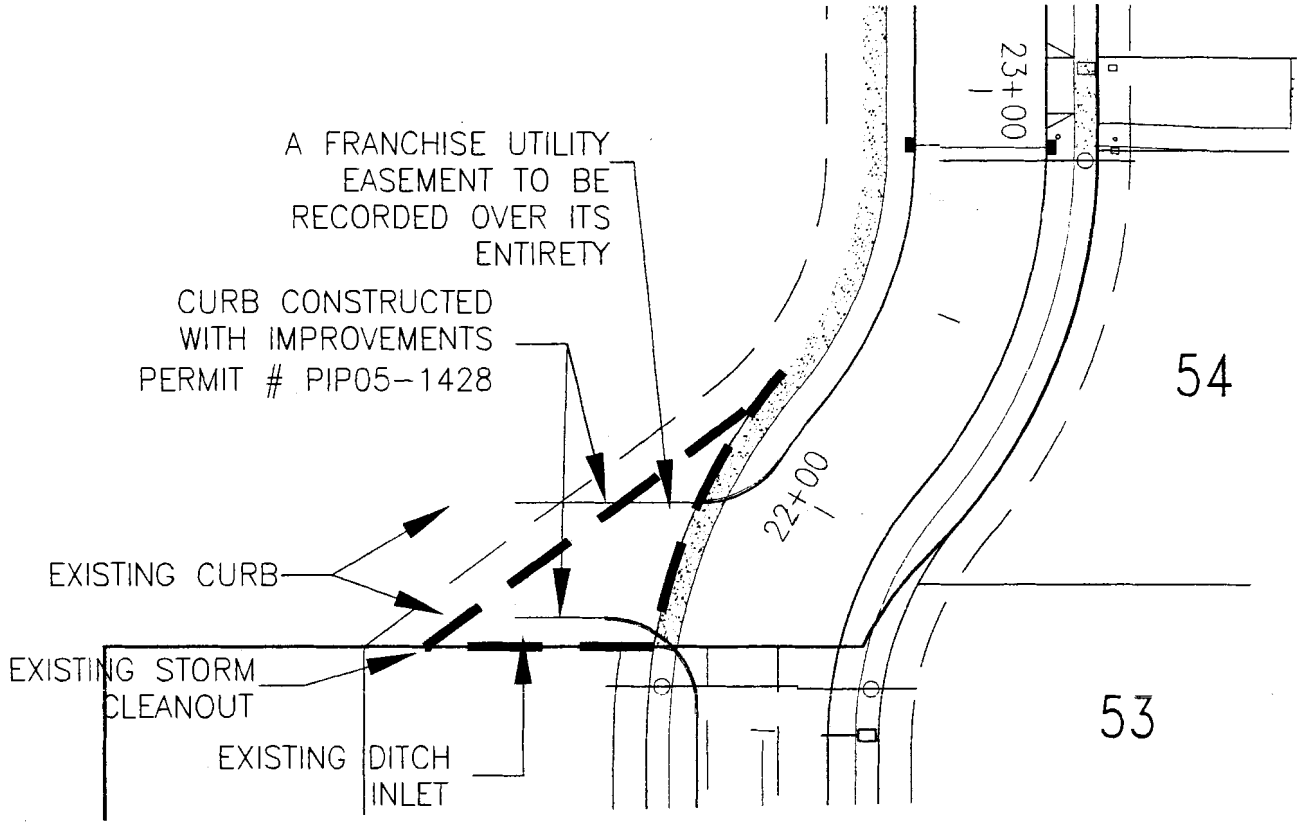
*The proposed vacation will not affect access to SW Hollyhock Circle or the adjacent private properties. The vacated land would be transferred to the Stoneybrook Village Assisted Living lot (Map 12-5-9BD, Tax Lot 6500), which currently has a driveway approach in this location. This will add 1,172 square feet to Tax Lot 6500, thereby increasing it from 3.40 to 3.43 acres, in compliance with ORS 271.140. Traffic circulation and emergency vehicle access will be maintained, following the vacation. The street and sidewalk improvements associated with SW Hollyhock Circle will continue to remain within a 50-foot public right-of-way. Therefore, the proposed right-of-way vacation is consistent with the applicable review criteria found in LDC Section 2.8.30.6 above.*




**PROPOSED RIGHT-OF-WAY VACATION**
**STONEYBROOK VILLAGE AREA**

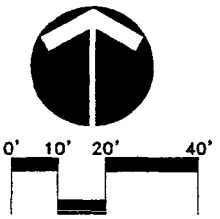
**ATTACHMENT A-1**

otak incorporated
surveyors engineers planners
17355 S.W. BOONES FERRY ROAD
LAKE OSWEGO, OREGON 97035
(503)635-3618 FAX (503)635-5395




# R.O.W. VACATION

SCALE: 1" = 40'




# LEGEND

EXISTING R.O.W. TO BE VACATED

| | |
|---|---|
| Date | 12/04/06 |
| Designed | JBW |
| Drawn | KMG |
| Checked By | Date |

otak incorporated
435 NW 5th Street, Suite D
Corvallis, Oregon 97330
Phone: (541) 738-1611
FAX: (541) 738-1612

# STONEYBROOK PHASE 5

PIP05-1428
Corvallis, Oregon

## ATTACHMENT A-2

Project No. 13265
File No.
Sheet No.

Copyright 2001 ©

**EXHIBIT A**
**RIGHT-OF-WAY VACATION**
**STONEYBROOK VILLAGE**
**LEGAL DESCRIPTION**
**April 7, 2006**

A tract of land in the northwest one-quarter of Section 9, Township 12 South, Range 5 West, Willamette Meridian, City of Corvallis, Benton County, Oregon, and being described as follows:

Beginning at the northeasterly corner of Lot 51, "Stoneybrook No. 2", recorded in Book 10, Page 84, Benton County Plat Records; thence S.90°00'00"W. along the north line of said Lot 51, a distance of 48.57 feet to the southeast corner of Lot 53, "Stoneybrook Village Assisted Living Phase 1", recorded in Book 10, Page 31, Benton County Plat Records; thence N.53°00'00"E. along the easterly line of said Lot 53, a distance of 79.50 feet to the point of curve left of a 75.00 foot radius curve; thence continuing along said easterly line on the arc of said curve left through a central angle of 13°08'32", 17.20 feet (chord bears N.46°25'44"E., 17.16 feet) to a point of non-tangent curvature; thence leaving said easterly line southwesterly along the arc of a 125.00 foot radius curve left (the radius point of which bears S.50°08'32"E) through a central angle of 30°26'58", 66.43 feet (chord bears S.24°37'59"W., 65.65 feet) to the Point of Beginning.

Contains 1,172 square feet, more or less.

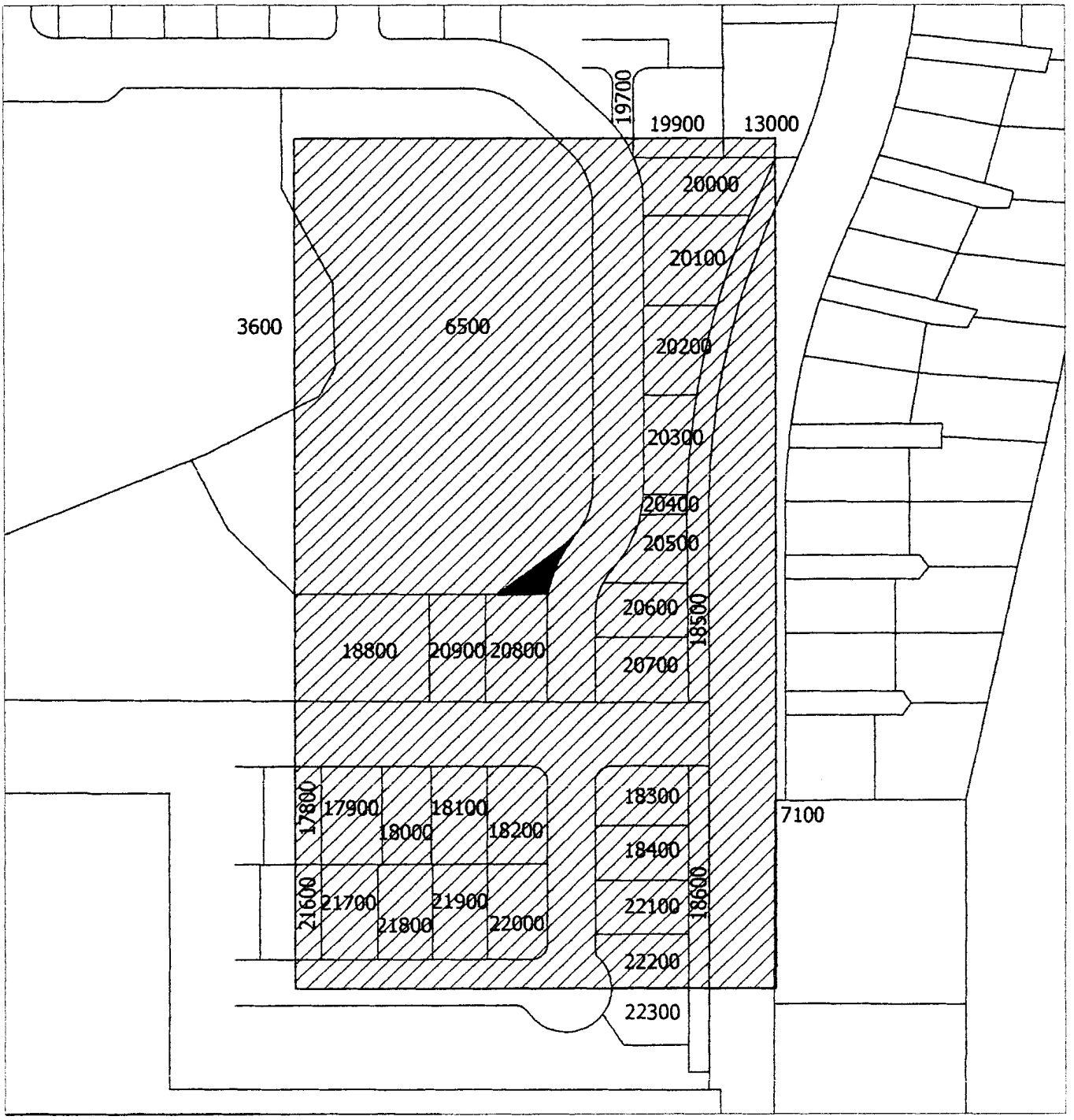
REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JANUARY 17, 1995
GARY E. PAUL
2698

RENEWAL 12/31/2006

# ATTACHMENT B

# VACATION NOTIFICATION AREA




**Area To Be Vacated**

**Real Property Affected**
(400' N&S of Vacation and
200' E&W of Vacation)

N

0 150 300

Scale: 1" = 150'

**ATTACHMENT C**

# Affected Property Information Sheets from the Benton County Assessors Office

Dated August 10, 2006

ATTACHMENT D

# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 392235 | Market Land Value: | $485,146.00 |
| Map/Tax Lot Number: | 12509BD03600 | Market Structure Value: | $5,205,500.00 |
| Property Class: | 201 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $4,267,575.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $4,267,575.00 |

## Owner Info:

Property Owner: CORVALLIS RETIREMENT RESIDENCE LLC
Situs Address: 4723 TO 4733 SW BIRDSONG DR CORVALLIS, OR 97333
Owner Mailing Address: 925 4TH AVE STE 3300 SEATTLE WA 98104-1126

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 4.05 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 415789 | Market Land Value: | $407,283.00 |
| Map/Tax Lot Number: | 12509BD06500 | Market Structure Value: | $6,058,429.00 |
| Property Class: | 201 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $4,414,352.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $4,414,352.00 |

## Owner Info:

Property Owner: CORVALLIS ASSISTED LIVING LLC
Situs Address: 4650 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 925 4TH AVE STE 3300 SEATTLE WA 98104-1126

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 3.4 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| M300497-01 | 06/18/2001 | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 417490 | Market Land Value: | $110,000.00 |
| Map/Tax Lot Number: | 12509BD13000 | Market Structure Value: | $185,600.00 |
| Property Class: | 101 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $274,901.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $274,901.00 |

## Owner Info:

Property Owner: ONO HIDEO
Situs Address: 2150 SW 45TH ST CORVALLIS, OR 97333
Owner Mailing Address: 2150 SW 45TH ST CORVALLIS OR 97333

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 1976 | 0.3 | 2850 | 4 | 2.5 | 1 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| M383642-05 | 04/11/2005 | $285,000.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 417761 | Market Land Value: | $93,500.00 |
| Map/Tax Lot Number: | 12509BD17800 | Market Structure Value: | $0.00 |
| Property Class: | 101 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $73,362.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $73,362.00 |

## Owner Info:

Property Owner: TRUOG DAVID & JEANETTE M
Situs Address: 4682 SW BIRDSONG DR CORVALLIS, OR 97333
Owner Mailing Address: 4682 SW BIRDSONG DR CORVALLIS OR 97333

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 2005 | 0.13 | 1863 | 3 | 2 | 1 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| M401549-06 | 03/24/2006 | $336,936.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 417762 | Market Land Value: | $93,500.00 |
| Map/Tax Lot Number: | 12509BD17900 | Market Structure Value: | $0.00 |
| Property Class: | 101 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $73,362.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $73,362.00 |

## Owner Info:

Property Owner: OSBURN PEGGY LYNN
Situs Address: 4670 SW BIRDSONG DR CORVALLIS, OR 97333
Owner Mailing Address: 4670 SW BIRDSONG DR CORVALLIS OR 97333

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 2005 | 0.13 | 1897 | 3 | 6 | 1 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| M399648-06 | 02/10/2006 | $325,424.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 417763 | Market Land Value: | $104,500.00 |
| Map/Tax Lot Number: | 12509BD18000 | Market Structure Value: | $91,900.00 |
| Property Class: | 101 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $146,896.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $146,896.00 |

## Owner Info:

Property Owner: SCHOELL ERIKA A
Situs Address: 4654 SW BIRDSONG DR CORVALLIS, OR 97333
Owner Mailing Address: 4654 SW BIRDSONG DR CORVALLIS OR 97333

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 2004 | 0.11 | 1945 | 3 | 2.5 | 2 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| M390541-05 | 08/16/2005 | $294,900.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 417764 | Market Land Value: | $110,000.00 |
| Map/Tax Lot Number: | 12509BD18100 | Market Structure Value: | $182,100.00 |
| Property Class: | 101 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $215,099.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $215,099.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 4632 SW BIRDSONG DR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 2004 | 0.12 | 2363 | 3 | 2 | 1 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 417765 | Market Land Value: | $93,500.00 |
| Map/Tax Lot Number: | 12509BD18200 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $73,362.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $73,362.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 4618 SW BIRDSONG DR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.13 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 417766 | Market Land Value: | $93,500.00 |
| Map/Tax Lot Number: | 12509BD18300 | Market Structure Value: | $0.00 |
| Property Class: | 101 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $73,362.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $73,362.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 5049 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 2005 | 0.13 | 1867 | 2 | 2 | 1 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 417767 | Market Land Value: | $93,500.00 |
| Map/Tax Lot Number: | 12509BD18400 | Market Structure Value: | $0.00 |
| Property Class: | 101 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $73,321.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $73,321.00 |

## Owner Info:

Property Owner: LOUIE DOLLY,TR
Situs Address: 5045 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 5045 SW HOLLYHOCK CIR CORVALLIS OR 97333

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 2005 | 0.12 | 1455 | 2 | 2 | 1 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| M407332-06 | 07/17/2006 | $0.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 417768 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD18500 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: STONEYBROOK VILLAGE HOMEOWNERS ASSOC
Situs Address: UNKNOWN
Owner Mailing Address: 7320 SW HUNZIKER ST STE 320 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.26 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| M381837-05 | 03/03/2005 | $0.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418220 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD18600 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: UNKNOWN
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.14 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418179 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD18800 | Market Structure Value: | $0.00 |
| Property Class: | 400 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: CALDWELL DORIS CONGER
Situs Address: 2325 SW 45TH ST CORVALLIS, OR 97333
Owner Mailing Address: 4700 SW HOLLYHOCK CIR APT 305 CORVALLIS OR 97333-1372

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 2.01 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418445 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD19700 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: UNKNOWN
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.13 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418447 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD19900 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 4615 SW ORCHID CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.18 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418448 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD20000 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 4607 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.17 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418449 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD20100 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 4591 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.13 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418450 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD20200 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 4563 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.14 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418451 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD20300 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 4555 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.12 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418452 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD20400 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: UNKNOWN
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.02 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418453 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD20500 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 4539 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.13 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418454 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD20600 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 4521 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.11 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418455 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD20700 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 4505 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.14 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418456 | Market Land Value: | $3,737.00 |
| Map/Tax Lot Number: | 12509BD20800 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $3,737.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $3,737.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 4615 SW BIRDSONG DR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.15 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418464 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD21600 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 5005 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.13 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418465 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD21700 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 5009 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.13 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418466 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD21800 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 5015 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.12 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418467 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD21900 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 5023 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.12 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

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## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418468 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD22000 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 5031 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.13 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

Benton County Web sites provide general information and services. Information and linked sites have not been reviewed. The completeness, timeliness and availability of data are not known. Links and references to other sites are not endorsements. Benton County is not liable for any damages that may result from use of this site. Please read our full Liability Statement for more details.

# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418469 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD22100 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 5041 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.12 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418470 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD22200 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 5037 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.11 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

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# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 418471 | Market Land Value: | $0.00 |
| Map/Tax Lot Number: | 12509BD22300 | Market Structure Value: | $0.00 |
| Property Class: | 100 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0901 | Assessed Value: | $0.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $0.00 |

## Owner Info:

Property Owner: MATRIX DEVELOPMENT CORPORATION
Situs Address: 5033 SW HOLLYHOCK CIR CORVALLIS, OR 97333
Owner Mailing Address: 12755 SW 69TH AVE #100 PORTLAND OR 97223

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 0 | 0.12 | 0 | 0 | 0 | 0 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

Benton County Web sites provide general information and services. Information and linked sites have not been reviewed. The completeness, timeliness and availability of data are not known. Links and references to other sites are not endorsements. Benton County is not liable for any damages that may result from use of this site. Please read our full Liability Statement for more details.

# Benton County Assessor Office: Property Information

2004 Tax Statements Click HERE

## Account Info:

| | | | |
|---|---|---|---|
| Account Number: | 146856 | Market Land Value: | $138,235.00 |
| Map/Tax Lot Number: | 12509DB07100 | Market Structure Value: | $110,300.00 |
| Property Class: | 401 | Specially Assessed Land Value: | $0.00 |
| Tax Code Area: | 0905 | Assessed Value: | $158,338.00 |
| Property Status: | A | Exemption: | $0.00 |
| | | Net Taxable: | $158,338.00 |

## Owner Info:

Property Owner: BURRIGHT RONALD D & SHARON M
Situs Address: 2375 SW 45TH ST CORVALLIS, OR 97333
Owner Mailing Address: 2375 SW 45TH ST CORVALLIS OR 97333-1339

## Property Info:

| Year Built: | Acres: | Square Footage: | Number of Bedrooms: | Number of Bathrooms: | Stories: |
|---|---|---|---|---|---|
| 1950 | 0.91 | 1920 | 4 | 2 | 2 |

## Sales Info:

| Deed Reference Number: | Sales Date: | Sale Price: |
|---|---|---|
| | | $0.00 |

Benton County Web sites provide general information and services. Information and linked sites have not been reviewed. The completeness, timeliness and availability of data are not known. Links and references to other sites are not endorsements. Benton County is not liable for any damages that may result from use of this site. Please read our full Liability Statement for more details.

# Affected Properties and Consent

| MAP | TAX LOT | OWNER | ACREAGE | CONSENT |
|---|---|---|---|---|
| 12-5-9BD | 3600 | Corvallis Retirement Residence, LLC | 4.05 | 4.05 |
| 12-5-9BD | 6500 | Corvallis Assisted Living, LLC | 3.40 | 3.40 |
| 12-5-9BD | 13000 | Ono Hideo | 0.30 | |
| 12-5-9BD | 17800 | David & Jeanette M. Truog | 0.13 | |
| 12-5-9BD | 17900 | Peggy Lynn Osburn | 0.13 | |
| 12-5-9BD | 18000 | Erika A. Schoell | 0.11 | |
| 12-5-9BD | 18100 | Matrix Development Corporation | 0.12 | 0.12 |
| 12-5-9BD | 18200 | Matrix Development Corporation | 0.13 | 0.13 |
| 12-5-9BD | 18300 | Matrix Development Corporation | 0.13 | 0.13 |
| 12-5-9BD | 18400 | TR Louie Dolly | 0.12 | |
| 12-5-9BD | 18500 | Stoneybrook Village Homeowners Assoc. | 0.26 | |
| 12-5-9BD | 18600 | Matrix Development Corporation | 0.14 | |
| 12-5-9BD | 18800 | Doris Conger Caldwell | 2.01 | |
| 12-5-9BD | 19700 | Matrix Development Corporation | 0.13 | 0.13 |
| 12-5-9BD | 19900 | Matrix Development Corporation | 0.18 | 0.18 |
| 12-5-9BD | 20000 | Matrix Development Corporation | 0.17 | 0.17 |
| 12-5-9BD | 20100 | Matrix Development Corporation | 0.13 | 0.13 |
| 12-5-9BD | 20200 | Matrix Development Corporation | 0.14 | 0.14 |
| 12-5-9BD | 20300 | Matrix Development Corporation | 0.12 | 0.12 |
| 12-5-9BD | 20400 | Matrix Development Corporation | 0.02 | 0.02 |
| 12-5-9BD | 20500 | Matrix Development Corporation | 0.13 | 0.13 |
| 12-5-9BD | 20600 | Matrix Development Corporation | 0.11 | 0.11 |
| 12-5-9BD | 20700 | Matrix Development Corporation | 0.14 | 0.14 |
| 12-5-9BD | 20800 | Matrix Development Corporation | 0.15 | 0.15 |
| 12-5-9BD | 21600 | Matrix Development Corporation | 0.13 | 0.13 |
| 12-5-9BD | 21700 | Matrix Development Corporation | 0.13 | 0.13 |
| 12-5-9BD | 21800 | Matrix Development Corporation | 0.12 | 0.12 |
| 12-5-9BD | 21900 | Matrix Development Corporation | 0.12 | 0.12 |
| 12-5-9BD | 22000 | Matrix Development Corporation | 0.13 | 0.13 |
| 12-5-9BD | 22100 | Matrix Development Corporation | 0.12 | 0.12 |
| 12-5-9BD | 22200 | Matrix Development Corporation | 0.11 | 0.11 |
| 12-5-9BD | 22300 | Matrix Development Corporation | 0.12 | 0.12 |
| 12-5-9DB | 07100 | Ronald D. & Sharon M. Burright | 0.91 | |
| | | | | |
| **Total** | | | **14.34** | **10.23** |

**ATTACHMENT E**

# Consent Letters from Affected Properties

ATTACHMENT F

WILLAMETTE VALLEY PLANNING

August 14, 2006

Mr. Randy Rutherford
Matrix Development Corporation
12755 SW 69th Avenue, Suite 100
Portland, OR 97223

SUBJECT: Vacation of public right-of-way at Stoneybrook

Dear Mr. Rutherford:

Matrix Development is interested in vacating a small portion of public right-of-way along SW Hollyhock Circle at Stoneybrook in Corvallis, Oregon. See the accompanying map on the back of this letter. This remnant piece of right-of-way was a result of a roadway redesign that was done after the first two phases of Stoneybrook were platted. The property does not serve any right-of-way purpose, therefore Matrix Development is filing a vacation request so that the property can be transferred to the abutting property owner, in this case Stoneybrook Assisted Living, LLC.

Under the City of Corvallis Land Development Code provisions, applicants are required to notify the owners of specific neighboring properties and obtain their concurrence to vacate any public right-of-way. We request your consent by returning a signed copy of this letter in the accompanying pre-addressed stamped envelope. We would appreciate your timely response.

If you have any questions, please contact me at 541-753-1987.

Sincerely,

David j. Dodson, AICP
President

Property owner: Matrix Development Corporation

Consent by (please sign): James R Rutherford

Date: August 16, 2006

Map 12-5-9BD, Tax Lots 18100, 18200, 18,300, 18600, 19700, 19900, 20000, 20100, 20200, 20300, 20400, 20500, 20600, 20700, 21600, 21700, 21800, 21900, 22000, 22100, 22200, 22300

350 N.W. Polk Avenue • Corvallis, Oregon 97330 • 541-753-1987 • fax: 541-738-0468 • davejdodson@[illegible]

WILLAMETTE VALLEY PLANNING

August 31, 2006

Mr. Bruce Thorn
Holiday Retirement Corporation
P.O. Box 14111
Salem, OR 97309

SUBJECT: Vacation of public right-of-way at Stoneybrook

Dear Mr. Thorn:

Matrix Development is interested in vacating a small portion of public right-of-way along SW Hollyhock Circle at Stoneybrook in Corvallis, Oregon. See the accompanying map on the back of this letter. This remnant piece of right-of-way was a result of a roadway redesign that was done after the first two phases of Stoneybrook were platted. The property does not serve any right-of-way purpose, therefore Matrix Development is filing a vacation request so that the property can be transferred to the abutting property owner, in this case Corvallis Assisted Living, LLC.

Under the City of Corvallis Land Development Code provisions, applicants are required to notify the owners of specific neighboring properties and obtain their concurrence to vacate any public right-of-way. We request your consent by returning a signed copy of this letter in the accompanying pre-addressed stamped envelope. We would appreciate your timely response.

If you have any questions, please contact me at 541-753-1987.

Sincerely,

David j. Dodson, AICP
President

Property owner: ~~Holiday Retirement Corporation~~ Corvallis Assisted Living LLC
By: BDN Management Corp. Its Manager

Consent by (please sign): William E. Colson
President

Date: 10/11/06

Map 12-5-9BD, Tax Lot 3600, 4.05 acres (Corvallis Retirement Residence, LLC)

350 N.W. Polk Avenue • Corvallis, Oregon 97330 • 541-753-1987 • fax: 541-738-0468 • davewvp@comcast.net

WILLAMETTE VALLEY PLANNING

August 31, 2006

Mr. Bruce Thorn
Holiday Retirement Corporation
P.O. Box 14111
Salem, OR 97309

SUBJECT: Vacation of public right-of-way at Stoneybrook

Dear Mr. Thorn:

Matrix Development is interested in vacating a small portion of public right-of-way along SW Hollyhock Circle at Stoneybrook in Corvallis, Oregon. See the accompanying map on the back of this letter. This remnant piece of right-of-way was a result of a roadway redesign that was done after the first two phases of Stoneybrook were platted. The property does not serve any right-of-way purpose, therefore Matrix Development is filing a vacation request so that the property can be transferred to the abutting property owner, in this case Corvallis Assisted Living, LLC.

Under the City of Corvallis Land Development Code provisions, applicants are required to notify the owners of specific neighboring properties and obtain their concurrence to vacate any public right-of-way. We request your consent by returning a signed copy of this letter in the accompanying pre-addressed stamped envelope. We would appreciate your timely response.

If you have any questions, please contact me at 541-753-1987.

Sincerely,

David j. Dodson, AICP
President

Property owner: ~~Holiday Retirement Corporation~~ Corvallis Assisted Living LLC

Consent by (please sign): By: BON Management Corp. Its Manager
William E. Wism, President

Date: 10/11/06

Map 12-5-9BD, Tax Lot 6500, 3.4 acres (Corvallis Assisted Living, LLC)

350 N.W. Polk Avenue • Corvallis, Oregon 97330 • 541-753-1987 • fax 541-738-0460

# Hollyhock Circle Vacation Ordinance

ATTACHMENT G

ORDINANCE 2007-____

AN ORDINANCE vacating a portion of SW Hollyhock Circle Right-of-Way and reserving a Public Utility Easement over its entirety, as described in this ordinance, all as located within the City of Corvallis Oregon.

WHEREAS, the City Council, at its regular meeting of January 2, 2007 scheduled a public hearing for February 5, 2007 at 7:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard, Corvallis, Oregon. The purpose of the hearing was to hear objections regarding the proposed vacation of a portion of SW Hollyhock Circle initiated by Matrix Development Corporation. Proof of public hearing notice publication in the Corvallis Gazette-Times, a newspaper of general circulation published in Corvallis, on January 22, 2007 and January 29, 2007 has been made and filed with the City Recorder.

WHEREAS, the City Council has held that public hearing and has heard and considered any and all objections; and

WHEREAS, based on the information presented, the City Council finds that the subject portion of SW Hollyhock Circle is no longer needed for public purposes except to provide for a public utility easement; and

WHEREAS, based upon the information presented, the City Council finds that vacating the subject portion of SW Hollyhock Circle while reserving a public utility easement:

1. Is consistent with the purposes of Land Development Code Chapter 2.8, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council;

2. Will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, or public facilities/utilities;

3. Will not have a negative effect on traffic circulation or emergency service protection; and

4. Will serve the public interest, present and future.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

1. As provided herein, that portion of SW Hollyhock Circle described below and illustrated in Exhibit A-1, is vacated and from the effective date of this Ordinance is no longer a public way. Therefore, these portions of vacated right-of-way shall, subject to the PUE reservation, revert to the adjacent property in the following manner:

Legal Description of Property Being Vacated by the City of Corvallis and Combined with Parcel 53 of Partition Plat Stoneybrook Village Assisted Living Phase 1 of Benton County, Oregon (reverts to Corvallis Assisted Living LLC)

A tract of land in the northwest one-quarter of Section 9, Township 12 South, Range 5 West, Willamette Meridian, City of Corvallis, Benton County, Oregon, and being described as follows:

Beginning at the northeasterly corner of lot 51, "Stoneybrook No. 2", recorded in Book 10, Page 84, Benton County Plat Records; thence S.90°00'00"W. along the north line of said lot 51, a distance of 48.57 feet to the southeast corner of Lot 53, "Stoneybrook Village Assisted Living Phase 1", recorded in Book 10, Page 31, Benton County Plat Records; thence N.53°00'00"E. along the easterly line of said Lot 53, a distance of 79.50 feet to the point of curve left of a 75.00 foot radius curve; thence continuing along said easterly line on the arc of said curve left through a central angle of 13°08'32", 17.20 feet (chord bears N.46°25'44"E., 17.16 feet) to a point of non-tangent curvature; thence leaving said easterly line southwesterly along the arc of a 125.00 foot radius curve left (the radius point of which bears S.50°08'32"E.) through a central angle of 30°26'58", 66.43 feet (chord bears S.24°37'59"W., 65.65 feet) to the Point of Beginning. Contains 1,172 square feet, more or less.

2. Concurrent with vacation the City of Corvallis reserves a Public Utility Easement (PUE) over the entirety of the said portion of SW Hollyhock Circle Right-of-Way. The PUE is to benefit the public by maintaining access between public rights of way and providing continual access for those public services which are now or may later be provided by a "public utility" as that term is defined in ORS 757.005.

3. A certified copy of this vacation ordinance will be filed for record with the County Recorder, by the City, consistent with requirements outlined in Land Development Code Section 2.8.40. Recording of this ordinance shall not occur before a Public Utility Easement has been place over the entirety of the said Right-of-Way by the City of Corvallis.

4. This vacation shall take effect upon filing a certified copy of the vacation ordinance for recording with the County Recorder.

PASSED by the Council this _____ day of _____, 2007.

APPROVED by the Mayor this _____ day of _____, 2007.

EFFECTIVE this _____ day of _____, 2007.

_____
Mayor

ATTEST:

_____
City Recorder

# MEMORANDUM

**TO:** **Mayor and City Council**

**FROM:** **Ken Gibb, Community Development Director**

**DATE:** **January 22, 2007**

**RE:** **MIS06-00051: Appeal of Building Permit Issuance for 2323 NW Monroe Avenue**

## I. ISSUE

The Land Development Hearings Board (LDHB), at its December 6, 2006, meeting **(Attachment IV)**, upheld the decision of the Development Services Manager, to issue a building permit for a change of occupancy at 2323 NW Monroe Avenue. William Cohnstaedt has filed an appeal of this decision **(Attachment I)**. The Land Development Code (LDC) specifies that the City Council hear appeals of LDHB decisions regarding decisions of the Development Services Manager.

## II. BACKGROUND and DISCUSSION

On October 10, 2006, the Development Services Manager issued a building permit (case BLD06-00842), in response to an application submitted by the applicant on August 10, 2006. The building permit application involves changing the occupancy of an existing structure located at 2323 NW Monroe Avenue from its former fraternity use, to a financial counseling center for students on the ground floor, and group residential living on the upper two floors. The use of the building as a fraternity was discontinued in 2004.

The building permit request also involves changes to the existing site conditions to accommodate an ADA-compliant vehicle parking space and access aisle, with a new driveway entrance from NW Monroe Avenue. The building permit application also indicates that the proposed development would utilize an existing parking area, located on the northwest side of the property, to accommodate vehicle parking. The existing parking area is considered to be non-conforming in respect to its structure, but its use as accessory parking is legally permitted outright in the SA(U) (Shopping Area – University) district.

The appellant filed an appeal of the building permit approval, which was heard by the LDHB on December 6, 2006 **(Attachments II, III, and IV)**.

**LDHB Action:** Specific criteria and policies that apply to the building permit application were addressed in the November 29, 2006, Staff Report to the LDHB **(Attachment III)**. The criteria require that the application be consistent with LDC, Building Code, Fire Code, City Engineering standards, and any other applicable policies and standards adopted by the City. Generally, Comprehensive Plan Policies are not considered in the review of a building permit application, but the Policies may be supported by existing LDC provisions.

On December 6, 2006, after reviewing the October 10, 2006, building permit decision, and the November 29, 2006, Staff Report, the LDHB closed public testimony, deliberated, and decided that the decision to issue the building permit should be upheld. The LDHB adopted the findings contained in the Staff Report under Option # 1, and the December 6, 2006, minutes that demonstrate support for the permit request. A copy of the complete December 6, 2006, LDHB minutes relating to the decision may be found in **Attachment IV**. Option # 1, as selected by the LDHB, reads as follows:

> ***OPTION #2:*** ***Uphold*** *the Development Services Manager's decision to approve the proposed building permit application with stated conditions of approval, and the findings of support made by the Development Services Manager.*

The Findings that support the LDHB's decision were originally included as part of Option # 1, and are listed here for reference. Brief statements related to the December 6, 2006, LDHB Meeting Minutes are also included below, where applicable to the Findings. The Findings for support of the building permit request are as follows:

- *Finding that the proposed driveway entrance on NW Monroe Avenue is supported by Section 4.1.40(a) and other provisions of the City's LDC and Policies.*

Section 4.1.40 of the LDC indicates that the City Engineer may allow or disallow driveway access to Collector streets, based on a thorough review of the applicable criteria and standards. As discussed at the December 6, 2006, LDHB hearing, the City Engineer has fully evaluated the applicant's request to construct a new driveway entrance to provide service to the ADA-compliant vehicle parking area and finds it acceptable.

- *Finding that the decision to issue the subject building permit is supported by LDC provisions.*

As discussed at the December 6, 2006, LDHB hearing, Section 4.1.20 of the LDC provides guidance for considering the use of the existing parking area. Based on the language under Change in Use provisions (Section 4.1.20.e), no intensification has occurred with respect to the proposed use of the building and

the associated required amount of vehicle parking. Therefore, the LDC does not support requiring that the existing parking area be upgraded to current City standards.

Continued discussion at the December 6, 2006, LDHB hearing lead to the understanding that there are ambiguities in the LDC language related to existing non-conforming structures. While Chapter 1.4 provides general guidance for assessing whether or not existing non-conforming structures should be brought into compliance with current development standards, Section 4.1.20 of the LDC is particular to vehicle parking provisions, and it is this language which should be applied to the question of upgrading existing parking facilities.

Based on the Findings above and in the December 6, 2006, Minutes of the LDHB, the LDHB decided to approve the building permit request. The appellant has appealed the LDHB decision, based on the issues noted below.

**Current Appeal Issues:**

The subject appeal documents, filed after the December 6, 2006, LDHB decision, state that certain provisions of the LDC "*were not properly applied to the facts of the applicant's intended use and its effects on the neighbors, the zoning, and land use planning.*"

The appellant cites the following LDC provisions in the appeal discussion:

**Chapter 1.4**
Sections 1.4.10
1.4.20
1.4.30.01
1.4.40.02
1.4.50.03(a)
1.4.50.07

**Chapter 1.6**
Section 1.6.30

**Chapter 2.3**

**Chapter 3.13**
Sections 3.13.10
3.13.20.02(a)(2)
3.13.60(b)(4)

**Chapter 4.0**

**Chapter 4.1**
Sections 4.1.20(d)
4.1.20(l)
4.1.30(a)(3)
4.1.30(b)(8)
4.1.40

The issues identified have been thoroughly analyzed in the November 29, 2006, LDHB staff report, and findings have been made that demonstrate consistency

with the applicable LDC provisions. The main points of the appellant's argument, review of applicable LDC provisions, and a summary are included below.

**Continuation of Use of Existing Non-Conforming Parking Area**

The November 29, 2006, Staff Report to the LDHB, and the Minutes of the December 6, 2006, primarily focuses on a discussion of the applicant's intent to utilize an existing parking area located at the northwest corner of the property. All parties agree that the existing parking area does not comply with current LDC and City Engineering standards for various reasons.

The appellant states that they "*want the present property owner to provide adequate parking for their redevelopment and use.*" Based on the original appeal letter to the LDHB, and the LDHB public hearing discussion, it is understood that the appellant's use of the words "*adequate parking*" equates to providing the number of vehicle parking spaces consistent with current LDC standards. It is not certain whether or not the appellant is arguing that all of the required vehicle spaces and the related parking lot should also be brought into compliance with all of the current construction standards such as landscaping, paving, striping, access, drainage, etc.

There are two main LDC definitions that apply to the parking area, and to the discussion of whether or not to allow the parking area in its existing state to suffice for required vehicle parking for the new use of the building. Parking is a use, as well as a structure. Use is defined in Section 1.6.30 of the LDC as "*purpose of or activity on a site*". Structure is also defined in Section 1.6.30 as "*combination of materials to form a construction for use, occupancy, or ornamentation, whether installed on, above, or below the surface of land or water.*"

The *use* of parking on this site is considered to be conforming to the LDC. The LDC clearly states that vehicle parking is a separate, but accessory use in all districts where the primary use of a property requires a certain number of vehicle parking spaces. To clarify, vehicle parking is an outright permitted use on this property. The appellant cites LDC Section 1.4.10 (ed.) – Background concerning nonconforming development, and states that "*The nonconforming use of the backyard as a parking lot was not lawfully begun prior to it becoming nonconforming.*" As stated above, the parking use is legal, and was never considered a non-conforming use.

The *structure* of the parking area is considered to be non-conforming, since it does not comply with current LDC standards for the following reasons:

1. Does not provide the minimum number of vehicle parking spaces, as specified in Section 4.1.30 of the LDC, for the proposed uses of the

building. This is discussed in the parking analysis on pages 8-11 of the LDHB staff report.

2. The parking area does not comply with LDC requirements for parking lot landscaping (4.1.40.e, 4.2.30., & 4.2.40)
3. The parking area is not dimensioned, drained, paved, and striped, as specified in the City's Off-Street Parking and Access Standards Manual. Section 4.1.40 of the LDC specifies the use of this Manual for parking lot design.

As discussed in the November 29, 2006, Staff Report to the LDHB, and noted in the Minutes of the December 6, 2006, LDHB hearing, Sections 4.1.20.d and 4.1.20.e of the LDC provide specific guidance for assessing vehicle parking requirements for developments that propose alterations to existing structures and/or changes in the use of a structure.

These LDC provisions clearly state that "*no additional parking facilities shall be required*" where the use of the property or structure is not intensified. Based on an analysis of the required vehicle parking (refer to the LDHB staff report – pages 8-11) for the previous use and proposed use of the building, no intensification has occurred. The appellant's citation of the non-conforming use provisions of Sections 1.4.30.01 and 1.4.40.02 would not apply to the parking area, since its *use* is not considered to be non-conforming. It is only the *structure* of the parking area that is at issue. While Chapter 1.4 does provide guidance on how and when to bring non-conforming uses into compliance, it does not provide similar clarity for non-conforming structures. The Section applicable to non-conforming structures states the following:

> **Section 1.4.30.02 – Alteration of a Nonconforming Structure**
>
> **Where the use of a structure is permitted by the applicable development district but the structure is nonconforming, an alteration, expansion, enlargement, extension, reconstruction, or relocation may be administratively approved if the improvement, evaluated separately from the existing structure, would be in compliance, and is not within a vision clearance area as determined by the City Engineer.**

If the building permit application included a proposal to modify the existing parking area, this Section of the LDC would be implemented by requiring that any modifications to the parking area meet the LDC and City Engineering standards. In fact, the applicant's original proposal included modifying the parking area to bring it into compliance as close as possible. This is indicated in the original building permit drawings, and what ultimately became a Lot Development Option (LDO) request to vary from parking lot landscaping requirements (**refer to Attachment III**).

However, since the final version of the building permit drawings do not include any proposal to modify the existing parking area, requirements could not be imposed by staff to bring the parking area into compliance. Sections 1.4.30.02

and 4.1.20 provide this guidance in evaluating existing, non-conforming parking areas.

## III. REQUESTED ACTION

With respect to the appeal of the LDHB's decision regarding case MIS06-00051, the City Council has the following options:

**OPTION #1:** **Uphold** the LDHB's decision to support the issuance of building permit # BLD06-00842, thereby allowing the new driveway entrance on NW Monroe Avenue and the continued use of the existing non-conforming vehicle parking area at the northwest part of the site; or

**OPTION #2:** **Uphold** the LDHB's decision to support the issuance of building permit # BLD06-00842, but require **Specific Modifications** to the site to address existing non-conformities and/or LDC and City Engineering standards; or

**OPTION #3:** **Reverse** the LDHB's decision to uphold the issuance of the building permit # BLD06-00842 and revoke the building permit.

From the facts presented and based on the findings above, staff and the LDHB recommend that the City Council Approve **Option #1** above. If the City Council agrees with this recommendation, it is recommended that the Council entertain the following motion:

**MOTION:** **I move to deny the appeal and uphold the LDHB's decision to support issuance of building permit # BLD06-00842, subject to the Findings outlined in this City Council Staff Memorandum, and the additional Findings expressed by the City Council during deliberations of the February 5, 2007, City Council Public Hearing.**

## ATTACHMENTS

**ATTACHMENT I -** Appeal Statements, received December 18, 2006, and January 11, 2007

**ATTACHMENT II -** Order # 2006-167 - LDHB Notice of Disposition for building permit appeal, signed December 7, 2006

| | |
|---|---|
| **ATTACHMENT III -** | Staff Report to LDHB, dated November 29, 2006 |
| **ATTACHMENT IV -** | Minutes of the LDHB December 6, 2006, Public Hearing, including materials presented to the LDHB that evening, by the appellant |

Review and Concur:

Jon S. Nelson, City Manager

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DEC 18 2006
DEVELOPMENT SERVICES

**APPELLANT** William Cohnstaedt
561 NW Jackson Avenue
Corvallis, OR 97330
541-757-9944
cohnstaedt@uci.net

**LOCATION** The subject property is located at 2323 NW Monroe Avenue (Benton County Assessor's Map # 11-5-34-DB, Tax Lot # 3600)

## APPEAL

William Cohnstaedt appeals Order 2006-167 of the Land Development Hearings Board in the case MIS06-00051 Building Permit Appeal, 2323 NW Monroe Avenue;

and appeals the Director's Decision to issue a Building Permit case: BLD06-00842.

The grounds for appeal are the Land Development Code (LDC) currently in effect.

LDC, including but not limited to, the following:

I. Chapter 1.4, including but not limited to, § 1.4.10, 1.4.20, 1.4.30.01, 1.4.40.02, 1.4.50.03(a), 1.4.50.07

II. LDC 1.6, §1.6.30

III. LDC 2.3

IV. LDC 3.13 specifically §3.13.10 - purposes, 3.13.20.02(a)(2) religious assembly, and 3.13.60(b)(4) a partial waiver from on-site parking requirements would not adversely affect parking in surrounding areas.

V. LDC 4.0, 4.1, specifically § 4.1.20(d), 4.1.20(l), 4.1.30(a)(3), 4.1.30(b)(8), 4.1.40.

These code provisions were not properly applied to the facts of the applicant's intended use and its effects on the neighbors, the zoning, and land use planning. The applicant's primary use is one of several key facts in dispute. Their written application says financial counseling is their primary use, but their written plans show boarding house on the second and third floor; assembly labeled "client counseling and meeting area" on the first floor; with no statement or labeled financial counseling areas, which is their alleged primary use.

Staff applied the financial counseling use as the primary use in their analysis of parking issues. The results of staff not clarifying the principal use of the redevelopment harm my property, both my tenant's business use and residential use. Neither their customers nor my tenants have reliable off-street parking, due to the previous occupants of 2323 NW



MIS06-00051

Monroe. We do not want this to continue. We want the present property owner to provide adequate parking for their redevelopment and use.

I am a majority owner of the properties on the east side of the subject property. My tenants have and are continuing to be damaged by the actions of the owner of this property. There is a pending lawsuit between me and the previous owner of the property, in part concerning their ugly steel fence trespassing on my property. Public notice of this pending lawsuit was given to the current owner prior to their purchasing the property.

The current owner did not consult with me prior to purchasing, nor at any time until I objected to staff about their pending permit applications. My commercial tenants have inadequate parking. The previous owners (a fraternity) parked where they pleased. They trespassed over and upon my parking lot. They parked illegally wherever they found themselves as long as it was off the public street.

Fraternity members illegally parked in their backyard, my parking lot, our common easement, and the fire lane. Without some change in parking being implemented with the redevelopment of their property, these conditions will continue. Neighbors to the north and west will also be affected. In September, 2006, the current owner obtained a vehicle easement to the northern part of their backyard. The grantors report to me that this easement is for egress only; that is only for vehicles exiting. So the illegal use of the backyard continues, and if this decision is upheld , it will continue to exist.

Enclosed is my check for the two hundred forty dollar ($240) filing fee.

Dated: 18 Dec 06

William Cohnstaedt, Appellant

**APPELLANT** William Cohnstaedt
561 NW Jackson Avenue
Corvallis, OR 97330
541-757-9944
cohnstaedt@uci.net

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DEVELOPMENT SERVICES

**LOCATION** The subject property is located at 2323 NW Monroe Avenue (Benton County Assessor's Map # 11-5-34-DB, Tax Lot # 3600)

## APPEAL TO CITY COUNCIL

The City of Corvallis Land Development Code is a legislative expression of what is best for our community. It regulates individual properties for the improvement of all of our community.

My appeal is based on the fact that the Land Development Codes are not properly and consistently applied to this property and its proposed uses.

### Chronological history of 2323 NW Monroe Avenue

The property located at 2323 NW Monroe was built in the early 1920s as a single family residence.

Sigma Pi (Σπ) fraternity purchased this property in the early 1950s. Sigma Pi redeveloped the property into a members-only fraternity house.

Sigma Pi abandoned this property and all uses of this property in 2004 when they moved out of the property and put it up for sale.

The Assemblies of God Church purchased this property July 26, 2006.

The Assemblies of God Church or their agents applied for building permits to redevelop this property for use as financial counseling, boarding house, and religious assembly.

The Assemblies of God Church or their agents applied for a Lot Development Option, which they later withdrew.

### Excerpts of Relevant Land Development Code Sections

*1.1.40 - BACKGROUND*
*A nonconforming use is a use that is not permitted outright or has not received conditional approval in the district, but was lawfully begun prior to it becoming nonconforming.*

> The nonconforming use of the backyard as a parking lot was not lawfully begun prior to it becoming nonconforming. The Sigma Pi fraternity used the backyard area of 2323 NW Monroe as a parking lot without filing for or receiving a Lot Development Option. Sigma Pi had no legal vehicular access to their backyard prior to September, 2006.

*1.4.20 - PURPOSES*
*(b) Ultimately bring development into conformance with this Code and the Comprehensive Plan.*

>To allow this building permit for redevelopment to remain as is, is contradictory to this section because it allows this nonconforming use to continue without meeting parking and other requirements that exist in this Code.

*1.4.30.01 - GENERAL PROVISIONS*
*No building, structure, or land area devoted to a nonconforming use shall be enlarged, extended, reconstructed, moved, or structurally altered unless such development conforms to the provisions of this Code.*

>The applicant seeks to redevelop and continue to occupy and use two (2) nonconforming uses, a members-only fraternity house and a parking lot, without conforming to the provisions of the Land Development Code.

*1.4.40.02 - Discontinuance of a Nonconforming Use*
*Whenever nonconforming use is discontinued for more than 1 year, further use shall be in conformity with the provisions of this Code.*

>The nonconforming uses of this property were discontinued in 2004, and are sought to be reinstated two (2) years later. Any further use "shall be in conformity with the provisions of this Code" but the applicant's proposed uses do not conform with several sections of this Code, as outlined in this appeal.

*1.4.50.07 - Residential Uses*
*Any residential building type permitted prior to a specific period of time by this Code, but which is no longer allowed as a new use, may be modified, enlarged or rebuilt, provided it complies with required development standards of the district.*

>The development standards of the shopping area (university) district include the parking standards, which are not met by the applicant's proposal.

*CHAPTER 3.13 - SA(U) SHOPPING AREA UNIVERSITY DISTRICT*
*3.13.10 - PURPOSE*
*The intent is to promote efficient commercial development of these areas by emphasizing their unique orientation to the pedestrian rather than to the automobile. Development shall reflect the predominant existing development pattern in the district and be compatible with nearby residential areas.*

>The Assemblies of God Church's proposed redevelopment does not comply with the intent of the specific standards contained in this section.

*3.13.60- OFF-STREET PARKING*
*Parking loading, and access shall meet the requirements in Chapter 4.1 except as modified by the following standards:*
*(a) All parking shall be located in the rear portion of the development site.*

>These provisions are specific to the SA(U) district. The applicant's proposal for handicapped parking is located in the front portion of the development site. The applicant has no other pending parking proposal for modern parking.

*(b)(4) A partial waiver from on-site parking requirements would not adversely affect parking in the surrounding areas.*

>Their proposal does in fact affect parking in the surrounding areas.

*4.1.20 - GENERAL PROVISIONS*
*(a) Provision and Maintenance - The provision of required off-street parking for vehicles and bicycles, and loading facilities for vehicles is a continuing obligation of the property owner. Building or other permits will only be issued after receipt of site plans drawn to a suitable scale, showing location of permanent parking and loading facilities.*

>A Lot Development Option, which would include site plans showing location of permanent parking and loading facilities, was withdrawn. No current and accepted site plans are on record for this property, which compromises the eligibility of the building permit issued.

*(g) Mixed Uses - When several uses occupy a single structure or lot, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses.*

>This property proposes mixed uses but does not meet the parking requirements of its individual uses, much less the sum of requirements of individual uses.

*(h) Conflicting Parking Requirements - When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking spaces shall be given.*

>The number of parking spaces required is not met when any of the eligible standards are applied. There are six (6) oversized bedrooms on the applicant's site plan, but an adequate

number of parking spaces are not provided to coincide with redevelopment from one sleeping porch to six (6) oversized bedrooms.

*4.1.30 - OFF-STREET PARKING REQUIREMENTS*
*(a)(3) Group Residential: Vehicles: Fraternities, sororities, cooperatives, and boarding houses: 3 spaces for each 5 occupants at capacity (capacity to be based on criteria set forth in the Oregon Structural Speciality Code).*

>This requirement is not met by the applicant's current site plans. There is no current, approved, or pending Lot Development Option that would meet this requirement.

*(b)(8) Religious Assembly - 1 space for each 4 fixed seats (18 lineal in. of bench shall be considered 1 seat) and 1 space for each 50 sq. ft of public assembly area where there are no fixed seats.*

>Applicant's site plans indicate approximately 1,150 sq. ft of assembly area where there are no fixed seats, which converts to twenty-three (23) parking spaces required. This requirement is not met.

*(c)(14) Financial, Insurance, and Real Estate Services - 1 space per 400 sq. ft of gross floor area.*

>Applicant's site plans indicate a gross floor area of approximately 1,150 sq. ft, which converts to a requirement of three (3) parking spaces. This requirement is not met.

*4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS*
*(d) Backing or Maneuvering of Vehicles - Developments required to provide 4 or more parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street other than an alley, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.*

>The applicant's proposed uses constitute a requirement of more than four (4) parking spaces. The applicant's proposed handicapped parking space, which is the one and only proposed parking space, does require backing and maneuvering movements across public sidewalks and into a public street (NW Monroe).

In summation, the applicant's site plans and proposed uses do not comply with the City of Corvallis Land Development Codes. These codes are intended to govern all properties within the city. It is unfortunate that the current site does not easily allow for a use that can meet parking requirements, but that does not excuse this property from the necessity to comply with these codes when it is redeveloped.

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

# LAND DEVELOPMENT HEARINGS BOARD
# NOTICE OF DISPOSITION

SCANNED Date 12-07-06 By UTC

**ORDER: 2006- 167**

| | |
|---|---|
| **CASE** | **Building Permit Appeal, 2323 NW Monroe Avenue**<br>(case: MIS06-00051) |
| **REQUEST** | **Appeal of A Director's Decision to issue a Building Permit**<br>(case: BLD06-00842) |
| **APPELLANT** | William Cohnstaedt<br>561 NW Jackson Ave<br>Corvallis, OR 97330 |
| **APPLICANT** | Oregon Ministry Network - Russ Chambers<br>820 SW 5th Street<br>Corvallis, OR 97333 |
| **OWNER** | Sigma Pi<br>2110 NW Flanders St - Apt 33<br>Portland, or 97210-3687 |
| **LOCATION** | The subject property is located at 2323 NW Monroe Avenue (Benton County Assessor's Map # 11-5-34 DB, Tax Lot # 3600). |

The Corvallis Land Development Hearings Board conducted a review of the above case on December 6, 2006, and found that the Director's Decision to issue a building permit for case BLD06-00842 should be upheld, and that the appeal represented in case MIS06-00051 should be denied. The Land Development Hearings Board has adopted the findings in support of its decision that are contained in the November 29, 2006, staff report and the December 6, 2006, minutes.

If you are an affected party and wish to appeal this 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.

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.

David Graetz, Chair
Land Development Hearings Board

Signed: 12/7/06

Appeal Deadline: 12/19/06

Report to Land Development Hearings Board
LDHB Hearing: December 6, 2006
Staff Report: November 29, 2006
Jason Yaich: 766-6709

**CASE:** **2323 NW Monroe Avenue Building Permit Appeal (MIS06-00051)**

**REQUEST:** Appeal of a Director's Decision to issue a building permit

**APPELLANT:** William Cohnstaedt
561 NW Jackson Avenue
Corvallis, OR 97330

**APPLICANT:** Russ Chambers - Oregon Ministry Network
820 SW 5th St
Corvallis, OR 97333

**OWNER:** Sigma Pi
2110 NW Flanders Street - Apt 33
Portland, OR 97210

**LOCATION:** The subject property is located at 2323 NW Monroe Avenue. It is also identified on the Benton County Assessor's Map # 11-5-34 DB, as Tax Lot # 3600.

**DISTRICT DESIGNATION:** SA(U) - (Shopping Area - University)

**COMPREHENSIVE PLAN MAP:** MUC (Mixed Use Commercial)

**PUBLIC COMMENT:** Forty-one (41) notices were mailed or emailed and the site was posted on November 15, 2006. As of the date of writing for this staff report, no comments have been received regarding this case.

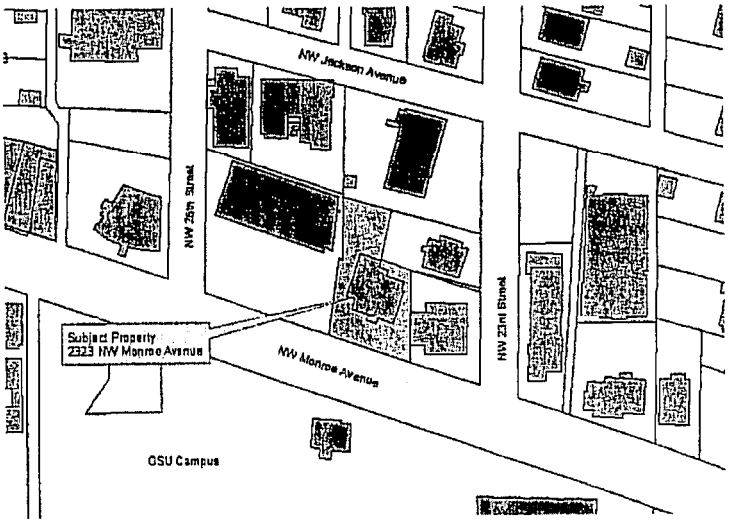
**ATTACHMENTS:**
I. Letter of Appeal (October 19, 2006)
II. Comprehensive Plan Designations Map
III. Zoning Designations Map

IV. Building Permit Application / Approval
V. Structural Specialty Code Occupancy Study for Parking
VI. City Engineer Memo (October 13, 2005)
VII. Lot Development Option Application Proposal
VIII. Review Criteria

## VICINITY AND SITE

The subject 0.23 acre (10,019 square feet) property is located west of 23rd Street on the north side of NW Monroe Avenue. An existing 5,343 square-foot structure is located roughly in the center of the property. The structure was formerly used as a fraternity with approximately 35-40 occupants living in the facility. There is currently no vehicular access to the site from NW Monroe Avenue, although available on-street parking spaces abut the property. A parking lot on the north side of the site is accessed by a private driveway originating from NW 23rd Street. The parking lot is not improved to current City standards.

## PREVIOUS LAND USE REVIEWS AND APPROVALS




There are no previous City land-use actions on the subject property. A Lot Development Option (LDO) application is currently under review for a proposed reduction in parking lot / access drive landscaping. Proposed modifications to the existing parking and landscaping that require the LDO approval are not part of the building permit approval that is subject to this appeal, but have been included for reference (**see Attachment VII**). The LDO decision has been suspended at the applicant's request, and ultimately may be impacted by the outcome of this appeal.

## APPLICANT'S PROPOSAL

A building permit application (case BLD06-00842) was filed by the applicant on August 10, 2006. The scope of the application included interior modifications to an existing structure located at 2323 NW Monroe Avenue, as well as exterior modifications to the site. The previous use of the structure was a fraternity (Land Development Code (LDC) classification = "group residential"). The building was last occupied by the fraternity in September of 2004.

The applicant's proposal involves converting the interior ground floor space from the previous group residential use to a financial counseling service (LDC classifications = "financial services" & "personal services - general") for students (**see Attachment IV**). The top two floors of the structure are proposed as boarding rooms (LDC classification = "group residential").

Exterior modifications, proposed by the applicant, and approved as part of the building permit issuance includes a new driveway entrance to the south side of the property from NW Monroe Avenue, and an ADA-compliant vehicle parking space and access ramp (**see Attachment IV**).

## DIRECTOR'S DECISION and APPEAL BACKGROUND

On October 10, 2006, the Development Services Manager issued a building permit per the applicant's submittal (**see Attachment IV**). The issuance of the permit constitutes staff acknowledgment that the proposal complies with the SA(U) district development standards and other applicable LDC standards. On October 19, 2006, the appellant filed an appeal of the decision to issue the building permit. The LDC specifies that the Land Development Hearings Board hear appeals of a director's decision.

**Building Permit Approval Criteria (Land Development Code)** : Where Type I or II land use approvals are not required for a proposed development, the development proposal need only conform to LDC, building code, and engineering requirements prior to building permit issuance. The Sections of the LDC that are germane to the building permit request are as follows:

- SA(U) District standards (Chapter 3.13)
- Improvements, Off-Street Parking, Access and Landscape Buffering (Chapters 4.0 , 4.1, & 4.2)

**Appeal Issues and Applicable Criteria:** The key issues identified in the appellant's letter (**see Attachment I**) are as follows:

1. *"I am appealing the director's decision to eliminate a metered street parking space on Monroe Street in front of 2323 Monroe...the policy has consistently been to remove vehicle access (driveways) opening onto Monroe Street, not to increase the number of driveways at the expense of metered parking spaces."*

2. *"The director's decision that, because the prior non-conforming residential use (fraternity house since 1953) was a more intense use of the building and parking located at 2323 Monroe Street, the new less intense, conforming use does not have to meet current parking regulations is unacceptable. This building has been vacant for two (2) years; therefore, there are no prior use standards that the proposed conforming use can be less intense than."*

While the appellant does not specifically address applicable LDC criteria, the key issues raised by the appellant can be tied to specific LDC provisions, as follows:

Applicable LDC standards for Appeal Issue # 1:

**Section 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS**
**All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section. These facilities shall be designed, paved, curbed, drained, striped, and constructed in accordance with the standards established by the City Engineer.**

**A permit from Development Services Division shall be required to construct parking, loading, and access facilities, except for single detached, duplexes, single attached, attached, and manufactured dwellings.**

- **a. Access to Arterial and Collector Streets**
  - **1. Off-street facilities shall be designed and constructed with turnaround areas to prevent back up movement onto arterial streets.**
  - **2. Location and design of all accesses to and/or from arterials and collectors (as designated in the Corvallis Transportation Plan) are subject to review and approval by the City Engineer. Accesses shall be located a minimum of 150 ft from any other access or street intersection. Exceptions to this may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.**
  - **3. No development site shall be allowed more than 1 access point to any arterial or collector street (as designated in the Corvallis Transportation Plan) except as approved by the City Engineer. Evaluations of exceptions shall consider**

posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

4. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in 2 and 3 above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

c. Vision Clearance

1. Except within the Central Business District (CB) vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards adopted by the City Engineer that take into account functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.

2. Traffic control devices, street lights, and utility installations meeting approval by the City Engineer are permitted within vision clearance areas.

d. Backing or Maneuvering of Vehicles - Developments required to provide 4 or more parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street other than an alley, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

i. Driveways - Shall be surfaced as required by standards established by the City Engineer. No driveway shall traverse a slope in excess of 15 percent at any point along the driveway length. The location and design of the driveway within the lot frontage shall provide for unobstructed sight per the vision clearance requirements in Section 4.1.40.c. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.

Applicable LDC standards for Appeal Issue # 2:

Section 4.1.20 - GENERAL PROVISIONS

a. Provision and Maintenance - The provision of required off-street parking for vehicles and bicycles, and loading facilities for vehicles is a continuing obligation of the property owner. Building or other permits will only be

issued after receipt of site plans drawn to a suitable scale, showing location of permanent parking and loading facilities.

d. Alteration of Existing Structures - When an existing structure is altered to the extent that the existing use is intensified, vehicle and bicycle parking shall be provided in the amount required for such intensification. When increased intensity requires no more than 2 vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative, and when the net effect of one or more changes generates a need for more than 2 spaces, they shall be provided. Additional spaces shall be required for the intensification but not for the original use.

e. Change in Use - When an existing structure is changed in use from one use type to another use type as listed in Section 4.1.30 below and the vehicle and bicycle parking requirements for each use type are the same, no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for more intensive use.

g. Mixed Uses - When several uses occupy a single structure or lot, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses.

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS
Minimum parking requirements for use types in all areas of the City, with the exception of the CB (Central Business) District, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the CB District are described in Section 4.1.30.g.

a. Residential Uses Per Building Type:
   3. Group Residential:
      Vehicles:
      Fraternities, sororities, cooperatives, and boarding houses: 3 spaces for each 5 occupants at capacity (capacity to be based on criteria set forth in the Oregon Structural Specialty Code).

b. Commercial Use Types (for accompanying office and indoor service areas):
   14. Financial, Insurance, and Real Estate Services
      Vehicles: 1 space per 400 sq. ft. of gross floor area

   21. Personal Services, General
      Vehicles: 1 space per 400 sq. ft. of gross floor area

The appellant did not address specifically how these Code Sections were improperly applied by the Development Services Manager's decision.

## APPEAL ISSUES AND LDC CRITERIA

The following is an analysis of the applicable LDC provisions identified above, as they pertain to the appeal issues and the related building permit approval. The analysis is divided into the following sections:

A) On-Street Parking / Access to NW Monroe Avenue
B) Vehicle Parking Requirements, Land Use, and Building Occupancy

## A. ON-STREET PARKING IMPACTS / ACCESS TO NW MONROE AVENUE

### 1. ON-STREET PARKING IMPACTS

The applicant has requested approval of a building permit. The building permit includes changes to the existing condition of one on-street parking space, a new driveway entrance, and a single ADA vehicle parking space (**see Attachment IV**). Prior discussions with the City by representatives of the property owner considered changes to the property's NW Monroe Avenue access and on-street parking. Previous proposals included an ingress-only driveway entrance, which met the City Engineer's adopted standards (**see Attachment VI**). The subject building permit approval changed the driveway from ingress only, to ingress / egress for one ADA parking space. This was also found to be acceptable according to the City Engineer's standards, as evidenced by the building permit approval (**see Attachment IV**).

The appellant claims that the building permit approval includes a proposal to "*eliminate a metered street parking space on Monroe Street...*" The building permit approval approved a reduction in the length of an existing on-street parking space. Removal of a complete parking space was not proposed by the applicant. The reduction in length of the existing vehicle parking space to 20 feet is within the standards for an end space on-street parking segment adopted by the City Engineer. The LDC does not address City standards for on-street vehicle parking.

### 2. ACCESS TO NW MONROE AVENUE

The development site does not currently have a driveway entrance on NW Monroe Avenue. Historically, the subject property has obtained vehicular access through a combination of private accessway (flag portion of existing parcel extending east to NW 23rd Street) and easements that provide access to the existing parking area on the north side of the property. This appeal takes issue with the approved addition of a new driveway entrance on NW Monroe Avenue. Monroe Avenue is classified as a Collector street according to the Comprehensive Plan and Transportation Master Plan.

Section 4.1.40 (a) of the LDC identifies applicable criteria for granting and limiting driveway access points to a Collector street. As noted in the criteria in Section 4.1.40 (a) (2), Section 4.1.40 (c), Section 4.1.40 (d), and Section 4.1.40 (i), location and design of a driveway entrance on a Collector street is subject to the review and approval of the City Engineer. Due to LDC allowance of an access driveway on a Collector street, historical access issues with the development site, and the requirement to upgrade the property's ADA parking provisions, the City Engineer finds that it is equitable and appropriate to grant a driveway entrance for the development site. Issuance of a building permit, where the Development Services Department has consulted with the City Engineer (through the Civil Engineer I review position), is validation of this approval.

This is consistent with past decisions of the City Engineer, which include a similar access and parking design for the property immediately to the east of the subject site.

The new driveway entrance has been approved by the City Engineer, which is consistent with the LDC provisions of Section 4.1.40.

Conclusions Regarding On-Street Parking Impacts & Access to NW Monroe Avenue

The appellant's concern about removal of one on-street parking space is not warranted since the approved building permit drawings do not propose this change. The change in design of the affected on-street parking space is within the standards adopted by the City Engineer.

The appellant's concern that adding a driveway entrance on NW Monroe Avenue violates City policy, or in this case LDC provisions, is not validated by the provisions of Section 4.1.40, as noted above. Therefore, based on the discussion above, and the applicable LDC provisions, the appeal concerns are not supported by existing established code and/or policies.



## B. VEHICLE PARKING REQUIREMENTS, LAND USE, & BUILDING OCCUPANCY

### 1. Vehicle Parking Requirements

The second portion of the appellant's letter concerns the City's vehicle parking requirements for the proposed development. In reviewing the building permit request, staff considered applicable LDC criteria, including those found in Sections 4.1.20 and 4.1.30. The main process in determining vehicle parking requirements where a change in use is proposed is prescribed by Sections 4.1.20 (d) & (e).

Generally, the LDC provisions consider the vehicle parking requirements of the previous and proposed uses. The analysis of the number of vehicle parking spaces required is as follows:

| Previous Use | Occupants * | Vehicle Parking |
|---|---|---|
| Group Residential (Fraternity) | 111 occupants | 67 spaces |
| | | **67 spaces** *(total)* |

| Proposed Uses | Occupants * or G.F.A. | Vehicle Parking |
|---|---|---|
| Financial Counseling Services | 2298 square feet g.f.a. | 6 spaces |
| Group Residential (Boarding Rooms) | 65 occupants | 39 spaces |
| | | **45 spaces** *(total)* |

* *A separate Structural Specialty Code analysis, which determines the maximum potential number of occupants at capacity (as prescribed in LDC Section 4.1.30 (a) (3)) has been provided in* ***Attachment V****. Although LDC Section 4.1.30.a.3 requires that Group Residential parking requirements must be based on this maximum potential number, it is anticipated that the maximum number of residents will be limited to 15 persons, as described in the building permit application.*

According to Section 4.1.30 of the LDC, the new use of the building requires fewer vehicle parking spaces than the previous use.

LDC Sections 4.1.20 (d) & (e) state that building alterations and/or a change in the use(s) of a building requires the provision of vehicle parking spaces for the balance created by an intensification of use, but not for the original use. According to these LDC provisions, it has generally been determined that if vehicle parking requirements are lower after a change in use or alteration than prior to the change, then existing available parking is the only required parking. This is regardless of whether or not the existing parking meets current City standards (i.e. is considered a non-conforming structure). City standards include the count of spaces as prescribed in Section 4.1.30, as well as the design, surface treatment, and orientation outlined in the City's *Off-Street Parking and Access Standards Manual.*

In terms of the subject development, the existing parking lot located in the rear (north) of the building meets the LDC requirements, as defined through Sections 4.1.20 (d) & (e).

The appeal argument runs counter to this analysis. The appellant does not agree with the City's determination that "*...the new less intense, conforming use does not have to meet current parking regulations.*" In fact, the City's determination, through issuance of the building permit, is that the new use does have to *and* does meet current parking regulations as defined in Section 4.1.20 (d) & (e). The determination that the existing parking lot meets"*current parking regulations*" is questioned by the appellant. The appellant continues by stating that the building "*has been vacant for two (2) years; therefore, there are no prior use standards that the proposed conforming use can be less intense than.*"

The LDC provides some guidance in examining this argument. The prior use of the structure (fraternity) is not a primary use permitted outright in the SA(U) district. Therefore, the prior use would be considered a non-conforming use.

Prior use of the parking area is non-conforming in terms of design standards and content (i.e. non-conforming structure). However, the parking area is *not* considered to be a non-conforming use.

The LDC treats non-conforming structures and non-conforming uses slightly differently. The LDC addresses both non-conforming uses and non-conforming structures in Chapter 1.4. However, language in Section 4.1.20 appears to specifically address how a parking area might be treated if it were determined to be non-conforming. The parking area can be treated as a separate use of the subject property, and application of Section 4.1.20 appears to be the appropriate means for determining whether the existing parking area is sufficient for the new use of the building.

It is also helpful to examine the non-conforming use provisions of Chapter 1.4, particularly Section 1.4.40.02 which states the following:

> **Whenever nonconforming use is discontinued for more than 1 year, further use shall be in conformity with the provisions of this Code.**

This appears to be the crux of the appellant's argument. The appeal argument looks to the use of the structure for conformity, and where it finds a non-conforming use expiring after one year; it attempts to invalidate the associated parking use. Thus, according to the appeal argument, any new use in the building must be conforming, and the associated parking area must be modified to become a conforming structure (in terms of design, number of spaces, etc). It is important to re-emphasize that the parking area is not a non-conforming use.

While Section 1.4.40.02 specifically addresses non-conforming uses, there is no such language in Chapter 1.4 that addresses discontinued use of a non-conforming structure

(such as the design and number of spaces in a parking area). When the parking area is treated as a use separate from the use of the building, it is classified as a legal use according to the LDC. However, in this instance, the parking area is a use that is normal and incidental to the primary use on the site, consistent with LDC Section 3.13.20.01 (b) (3). Therefore, Sections 4.1.20 (d) & (e) are the applicable criteria to apply to this situation.

The conclusion on this element of the appellant's statements is that Section 4.1.20 of the LDC requires that non-conforming parking areas be brought into compliance with current standards when an intensification of the use of a structure occurs. Where no intensification occurs, according to Section 4.1.20 (e), no additional parking spaces are required to be provided, and existing spaces are not required to be modified to meet current standards.

Therefore, the Development Services Manager's decision to issue the building permit without requiring the existing vehicle parking area to be re-constructed to current standards is supported by Section 4.1.20 (d) of the LDC, and as described above.

2. Land Use & Building Occupancy

The subject property is currently zoned SA(U). The applicant's proposal to use the building for student financial counseling and boarding rooms is consistent with allowable uses in the Shopping Area (University) district as follows:

| Proposed Use | LDC definition and SA(U) district listing |
|---|---|
| Financial Counseling | Financial Services & Personal Services – General * |
| Boarding Rooms | Group Residential ** |

** Primary use permitted outright in the SA(U) district*
*** Accessory use permitted outright in the SA(U) district*

A financial counseling service is proposed on the first floor, and the boarding rooms are proposed on floors 2 and 3. It should be noted that the use of the 2nd and 3rd floors as boarding rooms is unchanged from the previous use of this space by the fraternity. A group residential use in the SA(U) zone is permitted outright, if it is accessory to an established primary use. With the previous fraternity use, no additional primary use was established, so the former group residential use became the primary use of the property. This classified the fraternity as a non-conforming use with respect to allowed uses within the SA(U) zone.

The subject building permit approval includes a financial counseling use on the ground floor. Based on the intended use of the structure as noted in the building permit application (**see Attachment IV**), the applicant states that the maximum number of

residents in the upper two floors of the building will be fifteen. It should be noted that the actual use of the building, which may or may not include fifteen residents on the upper floors, and the Structural Specialty Code maximum allowed occupancy (65 occupants on the upper floors) are quite different. Based on a comparison of intensity of uses between the financial counseling services and the boarding rooms, as proposed by the applicant, it was determined that the financial counseling service is the primary use, and the boarding rooms are accessory to that use.

The Land Development Code does not define "primary use". Section 1.6.30 of the LDC defines an accessory use as "customarily incidental and subordinate to the main use of the property". It does not provide specific guidance on how to determine subordinance (such as a reference to the Structural Specialty Code maximum occupancy that the parking requirements provide). Therefore, the accessory group residential use is permitted outright.

It should also be noted that for purposes of calculating vehicle parking requirements, the maximum allowed occupancy is used, as prescribed in Section 4.1.30 (a) (3), and as listed in the table in the Vehicle Parking Requirements discussion above. The City's determination was based on predicted occupancy levels as described in the application materials provided by the applicant (**see Attachment IV**).

Conclusions Regarding Vehicle Parking Requirements, Land Use, and Building Occupancy

Based on this analysis, the existing parking area is determined to be a normal and incidental accessory use of the property. The parking area is classified as a non-conforming structure because it does not meet current City standards for design, layout, number of spaces, etc. According to Section 4.1.20 (d), if the change in use of the building created an intensification that required 2 or more vehicle spaces in addition to the number required by the previous use of the building, then only the new vehicle spaces would need to be provided. Since no intensification is occurring with respect to use of the building, the existing vehicle parking area is considered to meet the parking needs of the proposed development.

## SUMMARY OF CONCLUSIONS

Based on the criteria established in the LDC sections discussed above, the proposed development is consistent with the requirements of the LDC. The appeal, though raising important issues about current Code provisions that address existing non-conforming parking areas, is not supported by Section 4.1.20 of the LDC. The appeal concern related to provision of a new driveway entrance on a Collector street is not supported by Section 4.1.40 (a) of the LDC, which allows such access as determined by the City Engineer.

## Requested Action

Staff has identified several options for the Land Development Hearings Board to consider in its deliberations following the close of the public hearing. These options are described as follows:

**OPTION #1:** **Uphold** the Development Services Manager's decision to approve the proposed building permit application with stated conditions of approval, and the findings of support made by the Development Services Manager.

Considerations that would support this decision include:

- Finding that the proposed driveway entrance on NW Monroe Avenue is supported by Section 4.1.40 (a) and other provisions of the City's Land Development Code and Policies.

- Finding that the decision to issue the subject building permit is supported by Land Development Code provisions.

**OPTION #2:** **Reverse** the Development Services Manager's decision to approve the building permit application, and deny the application.

Considerations that would support this decision include:

- Finding that the Land Development Code requirements for vehicle parking have not been satisfied in the building permit application; and / or
- Finding that the Land Development Code does not support provision of a new vehicle driveway entrance on NW Monroe Avenue, abutting the subject property

**OPTION #3:** **Modify** the Director's decision to approve the building permit application in some other way.

Considerations that would support this decision include:

- Findings based on information provided during the public hearing, the facts presented in this memorandum and its attachments

- Findings/conditions that the Land Development Hearings Board deems will bring the proposal into compliance with the LDC

## Recommendation

The decision to issue a building permit for 2323 NW Monroe Avenue (BLD06-00842), previously made by the Development Services Manager, is consistent with Option #1, as presented above.

# WILLIAM COHNSTAEDT

LAWYER
561 NW JACKSON AVENUE
CORVALLIS, OREGON 97330

Telephone (541) 757-9944
Fax (541) 757-0950
cohnstaedt@uci.net


October 18, 2006

Mr. Jason Yaich
P.O. Box 1083
Corvallis, OR 97339-1083

Re: Appeal of Community Development Director's decision regarding permits at 2323 NW Monroe, Corvallis to the Land Development Hearings Board.

Dear Mr. Yaich:

This letter is an appeal to the City of Corvallis Community Development Director's decision regarding a building permit issued October 10, 2006 for 2323 Monroe Street, Corvallis. I am appealing the director's decision to eliminate a metered street parking space on Monroe Street in front of 2323 Monroe. This action, to eliminate a metered parking space, is contrary to existing policy in this SAU zoning and to my knowledge has not been previously allowed. Metered parking spaces are necessary for customers in the university area where students and residents will park all day. In fact, the policy has consistently been to remove vehicle access (driveways) opening onto Monroe Street, not to increase the number of driveways at the expense of metered parking spaces.

The director's decision that, because the prior non-conforming residential use (fraternity house since 1953) was a more intense use of the building and parking located at 2323 Monroe Street, the new less intense, conforming use does not have to meet current parking regulations is unacceptable. This building has been vacant for two (2) years; therefore, there are no prior use standards that the proposed conforming use can be less intense than. Why aren't the new owners with new conforming use required to comply with current parking standards? In fairness to the neighbors who had to comply, they should be required to comply or the standards should be changed for this SAU area.

The standards should be the same for all property owners, not beneficial to some and not others. I'm in favor of changing the parking standards by legislation, not the director's discretion on a case by case basis.

Thank you for your attention to this matter.

Very truly yours,

William Cohnstaedt
WC/jb


RECEIVED
OCT 19 2006
SERVICES


**Attachment I**

**Attachment II**

**Attachment III**

September 8, 2006

Building permit #06-00842

The information below is provided in response to City request of the above noted building permit application.

If you have any questions please call Russ at 231-9981.

All on-site parking stalls with dimensions less than 9 x 18.5-feet should be marked as "compact."

We will mark All on-site parking stalls with dimensions less than 9 x 18.5-feet "compact."

Please provide floor plans that show the existing building layout and plumbing fixtures. These floor plans will be used to calculate any applicable systems development charges (SDC) credits.

**Existing plumbing layout is drawn to the left of the new bathrooms on the first floor plan.**

**Currently there are:**

**3 cammodes**

**2 urinals**

**7 sinks**

**1 tub/shower**

**6 shower heads in 2 gang showers (see 2nd. floor plan)**

APPROVED
OCT 09 2006
DEVELOPMENT SERVICES
CITY OF CORVALLIS

**We believe that this building has some remaining system development credits from a bathroom that was removed. In this bathroom there was a toilet, sink and a shower. Perhaps there are other credits that we are not aware of.**

Please provide a description of the previous and proposed uses. Where applicable the description should include the gross floor area of each use and the total number of bedrooms and the total number of beds for each use. This information will be used to accurately calculate SDCs and SDC credits.

**Total square feet of this building is approx. 5343 sq. feet. Previously this property was used as a fraternity house. I believe that there were between 35 and 40 men living in this building.**

**We propose to use the 1st. floor(approx. 2340 sqf.) as**

**financial councillor offices. The top two floors( approx. 3000sqf.) as a boarding house. The boarding house will have 8 bedrooms and share the 2nd floor bathroom and 3rd. floor kitchen. Maximum residents will be 15.**

APPROVED
OCT 09 2006
DEVELOPMENT SERVICES
CITY OF CORVALLIS

FIRE DEPARTMENT REVIEW COMMENTS:

Obtain Fire Code Permit for installation / modification of the fire alarm system. Alarm plans shall be submitted and approved prior to installation. Ref: OFC 105.7.3, 907.1.1.

**See deferred Submittal form: Omlid and Swinney Fire Proction will be helping us with this.**

Mount fire extinguishers [minimum rating 2A,10BC] so that they are available within 75' of travel distance, from anywhere in the structure.

**We will mount fire extinguishers [minimum rating 2A,10BC] so that they are available within 75' of travel distance, from anywhere in the structure**

Provide key vault [Knox Box] for emergency fire department entry. Shall be mounted to the right of the main exterior entry door opening, at a height of 6' above grade. Hardware may be purchased at www.knoxbox.com.

**We will provide key vault [Knox Box] for emergency fire department entry. Shall be mounted to the right of the main exterior entry door opening, at a height of 6' above grade.**

Attic, under-floor and concealed spaces used for storage of combustible materials shall be protected on the storage side as required for 1-hour fire-resistance-rated construction. Openings shall be protected by assemblies that are self-closing and are of noncombustible construction or solid wood core not less than 1.75 inches in thickness. Storage shall not be placed on exposed joists.

**Attic space currently complies with this requirement.**

5) Trash containers with an individual capacity of 1.5 cubic yards or more shall not be stored within 5 feet of combustible walls, openings, or combustible roof eave lines.

BUILDING PLANNING:

BLD06- 00842

September 25, 2006

RE: The renovation that the Oregon Ministry Network is doing on the property located at 2323 Monroe Street in Corvallis, Oregon.

At this point, it is not our intention to re-pave the back parking lot or to add a driveway from Monroe Street to our back parking lot. However, the ADA parking space and an ADA ramp on our current site plan will remain unchanged. Additionally we will be adding any landscape buffering necessary to comply with city code.

We will submit a revised site plan that reflects these changes within the next two weeks.

Thank you,

Russ Chambers



TO BE
MICROFILMED

**Attachment IV (3 of 8)**

Red Hat
SINCE 1972
CONSTRUCTION, INC. FOR THE DISCERNING
TECHNICALLY DEMANDING AND UNIQUE PROJECTS OUR SPECIALTY
CORVALLIS 541-753-2902 • ALBANY 928-1886 • EUGENE 484-4112 • WALDPORT 563-3653
SALEM 503-588-1750 • 1-800-854-1680 • CCB#51910 • headoffice@redhatconstruction.com

DATE: 09/28/2006 848

Mr. Matthew Bolduc

Dear Matthew,

Russ Chambers asked me to communicate with you about the number of people that used to occupy the structure at 2323 Monroe. This (as you may know) was my old fraternity house and when I was a live-in member we had between 28 and 35 people living full time during the school year in this structure. Should you need more confirmation than this I probably can dig up an old yearbook picture of the house members. At the present time our fraternity now occupies a new structure that has room for a considerably larger number of people For this reason we would have to search some old books to be accurate with the numbers that once lived in the old house.

I hope this answers your questions.

Sincerly yours,

Bob Alexander
Sigma Pi Alum
President Red Hat Constructon
541-753-2902

RECEIVED
OCT - 2 2006
DEVELOPMENT SERVICES

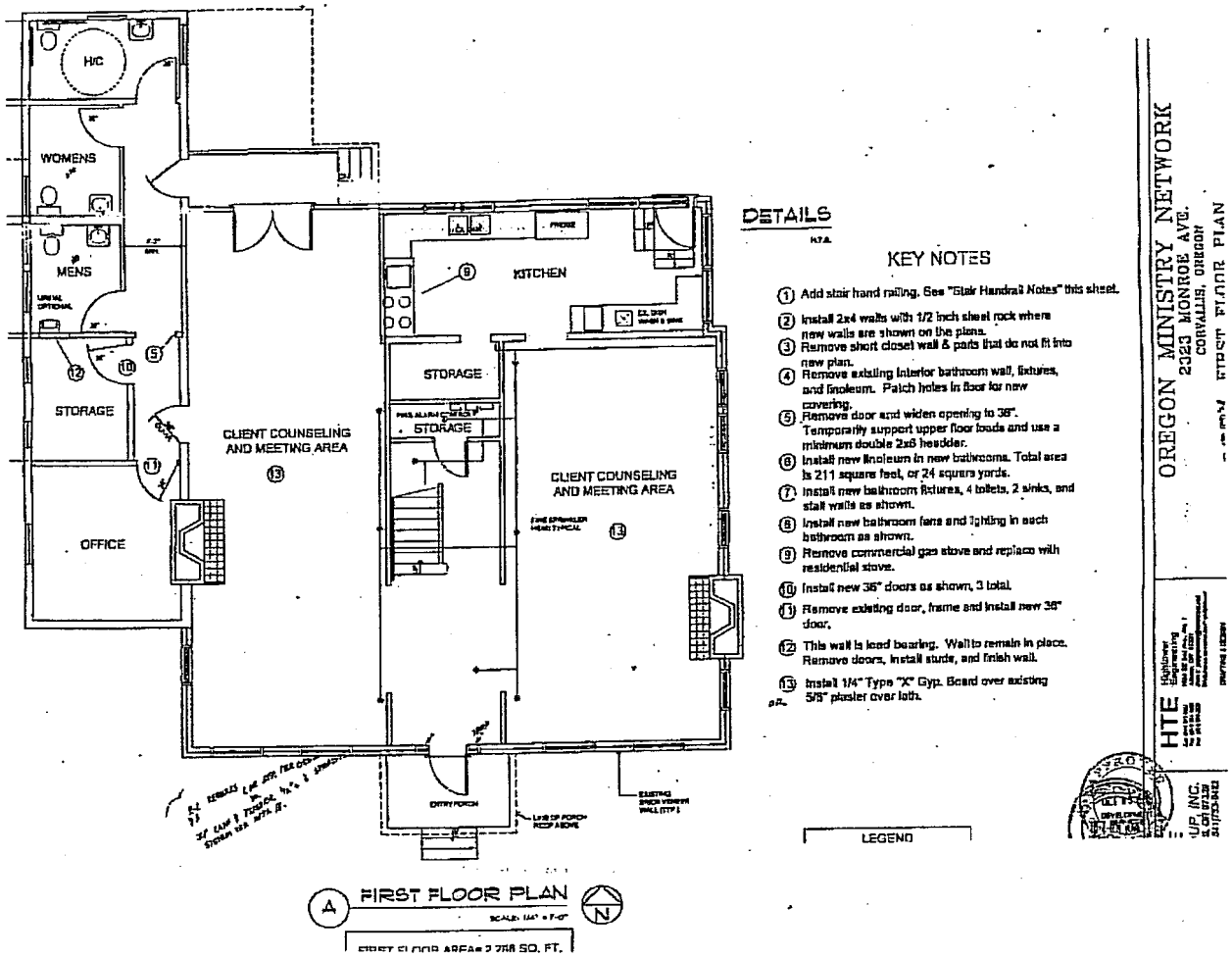
REVISED PLANS

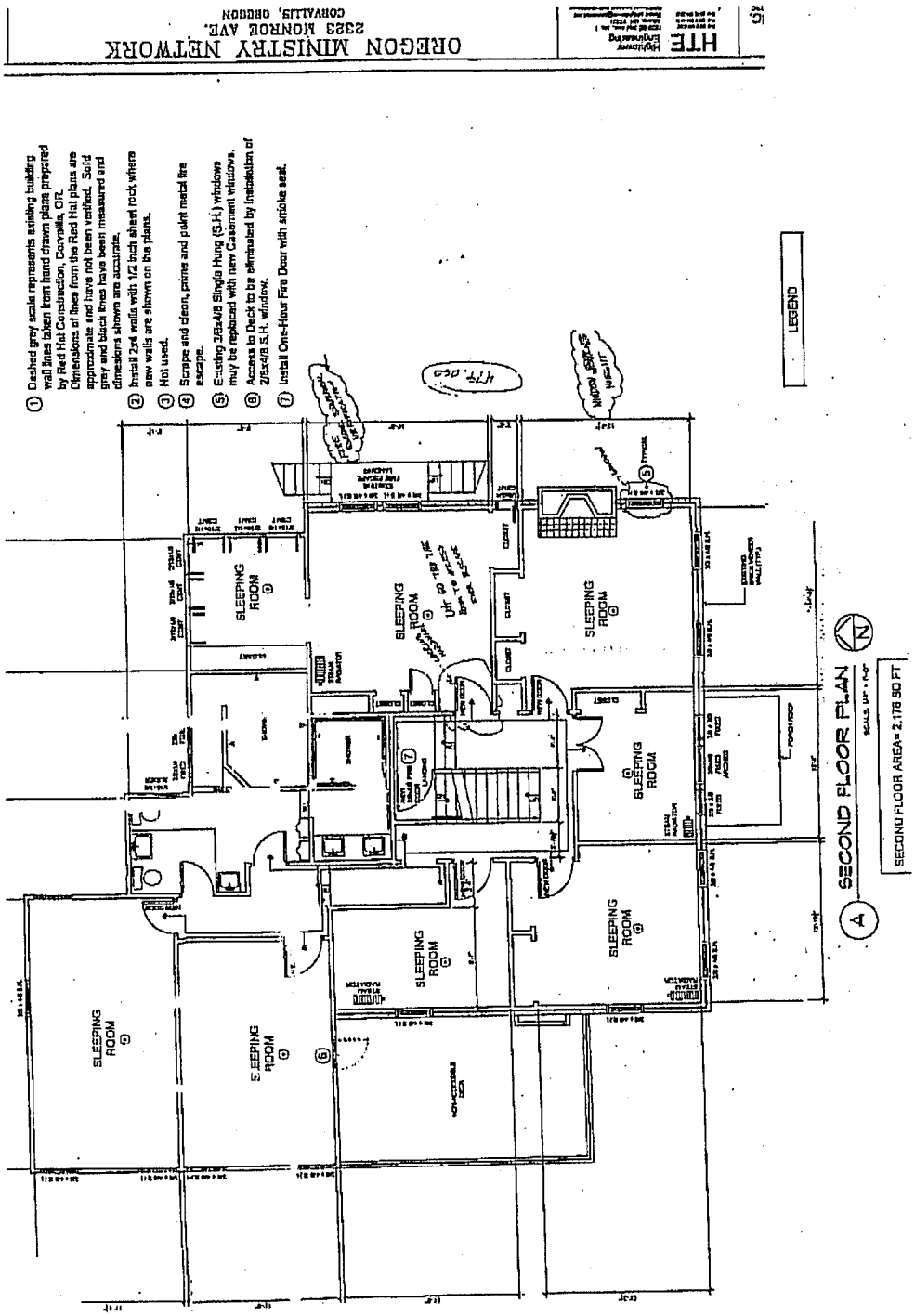
BLD06-00842

TO BE MICROFILMED

P.O. BOX 401, CORVALLIS, OR 97339-0401 • FAX: 541-758-4165 • WEBSITE: www.redhatconstruction.com

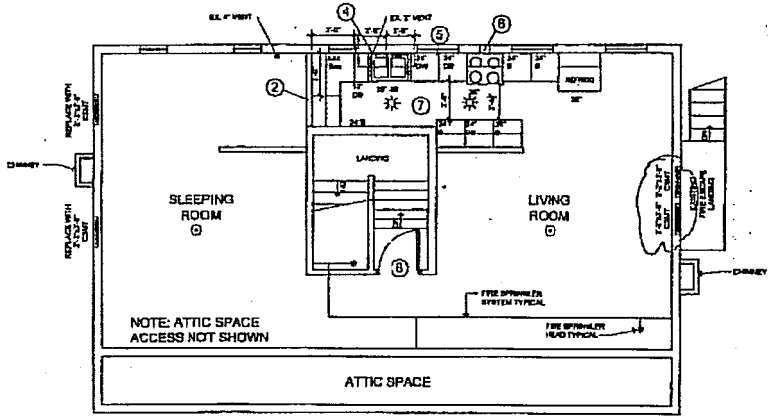
**Attachment IV (4 of 8)**


H/C
WOMENS
MENS
STORAGE
OFFICE
CLIENT COUNSELING AND MEETING AREA
KITCHEN
STORAGE
STORAGE
CLIENT COUNSELING AND MEETING AREA
ENTRY PORCH
A FIRST FLOOR PLAN
N
DETAILS
KEY NOTES
1 Add stair hand railing. See "Stair Handrail Notes" this sheet.
2 Install 2x4 walls with 1/2 inch sheet rock where new walls are shown on the plans.
3 Remove short closet wall & parts that do not fit into new plan.
4 Remove existing interior bathroom wall, fixtures, and linoleum. Patch holes in floor for new covering.
5 Remove door and widen opening to 36". Temporarily support upper floor loads and use a minimum double 2x6 header.
6 Install new linoleum in new bathrooms. Total area is 211 square feet, or 24 square yards.
7 Install new bathroom fixtures, 4 toilets, 2 sinks, and stall walls as shown.
8 Install new bathroom fans and lighting in each bathroom as shown.
9 Remove commercial gas stove and replace with residential stove.
10 Install new 36" doors as shown, 3 total.
11 Remove existing door, frame and install new 36" door.
12 This wall is load bearing. Wall to remain in place. Remove doors, install studs, and finish wall.
13 Install 1/4" Type "X" Gyp. Board over existing 5/8" plaster over lath.
LEGEND
OREGON MINISTRY NETWORK
2323 MONROE AVE.
CORVALLIS, OREGON
FIRST FLOOR PLAN
HTE




**Attachment IV (6 of 8)**

**Attachment IV (7 of 8)**




A THIRD FLOOR PLAN

SCALE: 1/4" = 1'-0"

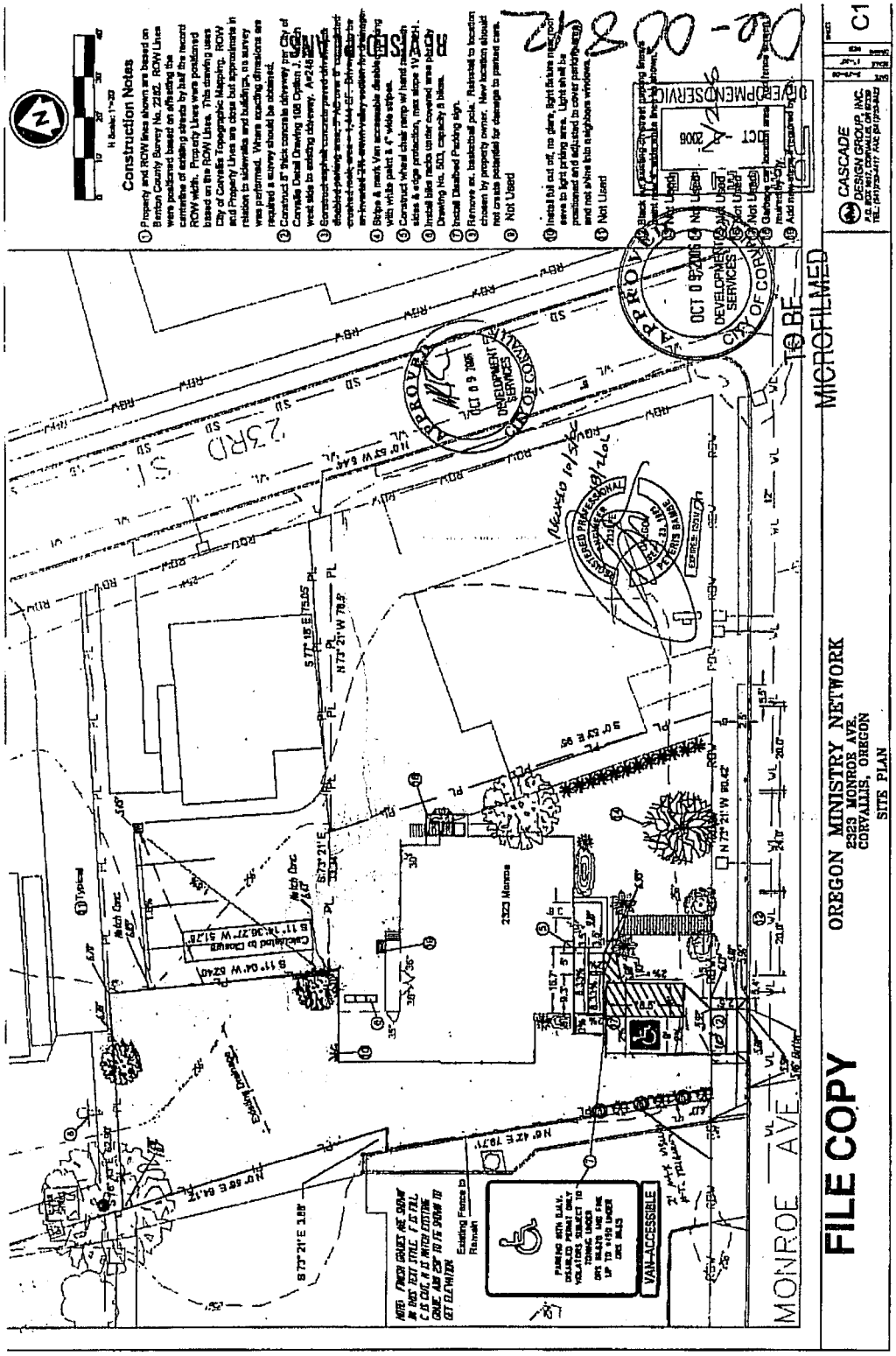
FIRST FLOOR AREA= 1,094SQ FT

## KEY NOTES

1. Dashed grey scale represents existing building wall lines taken from hand drawn plans prepared by Red Hat Construction, Corvallis, OR. Dimensions of lines from the Red Hat plans are approximate and have not been verified. Solid grey and black lines have been measured and dimesions shown are accurate.
2. Install 2x4 walls with 1/2 inch sheet rock where new walls are shown on the plans.
3. Install new cabinets and counterlops as shown on plan. SB=Sink Base, DB=Drawer Base, B=Base with doors, Dashed lines show upper cabinets with doors. Base cabinets are 24 inches deep and upper cabinets are 12 inches deep.
4. Install new kitchen stainless steel double sink.
5. Install new dish washer.
6. Install new range hood and vent out.
7. Install electrical circuits as needed for stove, dishwasher, range hood, refridgerator, and two new lights.
8. Two-Hour Fire Door with smoke seals.

OREGON MINISTRY NETWORK
2323 MONROE AVE.
CORVALLIS, OREGON
THIRD FLOOR PLAN

HTE Hathaway Engineering




**Attachment IV (8 of 8)**

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Community Development
Development Services Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6929
TTY (541) 766-6477

November 22, 2006

Re: 2323 NW Monroe Ave. Oregon Ministry Network.

Prior to building application BLD06-00842 the structure located at 2323 NW Monroe Ave. was classified R-2 (dormitory). The application proposed changing the occupancy to a mixed use, B (office) & R-2 (dormitory). Per the Oregon Structural Specialty code, we use table 1004.12 of the code to determine the number of occupants permitted. I have calculated the occupant loads below.

Prior to permit occupant load calculation (existing)

| | | |
|---|---|---|
| 1st Floor | 2298 sq.ft. / 50 sq.ft. = 46 occupants | |
| 2nd Floor | 2176 sq.ft. / 50 sq.ft. = 44 occupants | |
| 3rd Floor | 1095 sq.ft. / 50 sq.ft. = 21 occupants | = 111 total occupants |

Proposed new use occupant load calculation (new)

| | | |
|---|---|---|
| 1st Floor | 2298 sq.ft. / 100 sq.ft. = 23 occupants | |
| 2nd Floor | 2176 sq.ft. / 50 sq.ft. = 44 occupants | |
| 3rd Floor | 1095 sq.ft. / 50 sq.ft. = 21 occupants | = 88 total occupants |

The building fire sprinkler & exit systems have been upgraded. Fire separation between the 1st & 2nd floors have been added to comply with code for the new mixed use occupancies.

Sincerely

William R.T. Clemens
Commercial Plans Examiner

"A Community that Honors Diversity"

Public Works Department
Engineering Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6941
FAX (541) 766-6464
TTY (541) 766-6477

October 13, 2005

Mr. Bob Alexander
Red Hat Construction
560 SW B Avenue
Corvallis, OR 97333

Subject: Sigma Pi Fraternity Access - 2323 NW Monroe Avenue

We have reviewed your submittal regarding access to this site. Contingent upon acquisition of necessary easements and applicable development application approvals from other City departments, Public Works Engineering Division concurs with the following access strategy:

1. Ingress only from NW Monroe. Preferably, this ingress only would be shared over the existing two-way driveway approach to the west. Documentation demonstrating efforts to acquire a shared ingress access needs to be provided with further development applications. If such shared ingress access cannot reasonably be acquired, a new ingress-only approach from NW Monroe will be allowed. Any new ingress-only approach should be designed not to impact existing on-street parking.

2. Angled parking egress only via easement to NW 23rd Street. Documentation demonstrating the presence or acquisition of an appropriate easement needs to be provided with further development applications for this item and Items 3 and 4 below.

3. Ingress and egress to NW 23rd Street via easement to NW 23rd Street for the two stacked parking spaces.

4. The proposed parking layout shows parking on an adjacent property easement.

5. Engineering staff are not commenting on the on-site parking space layout or other applicable Land Development Code criteria. The parking space layout should be configured to avoid the need to back out onto Monroe.

Keith Turner
Development Review Engineering

cc: Matthew Bolduc, Development Services
Jay Yaich, Development Services

c|t
X:\Divisions\Engineering\Development Review\Projects - Development\sigma pi access.wpd

Printed on Recycled Paper

*A Community That Honors Diversity!*



**Attachment VI**

FOR STAFF USE ONLY

CASE NUMBER LDP06-00027 DATE FILED 10-12-2006

MAJOR MINOR X PLANNER SAG

FEE $175.00 RECEIPT NO 101405 CHECK/CARD CK #3760

APPLICATION FOR:

# LOT DEVELOPMENT OPTION

CORVALLIS

City of Corvallis
Development Services
501 SW Madison
P.O. Box 1083
Corvallis, OR 97339-1083
Telephone: (541) 766-6929
FAX: (541) 766-6936

PLEASE TELL US ABOUT YOURSELF AND YOUR REQUEST:

REQUEST Approval of drive way, parking layout, and landscaping for this remodel project.

APPLICABLE SECTION OF THE LAND DEVELOPMENT CODE: 2.12, 3.13, 4.1, & 4.2

APPLICANT: NAME Russ Chambers, Oregon Ministry Network PHONE 738-6519 Hm 231-9981 Cell

ADDRESS 820 SW 5th St., Corvallis, OR

SIGNATURE _____ DATE _____

PROPERTY OWNER: NAME Oregon Ministry Network, Rep: Russ Chambers PHONE 738-6519 Hm 231-9981 Cell

ADDRESS 820 SW 5th St., Corvallis, OR

SIGNATURE _____ DATE _____

PLEASE FILL IN ALL INFORMATION:

LOCATION ✓ADDRESS 2323 Monroe Ave., Corvallis, OR

✓ASSESSOR'S MAP NO. 11-5-34 DB ✓TAX LOT 3600

LOT AREA 10,228 SF

ZONING DISTRICT ✓ SA (U)

The Assessor's Map Number (township/range/section) and the Tax Lot Number (parcel number) can be found on your tax statement on the upper left side or at the Assessor's office.

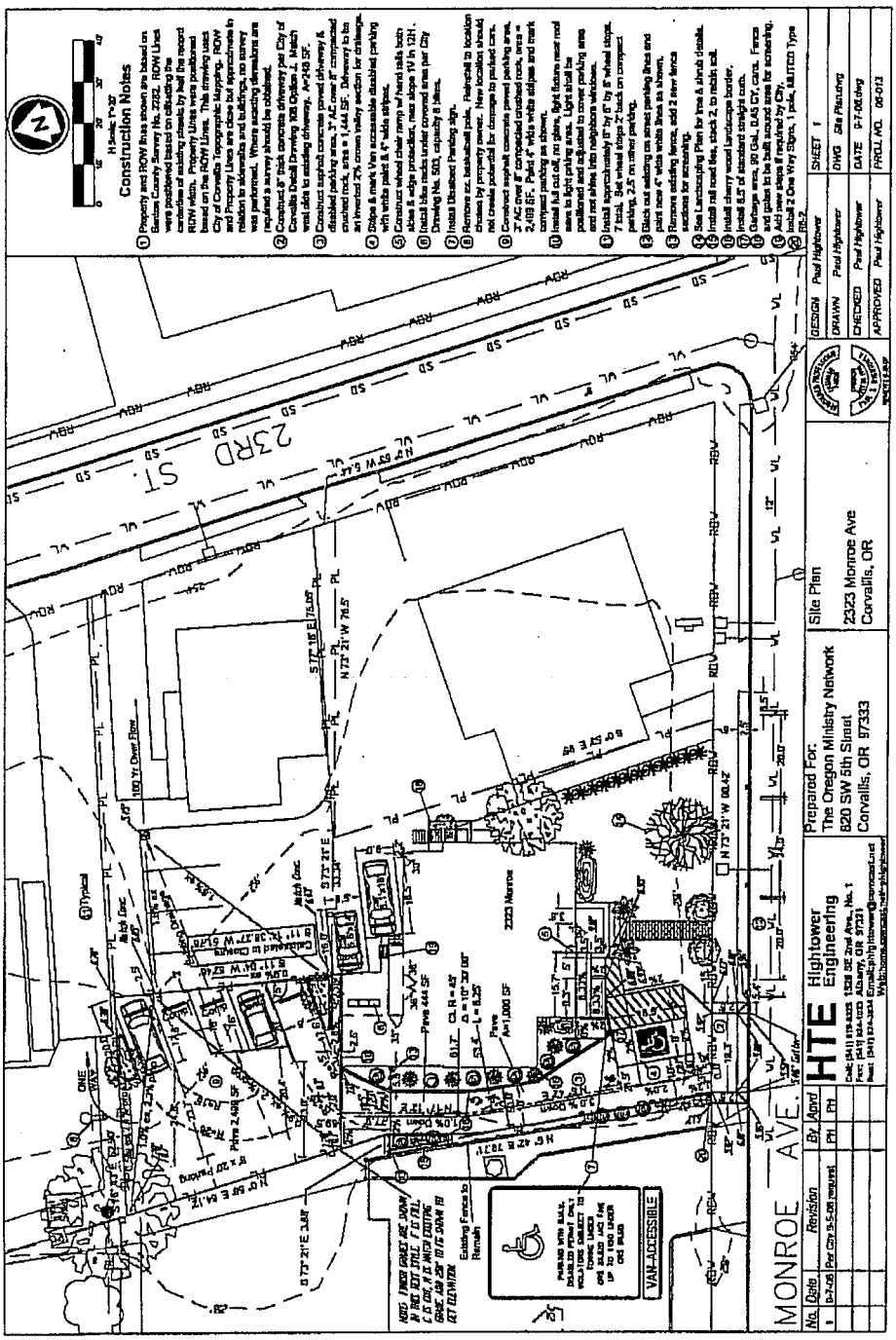
ATTACHMENTS [X] SITE PLAN (Required) [ ] FLOOR PLAN [X] ELEVATIONS
(If drawings are larger than 8 ½" x 14", submit four copies)

- ARE THERE EXISTING STRUCTURES ON SITE? [X] YES [ ] NO
  If yes, indicate on site plan the kind of structure, its use, location, and square footage.
- ARE THERE STREET TREES OR OTHER SIGNIFICANT TREES AT THIS SITE? [ ] YES [ ] NO
  If yes, indicate on site plan where and what they are. Indicate also the size of planting strip, if any, and whether there are overhead power lines.
- IS THERE A SOLAR PERMIT OR EASEMENT AFFECTING THIS SITE? [ ] YES [ ] NO
  *If yes, attach the permit or easement*

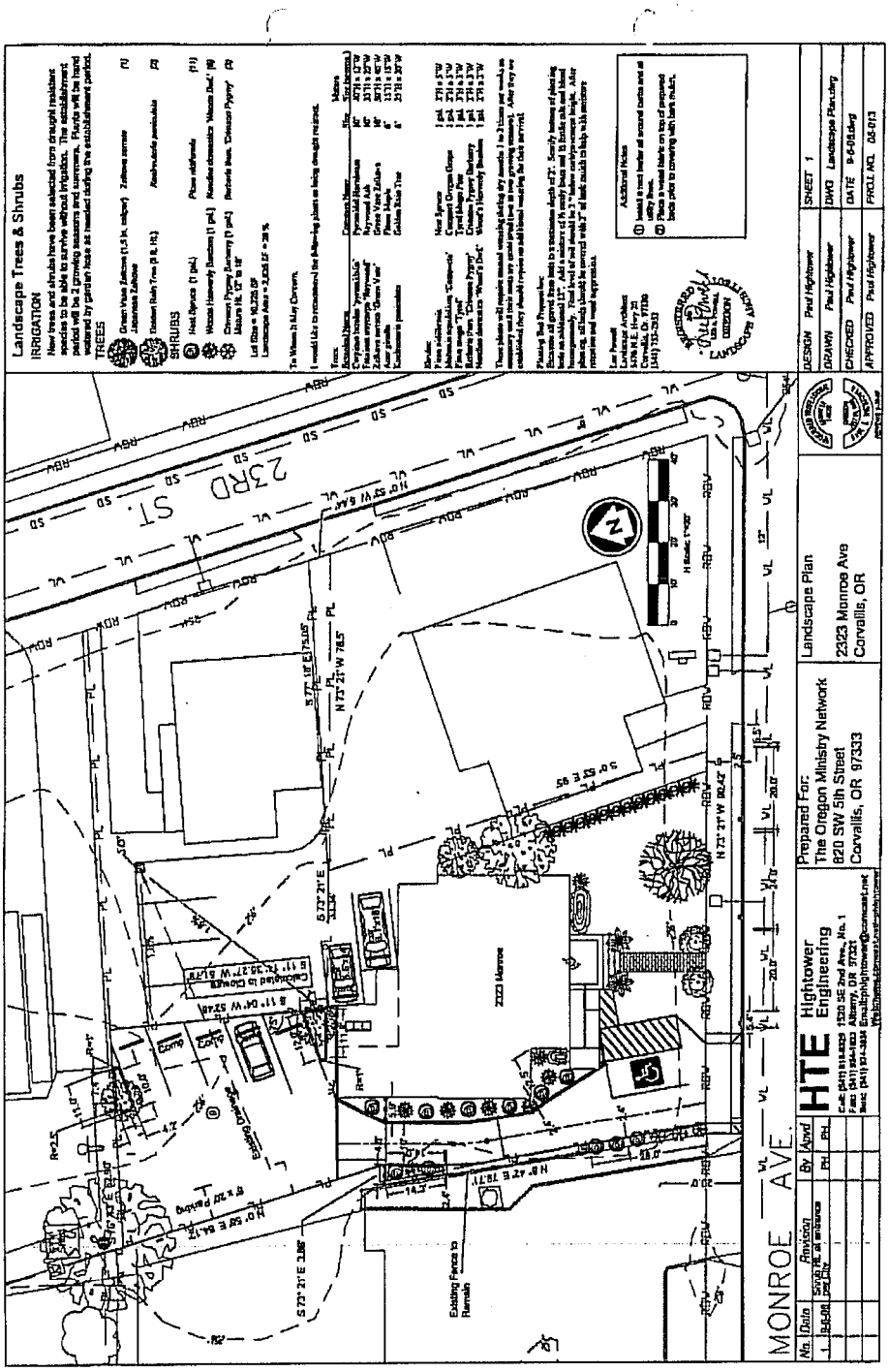
Revised August 2003

ATTACHMENT III
*MIS06-00051: 2323 NW Monroe Ave Appeal*
28 OF 38

**Attachment VII (1 of 8)**




**Attachment VII (2 of 8)**




**Attachment VII (3 of 8)**

# Lot Development Option Narrative

**8-9-06**

**PLEASE RESPOND TO ALL OF THE FOLLOWING QUESTIONS:**

1. WHY DO YOU BELIEVE THIS PROPOSAL SHOULD BE APPROVED? WHAT ADVERSE IMPACTS, IF ANY, WOULD THIS HAVE ON EXISTING RESIDENTIAL OR NONRESIDENTIAL AREAS? CONSIDER TRAFFIC, PARKING, VISUAL IMPACTS, ETC. (ATTACH ADDITIONAL SHEET IF NECESSARY )

The proposed use is student counseling on the first floor and a boarding house on the 2nd and 3rd floors. This proposal should be approved because the proposed use is an outright permitted use for this zone (Shopping Area - University) as Personal Services and Group Residential. It should be approved because as much as is feasible within the constraints of the existing lot, all code requirements have been addressed. It should be approved because existing gravel parking areas will become paved, the first floor of the building will be made disabled accessible, and additional landscaping in the form of trees and shrubs will be added. This proposal is consistent in parking layout and landscaping with all the existing surrounding properties.

No adverse impacts have been identified. Surrounding uses are commercial and apartments. Traffic volumes will not be greater than previous uses because the amount of parking is not being increased. Parking is actually being decreased by striping designated parking stalls per City Standards, previously parking on the gravel lot could be packed in bumper to bumper. The proposed personal services and boarding is for students and it is anticipated most students will bike and walk to / from this location since it is on the University border.

The driveway being proposed is one way from Monroe Ave. to 23rd St. which will minimize traffic impacts to Monroe Avenue. The standard width for a driveway is 12 feet wide. This application proposes a 10 foot wide driveway. The reduced with (17% reduction) is requested for the following reasons:

- It reduces the amount of impervious surface area
- This proposal is for an infill remodel
- Only cars will use the driveway and parking, Garbage will be self hauled or accessed from 23rd St.
- 12 foot width would be against the corner of the building and will likely not fit into the exiting space without creating a danger of hitting the corner of the building. It would also create a problem for the Disabled parking stall. A 12 foot width will push the Disabled parking east behind the wheel chair ramp and thus require a backing movement to be able to go forward and clear the ramp. The backing is close to the public sidewalk and it would be preferable to avoid needing a backing maneuver in order to exit the stall.

There is an existing storm catch basin that has historically collected the storm water from this site and functioned well, and with out problems, during winter storms. The catch basin has received the full runoff from this site in the winter due to saturated ground conditions. The area draining to the catch basin is small and the runoff is small, well within the capacity of a single catch basin. No changes are proposed to storm collection and no negative impacts are anticipated since it has a good history of functioning well.



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**Attachment VII (4 of 8)**

The landscaping has been selected from draught resistant species recommended by a Landscape Architect, his letter and stamp are shown on the landscape plan. Plantings will be established by hand watering with a hose. After the plants are established, one to two growing seasons, they will not require any additional watering. Irrigation will not be necessary for these species survival as noted by the Landscape Architect. These species should be a benefit since their survival is not dependent on an irrigation system which is subject to human error in operation and maintenance.

Positive impacts include additional buffer drought resistant landscaping, paving of existing gravel parking areas, and making access to services offered disabled accessible.

2. WILL THIS REQUEST REDUCE THE AMOUNT OF PRIVACY CURRENTLY ENJOYED BY USERS OF NEARBY STRUCTURES MORE THAN IF DEVELOPMENT WERE LOCATED AS SPECIFIED BY CODE? (CONSIDER INCREASED OFF-SITE VIEWS, INCREASED NOISE LEVELS, ETC.) PLEASE EXPLAIN. (NOTE: FENCING, VEGETATION, TOPOGRAPHY, WINDOWLESS WALLS, AND STREET SEPARATION OFTEN IMPACT THIS CRITERIA.)

Privacy should be increased from previous use. The previous use as a fraternity had two to three times the students living, coming, and going from this site. Foot and vehicle traffic should be lower than the previous use translating to less noise and more privacy. The exterior changes proposed do not increase the parking. A driveway is added along a property line that already has screening. The proposed location of garbage cans is in the same back area that the adjacent property has their cans. The proposed landscaping will add additional screening and be aesthetically pleasing.

3. ARE THERE ANY SIGNIFICANT NATURAL AMENITIES OR FEATURES ON THE SITE? (E.G., VEGETATION, FLOOD PLAIN, WATER BODIES, ETC.)
☐ YES ☒ NO PLEASE EXPLAIN.

There is existing landscaping of shrubs and a small tree that will stay. There are no large trees on this property.

4. WILL THE DEVELOPMENT CAUSE AN INCREASED SHADOW IMPACT ON ABUTTING PROPERTY? ☐ YES ☒ NO IF YES, PLEASE EXPLAIN.

5. WILL THE PROPOSAL REPEAT THE SAME MATERIALS, COLORS, ROOF LINES, ETC., THAT ARE USED ON THE PROPERTY'S EXISTING STRUCTURES? ☒ YES ☐ NO PLEASE EXPLAIN.

There will be no changes to the exterior of the building. A wheel chair ramp will be added to the front of the building. Colors used will be reddish brown tones that will match the brick exterior of the building. The materials will be either wood or concrete.



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**Attachment VII (5 of 8)**

**WILLIAM COHNSTAEDT**
LAWYER
561 NW JACKSON AVENUE
CORVALLIS, OREGON 97330

Telephone (541) 757-9944
Fax (541) 757-6950

September 13, 2006

Mr. Jason Yaich
Development Services
PO Box 1083
Corvallis, OR 97339

Re: LDO06-00027 and request for reduction of buffering requirements

Dear Mr. Yaich:

This communication follows our telephone conversation and covers two major points. First, it responds and objects to the Development Service Manager's decision that parking need not be reviewed because the use by Oregon Ministry Network continues the existing residential use. You informed me this discretionary decision is proper and supported by the fact the parking required for the proposed residential use is less than the existing parking use requirements because of the fewer residents in the new proposed use. Second, the requested reduction in required width of parking lot landscaping will be addressed. Notice attached and incorporated by this reference as though fully set forth.

First: This property is located in the SAU district. The previous owner's (Sigma Pi Fraternity) use was residential. It was a Fraternity House. This residential only use was and is nonconforming with the existing district permitted use of mixed shopping and residential. The property has been vacant for more than eighteen (18) months. Therefore, any preexisting nonconforming use rights have been abandoned. Where is the authority to resurrect an abandoned nonconforming use?

A residential only use is no longer permitted. Therefore, parking is an issue. The applicant talks about a commercial use (financial counseling). The drawings of the proposed floor plans do not show a floor plan for other than group residential use (a rooming house). This is the gist of my discussions with staff, objection to a continuing residential only use.

The neighborhood is commercial (shopping). Parking for customers is a premium item because there are not enough metered spaces. The neighborhood is residential on second floors and beginning 100 feet north of Monroe Street is all residential. Parking is even more difficult to obtain for residents than for customers.



**Attachment VII (6 of 8)**

Second: The parking plan proposed by the Oregon Ministry Network is flawed and objected to for the following reasons: inadequate buffering, inadequate number of spaces, and trespass.

Starting on southern and western property lines:

a) Their proposal removes a customer parking space. A metered street parking space is removed to create an entry for residential use. This violates existing policy of adding entry and exists on arterials and commercial streets. Commercial streets are to be pedestrian friendly, not vehicle friendly. Another access for vehicles crossing pedestrian sidewalks is not favored.

b) No or inadequate landscaping between applicant and commercial parking lot to the west. There is not sufficient distinction to deter residents and those they proselytize and invite to 2323 NW Monroe meetings from parking in customer parking spaces of the mini-mall to the west.

c) There are an inadequate number of spaces (five) in the Oregon Ministry Network's proposed northern lot. These five (5) spaces are not adequately separated nor buffered from the customer parking lot east of this lot. Again, the guests of the residents and the residents of the Oregon Ministry Network will park in the customer parking spaces of 2305 NW Monroe businesses which are directly east. We know this because except for the last two years when the Fraternity house was vacant, parking was a major issue because there are only five (5) proposed spaces and drawings show eight (8) large bedrooms and a third floor apartment. This represents up to sixty (60) occupants in the building, a reduction from one hundred (100) but insufficient to solve the available parking problem. One solution is a separate lot. This is what Oregon Ministry Network seems to be proposing. Their proposal is illusory because of the lack of separation, which could be remedied by landscape buffering. This new lot needs separation from the existing customer lot of 2305 NW Monroe Street shops. Presently there exists an ugly steel fence to provide separation. A five foot landscaped barrier is more appropriate and will be more effective communicating to residential guests and customers of 2305 NW Monroe which parking is which. The entrance to the proposed Oregon Ministry Network parking is <u>not</u> separated from the customer parking because of the two northeast spaces shown on this plan.



**Attachment VII (7 of 8)**

d) Addressing the two (2) parking spaces on the northeast side of the applicant's structure. Even on their drawing one of these parking spaces crosses the property line into the customer parking lot of 2305 NW Monroe. This is obviously not properly separated nor buffered. From the drawing of the northern space no vehicle can enter nor exit without a trespass onto their neighbor's parking lot.

e) There is no drainage shown for the proposed parking lot. This creates cleaning issues as water, oil, and debris flows downhill onto the east parking lot. Separation and proper buffering prevents this flow of undesirable "stuff" and future problems.

f) It appears there is no exiting to the north for large vehicles in the parking lot plan. It appears to be greater than a 90° turn. This encourages parking in customer spaces of the adjacent properties.

In conclusion, this is a request for staff and the Development Services Manager to reconsider the approval of this proposed use of this commercial shopping site. We are looking for solutions, not aggravation of the existing problems of parking, drainage, and separation. Communication, of which there was none prior to creating and submitting their plan and drawings, will lead to solutions. The Fraternity abandoning their use in September, 2004 was an improvement, even if temporary. No one wants more residential usage in the shopping strip of Northwest Monroe Street.

Very truly yours,

William Cohnstaedt
WC/jb



**Attachment VII (8 of 8)**

# APPLICABLE LDC REVIEW CRITERIA FOR CASE MIS06-00051

Applicable LDC standards for Appeal Issue # 1:

**Section 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS**
**All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section. These facilities shall be designed, paved, curbed, drained, striped, and constructed in accordance with the standards established by the City Engineer.**

**A permit from Development Services Division shall be required to construct parking, loading, and access facilities, except for single detached, duplexes, single attached, attached, and manufactured dwellings.**

**a. Access to Arterial and Collector Streets**

**1. Off-street facilities shall be designed and constructed with turnaround areas to prevent back up movement onto arterial streets.**

**2. Location and design of all accesses to and/or from arterials and collectors (as designated in the Corvallis Transportation Plan) are subject to review and approval by the City Engineer. Accesses shall be located a minimum of 150 ft from any other access or street intersection. Exceptions to this may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.**

**3. No development site shall be allowed more than 1 access point to any arterial or collector street (as designated in the Corvallis Transportation Plan) except as approved by the City Engineer. Evaluations of exceptions shall consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.**

**4. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in 2 and 3 above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.**

**Attachment VIII (1 of 3)**

c. Vision Clearance

1. Except within the Central Business District (CB) vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards adopted by the City Engineer that take into account functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.
2. Traffic control devices, street lights, and utility installations meeting approval by the City Engineer are permitted within vision clearance areas.

d. Backing or Maneuvering of Vehicles - Developments required to provide 4 or more parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street other than an alley, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

i. Driveways - Shall be surfaced as required by standards established by the City Engineer. No driveway shall traverse a slope in excess of 15 percent at any point along the driveway length. The location and design of the driveway within the lot frontage shall provide for unobstructed sight per the vision clearance requirements in Section 4.1.40.c. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.



Applicable LDC standards for Appeal Issue # 2:

Section 4.1.20 - GENERAL PROVISIONS

a. Provision and Maintenance - The provision of required off-street parking for vehicles and bicycles, and loading facilities for vehicles is a continuing obligation of the property owner. Building or other permits will only be issued after receipt of site plans drawn to a suitable scale, showing location of permanent parking and loading facilities.

d. Alteration of Existing Structures - When an existing structure is altered to the extent that the existing use is intensified, vehicle and bicycle parking shall be provided in the amount required for such intensification. When

**Attachment VIII (2 of 3)**

increased intensity requires no more than 2 vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative, and when the net effect of one or more changes generates a need for more than 2 spaces, they shall be provided. Additional spaces shall be required for the intensification but not for the original use.

e. Change in Use - When an existing structure is changed in use from one use type to another use type as listed in Section 4.1.30 below and the vehicle and bicycle parking requirements for each use type are the same, no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for more intensive use.

g. Mixed Uses - When several uses occupy a single structure or lot, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses.

Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS
Minimum parking requirements for use types in all areas of the City, with the exception of the CB (Central Business) District, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the CB District are described in Section 4.1.30.g.

c. Residential Uses Per Building Type:
   3. Group Residential:
      Vehicles:
      Fraternities, sororities, cooperatives, and boarding houses: 3 spaces for each 5 occupants at capacity (capacity to be based on criteria set forth in the Oregon Structural Specialty Code).

d. Commercial Use Types (for accompanying office and indoor service areas):
   14. Financial, Insurance, and Real Estate Services
      Vehicles: 1 space per 400 sq. ft. of gross floor area

   21. Personal Services, General
      Vehicles: 1 space per 400 sq. ft. of gross floor area

**Attachment VIII (3 of 3)**

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

SCANNED
Date 11-05-07 By LBE

Approved as submitted, January 3, 2007

# CITY OF CORVALLIS
# LAND DEVELOPMENT HEARINGS BOARD MINUTES
## December 6, 2006 @ 6:00 p.m.

**Present**
David Graetz, *Chair*
Frank Hann
Brandon Trelstad

**Staff**
Jim Brewer, Deputy City Attorney
Keith Turner, Development Engineering Supervisor
Kevin Young, Senior Planner
Jay Yaich, Associate Planner
Claire Pate, Recorder



## SUMMARY OF DISCUSSION

| | Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|---|
| I. | Introduction | | | |
| II. | Open Public Hearing<br>**Appeal of a Director's Decision on the Issuance of a Building Permit for 2323 NW Monroe Avenue, (MIS06-00051)** | | | Uphold the Director's decision to approve the application |
| III. | Close Public Hearing | | | |
| IV. | Board Questions of Staff | | | |
| V. | Board Deliberations | | | |
| VI. | Board Decision | | | |
| VII | Adjournment | | | 8:30pm |

## CONTENT OF DISCUSSION

The Land Development Hearings Board was called to order by Chair David Graetz at 6:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

### I. INTRODUCTION:

The Chair welcomed citizens and reviewed the order of proceedings. Staff will present an overview followed by the applicant's presentation and the appellant's presentation. There will be a staff report, and public testimony, followed by rebuttal by the applicant and by the appellant, limited in scope to issues raised in opposition and sur-rebuttal by opponents. 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.

The Chair stated that 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.

The Chair clarified that 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 at 6:10 p.m.

## II. OPEN PUBLIC HEARING - Appeal of a Director's Decision on the Issuance of a Building Permit for 2323 NW Monroe Avenue, (MIS06-00051):

A. Board Declarations:

1. Conflicts of Interest - none
2. Ex Parte Contacts - none
3. Rebuttal - There was no rebuttal of the declarations. Bill Cohnstaedt, appellant, asked Deputy City Attorney Brewer if the Board Members could state if they or members of their immediate families have or have had affiliation with any of the Assembly of God organizations. Mr. Brewer stated that the Board Members are only required to state whether or not they have a conflict of interest and are not under any obligation to answer further questions.
4. Site Visits - by all Board Members
5. Objections on Jurisdictional Grounds - none

B. Presentations:

1. Staff Overview:

Associate Planner Jay Yaich gave a brief overview of the appeal of a Director's decision to issue a building permit for property located at 2323 NW Monroe Avenue, the site of what was previously a fraternity house. The building permit application is for analysis of, and work associated with, conversion from a group residential use on the ground floor to a financial counseling services use for students. The use of the upper two floors will remain as group residential. The application includes a new driveway entrance from NW Monroe for an ADA-compliant parking space. The site is zoned Shopping Area (University) [SA(U)]. The permit is required to meet the Land Development Code criteria for this zone, as well as Building and Fire Codes and City engineering standards.

Mr. Yaich stated that there were two pieces of additional testimony provided earlier in the week and e-mailed to the Board Members **(Attachments A-1 and A-2)**. The appellant has submitted additional testimony **(Attachment B)** at the hearing this evening.

2. Legal Declaration:

Deputy City Attorney Brewer said the Board 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.

3. Applicant Presentation:

Russ Chambers, 820 SW 5th, said that he is the Campus Director of Chi Alpha Christian Fellowship. He stated that Mr. Cohnstaedt's objections seem to run in two veins. The first is technical aspects of the land use in the City engineering standards. Everything Mr. Chambers knows about those issues he has learned from Development Services staff in a number of meetings where the issues of parking and the site plan were addressed. Mr. Chambers said he believed the technical issues would be addressed by staff.

During the application process, the applicant hired various engineers and has spent thousands of dollars obtaining the building permit. The applicant is heavily invested in the property, and believes it is the perfect piece of property for what they need. It is hoped that when the work is done, the building will be an asset to the community.

The second issue brought up by Mr. Cohnstaedt relates to allegations that the applicant has purposefully mislead city staff, which Mr. Chambers believes is a misunderstanding on the appellant's part. Until two years ago, the Oregon Ministry Network was referred to as the Oregon District of the Assemblies of God. Two years ago there was a transition, and the group is now known as the Oregon Ministry Network (OMN), which is the name used on the permit. The OMN is a denomination; they are a collection of ministries all over the state. There are 200 churches and many auxiliary ministries and departments, a few of which Mr. Chambers described. He explained that the movement has a lot of different ways of serving the state. Chi Alpha fellowship is one of the ministries, with a focus of serving and reaching out to OSU students. The group is not a church; there are two other established Assembly of God churches in Corvallis. Part of the service to students is religious assemblies, but for that purpose they use a room at the Arnold Dining Center, with approximately 110 students in attendance. There is no intention to use the Monroe Avenue building as a church. There are no pews, and a large number of students would not fit. City staff had asked if there was an intent to have services, and the answer is no.

OMN's goal is to help OSU students be whole, spiritual, people. Students around the nation are facing financial crises, graduating with debt loads averaging $19,000. Twenty-five percent of students leave school with unmanageable debt loads, with many dropping out due to credit card debt rather than academic failure. Chi Alpha Fellowship's mandate is to serve students, and one of the ways will be to use the Monroe Avenue building as a financial counseling center, with one-on-one counseling as well as weekend seminars to talk about planning for the future. Help will also be offered for preparing tax returns.

Mr. Chambers went on to say that Mr. Cohnstaedt states that he could not find information on the OMN's web page about financial professionals. The Network does intend to utilize financial professionals who are part of the community or part of their group.

Mr. Chambers also stated that Mr. Cohnstaedt's objections on the surface revolve around parking. These objections are understandable; parking is tight. But, the majority of the clientele will be students who will be able to walk there. Demands will be much less with this group than with the fraternity. There was a plan in place to add parking spaces to this property with an entrance off Monroe and an exit onto 23rd. Ten parking spaces were added. But Mr. Cohnstaedt objected to the variance and brought this to a stop.

Before OMN bought the property, Mr. Cohnstaedt approached the realtor and asserted a claim that he had right of first refusal on this property. Mr. Chambers said he suspects that Mr. Cohnstaedt wants to bully them into somehow helping him resolve a lawsuit relating to the fraternity, concerning adverse possession of a piece of property and easement issues. Mr. Chambers thought an agreement had been reached, where OMN, as the present owner, would give Mr. Cohnstaedt an easement for access to his back parking area, and for bicycle parking, in exchange for Mr. Cohnstaedt rotating his parking lot for a different parking configuration. They, in fact, spent money with a lawyer to get the agreement in place. It turned out to be for nought. Mr. Chambers said he does not want this conflict with his neighbor and is very stressed about the situation. OMN has been 100% honest with City staff through the permit process, and there has been no misleading.

In response to questions about the back space being a parking lot, Bob Alexander has produced testimony that says it has been used as such at least since 1968.

Mr. Chambers summarized by saying that, in terms of the possibility of damages, OMN has put thousands of dollars into purchasing the property and into the building permit process. If something were to happen to make the plans fall apart, OMN would be looking to someone for damages.

Board Member Trelstad asked Mr. Chambers to give examples of other locations where financial counseling services are offered. Mr. Chambers said that there are two other Chi Alpha Fellowships in the state, but they are fledgling; he is not aware of what might be going on around the nation. They are all entrepreneurs. Students do not have to be members of the Fellowship. Mr. Chambers said they will hang up a sign about the services offered, and have a sliding scale of charges. The only reason for requiring payment is so the students would have something at stake; it is not OMN's intent to make a profit.

In response to questions from Board Member Hann, Mr. Chambers said that this property offers a lot of opportunity for ministering to students. There is value in having the top two floors with students living in community. The original concept was that having this building as a hub for financial counseling would raise OMN's visibility on campus.

Chair Graetz asked for clarification on drawings. Mr. Chambers affirmed that the drawing dated Sept. 6, 2006, (on page 30 of staff report) showing the driveway on the west side, is the original Lot Development Option design with parking lot improvements and an entrance to an ADA-compliant parking space. The reason this design is not part of the current plan is because of Mr. Cohnstaedt's objections. OMN realized that the property could be used as is, with no extra parking, since most of the clientele will be walk-up. The ADA parking space is a requirement, but there is adequate room for it without a variance. It is OMN's intent as a good neighbor to eventually pave the parking lot and provide drainage. The original plan was to leave the drainage as it is, but if Mr. Cohnstaedt prefers, there is room to dig a trench and pipe the water out to City storm drain.

Chair Graetz then asked what would happen if, in the future, the building use changes from financial services to spiritual services? Approval of the permit is based on being used for financial services. Mr. Chambers agreed that if the building use were to change, OMN would have to seek approval for such a change. He reaffirmed that the financial counseling services would be open to everyone.

Board Member Trelstad asked why the ADA parking spot was not planned for the back parking lot. Mr. Chambers said staff had indicated the parking needs to be more convenient, and the back parking lot would be less accessible.

4. Appellant Presentation:

William Cohnstaedt, 560 NW Jackson, said he was representing himself and the interests of his family, not a client. He said that his purpose was to help the Board determine whether the decisions made by staff are in conformance with City policies, particularly those policies set forth in the Comprehensive Plan and Land Development Code. Mr. Cohnstaedt acknowledged that he was wrong in his belief that a metered parking space would be lost, and so will not refer to that issue at all, though he is not withdrawing his objections. He wanted to spend his time going through the pertinent language in Land Development Code chapter 1.4. He drew attention to Land Development Code section 1.4.10, which states, "a nonconforming use is a use that is not permitted outright or has not received conditional approval in the district but was lawfully begun prior to it becoming non-conforming." Mr. Cohnstaedt emphasized the word "or ," stating that it was not "and." That particular section of the Code is the one he was wrestling with in staff's analysis that the parking use is different from a parking structure, with the use non-conforming. It is his understanding that, until September, 2006, when the residence was remodeled, there was no vehicular access to the backyard of this subject property. Using an overhead, he pointed out portions of the back lot which provide access, and described ownership. There is now a ten-foot-wide easement from the parking area to NW 23rd Street, over neighboring property to the northeast of the house to the backyard of 2323 NW Monroe. The previous owners never had a legal access; their use was not lawful until September, 2006.

Land Development Code section 1.4.20 permits non-conformities to continue, but not to encourage their perpetuation. The staff analysis violates this section, in that it perpetuates the non-conformity.

Land Development Code section 1.4.20.b mandates that development be brought into conformance with the Land Development Code and Comprehensive Plan. Specifically, Land Development Code Section 1.4.50.03 pertaining to the North Campus area states that multi-dwellings in existence as of August 3, 1992, shall not be classified as non-conforming development. Mr. Cohnstaedt stated that it is his opinion that the fraternity building is not a non-conforming use. However, redevelopment requires compliance with current parking standards contained in Land Development Code Chapter 4.1. He questioned the definition of "redevelopment." Land Development Code Chapter 1.6. contains a definition indicating that this request qualifies as a redevelopment.

Land Development Code section 1.4.50.07 "Residential Uses," states: "Any residential building type permitted prior to a specific period of time by this code but which is no longer allowed as a new use may be modified, enlarged or rebuilt provided it complies with required development standards of the district." If OMN is modifying the structure, the modification has to comply with current development standards, which includes parking. Clearly, the upper floors are being modified, since the 1960's fraternities had sleeping porches, and all members slept on the third floor.

The floor plans show that the first floor plan calls for handicapped accessible restrooms, a kitchen, a 130-square-foot office space, and two large, open connected assembly areas. There are no walls or doors, which leaves the space suitable for religious assembly and a variety of other assemblies. It is ambiguous. The space does not seem suitable for financial counseling, with over 1,000 square feet of assembly area.

Staff report page 24 shows the floor plan for the third floor, indicating an apartment-type use, with a sleeping space of 290 square feet, a living area and kitchen. On the second floor, there are eight sleeping areas with some in excess of 160 square feet in size. Land Development Code section 4.1.20.l states that multi-dwelling units having bedrooms in excess of 160 square feet shall provide added vehicle and bicycle parking of .5 parking spaces for each oversized bedroom. There are six over-sized bedrooms in this proposal. If the staff report is dependent on no intensification, Mr. Cohnstaedt submits that those previously-referenced sections of the Land Development Code indicate use is being intensified with redevelopment of the upper two floors.

Staff cites Land Development Code section 4.1.20.d, as opposed to section 4.1.20.l, as their reasoning for the finding that the parking is not non-conforming, and that the use is a continuing use. Mr. Cohnstaedt does not see how this reasoning holds up in light of the other Code sections.

Chair Graetz asked what the crux of the disagreement was, and why it was that, as neighbors, the two parties involved could not come to an agreement outside of the Land Development Hearings Board process. Mr. Cohnstaedt said that in 1989-90, when he was on City Council, he worked as hard as he could with staff to have the vision for the commercial districts be tied together and have similar rules, particularly for parking requirements. He did not succeed. Mr. Cohnstaedt has advocated that

position consistently for twenty years, and so far it has not succeded. The rules are unfair in that they prohibit any development by property owners in those districts. If he cannot get this change through the political process, he will try to get it through the legal process. This particular disagreement with OMN is incidental.

Residents of the fraternity have aggravated Mr. Cohnstaedt's tenants ever since he bought his building. Mr. Cohnstaedt stated that the lawsuit was filed before Russ Chambers bought the property, and Mr. Chambers knew about it, but no one from OMN talked to Mr. Cohnstaedt about the situation. Mr. Chambers characterizes himself as trying to be a good neighbor. The only time he has talked to him at all was when he had objected to something Mr. Chambers was doing. He has never objected to anything the neighbors to the north have done and talks with them all the time. He has not had problems with any other property owners in the area, but he wants the Code changed politically to allow development on Monroe Street properly without staff discretion. He wants it the same as the Central Business District. That is his agenda.

Chair Graetz asked Mr. Cohnstaedt if he would appeal again, should it be necessary, and Mr. Cohnstaedt said absolutely. Mr. Graetz asked if Mr. Cohnstaedt would be submitting additional written testimony summarizing his oral testimony, since much of his testimony this evening consisted of new arguments. Mr. Cohnstaedt said he had not had time to put the additional testimony together in a written form for submittal, for which he apologized.

Board Member Hann asked if the wide open space on the first floor might be because it is cheaper to put in a fire sprinkler system. Mr. Cohnstaedt said he thinks OMN is an evangelical church, and that they are proselytizing. He encouraged the Board Members to look at the web sites. His question is whether the financial counseling is really a primary use. Using square footage, it would seem the boarding house would be the primary use. Comparing the number of people who are going to come for financial counseling versus for religious prayer and other uses, financial counseling would not be the primary use. It is difficult to determine what is the primary use by the Code.

Chair Graetz said that though parking appears to be the major issue, much of the testimony does not pertain to parking. Mr. Cohnstaedt said the parking is what impacts his own tenants. Another issue is the big ugly steel fence which was put up by Mr. Alexander and has not been removed. Mr. Cohnstaedt stated that he still feels staff were misled by the fact tht OMN did not fill out the application with the same property owner name as is listed by the Benton County Assessor's office: the Assemblies of God Church. Instead, Mr Chambers put his own name on the application, not even mentioning OMN.

Mr. Cohnstaedt stated that the building has been vacant since September 2004, and he has issues with that situation as well.

5. Staff Report:

Planner Yaich said the application is presented in detail in the staff report, and he will briefly highlight some of the issues.

The building at 2323 NW Monroe Avenue was constructed in 1923 and, under current standards, the site does not contain an adequate number of parking spaces

to serve a group residential use. The issue is how to handle existing, non-conforming uses and structures through the building permit process. The Code addresses some of the issues. City building permit records date back to 1951 for various improvements to the property. The fraternity use itself continued in various forms until 2004. The parking area at the NW corner of the property is a non-conforming structure, as is well-recognized. In reviewing parking, there is a tie in the Land Development Code to the Building Code. For this reason, Dan Carlson, Development Services Manager, is in attendance at this meeting. Mr. Yaich reviewed the project time line and stated that on October 10, 2006, the permit was issued, with a formal appeal filed on October 19, 2006.

The two initial issues listed by the appellant were the lack of requirement for upgrading the existing parking area at the northwest corner of the site, and elimination of one on-street parking space to provide for a driveway cut. As Mr. Cohnstaedt acknowledged earlier, in reality there was no removal of on-street parking as part of this permit. The allowance of the access on NW Monroe is addressed in the Land Development Code, which allows the City Engineer to approve those access points and design of same.

The second appeal issue deals with the non-conforming parking. Land Development Code Chapter 1.4 includes language relating to non-conformity in terms of the structure and use, as Mr. Cohnstaedt stated. Additionally, Land Development Code Chapter 4.1, relating to parking standards, deals with changes in use of a development site with respect to upgrading parking standards. When a building permit application is made for an existing building, staff has to evaluate both the previous use and proposed use. This proposal is for a change in use on the first floor only. The second and third floors continue to be a group residential use. Since the fraternity had a primary use as group residential with all three floors in group residential use, it was considered non-conforming as part of the SA(U) district. With a focus on the first floor change, the primary use becomes financial counseling service, and parking requirements were evaluated in terms of numbers from the Land Development Code on the change of use, per Land Development Code Section 4.1.20.e. When dealing with a change of use, parts of the Code revolve around the concept of intensification of use. If there is no intensification, no upgrades can be required. Proposed uses now require 45 spaces, as opposed to 67 for the previous use. Because of this, staff does not have the authority to require upgrading of the parking area, since there is no intensification of use.

Mr. Yaich stated that there is an inherent question the appellant raises about the parking lot and whether the use equates with the structure. There obviously is a relationship, whereas with the actual building structure there are multiple uses, so there is not that same direct relationship. When dealing with existing development, the non-conforming section of the Land Development Code does encourage bringing non-conforming uses and structures up to current Code standards. When applications come in through the building permit process, staff certainly takes the issue into consideration as they do the analysis. This analysis takes into consideration the existing lot area and the existing developed footprint of the building. If one were to apply the current parking requirements based on current dimensional standards, landscaping requirements, etc., one would find that the lot size does not provide adequate room to construct a parking lot to current standards. As part of the permit process and the Lot Development Option application, the applicant had intended to upgrade the parking area somewhat to current standards.

Mr. Yaich explained that towards the end of the staff report, there is a brief discussion about the use itself. When the applicant proposed the use as financial counseling services, staff did a best-fit determination and determined that such use fit into financial services as well as personal services (general), which is more of a personal improvement/educational type use. These uses are allowed outright in the SA(U) district.

The staff's recommendation is to uphold the Development Services Manager's decision to approve the proposed building permit application.

C. Public Testimony:

1. Legal Guidance to Those Testifying:

Deputy City Attorney Brewer said the Board 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 or appellant 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.

2. Public Testimony in favor of the application:

Bob Alexander, 560 SW "B" Avenue, said he finds himself caught in the middle of the situation. He is a building contractor in town and is also an alumnus of the Sigma Pi Fraternity, former owners of the house in question. He has been working with the City on the parking issues for this particular piece of property. Mr. Alexander said that ever since the fraternity went it, they have been entering the parking area to the northwest across a corner of Mr. Cohnstaedt's property. When he arrived in 1968, there was a yard in the back with paved access. Realizing there was a problem with the parking, he went to the City to look at how to configure parking and access. He obtained an access and drainage easement to NW 23rd Street from the property owners to the north of the parking lot, in exchange for work he did for them. Mr. Chambers' organization has paid for the easement. This new configuration takes care of the streams of traffic that come off Mr. Cohnstaedt's property.

At some point in the 1990's, Mr. Cohnstaedt wrote his own easement agreement to go across the fraternity's property to get to his parking area. He did not have their permission to use it that way. For this reason, the fraternity installed a fence until the issue could be resolved. Mr. Cohnstaedt paved along the western edge of his property, encroaching three feet on to the fraternity property. He is now in the process of suing the fraternity to adversely possess the three feet down the property line and to gain his access back that he did not legally have. Mr. Alexander stated that, in his own opinion, Mr. Cohnstaedt is attempting to control everything in this area, and has neglected to even deal with the truth when it comes to using it; he has no substantiation of his easement. It is harassment. He, Mr. Alexander, has spent much time working with Mr. Chambers and a lawyer for the fraternity, as well as a surveyor, getting reciprocal easements to the property to resolve these issues, with

cooperation about parking reconfiguration and a common use of the three feet between their properties for bicycle parking. This attempt at cooperating is all documented.

Mr. Alexander mentioned that Mr. Cohnstaedt made reference to the remodeling that occurred to bring bathrooms in the Sigma Pi house up to Code. During that remodeling, there were no exterior improvements and there was not a need to deal with parking issues. Nothing was changed on the exterior.

Mr. Alexander submitted a letter **(Attachment C)** from a realtor outlining the realtor's contact with Mr. Cohnstaedt and Mr. Cohnstaedt's statements that he had right of first refusal on purchasing the fraternity house. When the realtor asked for written proof, Mr. Cohnstaedt never submitted it. In summary, Mr. Alexander said the fraternity had tried to cooperate with Mr. Cohnstaedt, but had not succeded.

3. Public Testimony in opposition to the application: none

4. Neutral testimony: none

5. Public Testimony in favor of appellant: none

6. Applicant's Rebuttal:

   Mr. Chambers said that, from Mr. Cohnstaedt's comments, the appeal appears to be a political maneuver on his part. He should not be doing that to them.

   City Attorney Brewer reminded those testifying that this is not the time for comments that might relate to a civil lawsuit, only comments relating to issues that deal with the building permit.

7. Appellant's Rebuttal:

   Mr. Cohnstaedt stated that he wanted everyone to understand that facts as presented support that, prior to 2006, there was no legal access to the parking. There was permissive use for the corner of his property, but it was not a lawful use. The permissive use was taken away when the fence was put up.

   Mr. Cohnstaedt also believes that redevelopment of the top floors intensifies the use and parking requirements under Land Development Code Chapter 1.4 because of the oversized bedrooms.

   Chair Graetz stated that the discussion about "lawful use" is outside the Land Development Hearings Board purview. Mr. Cohnstaedt explained that his contention is that the staff report makes a Code distinction which he does not understand. For this reason, he has used a shotgun approach because he does not fully understand it and it is therefore hard to analyze. Staff's interpretation has consequences that he has struggled against for years. Mr. Cohnstaedt's property has an access onto Monroe Avenue, and when he bought the property it was a boarding house, which he converted into a bookstore. When he changed use of the building from rooming house to its current uses, he was required to pave a parking lot, and had to fight for access off of Monroe. Staff says it is a discretionary decision, but he does not believe that the Code says it is discretionary.

8. Other Rebuttal: none

9. Applicant's Sur-Rebuttal:

   Mr. Chambers said that the way OMN views development of the the top two floors is comparing the fraternity's use of the space with OMN's proposed use. When the fraternity had the property, 35-40 students slept there. OMN plans to have no more than 16 students, which seems like a less intensive use.

10. Appellant's Sur Rebuttal:

    Mr. Cohnstaedt said that the language in Land Development Code Section 1.6 language applies, and redevelopment of the property requires compliance with current parking standards.

## III. CLOSE THE PUBLIC HEARING:

Chair Graetz noted that there were no requests for holding the record open or continuing the public hearing, and declared the hearing closed.

## IV. BOARD QUESTIONS OF STAFF:

Board Member Hann asked staff whether the issue about over-sized rooms applies, and whether this keys in additional parking requirements. Planner Yaich said that Land Development Code Chapter 4.1 specifies how parking requirements are determined based on use. Uses on the second and third floors are classified as group residential. Analysis of those floors is the same for both the previous and current uses. Land Development Code Section 4.1.20.I, as cited by Mr. Cohnstaedt, specifically pertains to multi-dwelling residential uses, not group residential. The bedroom size determination is not applied to group residential uses.

Board Member Hann asked how much land would be required for a parking lot accommodating 111 spaces. Mr. Yaich said the analysis that was done concerning the amount of land required for the parking lot if it were upgraded to current standards was based on the proposed use, not the previous use.

Board Member Hann asked for elaboration on how staff makes the determination of what the primary use is, and how the parking requirements are determined. Mr. Yaich said that generally the gross floor area is used, as the Code requires, in determining individual parking requirements per use. In this particular case, the office portion and some of the other uses such as bathrooms are grouped into the gross floor area. The office area is considered ancillary to the main financial counseling use.

Senior Planner Young elaborated that this zoning district allows "personal services" as a permanent outright use, which could include some activities that religious use might expand into. The parking requirements would still be the same. In a worst case scenario, if the use were to evolve into a pastoral counseling kind of facility, the parking requirement would still be the same.

Chair Graetz said he struggled a bit with the group residential use not being the primary use, since the residents are there 24 hours a day. Mr. Yaich said that there is no definition of a primary use, but there is one for accessory use. Staff took the applicant's proposed occupancy

rather than the Building Code capacity. It was determined that the financial counseling services and the number of occupants who would be served was greater than the residential portion.

In response to another question from Chair Graetz relating to Land Development Code Section 1.4.40.a.1, Development Engineering Supervisor Keith Turner stated that, generally, staff is reluctant to support the idea of a car backing out onto an arterial from a parking space. Since this is an ADA parking space, it will not likely be high volume. Staff would support the idea of an ingress-only access way at this point, but the Lot Development Option is not under consideration at this time.

Chair Graetz asked staff to respond to some of Mr. Cohnstaedt's points relating to Land Development Code section 1.4.40. Senior Planner Young said that the gist of the discussion is whether the parking lot is a nonconforming use or structure. It is the structural elements of the parking lot that are non-conforming, in that it does not meet the dimensional standards nor landscaping standards. Staff concludes that it is a nonconforming structure. Code language regarding no-conforming structures is more limited, and basically says that where they are expanded they need to be done in conformance with current Code. When one looks at an older building that might be put to a different use than originally contemplated, parking is one of the things taken under consideration. Staff first looked at Land Development Code Section 4.1, and the language that talks about how to interpret parking for older structures. For example, the Whiteside Theater. has no parking to serve it. Requiring necessary parking according to current Code would preclude use of these types of facilities. Applicable sections in Land Development Code 4.1 are designed to allow for continued use of these older facilities where use is not intensified. If use is more intense, more parking would be required.

Deputy City Attorney Brewer added that one way to view the ambiguity is that the Code addresses nonconforming uses and nonconforming structures in general language, and Land Development Code Chapter 4.1 provides specific language relating to parking. The specific language trumps the more general language.

Chair Graetz asked about Mr. Cohnstaedt's argument that parking requirements were being discretionarily applied. Mr. Young said he was not aware of any issueswith past staff interpretations, but he is not refuting that there might have been some discrepancies through the years.



## V. BOARD DELIBERATIONS & DECISION:

**MOTION:** Board Member Trelstad moved to uphold the Development Services Manager's decision to approve the proposed building permit application with stated conditions of approval, and the findings of support made by the Development Services Manager, based on the criteria established in the Land Development Code and the discussions this evening in presentations. Board Member Hann seconded the motion.

Board Member Hann said accepting that the primary use of the building is as a financial counseling center negates some of the other arguments, in terms of the parking and the prior nonconforming use or the loss of the nonconforming status. The other issue brought up in the appeal, loss of street parking, has gone away. Mr. Hann does not view the use as a church, as asserted by the appellant, and he accepts the applicant's explanation about use.

Board Member Trelstad added that, in regard to Land Development Code Section 4.1.20.e, intensification of use, he did not find an intensification of use. He recognizes that there were

past issues with the fraternity and bad neighbor relations, but those are not reasons upon which to base a decision.

The motion **passed** unanimously.

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. He noted that the Notice of Disposition would likely be signed on December 7, 2006.

**VI. <u>ADJOURNMENT</u>:** The meeting was adjourned at 8:15 p.m.

# MEMORANDUM

December 4, 2006

To: Land Development Hearings Board

From: Development Services Division

Re: **2323 NW Monroe Ave - Building Permit Issuance Appeal (MIS06-00051)**
Additional Written Testimony from the Appellant

Attached is additional documentation submitted by the Appellant of the above mentioned case. Because the information was provided to Development Services staff after the public release of the staff report, this additional information was not able to be included in your original packets. Please review as necessary.

Jason Yaich
Associate Planner



ATTACHMENT A-1

# WILLIAM COHNSTAEDT

561 NW JACKSON AVENUE
CORVALLIS, OREGON 97330

Telephone (541) 757-9944
Fax (541) 757-9950
cohnstaedt@uci.net


December 1, 2006

Land Development Hearings Board
City of Corvallis, Planning Division
PO Box 1083
Corvallis, OR 97339-1083

Re: Building permit appeal, 2323 NW Monroe Avenue
Case: MIS06-00051

Dear Gentle People:

This letter will further outline my basis for appeal of the City of Corvallis issuance of building permit No. 06-00842 to Oregon Ministry Network. This letter focuses on three major concerns: first, misrepresentation to city staff; second, parking and drainage; and third, concern about the identification of the applicant and the intended primary use. The purpose of my appeal is to assist staff to properly apply the LDC to the various permit applications.

1. The Applicant is a Church. They did not state this in their application for a LDO, nor in the applications for the permits subject to this appeal. Their representatives stated financial counseling as the primary use of the structure. These appear to be two misrepresentations to city staff, which relied on each of them in their analysis of the permit applications. The city's analysis was based on the proposed use for financial counseling which is a primary commercial use, permitted outright. However, religious assembly use requires a special development process under LDC 3.13.20.02.

2. Parking and parking lot drainage are significant concerns. The analysis that the City of Corvallis provides regarding parking seems convoluted and the distinction between structure and use is full of unintended consequences. In addition the City has made assumptions, based on the Applicants misrepresentations regarding the property at 2323 Monroe, that are simply wrong.

The staff report prepared by the City of Corvallis assumes that the northwest portion of this property is an "established parking use." (See attached diagram, area highlighted in orange.) It is by no means an "established parking use," nor a parking lot, and has never been. It is a backyard that has been graveled over. To allow what is now a back yard to be

turned into an "established parking use" without complying with the LDC rules governing creation of a parking use will set a precedent which I do not believe has been thought out.

This area is not an "established parking use" because until as recently as September, 2006 there were no legal vehicular entries to this area, no easements, no properly constructed driveway access - in short, nothing which would allow the creation of "an established parking use." Why would the City of Corvallis allow what was previously a backyard to be turned into an "established parking use" without compliance with the rules governing the creation of a parking use? Just because members of the previous owner (a fraternity) illegally and intermittently parked vehicles in their backyard does not make the backyard an "established parking use." In addition, on weekends and warm evenings the neighbors and police reports show the backyard was used for fraternity functions.

The only legal parking use presently on this property is a small area just north of the building, on the eastern portion of the property with legal access to 23rd Street. There is room for one legitimate parking space there. (See attached diagram, area highlighted in yellow.)

The staff report indicates, "In fact, the City's determination, through issuance of the building permit, is that the new use does have to *and* does meet current parking regulations as defined in Section 4.1.20(d) & (e)." It is difficult to understand how a new land use that requires at least 45 parking spaces and has but one legal space meets current parking regulations. Does the city intend to not apply parking regulations to this site at any time in the future? The staff argues that the preexisting use (fraternity) required more parking than the applicants proposal requires. Also, the fraternity had an "established parking use." Therefore for the new use (religious assembly), staff will not examine the parking situation on this tax lot. This interpretation of the LDC is challenged in this appeal.

The fraternity purchased the single family home in the early 1950s and began their many remodels prior to the current MUC designation in the comprehensive plan and the SAU designation in the LDC. The fraternity abandoned their fraternity use and all use of the tax lot in 2004. At no time has the city applied MUC nor SAU parking standards to this tax lot. All grandfathered use has been lost due to vacancy and absence of any use for the past two years. Parking and occupancy were both abandoned for the past two years.

The current applicant in its application proposes a mixed use, primarily a financial

counseling use and an accessory boarding house use. Upon these misrepresentations staffs analysis and interpretation of the LDC is based. Their argument is destructive of reasonable future application of the LDC. Specifically, the cumulative effect set forth in 4.1.20 (d) from single family use to fraternity use (with no code application), and then to religious assembly use requires that the present code should be applied to these cumulative transitions. Also the concept that an owner can illegally create an "established parking use" which will legally pass to the new owner is bad precedent. Finally where in the LDC is the concept of an "established parking use"? That is transferable after abandonment for two years? Or is transferable at all?

The proposed handicapped parking space is another issue. Their new proposed access onto Monroe Street for handicapped parking as opposed to the proposed driveway access is not in compliance with LDC 4.1.40. What is the impact on Monroe Street, which is an arterial street? It appears to cause the removal of a metered parking space from Monroe Street. This is a significant concern because metered parking spaces are critical to the success of commercial districts. And it requires backing over a sidewalk onto an arterial.

The Assemblies of God Church's parking proposal includes the issue of drainage. The applicant indicates that it has an easement for drainage, which I do not see in the city's file. Unless there is a drainage plan not currently shown on the plans submitted to the city, or a drainage plan is intended for another area, they simply have no valid drainage plan in evidence.

Their indication that the current drainage plan is sufficient is also questionable. Currently the area they represent as parking is a back yard with gravel over dirt. The water simply drains straight into the ground and there is no, or very little, run-off. Paving over this area or creating an actual regular sustained parking use would create substantial drainage that requires a plan, as the water could no longer be absorbed directly into the ground. It appears they have no valid assessment of future drainage and no viable plan.

I urge each Land Development Hearings Board member to make a personal inspection of the property located at 2323 Monroe to evaluate whether their visual observations regarding the backyard and proposed handicapped parking space are in conformance with the LDC, and the Applicants statements.

3. It appears from most of the documents submitted to the City of Corvallis regarding this property that the applicant is the Oregon Ministry Network and Russ Chambers is its representative. The full business name, according to the Oregon Corporation's Division,

is Oregon Ministry Network of the Assemblies of God. This organization officially organized as a church in 1914. Benton County records indicate the property owner is the Assemblies of God Church.

On documents submitted to the City of Corvallis, Russ Chambers lists himself as the representative for the Oregon Ministry Network. Russ Chambers is the contact person for Chi Alpha (XA), which is a subdivision of the Oregon Ministry Network of the Assemblies of God. Chi Alpha is a Protestant, Pentecostal campus ministry, a.k.a. a church.

It is the intention of the Oregon Ministry Network, Russ Chambers, and Chi Alpha to use the property at 2323 Monroe as the "miracle XA house." This is clearly evidenced at the Oregon State University Chi Alpha Fellowship website (www.osuchialpha.com). Russ Chambers and Chi Alpha are so pleased to have acquired this new residence for their church that they display more than fifty (50) photographs of 2323 Monroe Street on their website, calling it their miracle house. There is no indication anywhere on the OSU Chi Alpha website that financial counseling services will be offered to the public from this location. There is no indication that financial counseling is a service offered by any branch of the Oregon Ministry Network of the Assemblies of God. The website does state that they meet for prayer groups regularly.

There is no evidence whatsoever that any member of the Oregon Ministry Network of the Assemblies of God, nor Chi Alpha, is a professional financial counselor. There is no evidence that these churches offer financial counseling. There is no mention anywhere of financial counseling connected to this church. The only time financial counseling is mentioned is during the city planning application process. This is when a commercial primary use is needed that complies with the City's LDC standards. A church religious assembly is not an acceptable primary use under LDC 3.13.20.

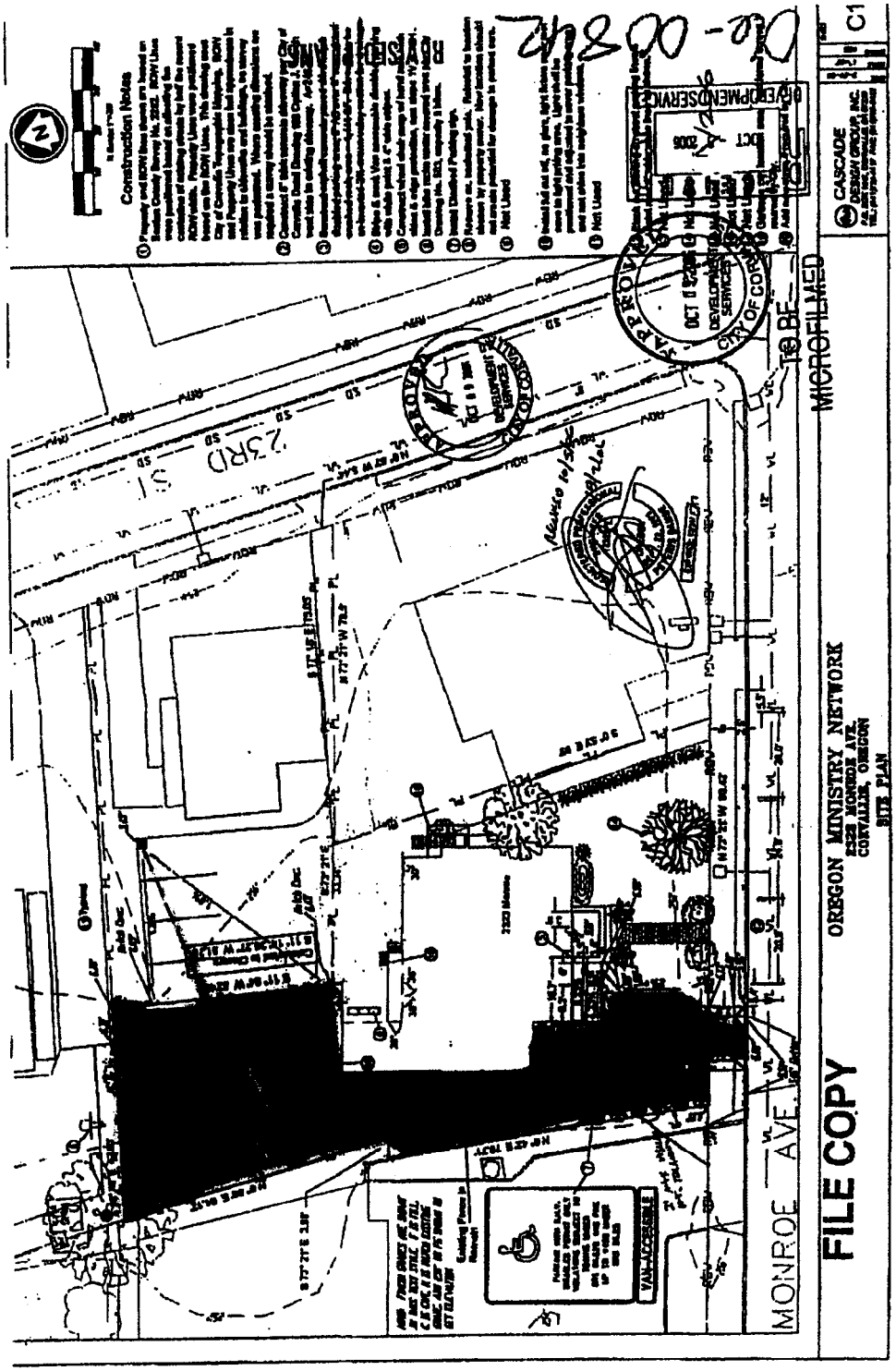
In addition, the first floor plan shows no walls or doors between the two large assembly areas (see the attached floor plan). This is a strong indicator that these areas will be used for church services and activities. This floor plan does not offer the privacy normally associated with financial counseling.

Thank you for your attention to this matter.

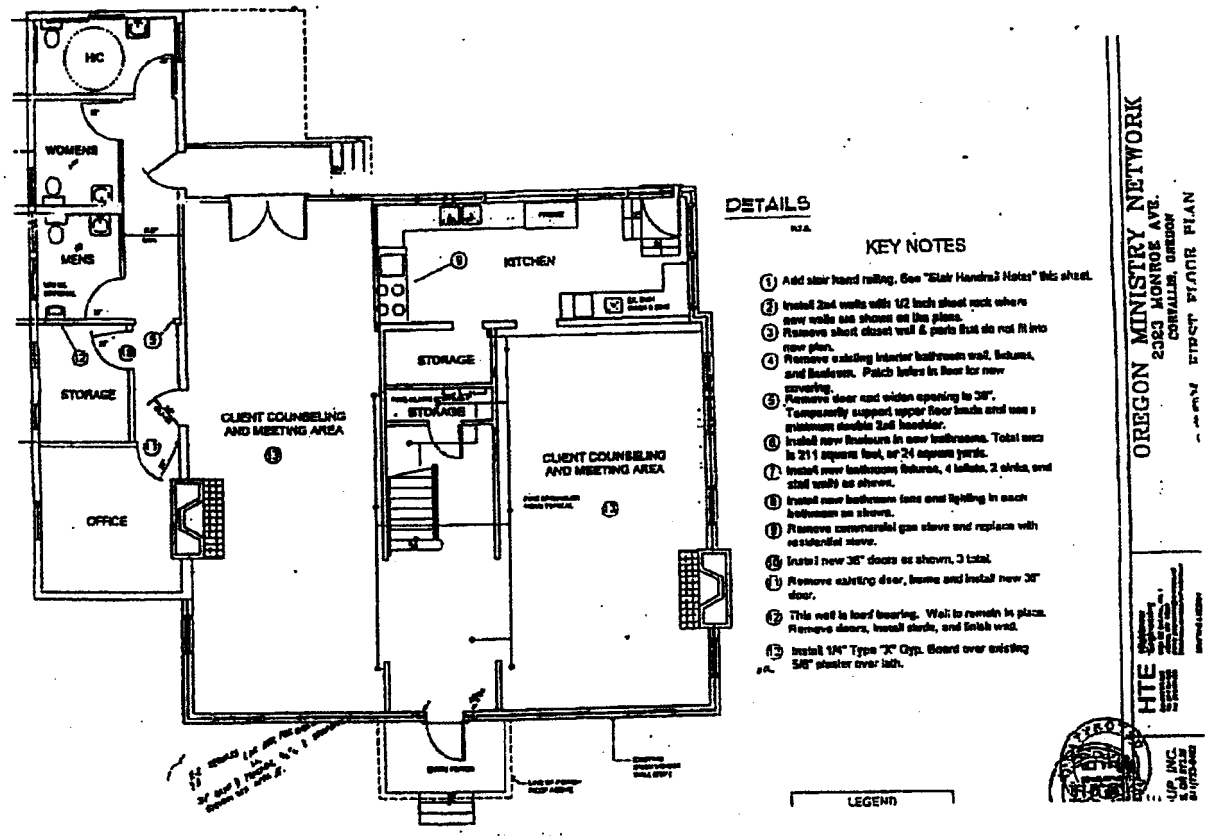
Very truly yours,



A-1d




**Attachment IV (8 of 8)**




No Fraternity members lived on 1st Floor

NO Walls
NO DOORS
Church meeting or Financial Counseling?

A-1f

# MEMORANDUM

December 5, 2006

To: Land Development Hearings Board

From: Development Services Division

Re: **2323 NW Monroe Ave - Building Permit Issuance Appeal (MIS06-00051)**
Additional Written Testimony from Citizen

Attached is additional documentation submitted by the public, referencing the above mentioned case. Because the information was provided to Development Services staff after the public release of the staff report, this additional information was not able to be included in your original packets. Please review as necessary.

Jason Yaich
Associate Planner

DATE: 12/05/2006 859

Land Development Hearings Board

Re: 2323 Monroe Avenue, Case MIS06-00051

Subject:rebuttle of information presented for review by ltr submitted by Mr. William Cohnstaedt dtd 1Dec06.

Dear responsible board members:

I just recieved a copy of a letter submitted for your review concerning the property located at 2323 Monroe Ave., Corvallis, Or. Having being an alumi of the fraternity previously located at this address and specifically the alumi responsible for the repairs and upkeep of this structure for over 30 years, I find Mr. Cohnstaedt's letter filled full of unsubstiated inuendos and to be blunt outright mistruths. I would appreciate some of your time to address some of what my fraternity's experience has been with this property since our arrivial in the 1960's and Mr. Cohnstaedt's arrivial many years later.

1) Parking at 2323 Monroe:
   a) The rear graveled area has served as a parking lot for this property since the fraternity was moved there. I would like to add that I personally pledged the house in fall of 1968 and at that we were parking as many vehicles there as we could physically fit at that time. I would also like to add that the access to this graveled lot was paved in concrete and is still paved in this same concrete with a distinctive curved pattern still showing. I believe that is also appropriate at this time to note that when I arrived, the area now occupied by Mr. Cohnstaedt's parking area was nothing but a grass lawn.

   b) Even after the fraternity moved the main house functions to another location, this parking area was used on a regular basis by active members of the fraternity while they were at class and by the person(s) that were living in the house as custodians while we attempted to sell the property.

   c) When Mr. Cohnstaedt installed his parking lot (sometime in the early 1990's) he did in fact convince the city of Corvallis at that time that he had an easement over our property (which he wrote himself) allowing him access to this parking area. HE IN FACT HAD NO SUCH PERMISSION TO DO SO FROM OUR ORGANIZATION, NOR HAS HE OBTAINED ANY SINCE THAT TIME.
   He is now attempting to obtain this access through claiming that he has used it long enough to where "access is his" and that we don't even have the right to park on our own property.
2) Future paving and drainage:

a) Mr. Cohnstaedt indicates in his letter that no provision has been made for future paving and drainage to this area of the property. This is in fact not true, and again I can personally swear to this because I personally obtained an easement for the purpose of drainage and exiting this parking area from the Nelson's who own the property to the north of both 2323 Monroe and Mr. Cohnstaedt's.
b) I would like to add that this easement was obtained and layed out with considerable help and direction of the city of Corvallis' staff It has been recorded in the county records, and is there for anyone (including Mr. Cohnstaedt) to review.
c) In the mean time, the existing gravel lot has existed for over 40 years (acting as a parking lot), with Mr. Cohnstaedt's parking lot existing next to it for over the last 10 years and to my knowledge not created any significant drainage problems - I might note that even Mr. Cohnstaedt's letter doesn't note a single problem he has had with its drainage to date.

In conclusion I would like to state that it has been our misfortune to have spent many years having to deal with Mr. Cohnstaedt and his attempts to control both his and our properties, including his recent filing of a lawsuit aimed at taking adverse possession of part of our property (not related to the aforementioned lot area) while we were trying to sell this property to Mr. Chamber's and his associates. There is presently an offer put together by Mr. Chambers and our fraternity whereby Mr. Cohnstaedt receives the easements to not only use his parking lot, but also have his adjacent parcel receive bicycle parking and pedistrian access for his business tenants at no out of pocket cost to him - (see enclosure). The longterm parking area (with exiting and entering)has been planned in such a manner that they will totally take away all the significant traffic and parking loading from Mr. Cohnstaedt's property. The apparent problem with the months and months of planning, and following the city of Corvallis' direction and rules is that Mr. Cohnstaedt doesn't appear to come out controlling property that does not belong to him.

Thank you for your time and consideration, and again I apologize for my late submittal, but I only recieved a copy of Mr. Cohnstaedt's letter this morning on my desk.

Sincerly yours,

Robert Alexander

This appeal addresses three major concerns and several technical issues needed to determine if the proposed use is a permitted use of this property, which is zoned SA(U) and MUC:

**#1 – Who is the applicant?**

**#2 – What is their primary use going to be?**

**#3 Is there an existing parking use?**

**#4 LDC Section violated by staff decision on parking: 4.1.20(1); 4.1.30(a)(3); 4.1.30(b)(8)**

**#5 City policies violated by allowing new access to Monroe Street for Handicap parking when access is available from 23rd Street 4.1.40(a)(1); 4.1.40(a)(2); 4.1.40(a)(4); 4.1.40(c); 4.1.40(d)**

Planning Commission
Testimony Received
DEC 06 2006
CONSTAEDT
Name

---

## #1 Who is the applicant?

According to Benton County Tax Assessor records (Property Account Summary)

(***Exhibit 1***) The owner of the property located at 2323 Monroe is
ASSEMBLIES OF GOD CHURCH
PO Box 9178
Salem, OR 97305

On the City of Corvallis Building Permit Application #06-00842 the applicant is listed Owner - **Oregon Ministry Network**, PO Box 9178, Salem, OR 97305 (see ***Exhibit 2 page 1 of 4***).

On the Application for Excavation & Grading/Erosion Prevention and Sediment Control Permit the Applicant/Owner is listed **Russ Chambers, Oregon Ministry Network**, 820 SW 5th Street, Corvallis, OR and the project name is "Remodel" (see ***Exhibit 2 page 4 of 4***).

On the City of Corvallis Deferred Submittal Agreement the owner name is **Oregon Ministry Network** and the project name is XA (Chi Alpha) House (see ***Exhibit 3***).

**Who/What is Oregon Ministry Network?**

**~ A Church ~**

According to their website http://www.oregonag.org - (see ***Exhibit 4***)

(***Exhibit 4 - Page 1 of 4***) "Our History" . . . "The Assemblies of God was formed in April 1914 . . . where they decided to **organize as a** national **church**."



ATTACHMENT IV 24 OF 102
MIS06-00051: 2323 NW Monroe Ave Appeal

ATTACHMENT B

(***Exhibit 4 - Page 2 of 4***) "The Oregon Ministry Network exists to **advance the mission** of God **through developing** and empowering Spirit-filled leaders and **churches** who will build healthy ministries."

(***Exhibit 4 - Page 3 of 4***) "Revitalization" . . . "Our mission is to help **renew existing churches** and to help **start new churches** . . ."

(***Exhibit 4 - Page 3 of 4***) Offers link to Chi Alpha.

(***Exhibit 4 - Page 4 of 4***) "Chi Alpha is a **Protestant, Pentecostal campus ministry**, non-denominational in focus and is sponsored by the Assemblies of God."

According to the State of Oregon Corporations Division, information provided on their website www.filinginoregon.com Oregon Ministry Network of the Assemblies of God is a **non-profit** entity with their principal place of business as 9250 Charity Ave NE, Salem, OR; authorized representative located at PO Box 9178, Salem, OR. (See ***Exhibit 5***) This is the Assemblies of God Church address shown in ***Exhibit 1***.

## Who is Russ Chambers?

According to Chi Alpha Christian Fellowship Oregon State University website (www.osuchialpha.com) Russ Chambers is the contact for OSU XA (see ***Exhibit 6***).

## Who/What is Chi Alpha (XA)?

### ~ A Church ~

According to the Oregon Chi Alpha website www.oregonchialpha.com

(***Exhibit 7***) "Chi Alpha Campus Ministries of Oregon is part of a national organization of students in higher education who unite to express the person and claims of **Jesus Christ** to campus communities and to call others into relationship with Him."

According to the Oregon State University Chi Alpha Chapter website www.osuchialpha.com -

(***Exhibit 8 page 1 of 3***) "We are a movement of college students **earnestly following Jesus**."

Regarding what is important to XA they list, "Asking **God** for help . . .Doing what **Jesus** would do . . . Helping each other . . .Telling **God** thank you . . Transforming the world."

(***Exhibit 8 page 2 of 3***) Weekly schedule includes:
- "Weekly XA **prayer**. . . Monthly All Campus **Prayer** . . . **Prayer** at Russ & Beth's"
- "**Bible 102** by Jamie and Anna"
- "Living by the **Book** by Russ"

According to the website www.chialpha.com

(***Exhibit 9***) "We seek to introduce fellow collegians to an authentic relationship with **Jesus Christ.** We plan to do this through...worship. . . prayer . . . fellowship. . . discipleship . . .mission"

## #2 What is their primary use going to be?

According to City of Corvallis Building Permit Application the use is intended for

- Financial Counseling, Boarding House, and Storage (see ***Exhibit 2 page 1 of 4***).

According to response to City request of the above noted building permit application the use is intended for

-Financial Councillor [*sic*] offices, boarding house, kitchen (see ***Exhibit 10 page 1 & 2 of 4)***

According to Application for Excavation & Grading/Erosion Prevention and Sediment Control Permit the use is intended for

-Office and Bathroom, Boarding, Kitchen (see ***Exhibit 2 page 4 of 4***)

According to Hightower Engineering report submitted to the City of Corvallis Development Services Division on September 7, 2006

-"The proposed use is student counseling on the first floor and a boarding house on the 2nd and 3rd floors." " . . . the proposed use is consistent with residential and not commercial." (See ***Exhibit 11 page 3 of 6***)

According to City of Corvallis Deferred Submittal Agreement the use is intended for

-XA (Chi Alpha) House (see ***Exhibit 3***)

According to Chi Alpha Christian Fellowship Oregon State University website (www.osuchialpha.com) the use is intended for

-The miracle XA House (see ***Exhibit 12***)

*Evidence leads to the conclusion that 2323 Monroe will be the house for **Chi Alpha**, a Christian Fellowship (a.k.a. Church), and used as a meeting place for prayer and activities for **Chi Alpha** members and a boarding house for **Chi Alpha** members. There is no evidence anywhere that 2323 Monroe will be used for financial counseling, nor any indication that anyone associated with **Chi Alpha** is a professional financial counselor. There is evidence that suggests ministers of **Chi Alpha** are trained to recruit members to this evangelical Christian organization, in short a religious assembly or a church. The property owner is the Assemblies of God Church.*

## #3 - Is there an existing parking use at the 2323 Monroe site?

No is the short answer. The only parking use is just the parking space off 23rd Street that was used by the fraternity cook and for pick-up and deliveries to and from the fraternity.

History shows this was a single family residence built in the 1920s for Dr. Frank and Louise Magruder, an OSU professor. In the early 1950s the Sigma Pi Fraternity purchased this single family home from Dr. Frank Magruder's estate. (See ***Exhibit 13***)

Sigma Pi remodeled the single family home into a fraternity house. They did a variety of remodels eventually closing their backyard to vehicle access. They housed up to 35 residents according to City Staff Report page 21. The various remodels by the fraternity eliminated any legal vehicular access to their yard on the west side of the property. There was permissive vehicle access to the backyard from both the sorority to the north and the properties to the east. When part of the backyard was first covered in gravel is unknown. The backyard has never been organized as a parking use. No parking places have been assigned. No traffic flow was ever established. Since 1987 when I first looked at this property, the above-observations had been obvious. The parking use was intermittent and haphazard. An example is on weekends, especially during football season, the backyard was for parties not parking.

Since there has been no formal parking use and since parking in one's yard is a non-conforming use, and since no one has legally parked in the backyard since the fraternity abandoned the property in 2004, City staff is mistaken in their analysis on page 10 of the City Staff Report. Any new use of the backyard as a parking lot is just that: a new use of the backyard as a parking lot. Any use of the backyard for systematic and regular parking is a new use. The property has been vacant since 2004. In September, 2006 the church acquired vehicle access to the backyard. (see ***Exhibit 14*** Assignment of Easement)

*LDC 4.1.20(d) Alteration of Existing Structures:*

*" . . . However, the effects of changes, additions, or enlargements shall be cumulative, and when the net effect of one or more changes generates a need for more than 2 spaces, they shall be provided. Additional spaces shall be required for the intensification but not the original use."*

The new use requires a handicapped space for the new commercial primary use. Exhibit 13 shows this structure and use was a single family home until 1952. Then it was a fraternity with numerous remodels. Then it was abandoned. Now the proposed use is as a boarding house and financial counseling. When changing from an abandoned non-conforming use (fraternity) to a boarding house, the City requires up dates in fire separation, sprinklers, and other indications of intensified use. But they do not require the establishment of modern parking? Parking requirements have not been applied to previous remodels. However, the cumulative effect is the need for more parking for the new commercial uses.

The use is intensified because prior parking standards were less; religious assembly requires one parking space for every 50 square feet, which is the same as fraternity use. Also, LDC 4.1.30(b)(8) and 4.1.20(l) explain bedroom size determination. Bedrooms in excess of 160 square feet shall provide added vehicle and bicycle parking of .5 parking spaces for each over-sized bedroom. This is an intensified requirement of three (3) parking spaces because the applicant's plans show six (6) over-sized sleeping rooms.

## #4 LDC Section violated by staff decision on parking: 4.1.20(1); 4.1.30(a)(3); 4.1.30(b)(8)

Not outright, no. It is only permitted through a Discretionary Review Process according to LDC 3.13.20.02(a)(2). It is this discretionary decision of the director that I am appealing. The applicable code provisions were not applied to the facts, specifically parking. On this site there is no existing parking use. There is a backyard that has been covered in gravel and used for haphazard parking of vehicles.

The director told me that because the parking requirements would be less than the previous use (Sigma Pi Fraternity) he did not feel the financial counseling center, residential use needed to comply with the current parking standards.

The director's decision was based on the applicant's described use on the city forms. The representations on the applications are financial counseling, boarding house, and storage (see ***Exhibit 2 page 1 of 4***); financial councillor [*sic*] offices, boarding house, kitchen (see ***Exhibit 10 page 1 & 2 of 4***); office and bathroom, boarding, kitchen (see ***Exhibit 2 page 4 of 4***). The proposed use is student counseling on the first floor and a boarding house on the 2nd and 3rd floors . . . the proposed use is consistent with residential and not commercial (see ***Exhibit 11 page 3 of 6***).

The applicant applied for a Lot Development Option to develop a parking lot. This was withdrawn. Now they provide only one parking space next to the kitchen and one proposed handicapped space off Monroe.

Now, after the director's discretionary decision, we know much more about the intended use from the OSU XA (Chi Alpha) website (www.osuchialpha.com), from the Assemblies of God website (www.oregonag.org), from the Oregon Chi Alpha website (www.oregonchialpha.com), and from the Oregon Ministry Network website, which is the same as the Oregon Assemblies of God website. The Oregon Ministry Network and the Assemblies of God Church are the same entity.

Evangelical churches evangelizing college youth are not a less intensive use than fraternities. Think of Calvary Chapel and its history of neighborhood complaints in Corvallis. Now look at LDC 4.1.20(l), which has to do with larger bedrooms. This is an intensification of use. Compare LDC 4.1.30(a)(3) fraternity use and LDC 4.1.30(b)(8) religious assembly use parking requirements. Fraternities utilize sleeping porches (all in one large room), boarding houses re multiple sleeping units, sharing kitchen and bath facilities.

This is a business area, LDC zone SA(U) and MUC on the comprehensive plan. Where in our current plan is a church or religious assembly considered a primary commercial use? What kind of neighbor will a church or religious assembly be for a tanning salon? Why do they not have to meet the parking requirements commercial uses have to meet?

## #5 City policies violated by allowing new access to Monroe Street for Handicap parking when access is available from 23rd Street

Now let us focus on the current permit. There is the matter of the handicapped parking access proposed off of Monroe Street. This is the current application, which was preceded by a LDO for establishing a driveway over the southwestern yard and a parking lot over the northwestern yard. This LDO has been withdrawn by the applicant. (See ***Exhibit 15***)

The current handicap access permit violates the following LDC policies: 4.1.40(a) all parts 1, 2, 3, 4; 4.1.40(c); 4.1.40(d); 4.1.40(e); 4.1.70 bicycle parking. Sections 4.1.40(a) and (d) indicate one cannot back onto an arterial street; Monroe is a collector street. The current application drawing shows backing across a sidewalk onto Monroe and at a location that is proximate to a metered parking space (4.1.40(c) vision).

The staff observation that the easterly property (2305 Monroe) has such a design, overlooks the historic fact that the driveway and access off Monroe Street have been present since construction in 1915 for the 2305 Monroe property (see ***Exhibit 13***). When this property transitioned from boarding house to book store in 1988/1990 city staff sought to eliminate the access on Monroe and required off street parking. Exactly the opposite analysis currently applied.

Again, the city engineer did not know who the applicant was, nor what use was to be made of this property, when evaluation of Monroe access for the applicant's LDO was made. In addition, the city engineer was not aware that two accesses off 23rd Street were in existence.

Metered parking spaces are valuable in commercial and shopping districts. The number of and the size of metered spaces are important to the success of these commercial business owners.

There is a legal vehicle access off 23rd Street for this property.

The question presented in the face of withdrawal of the LDO by applicant (***Exhibit 15*** page 20 of staff report) is the city engineer's approval of the access on Monroe solely for the additional handicapped parking space. The city engineer is to weigh and balance the evidence. The criteria used are substantially changed, if in fact there is an intensification in actual use.

There remains access from 23rd Street. In fact, as of September, 2006 there are now two (2) separate accesses to and from 23rd Street.

Exhibit Index

| | |
|---|---|
| ***Exhibit 1*** (1 page) | Benton County Tax Assessor's Property Account Summary |
| ***Exhibit 2*** (4 pages) | City of Corvallis Permit Application for site address 2323 Monroe |
| ***Exhibit 3*** (2 pages) | City of Corvallis Deferred Submittal Agreement for project address 2323 Monroe |
| ***Exhibit 4*** (4 pages) | Oregon Ministry Network website pages |
| ***Exhibit 5*** (2 pages) | Secretary of State Corporations Division Business Registry Business Name Search website printout for Oregon Ministry Network of the Assemblies of God |
| ***Exhibit 6*** (1 page) | OSU Chi Alpha website page indicating XA contact (Russ Chambers) |
| ***Exhibit 7*** (1 page) | Oregon Chi Alpha website page |
| ***Exhibit 8*** (3 pages) | OSU Chi Alpha website pages |
| ***Exhibit 9*** (1 page) | Chi Alpha Campus Ministries website page |
| ***Exhibit 10*** (4 pages) | Response to City request of the above noted building permit application, submitted by Russ at 231-9981 |
| ***Exhibit 11*** (6 pages) | Plan review submitted by Paul S. Hightower of Hightower Engineering |
| ***Exhibit 12*** (13 pages) | OSU Chi Alpha website pages regarding "The miracle XA House" |
| ***Exhibit 13*** (1 page) | National Register of Historic Places Continuation Sheet |
| ***Exhibit 14*** (12 pages) | Assignment of Easement |
| ***Exhibit 15*** (1 page) | Letter from Russ Chambers dated September 25, 2006 |

# *Exhibit 1*

# BENTON COUNTY

## Property Account Summary

**Account No.:** 111652 **Alternate Property Number:** 11534DB03600

**Account Type:** Real Property

**TCA:** 0931

**Situs Address:** 2323 NW MONROE AVE
CORVALLIS, OR 97330

**Legal:** Section 34 Township 11 Range 5 Quarter DB

**Parties:**

| Role | Name & Address |
|---|---|
| Owner | ASSEMBLIES OF GOD CHURCH<br>P O BOX 9178<br>SALEM, OR 97305 |
| Taxpayer | ASSEMBLIES OF GOD CHURCH<br>P O BOX 9178<br>SALEM, OR 97305 |

**Property Values:**

| Value Name | 2006 | 2005 | 2004 |
|---|---|---|---|
| Market Total | $402,779 | $326,534 | $313,826 |
| Assessed | $131,814 | $127,975 | $124,248 |
| Net Taxable | $131,814 | $127,975 | $124,248 |

**Property Characteristics:**

| Tax Year | Characteristic | Value |
|---|---|---|
| 2006 | Size | 0.2334 |
| | Property Class | 704 -Sororities & Fraternities |
| | Neighborhood | 378 |
| | Appraised By | CINDY |
| | Change Property Ratio | 7XX Multiple Housing |

**Exemptions:**

*(End of Report)*

# *Exhibit 2*

PLM06-00795 **Permit Application** BLD06-00842

City of Corvallis, Development Services Division
PO Box 1083, 501 SW Madison Avenue
Corvallis, Oregon 97339
541-766-6929 (office)
541-766-6936 (fax)
www.corvallispermits.com

| | |
|---|---|
| 2323 Monroe Ave. Corvallis, OR. | |
| **Site Address** | **Map & Tax Lot Number (if addr. is unknown)** |

| | | |
|---|---|---|
| Russ Chambers | 820 SW 5th St. Corvallis, OR 97333 | (541) 738-6519 |
| **Applicant** | **Address** | **Phone** |
| James Justus | 711 E Ash St Leb. 97355 | 1-3-09 |
| Jim Justice | 631 W. Grant Lebanon, OR. 97355 | (541) 979-1762 128466 |
| **General Contractor** | **Address** | **Phone** **CCB#** |
| | | 15.000 |
| Cascade Design Group | P.O. Box 1617 Corvallis, OR. 97339 | (541) 753-4417 |
| **Architect/Designer** | **Address** | **Phone** |
| Oregon Ministry Network | P.O. Box 9178 Salem, OR 97305 | (503) 393-4411 |
| **Owner** | **Address** | **Phone** |

**Project Description** (include square footage/s of new construction and use or occupancy group)

Bottom Floor (Financial Counseling)
Top Two Floors (Boarding House)
Basement (Storage)

If this project includes public improvement work, the applicant shall submit for a Public Improvement by Private Contract (PIPC) permit from City of Corvallis, Development Engineering. Failure to do so will result in delays in the issuance of building permits from Development Services. Public improvements include public sanitary sewers, storm sewers, water lines, fire services, and water meters 3-inches and larger in size. Acknowledge (Applicant Initials) _____

**Project Valuation**

$70,000

This permit application becomes null and void after 180 days. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

The permit applicant is registered with the Construction Contractors Board of the State of Oregon under the provisions of ORS 701, and the registration is in full force and effect under certificate of registration no. _____.

The permit applicant is exempt from registration with the Construction Contractors Board for the following reason: _____

| | | |
|---|---|---|
| RUSS CHAMBERS | | 8-8-06 |
| **Applicant (Print Name)** | **Applicant (Signature)** | **Date** |

( ) Owner ( ) Contractor (X) Other ON-SITE DIRECTOR

**Staff Use Only**

| | | |
|---|---|---|
| AUG. 10, 2006 | $1129.98 | 69465 |
| Date application rec'd | Plan review paid | Receipt Number |

# City of Corvallis

Development Services Division
501 SW Madison Avenue, PO Box 1083, Corvallis OR 97339
Office: 541-766-6929 FAX: 541-766-6936
Automated Inspection Request Line: 541-766-6745

**Building Permit No:** **BLD06-00842**

**Site Address:** **2323 NW MONROE AVE**

**Permittee:**

OREGON MINISTRY NETWORK
820 SW 5TH ST
RUSS CHAMBERS
CORVALLIS, OR 97333

**Contractor:**

JUSTUS CONSTRUCTION
631 W. GRANT
LEBANON, OR 97355

**Project Description:**

Change occupancy of building from fraternity to counseling center on first floor, boarding house on 2nd and 3rd floors, and storage in basement. See VIO06-00328.

| | | | |
|---|---|---|---|
| Type of work/use: | ALT COM | Fire Sprink Reqd? | Y |
| Occupancy: | B R2 | Fire Sprink Monitd? | |
| Type of const: | 5B | Fire Alarm Reqd? | |
| Dwelling units: | | Smoke Detect Reqd? | Y |

**Mechanical**

| | | | | |
|---|---|---|---|---|
| Furn <=100K BTU: | | | | Com Incin: |
| Furn > 100K BTU: | | 0-3 HP | <=10,000 cfm: | Repair units: |
| Floor furn: | | 3-15 HP | >10,000 cfm: | Woodstove: |
| Unit heaters: | | 15-30 HP | Evap:: | Clothes dryer: |
| Vent systems: | | 30-50 HP | Hoods: | Other units: |
| Vent fans: | 3 | 50+ HP | Dom Incin: | Gas outlets: |
| Vents w/o appl: | | | | |

**Plumbing**

| | | | |
|---|---|---|---|
| Sinks: | Wash mach: | Other fixt: | Catch basins: |
| Lavatories: | Floor drns: | Atm vac brkr: | Grease traps: |
| Tub/showers: | Water htrs: | Backflow dev: | Waste inter: |
| Water closets: | Laun trays: | Type: | Water line: |
| Dishwashers: | Urinals: | Traps: | Sanitary swr: |
| Garbage disposals: | Hose bibbs: | Trap primer: | Storm sewer: |
| | | Man dwell sp: | |

ATTACHMENT IV 35 OF 102
MIS06-00051: 2323 NW Monroe Ave Appeal

Every permit issued by the building official shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction or any other federal, state, or local law, statute, rule, regulation, or ordinance. The permit applicant is registered with the Construction Contractors Board of the State of Oregon under the provisions of ORS 701, and the registration is in full force and effect under Certificate of Registration Number: 128466

This permit applicant is exempt from registration with the Contractors Board for the following reason:

**Fees for BLD06-00842**

| | |
|---|---|
| BLD PLN REV | $268.98 |
| LAND DEV CODE REV | $88.76 |
| BLD PERMIT FEE | $413.81 |
| BLD 8% SURCHARGE | $33.10 |
| BLD PLN REV-FLS | $165.52 |
| **Total Fees Pd:** | **$1,798.65** |

***Additional fees not shown here.***

Permittee's Signature

October 10, 2006
Date Issued

Owner [ ] Contractor [ ] Other [ ] _____

www.corvallispermits.com
development.services@ci.corvallis.or.us

# City of Corvallis

Development Services Division
501 SW Madison Avenue, PO Box 1083, Corvallis OR 97339
Office: 541-766-6929 FAX: 541-766-6936
Automated Inspection Request Line: 541-766-6745

**EXC Permit No: EXC06-00145**

**Site Address: 2323 NW MONROE AVE**

**Permittee:**
OREGON MINISTRY NETWORK
820 SW 5TH ST
RUSS CHAMBERS
CORVALLIS, OR 97333

**Contractor:**
JAMES JUSTUCE
711 E ASH ST
LEBANON, OR 97355

**Project Description:**

Erosion prevention for remodel.

Proposed use of site: OFFICE/BOARDING HOUS
Excavation volume (cy) 84
Fill volume (cy): 97

Nearest drainageway:
Distance (ft):

| **Fees for EXC06-00145** | |
|---|---|
| EPSC - PERMIT FEE | $200.00 |
| **Total Fees Pd:** | **$200.00** |

Permittee's Signature

October 10, 2006
Date Issued

Owner [ ] Contractor [ ] Other [ ] _____

www.corvallispermits.com
development.services@ci.corvallis.or.us

FOR STAFF USE ONLY

CASE NUMBER E-2006-0-00126 DATE FILED

FEE RECEIPT NO. CREDIT CARD

APPLICATION FOR:

# EXCAVATION & GRADING/ EROSION PREVENTION AND SEDIMENT CONTROL PERMIT

City of Corvallis
Development Services
501 SW Madison
P.O. Box 1083
Corvallis, OR 97339-1083
Telephone: (541) 766-6929
FAX: (541) 766-6936

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

PLEASE TELL US ABOUT YOURSELF AND YOUR REQUEST:

PROJECT NAME Remodel

PROJECT DESCRIPTION 1st Floor Office & Bathroom, 2nd Floor Boarding, 3rd Floor Kitchen

PROJECT ADDRESS OR MAP/TAX LOT NUMBER 2323 Monroe Ave, Corvallis

APPLICANT/ OWNER: NAME Russ Chambers, Oregon Ministry Network PHONE 738-6519 Hm 231-9981 Cell

ADDRESS 820 SW 5th St., Corvallis, OR

GENERAL CONTRACTOR: NAME Jim Justice PHONE

ADDRESS

EXCAVATION CONTRACTOR: NAME To be Determined PHONE

ADDRESS

24-HR CONTACT: NAME Russ Chambers PHONE 231-9981 cell

PLEASE FILL IN ALL INFORMATION:

Total area to be disturbed 3,943 square feet

Excavation Volume 84 CY Fill Volume 97 CY (1-0)

Exporting soil? (YES) or NO If so, address of site

The project site contains or abuts: ☐ 100-yr. Floodplain ☐ Stream/Riparian Area ☐ Hydric Soils/Wetlands

Name of nearest stream, creek, river: Willamette River

Dates when erosion control measures will be in place After permit, prior to site disturbance.

Date site clearing and grading, placement of fills and excavations will commence As soon as we have Permit

Date site clearing and grading, placement of fills and excavations will be completed No latter than Sept. 30 '06

Projected date of removal of erosion control measures (after grass or approved vegetation is established) App. Oct. 30th '06

**I agree to comply with the "Erosion Prevention and Sediment Control Manual" and will construct and maintain EPSC measures to contain Sediment on the construction site.**

Owner/Applicant Signature Date

# *Exhibit 3*

City of Corvallis - Development Services Division
501 SW Madison, PO Box 1083, Corvallis, OR 97339-1083
www.CorvallisPermits.com PH 541-766-6929 FAX 541-766-6936

# DEFERRED SUBMITTAL - AGREEMENT

Oregon Structural Specialty Code Section 106.3 and Corvallis Municipal Code Section 9.01.100.010 allow a permit applicant to defer certain submittals if approved by the City of Corvallis. This form is a deferred submittal agreement for the following project:

**Date:** 9-31-06 **Project Name:** X A House
**Project Address:** 2323 Morore **Permit Number:** 06-00842
**Phase:** ☐ Excavation & Grading ☐ Foundation only ☐ Completion
☐ Site Utilities ☐ Shell ☐ TI

**Design Professional in Responsible Charge:**_____
License Number:_____ E-Mail:_____
Phone:_____ Fax:_____
Address:_____

**Guidelines:**

1. **Approval** - Each deferred submittal shall bear the approval of the design professional in responsible charge. Notation shall be included that the deferred submittal documents have been reviewed and have been found to be in general conformance to the design of the building.
2. **List** - The back of this form is a list of deferred submittals. The design professional in responsible charge must check which submittals are requested to be deferred and indicate an anticipated submittal date.
3. **Fees** - Waived until January 1, 2007. ~~A $150 charge will be assessed for each deferred submittal at the time of permit issuance.~~
4. **Timelines** - Every attempt will be made to provide timely reviews of 5 - 10 business days per deferred submittal.
5. **Work without a Permit** - Work that is constructed without having been reviewed and approved by both the design professional in responsible charge and Development Services, is considered as work performed without a permit. Any person or firm performing work prior to approval shall be subject to the penalties of CMC Section 9.01.100.060 and have review fees doubled.

**ACKNOWLEDGMENTS**

Oregon Ministry Network
Owner Name (Printed)

Owner Signature

OMLID & SWINNEY FIRE & SECURITY
General Contractor Firm Name (Printed)

General Contractor Signature

CASCADE DESIGN GROUP
Design Professional in Responsible Charge (Printed)

Design Professional in Responsible Charge Signature

WILLIAM R.T. CLEMENS
Building Official Name (Printed)

William R.T. Clem
Building Official Signature



SEP - 8 2006

REVISED PLANS

TO BE MICROFILMED

# CITY OF CORVALLIS
## DEFERRED SUBMITTAL AGREEMENT

Date: 8-31-06 Project Name: XA House
Project Address: 2323 Monroe Permit Number: 06-00912
Phase: ☐ Excavation & Grading ☐ Foundation only ☐ Completion
☐ Site Utilities ☐ Shell ☐ TI

**Design Professional in Responsible Charge:** _____

**Items which may be deferred include, but are not limited to the following:**

| | Deferred Item | Date | ✓ | Deferred Item | Date |
|---|---|---|---|---|---|
| | 1. Acoustical ceiling suspension system | | | 19. Plumbing system | |
| | 2. Auxiliary power systems | | | 20. Post-tensioned concrete structural members or panels | |
| | 3. Awnings | | | 21. Pre-cast concrete structural members or panels | |
| | 4. Bleachers | | | 22. Prefabricated stair units to include steel, aluminum, or pre-cast concrete stairs. | |
| | 5. Carports | | | 23. Prefabricated wall panel | |
| | 6. Curtain wall systems | | | 24. Ore-stressed concrete structural members or panels | |
| | 7. Electrical system | | | 25. Raised floor systems | |
| | 8. Emergency call system | | | 22. Shelving systems and steel storage racks | |
| | 9. Exit Illumination | | | 27. Signs | |
| ✓ | 10. Fire alarm system | 10-1 | | 28. Skylights | |
| ✓ | 11. Fire sprinkler | 10-1 | | 29. Smoke and heat vents | |
| | 12. Fire stopping | | | 30. Specialty retaining walls | |
| | 13. Glass guardrails | | | 31. Stone veneer | |
| | 14. Glazing systems | | | 32. Terra cotta veneer | |
| | 15. HVAC system | | | 33. Wooden, steel, or composite floor or roof trusses | |
| | 16. Intercom system | | | 34. Works of art | |
| | 17. Irrigation system | | | 35. | |
| | 18. Metal guardrails and handrails | | | 36. | |

Waived until January 1, 2007. ~~Each deferred submittal is assessed a $150 charge at the time of permit issuance.~~

**Work without a Permit** - Work that is constructed without having been reviewed and approved by both the design professional in responsible charge and Development Services, will be considered as work performed without a permit. The person or firm performing work prior to approval shall be subject to the penalties of CMC Section 9.01.100.060 and review fees doubled.



TO BE MICROFILMED

# *Exhibit 4*

OREGON MINISTRY Network of the Assemblies of God



About the OMN

About The OMN
Our Vision
We Believe
Our Team
Presbytery
Office Staff
Calendar

**Our Mission**
The Oregon Ministry Network of the Assemblies of God exists to advance the mission of God through developing and empowering Spirit-filled leaders and churches who will build healthy ministries.

**Our Vision** consists of four components: Prayer, Evangelism, Leadership and Growth. To learn more, **read** our entire vision statement.

**Our History**
The Oregon Ministry Network of the Assemblies of God was established in 1937 with seventy-seven Assemblies located in the state. We now have approximately 200 churches throughout Oregon and 40 world missionaries in over 20 countries.

The Assemblies of God was formed in April 1914 as a result of the world-wide Pentecostal movement that began at the turn of the century. There were 300 delegates in attendance at that first meeting in Hot Springs, Arkansas where they decided to organize as a national church. They had five reasons for organizing as a movement: doctrinal unity, conservation of the work, foreign missions interests, chartering churches under a common name for legal purposes, and the need for a Bible training school. For this reason they formed the General Council of the Assemblies of God.

**Read more about the Assemblies of God.**

9250 Charity Ave NE | PO Box 9178 | Salem, OR 97305
Phone: 503.393.4411 | Fax: 503.393.4430

OREGON MINISTRY Network of the Assemblies of God



# Welcome!

The Oregon Ministry Network exists to advance the mission of God through developing and empowering Spirit-filled leaders and churches who will build healthy ministries.

*Our hope is that this new website will be a resource for our churches, their members and ministers.*

## Events

## Quick Links

**Church Extension Plan**
**Assemblies of God**
**Gospel Publishing House**
**AG World Missions**

**2007 Credential Renewals for All Ministers**
General Council sends annual credential renewal forms out in November. If you are a credentialed minister and do not receive your renewal by December 1, go to **www.ag.org** and download a credential renewal form. For more information on renewals, visit our **Church Leader's home page.**

9250 Charity Ave NE | PO Box 9178 | Salem, OR 97305
Phone: 503.393.4411 | Fax: 503.393.4430

OREGON MINISTRY Network of the Assemblies of God



Revitalization

Our mission is to help renew existing churches and to help start new churches in the Oregon Ministry Network according to the guidelines given in the Great Commandment and Commission (Mark 12:30-31; Matthew 18:18-20; Acts 1:8)

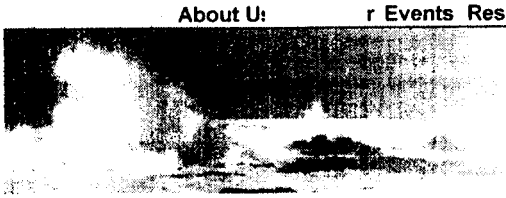
Revitalizing and Church Planting go hand in hand. It cannot be one or the other, or one more important than the other, but both, must be equally and deeply interwoven for success.

Our plan for **R.E.A.C.H.I.N.G.** Oregon consists of the following:

- **R**evitalization/Redevelopment
- **E**quipping/Encouraging/Engaging
- **A**ssessment
- **C**oaching
- **H**arvesting through new church starts
- **I**nvesting Resources
- **N**etworking
- **G**rowing healthy leaders and churches



9250 Charity Ave NE | PO Box 9178 | Salem, OR 97305
Phone: 503.393.4411 | Fax: 503.393.4430



OREGON MINISTRY Network of the Assemblies of God



Chi Alpha

*Reconciling Oregon Students to Christ, Transforming the University, the Marketplace and the World*

Chi Alpha Campus Ministries of Oregon is part of a national organization of students in higher education who unite to express the person and claims of Jesus Christ to campus communities and to call others into relationship with Him. We are on more than 200 campuses nationwide and many countries around the world. Chi Alpha is a Protestant, Pentecostal campus ministry, non-denominational in focus and is sponsored by the Assemblies of God.



The name Chi Alpha comes from the Greek *christou apostoloi* meaning "Christ's sent ones". It is found as written by Paul in 2 Corinthians 5:20, "We are therefore Christ's ambassadors... we implore you on Christ's behalf: Be reconciled to God."

9250 Charity Ave NE | PO Box 9178 | Salem, OR 97305
Phone: 503.393.4411 | Fax: 503.393.4430

# *Exhibit 5*

# Business Registry Business Name Search

New Search

## Business Entity Data

11-21-2006
13:31

| Registry Nbr | Entity Type | Entity Status | Jurisdiction | Registry Date | Duration Date | Renewal Date |
|---|---|---|---|---|---|---|
| 286980-90 | ABN | ACT | | 05-09-2005 | | |

| | |
|---|---|
| Entity Name | OREGON MINISTRY NETWORK OF THE ASSEMBLIES OF GOD |
| Foreign Name | |
| Affidavit? | N |

New Search

## Associated Names

| | | | | | |
|---|---|---|---|---|---|
| Type | PPB | PRINCIPAL PLACE OF BUSINESS | | | |
| Addr 1 | 9250 CHARITY AVENUE NE | | | | |
| Addr 2 | | | | | |
| CSZ | SALEM | OR | 97305 | Country | UNITED STATES OF AMERICA |

The Authorized Representative address is the mailing address for this business.

| | | | | | |
|---|---|---|---|---|---|
| Type | REP | AUTHORIZED REPRESENTATIVE | Start Date | 05-09-2005 | Resign Date |
| Name | BOYD | S | POWERS | | |
| Addr 1 | PO BOX 9178 | | | | |
| Addr 2 | | | | | |
| CSZ | SALEM | OR | 97305 | Country | UNITED STATES OF AMERICA |

| | | |
|---|---|---|
| Type | REG | REGISTRANT |
| Of Record | 042363-11 | ASSEMBLIES OF GOD, OREGON DISTRICT |
| Addr 1 | | |
| Addr 2 | | |
| CSZ | | Country |

New Search

## Name History

| Business Entity Name | Name | Name | Start Date | End Date |
|---|---|---|---|---|

ATTACHMENT IV 47 OF 102
MIS06-00051: 2323 NW Monroe Ave Appeal

*Exhibit 5 page 1 c*

| | Type | Status | |
|---|---|---|---|
| OREGON MINISTRY NETWORK OF THE ASSEMBLIES OF GOD | EN | CUR | 05-09-2005 |

Please read before ordering Copies.

New Search

## Summary History

| Image Date | Action | Transaction Date | Effective Date | Status | Name/Agent Change | Dissolved By |
|---|---|---|---|---|---|---|
| 05-09-2005 | APPLICATION FOR REGISTRATION | 05-09-2005 | | FI | Representative | |

New Search

## Counties

**Counties Filed**

All Counties Filed.

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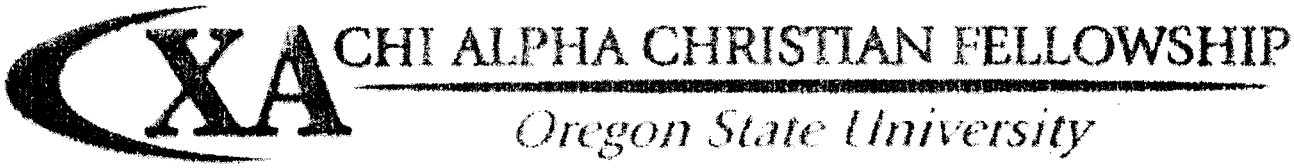
# *Exhibit 6*






## Contact Us

**Have Questions?**
**Interested in learning more about OSU XA?**
**or just want some more info?**

We'd love to hear from you! Give us a ring, or drop a line:

**Russ & Beth's Home Phone:**
541-738-6519

**Email: russbethc@osuchialpha.com**

© OSU XA 2005 -- **Click here** to contact the webmaster



*Exhibit 6*

# *Exhibit 7*

# Oregon Chi Alpha

Reconciling Oregon Students to Christ, Transforming the University, the Marketplace and the World

Chi Alpha's National Website

Chi Alpha's International Student Ministry *One More Friend* Website

**Oregon Chi Alpha Ministry Links**

Oregon State University
Portland State University
University of Oregon
Chi Alpha Chapters Nationwide (see the "Locator")

**Chi Alpha Ministry Opportunities**

Campus Directors
Staff Opportunities

Oregon Ministry Network
Assemblies of God USA

**Chi Alpha Campus Ministries of Oregon is part of a national organization of students in higher education who unite to express the person and claims of Jesus Christ to campus communities and to call others into relationship with Him. We are on more than 200 campuses nationwide and many countries around the world. Chi Alpha is a Protestant, Pentecostal campus ministry, non-denominational in focus and is sponsored by the Assemblies of God.**

**The name Chi Alpha comes from the Greek *christou apostoloi* meaning "Christ's sent ones". It is found as written by Paul in 2 Corinthians 5:20, *"We are therefore Christ's ambassadors... we implore you on Christ's behalf: Be reconciled to God."***

**Immediate Opening: Campus Ministry Director at the University of Oregon**

Thought about improving your ministry skills to reach your campus, or considered a future in university campus ministry? Then Reach the U is for you!

Practical ministry training for student leaders on a campus setting

ATTACHMENT IV
MIS06-00051: 2323 NW Monroe Ave Appeal
52 OF 102

*Exhibit 7*

# *Exhibit 8*

Who is XA?

## Who We Are

**What is Chi Alpha?**
We are a movement of college students earnestly following Jesus.

**What is Chi Alpha Like?**
We meet on campus, in all sorts of settings and sizes. These gatherings are informal, charged with music, given to humor and deal with everything from relationships to the nature of truth. The goals of these gatherings are to meet with God, meet among friends and meet real needs.

**What Makes Chi Alpha Different?**
We are focused on transforming our world, locally and around the globe. We experience the supernatural. We work hard to learn from and join with international students. We strive to be multicultural. We see that faith and thinking are related.

**What's Important to Chi Alpha?**

- Asking God for help (like during your Organic Chemistry final). We call this prayer.
- Doing what Jesus would do (for instance, actually attending Organic Chemistry once in a while). We call this discipleship.
- Helping each other (think study partner for Organic Chemistry). We call this fellowship.
- Telling God thank you (especially after passing Organic Chemistry). We call this worship.
- Transforming the world (using Organic Chemistry to to alleviate diseases that afflict impoverished countries). We call this witness.

**What does the Name Chi Alpha Mean?**
It's all Greek to us - literally. The Greek letters Chi (x) and Alpha (a) are the initials of a phrase written by the Apostle Paul in the Bible. Translated it means "Christ's sent ones". The name is a reminder that we should live to reflect Jesus.

**Where are We?**
We are on over 200 campuses here in the U.S. and have a close association with hundreds of other groups around the world.

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CHI ALPHA CHRISTIAN FELLOWSHIP
Oregon State University



# XA Events!

We have tons of stuff going on, so look around and see what we're up to!

**2005-2006 XA Schedule**

Here is a tentative skeleton of the 2005-2006 XA Schedule.
The schedule could change as the year goes by.

## Weekly schedule

**1. Thursday nights**

**2. Prayer**

A) Weekly XA prayer - Tuesdays 1:10-1:50
B) Monthly All Campus Prayer - First Wednesday of each month 12:00-1:00 pm
C) Prayer at Russ & Beth's - Tuesday 8:30-9:30 PM

**Lunch with the gang**

Tuesdays and Wednesdays 11-1 PM in the MU Commons - look for the group hogging all the tables near Woodstocks! :)

**Classes**

*Spring:* Bible 102 by Jamie and Anna
*Spring:* Living by the Book by Russ

**Core**

Times and locations - check out the **Core Page**!

**Worship team practice**

Time and location - contact Jamie Dewees

## The Year at a Glance

**Spring**

*Thursdays:*
Forum
China pledge night
Missionary

***Service Project***
*Prayer Feast*
***Worship Night***
*Spring Clean Up Retreat*
*Hillbilly Olympics & Girls sleepover*
*Memorial Day* - May 29
*End of term party* - June 10

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# *Exhibit 9*

chialpha





# :: mission

## mission statement

We will reconcile students to Christ, transforming the university, the marketplace and the world. We will accomplish this by creating a Spirit-empowered community reflecting our philosophy of ministry and core values.

## 5-fold vision

We seek to introduce fellow collegians to an authentic relationship with Jesus Christ. We plan to do this through...

**worship**...Expressions of thanks through word, music, and service

**prayer**...Communication with God.

**fellowship**...Community of students developing quality relationships.

**discipleship**...Learning about Jesus and following His example.

**mission**...Living a life that reflects our relationship with God in what we say and do.

## core values

Integrity, Servant Leadership, Excellence, Community, Diversity, and Creativity



© 2006 Chi Alpha Campus Ministries
contact the webmaster :: site by Brian Kloefkorn

# *Exhibit 10*

September 8, 2006

Building permit #06-00842

The information below is provided in response to City request of the above noted building permit application.

If you have any questions please call Russ at 231-9981.

All on-site parking stalls with dimensions less than 9 x 18.5-feet should be marked as "compact."

We will mark All on-site parking stalls with dimensions less than 9 x 18.5-feet "compact."

Please provide floor plans that show the existing building layout and plumbing fixtures. These floor plans will be used to calculate any applicable systems development charges (SDC) credits.

**Existing plumbing layout is drawn to the left of the new bathrooms on the first floor plan.**

**Currently there are:**

**3 cammodes**

**2 urinals**

**7 sinks**

**1 tub/shower**

**6 shower heads in 2 gang showers (see 2nd floor plan)**

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**We believe that this building has some remaining system development credits from a bathroom that was removed. In this bathroom there was a toilet, sink and a shower. Perhaps there are other credits that we are not aware of.**

Please provide a description of the previous and proposed uses. Where applicable the description should include the gross floor area of each use and the total number of bedrooms and the total number of beds for each use. This information will be used to accurately calculate SDCs and SDC credits.

**Total square feet of this building is approx. 5343 sq. feet. Previously this property was used as a fraternity house. I believe that there were between 35 and 40 men living in this building.**

**We propose to use the 1st. floor(approx. 2340 sqf.) as**

**financial councillor offices. The top two floors( approx. 3000sqf.) as a boarding house. The boarding house will have 8 bedrooms and share the 2nd floor bathroom and 3rd. floor kitchen. Maximum residents will be 15.**

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FIRE DEPARTMENT REVIEW COMMENTS:

Obtain Fire Code Permit for installation / modification of the fire alarm system. Alarm plans shall be submitted and approved prior to installation. Ref: OFC 105.7.3, 907.1.1.

**See deferred Submittal form: Omlid and Swinney Fire Proction will be helping us with this.**

Mount fire extinguishers [minimum rating 2A,10BC] so that they are available within 75' of travel distance, from anywhere in the structure.

**We will mount fire extinguishers [minimum rating 2A,10BC] so that they are available within 75' of travel distance, from anywhere in the structure**

Provide key vault [Knox Box] for emergency fire department entry. Shall be mounted to the right of the main exterior entry door opening, at a height of 6' above grade. Hardware may be purchased at www.knoxbox.com.

**We will provide key vault [Knox Box] for emergency fire department entry. Shall be mounted to the right of the main exterior entry door opening, at a height of 6' above grade.**

Attic, under-floor and concealed spaces used for storage of combustible materials shall be protected on the storage side as required for 1-hour fire-resistance-rated construction. Openings shall be protected by assemblies that are self-closing and are of noncombustible construction or solid wood core not less than 1.75 inches in thickness. Storage shall not be placed on exposed joists.

**Attic space currently complies with this requirement.**

5) Trash containers with an individual capacity of 1.5 cubic yards or more shall not be stored within 5 feet of combustible walls, openings, or combustible roof eave lines.

BUILDING PLANNING:

It is assumed that the uses and materials in the building will be compatible with an mixed "R-2" & "B" Occupancy & a Type "5B" rated construction.

This assumption is correct.

Provide complete plans for review and approval (OSSC 106.3.2). The following items do not appear to be included with the initial plan Submittal:

Items: Fire Sprinkler plans

**See deferred Submittal form: Omlid and Swinney Fire Proction will be helping us with this.**

Fire alarm plans

**See deferred Submittal form: Omlid and Swinney Fire Proction will be helping us with this.**

OCCUPANT NEEDS:

The fire escape is only accessible to other occupants by accessing a private sleeping room. ORS 479.060 requires the following. Please read and respond:

"479.060 Location of fire escapes; accessibility; freedom from obstructions; buildings of three or more stories. (1) Fire escapes installed after May 28, 1925, shall be located on buildings so as to be as remote from stairways as possible.

1) (2) In all buildings erected after May 28, 1925, which are occupied at night for sleeping purposes and which require fire escapes, the public corridors shall extend to all fire escapes.

**Only one room shall intervene between a corridor and the fire escape. The door to this room will have a glass panel extending from the top rail to the doorknob and the glass shall be of a kind that is easily broken. The lock on the corridor door Will be of the night latch type which can be opened from the inside without a key. Close to the door, on the corridor side, shall be kept at all times an adequate instrument for breaking the glass, with explanatory label, subject to approval of the State Fire Marshal.**

(4) All fire escapes, ladders, stairs, hallways and platforms shall be kept free from encumbrances or obstructions at all times."

**We will keep all fire escapes, ladders, stairs, hallways and platforms free from encumbrances or obstructions at all times."**

2) The fire sprinkler system must comply with NFPA 13. The existing system does not. Please submit plans and specifications for the new system.

**See deferred Submittal form: Omlid and Swinney Fire Proction will be helping us with this.**

3) Egress windows must meet the requirements of OSSC section 1025.2. Please verify window sill height.

**No egress windows have a sill height higher than 36".**

1025.2 Minimum size.

Emergency escape and rescue openings shall have a minimum net clear opening of

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5.7 square feet (0.53 m2).

**All emergency escape and rescue openings have a minimum net clear opening of 5.7 square feet (0.53 m2).**

Maximum height from floor.

Emergency escape and rescue openings shall have the bottom of the clear opening not greater than 44 inches (1118 mm) measured from the floor.

**None of our emergency escape and rescue openings have the bottom of the clear opening greater than 44 inches above the floor. See attached plan with window height measurements added.**

1025.4 Operational constraints.

Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency escape and rescue openings provided the minimum net clear opening size complies with Section 1025.2 and such devices shall be releasable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. Where such bars, grilles, grates or similar devices are installed in existing buildings, smoke alarms shall be installed in accordance with Section 907.2.10 regardless of the valuation of the alteration.

**There are no bars, grills or locks on any of our emergency escape and rescue openings.**

4) Fire alarm systems. Please provide plans that comply with OSSC section 907.2.9 & 10.

**See deferred Submittal form: Omlid and Swinney Fire Proction will be helping us with this.**



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# *Exhibit 11*

HTE Hightower Engineering

- Transportation
- Traffic
- Civil / Structures
- Sub Divisions
- Site Design
- Municipal Planning
- Const. Management

High Value. Timeliness. Excellence

September 7, 2006

Bill Clemens, Plans Examiner
City of Corvallis
Development Services Division
P.O. Box 1083
Corvallis, Oregon 97339-1083

APPROVED OCT 09 2006 DEVELOPMENT SERVICES CITY OF CORVALLIS

RE: Plan Review, Oregon Ministry Network, 2323 Monroe Ave, Corvallis, OR
Permit Number: BLD06-00842, Response to City Requested Information

The information below is provided in response to City request after City review of the above noted application. The information responds to City comments / requests that were a part of my work in the order they appear in the September 5 letter to Russ Chambers.

*1) Access to and from the vehicle parking spaces involves properties under separate ownership. Please provide documentation that ensures access rights have been granted based on the new parking design.*

Russ Chambers is in the process of finalizing easements and will provide them directly to the City.

*2) The garbage collection area is required to be screened on all four sides. Please revise plans to formally recognize this. Also, please describe how garbage cans are accessed by Corvallis Disposal / Allied Waste. Trash containers with an individual capacity of 1.5 cubic yards or more shall not be stored within 5 feet of combustible walls, openings, or combustible roof eave lines.*

Three 90 gallon (.45 Cubic Yards) containers will be stored on the east side of the building. They will be stored in an area that will be screened all around with a fence and fence gates. On garbage collection days the containers will be rolled out of the fenced area and positioned on 23rd Street for the garbage collection truck. After collection they will be returned to the fenced area. The plans have been revised to indicate constructing the fence for the screening of the garbage can area.

*3) Revise the plantings within 20' of the Monroe Avenue curb along the access drive between the adjacent shopping center and this property so that vision clearance for vehicles exiting the shopping center is not impacted (max. 2' height limit on plantings).*

The landscape plan has been revised to have only Crimson Pygmy Barberry within 20 feet from the Monroe Ave. curb. This variety of shrub has a mature height of 12 to 18 inches.

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D06-00842

FILE COPY

REVISED PLANS

HTE Hightower Engineering
1520 SE 2nd Ave., No. 1, Albany, OR 97321
Email: phightower@comcast.net Web: http://home.comcast.net/~phightower
Cell: (541) 619-8325
Fax: (541) 924-1033
Bus: (541) 924-3834

4) *The width of the one-way driveway that enters from Monroe Ave is shown as 10 feet. The City minimum one-way driveway width is 12 feet. Please revise the width or, if you wish to deviate from the City standard, provide an explanation of why the minimum width cannot be met and why the proposed 10-foot width is sufficient. Any discussion requesting to deviate from the City standard should include a discussion of public safety, functionality, site constraints, and other benefits or detractions. Please provide signage that will clearly denote the driveway as one-way. The signage shall conform to MUTCD standards.*

The driveway being proposed is one way from Monroe Ave. to 23rd St. which will minimize traffic impacts to Monroe Avenue. The Corvallis standard width for a driveway is 12 feet wide. This application proposes a 10 foot wide driveway. The reduced width is requested for the following reasons:

- It reduces the amount of impervious surface area and increases landscaping
- Only cars will use the driveway and parking, Garbage will be self hauled or accessed from 23rd St.
- This proposal is for an infill remodel and there are obvious existing width constraints
- 12 foot width would be against the corner of the building and will likely not fit into th exiting space without creating a danger of hitting the corner of the building. It woul also create a problem for the Disabled parking stall. A 12 foot width will push th Disabled parking east behind the wheel chair ramp and thus require a backin movement to be able to go forward and clear the ramp. The backing is close to th public sidewalk and it would be preferable to avoid needing a backing maneuver i order to exit the stall.
- The Corvallis minimum width for collector and arterial streets with a designate speed of 35 mph or less is 10 feet wide. Circle Boulevard and 9th street have 10 foo wide vehicle lanes that carry large trucks and busses at 35 mph. The 10 foot width a nationally accepted transportation engineering standard for urban street widths an can be found in the American Association of State Highway and Transportatio Officials (AASHTO) "A Policy on Geometric Design of Highways and Streets." It ca also be found in the Institute of Transportation Engineers (ITE) "Traffic Engineering Handbook". These are the primary design policies governing public safety and functionality in transportation design the United States. The 10 foot width is a recognized standard, is safe and in use on Corvallis high volume, higher speed streets and is therefore elementary that it is safe and functional for a driveway that will be low speed, low volume, and have only automobiles on it.

The plans have been revised to include installing a double sided one way sign, MUTCD type R6-2, at the entrance to the driveway.

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HTE Hightower Engineering
1520 SE 2nd Ave., No. 1, Albany, OR 97321
Email: phightower@comcast.net Web: http://home.comcast.net/~phightower
Cell: (541) 619-8325
Fax: (541) 924-1033
Bus: (541) 924-3834

*5) The proposed pavement section of 3" asphalt over 8" crushed rock does not meet the City standard for a commercial parking lot but does meet the City standard for a residential parking lot. If you wish to deviate from the City standard for a commercial parking lot please provide an explanation of why the proposed use will not subject the parking lot to typical commercial loading.*

The proposed use is student counseling on the first floor and a boarding house on the 2nd and 3rd floors. Most of the borders and students being counseled are anticipated to come and go by either walking or biking. There will be no commercial deliveries to the site and garbage trucks will not use the site. The only vehicles to use the site will be automobiles. Since there are no deliveries of materials or goods and no selling or shipping of same, the proposed use is consistent with residential and not commercial. The pavement section requested, 3" asphalt over 8" crushed rock, is typical and adequate for the proposed use.

*6) Please indicate the magnitude of slope in the direction of drainage on the proposed and existing parking areas to the rear of the lot.*

The plans have been revised to show the slopes. The existing parking lot drains north eas with about a 1% slope north east. The proposed lot will drain north east with a slope of abou 2% north east.

*7) The 1% longitudinal slope on the entrance driveway is below the City standard 2% slope for an asphalt parking lot. If you wish to deviate from the City standard please provide an explanation, include a discussion of site constraints and what construction techniques will be used to ensure proper grading of the finished surface.*

The Corvallis Development Services Standard, page 18 section X Grading, is 0.6% minimun longitudinal slope for a residential access road. This road / driveway will function as a residential access road, it is not single family, and it will only have automobile traffic on it The Corvallis Design Criteria Manual for Public Improvements states a minimum longitudina grade for public streets for drainage is 0.4%. It is common engineering practice to have a minimum longitudinal slope for drainage of around 0.5% in asphalt or concrete for short distances. The cross slope is held at a minimum of 2% which provides for an adequately quick runoff collecting the storm water away from vehicle tires track areas. A 0.5% longitudinal slope over short distances will allow adequate transport of the collected water without undue build up and this is true for inverted crown, normal crown, AC or PCC gutters. This is the function and why a minimum longitudinal slope of around 0.5% is found in engineering design standards such as AASHTO and ITE and is in the Corvallis standards. The proposed design uses 2% cross slope everywhere and a 1.0% longitudinal slope for a short distance of 39.5 feet. The design is adequate and exceeds Corvallis minimum standards.

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HTE Hightower Engineering
1520 SE 2nd Ave., No. 1, Albany, OR 97321
Email: phightower@comcast.net Web: http://home.comcast.net/~phightower
Cell: (541) 619-8325
Fax: (541) 924-1033
Bus: (541) 924-3834

*8) The new pavement drains into an existing catch basin. Please provide calculations showing the existing catch basing is sized to handle any new impervious areas that will drain into it. Conveyance systems should be designed to convey the 10-year developed flow. Additionally, please demonstrate safe passage of the 100-year developed flow.*

Rational Method – 2005 ODOT Hydraulic Design – 10 Year Recurrent Storm

Q (cfs) = Cf x C x i (in/hr) x A (acres)

Cf = Runoff Coefficient Adjustment Factor = 1.0 for 10 year or less recurrent storms
C= Runoff Coefficient = 0.9 for Pavements & Roofs
A= Area = 0.123 acres (area draining to the existing catch basin)
i= Rainfall Intensity and is a function of the Time of Concentration, Tc

Runoff from the lots will be overland sheet flow. The following equation is for overland sheet flow time of concentration.

$Tc = 0.93 (L^{0.6} n^{0.6}) / (i^{0.4} S^{0.3})$

L= Length of Overland Flow = 130 feet
n= Manning's roughness coefficient = 0.014 for Pavements & Roofs
i = Rainfall Intensity (in/hr)
S= Average Slope in (ft/ft) = 0.0177

With i = 2.8 in/hr, Calculated Tc = 2.96 min and
From ODOT Zone 8 (Corvallis) Rainfall–Duration–Recurrence Curve i=2.8, Duration = 3 min.

So we have an iterative solution to Overland Sheet Flow and i=2.8 in/hr

Q=(1)(.9)(2.8)(.123)=.310 cfs

The existing catch basin has an 8 inch pipe out. The minimum grade for the pipe is 0.4% or 0.004 and would have a minimum capacity of 0.764 cfs. The actual slope of the pipe is 2% or greater to reach the existing main drain line in 23rd St. At 2% slope the 8" pipe capacity is 4.9 cfs. The capacity of the catch basin and drain pipe are at least 15 times greater than the 10 year run off.

These calculations match the obvious field observations of extremely small drainage area and good length of history with subjection to 10 year storms during full ground saturation with no capacity problems observed.

It is obvious that any overflow, including the 100 Yr overflow, will pass over the curb at the inlet and go straight to 23rd street via the existing driveway with out reaching the surrounding buildings. The overflow path has been added to the plans.

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OCT 09 2006
DEVELOPMENT SERVICES
CITY OF CORVALLIS



HTE Hightower Engineering
1520 SE 2nd Ave., No. 1, Albany, OR 97321
Email: phightower@comcast.net Web: http://home.comcast.net/~phightower
Cell: (541) 619-8325
Fax: (541) 924-1033
Bus: (541) 924-3834

*9) Please complete and return the enclosed sewer discharge form.*

Russ chambers or others will complete and submit the form.

*10) All on-site parking stalls with dimensions less than 9 x 18.5-feet should be marked as "compact."*

A note has been added to the plans to mark the compact stalls with white paint.

*11) Please provide a report from the engineer that the fire escape is structurally sound and that all connections to the building are adequate.*

A separate engineering report is being prepared and will be submitted by 9-15-06.

All other questions and comments are being addressed by the Architect or others. I have sent this and revised plans as pdf Documents. Paper copies will also be submitted.

Please contact me at 619-8325 or by email with any questions or additional requests.

Thank you.

Sincerely,

Paul S. Hightower

Paul S. Hightower, P.E. Civil & Traffic
Principal Engineer



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OCT 09 2006
DEVELOPMENT SERVICES
CITY OF CORVALLIS



HTE Hightower Engineering
1520 SE 2nd Ave., No. 1, Albany, OR 97321
Email: phightower@comcast.net Web: http://home.comcast.net/~phightower
Cell: (541) 619-8325
Fax: (541) 924-1033
Bus: (541) 924-3834

September 8, 2006

Building permit #06-00842

The information below is provided in response to City request of the above noted building permit application.

If you have any questions please call Russ at 231-9981.

All on-site parking stalls with dimensions less than 9 x 18.5-feet should be marked as "compact."

We will mark All on-site parking stalls with dimensions less than 9 x 18.5-feet "compact."

Please provide floor plans that show the existing building layout and plumbing fixtures. These floor plans will be used to calculate any applicable systems development charges (SDC) credits.

**Existing plumbing layout is drawn to the left of the new bathrooms on the first floor plan.**

**Currently there are:**

**3 cammodes**

**2 urinals**

**7 sinks**

**1 tub/shower**

**6 shower heads in 2 gang showers (see 2nd floor plan)**

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DEVELOPMENT SERVICES
CITY OF CORVALLIS

**We believe that this building has some remaining system development credits from a bathroom that was removed. In this bathroom there was a toilet, sink and a shower. Perhaps there are other credits that we are not aware of.**

Please provide a description of the previous and proposed uses. Where applicable the description should include the gross floor area of each use and the total number of bedrooms and the total number of beds for each use. This information will be used to accurately calculate SDCs and SDC credits.

**Total square feet of this building is approx. 5343 sq. feet. Previously this property was used as a fraternity house. I believe that there were between 35 and 40 men living in this building.**

**We propose to use the 1st. floor(approx. 2340 sqf.) as**

# *Exhibit 12*

# CHI ALPHA CHRISTIAN FELLOWSHIP

*Oregon State University*

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**Upcoming Events**

Josh & Kristen's Wedding!

**XA Photo Album**

Check out the **photos in the XA Photo Album!**

**Welcome to Chi Alpha Christian Fellowship at Oregon State University!**

**The miracle XA House**

**Click here** for more pictures

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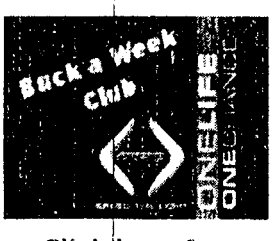


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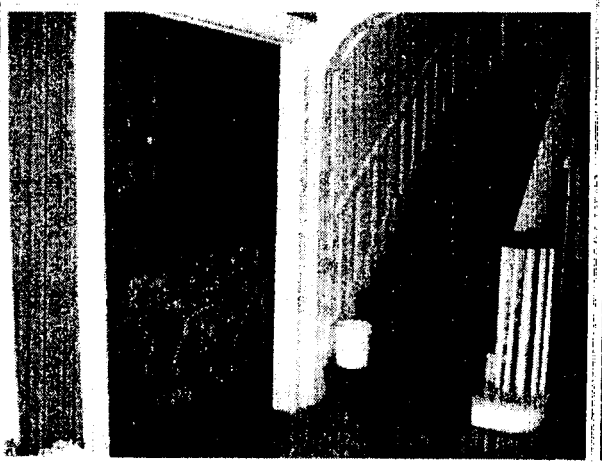
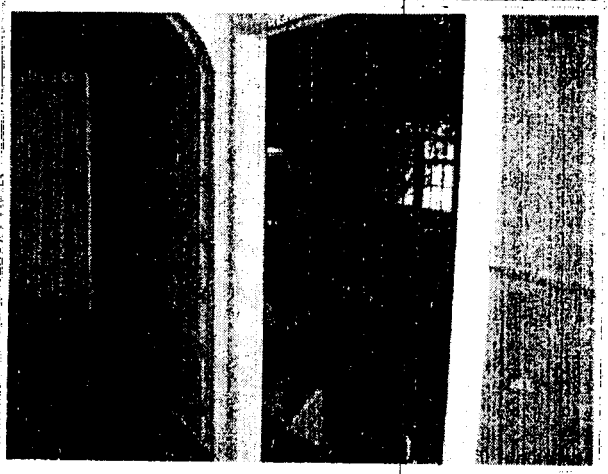
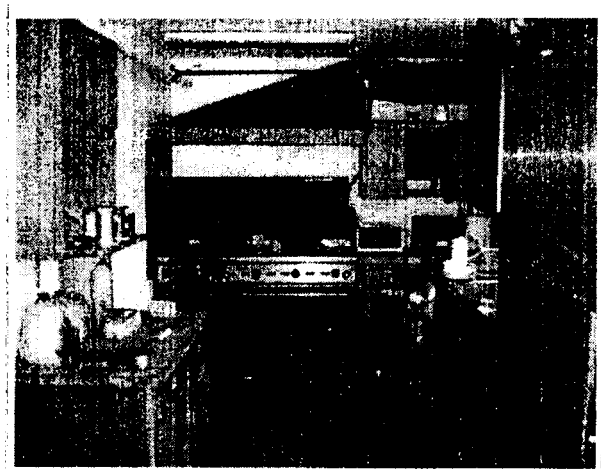
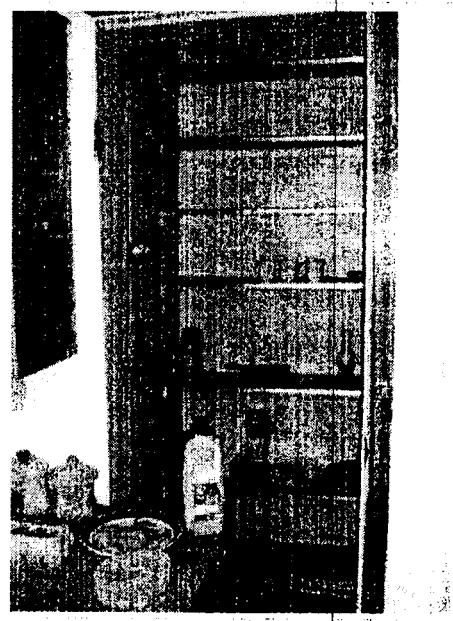
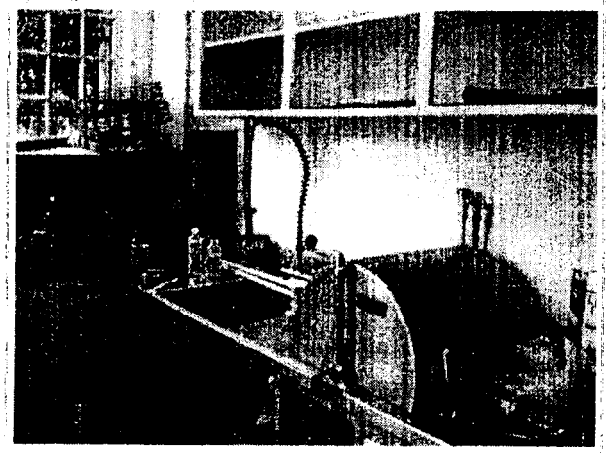
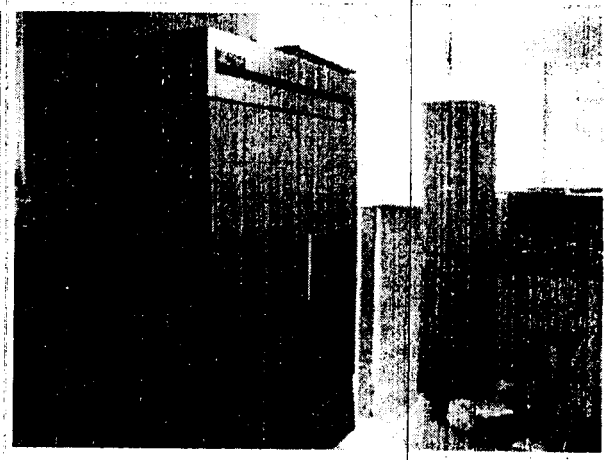
**The XA House** - Page 1 of 3



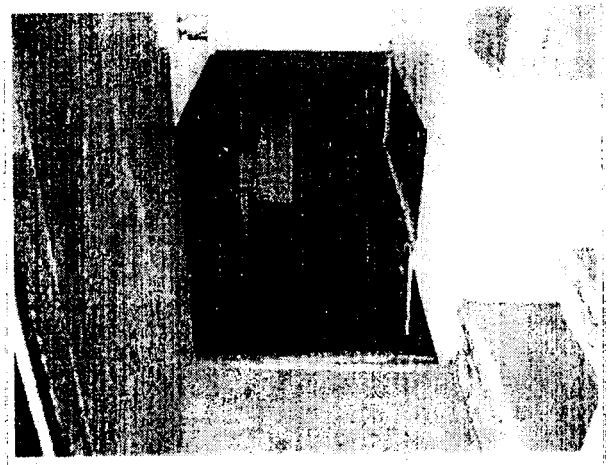




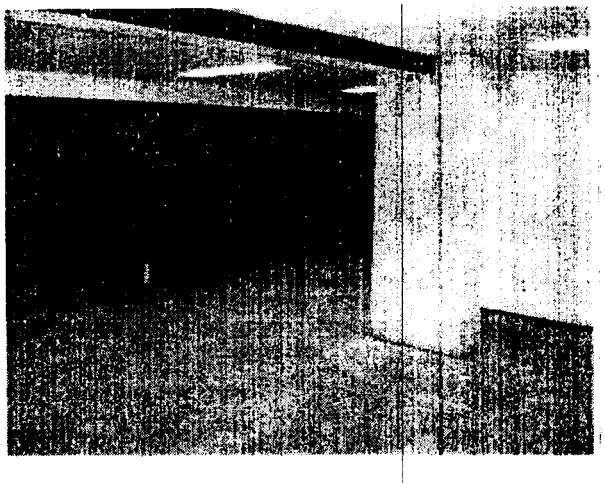


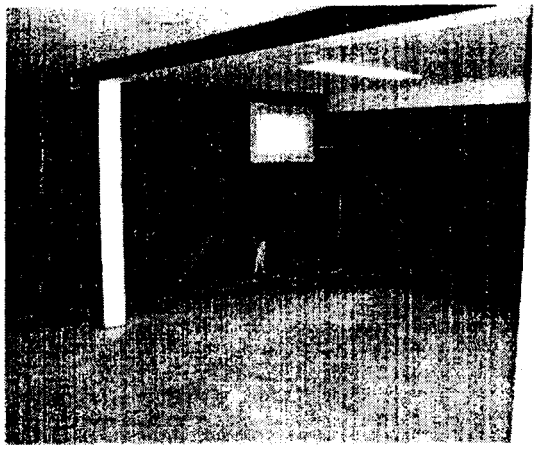
Parking for 2305 NW Monroe

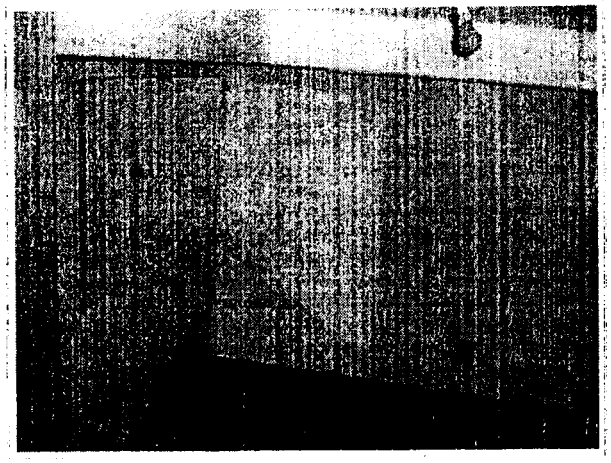
Street Fence

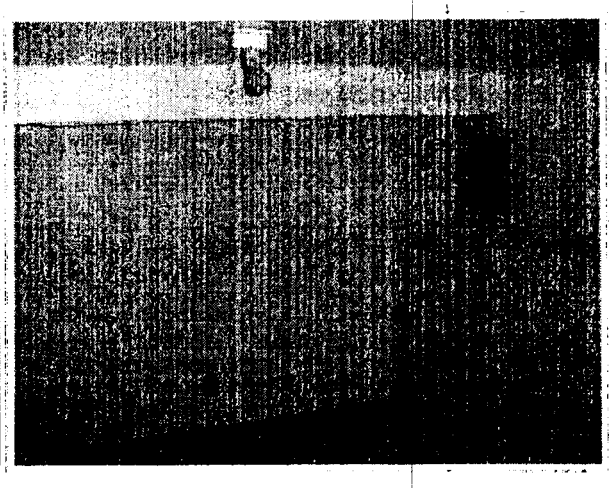


BACK YARD









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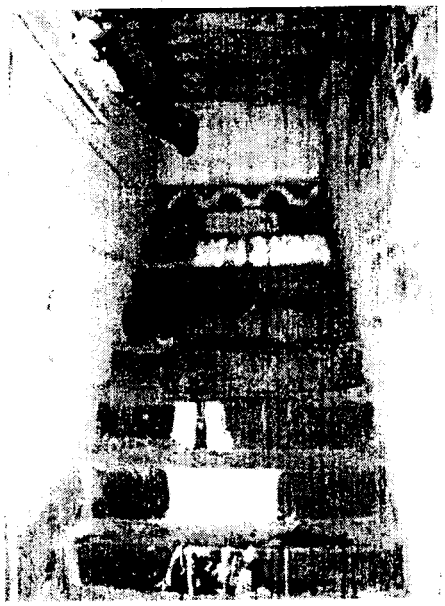

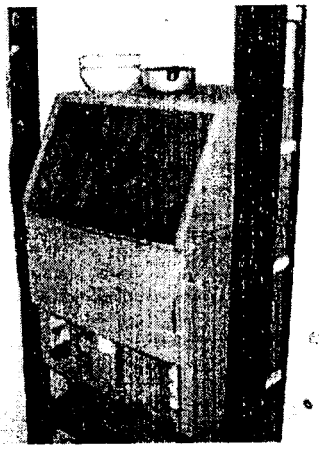

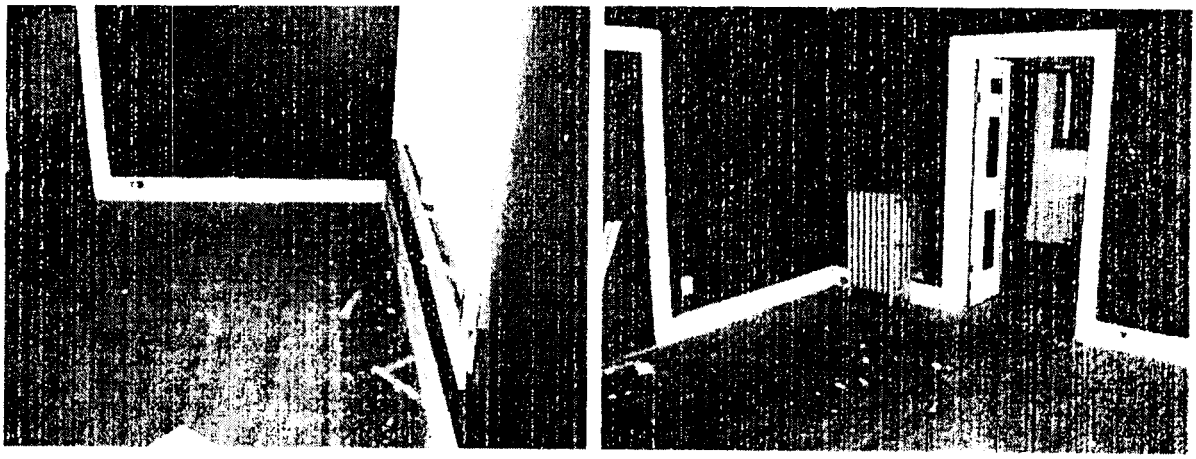

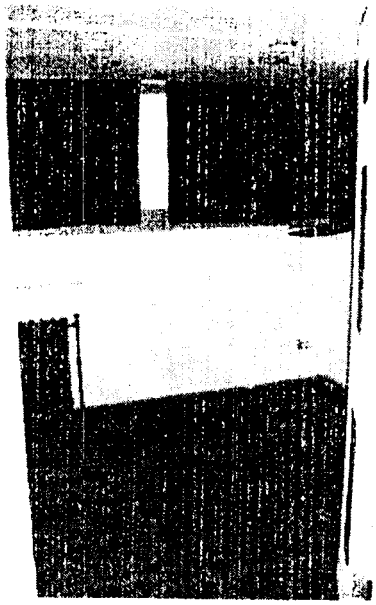

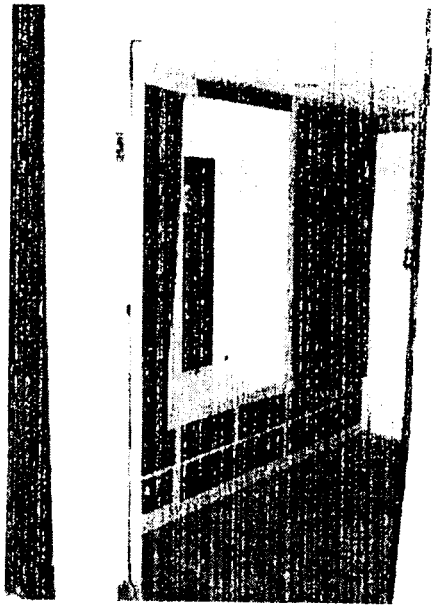

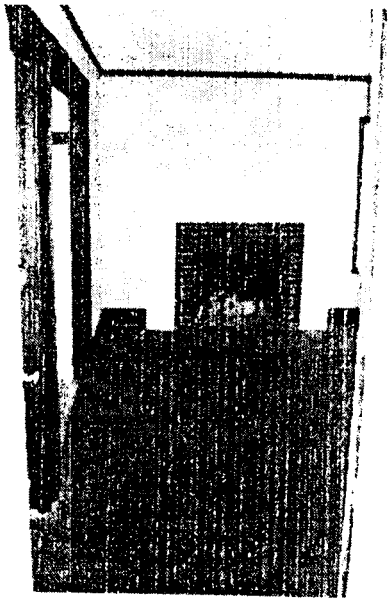

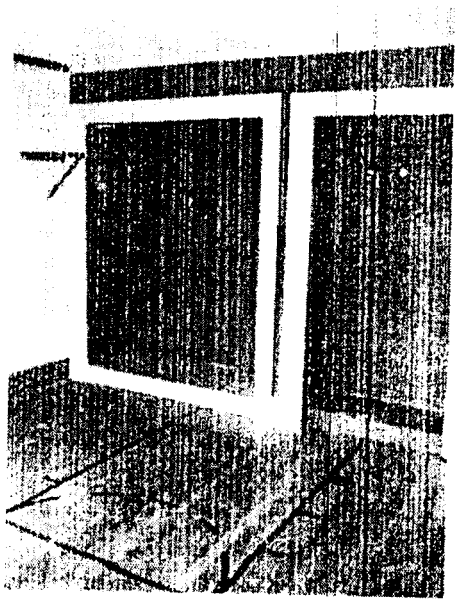

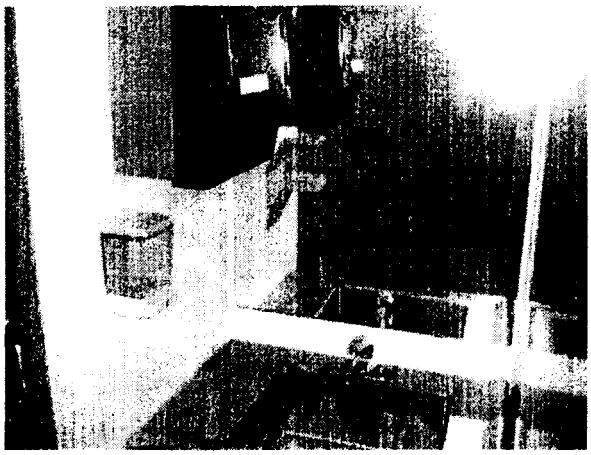

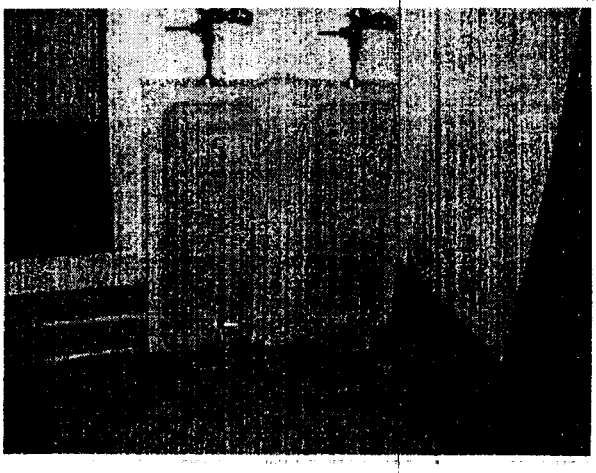

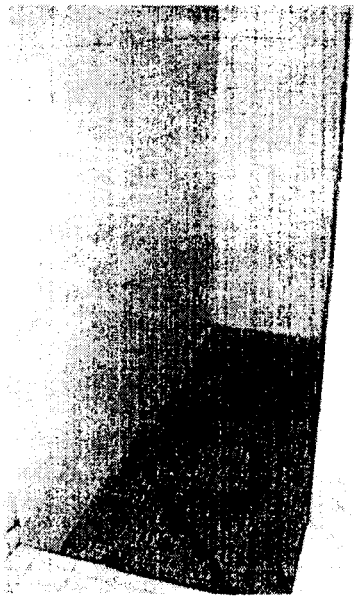

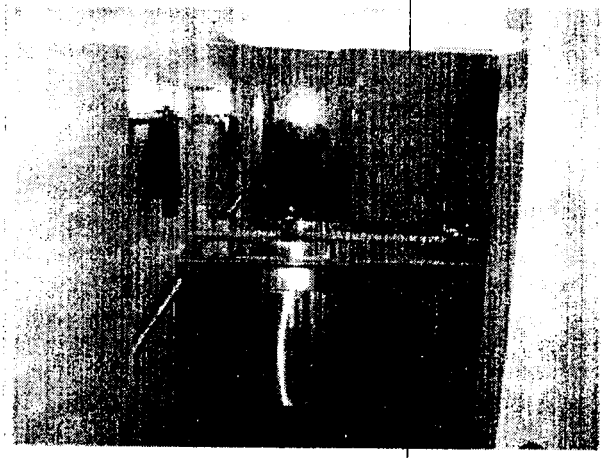

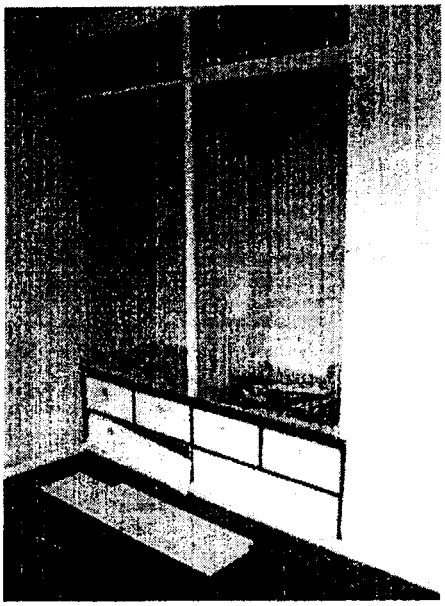

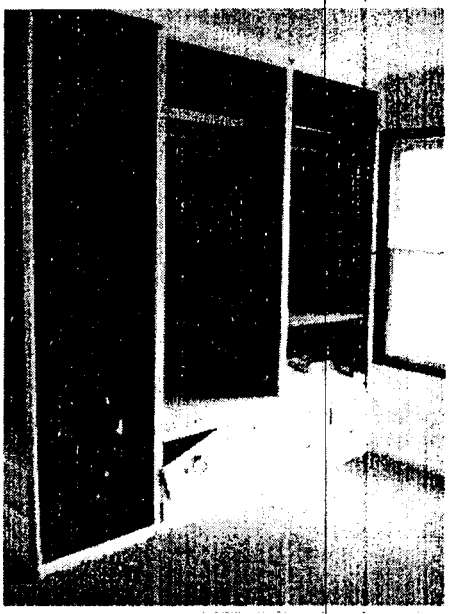





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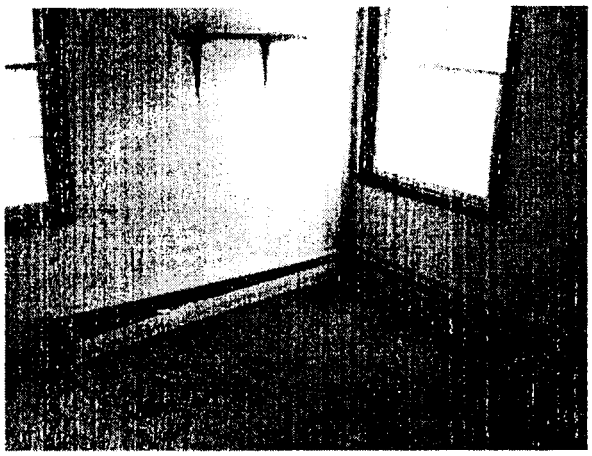

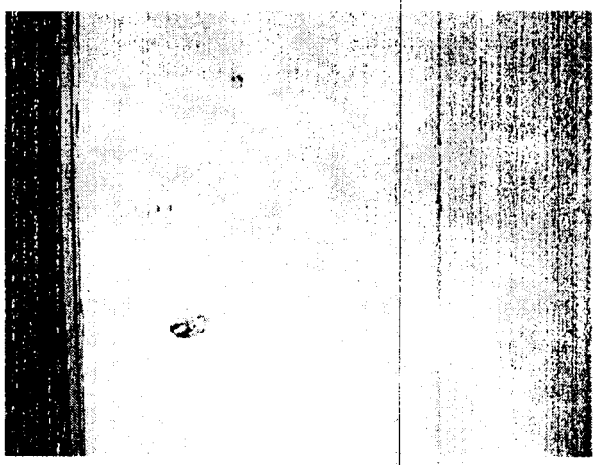

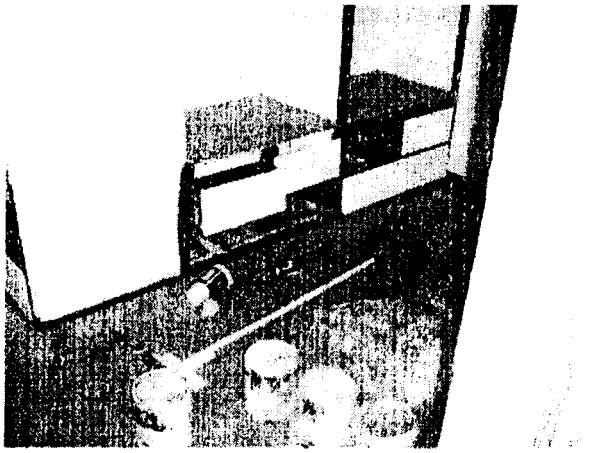

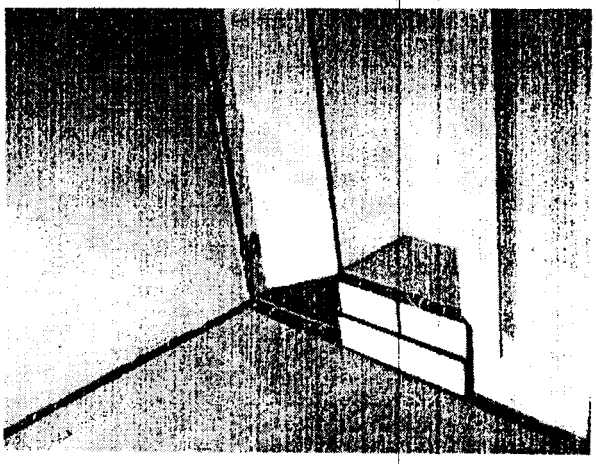

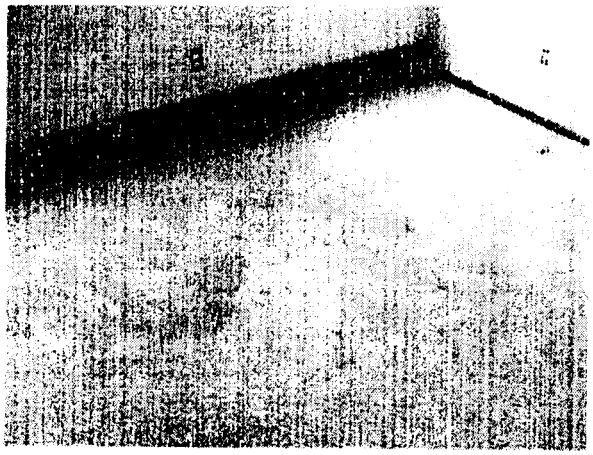

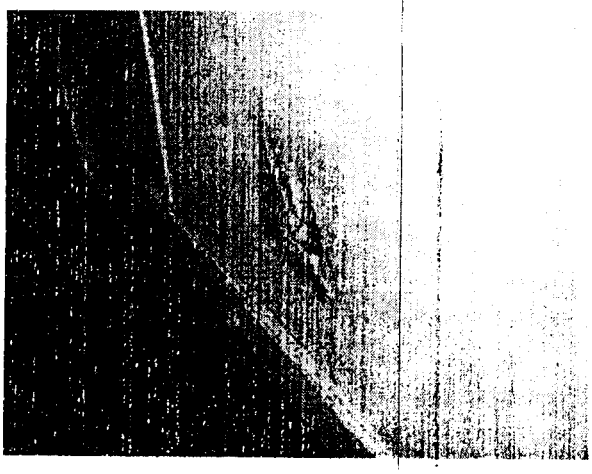

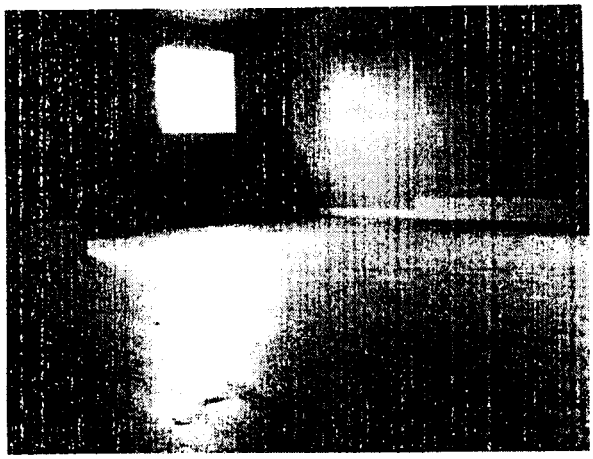

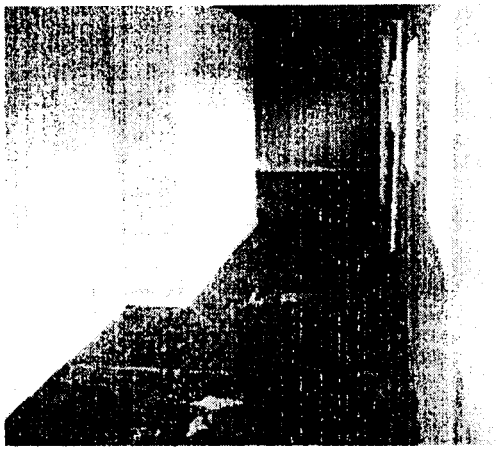

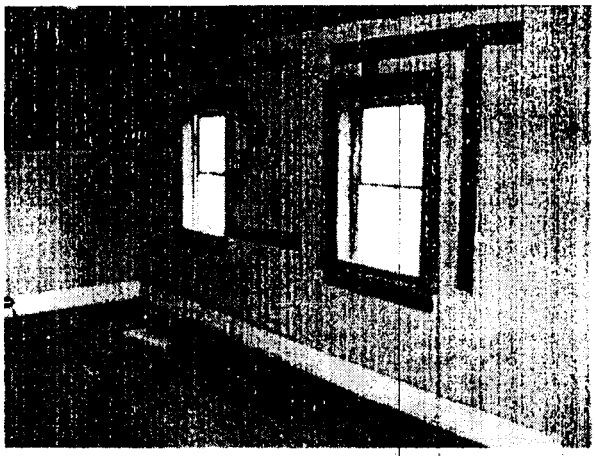

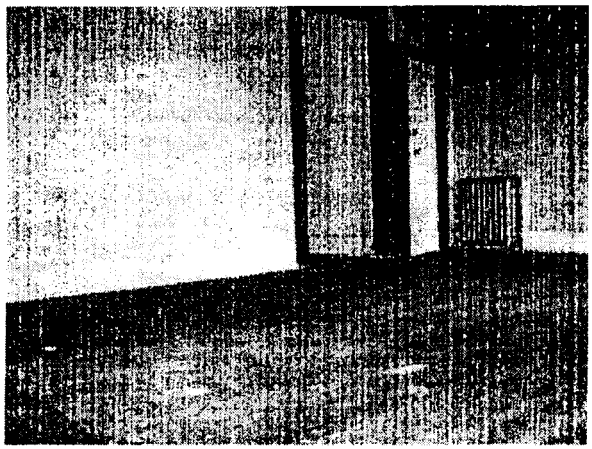

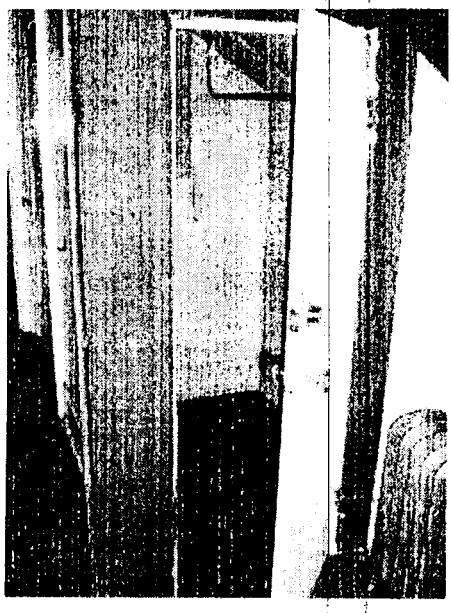

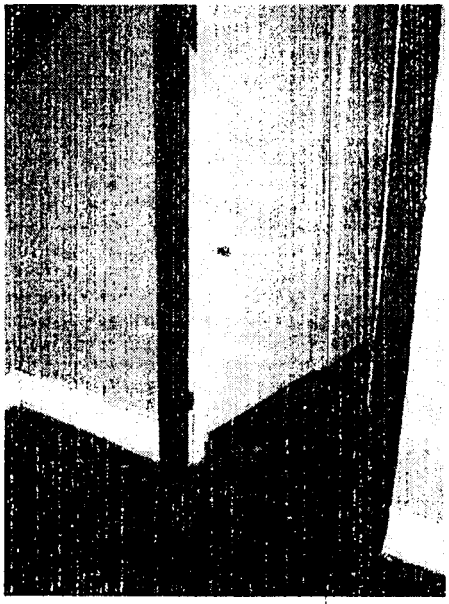

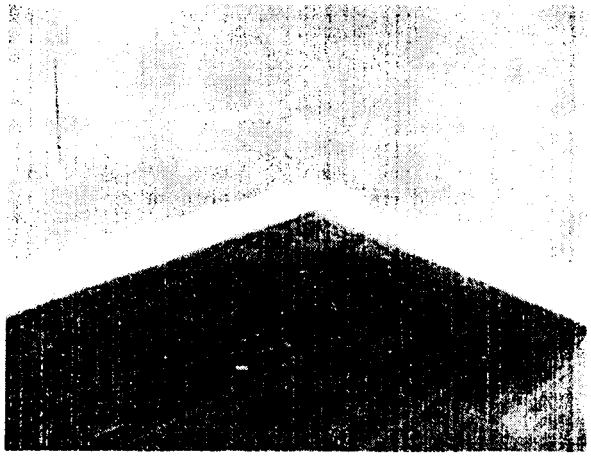

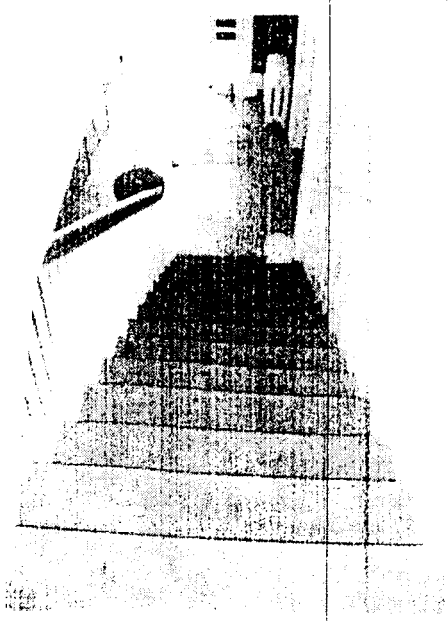

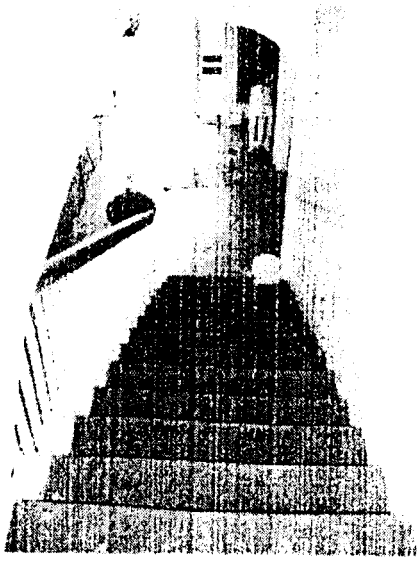

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# *Exhibit 13*

## 2305 NW MONROE AVE

**Photo Number:** 134

**Historic Name:** Dorothy Lane House

**Construction Date:** c. 1915

**Legal Description:** College Hill **Block:** 5 **Lot:** Part of E 1/2 **Map:** 11534DB **TLN:** 3400

**Owner:** COHNSTAEDT WILLIAM ETAL / 2305 NW MONROE ST / CORVALLIS OR 97330

**Classification:** Historic Contributing (1)

**Description:** This bungalow features a recessed corner porch, with elephantine boxed posts covered in stucco and sitting on a closed rail. Windows are 1/1 double hung and 8-pane casement frequently appearing grouped on a continuous sill. Period detailing includes notched vergeboards, exposed rafter tails, and a water table. The gable ends are sided with stucco and the foundation and wall chimney are parged concrete. A two-story, period addition (pre-1927) to the west features a porte cochere with residential space above. The porte cochere has since been enclosed for additional dwelling space. Large shade trees adorn this block and the lot includes foundation plantings.

This home is currently undergoing rehabilitation. The solid porch rail has been removed and several of the original windows have been replaced with 1/1 vinyl double-hung. The rear entry has been blocked and its porch removed.

**History:** Dorothy E. Lane purchased this property in 1915, and is likely responsible for the construction of the residence. In 1926, the property was sold to H.J. Anderson, a doctor, and his wife, Marie Louise, who occupied the house until the early 1930s. Dr. Anderson is also believed to have operated this location as the first hospital in Corvallis. He later constructed his own surgical facility at 2408 NW Jackson.

## 2323 NW MONROE AVE

**Photo Number:** 135

**Historic Name:** Magruder, Frank and Louise, House

**Construction Date:** 1922

**Legal Description:** College Hill **Block:** 5 **Lot:** Part of E 1/2 **Map:** 11534DB **TLN:** 3600

**Owner:** SIGMA PI / 7402 NW 16TH AVE / VANCOUVER WA 98665

**Classification:** Historic Contributing (1)

**Description:** As built, the Marauder House was one of the grandest Colonial-style, single-family residences in all of Corvallis. The Colonial style was seen in Oregon beginning in about 1910, and differed from the earlier Colonial Revival style in its more historically correct forms and detailing. This difference is evidenced in this particular property by the use of a typically Georgian external form and the application of 18th-century details such as modillions at the cornice, columns supporting the front porch, and a Palladian window in the second story. Other details adding to the overall effect include sidelights at the front door, brick window lintels, and brick keystones. A number of modifications have lessened the integrity of this building over time. These include a one-story addition to the west side, replacement of the original rear wing, some window replacement, and the use of vinyl siding over some historic elements at the rear. The only alteration that significantly affects the front façade is a replacement front door somewhat out of keeping with the original design.

**History:** This residence was constructed for Frank and Louise Magruder in 1922. The Gazette-Times reported that it was one of only two new houses costing over $15,000 that year. Mr. Magruder was an assistant Professor of Political Science at Oregon State College (OSU) and was best known in his lifetime as the author of "American Government," a widely used high school civics textbook. Following the death of Louise Magruder in 1929, Frank married her sister Claire, a widow, the next year. In 1951, the Sigma Pi fraternity purchased the house from Frank Magruder's estate.

# *Exhibit 14*

# ASSIGNMENT OF EASEMENT



DATE: 09/11/2006 845

To whome it may concern

For the sum of $ 5000.00 (five thousand dollars) I do hereby assign the right(s) of the easement associated with the properties located at 140 NW 23rd St. and 2323 Monroe Ave. Corvallis, Or. that were granted to me in the Easement agreement between Robert K. Alexander Jr. and Jay C. Nelson and Karen Nelson.

Upon acceptance of these monies I relinquish any and all rights and responsibilites associated with these properties now and at any time in the future

Upon reciept of these monies this assighment shall be considered held by The Oregon Ministry Network and thereafter to anyone holding title to the property located at 2323 Monroe Ave., Corvallis, Or. 97330

Robert K. Alexander Jr. Date: 11 Sep 06

ASSIGNMENT OF EASEMENT

RECEIVED
SEP 19 2006
SERVICES

OFFICIAL SEAL
DARCY L MULBERRY
NOTARY PUBLIC - OREGON
COMMISSION NO. 366211
MY COMMISSION EXPIRES MARCH 3, 2007

KNOW ALL MEN BY THESE PRESENTS, That Alpine Realty Company a corporation duly organized and incorporated under the laws of the State of Oregon in consideration of Fifteen Hundred Dollars to it paid by B.G.Leedy and Flora Leedy his wife does hereby grant, bargain, sell and convey to said B.G.Leedy and Flora Leedy his wife their heirs and assigns forever, the following described parcel of real estate, situate, lying and being in the County of Benton and State of Oregon to-wit:

Beginning at the south east corner of block five (5) in College Hill Addition to the City of Corvallis, Benton county, Oregon, thence westerly along the south line of said block 76.5 feet, thence northerly parallel with the east line of said block 95 feet, thence easterly parallel with the south line of said block to the east line thereof, thence southerly along said east line to the place of beginning. The above described granted premises are granted with the understanding that no barns, sheds or chicken-coops shall ever be erected or placed thereon. It is understood that the five (5) feet together with the five (5) feet of the adjoining lot left for roadway for the joint use of both parties.

This deed is given subject to a mortgage of $300.00 held by T.D.Beckwith.

Together with the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining; and also all its estate, right, title and interest, at law and equity therein and thereto.

TO HAVE AND TO HOLD the same to the said B.G.Leedy and Flora Leedy his wife their heirs and assigns forever. And the said Alpine Realty Company does covenant with the said B.G.Leedy and Flora Leedy his wife and their legal representatives forever, that said corporation is lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances, and that it will, and its successors shall, WARRANT AND DEFEND the same to the said B.G.Leedy and Flora Leedy his wife their heirs and assigns forever, against the lawful claims and demands of all persons whomsoever IN WITNESS WHEREOF, Alpine Realty Company pursuant to a resolution of its Board of Directors duly and legally adopted, has caused these presents to be signed by its President and its Secretary, and its corporate seal to be hereunto affixed this 27th day of November A.D. 1914.

ALPINE REALTY COMPANY
By D.L.WEBSTER President
ALPINE REALTY COMPANY
By M.A.Webster, Secretary.

Signed, Sealed and Delivered in the Presence of us as Witnesses:
C.A.Webster
M.L.Walker

(Corporate Seal)

STATE OF OREGON, )
County of Benton ) ss.

On this 27th day of November 1914, before me appeared D.L.Webster and M.A.Webster both to me personally known, who being duly sworn, did say that he, the said D.L.Webster is the President, and he, the said M.A.Webster is the Secretary of Alpine Realty Company the within named Corporation, and that the seal affixed to said instrument is the corporate seal of said Corporation, and that the said instrument was signed and sealed in behalf of said Corporation by authority of its Board of Directors and said D.L.Webster and M.A.Webster acknowledged said instrument to be the free act and deed of said Corporation.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal, this the day and year first in this, my certificate, written.

M.L.Walker
Notary public in and for said County and State.

(SEAL)

Received for record and recorded December 3rd, 1914 at 4.45 P.M.

J.M.Hurley
County Recorder

ATTACHMENT IV
MIS06-00051: 2323 NW Monroe Ave Appeal
89 OF 102

TO WHOM IT MAY CONCERN

DATE: 09/05/2006 843



Subject: Nelson property easement condition.

To whom it may concern:

Acting a the property owner's representative for the property located at 2323 Monroe Ave, Corvallis, Or. 97330 I hereby state the following.

I have been made aware that as a condition of our egress easement the Nelsor wish us to be responsible for maintaining any landscaping items installed or the extreme southerly edge of this easement area. It is my understanding that this item(s) will not interfere with our use of this egress and that we will not be required to be solely responsible for the initial installatic of this item or items as necessary.

Subject to the above understanding(s) I have no objection to us being responsible for future maintance.

Russ Chambers
Initialed by:
Karen Nelson: Karen M. Nelson 9/6/06 DATE:

Jay Nelson: _____ DATE:

Rober K. Alexander Jr. _____ DATE: 09/06/06

2006-40967
9/7/06

After recording return to:
Robert K. Alexander, Jr.
P O Box 401
Corvallis, OR 97339

**Until a change is requested, all tax statements shall be sent to:**
no change



# EASEMENT

THIS AGREEMENT made and entered into this 1 day of ~~August~~ September, 2006, by and between Robert K. Alexander, Jr., an individual ("Alexander") and Jay C. Nelson and Karen M. Nelson (collectively referred to as "Nelson") and is as follows.

## RECITALS

A. Nelson is the owner of certain real property commonly known as 140 NW 23rd Street, Corvallis, Oregon 97330, located in Benton County, Oregon, described as specified on Exhibit A, attached and incorporated into this Easement (the "Nelson Property");

B. Alexander is an individual that has assisted Nelson in various ways. Alexander desires to obtain an easement over a portion of the Nelson property. Alexander anticipates assigning this easement to the current or subsequent owners of certain real property adjacent to the Nelson Property commonly known as 2323 NW Monroe Avenue, Corvallis, Oregon 97330, located in Benton County, Oregon, described as specified on Exhibit B, attached and incorporated into this Easement (the "Monroe Property");

C. Nelson wishes to grant an easement over a portion of the southern most 12 feet of the Nelson Property, more particularly described on Exhibit C, attached and incorporated

into this Easement (the "Easement Area"), for the benefit of Alexander and his assignees or successors in interest. (Also see Exhibit C)

JCN

## AGREEMENT

Therefore, in consideration of mutual covenants and promises contained herein, and in consideration of various services and advice provided by Alexander to Nelson, the parties agree as follows:

1. Grant of Easement. Nelson hereby grants to Alexander, a non-exclusive permanent easement for egress, and for underground utility transmission, over and under the Easement Area, for the use of non-commercial passenger vehicular access, pedestrian access, utility transmission, construction and maintenance thereof, and no other use (the "Easement").

2. Effect. The Easement shall run with the land and be appurtenant to the Nelson Property, and the Monroe Property if it is subsequently assigned to the owners of the Monroe Property by Alexander, including any division or partition of either parcel. The rights, covenants, and obligations contained in this Easement shall bind, burden and benefit each parties' successors and assigns, lessees, mortgagees, or beneficiaries under a trust deed.

3. Maintenance. Both parties shall be equally responsible to maintain and repair the Easement Area. ~~in proportion to their respective use.~~ Provided, however, that Alexander shall be responsible for landscaping and irrigation on the southern edge of the Easement Area. ~~to the extent necessary to comply with any construction permit held by Alexander.~~ All work done by either party in connection with the maintenance or repair of the Easement Area shall be done in a manner as to cause the least amount of interference with the use and enjoyment of the Easement Area.

JCN

JCN

4. Maintenance Process. The need for maintenance or repair of the Easement Area shall be determined by the parties to this Agreement as follows. A party desiring that maintenance or repair be done (the "First Party") shall send written notice to all other parties responsible for the maintenance or repair (the "Other Parties") specifying the location, nature and extent of the maintenance or repair, along with the estimated cost of the maintenance or repair. The Other Parties may object in writing to the First Party within ten (10) days after receipt of the original notice. If the First Party does not receive any objections within ten (10) days after the Other Parties' receipt of the original notice, then the First Party may proceed to have the work done at the estimated cost and all parties shall be obligated to pay the estimated cost of the maintenance or repair as specified in section 3.

5. Term. The Easement is permanent in duration.

6. Severability. If any portion of this Easement, or the application thereof to any

person or circumstances is found to be invalid, the remainder of the provisions hereof and application of such provisions to persons or circumstances other than those which it is found to be invalid, shall not be affected thereby.

7. Entire Agreement. This Agreement sets forth the entire agreement of Nelson and Alexander with respect to the Easement, and supersedes all prior discussions, negotiations, understandings, or agreements relating to the Easement, all of which are merged.

8. Attorneys Fees. In the event of any litigation arising under this Agreement, the prevailing party shall recover from the losing party the prevailing party's reasonable attorney fees at arbitration, trial or on appeal as adjudged by the trial or appellate court, including any issues peculiar to bankruptcy.

9. Indemnification. Nelson agrees to indemnify and defend Alexander from any loss, claim or liability to Alexander arising out of or in any manner related to the use, maintenance, repair, or any other activity concerning the Easement Area by Nelson. Each party assumes all risks arising out of their use of the Easement.

10. Arbitration. Any and all disputes regarding any aspect of this Agreement shall be determined by binding arbitration by an arbitrator mutually selected by the parties, or in the absence of an agreement, appointed by the presiding judge of Benton County, Oregon. Any arbitration shall be conducted pursuant the Oregon Uniform Trial Court Rules, with the exception that all witnesses must appear in person and the arbitration shall be binding without right of appeal. Venue for any arbitration shall be in Benton County, Oregon.

11. Notices. All notices and other communications under this Agreement must be in writing and shall be deemed to have been given if delivered personally, sent by facsimile (with confirmation), mailed by certified mail, or delivered by an overnight delivery service (with confirmation) to the parties to the addresses or facsimile numbers (or at such other address or facsimile number as a party may designate by like notice to the other parties) listed at the beginning of this Agreement. Any notice or other communication shall be deemed to be given (a) on the date of personal delivery, (b) at the expiration of the 2nd day after the date of deposit in the United States mail, or (c) on the date of confirmed delivery by facsimile or overnight delivery service.

12. Representation/Construction. All parties are advised to consult a lawyer before signing this agreement. Evashevski, Elliott, Cihak & Hediger, P.C., has represented Alexander exclusively regarding this Agreement. This Agreement was, by agreement, drafted by all of the parties and the subject of bona fide negotiations. No party shall be entitled to receive the benefits of any rule or doctrine construing ambiguities against the drafter because this Agreement has been drafted by each party.

IN WITNESS WHEREOF, Nelson and Alexander have hereunto fixed their hands the day and year above written.

Nelson

Jay C. Nelson

Karen M. Nelson

Alexander

Robert K. Alexander, Jr.

STATE OF OREGON )
) ss.
County of Benton )

Sept 1, 2006

Personally appeared Jay C. Nelson, who being duly sworn, acknowledged this instrument to be his voluntary act and deed.

BEFORE ME:

OFFICIAL SEAL
LYNDIE MENDOZA
NOTARY PUBLIC-OREGON
COMMISSION NO. 399182
MY COMMISSION EXPIRES NOV 3, 2009

NOTARY PUBLIC FOR OREGON

STATE OF OREGON )
) ss.
County of Benton )

Sept 1, 2006

Personally appeared Karen M. Nelson, who being duly sworn, acknowledged this instrument to be her voluntary act and deed.

BEFORE ME:

OFFICIAL SEAL
LYNDIE MENDOZA
NOTARY PUBLIC-OREGON
COMMISSION NO. 399182
MY COMMISSION EXPIRES NOV 3, 2009

NOTARY PUBLIC FOR OREGON

STATE OF OREGON )
) ss. Sept. 6, 2006
County of Benton )

Personally appeared Robert K. Alexander, Jr., who being duly sworn, acknowledged this instrument to be his voluntary act and deed.

BEFORE ME: N. J. Elliott

OFFICIAL SEAL
N. J. ELLIOTT
NOTARY PUBLIC-OREGON
COMMISSION NO. 363057
MY COMMISSION EXPIRES DECEMBER 14, 2006

NOTARY PUBLIC FOR OREGON

# Exhibit A

PARCEL I:

Beginning at a point on the East line of Lot 5 in COLLEGE HILL ADDITION to the City of Corvallis, Benton County, State of Oregon, at a point 20 feet South of the Northeast corner of said Lot 5 and running thence Westerly parallel with the North line of said lot, 150 feet; thence Southerly parallel with the East line of the said 80 feet; thence Easterly parallel with the North line of said lot 150 feet; thence Northerly along the East line of said lot 80 feet to the place of beginning, all in Benton County, Oregon.

PARCEL II:

Beginning at a point on the East line of Lot 5 in COLLEGE HILL ADDITION to the City of Corvallis, Benton County Oregon, 100 feet Southerly from the Northeast corner of said Lot 5; thence running Westerly parallel with the North line of said Lot 5, 150 feet; thence Southerly parallel with the East line of said Lot 5, 37 ½ feet; thence Easterly parallel with the North line of said Lot 5, 150 feet to the East line of said Lot 5, thence Northerly along the East line of said Lot 5, 37 ½ feet to the place of beginning, all in Benton County, Oregon.

# Exhibit B

Beginning on the northerly line of Monroe Street in the Town of Corvallis, Benton County Oregon, at a point which is 76.50 feet north 73° 21' west from the point of intersection of the said northerly line of Monroe Street with the west line of 23rd Street in the said City and State; thence north 73° 21' west along the northerly line of Monroe Street 90.42 feet; thence north 6° 42' east 79.71 feet; thence south 73° 21' east 3.88 feet; thence north 0° 56' west 64.12 feet; thence south 76° 43' east 52.90 feet; thence south 11° 04' west 52.46 feet; thence south 73° 21' east 33.34 feet; thence south 77° 18' east 75.05 feet to the west line of 23rd Street; thence south 0° 53' east along the west line of the said 23rd Street 5.44 feet; thence north 73° 21' west 76.50; thence south 0° 53' east 95.0 feet to the place of beginning.

Also, all our right, title and interest acquired by use in and to the concrete driveway, a part of which is included in foregoing description, and which leads from 23rd Street to the garage on said premises.

Together with the tenements, hereditaments and appurtenances whatsoever thereunto belonging, or in anywise appertaining.

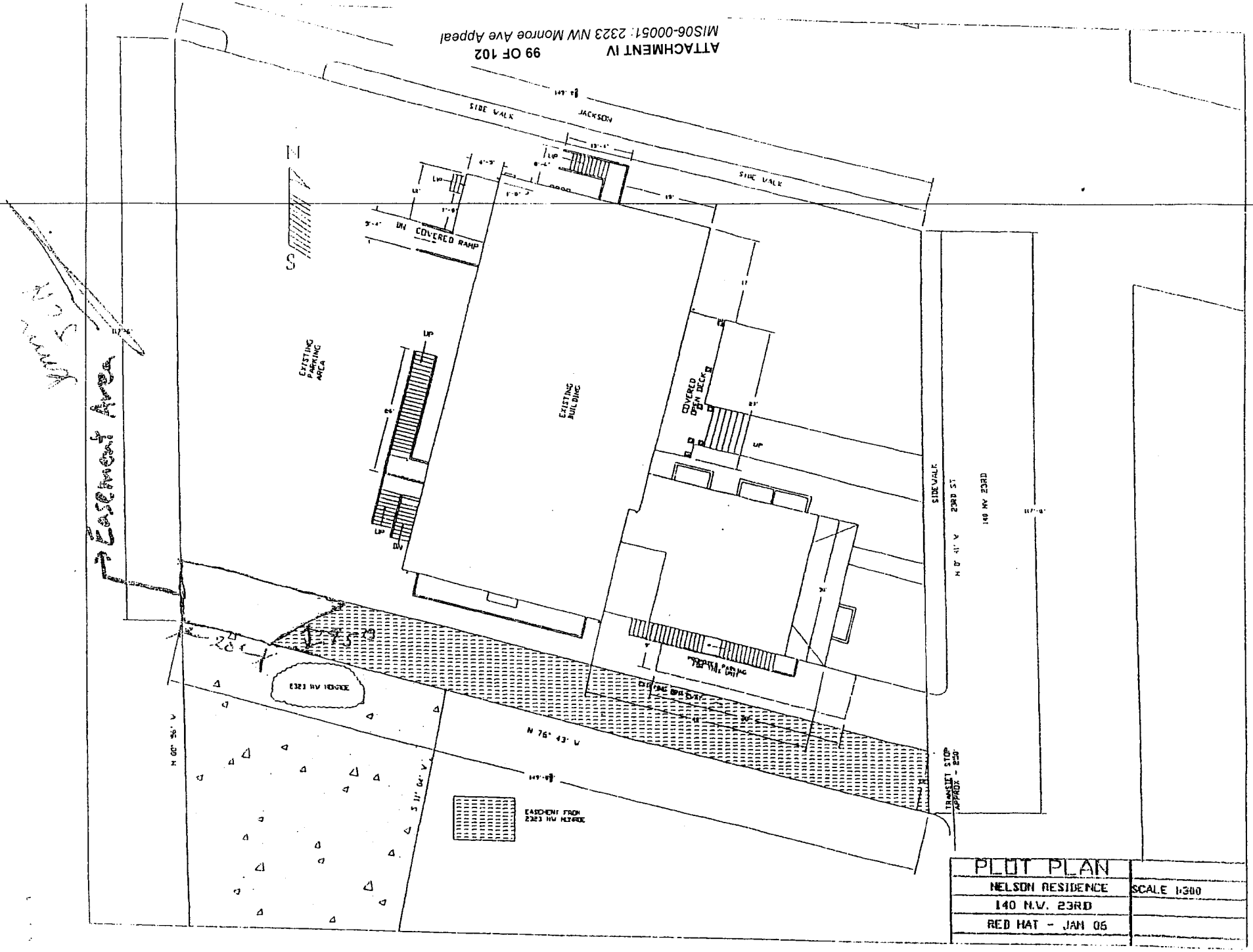
# Exhibit $C_1$

ICN

The South twelve (12) feet of even width of Parcel II of those tracts conveyed to Jay C. Nelson, Karen M. Nelson, Jerry O. Beemer, and Lydia M. Beemer on September 22, 1993 by Document Number M-170183-93 of the Benton County Deed Records.

EXCEPTING THEREFROM: That portion of the above described twelve (12) feet described as follows:

Beginning at the Southwest corner of said Parcel II; thence Easterly, along the South line of said Parcel 2, a distance of twenty (20) feet; thence Northeasterly, at a 45° angle to said South line, a distance of 16.97 feet to a point twelve (12) feet Northerly of said South line; thence Westerly, parallel to said South line, a distance of thirty five (35) feet to the West line of said Parcel II; thence South to the point of beginning.


JACKSON
SIDE WALK
SIDE WALK
COVERED RAMP
EXISTING PARKING AREA
EXISTING BUILDING
COVERED DECK
SIDE WALK
140 NW 23RD
N 0° 41' W
23RD ST
TRANSIT STOP APPROX - 250'
N 76° 43' W
N 00° 56' W
S 11° 04' W
EASEMENT FROM 2323 NW MONROE
2323 NW MONROE
PLOT PLAN
NELSON RESIDENCE
140 N.W. 23RD
RED HAT - JAN 06
SCALE 1:300

# *Exhibit 15*

BLD06- 00842

September 25, 2006

RE: The renovation that the Oregon Ministry Network is doing on the property located at 2323 Monroe Street in Corvallis, Oregon.

At this point, it is not our intention to re-pave the back parking lot or to add a driveway from Monroe Street to our back parking lot. However, the ADA parking space and an ADA ramp on our current site plan will remain unchanged. Additionally we will be adding any landscape buffering necessary to comply with city code.

We will submit a revised site plan that reflects these changes within the next two weeks.

Thank you,

Russ Chambers

TO BE MICROFILMED

# Fred Adams

FredAdams@remax.net 541.766.2000 www.FredAdams.com


Planning Commission
Testimony Received
DEC 06 2006
Name

*Tuesday, December 05, 2006*

*Bob Mitchell Redhat Construction*
*560 SW B*
*Corvallis, OR 97339*

*Dear Bob:*

*As per our phone conversation earlier today here is my recollection of my conversation with Bill Cohnstaedt regarding offers on the fraternaty buidling.*

*Not too long after my sign appeared in front of the building I got a call from Bill introducing himself as the owner of the building just to the east of the fraternity building located at 2323 NW Monroe. He was contacting me to let me know that he had the right and the authority from the fraternity to review any and all offers that came in on the building. He also went on to explain that he had the right to better any offer that came in himself and step in as the buyer. I was surprised by this to say the least. I responded that I was startled but assumed that he was accurate in his statement. I told him that I was certain that he had this agreement in writing and that as an agent of the seller I would need to see the confirming documents to know how to proceed. He agreed to get those documents to me and that was the last I heard from him on the issue. I called the fraternity's representative immediately to let them know about this exchange of information. They were not surprised at anything Bill had to say as they had been dealing with him over various issues for years but that no, there was no agreement, written or verbal that they had ever heard of. Since I never heard from Bill again regarding the issue and since no documents proving the existance of this agreement were never sent to me by Bill as he said he would, I assumed that the claims were unsubstantiated.*

*Sincerely,*

*Fred Adams*
*REALTOR®*

ATTACHMENT IV 102 OF 102
*MIS06-00051: 2323 NW Monroe Ave Appeal*

ATTACHMENT C


RE/MAX 2000 365 NW Harrison Blvd. Corvallis, OR 97330



Broker Each office independently owned and operated

**HUMAN SERVICES COMMITTEE**
**MINUTES**
**January 17, 2007**

Present
Councilor Stewart Wershow, Chair
Councilor Hal Brauner
Councilor Mike Beilstein

Staff
Jon Nelson, City Manager
Ellen Volmert, Assistant City Manager
Carrie Mullens, City Manager's Office

Visitors
Ann Schauber, Diversity Consultant
Zel Brook, NAACP Corvallis Chapter President

**SUMMARY OF DISCUSSION**

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Diversity Action Plan | | | Accept the Diversity Initiative Strategic Plan framework and submit a $20,000 annual sustainable budget enhancement proposal to the Budget Commission. |
| II. Other Business | * | | |

Chair Wershow called the meeting to order at 12:00 pm.

**CONTENT OF DISCUSSION**

I. Diversity Action Plan (Attachment)

Assistant City Manager Volmert explained that the 2005-2006 Council adopted diversity as an overarching value and created a goal to complete an assessment of the internal City organization with an appropriation of $20,000. In November 2006, Council accepted the diversity assessment findings and recommendations for next steps, which included creating an action plan and budget implications.

Ms. Volmert said the remaining $4,000 of the original appropriation will be used to ensure all employees have knowledge of the project and next steps. This communications effort will provide an opportunity to identify employees interested in volunteering for a steering committee.

Ms. Volmert reviewed the needs assessment results (Attachment A) along with the consultant and staff support information used to obtain the assessment.

Ms. Volmert said the goal is for diversity to become a basic part of how the City conducts business. This requires a consistent and sustainable level of activity and funding which will provide the best chance of achieving measurable success in the following areas:

- Creating, maintaining and nurturing a culturally competent climate within the organization for employees, clients, customers, vendors, and citizens. This could include coordinating diversity planning with other initiatives such as social sustainability, career development, Charter implementation, community police review board creation, review of the Communications Plan, and/or organizational training.
- Building diversity into the fabric of the organization so it becomes the way the City does business. This will require training, education, and communication for every employee.
- Increasing diversity of the current workforce at all levels.
- Evaluating and celebrating success and progress, and retooling efforts when necessary.

Ms. Volmert reviewed the Early Action Steps identified in the staff report. She said the steering committee will establish metrics to evaluate the strategies and successes of the program.

Ms. Volmert said an annual sustainable funding level of $20,000 would ensure implementation of the proposed plan. For the next fiscal year, the funding would be used for recruitment outreach, expansion of entry opportunities, and cultural competency training for every City employee.

In response to Chair Wershow's inquiry, Ms. Volmert confirmed that budget guidelines allow for a one percent annual increase in funding level.

Councilor Brauner said this is the second step of a three-step process approved by Council. The first step was to perform a review of the City Charter, the second step is for the organization to set a diversity example in the City, and the third step will be to take the process into the community. Councilor Brauner opined that this project will take more than $20,000 per year. He noted that once a program becomes ongoing and funded from the General Fund, it is built into the administrative services charges. City Manager Nelson confirmed that if the budget proposal is accepted, the cost will be a part of administrative services charges.

Mr. Nelson asked the Committee to be the advocate for this program and its appropriateness in the current fiscal climate. Councilor Brauner added that updating the Charter and supporting this program clearly states that the City supports diversity.

Councilor Beilstein said as Corvallis' Hispanic population continues to grow, it will be important for the City organization to be proactive with diversity partners. In response to Councilor Beilstein's inquiry, Diversity Consultant Schauber said, although the majority of the seasonal/casual employees are not Hispanic, the few people of color employed by the City are predominantly seasonal and/or casual employees.

In response to Councilor Beilstein's inquiry about the minimal amount of funding for employee training, Ms. Volmert said the $9,500 employee training budget for Fiscal Year 2007-2008 was computed at 10 hours per regular employee to be conducted in large group settings.

Councilor Beilstein said steering committee goals should include developing metrics and benchmarks, such as the percentage of Spanish speaking employees and the number of training hours per employee.

Chair Wershow stated that he liked the inclusion of metrics in the Action Plan. He said benefits of the Diversity Plan include more efficient employees and better customer service. He noted that a large number of Corvallis' population are Asian, and said if the City explores multi-language customer service, a determination of the predominant Asian language needs to be made.

Chair Wershow said, because the City will be a model for the local business community, the budget needs to include public relations funding to explain the "what and why" of this Plan to the community. Councilor Brauner responded that the City's Communications Plan will help with ongoing publicity of the Diversity Plan.

In response to Chair Wershow's inquiry, Ms. Volmert confirmed that Oregon State University and the Community Alliance for Diversity are two of the local diversity partners that regularly meet with the City. Chair Wershow requested that the City's unions be involved with the Plan and process.

Ms. Volmert added that the diversity partners have developed a monthly "meet and greet" event open to the community. The next event is hosted by the Commission for Martin Luther King, Jr. and will be held at the Chintimini Senior Center in February.

Zel Brook, local Chapter President of the National Association for the Advancement of Colored People (NAACP), read her prepared statement (Attachment B).

Councilor Brauner expressed agreement with Ms. Brook's suggestion that disabilities be included in the work force analysis data.

In response to Mr. Nelson's inquiry, Mr. Volmert explained that the annual Equal Employment Opportunity update captures ethnicity, race, and gender per the federal guidelines. The City can capture other categories and could track the number of applicants requesting special accommodations during the recruitment process. Finding statistical information in the community-at-large may be difficult.

In response to Ms. Brook's inquiry, Ms. Volmert confirmed that the City does not ask employees or potential employees if they are disabled under the Americans With Disabilities Act.

The Committee unanimously recommends that Council accept the Diversity Strategic Plan framework and submit a $20,000 annual sustainable budget enhancement proposal to the Budget Commission.

II. Other Business

The next Human Services Committee meeting is scheduled for 12 pm on Tuesday, February 6, 2007 in the Madison Avenue Meeting Room.

Respectfully submitted,

Stewart Wershow, Chair

INTER OFFICE

# MEMO

**To:** Human Services Committee
**From:** Ellen Volmert, Assistant City Manager
**Subject:** Diversity Initiative Implementation - Recommendations/Budget Implications
**Date:** January 17, 2007

## PURPOSE

This report recommends initial implementation steps in the diversity initiative based on the City Council accepted diversity assessment, Council goals and the financial strategy. The steps include creation of a strategy for a sustainable level of initiative activity and funding in future years.

## BACKGROUND

The City Council adopted diversity as an overarching value and created a 2005/2006 Council goal to complete a diversity assessment of the internal City organization. The Council appropriated a total of $20,000 this fiscal year for the effort, made up of $5,000 in carryover funds and $15,000 in new funding for the project. On November 6, 2006, the City Council accepted the findings of the diversity assessment and recommendations for next steps, including creating an action plan and bringing the recommended plan and budget implications back to the City Council. The chief findings of the assessment included:

*Overall organizational climate is currently one of uncertainty; with positive, negative and uncertain dimensions resulting in a hesitation to move forward with diversity issues.

*Overall intercultural sensitivity is at the minimization stage where employees have limited experience with cultural difference and believe that generally all people are the same.

*Seasonal and casual employees feel the City is a great place to work and feel respected

*City documents support a respectful workplace within the dominant cultural values.

The major recommendations for next steps and the creation of an action plan included:
*Clarify what diversity means to the City and adopt specific goals for where we want to be as an organization relative to intercultural sensitivity.
*Create a multi-year action plan to identify the resources needed to reach these goals. Elements would include document review, communications review, partnerships and linkages to other initiatives, recruitment and support systems, training, recognition and rewards (including acknowledgment for the challenges already faced by staff), and increasing bilingual skills.

Next steps therefore include communication and education with employees on what the assessment found and what the organization will do in response; and, the creation of a steering group to lead this initiative forward, including creating a multi-year action plan. Based on the recommendations from the assessment, as well as the City Council's goals and financial strategy, staff is recommending adoption of multi-part approach designed to maximize both initial organizational impacts and sustainable activity levels based upon current funding.

## DISCUSSION

### Initiative and Goals

A diversity initiative is a long term organizational culture change effort. To be successful, the initiative must be focused on results, empowerment, participation, contribution and communication. Therefore, the City diversity initiative needs to start as a general strategy building a common vision and goals in specific areas that is the basis for engaging the organization in planning, implementing, evaluating and modifying specific strategies and programs over time. This approach is similar to the strategic planning process for the sustainability initiative and through this process, the creation of the action plan itself becomes a means of training for the organization and builds credibility, sensitivity and ownership for the action plan specifics.

Also similar to the sustainability initiative, the goal is for diversity to simply become a basic part of how the City conducts its business. This in turn requires that, while specific activities and initiatives in the action plan may change over time, a consistent and sustainable level of activity and funding overall has the best chance of achieving measurable success in the following key areas:

1. Creating, maintaining and nurturing a culturally competent climate within the organization, both for employees and for the City's clients, customers, vendors, and citizens. This ultimately includes both incorporating diversity into every department and work group program as described below. One way this occurs is by coordinating diversity action planning with other initiatives already underway such as social sustainability, career development planning, implementation of the charter changes, creation of a police citizen review board, review of the comprehensive communications plan, and organizational training and compliance.
2. Building diversity into the fabric of the organization so that it becomes just the way that we do business. Achieving his goal requires training, education, and communication on diversity for every employee, based on their needs.
3. Increasing the diversity of the current workforce at all levels.
4. Evaluating and celebrating success and progress towards the desired future, retooling efforts where necessary.

### Early Action Steps

Staff is recommending the following approach to next steps:

* Remaining funds for the 2006/2007 fiscal year will be devoted to continuing consultant services in two areas: 1) communicating the results of the assessment with departments and work groups so that all employees receive this initial feedback as well as a grounding in what will be coming; and, 2) helping to form and train an employee steering committee charged with coordinating and acting as a catalyst for the diversity initiative and for a truly welcoming organizational climate. This employee steering committee will be charged with drafting a general strategy, common definitions and goals. The employee steering committee would be representative of all departments with two representatives from each, selected from those volunteering through the assessment communications effort, but assuring representation from a variety of levels within the organization and from a variety of employee backgrounds.

While the specifics of the strategy would be developed by the employee steering committee, it would include strategies in at least these following areas for at least a three year period:

* Developing a common definition for diversity, the "end place" goals we want to achieve, and the preliminary "backcasting" analysis for milestones to achieve those goals which then guide the creation of the action plan for strategies to achieve the milestones over the next several years.

*Training for all employees, for specific groups of employees such as supervisors, and on-going training/development for the employee steering committee itself. At least for fiscal year 2007/2008, a minimum level of training (10 hours) for all employees needs to be included to create a common baseline of understanding for future efforts.

*Evaluating additional recruitment outreach options beyond the immediate mid-valley region and selecting new efforts with the most promise.

* Initiating a program aimed at building our own workforce from the resources available both within our organization and through direct outreach to LBCC, OSU, and others, to attract and retain students and employees of color already in the region and community. These opportunities, such as additional intern/fellow/apprentice positions, could be targeted to succession planning efforts to create qualified and diverse pools of candidates for key positions transitioning within the next few years. This effort could also include new programs for mentoring new employees and those wanting to prepare for advancement in the organization.

* Selecting metrics that will be used to evaluate and report on the success of individual programs and of the general strategy. Creating a diversity scorecard and maintaining accountability for results is essential in ensuring the resources devoted to this initiative are having the intended results and allow a structured process for continuing to evaluate best practices elsewhere for adaptation to our organization.

**Further Action Planning**

The Action Plan will also need to address other program areas. Some of these efforts would be included in the plan for implementation as existing staff resources or additional resources provided in future years of the plan allow. At a minimum, this would include such programs as recognition and rewards, document and communications review (can be coordinated with existing routine reviews of policies and job descriptions and the 2007 review of the comprehensive communications plan and charter change implementation), additional research into best practices in diversity and cultural competency, continued training and cultural competency building, evaluation of ways to encourage bilingual skills both in hiring and in developing existing staff, expanding linkages with other initiatives and resources, expanding resource tools and communications for departments and employees on diversity issues (such as an intranet site), monitoring and celebrating progress, evaluating the potential for affinity groups or networks, continuing existing linkage and coordination with talent management/career development/succession planning efforts, and in general, researching and incorporating the best methods available within specified resources for continuing to build cultural competency throughout the organization.

**FINANCIAL IMPACTS**

Approximately $4,000 remains in the $20,000 of funding provided for this project this fiscal year; the remainder was used in the assessment phase for consultant services and an OSU Promise intern. As mentioned above, the remaining funds are proposed to be used for additional consultant services this fiscal year under the current contract and these would be used for communicating the results of the assessment and next steps to employees throughout the organization and for the formation and initial training of an employee steering committee. For FY 2007/2008 and beyond, the general areas of early

implementation as described above would require at a minimum, the continuation of the $20,000 level of funding. In FY 2007/2008, this would allow for some additional resources to go to recruitment outreach ($2,500), a continuation and expansion of entry opportunities such as a targeted fellowship program ($8,000), and for a minimal level of initial training for every City employee in cultural competency ($9,500). Specifics would be developed and targeted by the steering committee in their Action Plan.

Additional recruitment and training outreach would continue in future years, along with further implementation of other need areas such as those mentioned above. While more could be accomplished in FY 07/08 if additional resources were devoted to the effort, staff is recommending a longer term, sustainable approach that will allow the effort to mature over time as more capacity is built within the organization. This approach reflects the concept that this is a long term change effort to be incorporated into how we do business throughout the organization. Annual reports will be prepared for the City Council on the Action Plan and metrics.

**RECOMMENDATIONS**

That the Human Services Committee recommend to the City Council a Diversity Initiative Strategic Plan framework as described and that a budget enhancement proposal of $20,000 be presented to the Budget Commission as an annual sustainable funding level for the initiative.

Review and Concur:

| | | |
|---|---|---|
| City Attorney Scott Fewel | Finance Director Nancy Brewer | City Manager Jon Nelson |

ATTACHMENT A

INTER OFFICE

# MEMO

**To:** Human Services Committee
**From:** Ellen Volmert, Assistant City Manager
**Subject:** Diversity Assessment Report and Recommendations
**Date:** October 17, 2006

## PURPOSE

This report presents the results of the diversity assessment conducted with the City organization and recommends potential next steps.

## BACKGROUND

In February, the Human Services Committee approved a scope of services and a time line for the diversity assessment project. In May, Ann Schauber was hired as the City's consultant to manage this project and the project resources were further extended with the hiring of Amber Wilburn as an OSU Promise Intern. A followup report to the Committee was presented on June 6, 2006.

As mentioned in the attached report, over the summer the project collected data through 14 one on one interviews, 11 focus groups, an audit of selected City documents, and a followup written survey to seasonal and casual employees and full time employees of color. The results of this research, as well as analysis of the results and recommended next steps, are contained in the attached 56 page final report.

## DISCUSSION

The major findings of the report are highlighted on page 3, including finding that the overall diversity climate within the City is one of uncertainty which impacts the organization by creating a hesitancy to move forward on diversity issues. Overall, employees tend to have limited experience with cultural difference and minimize both those differences and their importance. City documents support a respectful workplace environment within the dominant cultural values and overall, casual and seasonal employees feel that the City is a great place to work and that their supervisors respect them. There is an appreciation for the different perspectives that diversity brings and that it may result in better products, but concerns are also evident regarding potential language barriers and misunderstandings. There are also concerns regarding limited resources and potential perceptions of new staff members of color being hired due to their diversity rather than their qualifications.

As a result of these and other findings within the report, Dr. Schauber and Ms. Wilburn recommend the following next steps:

1. Engage in a leadership discussion regarding the meaning of diversity and set specific goals for what stage we want to be on the continuum of Intercultural Sensitivity Development.
2. Create a multi-year action plan, with identified resources needed, to move the organization from its present stage of minimization to the goal stage. The plan would include:

a. Review City documents within a larger multicultural "lens" and towards a climate of respect vs tolerance.

b. Establish priorities to make more City communications products (ex. Welcome to Your City) available in Spanish and visually representative (more diversity in photographs etc.).

c. Continue participation in community organizations promoting diversity, such as the Employers Partnership for Diversity.

d. Examine new ways in which to promote more diversity in recruitment and hiring as well as support systems for new and more diverse staff members to be successful within their work group (including promotion of existing networking opportunities such as the Employers Partnerhsip for Diversity Meet and Greets).

e. Conduct all-staff training that focuses on developing intercultural competency skills and management training in cross-cultural conflict management.

f. Establish an annual diversity award and utilize this and other mechanisms (newsletter, intranet, etc.) to recognize positive contributions to respect and cultural diversity.

g. Increase the number of staff who speak Spanish (hiring, training, incentives, etc.).

h. Hold cross-departmental meetings to improve communication and "big picture" recognition by City staff.

i. Acknowledge to staff that it is recognized they are needing to deal with a broader range of citizenry.

Some of these recommendations can be built into existing staff work plan efforts. We already promote and advertize Meet and Greet opportunities and the MLK Commission will specifically act as host for the February event. We have increased the number of employees eligible for bilingual incentive pay and the number of recruitments that are advertised in the local El Hispanic News. We will be further examining ways to improve recruitment processes as we test and implement our new on-line recruitment system. Leadership discussions can to some extent be folded into the team building and goal setting processes coming forward for the new City Council. We continue to be very involved with the Employers Partnership for Diversity, including promotion of a Leadership Diversity Breakfast planned for October 31 and their recruitment subcommittee looking at ways to increase diversity within the region. We can direct some of our existing organizational training dollars towards a start on the intercultural competency skills and/or cross cultural conflict management. We will be conducting a 2007 labor management study of talent management/career development/and succession planning within the organization which can include an examination of support systems for new employees and for development opportunities within the organization, including special issues faced by employees from non-dominant cultural backgrounds. Communication vehicles will also be reviewed in 2007 with the planned review of the Comprehensive Communications Plan and the formation of a new 3 year action plan.

**FINANCIAL**

The assessment and final report were made possible by a budget allocation of $15,000 for the 2006/2007 fiscal year, plus a carryover of 2005/2006 funds of $5,000. Of the $20,000 total, the internship, supplies, and consultant fees for the research and final report total about $16,900 to date, leaving approximately $3,100 within the project for early action planning and implementation. The City budget also sets aside some funds for organizational training and a portion of the not yet earmarked funds can be utilized for

some of the training recommended in the report. Other actions such as providing more visibility both within and external to the organization for success stories, leadership discussions, conducting cross-departmental meetings, encouraging participation in the Meet and Greet program, and continued participation in the Employers Partnership for Diversity may be carried out for little or no additional funding within existing staff levels and as other priorities allow. If further development of the action plan (especially changes to recruitment processes, training, awards program, etc.) is approved by the City Council, a budget impact will be prepared and shared with the City Council. If approved by the City Council this would become an enhancement proposal for consideration in the 2007/2008 fiscal year budget.

**RECOMMENDATION**

That the Human Services Committee accept the attached report and recommend next steps to the City Council.

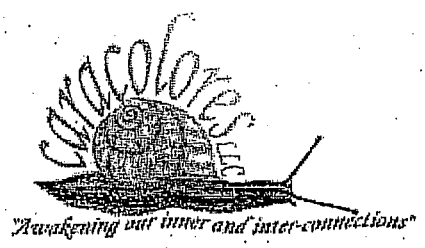
Jon Nelson, City Manager | Nancy Brewer, Finance Director | Scott Fewel, City Attorney

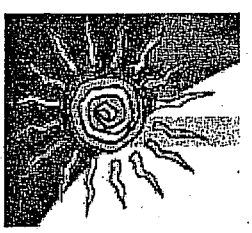
# City of Corvallis Assessment of Diversity Efforts

October 3, 2006

Ann C. Schauber

Amber Wilburn



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# Assessment of Diversity Efforts by the City of Corvallis

## Our Charge

To advance the City organizational value of "honoring diversity" by assessing organizational diversity efforts which will lead to a diversity action plan with doable goals and objectives.

**Findings at a Glance**

- Overall Diversity Climate of Uncertainty in the City Organization, which includes supportive and defensive as well as uncertain attitudes and perceptions. These attitudes and perceptions result in a hesitancy to move forward with diversity issues.
- Intercultural Sensitivity at the Minimization Stage, which means that overall employees have limited experience with cultural difference and believe that generally "all people are the same."
- City documents support a respectful workplace environment within the dominant cultural values
- Seasonal and casual employees feel that the city is a great place to work and that their supervisor respects them.

## Theoretical Framework of Assessment

The process of changing an organizational culture to become more inclusive of cultural differences is a slow, intentional process. Fundamentally, the change must include the development of intercultural competency of all employees. Central to the development of one's intercultural competency is the awareness that every one of us has a culture. Culture is defined as a complex system of learned beliefs, attitudes, perceptions, and customs which, when shared, make a group of people unique. Culture determines how things are done within a given group. It is rooted in tradition. Edward T. Hall, author and scholar, says *"There is an underlying, hidden level of culture that is highly patterned – a set of unspoken, implicit rules of behavior and thought that controls everything we do."*

We add to this complexity when we consider all of the dimensions of our diversity, as shown in the following diagram. Our own culture emerges out of the learned beliefs and values which come from each of these dimensions of

diversity – some more salient than others. Added to all of these dimensions are our individual personalities.

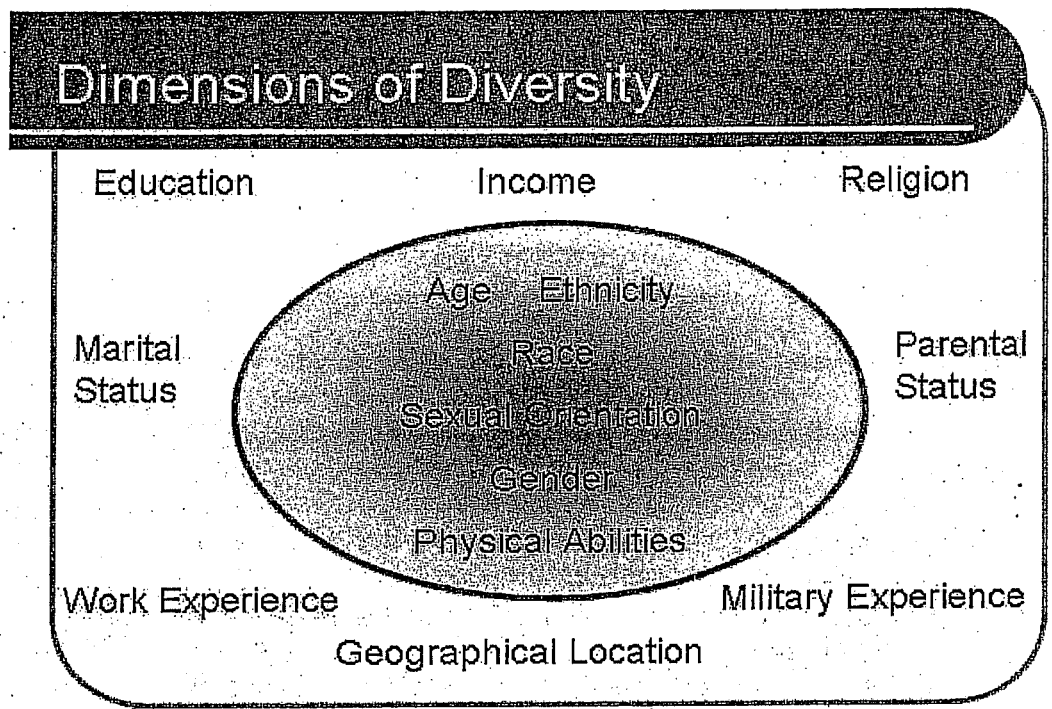


*Figure 1 – Dimensions of Diversity*

Where we are in our own intercultural development is the result of our life experiences. This is good. The process of becoming interculturally competent is an additive process, not one in which we are trying to take away anyone's beliefs or values.

While an organization is made up of individual employees, each of whom have a culture, the organization itself has its own culture which has evolved over time. Not only is there a City organization culture, but each department has its own culture.

Evidence of the organizational culture is found in its public language: the printed documents such as brochures that describe the organization's vision, values, and mission, and its policy and procedures manuals. Organizational culture changes very slowly. One reason is that the deeper values and beliefs implied in the language of the organization's culture may not be within the conscious awareness of the organizational members and leaders.

Organizational climate, which is integral to and yet only a part of an organization's culture, is easier to change than its culture. Organizational climate is found in the private language of the organization, such as the conversations about work among staff during coffee breaks. The organizational diversity climate is manifested in the attitudes and perceptions of the organizational members and the practices of the organization.

As the private language of an organization changes, the public language slowly begins to change as well. Thus, the key to changing the culture of an organization towards an effective multicultural perspective is to change the organizational climate.

If a mainstream organization wants to incorporate cultural diversity as a resource, it needs to begin by strategically focusing on what the current organizational climate towards diversity is. Organizations are made up of the people in them. Therefore, if the people do not change, then the organization cannot change. Determining an organization's climate involves three levels of analysis: the individual (employee), the groups (departments, units, program areas), and the overall organization.

This assessment looked at the organizational, departmental, and individual cultures within the City organization. The results are reported at the organizational and aggregate individual level (so as to maintain confidentiality). The organizational results are the City of Corvallis's Organizational Diversity Climate Dimensions. The aggregate individual results are the overall Stage of Intercultural Sensitivity Development. Both of these results provide insights on how to move the organization to become more "honoring of diversity."

**Assessment Tasks**

The following tasks were undertaken to assess the organizational diversity efforts of the city:

1. Conducted 11 focus groups at the departmental level (random sample with replacement, focus group with each department)
2. Conducted 14 interviews of City leaders (City council members, deputy City attorney, president of AFSCME, chair of MLK Commission, assistant City manager, head of Senior Services)
3. Audited City documents to assess organizational culture.
4. Surveyed small sample of seasonal and casual employees, and full time employees of color.
5. Analyzed data to determine the City Organizational Diversity Climate and the Overall Stage of Intercultural Sensitivity Development of the employees.

## Organizational Diversity Climate Findings

The following is a table of participants in the focus groups and interviews by department and category, followed by a presentation and discussion of the organizational diversity climate findings.

| Full Time Employees | Total | Invited | Attended | Refused | | |
|---|---|---|---|---|---|---|
| | | | | No Response | Conflict in Schedule | No Reason Given |
| **Departmental Focus Groups** | | | | | | |
| Community Development | 32 | 14 | 9 | 1 | - | 4 |
| City Manager's Office | 7 | 7 | 5 | 1 | - | 1 |
| Finance | 32 | 12 | 5 | 5 | 2 | - |
| Fire Group 1 | 61 | 8 | 0 | - | 8 | - |
| Fire Group 2 | | 7 | 7 | - | - | - |
| Library | 36 | 13 | 9 | 4 | - | - |
| City Managers (Group 1) | 52 | 13 | 10 | 1 | 1 | 1 |
| City Managers (Group 2) | | 16 | 8 | - | 8 | - |
| Parks and Recreation | 36 | 12 | 7 | 3 | 1 | 1 |
| Police (Group 1) | 66 | 12 | 0 | - | 12 | - |
| Police (Group 2) | | 10 | 7 | - | 3 | - |
| Public Works (Group 1) | 92 | 12 | 9 | - | - | 3 |
| Public Works (Group 2) | | 11 | 7 | - | - | 4 |
| **Interviews** | | | | | | |
| City Council Members | 9 | 9 | 8 | 1 | - | - |
| City Staff (Key Leaders) | 5 | 5 | 5 | - | - | - |
| TOTAL | 428 | 147 | 96 | 16 | 35 | 14 |

*Table 1- Focus Group and Interview Participants*

### Presentation and Discussion of Findings

The focus group and interview discussions were analyzed to identify employee and city leaders' attitudes and perceptions about diversity which were categorized into organizational climate dimensions. These dimensions were supportive of diversity, defensive toward diversity, and uncertain about diversity. We found nine supportive dimensions, six defensive dimensions, and six uncertain dimensions to the City of Corvallis's Diversity Climate. Three of the supportive dimensions do not directly relate to diversity, but they do relate to a

positive work climate. The following sections describe each dimension with excerpts from the focus group and interview transcripts:

### *Supportive Diversity Climate Dimensions*

*A supportive diversity climate consists of organizational members' attitudes and perceptions which are supportive of cultural groups other than the dominant cultural group in the organization both as staff and clientele.*

1. ***Diversity adds more and different perspectives*** – the perception that as people from a wider variety of cultural backgrounds begin to work for the City, a wider variety of ideas will be brought to the organization.

   *Excerpts from the transcripts:*

   *You get different perspectives on everything, if they were raised from a different culture...and ideas, a new way to do things.*

   *Wider range of attitudes. Different perspectives.*

   *...just be a more interesting organization...the more perspectives you bring, the more interesting life is....*

2. ***Like working with people*** – the attitude that staff enjoy working with their co-workers and the public.

   *Excerpts from the transcripts:*

   *People just always bring exciting new things that you hadn't heard about before...*

   *It's the people I like working with....*

3. ***Diversity brings richness and a better product*** – the perception that the contribution of people's more diverse perspectives will lead to better outcomes.

   *Excerpts from the transcripts:*

   *...learning opportunities...opportunities to produce better products...you make better decisions.*

*...have an open environment where people feel free to speak and that values diversity of opinion...brings a richness to the dialogue...makes it a healthy place for people to work, makes it a place where people want to stay...*

4. ***Enjoy variety in my work*** – the perception that staff enjoy their jobs.

   *Excerpts from the transcripts:*

   *I like the variety in my work.*

   *I enjoy the variety I get in my position...*

5. ***Need for Training*** – the perception that staff need training in how to work with more culturally diverse groups.

   *Excerpts from the transcripts:*

   *...for our work group to be responsive and be able to work together, we again need some kind of interaction or educational piece...*

   *...we need more opportunities to learn foreign languages...all kinds of training that's on City time...*

   *I would be interested in some kind of workshop situation where people who are in minority populations...talk directly about what is bad and what is good for them....*

6. ***City organizational culture supports diversity in sexual orientation*** – the attitude that employees are accepting of gay and lesbian staff.

   *Excerpts from the transcripts:*

   *We're at a point now where we have gay police officers that are open, recognized; it's not even thought of anymore.*

   *State recognizing domestic benefits...has helped ...gay women are more acceptable, in the City and in my workplace. I have never felt second class.*

7. ***A more diverse staff will serve the community better*** – The perception that the City will better serve the needs of the growing minority populations with a staff who represent and are sensitive to their needs.

   *Excerpts from the transcripts:*

   *...better connection to our community for us if we have someone who knows how to speak Spanish...lends a degree of legitimacy in the public's eye, to see that representation.*

   *You have a better understanding of the people in your community and what they want and need...enhancing community livability...make it more of a place that people would want to come...*

8. ***The need to recruit a more diverse staff*** – the perception that current strategies for hiring staff may need to be adjusted to more intentionally diversify the staff.

   *Excerpts from the transcripts:*

   *Maybe we need some type of recruitment that would better able us to reflect the cultural and gender diversity of the community.*

   *Business as usual is not going to get us a workforce that we need to have to best match with the direction we're going in the future...We need to think about different tools and approaches that will provide different results.*

9. ***The City is a good employer*** – the attitude that the City offers good salaries and benefits and is generally a good place to work.

   *Excerpts from the transcripts:*

   *I feel that we're a pretty good organization to work in currently, and I've been struggling all day with reasons why we aren't and giving you good ideas on how we can get better. I don't have any.*

   *People like working (here), it's a healthy environment. We have good pay and benefits, good working conditions.*

## Defensive Diversity Climate Dimensions

*A defensive diversity climate consists of organizational members' attitudes and perceptions which are resistant to including culturally diverse groups other than the dominant cultural group in the organization either as staff or clientele.*

1. ***Quota anxiety*** – the perception that hiring people of color in the organization is to meet a quota rather than based on qualifications. As a result, people of color enter the organization under suspicion by current employees that they are not fully qualified for their jobs. There is a perception that the people of color have an advantage in the hiring process and that hiring is no longer on a "level playing field."

   *Excerpts from the transcripts:*

   *I don't think you should actively recruit any particular ethnic group, gender, or whatever. I think it's just across the board, you put a blanket request for an opening...come in on their own merit.*

   *...the whole diversity issue is not a factor in what you're doing with your recruitment process...you're looking at the qualifications of the individual...*

   *I really hate, quite frankly, to go after group X because we don't have enough of X in that organization.*

   *...if a person from a minority group was hired and we perceived it as 'well, we had to meet a quota and somebody got passed over that was more qualified...the person coming in would have a huge barrier....*

2. ***Not enough time, money, or people to do work*** – the perception that staff have been asked to do more with less as fiscal resources become tighter. For any diversity effort to be successful, time, money, and people will be required.

   *Excerpts from the transcripts:*

*...I wonder if there's really time to do that (learn how to relate to another's culture) or if we're all so busy in our jobs that we'll all just plowing along doing it our own way.*

*A challenge is... having enough employees to do the job.*

*We have staff shortages; staff work overtime.*

3. ***Language and accent barriers*** – the perception that staff cannot adequately serve people who speak a language other than English or that hiring people who have heavy, thick accents will negatively affect staff performance.

   *Excerpts from the transcripts:*

   *It's always a challenge when someone comes to the counter and doesn't speak English...a patron would bring his little girl to translate. So, you're trying to explain these somewhat complicated things to an 8-year old.*

   *If English is a second language for people, that could be an issue; maybe they have an accent that is a little hard for others to understand or they have trouble understanding our accents; maybe a lot of our work is written communication and it needs to be clear and precise...*

4. ***We are all the same, just people*** – the perception that race, ethnicity, and other cultural differences do not matter. The belief that we are all the same may create a pressure for conformity perceived by people of color, who then try to hide who they are in order to survive.

   *Excerpts from the transcripts:*

   *It's hard for me because I don't think in black and white; people are people to me.*

   *I think working with diverse groups, they have the same skills as you have, they're no different, as far as a person isn't any different than you are.*

5. ***Fear that diversity will not include me*** – the perception that White people will lose status in the efforts toward creating more inclusive organizations.

   *Excerpts from the transcripts:*

*...there's a little voice that says (I don't want) my diversity to get lost in the overall diversity.*

*The way the City deals with religious holidays is to completely ignore them. I think, there may be other ways to approach that...(as a Christian who celebrates Christmas).*

*...we hurt ourselves more when we are constantly trying to be diverse...In doing that, making people who may be in the majority and who may have been excluded before feel left out...*

6. ***Equate diversity with political correctness which "rubs me the wrong way"*** – the perception that diversity is about saying what is the currently acceptable thing to say, which tends to limit one's true opinions. This perception runs counter to the positive intentions of the organization and results in discounting the merits of diversity. This perception suggests how we "should" be acting, which implies it is not really what we want to do. Someone is forcing me to do this, because somebody else thinks it is the proper way.

   *Excerpts from the transcripts:*

   *...some of the people want to be so PC because they are so educated that they go overboard and really when I look at this and I look at the numbers, I think as a City we're doing very well.*

   *...being politically correct has become a big thing now in the last ten to twelve years. Before then, if you saw something that offended you or heard something that offended you, you turned your back or walked away from it or just tuned it out.*

   *If you include the minorities who work in the City and put them in this focus group that would not be politically correct because then they'd feel they were singled out.*

## Uncertain Diversity Climate Dimensions

*An Uncertain diversity climate consists of attitudes and perceptions within the organization, which are neither supportive nor defensive, but rather indicative of a state of hesitancy due to numerous barriers.*

1. ***Fear of offending someone and misunderstanding meaning in communication*** – the attitude that we might say something which was not intended to be offensive to someone who is culturally different but was

interpreted to be offensive as well as the perception that communication with people who come from differing cultural backgrounds may carry differing meanings on either side which result in misunderstandings.

This attitude and perception result in a hesitancy to communicate with culturally different others.

*Excerpts from the transcripts:*

*You make a comment not meaning to hurt someone's feelings...can be interpreted in different ways...which may be insulting and cause friction.*

*Putting your foot in your mouth...being disrespectful and not knowing it. Doing something that might offend when certainly you didn't intend to.*

*...there will be misunderstandings. Different cultures have different understandings about what constitutes respect....a few regulations where our City regulations conflict with cultural traditions...*

*..trying to explain things so that they will understand it...if you try to give an analogy as to why we do something...to make it so they'll understand it without disrespecting their culture or religion.*

2. ***Corvallis is a highly educated, white community. There is no diversity in Corvallis*** – perception that City government exists in a community where there is not a lot of diversity. Therefore, it would be difficult to hire a diverse workforce from Corvallis. So why is the City concerned about diversity? Also, a perception that a highly educated, white citizenry has a lot of input into City governance.

   *Excerpts from the transcripts:*

   *We have a very White staff, we live in a very White community, I'm not even sure there's that much economic diversity in this community relative to others...in Corvallis, there are a lot of well-to-do upper-middle-class White people...*

   *...this is an expensive place to live and if you're talking about 90% White people, what's the lure for minorities to live here?*

   *...this kind of study is driven by whether we have a diverse group ethnically vs. whether or not...we don't have – if you look at our stats in Corvallis – we aren't diverse.*

*I haven't really seen any changes that indicate Corvallis is becoming more diverse.*

3. ***Limited understanding of what diversity is*** – the perception that diversity is mostly diversity of thought, even though other cultural dimensions were mentioned. Participants rarely mentioned the word "race" in defining diversity and appeared uncomfortable in choosing words to define diversity.

   *Excerpts from the transcripts:*

   *It's almost like we're looking to put labels on things that don't much matter. I like the idea of diversity of thought.*

   *Trying to understand defining cultural diversity…It seems that you are looking at just cultural diversity and I'd like to know how you define diversity.*

   *I don't know that you necessarily have to have diversity based on skin color or race.*

   *Diversity to me means just a variety of different things…it could be diversity in your socks or racial diversity….*

   *Our Council is kind of diverse…Even though we don't have Colored, people of color, we have women, we have characters….*

4. ***Diversity brings potential for conflict*** – the perception that the greater the differences, the greater the possibility for conflict.

   *Excerpts from the transcripts:*

   *A diverse organization promotes conflict, just based on diversity.*

   *You might have more conflict but it may not be as deep because you'll have the resources to resolve and work through it.*

   *If you have actual diversity, the first and greatest conflict will be between people whose deeply held beliefs are opposed to each other…*

5. ***No apprehensions about working with cultural differences*** – the perception that there is nothing to worry about in working with culturally different others. This could imply a lack of experience working with cultural

groups other than one's own or it could imply an openness to issues of cultural complexity.

*Excerpts from the transcripts:*

*It's hard to have a worry about something that you really haven't had to deal with in the workplace. We're all White.*

*I don't personally have a lot of apprehensions or worries about working with people.*

6. ***Our group is already diverse*** – the perception that while there may not be ethnic diversity in the work group, the group is still diverse. While at first glance, this may be seen as a supportive dimension, the statements in the transcript imply a limited awareness of the impact of differences in values, beliefs and communication styles among racial, ethnic, and other cultural groups.

   *Excerpts from the transcripts:*

   *I think we currently have…a very diverse work group. They're predominately White males, they're all White males, …but I've got people from different socioeconomic backgrounds, states, age groups, religious convictions to none at all….*

   *We don't have a diversity in ethnicity, we do have a diverse group in a lot of ways – where we've come from, our experiences….*

## Organizational Diversity Climate Dimensions
### *City of Corvallis*

| *Supportive* | *Uncertain* | *Defensive* |
|---|---|---|
| Diversity adds more and different perspectives (84%) | Fear of offending someone or misunderstanding meaning in communication (71%) | Quota Anxiety (64%) |
| Like working with people (67%) | Corvallis is a highly educated, white community. There is no diversity in Corvallis (65%) | Not enough time, money, or people to do work (64%) |
| Diversity brings richness and a better product (56%) | Limited understanding of what diversity is (43%) | Language and Accent Barriers (58%) |
| Enjoy variety in my work (51%) | Diversity brings potential for conflict (31%) | We are all the same, just people (37%) |
| Need for Training (49%) | No apprehensions about working with cultural differences (29%) | Fear that diversity will not include me (23%) |
| City organizational culture supports diversity in sexual orientation (47%) | Our group is already diverse (24%) | Equates diversity with political correctness which "rubs me the wrong way" (26%) |
| A more diverse staff will serve the community better (41%) | | |
| The need to recruit a more diverse staff (37%) | | |
| The City is a good employer (30%) | | |

* Percentages relate to the frequency of statements in the focus groups and interviews combined. Focus groups were given twice the weight of the interview to account for difference in group vs. individual responses.

*Figure 2 – Organizational Diversity Climate Dimensions*

### Dynamic Interplay of Supportive and Defensive Dimensions

When we consider the supportive and defensive climate dimensions from an overall perspective, we recognize that four of the supportive dimensions in interaction with four of the defensive dimensions move these dimensions into the uncertain category. For example, City employees believe that diversity adds more and different perspectives, and those perspectives may be lost if employees misunderstand the meanings of someone who is culturally different. If there is a language or accent barrier, then City employees cannot appreciate the richness that diversity brings. Hiring a more diverse staff may be considered suspect by those who are experiencing quota anxiety. Recruiting a more diverse staff will take a commitment of time, money, and people. Through this dynamic interplay, the four categories from the supportive and defensive columns move to the uncertain column. As you consider all of the dimensions, you may find others that interact with one another.

| | |
|---|---|
| Diversity adds more and different perspectives → | Fear of misunderstanding meaning in communication |
| Diversity brings richness and a better product → | Language and Accent Barriers |
| A more diverse staff will serve the community better with → | Quota Anxiety |
| We need to recruit a more diverse staff → | Not enough time, money, or people to do work |

*Figure 3 – Dynamic Interplay of Climate Dimensions*

These interactions result in five supportive dimensions, three defensive dimensions, and ten uncertain dimensions. There is an overall sense that the Organizational Diversity Climate is one of uncertainty, that is, a hesitancy to move forward. Insight into this hesitancy comes out of an examination of the Stage of Intercultural Sensitivity.

## Stage of Intercultural Sensitivity Development

***The Path to Intercultural Competency***

The construct of intercultural sensitivity is based on the premise that everyone has a subjective culture, that is, a set pattern of beliefs, values, and behaviors that are maintained by a group. Differing groups, say a national, racial, or ethnic group, have differing subjective cultures. Intercultural sensitivity, as defined by Milton Bennett, is how we understand and experience intercultural differences at this cultural level.

The construct of intercultural sensitivity is about developing an ever increasing awareness of differences that affect communication among differing cultural groups. With an increase in intercultural sensitivity, the assumption is that a person's intercultural communication skills will also increase. The result is effective cross-cultural communication, the building blocks for a more inclusive organization.

We can see the path to intercultural competency as a developmental learning process. This implies that it is possible, for everyone who is willing, to take the steps forward to learn to become interculturally competent.

Underlying a person's intercultural sensitivity is the degree to which each has experienced difference and how ethnocentric the person is:

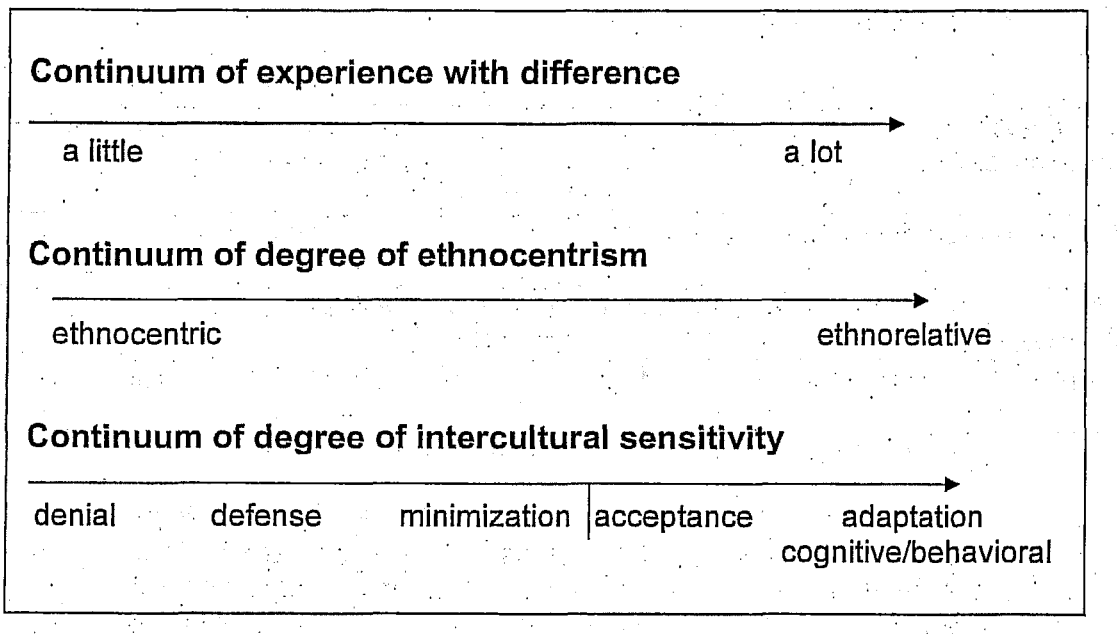


*Figure 4 – Continuum of Differences*

The three continuums in Figure 1 tend to parallel one another. The third continuum, the developmental model of intercultural sensitivity, is a continuum of development in a person's acknowledgment of difference. On one end of the continuum is "Ethnocentrism," which consists of three stages, --- **denial** (a lack of acknowledgment of difference), **defense** of one's personal reality as the one true reality, and **minimization** (a recognition of difference but with a greater importance perceived in our commonalties).

From "ethnocentrism", the continuum moves toward "ethnorelativism" which also has three stages- acceptance, cognitive and behavioral adaptation.

The **acceptance** stage focuses on an awareness of the integrity of all cultures which includes one's own.

- At the behavioral level of acceptance, an individual recognizes and respects differences for cultural variations in linguistics and communication style.
- At the value level, individuals in this stage recognize and respect differing values among cultural groups.

The next stage is **adaptation,** which consists of having competence in relating to people of differing cultures. It is an additive process, not a substitutive one: one does not give up one's own culture, but rather expands one's scope of awareness. This stage consists of cognitive and behavioral adaptation:

- Cognitive adaptation includes the skill of empathy which is defined as being able to take another person's cultural perspective.
- Behavioral adaptation includes pluralism, which is defined as having two or more frames of reference. People who are bicultural or multicultural have a pluralistic perspective.

There is no ideal place to be on the continuum; it is one way of understanding why people behave in the way that they do. (*See Figure 5 on page 19).* Even more, it is a guide for organizational change leaders. If a leader must balance challenge and support in moving employees to the next level of complexity in how we think about and act around cultural differences, this intercultural sensitivity model suggests how to accept employees where they are in relation to their attitudes toward difference. The model helps leaders know what the next steps are to help the employees increase awareness and to ultimately bring about intercultural competence. These steps will be discussed in more detail in the recommendations.

## Stages of Intercultural Sensitivity Development

**Denial** is the first ethnocentric stage in which a person does not have categories for differences or sets up barriers to create distance from the "other".

> **What People Say:** Society would be better off if people kept to themselves.

**Defense** is an ethnocentric stage in which difference is seen as a threat. It protects privilege and the superiority of one's own culture. It includes negative stereotyping. It can also be a protection of one's own identity.

> **What People Say:** People from other cultures are generally inferior compared to people from my culture.

**Minimization** is an ethnocentric stage in which it is believed that people are all the same. Cultural differences are seen as differences within the perspective of one human reality, and that reality is one's own reality.

> **What People Say:** I am sick and tired of hearing all the time about what makes people different; we need to recognize that we are all human beings, after all.

**Acceptance** is an ethnorelative stage in which cultural differences are both acknowledged and respected.

> **What People Say:** I am fascinated by differences between myself and people from other cultures.

**Cognitive Adaptation** is an ethnorelative stage in which an individual recognizes the value of having more than one cultural perspective. It is about empathy.

> **What People Say:** When problems arise, I often analyze the problems from two or more cultural perspectives.

**Behavioral Adaptation** is an ethnorelative stage in which an individual is able to comfortably take on the behaviors of two or more cultures.

> **What People Say:** I adapt my manner of communication with people depending on their cultural background.

***Based on a model by Milton Bennett and Mitchell Hammer***

*Figure 5– Stages of Intercultural Sensitivity Development*

## Findings of the Stage of Intercultural Sensitivity

After each focus group and interview, and after reviewing the transcripts, Amber and Ann categorized the statements made in each focus group and interview to determine the predominant stage of intercultural sensitivity.

We found no evidence of the Denial stage and almost no evidence of the Defense stage. The Minimization stage was clearly evident, characterized best by the statement "People are people, we are all the same." It is worth noticing that in the two focus groups that included participants who were not White, the statement that people are all the same was not made. Also, the three focus groups of departments (police, library, and parks) which currently serve the most diverse populations did not say that people are all the same. Nonetheless, there were other minimizing statements made by all of these focus groups.

There was some evidence of the Acceptance stage of difference and a few focus group members and interviewees made statements that would indicate the Adaptation stage of difference. Measuring an organization's intercultural sensitivity is not a simple task, because a person may be in acceptance or even adaptation around one dimension of diversity but in minimization or defense in regard to another dimension of diversity. For example, a person might be in acceptance and even adaptation with gender differences and at the same time be in defense or minimization with racial differences.

In this assessment, we found people rarely using the word "race." They would use other words such as "those statistics" or the "demographics." People appeared more comfortable saying "sexual orientation" than "race."

Other than comments that minimized differences, we also heard comments which suggested that the participants were unaware of their own culture. These statements were indicated by comments which included "those people" or "they're the ones who don't get it" which indicates that diversity is about others, not about me. Ultimately, any efforts made by individuals or the organization must address an awareness of the self as a person who has a cultural world view. Diversity, in essence, is about "us" not "them." There were some exceptions, in which reference was made to one's own culture. On five occasions, men mentioned their "White male lens" and one participant said, "What do twelve White guys know about diversity?"

Overall, the stage of Intercultural Sensitivity is likely to be one of minimization. The advantage of identifying the stage of intercultural sensitivity is that it gives clues about how to move the organization forward. We will discuss these in the recommendations.

More than 70% of respondents (75.6%, N = 34), either agreed or strongly agreed that they felt their work is appreciated.

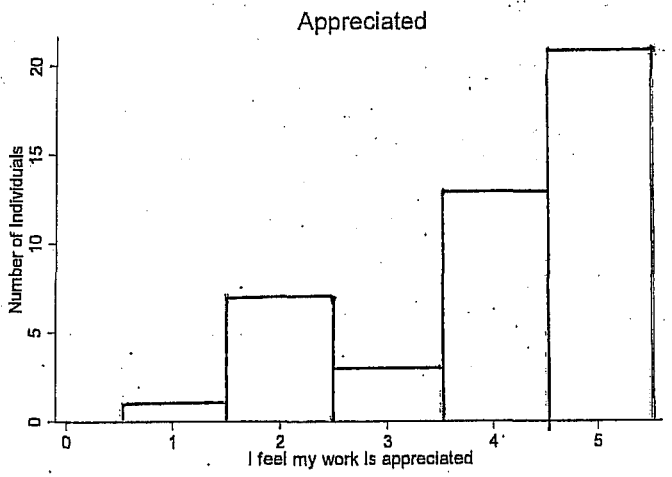


*Figure 11- I feel my work is appreciated*
*(Scale: 5-strongly agree; 4-agree;3 slightly agree; 2 disagree; 1strongly disagree)*

Seventy-seven percent of males and 73.3% of females felt this way, while the transgendered individual did not; more than 70% of each age group either agreed or strongly agreed with the statement; 88.% of seasonal employees, 54.5% of casual employees and 75% of full-time employees either agreed or strongly agreed; and 76% of White employees either agreed or strongly agreed (16% either disagreed or strongly disagreed), 50% of African American employees either agreed or strongly agreed (50% disagreed or strongly disagreed), 50% of Asian American employees agreed (25% disagreed or strongly disagreed) and 100% of both Latino/Hispanic and Native American employees either agreed or strongly agreed with the statement.

The question with the most variation was the final question regarding whether the respondents thought the City of Corvallis would be a great place to work as a permanent employee. Sixty-four percent of respondents either agreed or strongly agreed with the statement while 28.9% (N = 13) either disagreed or strongly disagreed with the statement. Casual employee respondents, however, had the greatest disagreement for this statement with 63.6% (N = 7) indicating they disagreed or strongly disagreed that the City would be a great place to become a permanent employee whereas 22.2% (N = 6) and 0% of seasonal employees and full-time employees, respectively, disagreed or strongly disagreed with the statement. Fifty-eight percent (N = 15) of males and 73.3% (N = 11) of females either agreed or strongly agreed while 30.7% (N = 8) of males, 20% (N = 3) of females and 100% (N = 1) of transgendered individuals either disagreed or strongly disagreed. Fifty percent of employees in the 22 years and

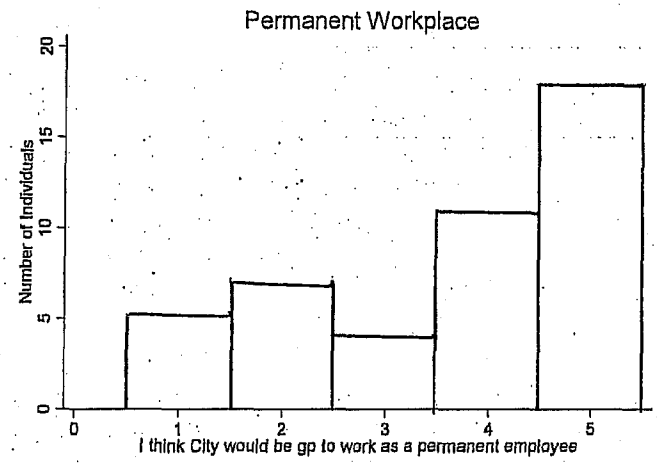


*Figure 12- City as a permanent workplace*
*(Scale: 5-strongly agree; 4-agree;3 slightly agree; 2 disagree; 1strongly disagree)*

under age group and 53 year and older age group either agreed or strongly agreed (50% of both groups disagreed or strongly disagreed). Among White employees, 60% either agreed or strongly agreed with the statement, whereas 32% disagreed or strongly disagreed; 50% of African Americans strongly agreed while 50% where uncertain (a circled response of both disagree and slightly agree); 50% of Asian American employees either agreed or strongly agreed. (50% disagreed or strongly disagreed) and 100% of Latino/Hispanic and Native American employees either agreed or strongly agreed with the statement.

All other questions received favorable responses as well with at least 60% (N = 27) of respondents agreeing or strongly agreeing with the statements. Though overall the responses were positive, when breaking down these questions by groups (age, gender, race, sexual orientation and work-type) we find disparate perceptions. For example, the transgendered individual responded as either agreeing or strongly agreeing with only 2 statements ("My own work is recognized" and "My Supervisor is committed to making the work environment free of offensive behavior") and uncertain to 1 statement ("I think that the City of Corvallis would be a great place to work as a permanent employee). The uncertain individual responded affirmatively to 2 statements ("I feel that my work is recognized" and "My supervisor is committed to making the work environment free of offensive behavior") and uncertain to 1 statement ("I think that the City would be a great place for me to work as a permanent employee"). The bisexual individual responded positively to all eight statements.

With regards to age group, 60% of respondents 53 years and older either "slightly" agreed with question 6 ("I am respected by my co-workers), whereas

14.3% of employees 43-52 years, 18.2% of employees 22 years and under and 0% employees 23-43 years old felt similarly.

Of Seasonal employee respondents, 14.8% either disagreed or strongly disagreed with statement 2 ("I feel respected as a City employee) and 18.5% slightly agreed with the statement. Likewise, 9% (N = 1) of casual employees respondents disagreed with the statement and 54.5% slightly agreed. Exactly 36.4% of causal employee respondents and 7.4% of seasonal employee respondents disagreed or strongly disagreed with statement 5 ("My own work will lead to recognition as a good performer"). All full-time employee respondents agreed or strongly agreed with that statement.

Finally, with regards to race, 50% of the African American respondents disagreed with statements 1 ("I feel that the City of Corvallis is a great place to work"), 2 ("I feel respected as a City employee"), 3 ("My supervisor treats me with respect") and 4 ("I feel that my work is appreciated"); 25% of Asian American respondents disagreed with statements 4 ("I feel that my work is appreciated") and 7 ("My supervisor is committed to ensure the work environment is free of offensive behavior") and 50% disagreed or strongly disagreed with statement 8 ("I feel that the City would be a great place to work as a permanent employee"). All of the Native American and Latino/Hispanic respondents either agreed or strongly agreed with all statements. *Cross tabulated data and graphs can be found in Appendix.*

Overall, the survey responses indicate that City of Corvallis employees (full-time, seasonal and casual) have a positive perception of working as City employees. However, when looking at the data broken down by groups (race, age, sexual orientation, work type and gender), different findings do arise. Employees of color (particularly African American and Asian American employees), seasonal employees, transgendered employees, employees who are uncertain about their sexual orientation and employees 22 years and under and 53 years and over had the least positive perceptions about working within City.

**Limitations of Survey Sample**

We administered the survey late in the season and many employees had already completed their employment with the city. Thus, we missed the opportunity to survey a more diverse group. Because of the varying schedules of the employees, we left the survey with a supervisor for employees to complete when they came in for their shift. Thus, we do not know the conditions under which employees completed the survey which raises questions of confidentiality and validity. Also, there is such a small number of full-time Employees of Color, that maintaining confidentiality is a challenge. Finally, there were no employees who identified as part-time or homosexual in our survey sample.

## Overall Assessment Discussion and Recommendations

There is always a risk in conducting focus groups and interviews that people will tell you what they think you want to hear rather than letting you know exactly what they think and feel. We were reminded of this after one focus group. One participant had talked very positively about diversity. After the focus group, we were putting away the equipment when this participant returned to ask Amber if she was the "token" Black person that the City hired to do this diversity work. Ann was not asked if she was the "token" White person hired by the City.

While we admire this participant for saying what was on her mind, how she said it was hurtful. Her assumptions were degrading to Amber and to the City. We do not think she knew the impact of those few words.

Thus, our conclusions are based on what we heard, fully recognizing there may be more that we did not hear.

The City employees are a part of a predominantly White organization. While some employees have grown up in much more culturally diverse communities, others have had very limited experience with people from cultural groups other than their own. Everyone is doing the best they know how, given their life experiences. With this in mind, we offer the following recommendations to move the City organization towards greater pluralism:

1. Capitalize on the supportive climate dimensions to develop strategies for moving the underlying perceptions in the defensive and uncertain dimensions towards a more supportive climate. We can discuss ways to do this in the action planning process.
2. Develop a realistic multi-year diversity action plan which includes
    - An innovative recruitment strategy
    - An all-staff development plan which focuses on developing intercultural competency skills to move from minimization towards acceptance and adaptation. (See the Path to Intercultural Competency in the Appendix).
    - Provide cross-cultural conflict management training for managers, after initial staff development is completed
    - Strategies for how to legitimize new more culturally diverse staff into the work group
3. Establish an annual diversity award to acknowledge work that departments and individuals are doing. Recognize positive behaviors and programs which respect and support cultural diversity. Involve City staff in identifying these positive examples. Current examples found in the focus groups and interviews include:
    - Library's efforts to give library cards to homeless persons; teach staff Spanish and encourage them to practice with patrons,

## Appendix 1: The Path to Intercultural Competency

The steps to learning how to become interculturally competent include:

1. See your own culture.
2. See and accept cultural difference as valid.
3. Know how to think about cultural difference.
4. Know how to interact in a mutually adaptable manner with culturally different others.

**Skills which those in *minimization* are ready to learn:**

- Cultural self awareness
- Expanding their sense of perception
- Cultural general information
- Learning how to be open-minded and non-judgmental when they are interacting with others
- Developing their listening skills

**Skills which those in *acceptance* are ready to learn:**

- Cultural specific information
- Deepening cultural self awareness
- Learning how to shift one's frame of reference so as to respect the other's values and beliefs, to be flexible in thinking about issues (to see from more than one context), and to become more comfortable with ambiguity
- Developing intercultural empathy

How leaders **support** those who are in **minimization**:

- Recognize that they will be very positive, nice, agreeable and want everyone to just get along. They think that there is one universal way that we can all live together in harmony. Without realizing it, they define that one universal way as the way **they** see the world, as the right way for everyone. They generally accept institutionalized privilege.
- Emphasize cultural self-awareness and how our perceptions can be limiting. They need to develop categories and frameworks for seeing differences.
- Open their curiosity to want to know more about groups who are different from their own cultural group.

How leaders **support** those who are in **acceptance**:

- Recognize that they will have a sense of self as a person with a culture, and they will be curious to learn about other cultures. They want to know what to do when interacting with other cultural groups. They tend to avoid exercising power in affecting institutionalized system change because they don't know what to do.
- Present cultural specific information including value differences.
- Help them begin to learn to shift their frame of reference depending upon the situation.
- Provide opportunities for them to experience difference.

## Appendix 2: Definition of Terms

**Assimilation** – a process of being absorbed into a culture; usually refers to minority or immigrant groups becoming part of the mainstream society.

**Bicultural** – people who were born into, or who have acquired, two different cultural identities and who can successfully switch back and forth between them, both in their thinking and their actions.

**Class** – a group within a society that shares a common socioeconomic background and thus tends to share common tastes, behaviors, and aspirations.

**Culture** – a complex system of learned beliefs, attitudes, perceptions, and customs which, when shared, make a group of people unique. Culture determines how things are done within a given group. It is rooted in tradition.

**Diversity** – the range of different cultures present in a given group or organization.

**Empathy** – the ability to put oneself in another's position, to relate to another's feelings and point of view; recognized as a key skill for effective intercultural communication.

**Equality** – the state of having the same capability, quantity, effect, or value as another; having the same privileges, status, or rights.

**Ethnic** – of or pertaining to a recognized group of people based on certain distinctive characteristics such as religion, language, ancestry, culture, or national origin.

**Ethnicity** – the characteristic of belonging to a particular ethnic group.

**Ethnocentrism** – a belief in the inherent superiority and naturalness of one's own culture over all other cultures.

**Ethnorelativism** – a belief that differences in beliefs, attitudes, perceptions, value systems and behavioral norms are legitimate, non-threatening, and to be respected.

**Gender** – a person's psychological and emotional identity as a male or female. One is born with a sex but raised with a gender.

**Inclusion** – the act of involving and welcoming "others" with respect as part of a group.

**Institutionalized racism, sexism, homophobia, etc.** – a form of discrimination built into the structure of an entire society such that certain groups are advantaged over others.

**Intercultural communication** – communication among people of different cultural backgrounds by both verbal and nonverbal means.

**Mainstream culture, dominant culture** – the cultural group possessing sufficient economic and political power to determine the nature and direction of a given society. Usually the dominant culture is the one in the numerical majority, e.g., white European Americans in the United States.

**Minority** – refers to a group of people in the numerical minority as well as a group with less power in a society. Minority implies "lesser" or "subordinate".

**Multiculturalism** or **cultural pluralism** – an ideal in which diverse groups in a society coexist amicably while each maintains its own cultural identity.

**Oppression** – the systematic and pervasive mistreatment of individuals on the basis of their membership in various groups which have been disadvantaged by the institutionalized imbalances in a social power in a particular society.

**People of Color** – refers to nonWhites, especially Americans who are of African, Native, Hispanic, and Asian descent, and emphasizes their solidarity. Term gained popularity in the 1980s.

**Prejudice** – a precedent or a judgment based on previous decisions and experiences with little or no regard to the current situation.

**Race** – a term used to classify people into broad groups according to inherited physical characteristics, e.g., Mongoloid, Caucasian, and Negroid races. The term is widely used and has sociological and historical usefulness, but anthropologists and scientists generally agree that the term has no scientific validity and that there are no clear-cut distinctions among races.

**Racism** – attitudes, actions, or institutional practices backed up by institutional power; which subordinates people because of their color.

**Sexual orientation** – one's sexual inclinations; usually preferred by homosexuals to sexual preference, since the latter indicates there is choice, whereas many gays and lesbians believe they were born homosexual.

**Stereotype** – an oversimplified, generalized image describing all individuals in a group as having the same characteristics, i.e., appearance, behaviors, beliefs, and/or values. The image usually represents an exaggeration of that characteristic, one that people from that group would not hold as true.

## Appendix 3: City of Corvallis as an Ideal Diverse Organization

The focus group and interview question: "What constitutes an ideal diverse organization?" drew reflective responses. These responses might be considered in organizationally determining what the City of Corvallis would be as a culturally diverse organization. We have compiled most of the responses below.

### *What participants said*

- Can't go by quotas, but hire to bring some diversity which represents the regional community.
- Reflects the various diversities within your general population; a welcoming place to work; contributions are valued; focused on doing a good job and not on ambient unpleasantness.
- Hire the best people with an eye to diversify the organization along protected class lines.
- Ideas could float to the surface and be honored; that is difficult.
- Process that encourages people to put out different ways of doing stuff; have flexible hours; safe office environment for everyone.
- Represent the community; have outlets for people to discuss issues.
- No barriers of access for all community members; treated fairly.
- Diversity is transparent; foster people to grow.
- Ability to capitalize on different perspectives and put them to use to achieve goals.
- Would have some people of color; different religions and other differing cultures; people would feel comfortable bringing elements of who they are to work.
- Mature enough to accept viewpoints of all of its members and recognize that all viewpoints does not mean agreement.
- As diverse as the population at large.
- Cohesive workforce which is respectful of one another; people are happy; differences are appreciated; conversations can be had without people jumping to conclusions.
- A goal you will never meet.
- Don't have to have diversity based on skin color or race; everyone brings something different to the table.
- Reflects the population of the City.
- Shouldn't see any differences in color or religion; shouldn't matter; see people as people.
- You don't even talk about it; anything outside of performance, ethical character and behavior doesn't matter.
- Approximately mirror the population; you'd have a better and more confident staff; one able to recognize needs of the community and meet those needs.
- One that doesn't think about it's diversity.
- Don't know.
- The Corvallis Police Department.
- People are people; should take care of itself.

## Appendix 4: Survey Responses – Cross tabulated

### A. Gender based responses:

**a. Feeling that the City of Corvallis is a Great Workplace***

| | | Great workplace | | | | | | Total Count |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 4.5 | 5.0 | |
| gender | male | 1 | 0 | 6 | 8 | 0 | 11 | 26 |
| | female | 1 | 0 | 3 | 5 | 0 | 6 | 15 |
| | transgender | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| | decline to respond | 0 | 0 | 0 | 0 | 1 | 2 | 3 |
| Total | | 2 | 1 | 9 | 13 | 1 | 19 | 45 |

**b. Feeling of being respected as a City employee**

| | | Respected | | | | | Total Count |
|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 5.0 | |
| gender | male | 1 | 2 | 5 | 7 | 11 | 26 |
| | female | 1 | 1 | 6 | 1 | 6 | 15 |
| | transgender | 0 | 1 | 0 | 0 | 0 | 1 |
| | decline to respond | 0 | 0 | 0 | 2 | 1 | 3 |
| Total | | 2 | 4 | 11 | 10 | 18 | 45 |

**c. Feeling that Supervisor respects employee**

| | | Supervisor Respect | | | | | | Total Count |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 3.5 | 4.0 | 5.0 | |
| gender | male | 3 | 0 | 1 | 0 | 7 | 15 | 26 |
| | female | 0 | 0 | 2 | 1 | 2 | 10 | 15 |
| | transgender | 0 | 1 | 0 | 0 | 0 | 0 | 1 |
| | decline to respond | 0 | 0 | 0 | 0 | 0 | 3 | 3 |
| Total | | 3 | 1 | 3 | 1 | 9 | 28 | 45 |

### d. Feeling that one is appreciated

| | | appreciate | | | | | Total Count |
|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 5.0 | |
| gender | male | 1 | 2 | 3 | 5 | 15 | 26 |
| | female | 0 | 4 | 0 | 5 | 6 | 15 |
| | transgender | 0 | 1 | 0 | 0 | 0 | 1 |
| | decline to respond | 0 | 0 | 0 | 3 | 0 | 3 |
| Total | | 1 | 7 | 3 | 13 | 21 | 45 |

### e. Feeling that one's work is recognized

| | | recognized | | | | | | Total Count |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 4.5 | 5.0 | |
| gender | male | 1 | 2 | 4 | 7 | 0 | 12 | 26 |
| | female | 1 | 2 | 1 | 6 | 0 | 5 | 15 |
| | transgender | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| | decline to respond | 0 | 0 | 1 | 2 | 0 | 0 | 3 |
| Total | | 2 | 4 | 6 | 15 | 1 | 17 | 45 |

### f. Feeling that one is respected by Co-workers

| | | respect | | | | | Total Count |
|---|---|---|---|---|---|---|---|
| | | 2.0 | 3.0 | 3.5 | 4.0 | 5.0 | |
| gender | male | 1 | 5 | 0 | 8 | 12 | 26 |
| | female | 0 | 1 | 1 | 6 | 7 | 15 |
| | transgender | 0 | 1 | 0 | 0 | 0 | 1 |
| | decline to respond | 0 | 0 | 0 | 3 | 0 | 3 |
| Total | | 1 | 7 | 1 | 17 | 19 | 45 |

**g. Feeling that Supervisor is committed to making the work environment free of offensive behavior**

| | | Offensive Behavior | | | | | | Total Count |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 3.5 | 4.0 | 5.0 | |
| gender | male | 2 | 0 | 4 | 0 | 8 | 11 | 25 |
| | female | 0 | 1 | 1 | 1 | 5 | 7 | 15 |
| | transgender | 0 | 0 | 0 | 0 | 1 | 0 | 1 |
| | decline to respond | 0 | 0 | 0 | 0 | 2 | 1 | 3 |
| Total | | 2 | 1 | 5 | 1 | 16 | 19 | 44 |

**h. Feeling that the City of Corvallis would be a great place to work as a permanent employee**

| | | Permanent Employee | | | | | | | Total Count |
|---|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 1.5 | 2.0 | 2.5 | 3.0 | 4.0 | 5.0 | |
| gender | male | 3 | 0 | 5 | 0 | 3 | 3 | 12 | 26 |
| | female | 2 | 1 | 1 | 0 | 0 | 5 | 6 | 15 |
| | transgender | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 |
| | decline to respond | 0 | 0 | 0 | 0 | 0 | 3 | 0 | 3 |
| Total | | 5 | 1 | 6 | 1 | 3 | 11 | 18 | 45 |

## B. Age based responses:

**a. Feeling that the City of Corvallis is a Great Workplace**

| | | Great Workplace | | | | | | Total Count |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 4.5 | 5.0 | |
| age | 22 and under | 2 | 1 | 4 | 5 | 1 | 9 | 22 |
| | 23- 32 years | 0 | 0 | 1 | 1 | 0 | 2 | 4 |
| | 33- 42 years | 0 | 0 | 1 | 2 | 0 | 4 | 7 |
| | 43- 52 years | 0 | 0 | 0 | 3 | 0 | 4 | 7 |
| | 53 and over | 0 | 0 | 3 | 2 | 0 | 0 | 5 |
| Total | | 2 | 1 | 9 | 13 | 1 | 19 | 45 |

### b. Feeling of being respected as a City employee

| | | respected | | | | | Total Count |
|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 5.0 | |
| age | 22 and under | 2 | 1 | 6 | 6 | 7 | 22 |
| | 23- 32 years | 0 | 0 | 1 | 1 | 2 | 4 |
| | 33- 42 years | 0 | 1 | 2 | 0 | 4 | 7 |
| | 43- 52 years | 0 | 0 | 0 | 3 | 4 | 7 |
| | 53 and over | 0 | 2 | 2 | 0 | 1 | 5 |
| Total | | 2 | 4 | 11 | 10 | 18 | 45 |

### c. Feeling that Supervisor respects employee

| | | Supervisor Respect | | | | | | Total Count |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 3.5 | 4.0 | 5.0 | |
| age | 22 and under | 1 | 1 | 2 | 1 | 3 | 14 | 22 |
| | 23- 32 years | 1 | 0 | 0 | 0 | 2 | 1 | 4 |
| | 33- 42 years | 0 | 0 | 1 | 0 | 1 | 5 | 7 |
| | 43- 52 years | 0 | 0 | 0 | 0 | 1 | 6 | 7 |
| | 53 and over | 1 | 0 | 0 | 0 | 2 | 2 | 5 |
| Total | | 3 | 1 | 3 | 1 | 9 | 28 | 45 |

### d. Feeling that one is appreciated

| | | appreciate | | | | | Total Count |
|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 5.0 | |
| age | 22 and under | 1 | 3 | 1 | 10 | 7 | 22 |
| | 23- 32 years | 0 | 1 | 0 | 1 | 2 | 4 |
| | 33- 42 years | 0 | 2 | 0 | 1 | 4 | 7 |
| | 43- 52 years | 0 | 0 | 1 | 0 | 6 | 7 |
| | 53 and over | 0 | 1 | 1 | 1 | 2 | 5 |
| Total | | 1 | 7 | 3 | 13 | 21 | 45 |

### e. Feeling that one's work is recognized

| | | recognized | | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 4.5 | 5.0 | |
| age | 22 and under | 2 | 1 | 4 | 10 | 1 | 4 | 22 |
| | 23- 32 years | 0 | 1 | 0 | 1 | 0 | 2 | 4 |
| | 33- 42 years | 0 | 1 | 0 | 1 | 0 | 5 | 7 |
| | 43- 52 years | 0 | 0 | 0 | 2 | 0 | 5 | 7 |
| | 53 and over | 0 | 1 | 2 | 1 | 0 | 1 | 5 |
| Total | | 2 | 4 | 6 | 15 | 1 | 17 | 45 |

### f. Feeling that one is respected by Co-workers

| | | respect | | | | | Total |
|---|---|---|---|---|---|---|---|
| | | 2.0 | 3.0 | 3.5 | 4.0 | 5.0 | |
| age | 22 and under | 1 | 3 | 1 | 12 | 5 | 22 |
| | 23- 32 years | 0 | 0 | 0 | 1 | 3 | 4 |
| | 33- 42 years | 0 | 0 | 0 | 1 | 6 | 7 |
| | 43- 52 years | 0 | 1 | 0 | 2 | 4 | 7 |
| | 53 and over | 0 | 3 | 0 | 1 | 1 | 5 |
| Total | | 1 | 7 | 1 | 17 | 19 | 45 |

### g. Feeling that Supervisor is committed to making the work environment free of offensive behavior

| | | Offensive Behavior | | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 3.5 | 4.0 | 5.0 | |
| age | 22 and under | 1 | 0 | 4 | 1 | 9 | 6 | 21 |
| | 23- 32 years | 1 | 0 | 0 | 0 | 1 | 2 | 4 |
| | 33- 42 years | 0 | 1 | 0 | 0 | 1 | 5 | 7 |
| | 43- 52 years | 0 | 0 | 0 | 0 | 3 | 4 | 7 |
| | 53 and over | 0 | 0 | 1 | 0 | 2 | 2 | 5 |
| Total | | 2 | 1 | 5 | 1 | 16 | 19 | 44 |

**h. Feeling that the City of Corvallis would be a great place to work as a permanent employee**

| | | Permanent Employee | | | | | | | Total |
|---|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 1.5 | 2.0 | 2.5 | 3.0 | 4.0 | 5.0 | |
| age | 22 and under | 4 | 1 | 5 | 1 | 0 | 7 | 4 | 22 |
| | 23- 32 years | 1 | 0 | 0 | 0 | 0 | 1 | 2 | 4 |
| | 33- 42 years | 0 | 0 | 0 | 0 | 0 | 3 | 4 | 7 |
| | 43- 52 years | 0 | 0 | 0 | 0 | 0 | 0 | 7 | 7 |
| | 53 and over | 0 | 0 | 1 | 0 | 3 | 0 | 1 | 5 |
| Total | | 5 | 1 | 6 | 1 | 3 | 11 | 18 | 45 |

## C. Work Group based Responses:

**a. Feeling that the City of Corvallis is a Great Workplace**

| | | Great Workplace | | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 4.5 | 5.0 | |
| work | seasonal | 2 | 1 | 2 | 10 | 1 | 11 | 27 |
| | casual | 0 | 0 | 6 | 3 | 0 | 2 | 11 |
| | full-time | 0 | 0 | 1 | 0 | 0 | 3 | 4 |
| | decline to respond | 0 | 0 | 0 | 0 | 0 | 3 | 3 |
| Total | | 2 | 1 | 9 | 13 | 1 | 19 | 45 |

**b. Feeling of being respected as a City employee**

| | | respected | | | | | Total |
|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 5.0 | |
| work | seasonal | 2 | 2 | 5 | 8 | 10 | 27 |
| | casual | 0 | 1 | 6 | 2 | 2 | 11 |
| | full-time | 0 | 1 | 0 | 0 | 3 | 4 |
| | decline to respond | 0 | 0 | 0 | 0 | 3 | 3 |
| Total | | 2 | 4 | 11 | 10 | 18 | 45 |

### c. Feeling that Supervisor respects employee

| | | Supervisor respect | | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 3.5 | 4.0 | 5.0 | |
| work | seasonal | 2 | 1 | 1 | 0 | 5 | 18 | 27 |
| | casual | 1 | 0 | 1 | 1 | 4 | 4 | 11 |
| | full-time | 0 | 0 | 1 | 0 | 0 | 3 | 4 |
| | decline to respond | 0 | 0 | 0 | 0 | 0 | 3 | 3 |
| Total | | 3 | 1 | 3 | 1 | 9 | 28 | 45 |

### d. Feeling that one's work is appreciated

| | | appreciate | | | | | Total |
|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 5.0 | |
| work | seasonal | 1 | 3 | 1 | 9 | 13 | 27 |
| | casual | 0 | 3 | 2 | 3 | 3 | 11 |
| | full-time | 0 | 1 | 0 | 0 | 3 | 4 |
| | decline to respond | 0 | 0 | 0 | 1 | 2 | 3 |
| Total | | 1 | 7 | 3 | 13 | 21 | 45 |

### e. Feeling that one's work is recognized

| | | recognized | | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 4.5 | 5.0 | |
| work | seasonal | 1 | 1 | 5 | 9 | 1 | 10 | 27 |
| | casual | 1 | 3 | 1 | 3 | 0 | 3 | 11 |
| | full-time | 0 | 0 | 0 | 2 | 0 | 2 | 4 |
| | decline to respond | 0 | 0 | 0 | 1 | 0 | 2 | 3 |
| Total | | 2 | 4 | 6 | 15 | 1 | 17 | 45 |

### f. Feeling that one is respected by Co-workers

| | | respect | | | | | Total |
|---|---|---|---|---|---|---|---|
| | | 2.0 | 3.0 | 3.5 | 4.0 | 5.0 | |
| work | seasonal | 1 | 5 | 0 | 12 | 9 | 27 |
| | casual | 0 | 2 | 0 | 5 | 4 | 11 |
| | full-time | 0 | 0 | 0 | 0 | 4 | 4 |
| | decline to respond | 0 | 0 | 1 | 0 | 2 | 3 |
| Total | | 1 | 7 | 1 | 17 | 19 | 45 |

### g. Feeling that Supervisor is committed to making the work environment free of offensive behavior

| | | Offensive behavior | | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 3.5 | 4.0 | 5.0 | |
| work | seasonal | 1 | 0 | 4 | 0 | 12 | 10 | 27 |
| | casual | 1 | 0 | 1 | 1 | 4 | 3 | 10 |
| | full-time | 0 | 1 | 0 | 0 | 0 | 3 | 4 |
| | decline to respond | 0 | 0 | 0 | 0 | 0 | 3 | 3 |
| Total | | 2 | 1 | 5 | 1 | 16 | 19 | 44 |

### h. Feeling that the City of Corvallis would be a great place to work as a permanent employee

| | | Permanent employee | | | | | | | Total |
|---|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 1.5 | 2.0 | 2.5 | 3.0 | 4.0 | 5.0 | |
| work | seasonal | 3 | 0 | 2 | 1 | 2 | 7 | 12 | 27 |
| | casual | 2 | 1 | 4 | 0 | 1 | 2 | 1 | 11 |
| | full-time | 0 | 0 | 0 | 0 | 0 | 1 | 3 | 4 |
| | decline to respond | 0 | 0 | 0 | 0 | 0 | 1 | 2 | 3 |
| Total | | 5 | 1 | 6 | 1 | 3 | 11 | 18 | 45 |

## D. Race-based responses:

### a. Feeling that the City of Corvallis is a Great Workplace

| | | Great Workplace | | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 4.5 | 5.0 | |
| race | White/Anglo/Caucasian | 2 | 0 | 4 | 9 | 0 | 10 | 25 |
| | African American/Black/African/ Chocolate | 0 | 1 | 0 | 0 | 0 | 1 | 2 |
| | Asian/Asian American/Pacific Islander | 0 | 0 | 2 | 0 | 0 | 2 | 4 |
| | Latino/Hispanic | 0 | 0 | 0 | 1 | 0 | 1 | 2 |
| | Native American | 0 | 0 | 0 | 1 | 0 | 1 | 2 |
| | Decline to Respond/Other | 0 | 0 | 3 | 2 | 1 | 4 | 10 |
| Total | | 2 | 1 | 9 | 13 | 1 | 19 | 45 |

### b. Feeling of being respected as a City employee

| | | respected | | | | | Total |
|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 5.0 | |
| race | White/Anglo/Caucasian | 2 | 2 | 6 | 5 | 10 | 25 |
| | African American/Black/African/ Chocolate | 0 | 1 | 0 | 0 | 1 | 2 |
| | Asian/Asian American/Pacific Islander | 0 | 1 | 1 | 1 | 1 | 4 |
| | Latino/Hispanic | 0 | 0 | 1 | 0 | 1 | 2 |
| | Native American | 0 | 0 | 0 | 1 | 1 | 2 |
| | Decline to Respond/Other | 0 | 0 | 3 | 3 | 4 | 10 |
| Total | | 2 | 4 | 11 | 10 | 18 | 45 |

### c. Feeling that Supervisor respects employee

| | | Supervisor respect | | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 3.5 | 4.0 | 5.0 | |
| race | White/Anglo/Caucasian | 2 | 0 | 2 | 1 | 5 | 15 | 25 |
| | African American/Black/African/ Chocolate | 0 | 1 | 0 | 0 | 0 | 1 | 2 |
| | Asian/Asian American/Pacific Islander | 0 | 0 | 1 | 0 | 1 | 2 | 4 |
| | Latino/Hispanic | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| | Native American | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| | Decline to Respond/Other | 1 | 0 | 0 | 0 | 3 | 6 | 10 |
| Total | | 3 | 1 | 3 | 1 | 9 | 28 | 45 |

### d. Feeling that one's work is appreciated

| | | Appreciated work | | | | | Total |
|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 5.0 | |
| race | White/Anglo/Caucasian | 1 | 3 | 2 | 9 | 10 | 25 |
| | African American/Black/African/ Chocolate | 0 | 1 | 0 | 0 | 1 | 2 |
| | Asian/Asian American/Pacific Islander | 0 | 1 | 1 | 0 | 2 | 4 |
| | Latino/Hispanic | 0 | 0 | 0 | 1 | 1 | 2 |
| | Native American | 0 | 0 | 0 | 0 | 2 | 2 |
| | Decline to Respond/Other | 0 | 2 | 0 | 3 | 5 | 10 |
| Total | | 1 | 7 | 3 | 13 | 21 | 45 |

## e. Feeling that one's work is recognized

| | | recognized | | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 4.0 | 4.5 | 5.0 | |
| race | White/Anglo/Caucasian | 1 | 3 | 3 | 12 | 0 | 6 | 25 |
| | African American/Black/African/ Chocolate | 0 | 0 | 0 | 1 | 1 | 0 | 2 |
| | Asian/Asian American/Pacific Islander | 0 | 0 | 1 | 1 | 0 | 2 | 4 |
| | Latino/Hispanic | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| | Native American | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| | Decline to Respond/Other | 1 | 1 | 2 | 1 | 0 | 5 | 10 |
| Total | | 2 | 4 | 6 | 15 | 1 | 17 | 45 |

## f. Feeling that one is respected by Co-workers

| | | respect | | | | | Total |
|---|---|---|---|---|---|---|---|
| | | 2.0 | 3.0 | 3.5 | 4.0 | 5.0 | |
| race | White/Anglo/Caucasian | 1 | 5 | 1 | 12 | 6 | 25 |
| | African American/Black/African/ Chocolate | 0 | 1 | 0 | 0 | 1 | 2 |
| | Asian/Asian American/Pacific Islander | 0 | 0 | 0 | 1 | 3 | 4 |
| | Latino/Hispanic | 0 | 0 | 0 | 0 | 2 | 2 |
| | Native American | 0 | 0 | 0 | 0 | 2 | 2 |
| | Decline to Respond/Other | 0 | 1 | 0 | 4 | 5 | 10 |
| Total | | 1 | 7 | 1 | 17 | 19 | 45 |

### g. Feeling that Supervisor is committed to making the work environment free of offensive behavior

| | | Offensive behavior | | | | | | Total |
|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 2.0 | 3.0 | 3.5 | 4.0 | 5.0 | |
| race | White/Anglo/Caucasian | 2 | 0 | 4 | 1 | 10 | 7 | 24 |
| | African American/Black/African/ Chocolate | 0 | 0 | 0 | 0 | 1 | 1 | 2 |
| | Asian/Asian American/Pacific Islander | 0 | 1 | 0 | 0 | 1 | 2 | 4 |
| | Latino/Hispanic | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| | Native American | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| | Decline to Respond/Other | 0 | 0 | 1 | 0 | 4 | 5 | 10 |
| Total | | 2 | 1 | 5 | 1 | 16 | 19 | 44 |

### h. Feeling that the City of Corvallis would be a great place to work as a permanent employee

| | | Permanent employee | | | | | | | Total |
|---|---|---|---|---|---|---|---|---|---|
| | | 1.0 | 1.5 | 2.0 | 2.5 | 3.0 | 4.0 | 5.0 | |
| race | White/Anglo/Caucasian | 3 | 1 | 4 | 0 | 2 | 7 | 8 | 25 |
| | African American/Black/African/ Chocolate | 0 | 0 | 0 | 1 | 0 | 0 | 1 | 2 |
| | Asian/Asian American/Pacific Islander | 1 | 0 | 1 | 0 | 0 | 1 | 1 | 4 |
| | Latino/Hispanic | 0 | 0 | 0 | 0 | 0 | 1 | 1 | 2 |
| | Native American | 0 | 0 | 0 | 0 | 0 | 0 | 2 | 2 |
| | Decline to Respond/Other | 1 | 0 | 1 | 0 | 1 | 2 | 5 | 10 |
| Total | | 5 | 1 | 6 | 1 | 3 | 11 | 18 | 45 |

*Charts should be read across rows and columns. For example in chart 3Aa, there was 1 male who strongly disagreed with the statement (having a response of 1.0) that the City of Corvallis is a Great Workplace (response of 2.0); 0 males disagreed with the statement (response of 2.0); 6 males were neutral (response of 3.0); 8 males agreed with the statement (response of 4.0); and 11 males strongly agreed with the statement (response of 5.0). One may also interpret the chart as follows: 1 male strongly felt that the City of Corvallis IS NOT a great workplace (response of 1.0); 0 males felt that the City of Corvallis IS NOT a great workplace (response of 2.0); 6 males were neutral (response of 3.0); 8 males felt the City of Corvallis IS a great workplace (response of 4.0); and 11 males strongly felt that the City of Corvallis IS a great workplace (response of 5.0).

## Appendix 5: City of Corvallis Focus Group and Interview Questions

Setting the stage

1. Introduce Ann and Amber
2. Purpose of discussion

The City Council adopted a goal for 2005-2006 to "Assess Organization Diversity Efforts and Develop Goals and Objectives." In essence, this goal is intended to create a benchmark where the City is now in relation to diversity efforts and then to develop a diversity plan of action after the assessment.

The focus group today is one of the steps in assessing where the City is now in relation to diversity efforts. We are interested in your attitudes and perceptions around the City's diversity efforts. We also want to get a sense of what you have noticed about population changes in the City and what the City should or should not do in responding to these changes.

Because we are interested in what each of you think, we would like for each of us to agree to hold this conversation confidential. We want to listen to what each of you have to say. We ask that you give everyone an opportunity to be heard. We will be recording our session so that we can fully capture what you say. Any reporting of this discussion will be done at the group level and at the total organizational level. Are you ok with holding this conversation confidential? Request permission to record.

3. Elements of Participation

    Anonymity (no names attached)
    Group-based result analysis
    Information confidentiality

4. Ground rules for discussion

    Hold conversation confidential
    Allow each person to be heard
    Participate fully

5. Statistics of population changes in Oregon

It is common for me to pick up a daily Oregon newspaper and find an article about the changing population in the state and nation. Statistics show that in Oregon the Latino and Asian American populations are the fastest growing populations in the state. The African American, Native American and White populations are also increasing in Oregon but not at the same rate as the Latino and Asian populations.

Population Statistics of the City of Corvallis compared to Linn/Benton County Census Data based on the October 2005 Employment Statistics

| | City Employees (% working in the City of Corvallis) | Linn/Benton Census Data (% living in Counties) |
|---|---|---|
| | 62% Male | 49.2% Male |
| | 38% Female | 50.4% Female |
| **Total People of Color** | 4.9% | 10.5% |
| African American/Black | 0.9% | 0.51% |
| Latino/Hispanic | 0.9% | 4.5% |
| Asian | 1.4% | 2.5% |
| Native American | 1.6% | 1.0% |
| White | 95.2% | 89.69% |
| Other | | 1.8% |

5. Review time frame for discussion

Interview Guide

1. Let's go around and have each of you share your name, you current job assignment and how many years you have worked with the City of Corvallis.

2. Now we would like you to tell us one of the things you enjoy the most about your job.

3. What do you see as the greatest challenge(s) of your job?

Development (80 minutes)

4. We mentioned challenges earlier. One of the challenges we face is to diversify this organization. When I say the word "diversity" what does that mean to you?

5. What kinds of things have you noticed around you in your daily life that would indicate to you that the City of Corvallis is becoming more culturally diverse?

6. What do you imagine are some of the **benefits** to the **City organization** if we work with people from differing cultural groups?

7. What do you imagine some of the **benefits** are for ***you*** when working with people from differing cultural groups?

8. What do you see as some of the **challenges** for the **City organization** if we work with people from differing cultural groups?

9. What do you see as some of the **challenges** for ***you*** when working with people from differing cultural groups?

10. What are some of the apprehensions or worries that you might have about working with people from differing cultural groups?

11. How do you think we could better prepare ourselves to address the issues of diversity in the City?

12. What constitutes an ideal diverse organization?

Conclusion

13. Summarize the essence of the conversation. Is this an adequate summary of what we have just discussed?

14. The purpose of this discussion has been to learn from you what you see is happening in regard to population changes in Corvallis and how you think the City should respond. Is their anything more we need to add?

*Thank you for participating.*

## Appendix 6: City of Corvallis Organizational Diversity Climate Survey

The City of Corvallis has asked us to assess the status of their current diversity efforts. We are Diversity Consultants who are hired by the City to determine how open and inclusive the City is toward all people regardless of your background. We are interested in your experience as a seasonal or casual City employee.

Please circle the number which best reflects your experience working with the City. Your individual survey responses will be held confidential. Please add any explanation that would be helpful to us.

| | Strongly Disagree | Disagree | Slightly Agree | Agree | Strongly Agree |
|---|---|---|---|---|---|
| 1. I feel that the City of Corvallis is a great place to work. | 1 | 2 | 3 | 4 | 5 |
| 2. I feel respected as a City employee. | 1 | 2 | 3 | 4 | 5 |
| 3. My supervisor treats me with respect. | 1 | 2 | 3 | 4 | 5 |
| 4. I feel that my work is appreciated. | 1 | 2 | 3 | 4 | 5 |
| 5. My own work will lead to recognition as a good performer. | 1 | 2 | 3 | 4 | 5 |
| 6. I am respected by my co-workers. | 1 | 2 | 3 | 4 | 5 |
| 7. My supervisor is committed to ensure the work environment is free of offensive behavior. | 1 | 2 | 3 | 4 | 5 |
| 8. I think that the City would be a great place for me to work as a permanent employee. | 1 | 2 | 3 | 4 | 5 |

2. Please circle all that apply to you: Male Female Transgendered

3. My age is 22 or under 23-32 33-42 43-52 53 and over

4. I am heterosexual homosexual bisexual uncertain

5. I am a full time employee part time employee

6. With what racial/ ethnic groups do you identify? _____

## Appendix 7: Bibliography

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*City of Corvallis*

***Honoring Diversity***

***Assessment of Diversity Efforts***

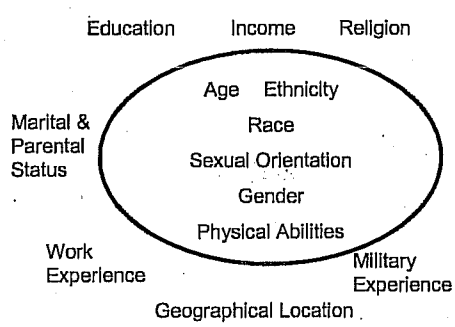
## Our Charge

- To assess " where we are" in relation to diversity issues
- So that we know how to "plan" to move forward in "honoring diversity"

## Theoretical Framework

- You and I have a culture
- Diversity is manifested through many dimensions of culture
- Organizations have cultures
- To become an effective pluralistic organization, we have to change the organizational culture

## Dimensions of Diversity



## Theoretical Framework

- Organizational climate is a part of the culture and is easier to change than the culture
- Change the climate and you change the culture
- Employee intercultural sensitivity gives insight into the level of ethnocentrism in the workplace

## What we did

- Conducted 11 departmental focus groups
- Conducted 15 interviews with leadership
- Surveyed casual and seasonal employees and full time employees of color
- Audited city documents

## A Great Start

- There is a leadership commitment to diversity

## Overall Findings

- Diversity Climate is one of uncertainty – that is, a hesitation to move forward with both supportive and defensive dimensions in the climate
- Intercultural Sensitivity at the minimization stage "People are People"

## Overall Findings

- Seasonal and casual employees feel that the city is a great place to work and their supervisor respects them
- City documents support a respectful workplace within the dominant cultural values

## Supportive Climate Dimensions

- **Diversity adds more and different perspectives**
- *...just be a more interesting organization...the more perspectives you bring, the more interesting life is...*

## Supportive Climate Dimensions

- **Like Working with People**
- *It's the people I like working with*

## Supportive Climate Dimensions

- **Diversity brings richness and a better product**
- *Learning opportunities...opportunities to produce better products...you make better decisions*

Supportive Climate Dimensions

- **Enjoy variety in my work**
- *I like the variety in my work*

Supportive Climate Dimensions

- **Need for training**
- *...for our work group to be responsive and be able to work together, we again need some kind of interaction or educational piece...*

Supportive Climate Dimensions

- **City culture supports diversity in sexual orientation**
- *State recognizing domestic benefits...has helped...gay women are more acceptable in the City and in my workplace.*

Supportive Climate Dimensions

- **A more diverse staff will serve the community better**
- *Better connection to our community for us if we have someone who knows how to speak Spanish...lends a degree of legitimacy in the public's eye...*

Supportive Climate Dimensions

- **The need to recruit a diverse staff**

- *Maybe we need some type of recruitment that would better able us to reflect the cultural and gender diversity of the community.*

Supportive Climate Dimensions

- **The City is a Good Employer**

- *People like working here, it's a healthy environment. We have good pay and benefits, good working conditions.*

Defensive Climate Dimensions

- **Quota Anxiety**

- *...the whole diversity issue is not a factor in what you're doing with your recruitment process...you're looking at the qualifications of the individual...*

Defensive Climate Dimensions

- **Not enough time, money, or people to do the work**

- *...I wonder if there's really time to do that (learn how to relate to another's culture) or if we're all so busy in our jobs that we are just plowing along doing it our own way.*

Defensive Climate Dimensions

- **Language and accent barriers**
- *It's always a challenge when someone comes to the counter and doesn't speak English…a patron would bring his little girl to translate. So, you're trying to explain these somewhat complicated things to an 8 year old.*

Defensive Climate Dimensions

- **We are all the same, just people**
- *It's hard for me because I don't think in black and white; people are people to me.*

Defensive Climate Dimensions

- **Fear that diversity will not include me**
- *…there's a little voice that says (I don't want) my diversity to get lost in the overall diversity.*

Defensive Climate Dimensions

- **Equate diversity with political correctness which "rubs me the wrong way"**
- *If you include the minorities who work in the City and put them in this focus groupthat would not be politically correct because then they'd feel they were singled out.*

Uncertain Climate Dimensions

- **Fear of offending someone and misunderstanding meaning in communication**
- *Putting your foot in your mouth…being disrespectful and not knowing it. Doing something that might offend when certainly you didn't intend to.*

Uncertain Climate Dimensions

- **Corvallis is a highly educated white community with no diversity**
- *…this is an expensive place to live and if you're talking about 90% White people, what's the lure for minorities to live here?*

Uncertain Climate Dimensions

- **Limited understanding of what diversity is**
- *It's almost like we're looking to put labels on things that don't much matter. I like the idea of diversity of thought.*

Uncertain Climate Dimensions

- **Diversity brings potential for conflict**
- *If you have actual diversity, the first and greatest conflict will be between people whose deeply held beliefs are opposed to each other…*

## Uncertain Climate Dimensions

- **No worries about working with cultural differences**
- *It's hard to have a worry about something that you really haven't had to deal with in the workplace. We're all White.*

## Uncertain Climate Dimensions

- **Our group is already diverse**
- *We don't have a diversity in ethnicity, we do have a diverse group in a lot of ways – where we've come from, our experiences…*

## Uncertain Diversity Climate

| Supportive | Uncertain | Defensive |
|---|---|---|
| Adds perspectives | Fear of offending | Quota Anxiety |
| Like people | City not diverse | Limited resources |
| Better Product | What's Diversity? | Language Barrier |
| Enjoy work variety | Potential for conflict | People are same |
| Support sexual orientation | No worries about diversity | Fear diversity excludes me |
| Need training | We're diverse now | Diversity is PC |
| More diverse staff | | |
| Need to recruit | | |
| City good employer | | |

## Intercultural Sensitivity Stage

- **Continuum of experience with difference**
  a little ⟶ a lot
- **Continuum of degree of ethnocentrism**
  ethnocentric ⟶ ethnorelative
- **Continuum of degree of intercultural sensitivity**
  denial ⟶ defense ⟶ minimization ⟶

  acceptance ⟶ cognitive/behavioral adaptation

## City Overall Intercultural Stage

- Minimization
  - People are all the same
- With a few in Acceptance and Adaptation

## City Document Audit

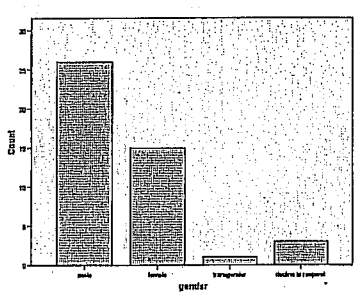
Documents reflect an effort to be inclusive but within the dominant cultural values.

- *Revisit policies over time*
- *Translate Welcoming guide into Spanish*
- *Change Tolerance to Respectful*
- *Add pictures of more diverse citizens*
- *Strengthen partnership for diversity*

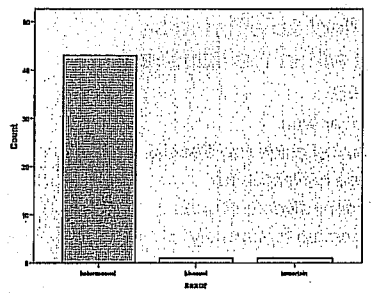
## Survey Findings

- 47 Surveys Distributed
  - Employees of color (N = 5)
  - Seasonal and Casual employees (N = 41)
- 95% response rate

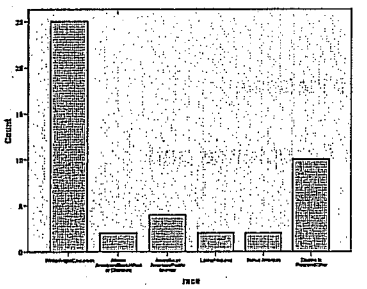
## Respondents by Gender



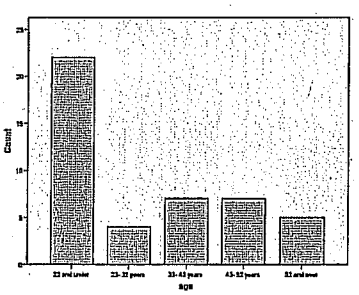
## Respondents by Sexual Orientation



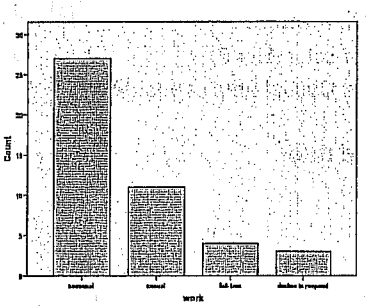

## Respondents by Race



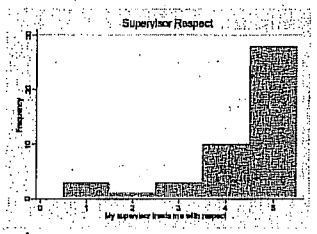

## Respondents by Age



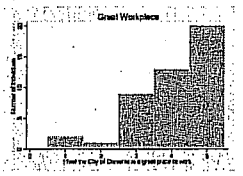

## Respondents by Type of Employment



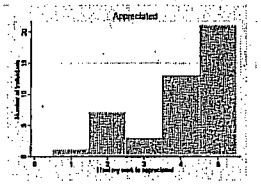
## Responses




## Responses

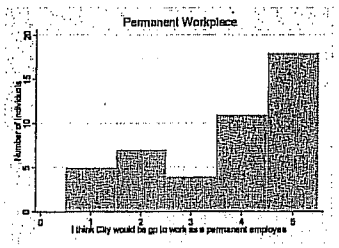



73.5% either agreed or strongly agreed




76% either agreed or strongly agreed

## Responses




## Overall Survey Findings

- City of Corvallis employees (full-time, seasonal and part-time) have a positive perception of working in the City
- Specific groups have less positive perceptions
  - Employees of color (African American and Asian American)
  - Seasonal employees
  - Transgender and uncertain employees
  - Employees 22 years and under
  - Employees 53 years and over

## Limitations

- Surveys administered late in summer season
- Uncertain conditions
- Small number of Employees of Color
- No part-time or homosexual employees surveyed

## Recommendations

- Develop a multi-year diversity plan using these results as a guide
- Establish a diversity award
- Determine a vision for the city as a pluralistic organization
- Increase Spanish speaking staff

## Recommendations

- Have cross department meetings to improve communication
- Notice and acknowledge staff for serving a broad citizenry
- Provide support to employees of color
- Continue working with and strengthen the Corvallis Partnership for Diversity

Zel Brook art@zelbrook.com
Sculpture Painting Photo
825 NW 29th
Corvallis, OR 97330

ATTACHMENT B

Remarks to the Corvallis City Council Human Services Committee Wednesday January 17, 2007

From:
Zel Brook
President, Albany- Corvallis Area NAACP

Topics:
*Diversity Initiative Implementation-Recommendations/Budget Implications
*City of Corvallis Affirmative Action Plan (revised December 2006)

I am speaking today as President of Albany-Corvallis NAACP in favor of $20,000 to be placed in the city 07-08 budget to address diversity assessment and diversity issues such as training, recruitment, mentoring, outreach and other city diversity related issues.

## Our NAACP Mission

The mission of the National Association for the Advancement of Colored People is to ensure the political, educational, social, and economic equality of rights of all persons and to eliminate racial hatred and racial discrimination. This is the goal of the local group and it includes equality of rights for everyone.

## NAACP Vision Statement

The vision of the National Association for the Advancement of Colored People is to ensure a society in which all individuals have equal rights and there is no racial hatred or racial discrimination. This is the goal of Corvallis NAACP and includes equal rights for all citizens in this geographic area.

## NAACP Objectives

The following statement of objectives is found on the first page of the NAACP Constitution — the principal objectives of the Association shall be:

- To ensure the political, educational, social, and economic equality of all citizens
- To achieve equality of rights and eliminate race prejudice among the citizens of the United States
- To remove all barriers of racial discrimination through democratic processes
- To seek enactment and enforcement of federal, state, and local laws securing civil rights
- To inform the public of the adverse effects of racial discrimination and to seek its elimination

- To educate persons as to their constitutional rights and to take all lawful action to secure the exercise thereof, and to take any other lawful action in furtherance of these objectives, consistent with the NAACP's Articles of Incorporation and this Constitution.

**Advocacy for $20,000 in the city budget for Diversity**

I am a former City Budget Commission member and remember well how difficult it is sometimes to start and maintain items in the city budget. I served on the City Budget Commission at the same time I was a board member of the Corvallis School District and feel that civil rights for all citizens is important in public agencies. This is an important issue because the city employs approximately 500 people and I believe the city has already identified diversity as a goal. As your implementation plan specifies, it is important to do these things within the city itself:

*clarify what diversity means for the city
*adopt specific goals regarding intercultural sensitivity
*create a multi-year action plan which would identify resources to reach goals (includes document and communications review, partnerships and linkages to other initiatives, recruitment and support systems, training, recognition and rewards and increasing bilingual skills).

The NAACP agrees that the goal for diversity is to become a basic part of how the city conducts business, that it becomes automatic that the city considers diversity in its operations. Corvallis NAACP recognizes the importance of diversity in each department and throughout the city. Corvallis NAACP favors increasing diversity in the city workforce so that it reflects at a minimum the diversity of the population in Corvallis.

$20,000 in the budget would give teeth to the concept of civil rights for all persons within the city. Budget money would show the city's equal employment opportunity and commitment to all in its personnel actions. Budget money would show the city's commitment to equal employment opportunity and to the elimination of stereotyping.

**Regarding the Affirmative Action Plan revised Dec. 2006**

We agree with the city that it is important to honor diversity in city government and to keep the city free of bigotry and hate. We know that the city has adopted

policies and procedures and ordinances regarding this. We are aware that the city is interested in protecting the civil rights of all citizens. We value the city's no harassment and no discrimination stance.

Given the city and N.A.A.C.P's stated concerns about civil rights for all, I am personally concerned about the following:

*I am asking that the city employ minorities in a percentage that is at least equal to the percentage of minorities in the Linn-Benton general population. This means that the current distribution of minority city employees is correct, but the percentage of minority city employees is roughly only half what it is in the community. (Please refer to page 21: city minority employees 10/06 5.5%, minority population Linn/Benton Counties 2000 census 10.5%) This means that there may be an identified need for more recruitment that could be addressed by the $20,000 budget request above. It is important for the city to show diversity and civil rights by example.

*Although people with disabilities are mentioned in the city plan, there is no work force analysis of people with disabilities in the Affirmative Action Plan. It is important to have identified people with disabilities as defined by ADA (Americans With Disabilities Act) criteria identified in the work force analysis data. There are large numbers of disabled citizens in our midst and they are not being tracked as city of Corvallis employees.

Disabled people need to be identified. They are severely under employed, even as disabled college graduates like me. Employment tracking needs to echo efforts to provide city services for disabled people. For example, the city has made efforts at curb cuts for disabled citizens. I am interested in curb cuts because there were none in my neighborhood after I had brain surgery in 1984, long after the city had adopted an affirmative action plan in 1981. This meant that the only place for me to go outside in my wheelchair was the unsafe street where cars were going at high speeds. This was very difficult because of the dome shaped banking of the street which continuously moved my wheelchair towards parked cars and curbs or into traffic. People in wheelchairs who are not very strong have difficulty getting down the street in such a fashion and getting up over curb cuts that are not absolutely flush with street level or over curb cuts not wide enough for their wheelchairs. I would like to hope that things have improved although I still hear about citizens who have these difficulties. I have greatly appreciated traffic signals with sound for the blind that have been established within the city enabling low vision and blind citizens to safely cross the street.

Additionally, it is important for the city to know that they are paying for the Community Alliance for Diversity to respond to complaints of discrimination. In my own case, it took over a year for CAD to even take my civil rights complaint and then they did nothing for a total of two years. I would hope that the city does not spend money for services it is not getting for its citizens.

I appreciate city efforts to address affirmative action, diversity and civil rights of citizens and look forward to working with you to achieve these goals.

# URBAN SERVICES COMMITTEE
# MINUTES
# January 17, 2007

Present
George Grosch, Chair
Patricia Daniels
David Hamby

Staff
Jon Nelson, City Manager
Steve Rogers, Public Works Director
Tom Penpraze, Utilities Division Manager
Emely Day, City Manager's Office

Visitors
John Sechrest
Stewart Wershow, Ward 6 Councilor
Robert Wilson

## SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Wastewater Temperature Discharge Limits | Yes | | |
| II. Other Business. | | | |

## CONTENT OF DISCUSSION

Councilor Grosch called the meeting to order at 4:00 pm.

I. Wastewater Temperature Discharge Limits (Attachment)

Public Works Director Rogers began by cautioning the Committee that the issue of wastewater discharge limits is very important, with procedural regulation changes slated for implementation during the next few years. Today's discussion addresses new regulations for the City. On February 6th, staff will present more information regarding the mitigation strategies it is researching.

During September 2006, the Department of Environmental Quality (DEQ) signed an order enacting three new regulations for wastewater discharge and potential impacts from storm water discharge regarding bacteria, mercury, and temperature. Staff believes the mercury and bacteria regulations will not be as difficult to meet as the temperature regulations. The new regulations would allow the City to impact Willamette River water by only a very small temperature change. In addition to Corvallis, Eugene, Albany, and other communities along the Willamette River upstream of the Santiam River will be impacted by the new temperature regulations. The Santiam River's water temperature is cold, so communities discharging wastewater into the Willamette River downstream of the Santiam River create less impact than those communities upstream of the confluence.

The City must have a plan for discharge impact mitigation ready for the DEQ's approval by April 2008.

Mr. Rogers noted that the City will soon renew its wastewater discharge permit; the new DEQ requirements will still apply.

Utilities Division Manager Penpraze explained the three new discharge limits and strategies staff has considered.

*Mercury* –

Mercury concerns have been reported in the news media, with asserted implications to fish and Native Americans. The Oregon Health Division issued a health advisory for fish consumption, impacting people who eat higher proportions of fish, such as Native Americans living along the Columbia and Willamette Rivers.

Corvallis has a permit to discharge wastewater to the Willamette River; the discharged wastewater contains small amounts of mercury. Storm water runoff can contain some mercury.

Community sources of mercury are varied, minute, and numerous. As examples, mercury is in red Kool-Aid, toothpaste, and other consumer products, albeit in minute quantities that can, cumulatively, impact the environment. Mercury is also present in automobile components, tires, and other products that could leach mercury into storm water runoff from industrial sites, neighborhood streets and yards, and other settings.

Mercury tends to settle in sediment at the bottom of water bodies. Animals eat sediments and nutrients that contain mercury and are then eaten by other animals, such as eagles, osprey, and humans.

The DEQ approved a mercury total maximum daily load (TMDL) and allocated specific amounts of the TMDL to different sources, e.g., industrial components, runoff, wastewater plant discharges, environmental deposition, etc. A recent *Oregonian* article traced from China a large amount of mercury deposited in Oregon. The issue is global; however, the DEQ is seeking local solutions, with municipalities charged with reducing mercury discharges into the environment.

Municipal wastewater treatment plants are not generally designed to remove minute quantities of mercury, such as parts per quadrillion – quantities that could be difficult to measure, even with sophisticated scientific instruments. Reduction quantities for municipalities are inferred because they cannot be measured.

The DEQ ordered that municipalities attempt to reduce their discharge of mercury by 27 percent through the TMDL over a period of time, which is not yet determined.

Staff have already implemented two programs to reduce mercury discharge:

- *A cooperative relationship with the local dental community, which voluntarily agreed to reduce its discharge of mercury from tooth fillings.* This program is considered a model for other communities.
- *Collect mercury thermometers and laboratory instruments from local schools.* DEQ grant funding supported this project.

Staff will continue these efforts and seek other opportunities to remove mercury from the waste stream as much as possible.

Under the DEQ's plan for the next five years, staff will develop a cooperative monitoring program with other industrial and municipal dischargers along the Willamette River to determine whether the "best management practices" being applied are having a positive effect on the River's water quality.

By April 2008, the City must have a plan for reducing mercury discharge; the plan will detail current actions, and staff will seek other opportunities, particularly involving storm water runoff. The City's Storm Water Master Plan includes implementation of best management practices, which will depend upon community participation and response. The City cannot control storm water runoff but must mitigate its impacts. The City is negotiating an Environmental Protection Agency (EPA) storm water discharge permit under the Clean Water Act, which also governs the City's wastewater discharge permit; the new permit should be issued during June or July of this year.

City Manager Nelson noted that the City's actions have placed it in a leadership role in the State regarding wastewater and storm water discharge mitigation. The programs Mr. Penpraze described were featured in statewide publications. Staff's efforts focus on the sources of mercury, rather than addressing discharge through problematic testing procedures. Corvallis' programs are being used as examples for other communities to follow.

Committee members urged that information regarding the City's efforts to reduce mercury discharge be publicized to the community via the *Corvallis Gazette-Times* and that information be provided to the Council. Publicity in the local newspaper would acknowledge staff's efforts and encourage citizens to change their practices. Staff will include in the Committee's meeting minutes packet some City newsletter articles regarding mercury discharge.

Councilor Hamby noted that only three percent of mercury discharge to the Willamette River is attributed to municipalities, yet the DEQ will require municipalities to reduce their mercury discharges by 27 percent. Mr. Rogers responded that the DEQ recognizes that some sources, such as wastewater discharge plants serving communities, are easier to address in terms of reduction than other sources, such as agricultural land and industries. City staff carefully measures the components of its wastewater discharge.

In response to Councilor Hamby's inquiry, Mr. Penpraze explained that, during the first five years of the wastewater discharge permit, the City will not have a mercury concentration level limit because of the monitoring program; the City will be required to implement best management practices. Staff will evaluate whether implementing various strategies results in a positive environmental impact. The City should not be assessed a discharge limitation during the first five years of its permit.

Committee members noted that most mercury consumed with food, such as fish, is retained in the body, creating a health issue.

Mr. Penpraze added that the issues presented today will be covered in the news media and discussed during the upcoming State Legislative Session.

In response to Councilor Hamby's inquiry, Mr. Penpraze said staff measures mercury levels at the discharge site. The DEQ has ambient monitoring stations on the Willamette River where mercury is measured. Discharging entities upstream are required to measure mercury levels in their discharge effluent. The ambient monitoring stations identify mercury sources, such as mines, natural soil deposits, and air deposition.

*Bacteria* –

From a wastewater discharge perspective, bacteria limits will be the easiest regulation to meet. The City has been governed by bacteria limitations since its wastewater discharge permit was issued during the 1970s; the City consistently meets its limitations – wastewater is disinfected before discharge. Unless there is a mechanical problem at the wastewater treatment plant, staff expects to be able to meet the new TMDL for bacteria. The new regulation is primarily focused on storm water runoff. The City cannot control the amount of animal waste on private yards, public parks, and sidewalks; leaking septic tanks; and private sewer lines that seep into the storm water system. Studies with professional associations indicate that waterfowl have an impact on bacteria levels on streams, such as waterfowl gathering at a fountain or water feature.

*Temperature* –

This issue prompted the greatest concern for staff. The City's Endangered Species Act Salmon Response Plan addressed the issue of water temperature, which is considered a pollutant for salmon and steelhead. The City was charged with reducing its wastewater discharge effluent temperature through the wastewater treatment plant. Generally, local storm water runoff occurs during cold-weather periods and is probably not an issue. The temperature issue will primarily affect the City's wastewater discharge during the Summer. The temperature criteria for salmon is 18°C during the summer for migration and rearing in the local reach of the Willamette River, which is not a known spawning area (the temperature criteria for spawning areas is 13°C during the summer). River temperature during the Summer currently exceeds 20°C, as does the temperature of the City's wastewater discharge.

Councilor Grosch noted from the staff report that the City's wastewater discharge temperature was only more than the new temperature limit twice and almost exceeded the limit 14 times during the past five years. In response to his inquiry, Mr. Penpraze said exceeding the temperature limit could result in fines and penalties, along with Clean Water Act penalties of $10,000 per day and compliance orders with deadlines. In the case of a violation, initially, staff will discuss the violation and mitigation efforts with the DEQ. Third-party lawsuits under the Clean Water Act would also be a possible consequence.

Councilor Grosch inquired as to the City's efforts, in relation to those of other cities. Mr. Rogers said the City has not yet addressed the new temperature limit. The City did not have temperature limitations under its current permit. Mr. Penpraze added that the City has a database of monitoring measurements.

In response to Councilor Hamby's inquiries, Mr. Penpraze explained that, if the new wastewater discharge temperature requirement had existed during the past five years, the City would have exceeded the limit twice. Under the new requirement, the City would not be allowed to increase the Willamette River water temperature by more than 0.014°C. The DEQ developed a formula for calculating the City's allowable heat load discharge. The City will be issued a heat load allocation of a specific number of kilocalories per day. The formula involves measuring upstream River water temperature and flow rate and wastewater temperature and flow rate. Mr. Rogers added that the issue involves the City's heat load added to the River, despite the River's existing water temperature. The City's wastewater discharge temperature could be cooler than the existing River water temperature but still exceed the new temperature limit.

Mr. Nelson noted that the City has, for many years, been involved with the League of Oregon Cities Water and Wastewater Committee and Governor's task forces arguing that the financial investments required of cities to meet the new standards would be better invested in improving watershed conditions, rather than cooling water downstream. In response to Councilor Grosch's inquiry, he said the City, through the League, has legally challenged the new regulations. The League does not anticipate any lessening of the new regulations.

Councilor Grosch concurred with the desire to reduce river water temperatures, but he questioned the reasonableness of asking municipalities to make large financial investments in equipment to cool river water. Mr. Penpraze responded that staff is considering the option of planting trees in the watershed or upstream to cool water temperatures at their source or along tributaries where viable salmon habitats are located, producing multiple environmental benefits.

Councilor Grosch commented that transferring wastewater to the Greenberry Irrigation District (GID) would be a $28 million construction investment but could produce great benefits by avoiding discharging wastewater into the Willamette River. The costs would be funded by the City, the GID, and possibly the State.

Mr. Rogers responded that the February 6th Committee meeting will include discussion of a consultant's analysis of various response alternatives. He cautioned that any decisions the Council makes during the current era will impact the community's future in many ways, including financially.

Councilor Hamby observed that a few fines for exceeding wastewater discharge limits is minimal compared to the financial cost of constructing a system to pump wastewater to the GID properties.

Mr. Rogers expressed greater concern about possible third-party lawsuits than governmental fines.

Mr. Penpraze reiterated that additional information will be presented to the Committee over the next few years as the issue evolves. Financial impacts can be great for very small environmental benefits. He confirmed Councilor Daniels' expectation that it will take some time for the DEQ to review and approve plans. Mr. Rogers added that staff has been waiting since June 2004 for a renewed wastewater discharge permit. The City is not subject to any fines for discharging without a permit, since the delay is on the part of the DEQ. Mr. Nelson added that the City is not subject to third-party lawsuits while awaiting the new permit. Mr. Penpraze explained that the DEQ administratively extended the previous permit and its requirements, pending issuance of the new permit.

Mr. Penpraze said staff has been intrigued with the GID project because of its environmental benefits, assistance in complying with the new DEQ regulations, and potential economic benefits.

In response to Councilor Daniels' inquiry, Mr. Penpraze said staff spoke with members of the Cascade Resource Conservation and Development group but is not a member. Staff also spoke with several potential stakeholders of the GID project.

Mr. Penpraze confirmed for Councilor Hamby that the cited $28 million would cover construction costs to pump wastewater from the City's wastewater treatment plant to the GID properties. Mr. Rogers said cost shares are being discussed with the GID, and staff is pursuing State and Federal grant funding for the project. Mr. Penpraze added that, without grant funding, the GID project would not be feasible. Other options may have less financial investment and an equal benefit over time.

Mr. Rogers said the February 6th Committee discussion will involve a short staff report, a feasibility study for the GID project, and the consultant's analysis of other alternatives. Staff will need to know whether the Council would support grant applications to fund the GID project. Later, staff will need Council direction regarding a compliance alternative. At this time, staff has sufficient information from the Committee's discussion. Later, the Council will need to fully discuss the financial impacts and potential benefits of the alternatives.

Mr. Penpraze noted that the City invested $30 million in the combined sewer overflow project to prevent up to one billion gallons of untreated wastewater from entering the Willamette River each year. This investment resulted in direct and substantial environmental benefits. Staff is now investigating whether the City should partner in investing $28 million in a project to reduce its small temperature impact on the River relative to such a large expenditure.

Robert Wilson said he presumed that the 0.014°C temperature change allowance is predicated upon a Willamette River water flow rate that may or may not exist, and he questioned the validity of the DEQ's formula. Mr. Penpraze and Mr. Rogers confirmed the water flow aspect of the formula and reiterated that the temperature change limitation formula was developed by the DEQ after analyzing two years' data with review by the United States Geological Survey. The formula was deemed valid, but it will be difficult for the City to comply with the new limitation. The water flow gauge on the NW VanBuren Avenue Bridge is not certified, so the City must use the nearest gauge, which is upstream at Harrisburg. The accuracy of the flow is so important that staff can support the City investing funds to have the Corvallis gauge certified.

This issue was presented for information only.

II. Other Business

A. The next regular Urban Services Committee meeting is scheduled for February 6, 2007, at 4:00 pm, in the Madison Avenue Meeting Room.

Councilor Grosch adjourned the meeting at 4:47 pm.

Respectfully submitted,

George Grosch, Chair

**MEMORANDUM**

TO: Urban Services Committee

FROM: Steve Rogers, Public Works Director

DATE: January 8, 2007

SUBJECT: Willamette River Total Maximum Daily Load Water Quality Regulations

ISSUE STATEMENT

On September 21, 2006 the Willamette River Basin Total Maximum Daily Load (TMDL) water quality regulations for temperature, mercury, and bacteria were issued through an order by the Oregon Department of Environmental Quality (DEQ). Compliance strategy, time lines, and cost implications are also briefly discussed in this memorandum with additional information to follow.

BACKGROUND

A TMDL defines the amount of a pollutant that can be present in a waterbody without causing water quality criteria to be exceeded. Many of the rivers and streams in the Willamette River Basin's 11,400 square miles do not meet water quality standards for a variety of parameters, including temperature, mercury, bacteria, dissolved oxygen, and various metals and pesticides. In response, DEQ included various rivers and streams on its list of impaired waterbodies as mandated under the federal Clean Water Act (CWA). The CWA further requires that these listed waterbodies have TMDLs developed to determine appropriate pollutant limits to ensure water quality standards will be achieved.

The upper Willamette River subbasin, which includes the section of the river that flows past Corvallis, was determined to be water quality limited for temperature, mercury, and bacteria. A TMDL has been developed for each parameter to reduce or limit the pollutant load entering the river. Through implementation of the TMDLs, DEQ expects to protect people from potentially harmful bacteria during water contact recreation, reduce mercury levels in fish with a goal of removing fish consumption advisories, and protection of threatened and endangered species, primarily salmon and steelhead, by reducing water temperatures.

The City of Corvallis discharges its treated wastewater and storm water runoff to the Willamette River and so has been identified by DEQ as a Designated Management Agency (DMA). The City's discharge includes small quantities of mercury and bacteria, and during the summer months the temperature is sometimes higher than allowed under the new TMDL. The City is required to reduce its discharge of these constituents. DMAs are required to develop and submit an implementation plan defining its compliance strategy to DEQ within 18 months of the issuance date of the TMDL (April, 2008). See Attachment A for a more detailed discussion of the three TMDLs that affect Corvallis.

## DISCUSSION

Development of the City's implementation plan has begun. Staff is reviewing wastewater treatment plant discharge data and Willamette River water quality and flow data, and analyzing it to determine future non-compliance potential. Collaborative discussions and data collection efforts are underway with other Willamette River dischargers. For example, staff is working on a mercury water quality monitoring program to better define the contribution from municipal wastewater treatment plants compared to air deposition, industrial discharges, naturally occurring sources, and legacy contamination from upstream mining activities. Similar types of efforts are being undertaken regarding temperature impacts from urban areas. Compliance options are being developed and are discussed below.

## COMPLIANCE ALTERNATIVES

Temperature. Of the three TMDLs, compliance with the temperature standard will be the most difficult. Willamette River water temperatures for protection of salmon and steelhead have been established at 18°C for rearing and migration and 13°C for spawning. Summer river temperatures at Corvallis can be 20°C or higher during the warm weather months of the year. The wastewater plant discharge temperature can also be 20°C or higher during the summer/fall time period.

The thermal limit provided is generally adequate under current treatment plant flow and river conditions. A five year look-back of plant discharge data shows that the permit limit would have been exceeded twice and would have been close to being exceeded on 14 other occasions. DEQ has given Corvallis a heat waste load allocation (WLA) equivalent to allowing it to raise the river temperature no more than 0.014°C during the warm weather season. This is a very small amount the effect of which, however, is to reduce the City's wastewater plant dry weather design capacity from its current 9.7 million gallons per day (MGD) to approximately 7.3 MGD. With current plant flows approaching 7.0 MGD, capital improvements or other mechanisms to reduce discharge temperature will need to be made much sooner than anticipated in the City's facility master plans.

Several alternatives are being evaluated, including chilling the plant discharge, making improvements to Willamette River fish habitat, purchasing pollution credits from others, and removing the treated wastewater discharge from the river and using it on Greenberry Irrigation District (GID) agricultural lands for irrigation purposes.

Staff has been pursuing the GID option for the past year. The GID, located just south of the City's municipal airport, currently grows primarily grass seed, and would like to diversify their crop selection and needs irrigation water to do so. They are interested in using treated City wastewater rather than withdrawing water from the river. This alternative is attractive from a number of perspectives including: it would solve the City's temperature issue by removing the discharge from the river during the summer months; it furthers the City's Sustainability and Endangered Species Act Salmon Plan efforts by reusing treated wastewater rather than withdrawing water from the Willamette River; and it allows for crop diversification for the GID which has a positive economic impact on the City and Benton County. The estimated cost of this option is 28 million dollars. Staff will bring to the City Council through Urban Services

Committee more detailed information regarding the scope and feasability of this and the other options for your consideration

Mercury. A mercury reduction implementation plan is required. In anticipation of the mercury TMDL, staff initiated a mercury reduction program several years ago. Facets of the program include mercury collection efforts in local schools and mercury discharge reductions from the Corvallis dental community.

A mercury reduction program was conducted at local middle and high schools by collecting their science lab equipment that contained mercury and replacing it with non-mercury containing devices. This was a very successful program that was done as a model for other wastewater agencies in the state to emulate. Staff worked with local dentists and their professional organization to develop a voluntary mercury discharge reduction program. Mercury is a component of dental amalgam that used to get discharged to the sewer system. Local dentists are now capturing most of the waste material and disposing of it by other means.

DEQ data indicates that only about 3% of the mercury in the Willamette River can be attributed to municipalities. To better define and quantify this contribution, DEQ proposes that additional monitoring and data collection and analysis be done in the first five years of the TMDL, along with implementation of mercury reduction programs like those already underway.

Bacteria. Bacteria contamination is an issue in some parts of the upper Willamette River basin due to runoff from agricultural lands, storm water runoff, and untreated overflows from defective septic systems and leaking sewer lines. The City already has a bacteria limitation to meet river water quality standards in its EPA/DEQ wastewater discharge permit. It is assumed at this time that if the City continues to meet this limitation, which it does consistently, it will be in compliance with the TMDL.

## STORM WATER SYSTEM IMPLICATIONS

The above discussion has focused on the TMDLs as they relate to the wastewater treatment plant discharge. The City is also required to develop management strategies to address the same potential water quality impacts from storm water runoff. Most of this work is already complete, as it was a requirement of the City's storm water permit application process. The City's EPA/DEQ storm water discharge permit will be issued sometime in 2007. It is staff's understanding that if the City implements its DEQ approved storm water management plan, then it will be deemed in compliance with the TMDLs for the first five-year permit period.

## RECOMMENDATION

Staff recommends the City Council accept this information report on the Willamette River TMDL process with additional detailed information and discussion to follow.

Review and concur,

Jon S. Nelson, City Manager

Attachment A

**Willamette River Basin**
**Total Maximum Daily Load**
**Parameters of Concern for Corvallis**

## Bacteria TMDL

### *Key Issues:*

• Bacteria problems have been identified in the urbanized and agricultural portions of the Upper Willamette.

• Bacteria can affect water contact recreation usage by increasing the risk of pathogen induced illness (typically gastrointestinal, respiratory, eye, ear, nose, throat and skin diseases) through skin contact or ingestion of water.

• Bacteria are typically carried into streams and rivers as part of stormwater runoff in urban and agricultural areas.

### *Findings:*

• Much of the Mainstem of the Willamette River meets water quality standards most of the time.

• Bacteria levels are highest in urban tributaries to the Willamette River. This finding is attributed primarily to stormwater runoff. Likely sources include animal wastes (including pet waste), leakages and equipment failures in sanitary sewer systems, failing septic systems, and fecal waste from wildlife (such as ducks and geese).

• The wastewater treatment plant has permit limits that minimize the contribution of bacteria, ensuring water quality standards are met prior to discharge.

### *What Will Happen:*

• Corvallis, with a population of more than 50,000 is required to have a municipal storm water (MS4) permit to minimize bacteria and other pollutant runoff. The permit will be updated to reflect new information from this TMDL and may require the implementation of more stringent controls for bacteria as necessary.

• Agricultural lands are under the jurisdiction of the Oregon Department of Agriculture. Existing Agricultural Water Quality Management Area Plans are updated every two years. The findings of the TMDL will be incorporated into these plans.

## Mercury TMDL

### *Key Issues:*

• The Oregon Health Division has posted fish consumption advisories for the Willamette River due to high concentrations of mercury in certain fish species. These advisories discourage the consumption of these fish.

• The fish consumption advisories have triggered this mercury TMDL. The goal of the TMDL is to determine how to reduce the amount of mercury in the river so that mercury levels in fish will drop to an acceptable level. The mercury TMDL is not due to the violation of in-stream water quality standards.

•Initially, it was thought that most mercury in the Willamette comes from old mercury and gold mines. That does not appear to be the case.

### *Findings:*

•Mercury naturally occurs in the soils of the Willamette Valley. The excess erosion of these soils from agricultural, forested, and urban lands contribute to mercury in the river.

•Mercury is deposited onto the land and water from numerous air pollution sources. These include the burning of fossil fuels by cars, trucks, trains, boilers, fires and sources outside the United States.

•Small quantities of mercury are discharged into the river by wastewater treatment plants and certain industries. Wastewater treatment plants receive mercury through disposal of consumer products and dental amalgams (tooth fillings).

•Abandoned mines represent a small contribution of the mercury problem in the Willamette River though they are a significant source of mercury within the Cottage Grove and Dorena Reservoirs.

• An estimated 27% reduction in mercury pollution in the mainstem Willamette is needed to eventually remove the fish consumption advisory.

• The mercury TMDL will be implemented in 2 phases:

• The Phase 1 TMDL will set allocations by sectors (e.g. wastewater treatment plants; industrial dischargers; urban, agricultural, and forested lands).

• DEQ will develop a second Phase II mercury TMDL in 2011 that will likely have revised targets, reduction requirements, and may include individual permit limits for DMAs.

*What Will Happen:*

• The City will be required to develop a mercury reduction plan and reduce the amount of mercury released into the environment.

• DEQ and stakeholders are working to design a plan for data collection and the future analyses needed. Additional mercury data will be collected with funding from EPA and the wastewater dischargers;

**Temperature TMDL**

*Key Issues:*

• The Willamette Basin is home to a number of threatened and endangered species of fish; warm water temperatures are a factor in their decline. Temperatures frequently exceed biological criteria for rearing and migration and exceed spawning criteria during portions of the spawning period.

• The Willamette River and many of its tributaries have been greatly altered hydrologically by dams, urbanization, and stream channelization activities.

*Findings:*

• Analysis demonstrates the river naturally exceeds standards for protecting salmon during warmest months.

• Impacts of major dams, reservoirs and loss of riparian vegetation are the major sources of river warming; other potential causes of river warming include loss of wetlands, channel modifications, and flow modifications.

• The TMDL allows point sources(such as the Corvallis wastewater plant discharge) to collectively increase the temperature of the upper river up to 0.23 °C.

• The waste load allocation for Corvallis will be 127,000,000 kilo-calories per day. This cap on thermal pollution ensures that the discharge from the City's wastewater treatment plant will not raise the temperature of the river more than 0.014°C during low river flow periods.

• The load limits include a safety margin to account for uncertainty and reserve capacity for future growth.

*What Will Happen:*

• All point sources of thermal pollution (industrial and wastewater treatment plants) will receive unique permit limits based on river conditions. Permits for sources from the Santiam River southward (including Corvallis) on the average will hold thermal pollution impacts at current levels with some growth available to most.

• Some heat load has been held back to provide for future growth. One half of this reserve capacity will be available for allocation when the TMDL is issued, and may be included in renewed NPDES permits; the second half will be available after the DEQ has completed analysis of effects on temperature in the Willamette River.

• DEQ will include new permit limits for thermal pollution with renewal of wastewater permits.

**Bacteria, Mercury and Temperature TMDL Implementation**

• For urban and rural/non-agricultural lands, Designated Management Agencies (DMAs) will be required to develop TMDL Implementation Plans within 18 months of the issuance of the TMDL.

- Designated Management Agencies (DMAs) are cities, counties, and other jurisdictions, such as the USACE, that have authority to implement water quality improvements. These DMAs will be required to develop TMDL Implementation Plans to address TMDL allocations within their jurisdiction.

- TMDL Implementation Plans are due within 18 months from the date of the Notification Letters (October 18, 2006) that ODEQ sent to DMAs.

- Oregon's adaptive management approach to implementing TMDLs compares implementation activities to the success of water quality improvements. When the implementation activities appear to be successful through monitoring and reporting by DMAs, no changes would be proposed. When water quality improvements are not apparent the DEQ would consider changes to achieve water quality improvements.

The full test of the Willamette Basin TMDL is available on the DEQ website at www.deq.state.or.us/WQ/Willamette/Willamette.htm

X:\Divisions\Utilities\Willamette River\Wil river tmdl transmittal memo to usc attachment A 010907.wpd

# United States
# Environmental Protection Agency

## National First Place
## Clean Water Act Recognition Award
### for Pretreatment Program Excellence

### 0 - 5 Significant Industrial Users

*Presented to*

**City of Corvallis Pretreatment Program**
**Corvallis, Oregon**

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

*OCTOBER 23, 2006*

*Administrator*

# USEPA CLEAN WATER ACT RECOGNITION AWARDS PRESENTATION

MONDAY, OCTOBER 23, 2006
11:30 a.m.

WATER ENVIRONMENT FEDERATION TECHNICAL EXPOSITION AND CONFERENCE
DALLAS CONVENTION CENTER
DALLAS, TEXAS

# NATIONAL CLEAN WATER ACT RECOGNITION AWARDS PRESENTATION

## MONDAY, OCTOBER 23, 2006

## PROGRAMME

| | |
|---|---|
| Opening and Welcome | Lynn Orphan<br>Past-President, Water Environment Federation |
| Presentation of Awards | Michael Shapiro<br>USEPA Deputy Assistant Administrator for Water<br><br>James A. Hanlon, Director<br>Office of Wastewater Management |
| Group Photos of National Award Recipients (in order by awards category) | Operations and Maintenance<br>Biosolids Management<br>Pretreatment Programs<br>Storm Water Management<br>Combined Sewer Overflow Control Programs |

Please join us for a reception, compliments of the Water Environment Federation, in Room A115 and A117.

## 2006 National Exemplary Biosolids Management Awards Winners

### Large Operating Projects

First Place: Encina Wastewater Authority, Biosolids Management Program, Carlsbad, CA

### Small Operating Projects

First Place: City of Olathe Compost Facility, Olathe, KS

### Public Acceptance Activities

First Place: Florida Water Environment Association and the Florida Dept. of Environmental Protection Agency/Central District, Orlando, FL Dr. Phil Kane

Second Place: Rancho Las Virgenes Composting Facility, Community Compost Program, Calabasas, CA

## 2006 National Pretreatment Program Excellence Awards Winners

### 0-5 Significant Industrial Users

First Place: City of Corvallis Pretreatment Program, Corvallis, OR

### 6-20 Significant Industrial Users

First Place: Riverside Regional Water Quality Control Plant, Environmental Compliance Section, City of Riverside, CA

Second Place: City of San Leandro, San Leandro, CA

### Greater Than 21 Significant Industrial Users

First Place: City of Fresno Industrial Pretreatment Program, Fresno, CA

## 2006 National Storm Water Management Excellence Awards Winners

### Industrial Program

First Place: Santa Clara Valley Urban Runoff Pollution Prevention Program San Jose, CA

## 2006 National Combined Sewer Overflow Control Program Excellence Awards Winners

### Municipal Program

First Place: Auburn Sewerage District, Auburn, ME

Second Place: City of Little Falls Wastewater Treatment Plant, Little Falls, NY

10-06

# ACWA MEMBERS WIN NATIONAL AWARDS

Two ACWA members were included in the national Annual EPA Clean Water Act Recognition Awards – Clean Water Services Durham facility taking first place for Operations and Maintenance and the City of Corvallis taking first place for pretreatment.

The awards were presented at the annual WEFTECH conference held in Texas in October.

**Clean Water Services – Durham**

The Durham facility was recognized with a first place award for outstanding operation and maintenance for a large advanced treatment plant. The plant was recognized for its innovation in treating ortho-phosphorus to meet stringent phosphorus limits for its discharge to the Tualatin River, while reducing alum expenditures. Also, the plant has instituted an aggressive safety training program that rewards employees for extra-safe performance of their work. The facility has gone over 700 days without a loss-time accident, an 800% improvement over 2002.

**City of Corvallis – Pretreatment**

The City of Corvallis won first prize for its pretreatment program (**0 - 5** Significant Industrial Users). Corvallis has implemented a collaborative program with area dental offices to install and use best management practices to keep mercury-containing amalgam out of the sewer system. Since starting the collaborative program with the Oregon Dental Association, Corvallis has seen mercury loading into the treatment system reduced by approximately 90%. The City also worked to pilot test a program to remove mercury from Corvallis middle and high school schools, removing 8 pounds of elemental mercury and 1 pound of mercury-containing compounds. The City of Corvallis focuses on pollution prevention and working collaboratively with the businesses and industries that discharge to its system to resolve issues before they become problems.

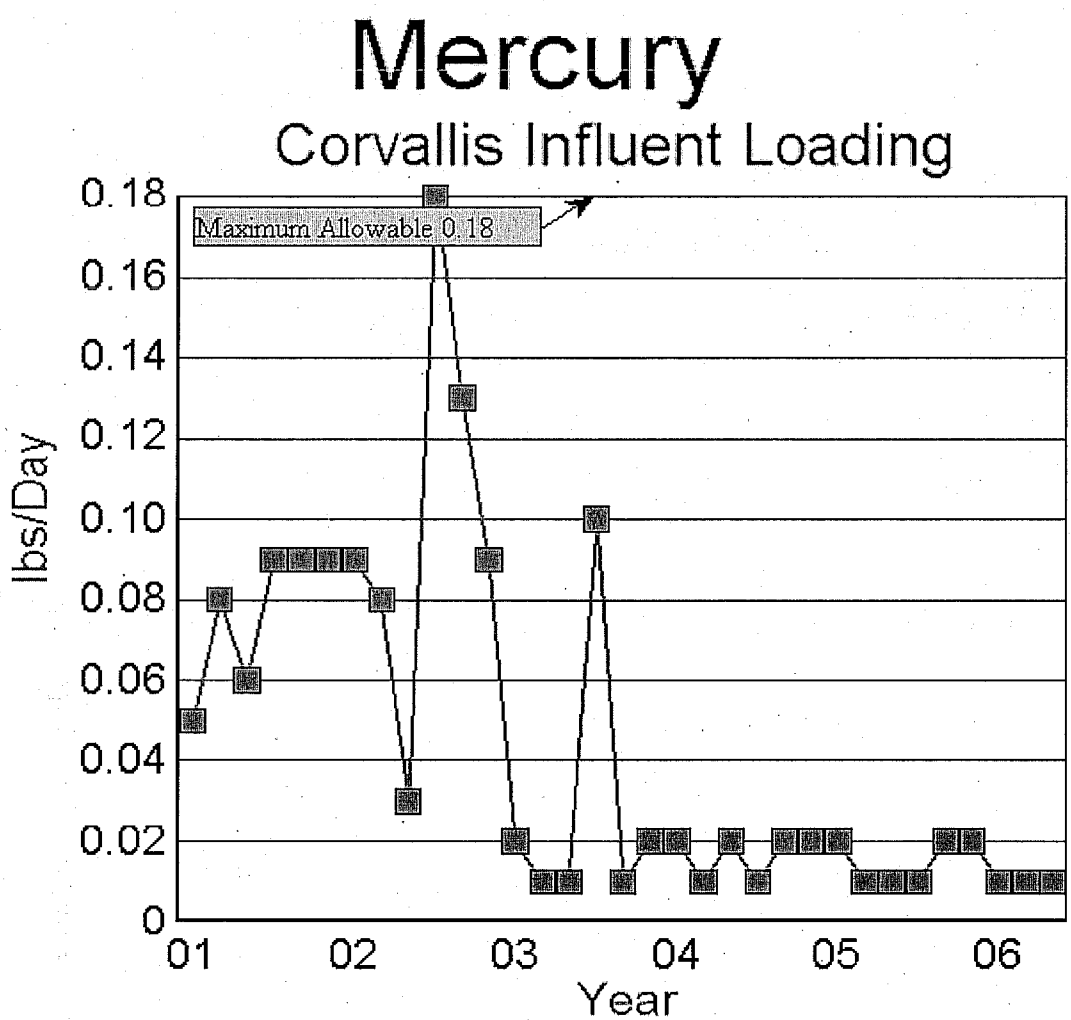
**Other ACWA members Award Winners**

Many ACWA members have been honored by the EPA for their outstanding programs. Past winners have included:

Dr. Janet Peterson displaying the mercury amalgam captured by a chair-side trap at her dental practice in Corvallis, OR.

In 2003, the City of Corvallis and the Oregon Dental Association (ODA) entered into a memorandum of agreement to implement Best Management Practices (BMPs) for dental waste in order to reduce the amount of mercury amalgam discharged to the sanitary sewer. ODA was

represented by Beryl Fletcher, Director of Professional Affairs. This is a voluntary program that resulted in 100% of the Corvallis dentists implementing the BMPs. All 44 dentists completed and returned certified surveys stating that they were in compliance with the BMPs. Certificates of Compliance were mailed to the dentists and are good for three years. At the end of the three years the dentists will be re-surveyed. Eligibility for a certificate is based on complying with all of ODA's dental BMPs which include BMPs for x-ray film lead foil and spent x-ray fixer (silver), in addition to mercury and mercury amalgam. Since implementation of this agreement, the mass of mercury in the wastewater plant influent has decreased about 90% (see graph below). The dental waste BMPs were implemented as a proactive initiative by the City of Corvallis prior to any mercury minimization plan required by the Willamette River mercury TMDL.




The pretreatment program assisted in a mercury reduction in schools program (led by Mark Taratoot) to eliminate mercury from a middle school and a high school science curriculum. More than 8 pounds of elemental mercury and over 1 pound of mercury compounds were removed. Since the removal of mercury from these two schools, the remaining schools in the Corvallis School District have also implemented mercury free science curriculums. Soon the City will be required to implement a mercury minimization strategy as part of the Willamette River Basin mercury TMDL. As a result of eliminating mercury in school science curriculums,

the City has already begun to address the need to reduce the release of mercury in the Willamette Basin by eliminating the potential for mercury spills in science laboratories from entering the sanitary sewer through floor and sink drains. With the potential of mercury releases to the sanitary sewer from schools already eliminated, the pretreatment program can focus its resources on other sources of mercury in order to reduce releases to the Willamette Basin.

THE SUPERINTENDENT'S
# Pipeline
Oregon Department of Education
NOVEMBER 2003

## From the desk of Susan Castillo

State Superintendent of Public Instruction

The No Child Left Behind Act represents the largest federal intervention into state and local educational efforts in history. In theory this law is progressive—no one can argue against success for all students—however, we are discovering that some results of the law are actually regressive.

I have said many times in the past year that I support the focus of federal resources and programs to help Oregon close the achievement gap for minority and disadvantaged students. But as we work to implement the provisions of the law, two things are very clear: the heavy-handed "one-size-fits-all" approach calls for serious technical revisions and it is time to push back on parts of NCLB that are not good for Oregon students.

In the coming weeks, I will work with our partners and state leaders to communicate our concerns with the federal law and find practical ways to make change. I will go to Washington, DC, to meet personally with Congressional leaders of both parties to make our case. I will continue to partner with other state superintendents to claim the flexibility in the law that we were promised.

Here are a few areas where I think all of us, as Oregonians, should push back on NCLB:

1. The highly qualified teacher language imposes unreasonable restrictions on measuring teacher quality, resulting in Oregon's highly competent and fully certified teachers being labeled and demoralized. This is unfair.
2. Adequate yearly progress is essential; however, not meeting AYP because of one target out of 60 criteria should not result in an entire school being labeled and demoralized. This has to change.
3. Students with severe disabilities are at a disadvantage on AYP criteria. This is not based on sound educational practice and results in these students being labeled and demoralized.
4. Oregon's small and rural school districts differ from large districts and should meet different requirements. Small districts have extreme difficulty meeting requirements for school choice, paraprofessionals, and other aspects of the law.

I understand that achieving these results will be challenging, but it is a disservice to our students and their future if we do not pursue what we know is best for Oregon's schools.

I hope you will join me as we work to ensure every student, every day, a success! Your input is critical, and I value your comments and suggestions.

Please feel free to contact me at superintendent.castillo@state.or.us.

Sincerely,

Susan Castillo

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NAEP Release of 2003 Results

State Board Adopts Writing Assessment Shift to Grades 4, 7

# State Board Adopts Rules to Eliminate Mercury in Schools

The State Board of Education adopted new rules at their October meeting designed to eliminate the use and purchase of mercury and mercury-added equipment in Oregon schools. The rules are the result of a law passed by the 2001 Legislature.

"Eliminating mercury from schools is not only the smart thing to do for school districts interested in avoiding future cleanup costs, but most importantly for our kids' health," said Laura Weiss, Program Director for the Oregon Environmental Council. "Schools are an environment that should be free of mercury, particularly where effective and reasonably priced alternatives exist."

The rule will prohibit Oregon schools from purchasing mercury compounds and mercury-added instructional equipment and requires schools to eliminate all elemental mercury and mercury compounds maintained for educational purposes.

Mercury is a highly toxic metal that can cause serious and irreversible damage to the brain and nervous system, and children are particularly vulnerable to the toxic effects of mercury.

"Although schools do not constitute one of the largest sources of mercury to the environment, they are places where mercury and children may come together, leading to dangerous and often expensive situations," said Mark Taratoot of the Corvallis Public Works Department.

Some schools in Oregon have already taken action to eliminate mercury from their schools. For example, the Corvallis School District and the city's Public Works Department have already removed several pounds of mercury from two area schools and plan to continue this effort in other schools. The city has provided mercury-free replacements for some of the items they removed.

Many school safety experts strongly recommend the removal of all mercury and mercury containing compounds from schools, based on the growing number of incidents involving mercury, the cost of disposal, and the probability that many teachers and students are exposed to mercury unknowingly. For all instructional uses of mercury or mercury-added equipment, non-mercury alternatives are available.

The state Department of Environmental Quality is available to assist schools that need help properly disposing of mercury and mercury products. "This rule will reduce the use of mercury and mercury-added products, and that's an important element of DEQ's mercury reduction strategy," said Eric Blischke of DEQ.

There are disturbing examples from around the country where the presence of mercury or mercury-added equipment led to dangerous and expensive cleanup situations in schools. For example, vandalism of a mercury barometer cost one school district $7,000 to clean up. In another example, a student stole a significant amount of mercury from a chemical storage room, spread it in the hallways and on lockers, and spilled it in multiple classrooms. Areas of the school were closed for approximately two weeks, and cleanup costs exceeded $250,000.

The U.S. Environmental Protection Agency is sponsoring a web-based video-cast workshop that will cover the risks associated with mercury in schools, and the virtual elimination of mercury from schools. The workshop will also emphasize the use of sustainable science when teaching different scientific concepts to students while stressing to teachers the importance of minimizing the impact to the environment from using certain lab chemicals. The audience can submit questions during conference to panel via e-mail or call-in number.

The video-cast workshop will be held Nov. 17, from 1 to 4 p.m. eastern standard time. The website address is http://videocast.nih.gov (do not use the www prefix).

The feed will be broadcast at high speed and 56k bps so users can access the workshop by dial-up modems or higher speed connections such as cable. All viewers will need to have player software to view workshop, which can be downloaded free of charge beforehand from Real Networks www.real.com.

## Release of Final AYP List

Oregon released the preliminary AYP list in August and identified 365 schools in need of improvement. Since that time, schools and districts have worked with the Department to verify and validate the data. The appeals and corrections are being incorporated into the formula, and the final AYP list is set to be released Nov. 13.

We want to ensure that the release of the final AYP list is done in a manner that provides districts with time to prepare and communicate with media, staff and community. Following is a timeline to assist with your planning.

**WEDNESDAY, Nov. 5:** AYP preview begins (via the ODE/District password-protected website)

**THURSDAY, Nov. 6:** ODE will provide districts with DRAFT talking points regarding final AYP list to all school districts and education partners (Governor/State Legislators, OEA, COSA, OSBA, OSEA, other civic and business groups)

**WEDNESDAY, Nov. 12:** Final AYP list released to media (EMBARGOED—news stories will appear on Thursday); copies of final information sent to all school districts and education partners

**THURSDAY, Nov. 13:** Public release of final AYP list

# Pledge of Allegiance Constitutionality

Oregon Revised Statute 339.875 requires all school district boards to "provide students with the opportunity to salute the United States flag at least once each week of the school year by reciting" the Pledge of Allegiance. The pledge set forth in the Oregon statute includes the phrase... "one Nation under God...." The application of this state law and the accompanying school district policies appears to be in conflict with the view of the 9th U.S. Circuit Court of Appeals in their decision in Newdow v. U.S. Congress.

In this case, Michael Newdow's elementary-age daughter was required to be in class while her classmates recited the Pledge of Allegiance. California law, like Oregon law, does not require that students participate in reciting the pledge. Nevertheless, Newdow sued claiming that the practice of reciting the pledge was an impermissible governmental "establishment of religion" and violated constitutional principles separating church and state. The 9th U.S. Circuit Court of Appeals agreed with Newdow and initially declared unconstitutional the 1954 congressional act that created the pledge. A firestorm of criticism led to an amended decision that invalidated the school district policy but did not declare the 1954 law unconstitutional. The California school district and U.S. Congress appealed the decision to the U.S. Supreme Court. On Oct. 14, the Supreme Court agreed to hear the appeal.

The Oregon Department of Education will not ask the Oregon Department of Justice for an interpretation of the Newdow decision with respect to the Oregon statute cited above. Given that the Supreme Court will likely decide the case next summer, it would be an inefficient use of state funds to request an interpretation of state law at this time.

In the event the state is made a party to litigation regarding the constitutionality of ORS 339.875, the Oregon Department of Justice will seek a stay of the proceeding, based on the U.S. Supreme Court's acceptance of review of the Newdow v. U.S. Congress case involving the Pledge of Allegiance. The state expects that a stay would be granted but in the event it is not, the Oregon Department of Justice will defend the constitutionality of ORS 339.875. The state's legal position will, of course, be subject to reevaluation once the U.S. Supreme Court decides Newdow.

If you have further questions, contact Randy Harnisch, 503-378-3600 ext. 2350.

## Financial Technical Assistance Available for School Food Service Programs

The Oregon Department of Education Child Nutrition Programs (ODE CNP) announces the availability of a new financial technical assistance program designed to assist school districts in reaching and/or maintaining financial success in food service programs. This service is available to all school districts at no cost.

It is the goal of ODE CNP to provide the support and assistance to our sponsors necessary to achieve or maintain a self-supporting food service program. In light of the current financial woes facing school district general funds, we highly recommend that you take advantage of this opportunity during the 2003-04 school year. There are a limited number of visits available on a first-come, first-served basis. If you are interested, submit your request as soon as possible.

Information is being sent to superintendent, business managers, and food service directors. If you have any questions, contact Greg Lynch, 503-378-3600 ext. 2624, or visit our website at www.ode.state.or.us/nutrition.

## Upcoming Report Card Changes

The release date for the upcoming school and district report cards based on 2002-03 data is set for Jan. 29. Earlier this year, schools received a preliminary rating of either "met" or "did not meet" adequate yearly progress (AYP). This year's report card will issue ratings of "exceptional," "strong," "satisfactory," "low," or "unacceptable" according to Oregon legislation.

Different ratings result from different rating systems. The federal legislation (No Child Left Behind) requires specific criteria for a "met" or "did not meet" rating, while, the Oregon system has different requirements which have been in place for over four years. This year's report card ratings will be based on *basically* the same formula as last year with some additions and changes due to new requirements.

You can expect several communications to help you in your planning:

- The December *Pipeline* will list specific additions and changes by topic
- You will be able to view a sample card on the Department of Education's website at that time
- In early December, the Oregon School Boards Association in partnership with the Department of Education will be issuing a report card "toolkit" which will have sample letters and camera-ready communications (last year's kit can be viewed on the OSBA website at www.osba.org)
- In early December you will receive a numbered memo from the Department outlining changes, timelines, and procedures
- A January numbered memo will outline reproduction and distribution requirements

# Legal Aspects of Holiday Celebration/ Commemoration

As the holidays approach, questions arise as to what celebration or commemoration of Christmas is legal within the public schools. The Department of Education receives such questions as:

- Can elementary students be required to memorize Silent Night?
- Can the school put up a Christmas tree?
- Can school choirs perform for church groups?
- What percentage of the total music in a school program can be religious?

The key word for districts to remember is "neutral". As governmental entities, they are neither to promote nor prohibit religion. State funds, under the Oregon Constitution, cannot be used to support religious activity.

Religious music in a school program is permissible but the audience should leave with a feeling that they have seen the musical achievements of the public school students, not a celebration of the birth of Christ. Cultural aspects of a religious holiday may be recognized and taught, but the religious aspects may not. School choirs may perform for religious groups, but this must be optional for any student and a grade cannot be reduced for nonparticipation.

Schools can teach about religion; they cannot teach religion. A district may have basic school funds withheld if a complaint is made under ORS 327.109 and it is determined that the district sponsors, financially supports, or is actively involved with religion. More important than even the district funds, however, is the protection of every child's right to freedom of religion.

Seasonal celebrations can be an important part of a school's instructional program and community outreach and as such are encouraged. It is, however, equally important to recognize the role that the religious aspect of these celebrations can and cannot play as a part of a public school.

For information regarding religious expression in public schools, you may contact the U.S. Department of Education at their website at www.ed.gov. If you have specific questions, we would encourage you to contact your district's legal counsel.

## NAEP Release of 2003 Results

The U.S. Department of Education will release the results of the 2003 National Assessment of Educational Progress (NAEP) reading and mathematics assessments on Thursday, Nov. 13. Oregon uses NAEP results to compare our students' performance both over time and to the performance of students nationally and in other states.

Visit the Department of Education's web site to view Oregon results, www.ode.state.or.us.

For more information, contact Susan Huggins, 503-378-3600 ext. 2266.

# State Board Adopts Writing Assessment Shift to Grades 4, 7

At their October 23, 2003 meeting, the State Board of Education approved a shift that moves the statewide writing assessment from grades 3, 5 and 8 to grades 4 and 7 beginning with assessments given during the 2004-2005 school year. **This year's assessments at grades 5, 8, and CIM will not be affected.**

This action was taken to ease the amount of testing at the benchmark grades, particularly grades 5 and 8, while at the same time maintaining writing assessment progress checks at critical points in a child's education: once at the elementary level and once at the middle school level, prior to CIM testing in high school.

The benefits cited for making the writing assessment shift include:

- the reduction of testing time for students at grades 5 and 8,
- a better match to the newly-adopted state English/Language Arts standards where essay writing is an expectation at grade 4, and
- the equal interval of three years between each of the "progress checks" leading up to CIM certification.

Performance standards for grades 4 and 7 in the area of writing will be set by spring 2004, including the decision about which traits will count toward a student's composite score and if additional weight should be given to any particular trait.

In an effort to help students, teachers, administrators, and parents learn what is expected from writers at grades 4 and 7, sample or "anchor" papers that show varying levels of performance in each of the tested modes will be available on the Department of Education's website. The one exception is the persuasive mode, which is not included in the standards at grade 4 so it will not be tested. This new resource will be available by mid-November and will be at www.ode.state.or.us/asmt/writing/.

For more information, contact Ken Hermens, 503-378-3600 ext. 2264.

## Scoring Sites and Teacher Opportunities to Participate

Each year, Education Service Districts (ESDs) around the state recruit hundreds of Oregon classroom teachers to participate in scoring statewide performance assessments in writing and mathematics problem solving (MPS). At the completion of a rigorous training process facilitated by experienced scoring directors, applicants must meet the standard on scoring a set of qualifying papers in order to participate in scoring activities.

After surveying each of the ESDs in Oregon, the Department has identified the following sites for the 2003-04 scoring:

- ESD sites scoring the assessments completed between Jan. 17 and Feb. 14 include:
  - **Writing:** Clackamas, South Coast, Lane, Douglas, Malheur, High Desert, Willamette, Umatilla-Morrow, Linn-Benton-Lincoln
  - **MPS:** Multnomah, South Coast, Lane, Douglas, Union-Baker, High Desert, Willamette, Umatilla-Morrow

- ESD sites scoring the assessments completed between April 24 and May 15 include:
  - **Writing:** Union-Baker, Southern Oregon, Northwest Regional, Multnomah
  - **MPS:** Malheur, Southern Oregon, Linn-Benton-Lincoln, Willamette

If you are interested in helping to score the performance assessments, contact the ESD nearest to you. If you have questions about the scoring sites, contact [illegible], 503-378-3600 ext. 2263.

## Extended Assessment Training Offered

The Office of Assessment and Evaluation is offering training opportunities over V-Tel). There are two opportunities to become qualified in Extended CLRAS and two opportunities to become qualified in extended reading, extended mathematics, and extended writing. New trainers should attend two trainings, one on each type of assessment. The sessions will be offered through the Department's event registration site, [illegible].

For information about extended assessments go to [illegible].

For questions about extended assessment or accommodations and modifications contact [illegible], 503-378-3600 ext. 2267.

## TESA Walkthrough

The Department of Education has produced a "test" that teachers/students/parents can go through to experience what TESA is like and to help determine if students would be comfortable using this delivery system. This walkthrough demonstrates the logon process, the selection of a test, and the navigation from one screen to another. Rather than demonstrating difficulty of items within a content area, the walkthrough shows the various screen layouts students will encounter in mathematics, reading/literature, science, and social science as well as typical scrolling and toolboxes.

The TESA Walkthrough is at [illegible].

Contact [illegible], 503-378-3600 ext. 2259.

## Numbered Memoranda Overview

Numbered memos sent out since the September/October *Pipeline* are listed below.

| Date | Memo No. | Brief Description |
|---|---|---|
| Oct. 21 | [illegible] | Infectious Disease/HIV Prevention Contact Person |
| Oct. 8 | [illegible] | School Safety |
| Oct. 1 | [illegible] | Identification of Contact Person for Participation of Students with Disabilities in State Assessment |
| Oct. 1 | [illegible] | Oregon's Revision of Eligibility Documents for IDEA, Part B, FY 2003 Oregon's Revision of Eligibility Documents for IDEA, Part C, FY 2003 |
| Oct. 1 | [illegible] | Proposed Changes - Oregon Administrative Rules for Special Education and Early Intervention/Early Childhood Special Education Programs |
| Sept. 29 | [illegible] | School and District Report Card and NCLB Action Items |
| Sept. 24 | [illegible] | Changes to the Hiv/Aids, Hepatitis B/C Education Law |

If you have questions or comments about this publication, please contact [illegible], communications director, at 503-378-3600 ext. 2237.

# Mercury in Schools

# Pilot Project

# Final Report to Oregon DEQ

DEQ Agreement 030-03

DEQ Agreement 048-05

CFDA #66.640

April 29, 2005

Oregon Association of Clean Water Agencies

537 SE Ash, Suite 12

Portland, OR 97214

502/236-6722

*gillaspie@oracwa.org*

# Mercury in Schools Pilot Project

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## Executive Summary

Removing mercury-containing equipment from schools is an effective mercury reduction technique. Focusing mercury reduction efforts in schools has a benefit in addition to solving water quality problems - - it reduces mercury exposure for children and teachers.

The project tested mercury reduction programs in two Oregon school districts - Eugene's 4J District and the Corvallis 509J School District.

An estimated 17 pounds of mercury was removed through this program. To put that number in perspective, based on current estimates, DEQ indicates that wastewater treatment plants in the Willamette Basin will be required to remove 7.0 pounds of mercury in the Willamette Basin to meet the mercury Total Maximum Daily Load (TMDL) plan for meeting water quality standards.

While there is not a direct relationship between mercury-containing equipment and mercury-containing laboratory chemicals removed from these schools, certainly some of the mercury-containing products would have spilled, been broken, or poured down the drain in the future.

Estimated costs to remove the mercury per pound are:

- For Eugene, $498 per pound, and
- For Corvallis, $258 per pound.

These removal costs do not include staff time to coordinate the surveys, equipment replacement and proper disposal, and the time commitment for this type of project is large. The Eugene cost estimate does not include the cost of disposal – the project was able to coordinate disposal with a DEQ-sponsored hazardous waste cleanup event.

## 319 Mercury in Schools Grant Requests

Oregon Association of Clean Water Agencies received a 319 Non-Point Source Grant from Oregon DEQ to pilot test school partnerships as a mercury reduction strategy.

The initial Non-Point Grant Agreement was DEQ agreement 030-03, Project Number W02549, PCA#64543 and was signed in September of 2002. That grant was for $14,878 in expenses, and $9,919 in match. That agreement extended until 10/31/03.

Due to difficulties scheduling work with Oregon school districts, the project was delayed. Due to the delay, the work could not be accomplished by the 319 project deadline, but the expenditure of ACWA funds to replace equipment and pay for proper disposal continued.

DEQ issued a second *Mercury in the Schools 319 Grant* to ACWA in December of 2004 (DEQ Agreement #048-05, Project #W02549, PCA#64543) for $9,500 to print educational materials associated with the project. This portion of the grant had no local match requirement since DEQ was providing the required match.

This report covers the activities of both grants.

## Project Statement of Work

The School Pilot Mercury Reduction Program was intended to conduct school mercury reduction and replacement pilot projects in three Oregon communities. Mercury is a Persistent Bioaccumulative Toxin (PBT) and a toxic of concern in Oregon. The pilot project goals were to:

- Remove sources of mercury within the Willamette River watershed in order to start planning to meet the expected mercury TMDL.
- Remove the risk of children being exposed to elemental mercury in schools.
- Provide a non-toxic replacement for mercury, where feasible.
- Educate school districts, teachers and students on mercury and other PBT issues in the Willamette Watershed.
- Develop mercury teaching tools.
- Provide guidance to pollution prevention coordinators and educators on the quantity and pervasiveness of mercury in middle and high schools.
- Provide a "how-to" guidance for local municipalities to remove mercury sources from schools before mercury reaches public waters through improper disposal or accidents.

The grant funding assisted in the development and implementation of a pilot project to determine just how much mercury is in public schools. The project report serves as a guide for local wastewater treatment plant operators, municipalities, and others to follow when working with schools to remove that source of mercury before it enters the environment. This information will also help Oregon schools comply with a recent state law requirement restricting the use and purchase of mercury containing compounds in schools.

## Results from participating communities

Although three communities anticipated participating in the program, the project team was unable to convince Washington County-area schools to participate. The schools in the Eugene and Corvallis school districts participated in the project.

### Eugene

#### Anticipated scope of work

The initial scope of this project included funds for the removal, proper disposal, and replacement of mercury-containing equipment and chemicals from initially one school in the 4J School District. However, staff from 4J had already started their own inventory of mercury in all the 4J schools and therefore, the City decided to include four high schools in the pilot program. The ACWA grant coordinator authorized removal activities at all four schools. The schools discharge to the Eugene/Springfield Water Pollution Control Facility in Eugene, Oregon.

#### Project Accomplishments

In conducting the program, Eugene developed a survey form for staff to use to conduct the inventory at each school. At one of the schools, the city had the benefit of utilizing student assistance in performing the inventory. In addition to the students, Eugene District 4J Staff, which included their Safety Specialist and a science teacher from the Rachel Carson Center for Natural Resources, surveyed four Eugene High Schools. The items surveyed included all mercury-containing items as the 4J District wanted to obtain a comprehensive assessment of what mercury-containing items were on site.

After the removal and replacement of products, the City requested additional funds from the ACWA grant coordinator to include Bethel School District. Although the Bethel District initially appeared interested, the district later declined the grant assistance.

### Amount of Mercury Identified and Replaced in Schools

The pilot project removed 136 thermometers and 5 freestanding and wall-mounted barometers from the four schools. Each thermometer contains almost a gram of mercury. Each barometer contains approximately 1 pound of mercury. In addition, mercury-containing lab chemicals were also inventoried and removed. The chemicals included Mercury Chloride, Mercury Nitrate, and Mercury Oxide. One mercury spill kit was also removed.

The school district also collected and disposed of 3,014 (12,000 linear feet) of fluorescent tubes that were not covered by the scope of this project but were included in the inventory. Each 4-foot tube typically contains between 20-60 milligrams of mercury, some have as high as 80 milligrams of mercury in them.

We estimate that Eugene removed and properly disposed of 5.3 pounds of mercury through this program. This does not count the fluorescent tubes the District disposed of properly.

## Corvallis

### Anticipated Scope of Work

Corvallis planned to survey one high school and one middle school within the Corvallis water and wastewater service area. The City would offer to pay for removal and replacement of elemental mercury, mercury salts, and mercury-containing compounds. The City would develop a survey form, and use it to visit each school's science rooms, health clinics, and other areas where mercury compounds might be found. Excluded from this survey were durable items such as climate control thermostats and fluorescent light tubes. The survey included durable items such as spectral tubes and laboratory and fever thermometers.

### Project accomplishments

In carrying out the project, Corvallis Public Works staff developed survey forms and surveyed two schools. Copies of the survey forms are included as Appendix A. The school district requested a survey of one additional school. The initial high school identified for this program (Corvallis High School) previously experienced an expensive mercury spill and cleanup, so little mercury was expected. Corvallis Public Works staff obtained authorization to include a third school in the grant.

After completion of the grant-funded portion of this project, Corvallis Public Works offered the school district the opportunity to have a similar mercury removal take place at all the other schools in the district. The City of Corvallis provided survey forms to the school district's risk management director, and she arranged for each science teacher and/or principal to perform a survey of their school.

### Amount of mercury identified and replaced in schools

The initial pilot project removed 91 mercury thermometers from three schools. Each thermometer has up to about a gram of mercury, or enough to pollute a 20-acre lake. The survey also found and removed mercury-containing gauges and equipment containing almost 3200 grams of mercury, and almost 500 grams of various mercury-containing chemicals (e.g., mercury oxide, mercury sulfate, mercuric thiocyanate) from the three schools.

The second round of surveys identified and replaced and additional 17 thermometers, 13 thermoregulators, and five spectral tubes totaling about 30 grams of mercury. This second round also identified and removed almost 1700 grams of mercury-containing compounds such as mercury oxide, mercury sulfate, mercury chloride and mercury nitrate. There was also one contaminated spill kit from a broken thermometer that added almost one additional gram of elemental mercury. This project also disposed of five pints of sulfuric acid.

We estimate that the City of Corvallis removed and properly disposed of 12 pounds of mercury that could have found its way into the wastewater collection system and eventually to the Willamette River.

## Development of education and outreach materials

The project team hired an experienced educational curriculum writer and design team to produce educational materials for use in middle schools. The educational materials were written with a middle-school audience in mind.

The curriculum writer was Susan Blackaby (5327 SW Dover Court, Portland, OR, 97225, e-mail at sblackaby@attbi.com). The final designer was Julie Hill (The Design Ranch, 1654 NW Albany Avenue, Bend, OR 97701, e-mail at jhcowgirl@bendcable.com).

Materials produced under the project include:

1. Student Pocket Folder
2. Teacher's Guide
3. Mercury audit checklists for a) health care providers, b) physical plant staff, c) janitorial staff and d) a home audit for students.

Additional copies of these educational materials were printed with the second grant. This will allow municipalities to use these educational materials as part of mercury reduction programs required under plans developed to meet water quality standards, Total Maximum Daily Load (TMDL) Implementation Plans.

Eugene and Corvallis used copies of the educational materials as part of their pilot project.

### Eugene Educational Outreach Distribution

In Eugene, the distribution of the outreach materials is continuing. The City of Eugene believes that it is important to provide an overview of the materials during the distribution process rather than providing them to the school to distribute.

### Corvallis Educational Outreach Distribution

The City of Corvallis used the educational materials developed for the schools that participated in the program. Corvallis Public Works staff distributed these materials to the risk management division of the 509J Corvallis School District for dissemination to students.

In addition, during the years that this project was underway, Corvallis Public Works developed several additional outreach tools and strategies. A nine-foot long window display was erected in a downtown storefront that dedicates space to community education. This display aimed to educate citizens about the hazards of mercury, where mercury is found in the home, and provided information about hazardous waste disposal events. The window display also served as an advertisement for a booth that Public Works staff developed for the annual Da Vinci Days festival. Da Vinci Days is a three-day festival celebrating art, science, and

technology. The booth featured posters similar to those displayed in the storefront, but also contained hand-on games and activities to educate children and adults about mercury. The booth was very popular. Staff encouraged visitors to exchange their mercury-containing fever thermometers for mercury-free alternatives and provided coupons good for free exchange at the next DEQ-sponsored event at Corvallis Disposal. A final local effort included mercury hazard information at the annual Earth Faire, an environmental education and entertainment festival sponsored by the Corvallis Environmental Center.

## Budget

The spread sheet below summarizes the budget expenditures related to the project.

| Date | Name | Memo | Amount |
|---|---|---|---|
| 09/23/2003 | NWFF Environmental | NWFF Environmental - Mercury Disposal | 990.00 |
| 09/23/2003 | VWR International | VWR International - 319 Mercury Grant | 1,099.51 |
| 10/29/2003 | VWR International | VWR International - 319 Mercury Grant | 114.08 |
| 11/25/2003 | Susan Blackaby | Research & Writing for Mercury Project | 1,680.00 |
| 11/25/2003 | Toni Lee Curry | Mercury Education packet design services | 750.00 |
| 05/03/2004 | VWR International | VWR International - 319 Mercury Grant | 209.96 |
| 05/03/2004 | VWR International | VWR International - 319 Mercury Grant | 14.43 |
| 05/03/2004 | VWR International | VWR International - 319 Mercury Grant | 1,178.89 |
| 05/05/2004 | VWR International | VWR International - 319 Mercury Grant | 42.22 |
| 05/13/2004 | Allivan Marketing, LLC | Barometers for mercury project | 1,237.67 |
| 05/17/2004 | VWR International | VWR International - 319 Mercury Grant | 201.26 |
| 06/14/2004 | VWR International | VWR International - 319 Mercury Grant | 127.91 |
| 06/15/2004 | VWR International | VWR International - 319 Mercury Grant | 46.74 |
| 06/15/2004 | VWR International | VWR International - 319 Mercury Grant | 100.36 |
| 06/29/2004 | The Design Ranch | Design Services of Mercury project | 4,284.00 |
| 07/06/2004 | Bartelson Environmental | Bartleson - 319 Mercury Grant | 365.00 |
| 04/26/2005 | DocuMart-Macadam | Mercury 319 printing costs | 8,511.94 |
| 04/27/2005 | The Design Ranch | Design Services of Mercury project | 255.00 |
| | | | **21,208.97** |

## Eugene Cost Description

### Replaced equipment costs

The project purchased a total of $2,641 of mercury-free equipment. for the four Eugene 4J District high schools. The school district did not request funding to replace any chemicals.

### Mercury pickup and disposal costs

The City of Eugene and 4J School District were able to benefit from Oregon DEQ's Solid Waste program that paid all the disposal costs for the items collected and disposed of through Lane County's Hazardous Waste program. This allowed the City to be able to spend more money for the replacement of materials than what was originally projected.

### Staff time contributed to project

An estimate of 50 hours of City of Eugene staff time was spent on this project as we had assistance from the schools in conducting the inventories. Part of this time was also spent researching non mercury product alternatives. In addition, since the distribution of the educational materials is still in process, there will be additional hours for this part of the project that will more than double the initial 50 hours already spent on this project.

## Corvallis Cost Description

### Replaced equipment costs

The initial pilot of three schools purchased $1,240 of mercury-free substitute equipment. While some mercury-containing chemicals were identified and removed, the teachers did not always request any replacements with mercury-free substitutes.

During the additional surveys for the entire school district, city staff identified, remo ved, and replaced $222 of equipment and $275 of chemicals.

### Mercury pickup and disposal costs

Pickup, transportation and disposal costs from the initial pilot survey totaled $990. Note that the costs would have been significantly higher due to one very large item (a manometer) containing about 3.2 kilograms of mercury. A department from Oregon State University donated this equipment to the school many years ago. It has been in storage for a long time. The Oregon State University agreed to take the equipment back as a museum piece. Disposal estimates for this one item were about $1,200. If this amount is considered an in-kind contribution from Oregon State University, disposal costs would total $2,190.

Pickup, transportation and disposal costs from the additional surveys for the entire school district totaled $365.

### Staff time contributed to project

While Corvallis did not track all hours contributed to this project, a conservative guess would be about 200 hours. This estimate includes time spent on related activities that promoted or brought attention to the project. Actual time spent may be as much as 50% more than reported here.

## Summary of In-Kind Expenses

The chart below summarizes the in-kind expenses to the project.

| *Agency* | *Staff person* | *Hours contributed* | *Contribution @$65/hour* |
|---|---|---|---|
| **Clean Water Services** | | | |
| | Mark Jockers | 23 | $2024 |
| | Marney Jett | 64 | $5632 |
| **City of Corvallis** | | | |
| | Mark Taratoot | 200 | $13,000 |
| **City of Eugene** | | | |

| | | | |
|---|---|---|---|
| | Sharon Olson | 50 | $ 3,250 |
| **ACWA** | | | |
| | Janet Gillaspie | 60 | $3,900 |
| | | **Total In-kind Contributed** | $27,806 |

The total in-kind contribution required for the first grant[1] was $9,919 in match. That was more than exceeded in by the contributing agencies.

## Recommendations and suggestions

Projects involving schools take a lot of coordination and lead time. The project team underestimated the coordination and response time lag from the participating school districts. Improved coordination between these types of projects and pollution prevention teams, such as those that operate in the Portland and Eugene areas would be best.

Overall,

- Projects involving school districts, especially multiple school districts, probably require a long planning horizon. This project took about three times as long as anticipated. Involving districts at the highest level may be the best initial strategy.
- Because disposal costs are based on the volume of the container needed to transport the items, it is a good idea to coordinate multiple projects to maximize the space within the container that is utilized. Getting the initial inventory completed can be difficult.
- Finding the proper vehicle for distributing the educational materials can be difficult. Distributing the materials one-on-one with the teachers involved seems best, but is very time intensive. Improved coordination with the teachers involved in the schools targeted is needed.
- As the mercury Total Maximum Daily Load plans for the Willamette are finalized, it would be ideal for DEQ to recognize the efforts that many communities are making to minimize mercury entering the environment. It may be that proactive communities have minimal additional opportunities to reduce mercury from wastewater systems because of previous successes.
- As compact fluorescent light "bulbs" gain more and more market share and become more common, their disposal risk will grow. It would be ideal if DEQ or some other agency or association worked towards making it more convenient for individuals and businesses to dispose of burned-out tubes and bulbs. Corvallis Disposal, for example, holds four hazardous waste disposal events each year in their community. While many people do participate, it is not a convenient way for residents to dispose of one or two bulbs they may need to get rid of. Further, if kept in storage longer while waiting for an event, breakage may occur. Ideally, drop sites would be established in convenient locations for residents to bring compact fluorescent bulbs, and ideally the temporary storage of these items for residents would not contribute towards an entity being designated a significant generator.

It would be ideal for DEQ to recognize the efforts that communities are taking to minimize mercury entering the environment such as this pilot project as well as efforts by Lane County's Pollution Prevention Committee, a multi-agency group that has sponsored mercury thermometer collection events for the general public and a collection event for dentists hosted by Lane County and the cities of Eugene and Springfield.

[1] DEQ Agreement 030-03, project #W02549, PCA#64543

## Anticipated water quality impact

### Eugene

Any programs the City of Eugene can implement or participate in to reduce mercury in our community are a step toward reducing the amount of mercury in the wastewater collection system, in the Willamette River Watershed and in the environment. Although we may not be able to detect any measurable differences in mercury in the wastewater collection system with each individual program or policy that is implemented, collectively, we may be able to detect measurable differences over time. In addition, with projects like this, we can also measure the amount of mercury that is removed from the environment. In addition, the risk of exposure to school staff and students is also reduced by removing mercury-containing items. Finally, the overall benefit of this program and other related programs is the educational benefit of providing information and guidance to the community concerning the potential impacts and hazards of mercury. The information and guidance the students and staff receive at school could also reduce the amount of mercury products they are purchasing and using in their homes, and also help prevent releases to the environment.

### Corvallis

The risk of elemental mercury or mercury salts entering the wastewater collection system is reduced. All of the chemicals and equipment was disposed of properly and will not contaminate the Willamette River or tributaries. The educational effort focused on high-school and middle-school students is likely to reduce risks of mercury contamination from residences entering soil or water in our area. Because of the scale involved, because it is unlikely that all these items would enter the environment at the same time, and because of sampling limitations, it is unlikely that Corvallis Public Works will identify any measurable improvement in water quality from this one project.

One thing to keep in mind, however, is that while schools may not constitute the largest sources of mercury to the environment, they are places where mercury and children may come together, leading to dangerous and often expensive situations.

## Project Team

The project team included:

- Mark Jockers, Clean Water Services, project manager
- Sharon Olson, City of Eugene
- Mark Taratoot, City of Corvallis
- Marney Jett, Clean Water Services
- Janet Gillaspie, ACWA, project assistant

## Appendix A – Survey Form

## Appendix B – Non-Point Source Grant Agreement Expenditures/Match Report

# ADMINISTRATIVE SERVICES COMMITTEE
# MINUTES
# January 18, 2007

Present
Councilor Scott Zimbrick, Chair
Councilor Dan Brown
Councilor Bill York

Visitors
Lyle Hutchens, Devco Engineering
Betsy Rock Fudge, Majestic Theatre
Steve Rothermund, Majestic Theatre

Staff
Jon Nelson, City Manager
Nancy Brewer, Finance Director
Ken Gibb, Community Development Director
Dan Carlson, Development Services Manager
Karen Emery, Recreation Division Manager
Carla Holzworth, City Manager's Office

## SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Municipal Code Revision to Chapter 8.03, "Fees Chapter" (Building Permit Fees) | | | Adopt an ordinance amending Corvallis Municipal Code Chapter 8.03.300.010 Building Permit Fees to reflect a building permit fee increase and adoption of Temporary Occupancy, Phased Development, and Deferred Submittal fees as proposed by staff, effective February 5, 2007. |
| II. First Quarter Operating Report | | | Accept the First Quarter Operating Report for FY 2006-07 |
| III. Majestic Theatre Contract Planning | | | Approve forwarding the Majestic Theatre's funding request to the Budget Commission.<br><br>Endorse the concept of a stable income stream for the Majestic Theatre. |
| IV. Other Business | * | | |

Chair Zimbrick called the meeting to order at 12:00 p.m.

## CONTENT OF DISCUSSION

I. Municipal Code Revision to Chapter 8.03 "Fees Chapter" (Building Permit Fees) (Attachment)

Development Services Division Manager Dan Carlson said notice of today's meeting inviting public comment has been given as required by State statute. Mr. Carlson distributed copies of an endorsement letter from the Willamette Valley Home Builders Association (WVHBA) (attached) and acknowledged Mr. Lyle Hutchens' presence on behalf of the stakeholder group.

Mr. Carlson said the Development Services Fund encompasses four areas: building, mechanical, plumbing, and electrical. It is a dedicated fund, as required by law, that is self-supporting through fees that recover the cost of providing inspection and plan review services. The last significant fee increase was in 1990 and a minor five percent increase was approved in 2005. Since then, expenses have increased and requests for enhanced services have grown. Examples include hand-held field inspection units, e-permits which offer customers the ability to apply for and pay for permits online, and email notification to contractors in the field. Staff requests an increase in building permit program fees to continue covering the cost of providing services; enhancements are also being proposed. The Fund's financial plan projects a deficit in FY 2009-10 of $522,411, which falls short of the $300,000 minimum positive fund balance prescribed by policy. Proposed fee increases would result in a projected positive fund balance of $264,000 in FY 2009-10. Staff recognize that the proposed increase is significant and they have met with stakeholders to discuss reasons behind the possible change. Mr. Carlson referred to Attachment 5 in the staff report, which shows the results of a comparitor survey. Corvallis' proposed fees are not significantly more than the average of the cities surveyed.

Mr. Carlson said all new projects since May 2005 have required applicants' signatures on a form that notes possible fee increases. When the FY 2006-07 budget was adopted, staff noted that a forthcoming analysis could result in recommended fee increases. When the analysis was completed, it was shared at stakeholder advisory group meetings. The group concluded that the proposal was solid and they offered their support. Staff also published a notice in the Gazette-Times and shared the information with the Corvallis-Benton Chamber. While the Chamber's support was not requested, feedback from them was favorable.

Councilor York noted that his home is currently being remodeled and he is pleased with Development Services, especially the corvallispermits.com Web site.

Chair Zimbrick said he was glad that the WVHBA endorsed the proposal.

Councilor Brown said he appreciated staff's outreach efforts and complimented them on a job well done.

Mr. Lyle Hutchens, Devco Engineering, identified himself as a member of the stakeholder advisory group. Mr. Hutchens concurred with Mr. Carlson's comments. He added that while no one likes fee increases, he agrees that the City provides quality services and has a solid basis for the request.

<u>The Committee unanimously recommends</u> that Council adopt an ordinance amending Corvallis Municipal Code Chapter 8.03.300.010 Building Permit Fees to reflect a building permit fee increase and adoption of Temporary Occupancy, Phased Development, and Deferred Submittal fees as proposed by staff, effective February 5, 2007.

II. First Quarter Operating Report (Attachment)

Finance Director Nancy Brewer said the FY 2006-07 First Quarter Operating Report has been published on the City's Web site. Assessed value for 2006 was lower than anticipated, resulting in about $377,000 less property taxes than projected. This also lowers the base for increases in future years. Ms. Brewer noted that last year's assessed value was higher than expected and considering that this year's was lower, the future is unknown. She believes much of the change is related to Hewlett-Packard's large write off of assets. Other highlights included the timing of grant reimbursements in the Community Development Revolving Fund. Ms. Brewer clarified that the City must spend money up front and request payback of funds from the federal government. The Transit Fund is experiencing a similar situation. Fleet Maintenance was 27% expended to cover rising fuel costs; contingencies are not expected to be needed, but staff is carefully monitoring expenses. The Risk Management Fund is always more than 50% expended at 25% of the year because annual insurance premiums are paid in the first quarter. Parks and Recreation tends to spend more at the beginning and end of the year, but less in second and third quarters. Ms. Brewer added that the Fire Department purchased a new fire truck in August, as planned.

In response to Councilor York 's inquiries, Ms. Brewer confirmed that the City budgets on an annual basis and that a cash flow style of budgeting would be more expensive and time consuming. She added that some expenses and revenues are beyond the City's control.

In response to Councilor Brown's inquiry about reimbursement timing, Ms. Brewer said the City generally receives Community Development Block Grant reimbursements within one or two weeks of a draw. Transit reimbursements tend to be a little slower. She added that some reimbursements are for 100% of the expense and others, such as capital grants are funded with 80% from the granting agency and a 20% City match.

Reimbursements for Business Energy Tax Credits are generally seen in the following fiscal year. When the year closes, expense information is submitted to an outside auditor who reviews the financial reports and then submits them to the Department of Energy, who works with the partner who receives the tax credit. The partner must front the money to the City before receiving the tax credit. Ms. Brewer said a schedule of grants is contained in the back of the Comprehensive Annual Financial Report.

In response to Councilor York's inquiry, Ms. Brewer said the Quarterly Operating Report normally comes to the Administrative Services Committee around 45 days after the quarter closes.

The Committee unanimously recommends that Council accept the FY 2006-07 First Quarter Operating Report.

III. Majestic Theatre Contract Planning (Attachment)

Recreation Division Manager Karen Emery said when the agreement with Majestic Theatre Management (MTM) was renewed last year, the City agreed to fund $15,000 for operating costs due to decreased interest revenue from the City-managed endowment fund. The participants agreed that a financial plan would be developed for presentation the following year. The report included in the packet outlines MTM's plan to assess its equipment and staffing.

For Fiscal Year 2007-08, MTM is requesting a total of $50,000 for equipment and personnel, with approximately $28,000 coming from the endowment fund and the remaining amount being funded by the City. Staff requests direction about whether to forward the request to the Budget Commission as an enhancement and whether the supplemental funding would be provided annually or for one time only.

Councilor York noted that according to past minutes, declining interest income seems to have triggered the need for additional funds. Interest returns have improved in the last 18 months, so he wondered whether the problem might solve itself. Ms. Brewer agreed that last year's earning were very low, but she added that the City is limited to very secure investments whose returns are generally low. In addition, the endowment balance has not been growing over the past ten years and prior discussions have stressed the need for more income predictability. Mr. Nelson added that the financial planning tool was needed to assess interest earnings changes. Councilor York said, from the Council's perspective, he is concerned about predicting the gap each year. Mr. Nelson said the earnings range would generally be $20,000 to $30,000.

In response to Chair Zimbrick's inquiry, Ms. Brewer clarified that last year, the $15,000 for MTM was taken from the Parks and Recreation Fund since it receives a portion of property tax revenue and it makes sense to link the expense with the Parks and Recreation Department. The group discussed that consideration was given to move the endowment to the Benton County Foundation (BCF), but legally, the City had to retain management of the original funds. However, a new endowment was created for future donations that could go to the BCF. As a result, the principal of the City's endowment is not likely to grow. In response to Councilor Zimbrick's inquiry, Ms. Rock Fudge confirmed that while the BCF is the guardian of the new endowment, the beneficiary would be the body who is currently managing the Majestic Theatre. The new fund currently has approximately $8,000.

In response to Chair Zimbrick's inquiry, Ms. Rock Fudge clarified that while there would be interest income from both funds, it would take a significant increase in the BCF endowment to reduce the level of gap funding MTM needs from the City. Mr. Rothermund added that MTM is trying to increase its fund raising efforts to grow the endowments, including grant writing.

Chair Zimbrick noted that the Corvallis High School Performing Arts Center has drawn business away from the Majestic. Ms. Rock Fudge said while MTM has a good relationship with the School District, 509J has not indicated interested in partnering financially. She added that the Majestic Theatre's challenges are more focused on managing increasing expenses and decreasing revenue. Chair Zimbrick suggested that the City's subcommittee with the School District should discuss how the two venues can work together.

In response to Councilor Brown's inquiry, Ms. Brewer confirmed that endowment funds are invested with FDIC insured certificates of deposit.

Ms. Rock Fudge and Mr. Rothermund said MTM's staff and board of directors are dedicated to the Majestic Theatre and approval of the request would help them offer an affordable facility in a downtown location that meets community needs.

The Committee unanimously recommends that Council approve forwarding the Majestic Theatre's funding request to the Budget Commission.

The Committee unanimously recommends that Council endorse the concept of a stable income stream for the Majestic Theatre.

IV. Other Business

The next regular Administrative Services Committee meeting is scheduled for 12 pm, Thursday, February 8, 2007 in the Madison Avenue Meeting Room.

Respectfully submitted,

Scott Zimbrick, Chair

# MEMORANDUM

To: Administrative Services Committee

From: Ken Gibb, Community Development Director

Date: December 30, 2006

Subject: Service Enhancements & Building Permit Fee Increase

## I. ISSUE

Council approval to increase Building Permit program fees in order to continue recovering the costs of providing existing services. In addition, staff is proposing several service enhancements which will save customers time and money while encouraging sustainable business practices.

## II. BACKGROUND

The Development Services Division is self-funded through fees charged for plan review, inspection and other miscellaneous services.

The Development Services building permit program is obligated by Oregon Revised Statute to operate with dedicated funds, meaning that building permit fees and charges for services must go toward expenditures related to providing inspection, plan review and other services for enforcement of the Oregon Specialty Codes. The goal of permit fees is generally to recover the costs associated with providing these services.

There are four code-related program areas within the Development Services 230 Fund - building, mechanical, plumbing, and electrical. The last significant building permit fee increase was in 1990. A minor 5% increase was also implemented in 2005. Program costs and expectations for enhanced service have grown significantly during this period. Development Services has been able to forestall a major building permit fee increase through efficient budgeting processes, savings by cross-training staff, annual adjustments to cost-per-square-foot values and a steady supply of large projects.

Along with the fee increase, Development Services is proposing a number of enhanced services such as:

- Add E-Permitting capabilities - contractors can apply and pay for permits online
- Add automatic e-mail inspection result notification - reduces paper correction notices
- Enhance and expand secure contractor access to online permit information
- Provide online inspection request form
- Enhance CorvallisPermits.com - more user friendly contractor resources
- Expand current use of hand-held field inspection units - Improve inspector consistency, introduce standard comments & codes, eliminate duplicate entry

- Provide Voice-Permits service through interactive voice response (IVR) system
- Expand Permits Protect community education and outreach funding to $11,400
- Become "Building Department Accredited" by the International Accreditation Service

These are examples of enhancements that will provide significant time savings to customers, encourage significant progress in meeting sustainability objectives and achieve greater consistency in the administration of our codes.

## III. DISCUSSION

**Development Services 230 Fund & Proposed Building Permit Fee Increase**
Fees are based in part on the value of construction projects. As proposed, a residence with a project value of $250,000 will have the building permit fee increase from $2,842, to $3,134, or a project cost increase of $292.

In FY 05-06 the Fund had expenditures of $1,751,489, and revenues of $1,492,661. For FY 06-07 and subsequent years, with construction activity projected to be at normal levels, Fund expenditures are projected to exceed revenues as shown in **Attachment 3**. The Fund's current balance will absorb these losses in the short term; however, the Fund's 7-year financial plan projects a deficit in FY 09-10 of $522,411. It is the policy of the City to maintain a minimum positive fund balance of $300,000 in the 230 Fund.

With the proposed fee increases, it is projected that the 230 Fund balance will be approximately $264,192 in FY 09/10 thereby bringing stability to the Fund as shown in **Attachment 4.** With fluctuations in construction activity over time, this projection is believed to be a reasonable measure and is supported by the Stakeholder Advisory Group.

Development Services has conducted a fee survey of 31 surrounding jurisdictions, the results of which are provided in **Attachment 5.** The level of building permit fee increase will compare favorably with the average of current fees in other jurisdictions.

**Outreach**
Staff has conducted outreach to a number of stakeholders and interested parties. The following are outreaches that have occurred or will occur:

- Provided notice of potential fee changes with each Temporary Occupancy, Phased Development and Deferred Submittal agreement since May 2006.
- Held meetings with Development Services Stakeholder Advisory Group for comprehensive review of budget and services. All members have given their thumbs-up in support - **See Attachment 1, membership roster.**
- Conducted outreach to the Chamber on December 20. Feedback was positive.
- Outreach conducted with the Willamette Valley Home Builders Association.
- Statewide outreach to interested parties conducted through State Building Codes Division mailing - **See Attachment 7.**

- Published notice in Gazette Times on January 4, 2007, inviting public comment at ASC on January 18, 2007.
- January 18, 2007 ASC: Serves as the required public meeting to receive public comments.
- City Council: Final action by ordinance at the February 5, 2007 meeting.

**Effective Dates**

The proposed effective date for the 30% building permit fee increase and Temporary Occupancy, Phased Development and Deferred Submittal fees is February 5, 2007.

## IV. ACTION REQUESTED

Staff recommends the ASC recommend to City Council that the Corvallis Municipal Code be modified as highlighted in **Attachment 8**, to reflect the proposed building permit fee increase and adoption of Temporary Occupancy, Phased Development, and Deferred Submittal fees, effective February 5, 2007.

Review & Concur:

Nancy Brewer, Finance Director

Jon S. Nelson, City Manager

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| | |
|---|---|
| Attachment 1 | Stakeholder Advisory Group Membership Information |
| Attachment 2 | Backgrounder - Service Enhancement and Fee Increase Proposal |
| Attachment 3 | FY 06/07 Adopted Budget Summary - from budget manual |
| Attachment 4 | Fund Summary - Current & Proposed |
| Attachment 5 | Survey of 31 Jurisdictions & Valuation Information |
| Attachment 6 | Fee Estimate on $250,000 Dwelling |
| Attachment 7 | State Building Codes Division Notice |
| Attachment 8 | Highlighted Municipal Code Changes |

**ORDINANCE 2007-**

**AN ORDINANCE AMENDING CORVALLIS MUNICIPAL CODE CHAPTER 8.03, "FEES CHAPTER," AS AMENDED AND DECLARING AN EMERGENCY.**

**THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:**

**Section 1**: Municipal Codes Section 8.03.300.010 is hereby amended as follows:

**Section 8.03.300.010 Building Permit Fees**

1) The building permit fees applicable under Section 9.01.110 shall be:

a) Building permits for the following total valuations:

1] $1.00 to $500.00 - ~~$15.75~~, $20.48

2] $501.00 to $2,000.00 - (~~$15.75~~ $20.48 for the first $500,00) + (~~$1.82~~ $2.36 for each additional $100.00 or fraction thereof),

3] $2,001.00 to $25,000.00 - (~~$43.00~~ $55.90 for the first $2,000.00) + (~~$7.19~~ $9.35 for each additional $1,000.00 or fraction thereof),

4] $25,001.00 to $50,000.00 - (~~$208.43~~ $270.96 for the first $25,000.00) + (~~$5.41~~ $7.03 for each additional $1,000.00 or fraction thereof),

5] $50,001.00 to $100,000.00 - (~~$343.61~~ $446.70 for the first $50,000.00) + (~~$3.51~~ $4.56 for each additional $1,000.00 or fraction thereof),

6] $100,001.00 and up - (~~$523.16~~ $680.11 for the first $100,000.00) + (~~$3.00~~ $3.90 for each additional $1,000.00 or fraction thereof);

2) Building permit plan review fees: Plan review fees shall be 65 percent of the building permit fee as set forth in Section 8.03.300.010 subsection l)a).

3) Land Development Code review fee: Land Development Code review fees shall be 33 percent of the building permit plan review fee as set forth in Section 8.03.300.010 subsection 2).

4) Fire Code Review Fee: Fire Code review fee shall be 10 percent of the building permit plan review fee as set forth in Section 8.03.300.010 subsection 2).

5) Fire and life safety plan review fees: Fire and life safety plan review fees shall be 40 percent of the building permit fee as set forth in Section 8.03.300.010 subsection 1).

6) Certificate of occupancy: Certificate of Occupancy fee applicable under Chapter 9.01 - $25.00.

7) Temporary Certificate of Occupancy: Temporary Certificate of Occupancy fee applicable under Chapter 9.01 - $250.00 each, per 60-day period.

8) Phased Permitting:

a) Each phased permit of a phased development project shall be assessed a permit and plan review fee as set forth in section 8.03.300.010, subsections 1), 2), 3), 4), and 5), and

b) The phased development plan review fee for each phased permit shall be an additional 10% plan review fee, to the plan review fees set forth in section 8.03.300.010, subsections 2), 3), 4), and 5).

9) Deferred Submittal fee: The Deferred Submittal fee shall be $150.00 per deferred submittal. (Ord. 2007-** §02/05/2007; Ord. 2005-10 §1, 06/20/2005; Ord. 2002-24 §3, 07/15/2002)

**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 City Council this _____ day of _____, 2007.

APPROVED by the Mayor this _____ day of _____, 2007.

EFFECTIVE this _____ day of _____, 2007.

_____
Mayor

ATTEST:

_____
City Recorder

City of Corvallis
Development Services Division
501 SW Madison Avenue, PO Box 1083
Corvallis, OR 97339
541-766-6929
www.CorvallisPermits.com

## Service Enhancement & Permit Fee Proposal

November 1, 2006

### Development Services Division

- Administers State Building Codes and portions of Corvallis Land Development Code
- Mission: To facilitate the construction of approved development projects, provide development information to the public, and enforce community livability standards

### Building Permit Fees

- Development Services is funded solely through fees charged for construction permits
- Fees charged for permits must cover cost of providing inspection, plan review and other related services
- Per City Policy, DS must maintain a positive fund balance of $300K for FY 09/10
- At current fee rates, DS will have a negative fund balance of $522.4K for FY 09/10
- DS has 4 program areas. Building, Mechanical, Plumbing & Electrical
- Building program fees were raised moderately in 2005 and in 1990 - not recovering costs
- A fee survey of 31 Oregon jurisdictions indicates that Corvallis fees are among the lowest - lower than most surrounding jurisdictions including Albany, Benton County, Lebanon, Sweet Home and the 1979 Uniform Building Code which is used by the State

### Proposed Service Enhancements

- Add E-Permitting capabilities - contractors apply and pay for permits online
- Add automatic e-mail inspection result notification - reduces paper correction notices
- Enhance and expand secure contractor access to online permit information
- Provide online inspection request form
- Enhance CorvallisPermits.com - more user friendly contractor resources
- Expand current use of hand-held field inspection units - Improve inspector consistency, introduce standard comments & codes, eliminate duplicate entry
- Provide Voice-Permits service through interactive voice response (IVR) system
- Expand Permits Protect community education and outreach funding to $11,400
- Become "Building Department Accredited" by the International Accreditation Service

### Fee Proposal

- Increase building permit fee 30%
- A $250,000 project would increase building permit fee $292
- Establishes fee for Phased Development, Deferred Submittals and Temporary Occupancy
- Aligns closely with average building permit fees of 31 Oregon jurisdictions
- Projected effective date: February 5, 2007

Permits Protect

*Protecting the Safety & Value of Your Home*

www.permitsprotect.info

Attachment 2a

# Permit Fee Information

Development Services 230 Fund (Dedicated Fund/Fee Based)

| | |
|---|---|
| Employees: | 20 |
| 05/06 Revenues | 1,492,661 |
| 05/06 Base Expenditures | 1,766,184 |

| | |
|---|---|
| 3-year Recommended Fund Balance | $300,000 |
| 3-year Fund Balance, Current Outlook | ($522,411) |
| 3-year Fund Balance with Fee Increase | $264,192 |

230 Fund, General Base Expenditure Breakdown (percentage)

| Expense | % | Amount | % increase from previous FY |
|---|---|---|---|
| Personnel | 81.4 | 1,437,352 | 12.2 |
| Utility & Overhead | 14.7 | 259,952 | 14.9 |
| Materials & Supplies | 1.3 | 22,443 | 4.3 |
| Training & Conference | 1.2 | 20,633 | 38.8 |
| Services | 1.4 | 25,804 | (62.7) |
| Total | 100% | $1,766,184 | 11.7% |

Comparison of other City fees vs building permit fees for new $250,000 project

| Expense | % | Amount |
|---|---|---|
| SDC's - (Sewer, Water, Storm, Streets & Parks) | 79.4 | 14,222 |
| Meter, Sidewalk & Erosion Control | 4.7 | 849 |
| Building Permits<br>*(add $292 with increase)* | 15.9 | 2,842<br>*3,134* |
| Total | 100% | $17,913<br>*$18,205* |

For additional information contact:
Dan Carlson
City of Corvallis, Development Services Manager
(541)766-6929, dan.carlson@ci.corvallis.or.us

# DEVELOPMENT SERVICES FUND SUMMARY

## SERVICE HIGHLIGHTS

The Development Services Fund provides resources for plan review and inspection of building construction projects, zoning code enforcement, nuisance abatement, and providing public information related to development activity. Revenues are from fees charged for issuance of building permits and plan reviews.

## FINANCIAL PLANNING ISSUES

Revenues vary with the rate of development activity. Fees collected are required by state law to be used for the administration and enforcement of the inspection and plan review programs. Fees are generally set to recover the cost of providing these services and are periodically reviewed and adjusted to insure that cost recovery is being maintained.

In FY 04-05, staff conducted a building permit fee review that resulted in a 5% building permit fee increase effective July 1, 2005. As the majority of costs to the Development Services Fund are affiliated with personal services and personnel costs continue to rise, it is anticipated that another comprehensive fee review will need to be conducted for Building, Plumbing, Mechanical and Electrical fees, in the latter part of FY 06-07. This will maintain existing service levels that are also in compliance with the recommended fund balance. The Development Services Stakeholder Advisory Group will be involved in the fee review and any recommended cuts or enhancements to services.

Licenses & Permits revenue is for building permits issued at the time construction is to begin. Charges for Services revenue is for plan reviews which are generally conducted prior to permit issuance for large remodeling projects or new construction.

In FY 05-06 development activity has taken a slight downward trend with many of the larger projects moving to completion and receiving final approval. Licenses & Permits are expected to be slightly higher, whereas Charges for Services are expected to yield lower than anticipated revenues.

Pre-development meetings are currently being conducted for several large projects that will be reviewed in FY 06-07 and beyond. Therefore a slight increase in both revenue sources has been projected in FY 06-07 with larger increases in FY07-08 and FY 08-09. Issues related to this fund are:

- Determining and managing for the appropriate staff levels to respond to normal service demands, with the flexibility to provide all required services when large construction/development projects are presented.
- Funding future code enforcement mandates from the State or Federal government.
- Implementing technological tools which provide enhancements of customer service and gain efficiencies in staffing.
- Training staff in new codes and new technologies.
- Hiring and retaining qualified employees.

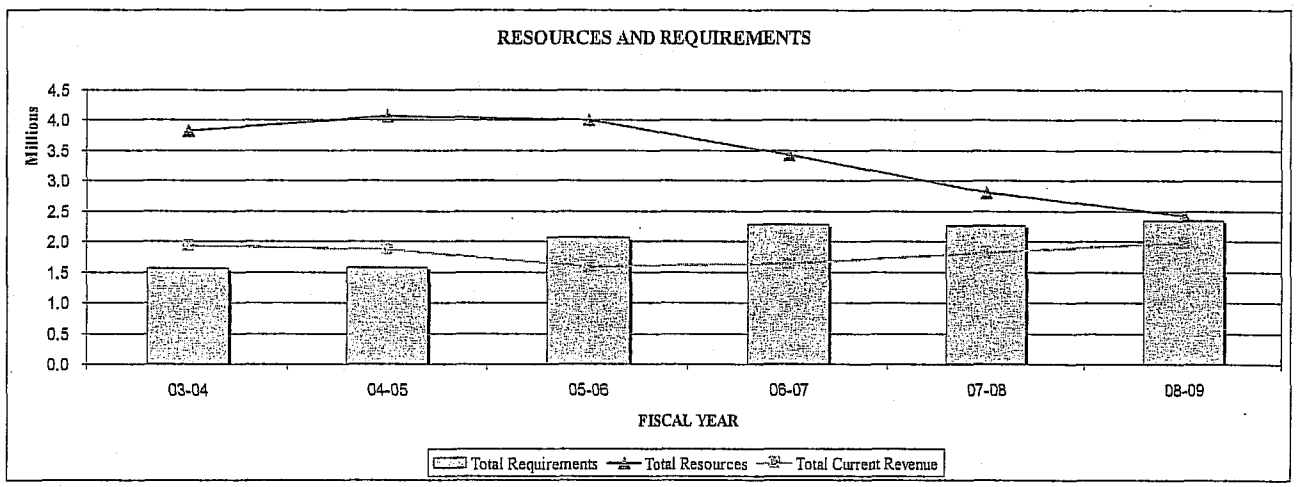
## APPROPRIATE FUND BALANCE

The City's Financial Policies state that the Finance Director shall recommend an appropriate fund balance each year for each fund. The Development Services Fund is projected to end FY 06-07 with an operating fund balance equaling approximately 44.26% of the FY 06-07 current revenues.

Included in each year's fund balance are funds paid in one fiscal year for services which will be provided in the following fiscal year. As a result, the recommended minimum ending operating fund balance for the Development Services Fund is $300,000.

## DEVELOPMENT SERVICES FUND

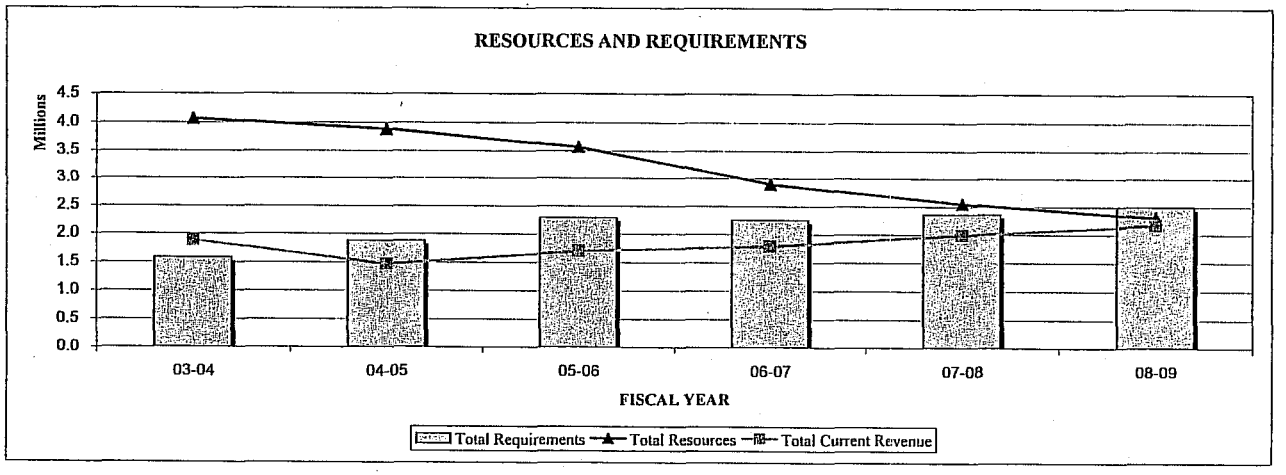
| BUDGETARY BASIS | AUDITED FY 03-04 | AUDITED FY 04-05 | ADOPTED FY 05-06 | REVISED FY 05-06 | ADOPTED FY 06-07 | FY 07-08 | FY 08-09 |
|---|---|---|---|---|---|---|---|
| BEGINNING OPERATING FUND BALANCE | $1,412,993 | $1,661,126 | $1,675,666 | $1,840,072 | $1,364,935 | $750,035 | $254,477 |
| OPERATING REVENUES | | | | | | | |
| Licenses, Fees & Permits | $1,139,235 | $1,152,535 | $996,500 | $1,010,500 | $1,047,000 | $1,151,700 | $1,266,870 |
| Charges for Services | 773,105 | 673,151 | 556,850 | 504,450 | 575,650 | 633,220 | 696,540 |
| Fines & Forfeitures | 0 | 25 | 0 | 0 | 0 | 0 | 0 |
| Miscellaneous | 24,988 | 50,349 | 35,470 | 73,300 | 72,050 | 44,060 | 20,700 |
| TOTAL OPERATING REVENUES | $1,937,328 | $1,876,060 | $1,588,820 | $1,588,250 | $1,694,700 | $1,828,980 | $1,984,110 |
| OPERATING EXPENDITURES | | | | | | | |
| Community Development | $1,568,076 | $1,577,758 | $2,159,700 | $2,068,910 | $2,279,030 | $2,266,400 | $2,354,790 |
| TOTAL OPERATING EXPENDITURES | $1,568,076 | $1,577,758 | $2,159,700 | $2,068,910 | $2,279,030 | $2,266,400 | $2,354,790 |
| REVENUE EXCESS (SHORTFALL) OVER EXPENDITURES | $369,252 | $298,302 | ($570,880) | ($480,660) | (584,330) | (437,420) | (370,680) |
| NON-OPERATING RESOURCES (USES) | | | | | | | |
| NON-OPERATING ACTIVITY | | | | | | | |
| Transfers In | $0 | $0 | $25,000 | $25,000 | $25,000 | $25,000 | $25,000 |
| Transfers Out | (71,714) | (73,648) | (156,520) | (168,330) | (196,670) | (120,990) | (89,460) |
| Contingencies | 0 | 0 | (50,000) | 0 | (50,000) | 0 | 0 |
| TOTAL NON-OPERATING RESOURCES (USES) | ($71,714) | ($73,648) | ($181,520) | ($143,330) | ($221,670) | ($95,990) | ($64,460) |
| Net Operating Fund Activity | 297,538 | 224,654 | (752,400) | (623,990) | (806,000) | (533,410) | (435,140) |
| NET ACTIVITY | $297,538 | $224,654 | ($752,400) | ($623,990) | ($806,000) | ($533,410) | ($435,140) |
| RESTRICTED BALANCES, Beginning of Year | $480,382 | $529,787 | $590,757 | $575,495 | $426,642 | $235,542 | $197,690 |
| FUND BALANCE (Including Restricted), End of Year | $2,190,913 | $2,415,567 | $1,514,023 | $1,791,577 | $985,577 | $452,167 | $17,027 |
| LESS: RESTRICTED BALANCES | | | | | | | |
| MANAGEMENT RESERVES | $479,932 | $479,312 | $362,520 | $362,520 | $203,480 | $197,690 | $227,690 |
| COUNCIL DESIGNATIONS | 49,855 | 96,183 | 74,295 | 64,122 | 32,062 | 0 | 0 |
| UNRESTRICTED FUND BALANCE | $1,661,126 | $1,840,072 | $1,077,208 | $1,364,935 | $750,035 | $254,477 | ($210,663) |



# DEVELOPMENT SERVICES FUND

Current 10-27-06

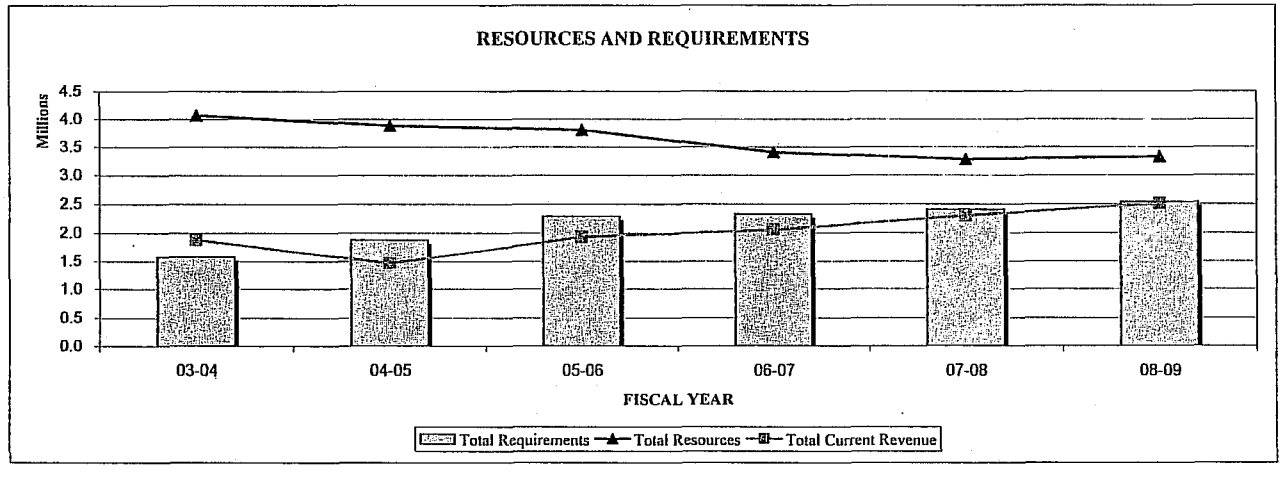
| BUDGETARY BASIS | AUDITED FY 04-05 | AUDITED FY 05-06 | ADOPTED FY 06-07 | REVISED FY 06-07 | ADOPTED FY 07-08 | FY 08-09 | FY 09-10 |
|---|---|---|---|---|---|---|---|
| BEGINNING OPERATING FUND BALANCE | $1,661,126 | $1,840,072 | $1,364,935 | $1,443,567 | $878,667 | $364,109 | ($96,451) |
| OPERATING REVENUES | | | | | | | |
| Licenses, Fees & Permits | $1,152,535 | $899,696 | $1,047,000 | $1,047,000 | $1,151,700 | $1,266,870 | $1,393,570 |
| Charges for Services | 673,151 | 476,656 | 575,650 | 575,650 | 633,220 | 696,540 | 766,220 |
| Fines & Forfeitures | 25 | 50 | 0 | 0 | 0 | 0 | 0 |
| Miscellaneous | 50,349 | 88,559 | 72,050 | 72,050 | 49,760 | 25,290 | 6,290 |
| TOTAL OPERATING REVENUES | $1,876,060 | $1,464,961 | $1,694,700 | $1,694,700 | $1,834,680 | $1,988,700 | $2,166,080 |
| OPERATING EXPENDITURES | | | | | | | |
| Community Development | $1,577,758 | $1,870,637 | $2,279,030 | $2,279,030 | $2,241,100 | $2,354,800 | $2,493,110 |
| TOTAL OPERATING EXPENDITURES | $1,577,758 | $1,870,637 | $2,279,030 | $2,279,030 | $2,241,100 | $2,354,800 | $2,493,110 |
| REVENUE EXCESS (SHORTFALL) OVER EXPENDITURES | $298,302 | ($405,676) | ($584,330) | ($584,330) | (406,420) | (366,100) | (327,030) |
| NON-OPERATING RESOURCES (USES) | | | | | | | |
| NON-OPERATING ACTIVITY | | | | | | | |
| Non-Operating Revenue | $0 | $2,700 | $0 | $0 | $0 | $0 | $0 |
| Transfers In | 0 | 25,000 | 25,000 | 25,000 | 25,000 | 25,000 | 25,000 |
| Transfers Out | (73,648) | (167,382) | (196,670) | (196,670) | (120,990) | (89,460) | (93,930) |
| Contingencies | 0 | 0 | (50,000) | 0 | (50,000) | 0 | 0 |
| TOTAL NON-OPERATING RESOURCES (USES) | ($73,648) | ($139,682) | ($221,670) | ($171,670) | ($145,990) | ($64,460) | ($68,930) |
| Net Operating Fund Activity | 224,654 | (545,358) | (806,000) | (756,000) | (552,410) | (430,560) | (395,960) |
| NET ACTIVITY | $224,654 | ($545,358) | ($806,000) | ($756,000) | ($552,410) | ($430,560) | ($395,960) |
| RESTRICTED BALANCES, Beginning of Year | $529,787 | $575,495 | $426,642 | $426,642 | $235,542 | $197,690 | $227,690 |
| FUND BALANCE (Including Restricted), End of Year | $2,415,567 | $1,870,209 | $985,577 | $1,114,209 | $561,799 | $131,239 | ($264,721) |
| LESS: RESTRICTED BALANCES | | | | | | | |
| MANAGEMENT RESERVES | $479,312 | $362,520 | $203,480 | $203,480 | $197,690 | $227,690 | $257,690 |
| COUNCIL DESIGNATIONS | 96,183 | 64,122 | 32,062 | 32,062 | 0 | 0 | 0 |
| UNRESTRICTED FUND BALANCE | $1,840,072 | $1,443,567 | $750,035 | $878,667 | $364,109 | ($96,451) | ($522,411) |




Attachment 4a

# DEVELOPMENT SERVICES FUND

| BUDGETARY BASIS | AUDITED FY 04-05 | AUDITED FY 05-06 | ADOPTED FY 06-07 | REVISED FY 06-07 | ADOPTED FY 07-08 | FY 08-09 | FY 09-10 |
|---|---|---|---|---|---|---|---|
| BEGINNING OPERATING FUND BALANCE | $1,661,126 | $1,840,072 | $1,364,935 | $1,443,567 | $1,112,660 | $792,262 | $490,897 |
| OPERATING REVENUES | | | | | | | |
| Licenses, Fees & Permits | $1,152,535 | $899,696 | $1,131,377 | $1,131,377 | $1,244,510 | $1,368,960 | $1,505,870 |
| Charges for Services | 673,151 | 476,656 | 725,266 | 725,266 | 797,800 | 877,580 | 965,360 |
| Fines & Forfeitures | 25 | 50 | 0 | 0 | 0 | 0 | 0 |
| Miscellaneous | 50,349 | 88,559 | 72,050 | 72,050 | 60,130 | 44,080 | 36,970 |
| TOTAL OPERATING REVENUES | $1,876,060 | $1,464,961 | $1,928,693 | $1,928,693 | $2,102,440 | $2,290,620 | $2,508,200 |
| OPERATING EXPENDITURES | | | | | | | |
| Community Development | $1,577,758 | $1,870,637 | $2,279,030 | $2,279,030 | $2,318,700 | $2,397,525 | $2,535,975 |
| TOTAL OPERATING EXPENDITURES | $1,577,758 | $1,870,637 | $2,279,030 | $2,279,030 | $2,318,700 | $2,397,525 | $2,535,975 |
| REVENUE EXCESS (SHORTFALL) OVER EXPENDITURES | $298,302 | ($405,676) | ($350,337) | ($350,337) | (216,260) | (106,905) | (27,775) |
| NON-OPERATING RESOURCES (USES) | | | | | | | |
| NON-OPERATING ACTIVITY | | | | | | | |
| Non-Operating Revenue | $0 | $2,700 | $0 | $0 | $0 | $0 | $0 |
| Transfers In | 0 | 25,000 | 25,000 | 25,000 | 25,000 | 25,000 | 25,000 |
| Transfers Out | (73,648) | (167,382) | (196,670) | (196,670) | (120,990) | (89,460) | (93,930) |
| Contingencies | 0 | 0 | (50,000) | 0 | (50,000) | 0 | 0 |
| TOTAL NON-OPERATING RESOURCES (USES) | ($73,648) | ($139,682) | ($221,670) | ($171,670) | ($145,990) | ($64,460) | ($68,930) |
| Net Operating Fund Activity | 224,654 | (545,358) | (572,007) | (522,007) | (362,250) | (171,365) | (96,705) |
| NET ACTIVITY | $224,654 | ($545,358) | ($572,007) | ($522,007) | ($362,250) | ($171,365) | ($96,705) |
| RESTRICTED BALANCES, Beginning of Year | $529,787 | $575,495 | $426,642 | $426,642 | $235,542 | $193,690 | $323,690 |
| FUND BALANCE (Including Restricted), End of Year | $2,415,567 | $1,870,209 | $1,219,570 | $1,348,202 | $985,952 | $814,587 | $717,882 |
| LESS: RESTRICTED BALANCES | | | | | | | |
| MANAGEMENT RESERVES | $479,312 | $362,520 | $203,480 | $203,480 | $193,690 | $323,690 | $453,690 |
| COUNCIL DESIGNATIONS | 96,183 | 64,122 | 32,062 | 32,062 | 0 | 0 | 0 |
| UNRESTRICTED FUND BALANCE | $1,840,072 | $1,443,567 | $984,028 | $1,112,660 | $792,262 | $490,897 | $264,192 |




Attachment 4b

## Survey of Local BUILDING Permit Fees

**Created: September 2006** **Updated: October 10, 2006**

This is Not a comparison of SDC's, Plumbing, Mechanical, Electrical, Land Use or other fees - ONLY BUILDING PERMIT FEES
These are existing rates. Many of the agencies surveyed are currently reviewing their programs and may propose increases
**NOTE: THIS IS FOR COMPARISON PURPOSES ONLY, CONTACT JURISDICTIONS FOR ACCURATE NUMBERS**

| | Valuation& Fee | $1-500 | $2,000 | $25,000 | $50,000 | $100,000 | $250,000 | $2,000,000 | first $100K | + ?$/1000 |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | Corvallis | 15.75 | 43.00 | 208.43 | 343.61 | 523.16 | 973.61 | 6,228.86 | 523.16 | 3.00 |
| 2 | Albany | 50.00 | 50.00 | 220.00 | 360.00 | 575.00 | 1,055.00 | 6,655.00 | 575.00 | 3.20 |
| 3 | Lebanon | 15.00 | 45.00 | 229.00 | 379.00 | 579.00 | 1,104.00 | 7,229.00 | 579.00 | 3.50 |
| 4 | Silverton | 42.50 | 50.30 | 227.25 | 372.05 | 566.40 | 1,053.90 | 6,828.15 | 563.15 | 3.25 |
| 5 | Springfield | 45.00 | 45.00 | 224.40 | 370.65 | 565.65 | 1,053.15 | 6,740.00 | 565.65 | 3.25 |
| 6 | Eugene* | 11.30 | 36.80 | 192.67 | 319.91 | 489.29 | 913.79 | 5,866.29 | *1,621.29 | 2.83 |
| 7 | Benton Co | 13.00 | 42.25 | 221.65 | 367.90 | 562.90 | 1,050.40 | 6,737.90 | 562.90 | 3.25 |
| 8 | Lane Co** | 19.50 | 58.50 | 327.60 | 538.85 | 831.35 | 1,513.85 | **7,201.35 | 831.35 | 4.55 |
| 9 | 1979 UBC | 13.00 | 42.50 | 221.65 | 367.90 | 562.90 | 1,050.40 | 6,737.90 | 562.90 | 3.25 |
| 10 | McMinnville** | 15.28 | 44.98 | 254.28 | 368.03 | 595.53 | 910.03 | **4,287.53 | 527.53 | 2.55 |
| 11 | Forest Grove | 22.50 | 63.00 | 325.00 | 580.00 | 879.00 | 1,629.00 | 10,379.00 | 879.00 | 5.00 |
| 12 | Tigard | 62.50 | 62.50 | 283.50 | 470.80 | 744.30 | 1,329.30 | 6,966.60 | 744.30 | 3.90 |
| 13 | Portland | 44.60 | 74.75 | 255.76 | 402.01 | 597.01 | 1,089.01 | 6,829.01 | 597.01 | 3.28 |
| 14 | Oregon City | 15.00 | 48.75 | 255.75 | 424.50 | 649.50 | 1,212.00 | 7,774.50 | 649.50 | 3.75 |
| 15 | Clackamas Co | 12.00 | 39.75 | 210.00 | 347.50 | 532.00 | 997.00 | 6,422.00 | 532.00 | 3.10 |
| 16 | Milwaukie | 18.75 | 62.10 | 327.52 | 542.02 | 830.52 | 1,562.52 | 10,102.52 | 830.52 | 4.88 |
| 17 | West Linn | 15.50 | 50.75 | 264.35 | 439.65 | 672.15 | 1,137.15 | 6,562.15 | 672.15 | 3.10 |
| 18 | Washington Co | 50.00 | 50.00 | 274.25 | 649.25 | 899.25 | 1,499.25 | 8,499.25 | 899.25 | 4.00 |
| 19 | Gresham | 52.00 | 85.75 | 295.28 | 463.53 | 681.03 | 1,240.53 | 7,768.03 | 681.03 | 3.73 |
| 20 | Troutdale | 23.50 | 69.25 | 391.25 | 643.75 | 993.75 | 1,833.75 | 11,633.75 | 993.75 | 5.60 |
| 21 | Woodburn | 13.00 | 42.25 | 221.65 | 367.90 | 562.90 | 1,050.40 | 7,059.65 | 562.90 | 3.25 |
| 22 | Marion County | 10.00 | 32.50 | 170.50 | 283.00 | 433.00 | 808.00 | 5,183.00 | 433.00 | 2.50 |
| 23 | Salem | 8.00 | 27.00 | 142.00 | 236.00 | 361.00 | 785.50 | 4,898.00 | 433.00 | 2.35 |
| 24 | Monmouth | 13.00 | 42.25 | 221.65 | 367.90 | 562.90 | 1,050.40 | 6,737.90 | 562.00 | 3.25 |
| 25 | Dallas | 13.00 | 42.25 | 221.65 | 367.90 | 562.90 | 1,050.40 | 6,737.90 | 562.00 | 3.25 |
| 26 | Independence | 13.00 | 42.25 | 221.65 | 367.90 | 562.90 | 1,050.40 | 6,737.90 | 562.00 | 3.25 |
| 27 | Newberg | 21.50 | 42.50 | 221.90 | 368.15 | 563.15 | 1,050.65 | 6,738.15 | 563.15 | 3.25 |
| 28 | Sweet Home | 50.00 | 87.80 | 319.65 | 508.64 | 760.64 | 1,360.64 | 8,360.64 | 760.64 | 4.00 |
| 29 | Building Dept old | 13.00 | 42.25 | 221.65 | 367.90 | 563.00 | 1,050.50 | 6,738.00 | 563.00 | 3.25 |
| 30 | Building Dept new | 40.00 | 60.00 | 244.00 | 394.00 | 594.00 | 1,119.00 | 7,244.00 | 594.00 | 3.50 |
| 31 | Hillsboro | 17.50 | 58.95 | 259.85 | 413.08 | 630.15 | 1,108.65 | 6,691.15 | 630.15 | 3.19 |
| | Average of Fees | $24.80 | $51.13 | $247.60 | $412.69 | $628.59 | $1,151.36 | $6,744.72 | $612.74 | $3.48 |
| | Proposed Corvallis Fee | $20.48 | $55.90 | $270.96 | $446.69 | $680.11 | $1,265.69 | $8,097.51 | $680.11 | $3.90 |

LEGEND:

Data from 2001 Survey & 2004 Survey
Verified High Fees
Verified Low Fees
Verified Aug 2006

*Fees based on first $500K, NIC an 8% jurisdiction surcharge
Woodburn has additional fee schedule for commercial
Portland - Adds additional Development Services Fee for Com & Res - NIC
**Additional fee schedule for $500K and above in value

Attachment 5

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Development Services Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6929 Fax (541) 766-6936

| *Estimated Permit and Connection Fees* | | |
|---|---|---|
| **Applicant Name:** | **Date: November 28, 2006** | |
| **Construction Address: Water level 1** | | |
| **Type of Construction: Wood frame single-family residence** | | |
| | | |
| **Estimate by: las + ama** **Valuation: $250,000** | | |
| **Fee Information** | | |
| Building Permit Fee | $973.16 | |
| Building Plan Review Fee | $632.55 | |
| Building State Surcharge (8%) | $77.85 | |
| Land Development Code Fee | $208.74 | |
| Plumbing Permit | $234.00 | |
| Plumbing Plan Review | $40.00 | |
| Plumbing State Surcharge (8%) | $18.72 | |
| Sanitary Sewer Permit & State Surcharge (8%) | $108.00 | |
| Storm Drain Permit & State Surcharge (8%) | $108.00 | |
| Mechanical Permit | $177.00 | |
| Mechanical Plan Review | $44.25 | |
| Mechanical State Surcharge (8%) | $14.16 | |
| Electrical Permit & State Surcharge (8%) | $205.20 | |
| **Subtotal for fees related to permits:** | | $2,841.63 |
| Curbcut & New Sidewalk | $100.00 | |
| Erosion Prevention & Sediment Control | $275.00 | |
| Water Meter Installation (3/4") | $474.00 | |
| Systems Development Charge (3% discounted cash option) | $14,222.48 | |
| **Subtotal for fees unrelated to permits:** | | $15,071.48 |
| **Grand Total:** | | **$17,913.11** |

* It may be possible to lien these costs.
Public improvement permit fees are calculated by Development Review - contact 766-6941 for an estimate.

**THIS IS AN ESTIMATE: COSTS MAY VARY DEPENDING ON ACCURACY OF INFORMATION PROVIDED, REVISIONS TO PLANS, CHANGES IN FEE SCHEDULES, ETC.**

Attachment 6

Oregon
Theodore R. Kulongoski, Governor

Department of Consumer and Business Services
Building Codes Division
1535 Edgewater Street NW
PO Box 14470
Salem, OR 97309-0404
(503) 378-4133
FAX (503) 378-2322
TTY (503) 373-1358
http://www.oregonbcd.org

**December 26, 2006**

**To:** INTERESTED PARTIES

**From:** ANDREA SIMMONS, PRINCIPAL EXECUTIVE MANAGER
POLICY AND TECHNICAL SERVICES

**Subject:** CITY OF CORVALLIS PROPOSED FEE ADOPTION

The State Building Codes Division (division) has received the enclosed notice of intent to adopt building inspection program fees from the above listed municipality. Pursuant to Oregon Administrative Rule 918-020-0220, municipalities seeking to adopt fees are required to provide the following summary information 45 days prior to the proposed adoptive date.

(A) The affected specialty code or program areas;
(B) A description of the proposed building inspection program fees including the approximate percentage change when applicable;
(C) The proposed affective date;
(D) The date of the last fee increase in the specialty code or program area if applicable;
(E) The anticipated date, time and location of the local municipal hearing scheduled pursuant to Oregon Revised Statute (ORS) 294.160;
(F) The name, phone number and title of a contact person; and
(G) A narrative explaining the purpose of the proposed fee adoption.

The division is required to notify interested parties after receiving a notice of intent to adopt building inspection program fees from a municipality. Enclosed is the information the municipality provided to the division pursuant to the above administrative rule requirements.

If you have concerns about this proposed fee change, you may contact the municipality directly by contacting Dan Carlson, 541-766-6929 or by email, dan.carlson@ci.corvallis.or.us, or attend the local municipal hearing on January 18, 2007 during the Administrative Services Committee Meeting at the City of Corvallis City Hall, 501 SW Madison Ave, Madison Meeting Room, 12:00 PM. If you still have unresolved concerns, you may, pursuant to ORS 455.210(3) and 479.845, appeal this fee adoption by sending a written request to the division within 30 days of the municipality's fee adoption date.

CC: City of Corvallis

Community Development
Development Services Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6929
TTY (541) 766-6477

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

December 20, 2006

Oregon State Building Codes Division
PO Box 14470
1535 Edgewater Street NW
Salem, OR 97309-0404

**RE: Notification of Building Permit Fee Increase for City of Corvallis**

In accordance with OAR 918-020-0220, the City of Corvallis, Development Services Division, is providing notification to the Oregon State Building Codes Division of intent to raise building permit fees. This section provides several criteria that must be included in this notification. Please see the list below for the criteria and explanation:

**918-020-0220 Fee Adoption Standards**

**(1)(a) The municipality shall notify the division of such adoptions 45 days prior to the adoptive date. The notification shall include a summary of the following:**

**(A) The affected specialty code or program areas;**

The affected specialty code areas will be the commercial and residential building permit program areas regulated under the Oregon Residential Specialty Code, Oregon Structural Specialty, and Oregon Manufactured Dwelling Specialty Code.

**(B) A description of the proposed building inspection program fees including the approximate percentage increase when applicable;**

The building inspection program fees that will be increased are the Building Permit Fees outlined in Section 8.03.300 of the Corvallis Municipal Code. Approximate percentage of building permit fee increase will be 30%. This will also impact CMC Section 8.03.300.050 for fees relating to accessory structures of manufactured home installations. In addition, the fee for temporary occupancy will be $250. Deferred submittals will be $150 each. Phased development will be charged an additional 10% fee.

**(C) The proposed effective date;**

The proposed effective date is February 5, 2007.

Attachment 7b

**(D) The date of the last fee increase in the specialty code or program area if applicable;**

The date of the last building permit fee increase was July, 2005.

**(E) The anticipated date, time and location of the local municipal hearing scheduled pursuant to ORS 294.160;**

The date of local municipal hearing will be during the Administrative Services Committee Meeting on January 18, 2006, at the City of Corvallis City Hall, 500 SW Madison Ave, Madison Meeting Room, 12:00 PM. Public notice will be provided in accordance with ORS 9294.160.

Side Note: Outreach is underway to local stakeholder groups including the Development Services Stakeholder Advisory Group, Willamette Valley Home Builders Association and Corvallis Chamber.

**(F) The name, phone number and title of a contact person; and**

Contact Info:
City of Corvallis, Development Services Division
Dan Carlson, Development Services Manager
PO BOX 1083
Corvallis, OR 97339-1083
541-766-6929 phone
541-766-6936 fax
dan.carlson@ci.corvallis.or.us

**(G) A narrative explaining the purpose of the proposed fee adoption.**

The purpose of the proposed fee increase is to continue recovering costs for inspection, plan review and other services relating to the administration of the City of Corvallis' building permit program. The current fee schedule does not recover costs.

Questions or comments relating to this notification of proposed fee increase should be directed as noted above. Thank you.

Sincerely,

Dan Carlson
Development Services Manger

8.03.300.010 Building Permit Fees

1) The building permit fees applicable under Section 9.01.110 shall be:

a) Building permits for the following total valuations:

1] $1.00 to $500.00 - ~~$15.75~~, $20.48

2] $501.00 to $2,000.00 - (~~$15.75~~ $20.48 for the first $500,00) + (~~$1.82~~ $2.36 for each additional $100.00 or fraction thereof),

3] $2,001.00 to $25,000.00 - (~~$43.00~~ $55.90 for the first $2,000.00) + (~~$7.19~~ $9.35 for each additional $1,000.00 or fraction thereof),

4] $25,001.00 to $50,000.00 - (~~$208.43~~ $270.96 for the first $25,000.00) + (~~$5.41~~ $7.03 for each additional $1,000.00 or fraction thereof),

5] $50,001.00 to $100,000.00 - (~~$343.61~~ $446.70 for the first $50,000.00) + (~~$3.51~~ $4.56 for each additional $1,000.00 or fraction thereof),

6] $100,001.00 and up - (~~$523.16~~ $680.11 for the first $100,000.00) + (~~$3.00~~ $3.90 for each additional $1,000.00 or fraction thereof);

2) Building permit plan review fees: Plan review fees shall be 65 percent of the building permit fee as set forth in Section 8.03.300.010 subsection 1)a).

3) Land Development Code review fee: Land Development Code review fees shall be 33 percent of the building permit plan review fee as set forth in Section 8.03.300.010 subsection 2).

4) Fire Code Review Fee: Fire Code review fee shall be 10 percent of the building permit plan review fee as set forth in Section 8.03.300.010 subsection 2).

5) Fire and life safety plan review fees: Fire and life safety plan review fees shall be 40 percent of the building permit fee as set forth in Section 8.03.300.010 subsection 1).

6) Certificate of occupancy: Certificate of Occupancy fee applicable under Chapter 9.01 - $25.00.

7) Temporary Certificate of Occupancy: Temporary Certificate of Occupancy fee applicable under Chapter 9.01 - $250.00 each, per 60-day period.

8) Phased Permitting:

a) Each phased permit of a phased development project shall be assessed a permit and plan review fee as set forth in section 8.03.300.010, subsections 1), 2), 3), 4), and 5), and

b) The phased development plan review fee for each phased permit shall be an additional 10% plan review fee, to the plan review fees set forth in section 8.03.300.010, subsections 2), 3), 4), and 5).

9) Deferred Submittal fee: The Deferred Submittal fee shall be $150.00 per deferred submittal. (Ord. 2007-XX §X, 02/05/2007; Ord. 2005-10 §1, 06/20/2005; Ord. 2002-24 §3, 07/15/2002)

Development Services Stakeholder Advisory Group
Membership
September 1, 2006

| | | |
|---|---|---|
| Lyle Hutchins | Devco Engineering | (541)757-8991 |
| Henry Alaman | OSU, Facilities Services | (541)737-4762 |
| Bill Morris | OSU, Facilities Services | (541)737-8103 |
| Brent Jenkins | Brent Jenkins Construction | (541)745-5424 |
| Mike Goodrich | Legend Homes | (541)754-2102 |
| Bob Grant | Bob Grant Construction | (541)752-7979 |

**WILLAMETTE VALLEY**
**HOME BUILDING ASSOCIATION**

**WVHBA**
32054 Old Hwy. 34
P.O. Box 440
Tangent, Oregon 97389
541-928-5159
Fax: 541-928-0865
Email: info@wvhba.com
www.wvhba.com

**2007 WVHBA Officers**

**President**
Rod Albin
Albin's Plumbing

**Vice President**
Mike Goodrich
Legend Homes

**Treasurer**
Michael Stephens
Morse Bros. Inc.

**Secretary**
Jeff Boles
L-N-D Construction

**Associate Vice President**
Nancy Whitley
NW Natural

**Immediate Past President**
Blane Blood
Blane Construction

**WVHBA Staff**

**Executive Officer**
**Lori L. Hickey, BIAE**
email: lori@wvhba.com

**Administrative Assistant**
**Elizabeth L. Morris**
Email: beth@wvhba.com

OHBA
OREGON HOME BUILDERS ASSOCIATION

Member
NAHB
www.nahb.org

January 17, 2007

City of Corvallis
Development Department
P.O. Box 1083
Corvallis, Oregon 97339

Attn: Dan Carlson, Building Official

Dear Dan,

Having reviewed the documents you provided the Willamette Valley Home Building Association Board of Directors regarding the proposed service enhancement and fee increase for the City of Corvallis Development Department, I am pleased to report that our Board of Directors, at their January 3, 2007 meeting, voted unanimously to offer their complete support.

We would also like to take this opportunity to thank you for considering our interest in these proposed increases and welcome the occasion to offer our input. The City of Corvallis Development Department and the Willamette Valley Home Building Association have demonstrated the ideal working relationship in the past under your direction and that of your staff. We look forward to the continuation of this relationship.

Regards,

Lori L. Hickey

Lori L. Hickey, BIAE
Executive Officer

**MEMORANDUM**

January 8, 2007

TO: Administrative Services Committee

FROM: Nancy Brewer, Finance Director NB

SUBJECT **First Quarterly Operating Report**

## I. Issue

To review and accept the First Quarterly Operating Report for FY 06-07.

## II. Discussion

The First Quarterly Operating Report has been published on the City's web site and is available for review. Although the City's total finances at the end of the first quarter for FY 06-07 were at expected levels, the release of property tax assessed value information does not bode as well for second quarter results (see highlights below). Operating revenues in the first quarter were at 18.9% of budgeted total revenues, which was reasonable based on property tax revenue not anticipated until November. Operating expenditures were also on target at 23.6% of the amended budget.

Highlights of the City's financial operations are:

- Assessed value for the 2006 tax year totals $3,467,065,775, an increase from 2005 of only 0.97%. Staff had projected an increase of 3.5%, so property tax revenues are now expected to total about $377,000 less than budgeted. The factors impacting this situation are currently being reviewed by Staff with the County, and are likely due in part to depreciation of some of the City's larger tax payer properties outpacing growth from new development. Another factor may be an increase in the number of parcels effected by Measure 50 compression. M50 compression occurs when a parcel's RMV drops to below its AV. When the property comes out of compression, the AV can increase by more than 3% back to the 3% trend line originally established in 1996 when M50 was passed. As a result, with more properties in M50 compression than last year, revenues are lower.

- Community Development Revolving Fund was already 32% expended as of the end of September 2006. This situation was due primarily to the anticipated closing of a $717,000 grant/loan combination with the Corvallis Neighborhood Housing Services for the Corvallis Co-housing Development.

- The Transit Fund is dependent on grants for major expenditures. The City has to complete application for operating grants after completion of a part of the fiscal year and proving that

monies have been expended. FTA Operating Grant monies will be applied for and begin flowing in by the third quarter.

- Fleet Maintenance Fund fuel costs have remained high through the first quarter of FY 06-07, such that total fund expenditures were already over 27.3%. Public Works staff will continue to monitor budgetary appropriations in this fund to ensure that legal authority is not exceeded.

- Risk Management Fund typically expends more than 50% of its budget in the first quarter of the year on insurance premiums. During the first quarter, a significant water main break occurred that could have a substantial impact on self-insurance budget available for the year. Workers compensation claims also continue to run high, but are expected to be contained as the fiscal year progresses.

Departmental expenditures are generally on target. Although the City Manager's Office budget is already 33.6% expended, this is based on the insurance premium spending being weighted to the first quarter as noted above. Parks & Recreation seasonal spending for summer activities explains the fact that this department is nearly 28.0% expended by the end of September. The August purchase of a scheduled Fire Engine replacement is the primary reason that the Fire Department was over 26.7% expended.

The Capital Project budget is 16.4% expended at the end of the first quarter, with the major construction season winding down. Major projects that are at or near completion include Western Blvd. Bike Lanes and the 53rd St. Water Line.

The Quarterly Operating Report also includes an update on the status of City Council Goals.

## III. Requested Action

Review the First Quarterly Operating Report, and recommend the City Council accept the report.

Review & Concur:

City Manager

November 17, 2006

City Manager, Mayor, and City Council
City of Corvallis
501 S.W. Madison Ave.
Corvallis, OR 97330

*RE: Fiscal Year 2006-07 1st Quarter Operating Report*

I am pleased to present the City of Corvallis' First Quarterly Operating Report for the 2006-07 Fiscal Year. The Quarterly Operating Report provides the Budget Commission and City Council with information about how the quarter ended.

This Quarterly Operating Report begins with highlights of the City's total Budget which is followed by a reader's guide to the income statement.

The Financial Information section summarizes the revenue and expenditure performance for each fund in an income statement format that includes operating and non-operating revenues, expenditures and total fund activities. There is an income statement combining all property tax funds in this section of the report.

The status of the City's finances was generally as expected at the end of the first quarter. Year-to-date operating revenues of $12,769,442 are at 16.31% of the Amended Operating Revenue Budget of $78,283,760. Non-operating revenues which include transfers, proceeds from sale of fixed assets and proceeds from debt issuance totaled $4,237,131 or 36.72% of the $11,538,185 Amended Non-Operating Budget. Significant revenue highlights include:

- **Property taxes** totaled $116,347 which equals 0.60% of the budgeted property tax revenue. Current year property taxes are primarily collected in the second quarter of the fiscal year.
- **Licenses, Fees and Permits** totaled $1,353,607 which represents 21.81% of budget and is marginally higher than the dollars and percentage of budget collected in the same period last fiscal year.
- **Charges for Services** were $9,706,352 which represents 27.38% of the adopted budget. This is more than $530,000 higher than the amount received last fiscal year. The increase is partly due to a change from recording revenues from Benton County Sheriff's Office related to Corvallis Police Department management of record services personnel and systems as intergovernmental, which added nearly $174,000 to the FY06-07 charges for service budget. Internal service charges are also higher by $170,000 versus the FY05-06 budget. The other main contributor to dollars received exceeding last year's actuals to date are a large number of revenues coming in ahead of budget to date, such as: ambulance service billings, water and storm water metered revenues, wastewater sludge contract receipts and utility public improvement/private contractor service charges.
- **Intergovernmental** is below target and last year's actuals at $474,827 or 3.95% year-to-date. The receipt of grant monies tends to be volatile and highly dependent on timing of related expenditures. It should be noted that intergovernmental revenues are budgeted approximately $2.4 million lower in FY06-07 than in FY05-06 primarily due to no airport CIP grant projects scheduled and no homeland security grants for the 9-1-1 Emergency or Fire and Rescue Funds this fiscal year.
- **Interest earnings** totaled $381,370 which represents 27.04% of the budgeted interest. The dollar amount of investment interest earned is higher than last fiscal year at this time, but is more on target with budget level percentages than in FY05-06. Interest rates appear to have stabilized somewhat in the past few months, and so allowed for more accurate projections than in the previous fiscal year.
- **Proceeds from debt issuance** budgeted in respect of a possible acquisition of the Pacific, Power & Light street light system in Corvallis will not be received until/unless an agreement can be reached with PP&L and a loan is put in place. Debt issuance proceeds totaling $9,980,000 were recorded by the City in the first quarter of FY05-06 from 2005A Pension Obligation Bonds (POB).

Operating expenditures for all funds totaled $16,862,723 or 23.62% of the Amended Operating Expenditure Budget. Non-operating expenditures, which include capital projects, transfers, debt service, and contingency, totaled $7,068,172 or 24.15% of the $29,270,070 Amended Non-Operating Budget. In total, expenditures were $23,930,895 or 23.77% of the $100,656,810 budgeted compared to 30.92% at the same time last year. The total dollars expended is lower in FY 06-07 due primarily to the FY05-06 POB issue noted above as well as a lower volume of capital projects and related transfers this fiscal year. Expenditure highlights include:

- **Personal services** totaled $9,078,130 or 24.10% of the amended budget of $37,663,010. Although the amount spent this year has increased by about 3.6% from what was spent in FY05-06, the percentage of budget is very similar to last fiscal

year. The increase in dollars over last fiscal year is a combination of cost of living adjustments, and slight increases in PERS and medical/dental costs. Although several FTE enhancements were added in FY06-07, most had not yet been hired as of the end of the first quarter. Nevertheless, the percentage of budget expended remained in the same range as last year due to absorption of the savings by the unbudgeted PERS six-percent pick-up agreed upon in the CRCCA and IAFF union contracts.

- **Supplies and Services** totaled $7,431,310 or 24.57% of the amended budget of $30,242,289. The amount spent in FY 06-07 is lower than the amount spent in FY 05-06 due primarily to the former year payment of the POB proceeds to PERS. During FY 05-06, the City issued over $9 million in pension obligation bonds to pay down the City's estimated PERS transition liability.
- **Capital projects** totaled $1,674,531 or 16.43% of the amended budget of $10,192,345. The amount spent in FY 06-07 to date is only about 65% of the amount spent in the prior fiscal year although similar as a percentage of budget. See the Capital Improvement Program section for more information on the status of capital projects.
- **Debt service** payments totaled $1,188,372 or 16.02% of the amended budget of $7,416,350. The amount spent this year to date is $51,000 less than the amount spent in the same period last fiscal year, due primarily to the Bank of America loan in respect of the Moose Building acquisition having been paid off in FY05-06.
- **Transfers** totaled $4,205,269 or 41.52% of the amended budget of $10,128,185. The majority of the transfers are related to capital projects. See the Capital Improvement Program section for information on the status of capital projects.

This Quarterly Operating Report also includes an expenditure summary by classification for each department, performance indicators by department, a Vacancy Report, a Capital Improvement Program summary and an update of City Council Values and Goals.

As always, if you have questions or concerns about the information in this report, please do not hesitate to contact me at (541) 766-6990 or via e-mail at nancy.brewer@ci.corvallis.or.us.

Nancy Brewer
Finance Director

# THE CITY'S BUDGET HIGHLIGHTS

## *REVENUES*

A total of 18.93% of budgeted revenue has been collected as of the end of the first quarter. Of this amount, operating revenue is 16.31% collected and 36.72% of non-operating revenue has been collected.

*Property Tax Revenues* - 0.60% collected. Property taxes provide about half of the operating revenue for General Fund supported programs. Property taxes are found in the General, Parks and Recreation, Fire and Rescue, Transit, Library and General Obligation Debt Service Funds. The majority of the property tax revenues are received in the second quarter.

*Other Taxes* - 22.84% collected. Transient Room Taxes are taxes on hotel and motel occupancy and reflect their usage rate. The City currently levies a room tax of 9% of the room costs on all transient lodging in the City limits.

*License, Fees & Permits* - 21.81% collected. Franchise Fees provide approximately 35% of the operating revenue in the General Fund. In addition to right-of-way fees charged to local utility companies, franchise fees are also assessed against and paid for by the City's water, wastewater, and storm water utilities. Revenues for parks, sound and camping permits are received in the Parks & Recreation Fund. Building permit revenue is recorded in the Development Services Fund. Parking lot space fees are received in the Parking Fund and residential parking permits and right of way permits are received in the Street Fund.

*Charges for Services* - 27.38% collected. General Fund charges include development review charges and rental charges for City owned buildings. The Parks and Recreation Fund generates revenue from recreation programs and System Development Charges (SDC's). Charges for Police and Fire 911 services are received in the 911 Fund. Water, sewer and drainage user fees and SDC's are received in the Water, Wastewater, and Storm Water Funds. The Airport Fund receives revenues for hangar rentals, fuel sales, and seed crops. The Internal Service Funds (Technology and Communications, Administrative Services, Fleet, Facility Maintenance, and Risk Management) receive payments for services provided to other city departments.

*Intergovernmental* - 3.95% collected. State sharing revenues include cigarette, liquor, 9-1-1 and highway taxes and currently make up approximately 32.70% of amended budget intergovernmental revenues. Benton County Intergovernmental funds for Library support make up approximately 16.45% of intergovernmental revenues and are normally received in the second quarter since they are tied to property tax turnovers. In FY 06-07, projected grant revenue makes up nearly 48.00% of the intergovernmental revenue amended budget. The receipt of grant monies tends to be volatile and highly dependent on timing of related expenditures; this accounts for lower than target revenues collected to date. The remaining 2.85% of budget is for other revenue items such as 911 system cost share from other government agencies.

*Fines and Forfeitures* - 24.23% collected. Revenues include fines imposed through Municipal Court for traffic and parking violations, late utility payments, library fines and violations of the Uniform Fire Code. Revenues are also derived from property damage restitution payments, asset seizures and forfeitures through court action. Fines and forfeitures are mainly found in the following funds: General, Parking and Library.

*Miscellaneous Revenues* - 20.26% collected. Miscellaneous revenues include donations, housing and assessment loan repayment proceeds, business energy tax credits for transit, gifts/contributions, insurance proceeds, bad debts recovered and investment interest revenues. Interest revenues represent approximately 46% of the total miscellaneous revenue budget.

*Other Financing Sources* - 36.72% collected. Other Financing Sources consist mainly of "interfund" and "intrafund" transfers that are primarily for capital construction projects, debt service requirements and bond proceeds. During FY 05-06, the City issued over $9 million in pension obligation bonds to pay down the PERS transition liability and did an advance refunding of the Combined Sewer Overflow bond issue for a total of $5.41 million in bond proceeds in the Wastewater fund. At this point in the fiscal year, no bond issues are anticipated for FY06-07. The Capital Improvement Program section presents an analysis by project and information on year to date expenditures related to transfers.

## *EXPENDITURES*

The City's total budget was 23.77% spent at the end of the first quarter, with operating expenditures at 23.62% of the operating budget and non-operating expenditures at 24.15%.

The following information summarizes the fiscal year expenditures by classification and identifies any significant variances:

*Wages and Benefits** - 24.10% spent. Includes amounts paid to both permanent and temporary City employees, including personnel substituting for those in permanent positions.

*Services & Supplies** - 24.57% spent. Includes amounts paid for supplies used in operations and services rendered by organizations or personnel not on the City's payroll, including repair and maintenance-related services, professional contractual services and utilities.

*Capital Outlay** - 10.15% spent. Most capital outlay purchases consist of machinery, equipment and vehicles over $5,000. Expenditures in this category are typically lower in the first part of the year based on cash flow management.

*Capital Projects* - 16.43% spent. Capital Projects occur in the Capital Construction, Water Construction, Wastewater Construction, Storm Water Construction and Airport Construction Funds. The Capital Improvement Program Section presents an analysis by project and information on year-to-date expenditures.

*Debt Service* - 16.02% spent. Budgeted debt service payments of $1,993,730 are supported by specific property tax levies. Debt service incurred in support of enterprise operations (Water, Wastewater, Storm Water and Airport) totals $3,369,040 and is paid from revenues derived from charges for services within each fund. Pension obligation bond annual debt service of $1,864,020 is primarily funded by current revenue proportionate to each City Fund's respective PERS liability.

*Transfers* - 41.52% spent. Transfers represent Intra-fund and Inter-fund transfers for capital projects and debt service contributions. These can fluctuate depending on the progress of construction projects.

* See the following table for a summary of operating expenditures by Department.

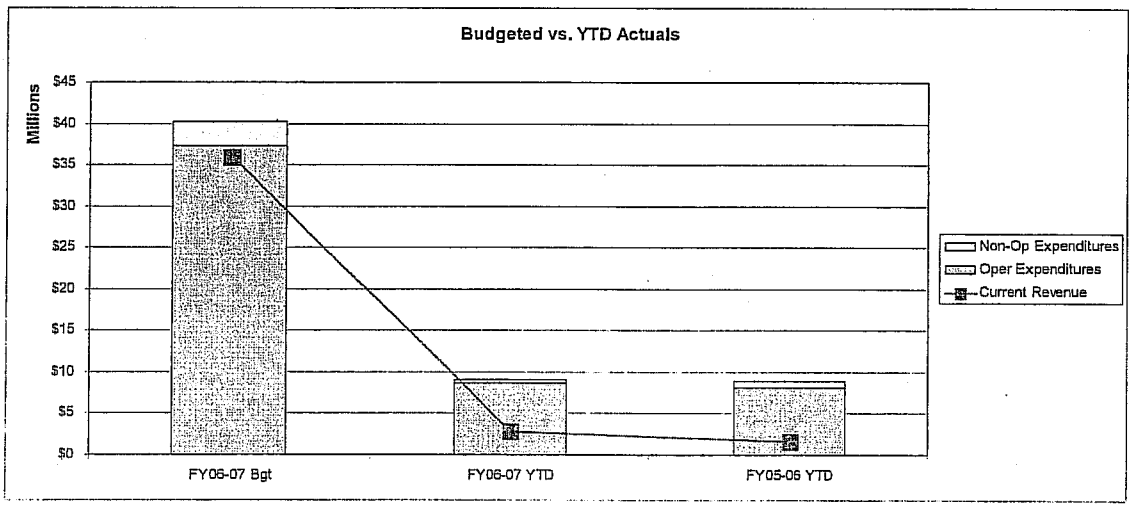
**OPERATING EXPENDITURES BY DEPARTMENT**

| DEPARTMENT | AMENDED BUDGET | PERSONAL SERVICES | SUPPLIES & SERVICES | CAPITAL OUTLAY | TOTAL EXPENDITURES | % OF AMENDED BUDGET |
|---|---|---|---|---|---|---|
| City Manager's Office | $2,754,540 | $236,905 | $687,182 | $0 | $924,087 | 33.55% |
| Community Development | 7,055,680 | 748,063 | 1,113,267 | 0 | 1,861,330 | 26.38% |
| Finance | 4,493,660 | 687,276 | 333,481 | 824 | 1,021,581 | 22.73% |
| Fire | 9,230,380 | 1,776,302 | 403,116 | 288,302 | 2,467,720 | 26.73% |
| Library | 5,603,820 | 810,527 | 565,855 | 0 | 1,376,382 | 24.56% |
| Parks & Recreation | 5,323,970 | 946,735 | 527,584 | 15,733 | 1,490,052 | 27.99% |
| Police | 10,937,200 | 1,776,438 | 695,999 | 23,913 | 2,496,350 | 22.82% |
| Public Works | 24,563,870 | 2,095,885 | 2,700,529 | 24,511 | 4,820,925 | 19.63% |
| Non Department | 1,423,620 | 0 | 404,297 | 0 | 404,297 | 28.40% |
| TOTAL | $71,386,740 | $9,078,131 | $7,431,310 | $353,283 | $16,862,724 | 23.62% |

# PROPERTY TAX FUNDS COMBINED*

| REVENUE | AMENDED BUDGET | 1st Qtr FY 06-07 | UNAUDITED YTD 06-07 | FY 06-07 % REC/EXPEND | 1st Qtr FY05-06 | Y-T-D FY05-06 | FY 05-06 % REC/EXPEND |
|---|---|---|---|---|---|---|---|
| Budgeted Fund Balance | $6,525,645 | | | | | | |
| Property Taxes | $17,615,480 | $116,347 | $116,347 | 0.66% | $98,165 | $98,165 | 0.58% |
| Other Tax | 990,840 | 226,262 | 226,262 | 22.84% | 194,516 | 194,516 | 21.13% |
| Licenses/Permits | 4,592,690 | 876,461 | 876,461 | 19.08% | 805,076 | 805,076 | 17.18% |
| Charges for Service | 5,144,960 | 1,069,376 | 1,069,376 | 20.78% | 83,870 | 83,870 | 1.77% |
| Intergovernmental | 4,289,170 | 112,770 | 112,770 | 2.63% | 120,118 | 120,118 | 2.77% |
| Fines/Forfeitures | 759,650 | 190,701 | 190,701 | 25.10% | 166,327 | 166,327 | 24.32% |
| Miscellaneous | 1,111,150 | 185,664 | 185,664 | 16.71% | 34,016 | 34,016 | 3.87% |
| Other Financing Sources | 1,476,350 | 15,971 | 15,971 | 1.08% | 31,391 | 31,391 | 7.01% |
| **TOTAL CURRENT REVENUE** | $35,980,290 | $2,793,552 | $2,793,552 | 7.76% | $1,533,478 | $1,533,478 | 4.57% |
| **EXPENDITURE BY DEPARTMENT** | | | | | | | |
| Community Development | $1,364,450 | $281,172 | $281,172 | 20.61% | $262,887 | $262,887 | 21.97% |
| Finance | 517,270 | 122,493 | 122,493 | 23.68% | 114,095 | 114,095 | 23.16% |
| Fire | 9,230,380 | 2,467,720 | 2,467,720 | 26.73% | 2,293,430 | 2,293,430 | 24.25% |
| Library | 5,602,820 | 1,376,317 | 1,376,317 | 24.56% | 1,304,189 | 1,304,189 | 23.54% |
| Parks and Recreation | 5,323,970 | 1,490,051 | 1,490,051 | 27.99% | 1,373,374 | 1,373,374 | 27.42% |
| Police | 8,918,150 | 1,989,837 | 1,989,837 | 22.31% | 1,917,198 | 1,917,198 | 22.45% |
| Public Works | 4,893,900 | 553,308 | 553,308 | 11.31% | 537,504 | 537,504 | 16.92% |
| Non-Departmental | 1,420,710 | 404,297 | 404,297 | 28.46% | 384,665 | 384,665 | 24.85% |
| **TOTAL OPERATING EXPENDITURES** | $37,271,650 | $8,685,194 | $8,685,194 | 23.30% | $8,187,341 | $8,187,341 | 23.42% |
| Debt Service | $189,560 | $0 | $0 | 0.00% | $65,188 | $65,188 | 50.22% |
| Transfers | 2,132,300 | 434,431 | 434,431 | 20.37% | 729,834 | 729,834 | 37.81% |
| Contingencies/Reserves | 662,170 | 0 | 0 | 0.00% | 0 | 0 | 0.00% |
| TOTAL ALL EXPENDITURES | $40,255,680 | $9,119,626 | $9,119,626 | 22.65% | $8,982,363 | $8,982,363 | 23.85% |
| **CURRENT REVENUE LESS TOTAL EXPENDITURES** | ($4,275,390) | ($6,326,074) | ($6,326,074) | | ($7,448,885) | ($7,448,885) | |

* Includes General, Parks & Recreation, Fire & Rescue, Transit and Library Funds



CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

# MEMORANDUM

**To:** Administrative Services Committee
**From:** Julee Conway, Parks and Recreation, Director
Nancy Brewer, Finance, Director
**Date:** January 4, 2007
**Subject:** Majestic Theatre Management - Supplemental Funding Request

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**Issue**
The agreement with Majestic Theatre Management (MTM) entered on July 1, 2006 will expire June 30th, 2007. MTM has requested extending the agreement through June 30th, 2008 and has requested additional City funding support as part of the contract renewal process of $50,000, less the projected endowment interest earnings.

**Background**
In July 2006, the City entered a one year agreement with MTM, which included additional appropriations of $15,000 for FY 06-07. The agreement was a continuation of the partnership that began in 1991. The City owns the Majestic building and determined that it is in the City's best interest that an entity experienced and qualified in management, operation and maintenance of a community theater manage this facility.

FY 06-07 was the first time the City authorized additional appropriations other than the annual interest from the endowment, based on a request from MTM in April 2006. The original request was for $48,000 and was tied to the decline of interest earned through the City managed MTM endowment fund.

Annual interest earnings from the endowment fund have fluctuated over the past five years, as the result of changing market conditions, with a high of $26,785 and a low of $6,045. These interest earnings directly support the cost of operations for the Theatre. Interest earnings from FY 06-07, paid in FY 07-08, are projected to be $28,560.

At the time of the request in April, 2006, there was not adequate time to develop information for the City Council regarding the financial need for the requested $48,000. Consequently, staff recommended $15,000 be funded for FY 06-07 in addition to the annual interest earnings.

**Discussion**

Since the July 2006 execution of the agreement, MTM developed a three year revenue and expense history, three year revenue and expense projections, goals for the next eighteen months, a timeline to develop short and long term funding strategies included in a five year business plan, and salary and staffing structure comparisons from similar statewide facilities.

Through this information, MTM has determined a supplemental sum of $50,000 is needed annually to sustain current operations and strengthen their financial position for the future. The $50,000 includes the interest earned from the endowment fund. Interest earnings are projected to be $28,560 to be paid in FY 07-08. A source for the remaining amount of $21,440 would need to be identified and appropriated. The funds would be expended in FY 07-08 as follows:

- $30,000 personnel
- $20,000 equipment maintenance
  * see attachment, revenue/expense projections from MTM funding request 11/2006

MTM has indicated that they would like to have a secure level of funding from the City annually at $50,000. They have not indicated whether or not this figure would increase in future years, but they have stated that it would include the endowment interest. For FY 07-08 the balance of $21,440 would have to come from the property tax as there is no other revenue alternative.

## Recommendation

Discuss the request and provide direction to staff on whether or not to forward this request to the Budget Commission as a Council enhancement. Further discussion on whether this would be recommended for annual funding or one time only would be helpful.

Reviewed and Concur:

Jon S. Nelson, City Manager

Attachments

1. MTM funding request December, 2006, with supporting documents
2. Agreement, July 1, 2006
3. HSC Minutes, April 18, 2006
4. Staff report, May 17, 2006
5. HSC Minutes, May 23, 2006
6. City Council Minutes, June 17, 1991

MAJESTIC THEATRE

December 4, 2006

To: Corvallis City Council
P O Box 1083
Corvallis, OR 97339

From: Majestic Theatre Management, Inc.

Re: request for funding from the City of Corvallis

Majestic Theatre Management, Inc. is pleased to provide management services for our community performing arts facility, the Majestic Theatre. However, we are requesting financial assistance from the city in order to continue our management services. As requested by city staff, we have analyzed our financial needs and determined our financial need to be an annual sum of $50,000. Documentation requested by city staff is attached.

Thank you,

Betsy Rock Fudge

Betsy Rock Fudge

Majestic Theatre Management •115 SW 2nd St., Corvallis OR 97333 • (541) 766-6976 • mail@majestic.org • www.majestic.org

Majestic Theatre Management, Inc. assumed operational management of the Majestic Theatre in 1991. MTM's mission as an organization is to preserve and operate a quality performing arts facility in a fiscally sound manner while supporting the performing arts and civic needs of the community.

In order to achieve this mission, the Board of Directors and staff of Majestic Theatre Management have identified a set of goals, beyond those of normal operations, to focus on in the next eighteen months. Those five goals are:

1. Rebuild and strengthen the Board of Directors
    a. Current board is understaffed due to resignations and expirations of terms.
    b. To be more effective board needs more committed members and better training.

    **See Board of Directors position description Attachment A.*
2. Restructure theater staffing
    a. An urgent restructuring was implemented in April 2003 because of significant financial and management concerns. Current conditions have changed to the extent that this decision needs to be revisited.
    b. Staff salaries fell behind due to financial hardship, and no longer are commensurate with industry standards.

    **See Staff and salary comparison Attachment B.*
3. Increase attention on facility improvements
    a. So as to provide the "quality facility" our mission indicates more attention to maintenance and improvements will be needed.

    **See Facility improvement draft budget Attachment C.*
4. Increase promotion and support of community performing arts
    a. MTM's mission statement identifies meeting the performing arts needs of the community as one of our goals, however specific attention has not been placed on this goal for some time.
5. Develop a five-year plan for the Majestic Theatre
    a. This will provide clearer direction for MTM now and into the future.
    b. Will serve as guide for future board and/or staff members.
    c. Will help constituents understand the operational goals of MTM.

For successful accomplishment each of these goals will require a process of assessment of current conditions, identification of alternatives, prioritization of alternatives and implementation of action. A timeline for achievement of the five goals follows.

## Timeline for MTM Priority Goals

| Date | Action | Key Personnel |
|---|---|---|
| January 2007 | Board of Directors rebuilding<br>recruit new board members<br>training workshop(s)<br><br>Facilities and equipment assessment<br><br>Staff structure and compensation assessment | Board & Operations Manager<br><br>In-house & outside professional<br><br>Tech Director & Operations Committee<br><br>Board & Operations Manager |
| March 2007 | New Board in place<br>Current policies update completed<br><br>Five year plan visioning begins | Board<br>Board<br><br>Board & staff with outside facilitator |
| April 2007 | Staffing alternatives identified and prioritized<br>Implementation plan developed | Board<br>Executive Committee |
| May 2007 | Facilities and equip assessment documented<br><br>Five year plan community input<br>professional assistance will be needed | Tech Director & Operations Committee<br><br>Development & Marketing Committee<br>TBD |
| June 2007 | Hiring process begins for new staff position(s)<br><br>Facilities and equipment prioritization<br>Plan developed and implemented | Executive Committee<br><br>Board<br>Tech Director & Operations Committee |
| July 2007 | Five year plan alternatives assessment | Board & staff |
| September 2007 | New staff structure in place<br><br>Facilities and equip plan tracking | Board<br><br>Tech Director & Operations Committee |
| November 2007 | Five year plan input continues | TBD |
| December 2007 | Performing arts support assessed | Education & Performance Committee |
| January 2008 | Board of Director training | TBD |
| February 2008 | Performing arts support alternatives | Education & Performance Committee |
| March 2008 | Five year plan prioritization<br><br>Facilities and equip plan tracking | Board & staff<br><br>Tech Director & Operations Committee |
| April 2008 | Performing arts support prioritization | Education & Performance Committee |
| May 2008 | Performing arts support implementation | Education & Performance Committee |
| June 2008 | Five year plan draft completed | Board & staff |

Staff and Salary Comparisons

The MTM management team has become concerned that staffing levels and staff compensation may not be appropriate to the current operations of the venue. This may lead to staff turnover and the inability to attract qualified candidates for future employment. As a first step to address this issue MTM researched staffing information for other regional venues. Information on ten theaters was gathered, though most analysis was done comparing the Majestic and the three other theatres with the most similar auditorium capacity. Categories in which the Majestic rated below the average included:

- Total payroll
- Average payroll expense per employee (lowest)
- Salary of top paid employee (lowest)

*(Comparison information attached.)*

The general conclusion from this analysis is that Majestic staff salaries are low and will need to be increased to retain a qualified staff. The exact amount of necessary salary increases has not yet been determined. Adjustments to current salaries would increase payroll expenses approximately $30,000. The addition or reorganization of the staff (such as hiring an executive director) could result in an additional salary expense of $50,000.

Facility Maintenance and Improvements

Facility maintenance and improvements need to be addressed for the following reasons:

- The Majestic is beginning to show the effects of sixteen years of heavy use.
- Maintenance was deferred when finances were tight.
- Regular maintenance is more cost effect in the long run.
- Planned equipment purchases are more efficient than replacement as equipment fails.
- The theatrical technology in the Majestic has not kept pace with the industry.
- Other community venues have superior technical capabilities.
- Users have higher expectations of the facilities and equipment than in the past.

An estimated $20,000 to $25,000 is necessary to upgrade the facility and equipment and perform annual maintenance to the same. Once a thorough assessment of the facilities and equipment has been completed, and necessary upgrades have been prioritized, a more comprehensive budget can be developed. An estimated budget for facility improvements is attached; actual items and their costs may vary.

Five Year Plan

Majestic Theatre Management's last five year plan was adopted in June 2000. For the most part MTM met the general goals of the plan which stated in the year 2005 MTM would:

- continue its mission as stated above
- building will be kept in good condition*
- equipment will be maintained and upgraded*
- activities in the building will increase
- use of the facility will remain affordable and accessible
- customers will find a full slate of services available
- a professional staff will be present

*Although the building is in good condition, and equipment has been maintained and upgraded there is more room for improvement in these areas.

The current management (Board and management staff) of the MTM recognizes the need to develop a new five year plan for operation of the Majestic. Not only has the previous plan "expired", but significant changes at both MTM and in the community warrant a fresh look at the mission and activities of MTM.

Some of these changes are:

- MTM experienced significant financial hardship
- Executive Director position eliminated
- New performance facility has been built in Corvallis
- User expectations of facilities have changed
- Competition for community support of non-profits has increased

In a recent brainstorming workshop MTM board members envisioned that in five years

*"The Majestic Theatre is a well-known affordable, actively used state-of-the-art performance facility that is financially supported by an active endowment fund and run by an effective management team, which actively promotes performing arts in Corvallis."*

However, these same board members also recognized that it is premature to begin work on a new five-year vision until there is more stability on the current board. This led to the development of a set of short-term goals, with a priority on board rebuilding. Once a rebuilt board is in place, work on a five year plan will begin.

**Board of Directors – Job Description**
**Majestic Theatre Management** **115 SW 2nd Street, Corvallis, OR 97333**

Directors are elected to a three year term by a majority vote of members at the annual meeting of Majestic Theatre Management, Inc. The nominating committee of the Board of Directors will present a slate of Directors for the members to vote on.

Directors must be, and must remain, members of Majestic Theatre Management, Inc. Membership in MTM is obtained by an annual financial donation.

Directors on the board of the Majestic Theatre Management, Inc. (MTM) assume responsibility for the viability of MTM by:

a. Monitoring the mission of the organization in order to meet the changing needs of the community.
b. Setting policies in order to provide direction and operational parameters for the Manager of MTM.
c. Providing for both the long and short term financial stability of MTM.

In order to fulfill the terms of the broadly stated responsibilities, Directors are expected to:

a. Attend monthly board meeting.
b. Participate in long and short term planning sessions.
c. Read and be familiar with the current policies and procedures of MTM.
d. Elect officers of the board: President, Vice-president, Treasurer and Secretary.
e. Hire and do an annual performance review of the MTM Manager.
f. Delegate policy implementation to the MTM Manager.
g. Assure the financial affairs of MTM are kept in good order, including generally accepted accounting principles are adhered to and prudence is exercised in the safekeeping of funds and financial records.
h. Serve on both standing and ad hoc board committees.
i. Act as an ambassador, lobbyist and otherwise represent MTM in as many situations as possible:
    a. Attendance is not mandatory, but an effort must be made to appear at MTM sponsored events
    b. Members should speak, make announcements to, and generally promote MTM in other organizational settings (i.e. Zonta, Lions, Rotary, etc.)
    c. Attend the meetings when appropriate and possible of the Oregon Arts Commission, City Council, County Commissioners, and other similar councils.
    d. Establish a working relationship insofar as possible with the community leaders, activists and politicos.
    e. Identify possible new members and encourage them to join MTM.
j. Participate in fund raising, membership drives, and other revenue generation.
    a. Work on committees for MTM fund raisers.
    b. Sell tickets
    c. If requested by the board, participate in fund-generation for the endowment.

# SURVEY OF COMPARABLE THEATERS, 2006

| | |
|---|---|
| **Facility name, location:** | **Florence Events Center, Florence, OR** |
| Facility size: | 457-seat auditorium, 7600-sq ft conference center |
| Business model: | rentals |
| Operating budget: | $377,840 |
| Staff & salary structure: | Executive Director (FT), $63,900<br>Marketing & Sales mgr (FT), $55,750<br>Office/Box Office Manager (FT), $33,800<br>Maintenance Technician (PT), $21,320<br>insurance benefits (total), $50,600<br>retirement benefits (total), $22,000 |
| Income sources, % contribution: | building rental, 25%<br>room taxes, 22%<br>carryover, 15%<br>Lane County, 9%<br>show net sales, 8%<br>food & beverage, 8%<br>ticket surcharge, 4%<br>other, 9% |

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| | |
|---|---|
| **Facility name, location:** | **Newport Performing Arts Center, Newport, OR** |

Note: NPAC is managed by Oregon Coast Council for the Arts (OCCA), which also manages the Newport Visual Arts Center. Where there is a difference, the numbers are listed as "[NPAC portion] of [full OCCA amount]".

| | |
|---|---|
| Facility size: | 390-seat auditorium, 100-seat studio theater |
| Business model: | rentals |
| Operating budget: | $144,500 of $488,180 |
| Staff & salary structure: | Executive Director (FT), $9,940 of $39,750<br>Business mgr (FT), $16,460 of $25,323<br>NPAC Mgr & OCCA Pgm Coord (FT), $13,092 of $21,820<br>NPAC Operations Mgr/Tech Dir (PT), $16,325<br>NPAC Asst Ops Mgr/Custodian (PT), $5,600<br>Program Assistant (PT), $10/hr |
| Income sources, % contribution: | City of Newport, 41% + building insurance and exterior maintenance<br>building rental, 32%<br>ticket surcharge, 21%<br>memberships & sponsorships, 6% |

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## SURVEY OF COMPARABLE THEATERS, 2006

| | |
|---|---|
| **Facility name, location:** | **a theater in the Puget Sound area, WA** |
| Facility size: | 400-seat auditorium |
| Business model: | ticket sales; rentals |
| Operating budget: | $1.26M |
| Staff & salary structure: | Executive Director (FT), $77,000<br>Development Director/General Manager (FT), $52,000<br>Marketing Director (FT), $52,000<br>Production/Box Office/Sales Manager (FT), $40,500<br>PR/Client Services/Ed Outreach Mgr (FT), $33,300<br>Technical Director (FT), $32,500<br>House Manager/ArtStage curator (FT), $31,250<br>Lead Technician (FT), $28,000<br>Development Associate (FT), $27,000<br>Accountant (PT), $20.25/hr<br>Box Office Associates (PT), $9-$12/hr<br>Swing House Mgr (as needed), $12/hr<br>Technicians (as needed), $8.50-$14/hr |
| Income sources, % contribution: | ticket sales, 33%<br>donations, 17%<br>rental fees, 14%<br>fundraising events, 11%<br>sponsorships, 8%<br>government, 7% (primarily city; some county & state)<br>other, 10% |

Note: The City provides $50K in support to help maintain the building, ~$30K in admissions' tax rebate on performances at the theater, and maintains the HVAC, elevator and exterior (roof, landscaping, etc).

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| | |
|---|---|
| **Facility name, location:** | **Majestic Theatre, Corvallis, OR** |
| Facility size: | 300-seat auditorium, 3 multi-purpose rooms |
| Business model: | rentals |
| Operating budget: | $198,500 |
| Staff & salary structure: | Operations Manager (FT), $28,000<br>Education Director (FT), $27,500<br>Technical Director (PT), $22,500<br>Volunteer Coordinator/House Manager (PT), $10.50/hr<br>Custodian (PT), $10.50/hr |
| Income sources, % contribution: | building rental, 37%<br>education program, 34%<br>memberships, donations, grants, 21%<br>other, 5%<br>endowment interest, 3% |

## Estimated annual building & equipment maintenance

*expenses are based on a five year timeline for upgrades*

| | |
|---|---|
| **Stage Technical Equipment - to maintain current equipment and replace worn items** | |
| lighting instruments - replace worn | $4,000 |
| sound - replace worn components | $1,000 |
| fly system - maintain safety of | $700 |
| tools - replacements and parts | $500 |
| hardware - replacements and parts | $300 |
| **Building maintenance** | |
| hardware - replace worn | $1,000 |
| walls - maintain | $1,000 |
| restroom fixtures - replace worn | $1,000 |
| window coverings - replace worn | $500 |
| plumbing - replace worn | $1,000 |
| light fixtures - upgrade energy efficiency | $1,000 |
| canopy - clean & maintain | $1,000 |
| flooring - clean & maintain | $500 |
| total maintenance | $13,500 |
| **Stage Technology additions and upgrades** | |
| fly system- upgrade | |
| video capabilities - add | |
| intelligent lighting - add | |
| total improvements per year | $7,500 |
| **Building improvements** | |
| storage space | $1,000 |
| office/work areas | $500 |
| patron services items | $500 |
| total improvements | $9,500 |
| Total costs | $23,000 |

11/28/06
Cash Basis

# Majestic Theatre Management Inc.
## Revenue & Expense History
for fiscal years ending August 2004, August 2005, August 2006

| | Sep '03 - Aug 04 | Sep '04 - Aug 05 | Sep '05 - Aug 06 |
|---|---|---|---|
| Ordinary Income/Expense | | | |
| Income | | | |
| 4000 · Contribution Income | 5,420 | 30,817 | 14,681 |
| 4100 · Grant Income | 2,698 | 21,700 | 900 |
| 4200 · Memberships | 41,434 | 32,267 | 27,519 |
| 4300 · Facility Rental | 52,304 | 56,577 | 63,079 |
| 4400 · Equipment Rental | 14,423 | 10,595 | 8,246 |
| 4460 · Other Facility Income | 1,348 | 1,648 | 767 |
| 4500 · Education Income | 43,973 | 56,128 | 55,094 |
| 4550 · MTM Performance Income | 2,809 | 8,550 | 12,124 |
| 4600 · Concessions | 6,811 | 5,471 | 4,449 |
| 4700 · Advertising Income | 3,150 | 3,030 | 5,205 |
| 4900 · Investment Income | 9,686 | 7,839 | 6,355 |
| 4990 · Miscellaneous Income | 24 | 305 | 105 |
| Total Income | 184,079 | 234,928 | 198,523 |
| Expense | | | |
| 5000 · Personnel Expenses | 99,397 | 95,379 | 127,850 |
| 5500 · Bank/Credit card fees | 1,251 | 902 | 1,309 |
| 5600 · Capital Expenses | | 1,582 | 2,009 |
| 5800 · Equipment Maintenance | 697 | 1,688 | 2,337 |
| 5900 · Fundraising expenses | 983 | 3,445 | 1,620 |
| 5990 · Grants made | | - | 8,200 |
| 6000 · Independent Contractors | 16,256 | 25,495 | 15,995 |
| 6100 · Marketing | 5,353 | 2,601 | 4,244 |
| 6200 · Materials and Supplies | 13,528 | 16,562 | 18,782 |
| 6300 · Occupancy Expenses | 26,854 | 21,514 | 24,001 |
| 6400 · Postage & Shipping | 2,407 | 1,740 | 2,146 |
| 6500 · Printing & Publications | 2,518 | 2,293 | 6,774 |
| 6600 · Professional Fees | 4,557 | 1,800 | 3,075 |
| 6650 · Corporate fees & dues | 126 | 125 | 131 |
| 6700 · Telephone | 2,873 | 3,962 | 3,019 |
| 6800 · Travel | - | 31 | 165 |
| Total Expense | 176,800 | 179,118 | 221,657 |
| Net Ordinary Income | 7,279 | 55,809 | (23,134) |
| Other Income/Expense | | | |
| Other Income | | | |
| 8010 · Unrealized gain/loss on Investm | 339 | 3,329 | 240 |
| 8040 · Performance Facility Use | - | - | 995 |
| 8050 · Educ. Facility Use | 7,879 | 6,417 | 9,726 |
| Total Other Income | 8,218 | 9,746 | 10,960 |
| Other Expense | | | |
| 8110 · Loss on disposal of assets | - | 192 | - |
| 8280 · Performance Facility Expense | - | - | 995 |
| 8100 · Depreciation | 21,048 | 19,580 | 17,967 |
| 8150 · Ed.Prgm Facility Exp | 7,879 | 6,417 | 9,726 |
| Total Other Expense | 28,927 | 26,189 | 28,688 |
| Net Other Income | (20,709) | (16,443) | (17,727) |
| Net Income | (13,430) | 39,366 | (40,861) |

# Majestic Theatre Management Inc.
## Revenue & Expense Projection
for fiscal years ending August 2007, August 2008, August 2009

| | Sep '06 - Aug 07 | Sep '07 - Aug 08 | Sep '08 - Aug 09 |
|---|---|---|---|
| Ordinary Income/Expense | | | |
| Income | | | |
| 4000 · Contribution Income | 10,000 | 10,400 | 10,800 |
| 4100 · Grant Income | 5,000 | 6,500 | 8,000 |
| 4200 · Memberships | 30,000 | 30,000 | 30,000 |
| 4300 · Facility Rental | 60,000 | 62,400 | 65,500 |
| 4400 · Equipment Rental | 8,000 | 8,300 | 8,600 |
| 4460 · Other Facility Income | 1,000 | 1,040 | 1,200 |
| 4500 · Education Income | 50,000 | 52,000 | 54,080 |
| 4550 · MTM Performance Income | 12,500 | 13,000 | 13,500 |
| 4600 · Concessions | 5,000 | 5,200 | 5,500 |
| 4700 · Advertising Income | 8,000 | 8,320 | 8,650 |
| 4900 · Investment Income | 16,889 | 10,000 | 10,000 |
| 4950 · City payment | 15,000 | 45,000 | 45,000 |
| 4990 · Miscellaneous Income | 100 | 150 | 150 |
| Total Income | 221,489 | 252,310 | 260,980 |
| Expense | | | |
| 5000 · Personnel Expenses | 130,000 | 150,000 | 150,600 |
| 5400 · Employee education | 500 | 600 | 700 |
| 5500 · Bank/Credit card fees | 1,250 | 1,255 | 1,260 |
| 5600 · Capital Expenses | 5,000 | 6,000 | 7,000 |
| 5800 · Equipment Maintenance | 2,500 | 5,000 | 7,000 |
| 5900 · Fundraising expenses | 5,000 | 6,000 | 6,000 |
| 5990 · Grants made | 2,000 | 2,000 | 2,000 |
| 6000 · Independent Contractors | 5,000 | 6,500 | 7,500 |
| 6100 · Marketing | 5,000 | 7,000 | 9,000 |
| 6200 · Materials and Supplies | 18,000 | 19,000 | 20,000 |
| 6300 · Occupancy Expenses | 27,000 | 28,500 | 30,000 |
| 6400 · Postage & Shipping | 2,000 | 2,500 | 3,000 |
| 6500 · Printing & Publications | 8,000 | 8,050 | 8,100 |
| 6600 · Professional Fees | 5,000 | 5,020 | 5,040 |
| 6650 · Corporate fees & dues | 200 | 225 | 250 |
| 6700 · Telephone | 3,000 | 3,100 | 3,200 |
| 6800 · Travel | 250 | 250 | 250 |
| Total Expense | 219,700 | 251,000 | 260,900 |
| Net Ordinary Income | 1,789 | 1,310 | 80 |
| Other Income/Expense | | | |
| Other Income | | | |
| 8010 · Unrealized gain/loss on Investm | 300 | 300 | 300 |
| 8040 · Performance Facility Use | 1,000 | 1,000 | 1,000 |
| 8050 · Educ. Facility Use | 10,000 | 10,000 | 10,000 |
| Total Other Income | 11,300 | 11,300 | 11,300 |
| Other Expense | | | |
| 8110 · Loss on disposal of assets | - | - | - |
| 8280 · Performance Facility Expense | - | - | 995 |
| 8100 · Depreciation | 16,500 | 15,000 | 15,000 |
| 8150 · Ed.Prgm Facility Exp | 10,000 | 10,000 | 10,000 |
| Total Other Expense | 26,500 | 25,000 | 25,995 |
| Net Other Income | (15,200) | (13,700) | (14,695) |
| Net Income | (13,411) | (12,390) | (14,615) |

# CONTRACT FOR MANAGEMENT, OPERATION AND MAINTENANCE OF THE MAJESTIC THEATRE

This agreement is entered into this 1st day of July 2006, by and between the City of Corvallis, a municipal corporation of the State of Oregon, hereinafter referred to as CITY, and Majestic Theatre Management, Inc., a not for profit corporation of the State of Oregon, hereinafter referred to as MTM, and jointly referred to as PARTIES, or individually as a PARTY:

WITNESSETH

**WHEREAS,** CITY owns and operates a theatre known as the Majestic Theatre, hereinafter referred to as "Majestic", which is located at 115 SW 2nd St., Corvallis, Oregon; and

**WHEREAS**, CITY has determined it is in CITY's best interest that an entity experienced and qualified in the management, operation and maintenance of a community theater continue to manage, operate and maintain Majestic; and

**WHEREAS,** MTM has successfully managed Majestic since August 1991 under a previous agreement; and

**WHEREAS,** CITY determined MTM is qualified and capable of providing the services required by CITY,

**NOW, THEREFORE,** in consideration of the premises, promises, terms and conditions herein set forth, the PARTIES agree as follows:

1 **Description of Majestic.** Majestic is described as follows: The Majestic Theatre located at 115 SW Second Street, Corvallis, Oregon.

2 **Management and Operation.** MTM shall manage and operate Majestic as follows:

2.1 Operate Majestic in accordance with all provisions of this contract for the convenience of the public;

2.2 Support education/training in the performing arts and theatrical crafts and assist individuals and organizations to bring performances to the public;

2.3 Use MTM's best efforts to secure, maintain, and develop full utilization of Majestic and to foster a positive public image for Majestic;

2.4 Establish operational policies, including but not limited to user rates, which balance low cost access and self-sufficiency. The policies shall also reflect a service orientation that fosters community use and enjoyment;

2.5 Encourage free artistic expression by permitting groups and organizations use of the facility without discrimination, in a fair and equitable manner, and by allowing events which appeal to a broad audience and are free from censorship;

2.6 Develop an effective outreach program to support Majestic through alliances with community organizations and a strong network of volunteers;

2.7 Manage the finances of Majestic in a prudent manner, so as to minimize using any CITY General Fund money for theater operations, routine building maintenance or maintenance of items within MTM's responsibility as specified within this contract;

2.8 Obtain all federal, state and local permits, licenses and authorizations necessary for the management and operation of this agreement. CITY shall cooperate with MTM in obtaining any such permits, licenses, and authorizations;

2.9 Provide security to prevent unauthorized entry to Majestic;

2.10 Provide public access to information about Majestic, including listing Majestic's phone number in the local phone book; and

2.11 Furnish, at MTM's own expense, such business equipment, materials and supplies necessary for the proper operation of Majestic.

3 **Exclusive Use.** CITY does hereby grant to MTM exclusive license to use Majestic and CITY owned equipment therein for the term of this agreement or as such term may be extended in accordance with the provisions of this agreement; and, further, CITY promises not to grant to any other person any right to use Majestic for such period or periods or take any action not in accordance with this

agreement which would inhibit MTM's rights pursuant to this agreement unless mandated by an authority of competent jurisdiction, except as provided in Section 20, Item 20.1.

4 **Title to Majestic.** It is the intention of the PARTIES that legal title to Majestic and equipment and facilities made available by CITY to MTM for MTM's use shall remain vested in the CITY and that no interest of MTM in real or personal property shall be created by this contract. It is understood and agreed by the PARTIES that this contract does not create a lessor/lessee relationship between the PARTIES. This agreement is a license to use Majestic under the terms and conditions specified in this agreement. Any rights granted to MTM by this contract shall not be construed to imply any authority, privilege, or right to operate or engage in any business or activity other than as specifically provided in this contract.

5 **Utilities.** CITY shall provide water, sewer, storm drainage and pay all Transportation Maintenance Fees; MTM shall pay for all other utilities.

6 **Insurance.**

6.1 MTM shall procure, and prepay the premiums on the following types of insurance in the amounts as hereinafter set forth:

6.1.1 Workers' Compensation - MTM shall carry workers' compensation and occupational diseases insurance as authorized by the statutes of the State of Oregon from a company or agency authorized to do business in the State of Oregon and with a company which meets with the reasonable approval of the CITY.

6.1.2 General Liability - MTM shall, at its own expense, purchase and maintain a General Liability policy during the term of this contract and any renewal thereof. The insuring agreement shall be as broad as a Commercial General Liability Occurrence Form (ISO GG 0001), providing limits of not less than $500,000 per occurrence for bodily injury, personal injury and property damage, with an annual aggregate not less than $1,000,000.

6.1.2.1 This policy shall name the CITY, its officials, employees and agents as Additional Insured - Owner, against any liability arising out of MTM's use, occupancy, or maintenance of the Premises.

6.1.2.2 Each insurance endorsement shall state that coverage shall not be suspended, voided, or canceled by either PARTY, reduced in coverage or in material limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to CITY.

6.1.2.3 MTM shall furnish acceptable insurance certificates to CITY with original endorsements for each insurance policy signed by a person authorized by that insurer to bind coverage on its behalf. Certificates will be received and approved by CITY prior to the effective date of the contract. The certificate shall specify the CITY and its officers, agents, employees and volunteers are Additional Insured-Owner. Insuring companies or entities are subject to CITY acceptance. MTM shall be financially responsible for all pertinent deductibles, self-insured retention and/or self-insurance. All such deductibles, retention, or self-insurance must be declared to, and approved by, CITY. In addition, policies must not specifically exclude coverage for sexual abuse and molestation. If sexual abuse and molestation coverage is excluded under MTM's Commercial General Liability coverage, evidence of separate sexual abuse and molestation coverage and the limits of that coverage must be shown in the form of an insurance certificate, and be provided to the CITY prior to the execution of any agreement.

6.1.2.4 Fidelity Bond - MTM shall obtain a fidelity bond in an amount no less than $35,000.

6.1.2.5 Payment and Performance Bonds - MTM shall obtain payment and performance bonding for its construction contractors when it conducts construction work at Majestic, assuring prompt payment to contractors and review for proper performance and completion of the work, with and from a surety company authorized to do business in the State of Oregon and in the form and substance as approved by City.

6.1.2.6 Waiver of Subrogation - Neither CITY or MTM shall be liable to the other or to any insurance company by way of subrogation, or otherwise insuring other PARTY for any loss or damage to any building, structure, or other tangible property, or any resulting loss of income or extra expense, even though such loss or damage might have been caused by the negligence of such party, its officers, directors, employees or agents if any such loss or damage is covered by insurance benefitting the PARTY suffering such loss or damage or was required to be covered by insurance pursuant to this Contract.

6.1.3 In the event any insurance policy required herein shall be canceled or altered or materially changed without the approval of CITY, MTM shall immediately obtain substitute insurance coverage satisfactory to CITY.

6.1.4 CITY shall include Majestic building under the CITY's property and general liability policies. In the event that Majestic is damaged and the loss is declared to be less than 50 percent of the insured value of Majestic, CITY shall restore the building to the extent possible utilizing insurance proceeds.

6.1.5 MTM shall insure all equipment and furnishings not owned by CITY which are housed in the facility. CITY insurance shall cover CITY-owned equipment housed in the facility. MTM shall maintain a list of MTM owned equipment with a minimum value of $5,000 and provide this in the MTM's annual report. CITY owned equipment or furnishings shall be marked with a CITY asset tag or other appropriate marking based upon the value of the item.

6.1.6 Any subcontractor hired by MTM to perform any permanent alterations or improvements to Majestic must adhere to CITY's requirements regarding indemnification and insurance prior to the commencement of any such work.

7 **Indemnification.** MTM shall indemnify and hold harmless CITY, its present and future officials, employees, and agents, from and against any and all liabilities, penalties, fines, forfeitures, demands, claims, causes of action, suits, and costs and expenses incidental thereto, (including cost of defense, settlement, and reasonable attorney's fees), which any or all of them may hereafter suffer, incur, be responsible for or pay out as a result of bodily injuries (including death) to any person, damage (including loss of use) to any property (public or private), or any violation or alleged violation of statutes, ordinance, orders, rules or regulations of any governmental entity or agency, directly or indirectly caused by, or arising out of the management, operation or maintenance of Majestic by MTM and out of any act or omission of MTM, its employees or subcontractors in the performance of this agreement and for the performance of and payment under any contracts entered into by MTM. Insurance coverage and requirements herein constitute the minimum requirements, and said requirements shall in no way lessen or limit the liability of MTM hereunder. Notwithstanding anything herein to the contrary, MTM, its present and authorized assigns shall have no responsibility or liability with respect to or arising out of any act, omission or operation of any person or entity in any way relating to Majestic prior to the commencement of the term of the original agreement between MTM and CITY dated July 15, 1991.

8 **Term of Agreement.** The original term of this agreement shall be for that period commencing immediately after this contract has been fully executed by the PARTIES, and ending June 30, 2007.

8.1 Following the end of the term of this agreement, CITY and MTM may agree to extend this agreement for an additional three-year term by mutual consent. MTM shall notify CITY on or before October 31, 2006, as to whether MTM wishes to extend this agreement. CITY will not unreasonably withhold exercising the option if all the terms and conditions of this Agreement have been met.

8.2 CITY and MTM realize the successful operation and financial health of the theater requires that rentals be booked in advance. This may require booking past the expiration date of this agreement. It is therefore agreed that, in the event this agreement expires or is terminated by CITY under the agreement's provisions, CITY or any organization operating the theater after the expiration or termination of this agreement shall honor rentals up to eleven months past the date of expiration or termination. Any fees collected by MTM prior to the expiration or termination of the agreement for bookings between the date of expiration or termination and one year past said date, shall be remitted to CITY.

9 **Annual Report.** An annual report for the preceding fiscal year shall be submitted to CITY by MTM no later than February 1 of each year. The report shall include, but is not limited to, the following:

9.1 MTM's Activities

9.1.1 to maintain and enhance the building and its equipment,

9.1.2 to optimize the utilization of the facilities,

9.1.3 to manage the finances of the Majestic Theatre in a prudent manner, so as to minimize using any CITY's General Fund money for theater operations and routine building maintenance;

9.2 Income statement and balance sheet, including any earnings from trust funds;

9.3 Summary of accomplishments;

9.4 Goals and expectations for the coming year;

9.5 Budget for the coming fiscal year showing all expected revenue and expenses;

9.6 Use of facility, including number of permits, estimated attendance, etc.;

9.7 A facility maintenance plan for the coming year;

9.8 A financial review completed at MTM's expense. The review shall be completed by an outside third party at least once every three (3) years beginning in 1996. This information shall be supplied to CITY within two weeks of its completion with an indication in the annual report as to the status of the review.

9.9 Proof of CITY owned equipment, personal property and improvements other than permanent buildings or fixtures.

10 **Termination.** Notwithstanding any other provision of this agreement to the contrary, this agreement may be terminated as follows:

10.1 The PARTIES, by mutual written agreement, may terminate this agreement at any time;

10.2 Except as otherwise provided, either PARTY may terminate this agreement in the event of a material breach of the contract by the other PARTY. In the event of a breach by either PARTY, the other PARTY shall give the breaching PARTY thirty (30) calendar days after written notice, to remedy the breach, except as provided in 10.3 below in the case of MTM's failure to maintain a current insurance policy for the MTM's use of the building.

10.3 CITY may terminate this agreement immediately upon MTM's failure to have in force any insurance required by this contract. CITY may provide MTM with two (2) days' notice to secure replacement insurance, but Majestic shall not be used, occupied, or maintained for any reason whatsoever so long as MTM's required insurance protection is not in force.

10.4 In the event of the dissolution of the corporation, Majestic Theatre Management, Inc., then MTM's rights under this agreement shall immediately cease and terminate.

10.5 Notwithstanding any other provision of this contract to the contrary, CITY may, upon declaring MTM in default as provided below, terminate the whole or any part of the agreement by written notice to MTM advising of the date of termination, which shall be not less than 15 days after date of notice.

10.6 MTM may terminate this agreement in the event CITY imposes any fee, tax, assessment, levy or other charge against MTM, against admissions or against Majestic or the operation thereof, or directly or indirectly increases the cost to users of Majestic, upon not less than thirty (30) days written notice to the CITY.

11 **Default.**

11.1 MTM may be declared in default by CITY if:

11.1.1 MTM shall vacate, desert or abandon Majestic or shall permit Majestic to remain vacated, deserted or abandoned for a period of seven (7) days; or

11.1.2 MTM shall fail to keep Majestic in a safe, sanitary and sightly condition, and in good repair or shall permit Majestic to remain in such condition for a period of fourteen (14) days or more, except in those instances where CITY is required to make repairs; or

11.1.3 MTM shall default in the payment of taxes payable by MTM under the agreement; or

11.1.4 MTM shall fail to comply with any of the statutes, ordinances, rules, orders, regulations, or requirements of the federal, state, and city government; or

11.1.5 MTM becomes insolvent; or

11.1.6 A voluntary or involuntary petition in bankruptcy is filed by or against MTM; or

11.1.7 A receiver is appointed to take charge of MTM's affairs.

11.2 In such event or events of default as set forth above, whether the agreement shall be terminated or not, MTM agrees to surrender to CITY possession of Majestic immediately without notice; and CITY may remove MTM or any other person who may be occupying Majestic or any part of it, without resort to courts for an Order sanctioning such action.

12 **Surrender.** Upon the expiration of the original term or terms, as extended by the PARTIES, MTM shall surrender to CITY Majestic in as good order and condition as the same now are, usual wear, tear, and damages by the elements excepted, and without notice of termination.

13 **Majestic Theatre Trust/Other Funds.**

13.1 Subject to annual budgetary appropriations, CITY shall budget sufficient authority to turn over to MTM all interest earnings accrued to the Majestic Theatre Endowment in the preceding fiscal year. CITY shall make full and complete payment of interest earnings to MTM by September 15 of each year. MTM shall use the interest earnings to carry out obligations provided for under this Contract.

13.2 CITY shall invest the principal in the Majestic Theatre Endowment as part of CITY's pooled investments in compliance with the City Investment Policy. The Investment Policy is updated annually and reviewed by the Investment Council.

13.3 CITY agrees to pay MTM the sum of $15,000 to be applied to the cost of the programs and operations as described in Section 2 by August 30, 2006. In the event that funds cease to exist, either because of fiscal constraints or City Council action, and/or replacement funding is not available through Federal or State Agencies, it is understood that CITY will use no other monies without specific City Council authorization.

13.4 Stars and Chairs. MTM shall be responsible for the installation and maintenance of the star and chair programs. The proceeds collected from the sale of stars and the endowment of chairs shall be collected and used by MTM for operations and the maintenance and installation of stars and chairs.

13.5 In the event CITY elects to terminate the agreement, upon such termination, MTM shall turn over to CITY:

13.5.1 Any receipts, fees or charges collected for use of the facility after the date of the termination notice, and

13.5.2 The unexpended balance, as of the date of the termination notice, of any funds provided to MTM as a result of this agreement. The formula for determining the amount to be returned to CITY is: that proportion of the total operating budget funded and paid by the CITY, applied to total revenues received for the year-to-date at the time of termination. For the purpose of this section MTM's budget cycle of September through August shall be used. Example: If CITY's funding is $20,000 of a total MTM revenue budget of $250,000, CITY's proportion of funding is 8%. If the agreement were terminated on May 31 (9 months into MTM's fiscal year), and the total revenue received was $180,000, CITY's share would be 8% of this amount or $14,400. MTM would need to return to CITY the difference between $20,000 and $14,400 which equals $5,600.

14 **Inspection.**

14.1 Any governmental agency which has lawful jurisdiction over Majestic or the operations at Majestic, including CITY, may make inspections of Majestic and its operations at any time that Majestic is open or at any other time or times which may be reasonable for such inspections, provided however, that such inspections shall be made only by authorized personnel of such authorities or of CITY. Such inspections shall not interfere with the orderly operation of Majestic by MTM.

14.2 The books and records of MTM pertaining to operations and maintenance of Majestic shall be available for inspection and audit by CITY at the expense of CITY during reasonable business hours.

14.3 An annual inspection shall be conducted by December 31 of each year by representatives of MTM and CITY. The inspection will be an opportunity for each PARTY to point out areas of concern. Notes of the inspection shall be kept by CITY with a copy forwarded to MTM.

15 **Fees and Charges.**

15.1 CITY and MTM recognize, understand, and expressly agree that there may be a need to adjust the rates for third party user charges during the term of this agreement. It is expressly understood and agreed that MTM may establish fees or charges for use of Majestic and that such rates shall be collected by MTM.

15.2 MTM shall be responsible for MTM's cost of management and all applicable local, state or federal fees, taxes, and surcharges.

16 **Building Maintenance.** MTM shall be responsible for on-going maintenance and repair of Majestic resulting from their use, including custodial type maintenance such as window washing and routine cleaning. This shall include, but not be limited to, preventative maintenance and repair of building mechanical systems (e.g., plumbing, HVAC, electrical), interior wall finishes, and floor coverings. CITY shall be responsible for major structural support elements including but not limited to foundation, exterior and interior walls, roof repairs, floors and sub-flooring (excluding floor coverings), and any other items which, if not maintained or repaired, would result in long-term damage to Majestic. In addition, CITY is responsible for the replacement of building mechanical systems such as plumbing, HVAC and electrical. In cases where responsibility is unclear, both PARTIES will work together to come to a satisfactory solution.

17 **Funding Requests.** If, at any time, MTM wishes to request funds from CITY, other than the Majestic Theatre Endowment interest, such requests must be submitted to the City Manager prior to October 1 of each year and shall be considered by the Budget Commission during its annual review of CITY's annual budget and CIP Program with the exception of Economic Development funds. Economic Development fund requests shall following the process outlined by the Community Development Department. All other requests for which funds are not budgeted shall be made directly to the City Council.

18 **Capital Improvements.**

18.1 CITY reserves the right to establish certain conditions for capital improvements, as appropriate. MTM may develop preliminary concept plans, raise funds, and be responsible for capital improvements to Majestic upon receiving prior written approval from CITY. CITY shall approve all conceptual plans, prior to raising funds and obtaining building permits.

18.2 Any construction plans shall be provided to CITY for review and inspection.

18.3 All monies held or subsequently received by CITY for capital improvement to Majestic shall be made available to MTM when capital improvements are undertaken and when approved by the City Council.

19 **Removal of Fixtures/Personal Property.** Upon the completion of the term of this agreement, as may be extended by option or otherwise, MTM is expressly given the right at any time within ninety (90) days after such termination to enter upon and remove from the site any equipment, personal property or improvements of any kind and nature, other than permanent buildings or fixtures, which were purchased or placed upon the site by MTM, but MTM shall not be obligated to so remove any of the above. Upon the expiration of said ninety (90) day period, any of the above items remaining on the site shall become the property of CITY.

20 **Force Majeure.** The performance of this agreement may be suspended and the obligations thereunder excused, in the event and during the period that such performance is prevented by a cause or causes beyond the control of the parties. Such causes shall include acts of God, acts of war, riot, fire, explosion, accident, flood or sabotage; or an unconditional prohibition of the operation of the site by judicial order, administrative or governmental laws, regulations, rules, requirements, orders or actions, including refusal to issue, cancellation, suspension or revocation of any permit, license or other authorization necessary for the management, operation, or maintenance envisioned by this agreement.

20.1 CITY, during time of a declared natural or manmade disaster, shall in an emergency, have the right to utilize Majestic, without cost. CITY will be responsible for any damages caused by CITY during its use of Majestic and agrees that MTM will not be responsible to third parties for damages resulting from the CITY's use of Majestic during the emergency.

21 **Independent Contractor.** MTM is and shall perform this agreement as an independent contractor, and as such, shall have and maintain complete control over all of its employees, subcontractors, agents, and operations. Neither MTM nor anyone employed by it shall represent, act, purport to act or be deemed the agent, representative, subcontractor, employee, or officer of CITY.

22 **Assignment.** Excepting CITY-approved agreements relating to construction at the site and other agreements made prior to the date of this agreement, MTM shall not assign the operations of Majestic without the prior consent of CITY. MTM may enter into maintenance or minor repair contracts for Majestic without prior authorization. CITY may, in its sole discretion, reject in writing any such subcontract or subcontractor. Services subcontracted under the agreement shall be specified by written agreement and shall be subject to each applicable provision of this agreement with appropriate changes in nomenclature in referring to parties to such subcontract. If any subcontractor shall fail to perform the work undertaken by the subcontractor in a manner satisfactory to CITY, its subcontract shall be immediately terminated by MTM upon written notice from CITY and in event of such termination, MTM shall complete such work by contractor or otherwise. Failing such, CITY may prosecute such work to completion and MTM and its sureties shall be liable to CITY for any costs occasioned CITY thereby. Nothing contained in this agreement shall create any contractual relation between any subcontractor and CITY.

22.1 MTM shall give CITY immediate notice in writing of any action or suit filed, and prompt notice of any claim made against MTM by any subcontractor or vendor which may result in litigation, related in any way to this agreement.

23 **Property Taxes.** The Assessor's Office has determined that, under the general terms and conditions of this Agreement, the property will not be subject to property taxes. In the event the property should be subject to a property tax assessment, MTM shall either be responsible for the assessments or CITY may terminate the Agreement to avoid assessment, whichever is most expedient and which relieves CITY from a liability to pay taxes. MTM is responsible for all other fees, charges, taxes, and surcharges which are applicable to the operation of MAJESTIC.

24 **Sale or Exchange of Equipment.** MTM may, from time to time, desire to sell or exchange equipment made available for its use in connection with operation of MAJESTIC, in order to enhance and improve theater operations. In such cases, MTM shall make a written request to CITY, setting forth the terms of the proposed sale or exchange, documenting that the sale or exchange will return the approximate market value of the item(s) sold or exchanged, and explaining why the sale or exchange will improve or enhance operation of MAJESTIC. CITY shall review the proposed sale or exchange for compliance with the requirements of Chapter 1.04 of the Corvallis Municipal Code and to determine if it would be in the best interest of CITY, and shall approve or disapprove the proposed sale or exchange in writing. Upon receipt of written approval from CITY, MTM may proceed with the sale or exchange. CITY will promptly execute any documents that may be required to complete the

sale or exchange. No equipment shall be jointly owned by the parties to this agreement. A listing of all equipment owned by CITY and MTM shall be maintained.

25 **Notices.** All notices given under this agreement shall be deemed properly served if delivered in writing personally, or sent by certified mail to CITY, addressed to the City Manager, 501 S.W. Madison Avenue, Post Office Box 1083, Corvallis, OR 97339 and to MTM addressed to President, Board of Directors, Majestic Theatre Management, Inc., 115 S.W. Second Street, Corvallis, OR 97333. Date of service of notice served by mail shall be the date on which such notice is deposited in a post office of the United States Post Office Department.

26 **Status of MTM.** It is acknowledged that MTM's status is a non-profit corporation. MTM shall notify CITY immediately if it's corporate status changes.

27 **Remedies.** It is further agreed by and between the PARTIES that the rights and remedies here created are cumulative and the use of one remedy shall not be taken to exclude or waive the right to the use of another.

28 **Governing Law and Severability.** This agreement shall be governed by the laws of the State of Oregon applicable in the case of contracts made and to be performed in Oregon. Any action at law or in equity brought by either CITY or MTM against the other shall be brought in the Circuit Court of the State of Oregon. The provisions of this agreement shall be deemed to be severable and the invalidity or unenforceability of any provision shall not affect the validity and enforceability of other provisions hereof. The PARTIES to this contract do not intend to confer on any third party any rights under this contract.

28.1 In the event of a conflict between the terms or the conditions of this agreement and those of any exhibit attached hereto, the terms and conditions of this agreement shall take precedence.

29 **Attorney Fees.** In the event of any action to enforce or interpret this contract, the prevailing PARTY shall be entitled to recover from the losing PARTY reasonable attorney fees incurred in the proceeding, as set by the court, at trial, on appeal or upon review.

30 **Compliance with Laws, Rules, and Regulations.** MTM shall at all times observe and comply with the provisions of the charter, ordinances and regulations of CITY and state and federal laws, rules, regulations, which in any manner limit, control, or apply to the actions or operations of MTM, its subcontractors, or its or their employees, agents or servants, engaged upon the work or affecting the materials supplied to or by them under the agreement. Notwithstanding any other term, provision, or condition herein, each and every term, provision and condition herein is subject to the provisions of the Charter of CITY and the ordinances enacted thereunder. CITY represents that it has the authority pursuant to said Charter to enter into this agreement and that no provision of this agreement, to the knowledge of CITY, is in violation of said Charter.

31 **Discrimination Prohibited.** The PARTIES agree not to discriminate on the basis of race, religion, color, sex, marital status, family status, national origin, age, mental or physical disability, sexual orientation or source of income in the performance of this contract.

32 **Time of Essence.** Time is of the essence in the performance of the provisions of this agreement.

33 **Headings.** The paragraph headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision of this agreement.

34 **Non-Waiver.** Any waiver by either PARTY of any breach of any term or condition of this agreement by the other PARTY shall not operate as a waiver of any subsequent breach of such term or condition or any other term or condition of this agreement.

35 **Special Conditions.** The obligations of CITY and MTM with respect to performance pursuant to this agreement shall be subject to the fulfillment of the following conditions within sixty (60) days following the execution of this agreement.

35.1 This agreement shall have been authorized by the Corvallis City Council by motion.

35.2 CITY shall have transferred to MTM any and all permits and authorities to operate the site in the current manner.

35.3 MTM shall have assured itself to its own satisfaction that CITY holds sufficient right, title and interest in the site to allow MTM to perform pursuant to the terms of this agreement.

36 **Living Wage.**

36.1 MTM agrees to comply with Corvallis Municipal Code Chapter 1.25 establishing and implementing the Living Wage.

36.2 CITY may terminate this agreement at any time if MTM is found to be in violation of the Living Wage Ordinance and does not correct the violation consistent with Section 1.25.090 of the Corvallis Municipal Code.

36.3 MTM agrees to keep payroll records for employees working on the CITY's contract and to provide those records to CITY if requested in accordance with Section 1.25.070 of the Corvallis Municipal Code.

36.4 MTM agrees to post the information provided by CITY about the Living Wage in a location where employees are likely to see the information. MTM also agrees to give each employee working on CITY business information provided by CITY about the Living Wage. MTM will notify CITY if information needs to be provided in a language other than English.

37 **Terms and Definitions.** For purposes of this agreement, the following is defined:

37.1 Interest Earnings: Interest earned from the investment of the principal in the Majestic Theatre Endowment to used exclusively to support the operation and maintenance of Majestic.

37.2 Person: Any natural person, firm, partnership, association or corporation.

38 **Entire Agreement.** This contract embodies the entire agreement of the PARTIES. There are no promises, terms, conditions or obligations other than those contained herein. This contract shall supersede all prior communications, representations or agreements, either oral or written, between the parties. This contract shall not be modified, changed or altered in any respect except in writing, signed by both PARTIES.

**IN WITNESS WHEREOF,** the PARTIES hereto have caused the signatures of their legally authorized representatives to be affixed hereto on the day and year indicated on the first page of this agreement.

CITY OF CORVALLIS, OREGON

Jon S. Nelson

Jon S. Nelson, City Manager

MAJESTIC THEATRE MANAGEMENT, INC.

Betsy Rickridge

Title: Operations Mgr.

By: _____

Title: _____

Approved As To Form:

City Attorney

L:\P&R\ADMIN FILES\Agreements and Contracts\DRAFTS\put on CAO\Majestic Theatre 06.wpd

TIME LINES

| ITEM | DUE DATE |
|---|---|
| City Payment of Majestic Theatre Endowment Interest Due to Operator | September 15, 2006 |
| Operator Notifies City of Wish to Extend Agreement | October 31, 2006 |
| Annual Inspection of Majestic Theatre Completed | December 31, 2006 |
| Operator Annual Report Due to City | February 1, 2007 |
| Agreement Ends | June 30, 2007 |

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

# MEMORANDUM

**To:** Human Services Committee
**From:** Julee Conway, Director
Karen Emery, Recreation Division Manager
**Date:** May 17, 2006
**Subject:** Majestic Theatre Management Agreement and Supplemental Funding Approval

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## Issue

The agreement between the Majestic Theatre Management (MTM) and the City of Corvallis expires June 30, 2006. MTM has requested additional City funding support as part of the contract renewal process.

## Background

In September 2000, the City renewed the agreement with MTM, for the day-to-day operation of the facility located at 115 SW 2nd Street. This was the continuation of the partnership that began with MTM in 1995. The City retains ownership of the building and is responsible for major maintenance of the facility not related to operations. Interest earnings from the City's Majestic Theatre endowment fund are passed through to MTM annually.

Annual interest earnings from the endowment fund have fluctuated over the past five years as the result of changing market conditions, with a high of $26,785 and a low of $6,045. During the early years of the agreement, MTM was accustomed to receiving an average of $25,000 in interest earnings annually. Current interest earnings are projected at $13,000 to be paid to MTM in September, 2006. These interest earnings directly support the cost of operations for the Theatre.

MTM has increased their fundraising campaign to assist in bridging the financial deficit they have experienced in recent years. In addition, in 2004, the City received a one-time $65,000 donation for the Majestic Theatre, without a specific use designated. In conjunction with MTM, staff recommended that $5,000 be added to the corpus of the endowment, $13,000 supported program operations and the balance of $47,000 completed deferred facility special projects. This gift assisted MTM in remaining fiscally solvent an additional year.

## Discussion

In the Fall of 2005, MTM staff and Board President began discussions with the City regarding the declining interest earnings and their concern regarding their ability to sustain operations.

MTM reviewed City Council minutes from 1991 that included a stated mutual desire for the MTM Board to raise MTM's endowment to $800,000 over three years and projecting that at a 6% interest rate, earnings from the endowment would be adequate to provide operational support. No major donations have been made to the endowment, and the balance remains around $425,000. Based on the projected endowment balance and earnings rates, MTM has estimated the interest earnings would have been $48,000 annually.

During the last several years, the City's investment rate of return has been low due to market conditions, averaging less than 2% for several months. The City's investments are limited by state law, with a focus on preservation of principal that means low risk and during low market periods, low interest. At MTM's request in 2005, City staff investigated the possibility of divesting the City of the permanent endowment by releasing it to The Benton County Foundation (BCF). The BCF doesn't have the same investment restrictions that apply to the City and may have opportunity to experience a higher return by investing in equities or similar instruments. Staff concluded that this was not legally viable based on trust law.

In April, 2006, MTM staff made a request to the Human Services Committee (HSC), for financial support from the City of $48,000, less the current interest payment, to be included as part of the new contract. The request was made based on declining interest, combined with increasing expenses for their current fiscal year, September 1, 2005 through August 31, 2006.

HSC informed the City Council of MTM's request to include this funding in the new contract at City Council's May 1, 2006 meeting. City Council agreed that MTM's request for funding would remain a part of the agreement renewal process and be reviewed by HSC. City staff has reviewed MTM's preliminary financial information and recognizes that the reduction in interest earnings on the City managed endowment fund has been one of several contributing factors to MTM's financial condition.

**Analysis**

Staff's assessment is that delivery of the community theater service should be optimally managed by MTM, and not the City. Full cost projections have not been developed, but broad estimates for the City to operate the Majestic Theatre with City staff are much greater than MTM's costs. In addition, City staff members have no expertise in managing a performing arts theatre.

Staff has not had adequate time to work with the MTM staff and Board to develop information for the City Council regarding how the $48,000 would be expended, the long-term plans for MTM operations, or strategies for increasing the endowment or increasing donations to MTM. However, the City Council's adoption of the FY 06-07 budget is pending for June 5, and if monies are not appropriated the City will not be able to provide additional support of any kind to MTM for FY 06-07.

Staff recommends, with MTM in agreement, an interim strategy be adopted. It's

recommend that a new one year agreement be approved which includes an additional budget appropriation of $15,000. The source of funds would be existing Parks & Recreation Fund fund balance. The combined total of $28,000 ($15,000 from the Parks & Recreation Fund and the current appropriations of estimated interest of $13,000 from the Majestic Theatre Endowment), is comparable to the amount received in former fiscal years. This contract would become effective July 1, 2006 and conclude June 30, 2007. A one year contract will allow staff sufficient time to work with MTM to develop the necessary information to determine the amount of City financial support appropriate to sustain the continued operations of MTM. The information would be brought back to City Council, through the HSC, for further review and discussion, prior to the FY 07-08 budget discussions.

**Recommendation**

1. Review and approve the agreement (draft attached) and authorize the City Manager to execute the agreement.

2. During the Budget deliberations after the Public Hearing, authorize $15,000 in additional budget appropriation from the fund balance for FY 06-07 to support MTM operations.

Reviewed and Concur:

Jon S. Nelson, City Manager

Nancy Brewer, Finance Director

Attachments
1. City Council Minutes, June 17, 1991
2. HSC Minutes, April 18, 2006
3. MTM Request Memo, April 17, 2006
4. Draft Agreement

Ms. Emery said MTM received a $65,000 gift from the Elizabeth Starker Cameron Trust in Fiscal Year 2003-2004. Special projects related to that gift have been completed, except for the final installation of a fire panel to be completed by June 30, 2006.

Ms. Emery said MTM has established a Performing Arts Fund with the Benton County Foundation in a continuing effort to improve financial stability. She added that 30,000 people attended or participated in a production, class, meeting, or volunteered their time at the Theatre during the last fiscal year.

MTM Operations Manager Rock Fudge reported that MTM's contract with the City expires June 30, 2006. She said relying on interest earnings from the endowment fund for operations has become a problem and MTM is requesting a specified annual payment be identified in new contract language. Decreasing interest payments and increasing operating costs have contributed to this request. Ms. Rock Fudge provided a handout of contract concerns and graphs identifying annual interest payments and expenses (Attachment A).

Ms. Rock Fudge said, in researching an amount they thought would be appropriate for an annual payment, MTM located Council minutes from 1991 that included a discussion on the endowment fund. A motion was passed to raise the endowment to $800,000 within three years. Committee correspondence refers to the endowment earning six percent interest annually. Therefore, MTM has opined that it was Council's original intent to provide MTM $48,000 annually for operations and maintenance costs. Ms. Rock Fudge said in 1996, the endowment equaled 15 percent of MTM's income, compared to three percent of MTM's income last year.

MTM Board of Directors President Rothermund thanked the City and Parks and Recreation for the assistance they provide the Theatre. Mr. Rothermund said the report shows that the Theatre remains a dynamic part of a vital downtown; to improve the resource and keep it operating, MTM needs help.

In response to Councilor Daniels' comments about declining interest rates, Ms. Emery said the payment for this fiscal year is $7,500, while the average annual payment over the last ten years was $18,000. Ms. Rock Fudge said the last time the contract was signed no one suspected that the interest rates would dramatically drop.

In response to Councilor Tomlinson's inquiry, Finance Director Brewer explained that the MTM financial statements do not include the City's endowment fund, which is currently more than $400,000. Ms. Rock Fudge said the Performing Arts Fund currently contains $8,200.

Ms. Rock Fudge clarified that MTM is requesting the $48,000 annual payment to begin with the new contract, effective July 1, 2006. MTM is not asking for the interest from the endowment plus $48,000.

The Committee unanimously recommends that Council approve the Majestic Theatre Management, Inc. annual report for Fiscal Year 2004-2005.

The Committee discussed MTM's request for a specified contract payment. The Committee will present MTM's request to Council at the May 1 meeting. Councilor Tomlinson briefed the Committee on discussions the City's Investment Council had about removing the MTM Endowment Fund from other City investment funds.

Ms. Rock Fudge said she was aware of those Investment Council discussions; however, as the contract renewal comes up, MTM must decide whether to continue managing the Theatre. In response to Councilor Tomlinson's inquiry, Ms. Rock Fudge clarified that the MTM Board has discussed not renewing the contract if the City cannot provide stable funding. She said without stable funding, the Board would need to commit to a large amount of time for fund raising, and she would expect personnel changes due to current low salaries.

Councilor Tomlinson encouraged MTM to become involved with the Downtown Corvallis Association strategic planning efforts.

II. Municipal Code Revisions to Chapter 10.06, "Downtown Tree Management Program" (Attachment)

Parks and Recreation Department Director Conway reported that over the last several years, Urban Forester Merja has reviewed all tree-related Municipal Code ordinances to remove conflicting language, update related language, and insert definitions for clarification. In April 2005, Council adopted Municipal Code Chapter 2.19, "Tree and Park Strip Planting," which addresses the intent of Chapter 10.06, which was adopted in the late 1980s.

Ms. Merja clarified that the language in Chapter 10.06 will be used as a guide for the establishment of trees and tree work in the downtown area. The plan does not go away; it is just removed from the Municipal Code.

In response to Councilor Daniels' inquiry, Ms. Merja clarified that Chapter 10.06 referred to the Streetscape Plan, identifying the number of trees per block, and was limited by tree species. The language will be referred to in downtown tree planning, and allow for more flexibility in species and practice.

# HUMAN SERVICES COMMITTEE
# MINUTES
# April 18, 2006

Present
Councilor Charles Tomlinson
Councilor Patricia Daniels
Councilor Emily Hagen

Visitors
Betsy Rock Fudge, Majestic Theatre
Steve Rothermund, Majestic Theatre
Stewart Wershow, Community Policing Forum

Staff
Jon Nelson, City Manager
Julee Conway, Parks & Recreation Director
Karen Emery, Recreation Division Manager
Becky Merja, Urban Forester
Nancy Brewer, Finance Director
Gary Boldizsar, Police Chief
Carrie Mullens, City Manager's Office

## SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Majestic Theatre Annual Report | | • Funding request for Fiscal Year 2006-2007 | • Approve Majestic Theatre Management, Inc. Annual Report for Fiscal Year 2004-2005. |
| II. Municipal Code Revisions to Chapter 10.06, "Downtown Tree Management Program" | | | • Repeal Municipal Code Chapter 10.06, "Downtown Tree Management Program" |
| III. Municipal Code Chapter 8.11, "Social Gaming" Annual Review | | | • Affirm Municipal Code Chapter 8.11, "Social Gaming" |
| IV. Alcohol/Neighborhood Livability Strategic Action Plan | | | • Approve Alcohol/ Neighborhood Livability Strategic Action Plan |
| V. Other Business | Yes | | |

Chair Tomlinson called the meeting to order at 12:46 pm.

## CONTENT OF DISCUSSION

I. Majestic Theatre Annual Report (Attachment)

Recreation Division Manager Emery reported that Majestic Theatre Management, Inc. (MTM) and the City have an agreement for day-to-day operations. Annual interest earnings from the Theatre's endowment fund are provided to MTM for operating expenses. Fiscal Year 2004-2005 ended with a net income of $35,596.

# HUMAN SERVICES COMMITTEE
# MINUTES
# May 23, 2006

Present
Councilor Patricia Daniels, Chair
Councilor Emily Hagen
Councilor Charles Tomlinson

Visitors
Joseph Bailey, Linn-Benton Community College
Stewart Wershow, Community Policing Forum
George Grosch, Community Policing Forum
Sara Swanberg, ArtCentric Director
Sergeant Michael Mann, Police Department
Betsy Rock Fudge, Majestic Theatre Management
Steve Rothermund, Majestic Theatre Management

Staff
Jon Nelson, City Manager
Ellen Volmert, Assistant City Manager
Gary Boldizsar, Police Chief
Nancy Brewer, Finance Director
Tony Krieg, Customer Services Manager
Karen Emery, Recreation Division Manager
Carrie Mullens, City Manager's Office

**SUMMARY OF DISCUSSION**

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Citizen Review Board Report | | | Establish a Citizen Review Board and schedule a Council Work Session to identify Board parameters. |
| II. Liquor License Annual Renewals | | Review Platinum and Señor Sam's historical information | Recommend conditional liquor license renewals for Sancho's Mexican Grill, Tailgater's LLC No. 1, and Clodfelters. |
| III. Majestic Theatre Management, Inc. Agreement | | | Authorize the City Manager to execute a one-year interim contract with MTM pending approval of a $15,000 budget appropriation. |
| IV. Other Business | *** | | |

Chair Daniels called the meeting to order at 12:47 pm.

ArtCentric Director Swanberg introduced herself.

Chief Boldizsar said a conditional renewal means the City will place conditions on the establishments. Statistically, they must prove compliance to the City and the TOA prior to renewal next year or they are subject to a "no recommendation." Each establishment will have expectations and their progress will be monitored. Chief Boldizsar will collect historical incident information prior to the Council meeting.

Chief Boldizsar stated that last year, the Council made one "no recommendation" to OLCC and OLCC granted the license. Mr. Nelson clarified that OLCC approves the licenses from a regional perspective. A high percentage of incidents for Corvallis may not be considered a high percentage for the region or state. The OLCC is interested in what Corvallis recommends.

Chair Daniels would like the full Council to discuss the recommendation on Platinum and Señor Sam's. She will support a conditional recommendation on the other three businesses.

The Committee unanimously recommends that Council recommend conditional liquor license renewals for Sancho's Mexican Grill, Tailgater's LLC No. 1, and Clodfelters, and withhold any recommendation for Platinum Promo LLC and Señor Sam's Mexican Grill until historical information can be reviewed and discussed by the full Council.

(Councilor Hagen left the meeting at 1:56 pm.)

III. Majestic Theatre Management, Inc. (MTM) Agreement (Attachment)

Recreation Division Manager Emery said the Majestic Theatre is owned by the City and operated through a contractual agreement with MTM, Inc. She made the following corrections to the staff report:

- In Background, the second sentence should identify the partnership beginning in 1991 instead of 1994.
- In Discussion, the first sentence should read "In the Fall of 2004..." instead of 2005.

Ms. Emery noted that the first paragraph on page two of the staff report refers to Council minutes from 1991 that could be interpreted in the manner written in the paragraph or as Council's desire to have an appointed board raise the funds. The 1991 contract states that MTM will use due diligence and, in good faith, cooperate with funding raising efforts to increase the principal of the endowment fund to $800,000 by the end of the contract. The City will cooperate with MTM to ensure fund raising and campaigns sponsored or administered by the City are coordinated with MTM.

Ms. Emery said the current contract expires on June 30, 2006. MTM has requested additional funding support of $48,000 based on the 1990s targeted endowment of

$800,000. Staff has not had adequate time to work with the MTM Board to determine how the $48,000 would be expended and/or what long-term strategies might be. The City's Fiscal Year 2006-2007 budget is scheduled to be adopted by Council on June 5. If the money is not appropriated at that time, there will be no additional support for MTM during this contract period. An interim solution is a one-year contract with an allocation of $15,000 from the Parks and Recreation fund balance, plus the interest from the endowment, estimated to be $13,000. This solution would give staff and MTM time to develop appropriate information related to the original funding request.

In response to Councilor Tomlinson's inquiry, Mr. Nelson said the Committee could report that a budget amendment recommendation will be made during budget deliberations. Staff will also have other amendments for the deliberations.

MTM Board of Directors President Rothermund said the interim proposal gives MTM time to develop plans. Mr. Rothermund said the Board is new and is still learning about finances. They are optimistic about future fund raising efforts and working with the City.

Mr. Nelson said staff hopes to work through and obtain Council approval on a multi-year contract with MTM within the next six months so that budget implications will be available during budget meetings in February 2007.

The Committee briefly discussed why the MTM Board does not have a Council liaison. Mr. Rothermund said he would discuss it with the Board.

Chair Daniels said from a historical perspective, the Majestic Theatre was discussed and saved by a community effort when the economy was recovering from a recession. It is a valued community resource.

The Committee unanimously recommends that Council authorize the City Manager to execute a one-year interim contract with MTM pending approval of a $15,000 budget appropriation from the Fiscal Year 2006-2007 Parks and Recreation fund balance to support MTM operations.

IV. Other Business

The Committee identified amendments they will make during budget deliberations:

- $15,000 MTM operations
- $15,000 Organizational Diversity
- $ 5,000 Neighborhood Empowerment Grants

Mr. Nelson confirmed that staff will be available for questions during budget deliberations.

**CITY OF CORVALLIS**
**COUNCIL ACTION MINUTES**

**June 17, 1991**

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:04 pm on June 17, 1991, in the Central Park Municipal Building, 760 SW Madison Avenue, Corvallis, Oregon, with Mayor Vars presiding.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

PRESENT: Mayor Vars, Councilors Stover, Miles, Squires, Bolden, Berg, Page, Buckman (Councilor Moorefield arrived at 12:05 pm)

ABSENT: Councilor Kliewer (excused)

II. CONSENT AGENDA

It was moved, seconded, and unanimously carried to adopt the Consent Agenda.

Consent Agenda items are identified by an asterisk (*).

III. READING OF MINUTES

* It was moved, seconded, and unanimously carried to accept as received the June 3, 1991, Council minutes.

IV. UNFINISHED BUSINESS - None.

V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

1. Pope and Talbot Invitation. Mayor Vars advised Council to structure discussions carefully and that, while a tour and luncheon is not the best way to do that, it is a good way to get information about the organization.

2. Council of Governments (COG) Banquet and Meeting in Newport. Mayor Vars asked Council to advise City Recorder Mariner of attendance by noon tomorrow.

3. WAC Final Proposal. Mayor Vars summarized the proposal. He noted that, while the proposal does not include a target, it does represent a good faith

intent by the WAC to decrease dependence on the General Fund; that, in the next five years, the City would be responsible only for roof replacement and repairs; that the WAC would be responsible for all other expenses; and that the WAC intends to operate the Majestic as a community theater. He expressed concerns about the difference between the WAC's and the City Manager's proposed regime and said his purpose in stating the differences is to assist Council in choosing between the proposals.

Council and WAC Representative Miller reviewed the characteristic of a "community theater" as: having low rental rates to encourage City residents to use the facility; maximizing revenues to become a community theater with the least risk; increasing use rates by initial investment in a place for rehearsals, and in light of the risk that such a theater will fail. It was noted that the regime proposed by the City can build up an endowment.

City Manager Seals said that staff has not proposed operating the Theatre, but, if asked, would propose the following: 1) low user rates (no more than $5.00 per person for the next year); 2) diversity of uses (to maximize use); 3) community theater (at least one-third community usage); 4) artistic operation v. administrative structure (to manage the facility and work with a performing arts group). City Manager Seals addressed bond ratings as related to the Theatre.

Council noted that: WAC has no track record of managing theaters; the notes given Council are not specific and were prepared to document the differences between the present proposal and earlier versions; and the City faces a risk in accepting the proposal as written.

Councilor Stover declared a potential conflict of interest as he is member of the WAC Board.

City Manager Seals said that, under the proposal, the WAC and the City would both have to insure the building. Councilor Buckman opined that, given the tenacity WAC members have shown, they will do what it takes to make the Theatre run, because their goal (even more than Council's) is to keep the Theatre running.

Councilors noted a desire to see more specificity and exclusion of terms like "reasonable effort."

Council also expressed a concern about setting a bad precedent; and noted that, while the WAC has come a long way, arrival at a more definitive proposal is desirable.

Councilor Berg said there is a need for a sense of urgency and advised that the contract stipulate that, if General Fund money is needed to support the Theatre, the Theatre will close. She said that she hoped that threat would be enough to build the Endowment Fund.

City Manager Seals noted that the WAC has expressed its vision very well, whereas Council has not stated its vision. He advised that Council clearly state what it wants done; that, if the endowment does not secure the facility's operation, Council faces exposure through the General Fund; and that he, as City Manager, would need to ask Council to identify a sum in the Budget to cover that exposure. He remarked that exposure from closing the Theatre would be political and that the cost of maintaining a closed facility would be minimal.

Mayor Vars noted that WAC's approach has been consistent and asked OSU Director of Development Evey to speak. Mr. Evey, citing his previous work with the Oregon Shakespearean Festival, said that whether money comes from increasing revenue or an endowment is irrelevant. He noted that Council asked the community to raise an endowment of $200,000 before the doors opened and more than $700,000 was given. He said that the WAC will approach the community to raise funds to cover unforeseen risks and work through wills and lifetime commitments to increase the Endowment Fund. He concluded that the WAC has both the desire and expertise to do the job and that the question is if Council wants to give the WAC the opportunity or have the City take on the management function.

Councilor Buckman said that, if the WAC needs to draw on the General Fund, then control would be taken from the WAC and given to the City which, in the worst case scenario, would close the Theatre.

Councilor Page, noting that the WAC proposes to run the Theatre in the black, said that she assumes the WAC will raise money as it sees fit and that, if the contract is broken, Council has options.

Councilor Bolden stated that, if Council is going to use good faith a basis for signing contracts, a Council policy to that effect is needed.

City Manager Seals advised that Council keep in mind the following questions: 1) Is Council secure in its resolve that the WAC operate the Theatre? 2) What is Council's desired mode of operation of the facility? and 3) What does Council want done that will minimize exposure to the City's General Fund?

Mayor Vars suggested returning to this topic under New Business at the evening meeting.

B. Council Reports

Councilor Moorefield encouraged the Councilors to attend the COG dinner Friday night, noting that Mayor Vars will give the keynote address.

Councilor Bolden, remarking on a Transportation Plan meeting held at the request of the College Hill Association, asked other Councilors to contact their Neighborhood Association representatives to determine their interests and to have available a broad range of alternatives when the decision is to be made.

C. City Manager's Reports

City Manager Seals stated that on June 27, 1991, from 5 to 6 pm, a Council reception for the Community Development final candidates will be held in the City Manager's Office in City Hall.

Councilor Berg, remarking on notes received from the children, complimented whoever gave the kids the sewage treatment plant tour.

D. Assistant City Manager's Reports

1. Finance Director

* a. It was moved, seconded, and unanimously carried to approve an application for a change of ownership liquor license for Sadie's Bar and Grill, 777 NW Ninth Street, Corvallis.

E. City Attorney's Reports

* 1. It was moved, seconded, and unanimously carried to schedule an Executive Session under ORS 192.660 (1)(h) (Pending litigation or litigation likely to be filed) at 1:00 pm.

VIII. COMMITTEE, BOARD, AND COMMISSION REPORTS

By motion, seconded, and unanimously carried, the following minutes were accepted for filing:

* D. Airport Advisory Commission - June 10, 1991
* E. Commission for Martin Luther King, Jr., Day - May 2 and May 30, 1991
* F. Parks and Recreation Advisory Board - May 28, 1991
* G. Watershed Management Advisory Commission - April 25, 1991

Mayor Vars recessed Council at 1:04 pm to enter an Executive Session under ORS 192.660 (1)(h) (Pending litigation or litigation likely to be filed). The Executive Session concluded at 1:28 pm.

Mayor Vars reconvened Council at 7:34 pm.

I. ROLL CALL

PRESENT: Mayor Vars, Councilors Stover, Miles, Squires, Bolden, Berg, Page, Moorefield, Buckman

ABSENT: Councilor Kliewer (excused)

VI. VISITORS' PROPOSITIONS

Ann Hearing, 1735 NE Seavy Avenue, addressed Council requesting adoption of a resolution supporting a Workshop on Wetlands on September 21, 1991, from 9:00 am to 1:00 pm at the Majestic Theatre. She said that: the Workshop will be a public forum open to whomever wants to attend; the Benton County Commissioners unanimously favored adopting the resolution in conjunction with the Corvallis City Council; and invitations will be sent if Council so suggests. Mayor Vars asked staff to notify Ms. Hearing when the topic goes before the Urban Services Committee.

Ron Miller, 4400 NW Walnut, distributed some written material re the Majestic Theatre to Council.

VII. PUBLIC HEARINGS

A. MAYOR VARS OPENED A CONTINUED PUBLIC HEARING to consider final sewer trunk extension and system rehabilitation assessments (Projects 78408 and 79374 -- Skyline West).

Civil Engineer II Mayes gave the staff report. Mr. Mayes said that Mr. South asked for a change in the method of assessment based on: 1) trunkline definition, and 2) potential wetlands considerations. He said that property owners were notified of the potential change and that staff met with Neighborhood Associations where people voiced an unwillingness to pay higher rates unless Mr. South guaranteed that development would not occur.

Mr. Mayes stated that staff discussed implications of wetlands designations with the Division of State Lands (DSL) and the Corps of Engineers. He noted that a fourth alternative (to reduce the trunk assessment to Tax Lot 200 and the total number of potential connections from 18 to 17, with an increased assessment to properties per connection of $29.45) has been added to those given at the last hearing. He said that staff recommends that Alternative #4 be accepted and that a revised map and roll has been prepared based on this recommendation.

Councilor Berg, declaring an ex parte contact, said that on June 12, 1991, Elinor Stowbridge left a message stating that she would be unable to attend this meeting and that she hoped Ms. Berg would vote against making any change.

Jim Walton, 203 NW Fifth, representing Rick South, addressed Council regarding the amount of trunkline that is rehabilitation v. assessable improvement; the wetlands issues which are shaky ground both for his client and the City; the subdivision plat which was filed and is the basis for assessment; the expiration of the plat; and clear indication in the DSL letter that the DSL is going to look at the area; the estimate that 50% will be delineated as wetlands; the access problem because of "fingers"; and, until a study is done and the permit process complete, Mr. South cannot construct anything in this area.

Mr. Walton, noting Council's time constraints re Bancrofting, asked Council to consider Mr. South's concern and to make an equitable assessment. He concluded that Alternative #4 gives some credibility to Mr. South's position re the trunkline and wetlands issues. In response to Councilor Berg, Mr. Walton said that the estimated development was 25% to 50% of the 18 properties. He noted that Mr. South is not interested in relinquishing any development rights because he does not know which or how much land will be usable.

In response to Councilor Miles, Mr. Walton stated that Mr. South has responsibility for four tax lots. Mayor Vars noted that the assessment which was for lot 200 was a trunk assessment of $9,589, that alternative #4 would reduce that to $5,389.82 which is approximately 50% of the initial assessment.

Rick South, 533 SW Fourth, addressed Council about the topography and the system layout in the area. In response to Councilor Berg, Mr. South said that, to develop the lots, a study will have to be done and approved, access will have to go around the wetlands, and the construction will have to be on higher ground.

Mayor Vars noted that Mr. Walton and Mr. South are speaking in favor of Alternative #4 as a minimum change from the previous staff recommendation.

Mr. Walton said the trunk work to lots #1 and #3 is rehabilitation, with total charges of approximately $20,000. He summarized the two issues as: 1) rehabilitation v. assessable work; and, 2) the number of assessments against the South property.

Gretchen Morris, 6315 NW Ponderosa, addressed Council re Mr. South's concern about paying assessments for a system he may never use. However, she said his proposed solution is to shift the burden to other property owners yet, eventually, he may be able to develop the property. As an interim solution, she suggested levying the lower rates on the rest of the properties now, as though all Mr. South's lots would be assessable, withhold collecting from him, and, when the wetlands is designated and a new plat made, apply an adjusted levy on the rest of the property owners in exchange for which Mr. South would give up development rights on lots he cannot develop.

In response to Councilor Berg, City Attorney Rodeman said that Council has adopted a final report identifying the portion to be paid by grants, City funds, and assessments. Having made that decision, Council is attributing that amount to properties on the basis of benefit. He said that, while deferred assessment is legally possible, practically, the City needs all money now.

William Randall, 6160 NW Ponderosa, addressed Council asking how he would benefit by an increased assessment, submitting that the dilemma is among an individual property owner, the DSL, and Council.

Greg Peterson, 1610 NW Highland, purchaser of lots #200 and #205, addressed Council in support of Mr. South's position. In response to his request, staff gave him documents and Mayor Vars explained that a June 30, 1991, deadline re possible Bancrofting exists and that, in fairness to those who might use the program, Council will make a decision tonight.

Thurston Doler, 2635 NW Foothill Drive, addressed Council asking for whom the wetlands are created and who benefits, suggesting that those benefiting should be assessed for the cost. He asked about State precedents for relief to persons deprived of developing their land through the wetlands designation. He concluded that citizens at the level of government which created this designation should pay the cost of development. Mr. Doler added that the room setup precludes the audience hearing Council's discussions.

Karyle Butcher, 2955 NW Royal Oaks Drive, President, Skyline Valley Neighborhood Association (SVNA), thanked Mr. Mayes for coming out and explaining the issues. She addressed Council, stating that the SVNA members think the problem is between the City and Mr. South and that Mr. South could have raised the issues earlier. She noted that a narrowing of the EPA designation of wetlands is expected.

No one further appeared to speak and the public hearing was closed.

VIII. COMMITTEE, BOARD, AND COMMISSION REPORTS - (Continued)

A. Administrative Services Committee - June 14, 1991

1. Economic Development Partnership (EDP) Contract and Budget. Information only.

2. City/State Agreement, FAU Exchange. It was moved, seconded, and unanimously carried to authorize the City Manager to sign a City/State agreement exchanging FAU funds for State funds at 85 cents to the dollar.

3. SDC Legislative Update. It was moved, seconded, and unanimously carried to adopt the SDC ordinance and related resolution establishing rates.

4. Downtown Corvallis Association (DCA) Contract. It was moved and seconded to authorize the City Manager to enter into a Contract with the DCA, amending the proposed contract as follows:

   a. In Section A.1., add the following: "... service, government, and financial ..."

   b. In Section B.10., first sentence, add "... problems, progress to self-funding, and achievements ..."

   c. Also in Section B.10., add a sentence specifying: "To ensure consistency with both DCA membership and City goals, a work plan for the coming year will be a part of the annual review."

   d. In Section C.1., add the following to the first sentence: "... described herein, up to the following amounts: ..."

   e. Reinstate in Section C.1. following a., b., and c. the deleted wording: "... The sums specified above are subject to adjustments for delinquent or uncollected taxes above programmed amounts. The Association shall have the right to review delinquent tax records to assure accuracy."

   It was moved and seconded to amend the contract to make annual payments two-thirds on or before July 31 and one-third on or before January 31.

Council discussed the relation between the DCA and the City, now that funds come from the General Fund and not downtown taxes; the lack of correlation between the proposal and cash flow needs; the efficacy of the work plan in providing a ruler to measure progress and performance; the importance of funding-raising and various events which happen in the first six months of the fiscal year.

The amendment failed by the following roll call vote:

AYES: Councilors Bolden, Berg

NAYS: Councilors Stover, Miles, Squires, Page, Moorefield, Buckman

It was moved to amend the contract from three years to one year. The motion died for lack of a second.

Councilor Bolden said that he would not support a three-year contract. He said he did not believe it appropriate for the General Fund to support the DCA and not other activities.

The main motion passed by the following roll call vote:

AYES: Councilors Stover, Miles, Squires, Berg, Page, Moorefield, Buckman

NAYS: Councilor Bolden

5. Parks and Recreation Fee Schedule Review, FY 1991-92. Councilor Buckman stated that review of fees for some areas is still pending. It was moved, seconded, and unanimously carried to adopt the park and recreation fees and charges as recommended by the Parks and Recreation Advisory Board.

6. OCDBG Child Care Business Plan. Information only.

7. Land Acquisition Strategy. Discussion deferred.

B. Human Services Committee - June 10, 1991

1. Parks and Recreation Fee Schedule Review, FY 1991-92. See above, Item VIII.A.5.

2. Fireworks in City Parks. It was moved and seconded to approve the ordinance. Councilor Buckman said that fireworks are the Fourth of July; if they are

legal to sell, they should be legal to use; and, if a problem exists in parks with tall grass, then prohibit use therein. The motion passed by the following roll call vote:

AYES: Councilors Stover, Miles, Squires, Berg, Page, Moorefield

NAYS: Councilors Bolden, Buckman

3. Sunset Review: Civic Beautification Commission. It was moved, seconded, and unanimously carried to authorize the Civic Beautification Commission for an additional four years.

4. Sunset Review: Majestic Theatre Commission. It was moved, seconded, and unanimously carried to authorize the Majestic Theatre Commission for one additional year and to consider reorganization of the Commission upon conclusion of negotiations with the Willamette Arts Council.

C. Urban Services Committee - June 10, 1991

1. Downtown Corvallis Association (DCA) Contract. See above, Item VIII.A.4.

2. Development Service Fee Increases. It was moved and seconded to approve the fee schedules as outlined.

Councilor Bolden expressed disapproval, noting that the Land Development Code fee is new and unnecessary since the service occurs as a matter of course in any area already zoned. He noted that the fee seems to be conflict in terms of affordable housing, full cost recovery, and quick response time. He again noted the need to establish Council priorities as some actions are being taken that are contradictory, especially in terms of affordable housing.

Councilor Stover said that staff assured the Committee that the LDC fee, especially, is difficult to assess to a property; that individuals require a lot of staff time before beginning construction; and that the fee is part of full cost recovery.

Councilor Bolden suggested that the fee does more to serve staff than the public. Councilor Moorefield noted that the topic is scheduled for review by the ASC at its June 21 meeting; and that, while Councilor Bolden is raising some good points, for now he will support the review. Councilor Berg said

that she thinks the fee serves the cause of full cost recovery. She said Council can find clearer ways to promote low cost housing than by not having full cost recovery.

The motion passed by the following roll call vote:

AYES: Councilors Stover, Miles, Squires, Berg, Page, Moorefield, Buckman

NAYS: Councilor Bolden

3. City/State Agreement, FAU Exchange. See above, Item VIII.A.2.

4. OCDBG Childcare Business Plan. Information only.

5. Sunset Review: Historic Preservation Advisory Commission, Citizens Advisory Commission on Bicycles, and Citizens Advisory Commission Transit. It was moved, seconded, and unanimously carried to authorize the continuance of each of these Advisory Commissions for four years as provided for in Ordinance 81-99.

## IX. ORDINANCES AND RESOLUTIONS

A. An ordinance relating to fireworks in Parks, amending Ordinance 72-27 as amended, passed on the first reading.

B. ORDINANCE 91-32, relating to Boards and Commissions, amending Ordinance 81-99 as amended, passed unanimously.

C. ORDINANCE 91-33, relating to Systems Development Charges, amending Ordinance 72-4 and repealing Ordinances 73-79 and 80-85, all as amended, passed unanimously.

D. RESOLUTION 91-26, relating to Systems Development Charge rates, passed unanimously.

E. ORDINANCE 91-34, relating to final sewer rehabilitation assessments (Project 78390 -- West Hills), passed unanimously.

F. ORDINANCE 91-35, relating to final sewer assessments (Project 78339 -- West Philomath Boulevard), passed unanimously.

G. ORDINANCE 91-36, relating to final sewer trunk extension assessments (Project 78408 -- Skyline West), passed unanimously, subsequent to Council discussion.

H. ORDINANCE 91-37, relating to final sewer rehabilitation assessments (Project 79374 -- Skyline West), passed unanimously.

X. NEW BUSINESS

A. Willamette Arts Center (WAC) Proposal for Operation of the Majestic Theatre.

In response to Council, City Manager Seals said that the endowment is around $368,000; the facility is assessed at $1,500,000; and the City spent just under $800,000 for construction. Mayor Vars noted that the amount the City will provide for a roof depends on how the contract is negotiated. Mr. Miller stated that the WAC's intent is that, after five years, the Board will be exclusively responsible.

To protect the building asset and insulate the General Fund, it was moved that the WAC, in conjunction with the Majestic Theatre Commission, achieve an endowment level of $800,000 within three years at the rate of $150,000/year. The motion died for lack of a second.

It was moved and seconded to accept the WAC proposal to operate the Theatre, understanding that WAC's commitment is to support the Theatre without tax dollars from the General Fund.

Councilor Stover reaffirmed his potential conflict of interest.

It was moved and seconded to amend the motion to direct the City to develop a means to raise the endowment to $800,000; if not through the WAC, then with cooperative agreement to achieve that goal.

Councilor Moorefield, addressing the amendment, said that he does not feel the need to give structure to the effort, that a Board might be appointed by the Mayor to work specifically on the endowment, or a foundation created that works in support of the Majestic Theatre to build the endowment.

Councilor Bolden noted that the Library Board also has Friends of the Library and the Library Foundation which are fund raisers and that he thinks a relationship exists among all three. He stated that, to him, that is a responsible way to go about protecting the community. Councilor Moorefield stated that the effort would be a cooperative and coordinated one.

Mr. Miller opined that the amendment is unwise because the community can only raise a limited amount of funds. He noted that the WAC wants to engage in significant fund raising for the rehearsal area and for operating expenses and concluded that the amendment would create a complicating factor that would work to the detriment of the City and the WAC.

Councilor Moorefield stated that the WAC has the capability to manage the Theatre very well as a community theater as the WAC has defined it. He noted that what tends to get lost are the major risks to the General Fund. He said Council intends to protect the City. He noted that WAC has consistently communicated that it is not committed to raising the endowment.

Councilor Moorefield stated that WAC has moved in substantive ways to handle risks that might devolve to the City. He said that a way to work on the endowment to minimize the City's risk is the only alternative in the absence of an organization to take that on.

Councilor Moorefield argued that a difference exists between operating revenues and an endowment; i.e., that where the money comes from to operate the Theatre is not irrelevant. He said that he proposes a fund raising effort that is not the responsibility of the WAC. He said that, while the WAC's priorities are very reasonable, they do not address the risk to the City. He said that the job of Council is to address that. He concluded that he is confident of WAC's interest and capabilities. He said he would like the WAC to operate the Theatre, but not have responsibility to raise the endowment.

Councilors stated their positions viz a viz the proposed amendment, including: Council micro-managing the Theatre; variation in endowment income with interest rate changes; the WAC's ability to raise funds through bookings; helping to insure the Theatre does not become a General Fund expense; the eventuality that something might happen to individual members or that the WAC might disband; the hope that the WAC will allow the City to participate by taking the responsibility for raising the endowment and relieving WAC thereof; and what would happen were the endowment levels not met.

Mayor Vars stated that, while Councilor Moorefield has not been explicit about the arrangement, he has been explicit about the target and that the operation of the Theatre would be consistent with the WAC's proposal.

Mr. Evey said that Council asked the WAC to decrease the level of Council's liability and that WAC has done so to the point of requesting only $18,000 for the roof repairs. He said that the WAC has the ability to operate the Theatre and to raise the revenue needed for operation. He concluded that he would personally be willing to raise $3.00 for every $1.00 Council raises.

Councilor Bolden said that Council's interest is to protect the asset and the General Fund. Councilor Moorefield refuted the statement that the WAC is doing everything Council has asked. He stated that the issue now is whether Council can find a different way of getting what it needs. Councilor Buckman, noting that endowment raising is to be separate from the WAC, asked why Council

is tying the effort to the WAC. Councilor Moorefield replied that the issue is Council policy and direction. He said that Council is not here to negotiate an agreement and that the key point is that WAC would not be responsible for the endowment except to support that effort in a cooperative way. He concluded that language to that effect will be needed in the contract.

Mayor Vars restated the motions: 1) to accept the WAC proposal and direct the City Manager to sign a contract consistent with it, and 2) to the effect that Council (i.e., City government) would take initiative to create a board to work in a cooperative way to raise the endowment to $800,000 within three years.

City Attorney Rodeman stated that, at the time of the vote, it is appropriate for a third declaration of potential of conflict on the part of Councilor Stover.

The amendment passed by the following roll call vote:

AYES: Councilors Squires, Bolden, Berg, Moorefield

NAYS: Councilor Page, Buckman, Miles

ABSTAIN: Councilor Stover

It was moved and seconded that, if the City enters into a contract with the WAC, within the first six months the City would receive a business plan from WAC for the Theatre operation and that the business plan and its updates be part of the Annual Review.

Councilor Moorefield said he expects the plan to include the scope of activities, expected revenue, fund raising goals, marketing, budgets, and so forth. He noted that the WAC has often indicated that, once a contract is signed, a new phase would begin in their commitment to operate the Theatre. He said WAC is willing to be judged on its performance. He concluded that being clear how performance is to be evaluated is important and that a business plan, being a flexible document, will prove to be a useful tool for the WAC and for the City.

The amendment passed by the following roll call vote:

AYES: Councilors Miles, Bolden, Berg, Page, Moorefield, Buckman

NAYS: Councilor Squires

ABSTAIN: Councilor Stover

Councilor Buckman restated that implicit in the discussion is the tacit agreement that, if the WAC fails in its operation, the Theatre devolves to the City. City Manager Seals said that a state-

ment to that effect will be included in the final agreement and does not need to be in the main motion.

The main motion passed unanimously with Councilor Stover abstaining.

2. Appointments to Boards and Commissions. Mayor Vars distributed appointments which will be confirmed at Council's next meeting.

XI. ADJOURNMENT

The meeting was adjourned at 10:17 pm.

APPROVED:

R. Charles Vars, Jr.
MAYOR

ATTEST:

M. Sue Marner
CITY RECORDER

# MEMORANDUM

TO: Mayor and City Council

FROM: Steve Rogers, Public Works Director

DATE: January 29, 2007

SUBJECT: Annual Utility Rate Review

## ISSUE

Corrections are needed in the utility rate schedule that was approved by the City Council in December 2006.

## BACKGROUND

Staff presented a review of the utility funds to the Administrative Services Committee in November 2006, recommending a 7% increase in water rates, a 3.3 increase in wastewater rates and no increase in storm water rates. The City Council approved these increases at the December 18th meeting.

Public Works staff applies the recommended rate increases to the previous year's rates to develop an updated, detailed rate schedule for every customer class, meter size, and consumption level. This schedule is a part of the ordinance that was adopted by the City Council.

## DISCUSSION

Through an internal system of checks and balances, the Finance Department discovered several rounding errors in the water portion of the adopted rate schedule. For every customer class, meter size and consumption level, the interval between 1st and 2nd level water rates and the interval between 1st and 3rd level water rates should be the same, $.24 and $.29 respectively. When the numbers for the 2007 rate schedule were calculated, inconsistent application of rounding resulted in intervals that were not the same in all instances. The corrections for these errors show as a one penny change on the attached ordinance.

In addition, in the rate for the Multi-family customer class, third level, over-14-units, a calculation error was discovered. The rate was calculated at $1.91 per unit and it should have been $1.88.

These errors were caught before the rates went into effect and no customer bills need to be adjusted.

## RECOMMENDATION

Staff recommends the City Council approve the corrected rate schedule and set an effective date of February 5, 2007.

*Reviewed and concur:*

Jon S. Nelson, City Manager

Nancy Brewer, Finance Director

**ORDINANCE 2007-____**

**AN ORDINANCE RELATING TO UTILITY RATES AMENDING CORVALLIS MUNICIPAL CODE CHAPTER 3.06, "CITY SERVICES BILLING," ESTABLISHING RATES FOR 2007, AND DECLARING AN EMERGENCY.**

**THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:**

**Section 1. Municipal Code Section 3.06 is hereby amended as follows:**

**Section 3.06.140 Rates.**

Effective for all utility bills rendered on or after February ~~1~~5, 2007, service rates shall be as follows:

1) Rates for single family customers:

| | | Water Consumption Rates - per hcf | | | | Wastewater Consumption Rate - per hcf | | Storm Water |
|---|---|---|---|---|---|---|---|---|
| Meter Size | Base Rate | hcf | 1st Level | 2nd Level | 3rd Level | Base Rate | All Usage | Per ESU |
| 5/8" - 3/4" | $10.50 | 0-7 | $1.12 | $1.36 | $1.41 | | | |
| | | 8-13 | 1.48 | ~~1.71~~1.72 | ~~1.76~~ 1.77 | $9.18 | $2.73 | $4.98 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 | | | |
| 1.0" | 15.11 | 0-7 | $1.12 | $1.36 | $1.41 | | | |
| | | 8-13 | 1.48 | ~~1.71~~1.72 | ~~1.76~~ 1.77 | $9.18 | $2.73 | $4.98 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 | | | |
| 1.5" | 22.80 | 0-7 | $1.12 | $1.36 | $1.41 | | | |
| | | 8-13 | 1.48 | ~~1.71~~1.72 | ~~1.76~~ 1.77 | $9.18 | $2.73 | $4.98 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 | | | |
| 2.0" | 32.05 | 0-7 | $1.12 | $1.36 | $1.41 | | | |
| | | 8-13 | 1.48 | ~~1.71~~1.72 | ~~1.76~~ 1.77 | $9.18 | $2.73 | $4.98 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 | | | |
| 3.0" | 56.66 | 0-7 | $1.12 | $1.36 | $1.41 | | | |
| | | 8-13 | 1.48 | ~~1.71~~1.72 | ~~1.76~~ 1.77 | $9.18 | $2.73 | $4.98 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 | | | |
| 4.0" | 84.35 | 0-7 | $1.12 | $1.36 | $1.41 | | | |
| | | 8-13 | 1.48 | ~~1.71~~1.72 | ~~1.76~~ 1.77 | $9.18 | $2.73 | $4.98 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 | | | |
| 6.0" | 161.29 | 0-7 | $1.12 | $1.36 | $1.41 | | | |
| | | 8-13 | 1.48 | ~~1.71~~1.72 | ~~1.76~~ 1.77 | $9.18 | $2.73 | $4.98 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 | | | |

2) Rates for irrigation meters:

| Meter Size | Base Rate | hcf | Water Consumption Rates - per hcf 1st Level | 2nd Level | 3rd Level |
|---|---|---|---|---|---|
| 5/8" - 3/4" | $10.15 | 0-7 | $1.07 | $~~1.30~~1.31 | $1.36 |
| | | 8-13 | 1.39 | 1.63 | 1.68 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 |
| 1.0" | 15.13 | 0-7 | $1.07 | $~~1.30~~1.31 | $1.36 |
| | | 8-13 | 1.39 | 1.63 | 1.68 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 |
| 1.5" | 23.41 | 0-7 | $1.07 | $~~1.30~~1.31 | $1.36 |
| | | 8-13 | 1.39 | 1.63 | 1.68 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 |
| 2.0" | 33.34 | 0-7 | $1.07 | $~~1.30~~1.31 | $1.36 |
| | | 8-13 | 1.39 | 1.63 | 1.68 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 |
| 3.0" | 59.87 | 0-7 | $1.07 | $~~1.30~~1.31 | $1.36 |
| | | 8-13 | 1.39 | 1.63 | 1.68 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 |
| 4.0" | 89.67 | 0-7 | $1.07 | $~~1.30~~1.31 | $1.36 |
| | | 8-13 | 1.39 | 1.63 | 1.68 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 |
| 6.0" | 172.53 | 0-7 | $1.07 | $~~1.30~~1.31 | $1.36 |
| | | 8-13 | 1.39 | 1.63 | 1.68 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 |
| 8.0" | 271.94 | 0-7 | $1.07 | $~~1.30~~1.31 | $1.36 |
| | | 8-13 | 1.39 | 1.63 | 1.68 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 |
| 10.0" | 387.94 | 0-7 | $1.07 | $~~1.30~~1.31 | $1.36 |
| | | 8-13 | 1.39 | 1.63 | 1.68 |
| | | ≥ 14 | 1.86 | 2.10 | 2.15 |

3) Rates for Multi-Family/Fraternity/Sorority:

| | | | Water Consumption Rates - per hcf | | | Wastewater Consumption Rate - per hcf | | Storm Water |
|---|---|---|---|---|---|---|---|---|
| Meter Size | Base Rate | hcf | 1st Level | 2nd Level | 3rd Level | Base Rate | All Usage | Per ESU |
| 5/8" - 3/4" | $16.24 | 0-7 | $1.34 | $~~1.57~~1.58 | $1.63 | | | |
| | | 8-13 | 1.39 | 1.63 | 1.68 | $9.18 | $2.73 | $4.98 |
| | | ≥ 14 | 1.59 | 1.83 | ~~1.91~~1.88 | | | |
| 1.0" | 20.37 | 0-18 | $1.34 | $~~1.57~~1.58 | $1.63 | | | |
| | | 19-33 | 1.39 | 1.63 | 1.68 | $9.18 | $2.73 | $4.98 |
| | | ≥ 34 | 1.59 | 1.83 | ~~1.91~~1.88 | | | |
| 1.5" | 27.27 | 0-35 | $1.34 | $~~1.57~~1.58 | $1.63 | | | |
| | | 36-65 | 1.39 | 1.63 | 1.68 | $9.18 | $2.73 | $4.98 |
| | | ≥ 66 | 1.59 | 1.83 | ~~1.91~~1.88 | | | |
| 2.0" | 35.52 | 0-56 | $1.34 | $~~1.57~~1.58 | $1.63 | | | |
| | | 57-104 | 1.39 | 1.63 | 1.68 | $9.18 | $2.73 | $4.98 |
| | | ≥ 105 | 1.59 | 1.83 | ~~1.91~~1.88 | | | |
| 3.0" | 57.60 | 0-112 | $1.34 | $~~1.57~~1.58 | $1.63 | | | |
| | | 113-208 | 1.39 | 1.63 | 1.68 | $9.18 | $2.73 | $4.98 |
| | | ≥ 209 | 1.59 | 1.83 | ~~1.91~~1.88 | | | |
| 4.0" | 82.40 | 0-175 | $1.34 | $~~1.57~~1.58 | $1.63 | | | |
| | | 176-325 | 1.39 | 1.63 | 1.68 | $9.18 | $2.73 | $4.98 |
| | | ≥ 326 | 1.59 | 1.83 | ~~1.91~~1.88 | | | |
| 6.0" | 151.35 | 0-350 | $1.34 | $~~1.57~~1.58 | $1.63 | | | |
| | | 351-650 | 1.39 | 1.63 | 1.68 | $9.18 | $2.73 | $4.98 |
| | | ≥ 651 | 1.59 | 1.83 | ~~1.91~~1.88 | | | |
| 8.0" | 234.06 | 0-560 | $1.34 | $~~1.57~~1.58 | $1.63 | | | |
| | | 561-1040 | 1.39 | 1.63 | 1.68 | $9.18 | $2.73 | $4.98 |
| | | ≥ 1041 | 1.59 | 1.83 | ~~1.91~~1.88 | | | |
| 10.0" | 330.57 | 0-805 | $1.34 | $~~1.57~~1.58 | $1.63 | | | |
| | | 806-1495 | 1.39 | 1.63 | 1.68 | $9.18 | $2.73 | $4.98 |
| | | ≥ 1496 | 1.59 | 1.83 | ~~1.91~~1.88 | | | |

4) Rates for Commercial and all other customers: (D = Domestic; M = Medium; H = High; VH = Very High)

| | | | Water Consumption Rates - per hcf | | | Wastewater Consumption Rate - per hcf | | Storm Water |
|---|---|---|---|---|---|---|---|---|
| Meter Size | Base Rate | hcf | 1st Level | 2nd Level | 3rd Level | Base Rate | All Usage | Per ESU |
| 5/8" - 3/4" | $16.24 | 0-14<br>≥ 15 | $1.34<br>1.66 | $~~1.57~~1.58<br>~~1.89~~1.90 | $1.63<br>1.95 | $9.18 | D - $2.73<br>M - 3.18<br>H - 4.36<br>VH - 5.89 | $4.98 |
| 1.0" | 20.37 | 0-43<br>≥ 44 | $1.34<br>1.66 | $~~1.57~~1.58<br>~~1.89~~1.90 | $1.63<br>1.95 | $9.18 | D - $2.73<br>M - 3.18<br>H - 4.36<br>VH - 5.89 | $4.98 |
| 1.5" | 27.27 | 0-67<br>≥ 68 | $1.34<br>1.66 | $~~1.57~~1.58<br>~~1.89~~1.90 | $1.63<br>1.95 | $9.18 | D - $2.73<br>M - 3.18<br>H - 4.36<br>VH - 5.89 | $4.98 |
| 2.0" | 35.52 | 0-179<br>≥ 180 | $1.34<br>1.66 | $~~1.57~~1.58<br>~~1.89~~1.90 | $1.63<br>1.95 | $9.18 | D - $2.73<br>M - 3.18<br>H - 4.36<br>VH - 5.89 | $4.98 |
| 3.0" | 57.60 | 0-208<br>≥ 209 | $1.34<br>1.66 | $~~1.57~~1.58<br>~~1.89~~1.90 | $1.63<br>1.95 | $9.18 | D - $2.73<br>M - 3.18<br>H - 4.36<br>VH - 5.89 | $4.98 |
| 4.0" | 82.40 | 0-341<br>≥ 342 | $1.34<br>1.66 | $~~1.57~~1.58<br>~~1.89~~1.90 | $1.63<br>1.95 | $9.18 | D - $2.73<br>M - 3.18<br>H - 4.36<br>VH - 5.89 | $4.98 |
| 6.0" | 151.35 | 0-1,000<br>≥ 1,001 | $1.34<br>1.66 | $~~1.57~~1.58<br>~~1.89~~1.90 | $1.63<br>1.95 | $9.18 | D - $2.73<br>M - 3.18<br>H - 4.36<br>VH - 5.89 | $4.98 |
| 8.0" | 234.06 | 0-1,040<br>≥1,041 | $1.34<br>1.66 | $~~1.57~~1.58<br>~~1.89~~1.90 | $1.63<br>1.95 | $9.18 | D - $2.73<br>M - 3.18<br>H - 4.36<br>VH - 5.89 | $4.98 |
| 10.0" | 330.57 | 0-23,207<br>≥ 23,208 | $1.34<br>1.66 | $~~1.57~~1.58<br>~~1.89~~1.90 | $1.63<br>1.95 | $9.18 | D - $2.73<br>M - 3.18<br>H - 4.36<br>VH - 5.89 | $4.98 |
| 12.0" | 393.88 | 0-23,207<br>≥ 23,208 | $1.34<br>1.66 | $~~1.57~~1.58<br>~~1.89~~1.90 | $1.63<br>1.95 | $9.18 | D - $2.73<br>M - 3.18<br>H - 4.36<br>VH - 5.89 | $4.98 |

(Ord. 2007- § , 2007; Ord. 2006-30 §1, 12/18/2006; Ord. 2006-07 §1, 04/03/2006)

**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 City Council this _____ day of _____, 2007.

APPROVED by the Mayor this _____ day of _____, 2007.

EFFECTIVE this _____ day of _____, 2007.

_____
Mayor

ATTEST:

_____
City Recorder

# MEMORANDUM

TO: Mayor and City Council

FROM: Steve Rogers, Public Works Director

DATE: January 29, 2007

SUBJECT City Hall Renovation Project

## ISSUE

New information necessitates project scope and schedule changes.

## BACKGROUND

In total, this project has been scheduled in three phases. The Capital Improvement Program project sheet is attached. The first phase was completed in FY 05-06 and included the renovation of the Madison Building to accommodate the Finance Department. The second phase (planned for FY 06-07) includes seismic and HVAC upgrades, new finishes, minor wall changes, a new roof and window upgrades to City Hall. The second phase would result in the Development Services Division moving to the lower floor, the Planning Division moving to the main floor and the Housing Division moving into the top floor. The modular buildings behind Municipal Court that house the Housing Division and records would then be removed. The third phase includes the demolition of the Moose Building in FY 08-09. The lower level work has been completed without seismic upgrades and Development Services has moved into the work space.

Several things are now impacting the ability to complete phase two of the project as scoped and scheduled as follows:

- Costs for the work have escalated. The remaining funding ($335,000) is not sufficient to complete all work items. Assuming a $345,000 grant for seismic work, the shortfall is still $660,000. Current estimates are based on experience from the bidding for the lower level work and the actual seismic design. An additional identified need is an upgrade to the phone and data cabling system in the building. The current budget amount was also based on much of the design and contract administration to be done by fully funded building maintenance staff. New estimates include engineering staff design and administration resources. Lastly, the lower level remodeling work used more of the available budget ($37,000) than anticipated which reduced the funding remaining to complete the work.

- A FEMA grant to fund the seismic upgrade work will not be applied for until spring of 2008. A grant submittal requirement is that the City have in place an approved Corvallis

specific pre-disaster Mitigation Plan. The work to produce this plan is proposed for funding in FY 07-08. Earlier, we understood that a simple annex to the County's adopted plan would suffice. In addition, grant funding increases are expected for the 2008 cycle making success more likely.

- The seismic upgrade work is now designed. One result of the design is that this work will impact the building interior much more than anticipated resulting in disruption to the building occupants and any improvements made prior to the work. Staff will be exploring whether the project will be best served by vacating City Hall versus staging around work groups.

**DISCUSSION**

To accommodate customers and staff on alternative phasing is suggested. This will allow for moving the Community Development Department divisions as planned and remove the modulars. To accomplish this, some building work is required and the following plan is proposed.

- Install new windows. This will reduce heating/cooling costs and improve the livability of the building.

- Upgrade the HVAC system to improve building livability and improve air quality.

- Move a main floor conference room to provide additional needed space for the Planning Division.

- Enclose a work space on the top floor.

- Install carpeting purchased several years ago on the main floor.

This work will accomplish about half of the planned building renovation work but does not include roof replacement. The work can be completed during 2007 within the funding currently programmed. Because the space use work is minor, this work may be done by City staff. The windows, carpet and HVAC work would be contracted with the City acting as the general contractor. The remaining work, including the phase three project, will be re-considered during the 2007 CIP process.

One concern of this proposal is a delay in providing the employees and customers in City Hall increased protection from a seismic event and potential building damage. Through the seismic design process, it was found that the building was in better seismic condition than originally thought. In addition, over the past several years, the roof trusses have been repaired and strengthened. The City's structural engineer has provided some background about how seismic upgrades have been scheduled in other jurisdictions (attached) and an evaluation of the structural integrity of the building (attached). With this information, the phased approach outlined in this memorandum is supported.

On January 29, 2007, the Capital Improvement Project Commission reviewed this scope and schedule change and concurred with the proposal.

**RECOMMENDATION**

That the City Council support the revised City Hall project scope for FY 06-07.

Review and Concur;

Jon Nelson, City Manager

DCI·ENGINEERS
D'AMATO CONVERSANO INC.

*J. Mark D'Amato • Guy A. Conversano*
*Elizabeth A. Jensen • Roger L. Heeringa • Mark D. Aden*
*Harry Jones II • Troy E. Bean • Tom C. Xia, Ph.D.*
*Richard L. Hemmen • Grant C. Buckingham*

January 10, 2007

Bob Fenner
City of Corvallis Public Works
PO Box 1083
Corvallis, OR 97339

Re: City Hall Seismic

Bob,

We completed a seismic evaluation of the Corvallis City Hall building several years ago. Our study identified several seismic deficiencies which needed to be addressed in order for the building to achieve a life safety performance level as defined by current seismic guidelines such as ASCE 31 and ASCE 41. While these guidelines define performance goals they do not address issues such as how long buildings with seismic deficiencies should be occupied prior to being upgraded.

No one can guarantee that the City Hall will not be damaged in the near future due to an earthquake. However from a risk standpoint our experience with other building renovations indicates that upgrades are generally considered over a 5 to 10 year duration. After the 1989 Loma Prieta Earthquake Stanford University for example, established a 10 year program to upgrade their remaining unreinforced masonry buildings. These buildings were their most seismically vulnerable and continued to be occupied during this period. The Portland building department allows buildings with mandatory seismic upgrades due to occupancy changes, to have some of the seismic work phased over a period of 5 to 7 years.

Sincerely,
DCI Engineers

**Harry Jones II, P.E., S.E.**
**Principal**

DCI·ENGINEERS
D'AMATO CONVERSANO INC.

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Harry Jones II • Troy E. Bean • Tom C. Xia, Ph.D.
Richard L. Heanner • Grant C. Buckingham

October 19, 2006

Bob Fenner
City of Corvallis Public Works
PO Box 1083
Corvallis, OR 97339

Re: Structural Engineering Site Visit
City Hall Building Renovation

Dear Bob,

On October 12, 2006 I completed a site visit to review existing conditions. During this site visit the basement level remodel work demolition had been started. Most of the underside of the first floor wood framing was exposed. During this site visit I reviewed the existing floor framing. I did not observe any signs of structural distress. While there is some cracking of existing large wood beam this cracking is considered normal for this type of construction and does not represent a structural concern. Several of the existing beams are supported on metal beam hangers. These hangers typically utilize hidden dowels to transfer loads and can not be fully reviewed. Since these connections do not shows signs of movement or rotation and given the age of this structural we do not believe they represent a structural concern.

If there are any further questions please give me a call.

Sincerely,
DCI Engineers

**Harry Jones II, P.E., S.E.**
**Principal**

# City Hall Block

| | Prior Years | FY 06-07 | FY 07-08 | FY 08-09 | FY 09-10 | FY 10-11 | FY 11-12 | 5-Year Total | Total Project |
|---|---|---|---|---|---|---|---|---|---|
| Resources: | | | | | | | | | |
| Revenue in Place | | | | | | | | | |
| New Revenue: | | | | | | | | | |
| General Fund | | $392,680 | | $110,910 | | | | $110,910 | $503,590 |
| Current Revenue Street | | $25,080 | | $7,670 | | | | $7,670 | $32,750 |
| Development Services Fund | | $117,040 | | $35,790 | | | | $35,790 | $152,830 |
| Community Development Revolving Fund | | $32,150 | | $9,830 | | | | $9,830 | $41,980 |
| Current Revenue Water | | $55,950 | | $17,110 | | | | $17,110 | $73,060 |
| Current Revenue Wastewater | | $25,080 | | $7,670 | | | | $7,670 | $32,750 |
| Current Revenue Storm Water | | $25,080 | | $7,670 | | | | $7,670 | $32,750 |
| Total Revenue | $0 | $673,060 | $0 | $196,650 | $0 | $0 | $0 | $196,650 | $869,710 |
| **Total Resources** | **$0** | **$673,060** | **$0** | **$196,650** | **$0** | **$0** | **$0** | **$196,650** | **$869,710** |
| Expenses: | | | | | | | | | |
| *Capital Construction Fund:* | | | | | | | | | |
| Land Acq., ROW, & Easements | | | | | | | | $0 | $0 |
| Design | | $20,000 | | | | | | $0 | $20,000 |
| Construction Mgmt & Eng | | | | | | | | $0 | $0 |
| Construction | | $590,750 | | $171,000 | | | | $171,000 | $761,750 |
| Contingency | | $62,310 | | $25,650 | | | | $25,650 | $87,960 |
| Other | | | | | | | | $0 | $0 |
| **Total Expenses** | **$0** | **$673,060** | **$0** | **$196,650** | **$0** | **$0** | **$0** | **$196,650** | **$869,710** |
| **Balance** | **$0** | **$0** | **$0** | **$0** | **$0** | **$0** | **$0** | **$0** | **$0** |
| Operating Impacts | | | | | | | | | |
| *Costs/(Savings):* | | | | | | | | | |
| One-time only | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| On-going/Annual | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 |
| Total Operating Impacts | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 | $0 |

10/16/06

# City Hall Block

**Department:** Public Works

**Category:** Community Preservation

**Origination:** City/County Facility Master Plan

**Priority:** 2 - Important to Maintain Infrastructure

**Purpose:** In December 2001, the Mayor appointed a steering committee to review and plan the future facility needs for the City Hall Block. Benton County joined this planning process to include the Law Enforcement block. In June 2003, SERA Architects completed a study addressing City and County facility needs for the downtown area, recommending, among other things, a joint project with the County.

Although a joint project is still advocated in the long term, the near term needs of the City necessitate the implementation of an interim project. This project will provide additional space without constructing additional structures. It will utilize existing City-owned facilities to accommodate the most urgent space needs for the next 10 years. It will also provide for seismic and HVAC improvements which cannot wait for implementation of a joint project.

The conversion of the Madison Avenue Building for expanded use as City office space was completed in FY 05-06.

Staff is pursuing a FEMA grant to reduce the amount of local funding needed to complete this project.

**Scope of Work:** Design and construction of City Hall renovation, including seismic retrofit, HVAC upgrades, new roof and reconfiguration of office space.

FY 06-07: City Hall renovation will be completed in two phases. Phase I will renovate the lower level. Phase II includes renovation of the main floor, upper level and seismic upgrades for all three floors. Phase II improvements will extend into FY 07-08.

FY 08-09: Demolition of the Moose Building and construction of additional parking spaces.

**Assumptions:** None

**Operating Budget Impacts:** Increased costs in outside sweeping services - minimal. Increased operating costs for the Madison Avenue Building have already been included in the Finance department budget.

**Estimated Useful Life:** 40 years

ORDINANCE 2007-____

AN ORDINANCE vacating a portion of SW Hollyhock Circle Right-of-Way and reserving a Public Utility Easement over its entirety, as described in this ordinance, all as located within the City of Corvallis Oregon.

WHEREAS, the City Council, at its regular meeting of January 2, 2007 scheduled a public hearing for February 5, 2007 at 7:00 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard, Corvallis, Oregon. The purpose of the hearing was to hear objections regarding the proposed vacation of a portion of SW Hollyhock Circle initiated by Matrix Development Corporation. Proof of public hearing notice publication in the Corvallis Gazette-Times, a newspaper of general circulation published in Corvallis, on January 22, 2007 and January 29, 2007 has been made and filed with the City Recorder.

WHEREAS, the City Council has held that public hearing and has heard and considered any and all objections; and

WHEREAS, based on the information presented, the City Council finds that the subject portion of SW Hollyhock Circle is no longer needed for public purposes except to provide for a public utility easement; and

WHEREAS, based upon the information presented, the City Council finds that vacating the subject portion of SW Hollyhock Circle while reserving a public utility easement:

1. Is consistent with the purposes of Land Development Code Chapter 2.8, policies of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council;

2. Will not have a negative effect on access between public rights-of-way or to existing properties, potential lots, or public facilities/utilities;

3. Will not have a negative effect on traffic circulation or emergency service protection; and

4. Will serve the public interest, present and future.

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

1. As provided herein, that portion of SW Hollyhock Circle described below and illustrated in Exhibit A-1, is vacated and from the effective date of this Ordinance is no longer a public way. Therefore, these portions of vacated right-of-way shall, subject to the PUE reservation, revert to the adjacent property in the following manner:

Legal Description of Property Being Vacated by the City of Corvallis and Combined with Parcel 53 of Partition Plat Stoneybrook Village Assisted Living Phase 1 of Benton County, Oregon (reverts to Corvallis Assisted Living LLC)

A tract of land in the northwest one-quarter of Section 9, Township 12 South, Range 5 West, Willamette Meridian, City of Corvallis, Benton County, Oregon, and being described as follows:

Beginning at the northeasterly corner of lot 51, "Stoneybrook No. 2", recorded in Book 10, Page 84, Benton County Plat Records; thence S.90°00'00"W. along the north line of said lot 51, a distance of 48.57 feet to the southeast corner of Lot 53, "Stoneybrook Village Assisted Living Phase 1", recorded in Book 10, Page 31, Benton County Plat Records; thence N.53°00'00"E. along the easterly line of said Lot 53, a distance of 79.50 feet to the point of curve left of a 75.00 foot radius curve; thence continuing along said easterly line on the arc of said curve left through a central angle of 13°08'32", 17.20 feet (chord bears N.46°25'44"E., 17.16 feet) to a point of non-tangent curvature; thence leaving said easterly line southwesterly along the arc of a 125.00 foot radius curve left (the radius point of which bears S.50°08'32"E.) through a central angle of 30°26'58", 66.43 feet (chord bears S.24°37'59"W., 65.65 feet) to the Point of Beginning. Contains 1,172 square feet, more or less.

2. Concurrent with vacation the City of Corvallis reserves a Public Utility Easement (PUE) over the entirety of the said portion of SW Hollyhock Circle Right-of-Way. The PUE is to benefit the public by maintaining access between public rights of way and providing continual access for those public services which are now or may later be provided by a "public utility" as that term is defined in ORS 757.005.

3. A certified copy of this vacation ordinance will be filed for record with the County Recorder, by the City, consistent with requirements outlined in Land Development Code Section 2.8.40.

4. This vacation shall take effect upon filing a certified copy of the vacation ordinance for recording with the County Recorder.

PASSED by the Council this _____ day of _____, 2007.

APPROVED by the Mayor this _____ day of _____, 2007.

EFFECTIVE this _____ day of _____, 2007.

_____
Mayor

ATTEST:

_____
City Recorder

# CHAPTER 1.4
# NONCONFORMING DEVELOPMENT

## Section 1.4.10 - BACKGROUND

As used in this chapter, nonconforming development includes nonconforming structures and nonconforming uses. A nonconforming structure is a structure that does not fully comply with the district provision because of setbacks, building height, off-street parking, or with some other standard of the district. A nonconforming use is a use that is not permitted outright or has not received conditional approval in the district, but was lawfully begun prior to it becoming nonconforming.

Within the development districts established by this Code, development may exist that was lawful at the time it began, but would be prohibited in the future under the terms of this Code or future amendments.

In order to avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Construction is considered to have started if excavation, demolition, or removal of an existing building has begun in preparation to rebuilding, and a building permit has been acquired, prior to the effective date of adoption or amendment of this Code.

## Section 1.4.20 - PURPOSES

a. Permit nonconformities to continue, but not to encourage their perpetuation.

b. Ultimately bring development into conformance with this Code and the Comprehensive Plan.

## Section 1.4.30 - GENERAL PROVISIONS

### 1.4.30.01 - Alterations of a Nonconforming Use

No building, structure, or land area devoted to a nonconforming use shall be enlarged, extended, reconstructed, moved, or structurally altered unless such development conforms to the provisions of this Code. Nothing in this chapter shall be construed to prohibit normal repair, maintenance, and nonstructural alterations to such development, nor the alteration, strengthening, or restoration to safe condition as may be required by law.

### 1.4.30.02 - Alteration of a Nonconforming Structure

Where the use of a structure is permitted by the applicable development district but the structure is nonconforming, an alteration, expansion, enlargement, extension, reconstruction, or relocation may be administratively approved if the improvement, evaluated separately from the existing structure, would be in compliance, and is not within a vision clearance area as determined by the City Engineer.

## Section 1.4.40 - SPECIFIC PROVISIONS FOR NONCONFORMING USES

### 1.4.40.01 - Expansion of a Nonconforming Use

A nonconforming use shall not be expanded or moved to occupy a different or greater area of land, buildings, or structures than it occupied at the time it became nonconforming.

### 1.4.40.02 - Discontinuance of a Nonconforming Use

Whenever nonconforming use is discontinued for more than 1 year, further use shall be in conformity with the provisions of this Code. For purposes of this Code, rental payments or lease payments and taxes shall not be considered as a continued use. "Discontinued" shall mean nonuse and shall not require a determination of the voluntary or involuntary nature of the discontinuance or the intent to resume the nonconforming use.

### 1.4.40.03 - Damage to a Nonconforming Use

If a structure with a nonconforming use is damaged by any means to an extent exceeding 60 percent of its most recent, predamage assessed valuation as indicated in the assessor's office, any future development on the site shall conform to the requirements of the district in which it is located.

### 1.4.40.04 - Reclassification to Conditional Development

Whenever a nonconforming use is classified as a use that may be permitted conditionally, it shall be reclassified as conforming upon receipt of an approved conditional development in accordance with Chapter 2.3.

## Section 1.4.50 - EXCEPTIONS

### 1.4.50.01 - Commercial Uses in RS-12 District Along SW 3rd, SW 5th and SW 6th Streets

a. Commercial use types in existence as of February 7, 1981, in the RS-12 District along SW 5th and SW 6th Streets from SW Adams Avenue to Western Boulevard, shall not be classified as nonconforming development.

b. Commercial use types in existence as of February 7, 1981 (*i.e.,* Automotive and Equipment - Light Equipment Repairs and Light Equipment Sales and Rentals), in the RS-12 District at 2220 SW 3rd Street (Assessor's Map #12-5-11BC, Tax Lot 700 and 701), shall not be classified as nonconforming development. Upon further development, perimeter buffers shall be established consistent with Shopping Area District standards.

### 1.4.50.02 - Office Uses in the RS-9, RS-9(U), RS-12, RS-12(U), and RS-20 Districts

Office uses, as defined in Chapter 1.6, in existence as of February 7, 1981, in the RS-9, RS-9(U), RS-12, RS-12(U) and RS-20 Districts shall not be classified as nonconforming uses.

**1.4.50.03 - North Campus Area (defined in Chapter 1.6)**

a. Multi-dwellings in existence as of August 3, 1992, shall not be classified as nonconforming development. However, redevelopment requires compliance with current parking standards contained in Chapter 4.1.

b. Office uses (defined in Chapter 1.6) in existence as of February 7, 1981, shall not be classified as nonconforming development. However, redevelopment or expansion requires compliance with current parking standards contained in Chapter 4.1.

**1.4.50.04 - Nonconforming Lots of Record**

A lot of record may not meet the lot size requirements of the district in which it is located. Such a lot may be occupied by a use permitted in the district. If, however, the lot is smaller than the size required in its district, residential use shall be limited to one dwelling unit or to the number of dwelling units consistent with density requirements of the district.

**1.4.50.05 - Street and Drainageway Dedications**

The act of conveyance to or appropriation by the City for street or drainage purposes shall not in itself render as nonconforming the use of land, structure, or other improvement maintained upon a lot.

**1.4.50.06 - Nonconforming Duplexes**

Where a duplex is a nonconforming building type in the district where it is located and has been damaged as described above in 1.4.40.03 above, a duplex may be reconstructed provided such reconstruction commences within 1 year of the damage and complies with required development standards.

**1.4.50.07 - Residential Uses**

Any residential building type permitted prior to a specific period of time by this Code, but which is no longer allowed as a new use, may be modified, enlarged or rebuilt, provided it complies with required development standards of the district.

**1.4.50.08 - OSU Campus Buildings**

Any buildings on the OSU Campus existing or approved prior to (effective date of ordinance) shall not be classified as nonconforming development, notwithstanding the height limitations established in the Primary and Secondary Transition Areas of the OSU District.

# CHAPTER 3.13
# SA(U) (SHOPPING AREA - UNIVERSITY) DISTRICT

## Section 3.13.10 - PURPOSE

This district implements the Commercial Use Comprehensive Plan designation. This district is intended to provide for concentrations of smallr etailb usinesses, commercial, and personal service activities in areas that are adjacent to Oregon State University and which have a large concentration of pedestrian activity. The intent is to promote efficient commercial development of these areas by emphasizing their unique orientation to the pedestrian rather than to the automobile. Development shall reflect the predominant existing development pattern in the district and be compatible with nearby residential areas.

## Section 3.13.20 - PERMITTED USES

### 3.13.20.01 - General Development

**a. Primary Uses Permitted Outright:**

1. Civic Use Types:
   - Administrative Services
   - Cultural Exhibits and Library Services
   - Lodge, Fraternal, and Civic Assembly
   - Parking Services
   - Postal Services
   - Public Safety Services

2. Commercial Use Types: (Intended to provide convenience shopping needs for the neighboring residential area as well as the more general retail and service needs of the university population):
   - Animal Sales and Services:
     - Veterinary (Small Animals)
     - Grooming
   - Business Equipment Sales and Services
   - Communications Services - Service Centers Only
   - Convenience Sales and Personal Services
   - Eating and Drinking Establishments, Sit-down
   - Fast Order Food Establishments
   - Financial, Insurance, and Real Estate Services
   - Food and Beverage Retail Sales
   - Fuel Sales
   - Personal Services - General
   - Repair Services - Consumer
   - Retail Sales - University

**b. Accessory Uses Permitted Outright:**

1. Essential Services
2. (a) Residential Use Types:
   - Family
   - Group Residential/Group Care

   (b) Residential Building Type:
   - Multi-Dwelling

3. Other development customarily incidental to the primary use in accordance with Chapter 4.3
4. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential structures thatd o 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.
5. 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.

**3.13.20.02 - Special Development - Uses Allowed Through Discretionary Review.**

a. **Type I: Conditional Development** - Subjectt o review in accordance with Chapter 2.3 and allo ther applicable provisions of this Code.

1. Major Services and Utilities
2. Religious Assembly
3. Spectator Sports and Entertainment, Limited
4. Freestanding wireless telecommunication facilities greater than 75 f t in height, s ubject t o the standards in Chapter 4.9.
5. Freestanding wireless telecommunication facilities thatd o not meett he setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c, subject to the standards in Chapter 4.9.
6. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential structures that increase the height of the existing structures by more than 17 ft for whip antennas, including mounting, or by 10 ftf or all other antennas, subject to the standards in Chapter 4.9.
7. Colocated/attached wireless telecommunication facilities on nonresidential structures that 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.

b. **Type II: Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. Drive-in Facilities (Financial Institutions, Personal Services, *etc.*)
2. Minor Utilities subject to standards in Chapter 4.9
3. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50.
   *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*
4. Freestanding wireless telecommunication facilities up to 75 ft in height, subject to the standards in Chapter 4.9.

## Section 3.13.30 - DEVELOPMENT STANDARDS

### 3.13.30.01 - Dimensional Requirements

The site size permitted in this district shall be adequate to fulfill the applicable environmental standards and other development standards.

### 3.13.30.02 - Height of Structures

The maximum height of structures shall not exceed 30 ft.

### 3.13.30.03 - Setback Requirements

a. There is no minimum setback (other than those required by the Uniform Building Code or vision clearance triangles) for any commercial structure that abuts a public right-of-way or a commercial district.

b. The following setbacks shall apply when a commercial structure abuts a residential district:

1. If both structures have windows facing each other there shall be a minimum separation of 25 ft.

2. If either structure has windows facing a blank wall there shall be a minimum separation of 15 ft.

3. If both structures have opposing blank walls there shall be a minimum separation of 10 ft.

## Section 3.13.40 - ENVIRONMENTAL STANDARDS

a. Noise created by venting and air-conditioning shall be directed away from any adjacent residential district.

b. Fumes and odors shall be directed away from any adjacent residential district.

c. Artificial lighting shall be arranged and constructed as to not produce direct glare on adjacent residential properties.

## Section 3.13.50 - LANDSCAPING, SCREENING AND WEATHER PROTECTION

a. Landscaping and screening shall be required, in accordance with Chapter 4.2. In addition, parking areas that abut residential uses shallb e screened from such uses by a wallt hat effectively reduces or eliminates the adverse effects of visual and noise pollution.

b. Structures which abut a public right-of-way shall incorporate eaves, canopies or awnings of adequate width to provide weather protection into their design.

## Section 3.13.60 - OFF-STREET PARKING

Parking, loading, and access shallm eet the requirements in Chapter 4.1 except as modified by the following standards:

a. All parking shall be located in the rear portion of the development site.

b. The number of required parking spaces may be reduced by up to 33% of that specified in Section 4.1.30 where all of the following criteria can be demonstrably met:

1. Customers would primarily walk or rely on bicycles; and

2. The anticipated times of parking demand would not conflict with other parking demands in the area; and

3. Employee and delivery truck parking is available; and

4. A partial waiver from on-site parking requirements would not adversely affect parking in the surrounding areas.

c. One bicycle parking space shall be provided for each 200 sq. ft of gross floor area.

# CHAPTER 4.1
# PARKING, LOADING, AND ACCESS REQUIREMENTS
(Amended 12-16-02)

## Section 4.1.10 - PURPOSES

These regulations are established in order to provide on-site parking and loading areas and access to such areas of adequate capacity, and appropriate location and design. The parking requirements are intended to provide sufficient parking in close proximity to the various uses for residents, customers, and/or employees; and to maintain traffic carrying capacity of nearby streets. These regulations apply to both motorized vehicles (hereafter referred to as vehicles) and bicycles.

## Section 4.1.20 - GENERAL PROVISIONS

a. **Provision and Maintenance** - The provision of required off-street parking for vehicles and bicycles, and loading facilities for vehicles is a continuing obligation of the property owner. Building or other permits will only be issued after receipt of site plans drawn to a suitable scale, showing location of permanent parking and loading facilities.

b. **Unspecified Requirements** - Vehicle and bicycle parking requirements for uses not specified in this chapter shall be determined by the Director based upon the requirements of similar uses.

c. **New Structures** - When a structure is constructed, on-site vehicle and bicycle parking and loading spaces shall be provided in accordance with Section 4.1.30 below.

d. **Alteration of Existing Structures** - When an existing structure is altered to the extent that the existing use is intensified, vehicle and bicycle parking shall be provided in the amount required for such intensification.

When increased intensity requires no more than 2 vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative, and when the net effect of one or more changes generates a need for more than 2 spaces, they shall be provided. Additional spaces shall be required for the intensification but not for the original use.

e. **Change in Use** - When an existing structure is changed in use from one use type to another use type as listed in Section 4.1.30 below and the vehicle and bicycle parking requirements for each use type are the same, no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for more intensive use.

f. **Inoperative Motor Vehicles** - In any residential district, all motor vehicles incapable of movement under their own power or lacking legal registration shall be stored in a completely screened space, garage, or carport.

g. **Mixed Uses** - When several uses occupy a single structure or lot, the total required vehicle and bicycle parking shall be the sum of requirements of individual uses.

h. **Conflicting Parking Requirements** - When a building or use is planned or constructed in such a manner that more than one standard is applicable, the use that requires the greater number of parking spaces shall govern.

i. **Availability of Parking Spaces** - Required vehicle and bicycle parking spaces shall be unobstructed, available forp arking of vehicles and bicycles of residents, customers, patrons, and employees only, and shall not be used for storage of vehicles or materials or for parking of vehicles or bicycles used in

conducting the business or use and shall not be used for sale, repair, or servicing of any vehicle or bicycle.

**j. Location of Required Parking.**

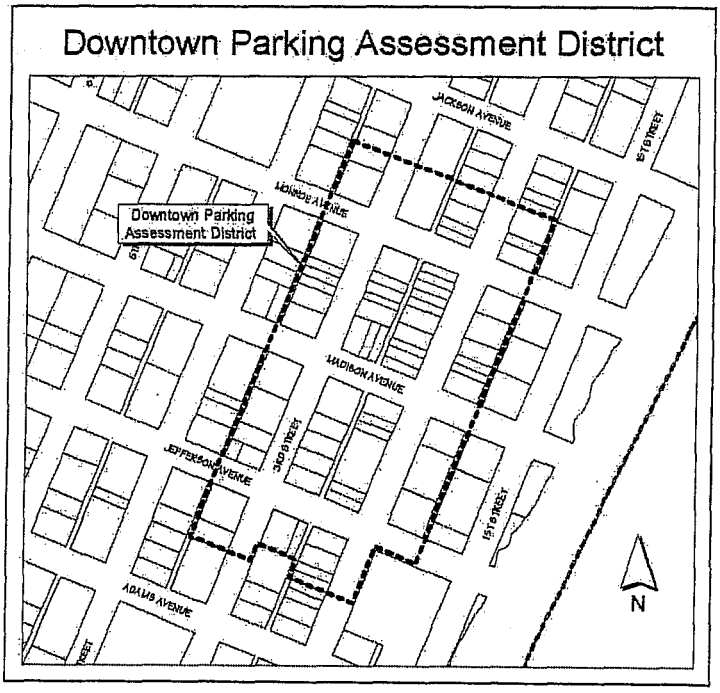
1. **Vehicles-** Vehicle parking required for residential uses in accordance with RS-3.5, RS-5, RS-6, RS-9, RS-9U, RS-12, and RS-12U district provisions shall be provided on the development site of the primary structure. Except where permitted by 4.1.30.g.4 and 4.1.50.02 below, required parking for all other use types in other districts, as well as residential uses developed in accordance with RS-20 provisions, shall be provided on the same site as the use or upon abutting property. Street right-of-way shall be excepted when determining contiguity, except on arterials and collectors where there is not a controlled intersection within 100 ft of the subject property.

2. **Bicycles** - Bicycle parking required for all use types in all districts shall be provided on the development site in accordance with Section 4.1.70 below.

**k. Unassigned Parking in Residential Districts.**

1. **Vehicles** - Multi-dwelling units with more than 10 required vehicle parking spaces shall provide unassigned parking. The unassigned parking shall consist of at least 15 percent of the total required parking spaces, to be located such that they are available for shared use by all occupants within the development.

2. **Bicycles** - Multi-dwelling units with more than 10 required bicycle parking spaces shall provide shared parking. The shared parking shall consist of at least 15 percent of the total required parking spaces, to be located such that they are available for shared use by all occupants within the development.




**l. Bedroom Size Determination** - Multi-dwelling units having a bedroom in excess of 160 sq. ft shall provide added vehicle and bicycle parking of 0.5 parking spaces for each oversized bedroom.

**m. Fractions** - When the calculated sum of the required vehicle and bicycle parking spaces includes a fraction equal to or greater than one half of a space (0.5 or more) a full space shall be required.

**n. Downtown Parking Assessment District Exemption** - Sites and structures located in a municipal parking assessment district shall not be subject to off-street parking facility requirements for vehicles. The Downtown Parking District (Off-street Parking Assessment District #1) is shown in the figure to the right.

**o.** **Maximum Parking Allowed** - No site shall be permitted to provide more than 30 percent in excess of the minimum off-street vehicle parking required by Section 4.1.30 below, except as provided in Section 4.1.30.g.3.b.

**p.** **Parking Reduction Allowed.**

1. A reduction of up to 10 percent of required vehicle parking may be allowed if a transit pull-out or shelter, developed consistent with Corvallis Transit System guidelines and standards, is located on-site or within 300 ft.

2. The amount of vehicle parking may be reduced by one space for every 8 required bicycle parking spaces. (For each 4 additional covered bicycle parking spaces provided over the minimum requirement, one vehicle space may be eliminated, not to exceed 10 percent of required vehicle parking spaces. Additional reductions of vehicle parking spaces may be granted through the Lot Development Option procedures contained in Chapter 2.12).

**Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS**

Minimum parking requirements for use types in all areas of the City, with the exception of the CB (Central Business) District, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the CB District are described in Section 4.1.30.g.

**a.** **Residential Uses Per Building Type:**

1. **Single Detached and Single Attached (Zero Lot Line), and Manufactured Homes:**
   **Vehicles**: 2 spaces per dwelling unit
   **Bicycles**: None required

2. **Duplex, Attached, and Multi-Dwelling:**
   **Vehicles**:

| | | |
|---|---|---|
| Studio or Efficiency Unit | - | 1 space per unit |
| 1 Bedroom Unit | - | 1 space per unit |
| 2 Bedroom Unit | - | 1.5 spaces per unit |
| 3 Bedroom Unit | - | 2.5 spaces per unit |

   **Bicycles**:

| | | |
|---|---|---|
| Studio or Efficiency Unit | - | 1 space per unit |
| 1 Bedroom Unit | - | 1 space per unit |
| 2 Bedroom Unit | - | 1.5 spaces per unit |
| 3 Bedroom Unit | - | 2 spaces per unit |

   The required bicycle parking may be located within a structure, in accordance with the provisions of Section 4.1.70.

3. **Group Residential:**
   **Vehicles**:
   - Fraternities, sororities, cooperatives, and boarding houses: 3 spaces for each 5 occupants at capacity (capacity to be based on criteria set forth in the Oregon Structural Specialty Code).
   - Retirement homes, intermediate care facilities, and halfway houses: 1 space for each 3 persons for which sleeping facilities are provided to be based on the maximum number of people to be accommodated.

   **Bicycles**:
   - Fraternities, sororities, cooperatives, and boarding houses: 3 spaces for each 5 occupants at capacity (capacity to be based on criteria set forth in the Oregon Structural Specialty Code).

- Retirement homes, intermediate care facilities, and halfway houses: 10 percent of required vehicle parking, or 2 spaces, whichever is greater.

4. **Group Care:**
   **Vehicles**: 1 space per 1,000 sq. ft of gross floor area
   **Bicycles**: 10 percent of required vehicle parking, or2 spaces, whichever is greater

**b. Civic Use Types:**

*Unlesso therwise noted, the figuresg iven refer to vehicle parking requirements. Unless a specific bicycle parking figure is given, required bicycle parking shall be 10 percent of required vehicle parking or 2 bicycle spaces, whichever isg reater. However, where less than 3 vehicle spaces are required, then only one bicycle parking space shall be required.*

1. **Administrative Services** - 1 space per 400 sq. ft of gross floor area
2. **Community Recreation Buildings** - 1 space per 200 sq. ft of gross floor area
3. **Cultural Exhibits and Library Services**
   **Vehicles**: 1 space per 200 sq. ft of gross floor area
   **Bicycles**: 30 percent of required vehicle parking
4. **Day Care/Small Schools** - 2 spaces for each classroom
5. **Hospitals** - 1 space per 1,000 sq. ft of gross floor area
6. **Lodge, Fraternal, and Civic Assembly** - For that area without eating or drinking facilities - 1 space for each 4 fixed seats (18 lineal inches of bench shall be considered 1 seat). For that area with eating or drinking facilities - 1 space per 4 fixed seats or stools and one space for each 50 sq. ft of dining or drinking area where there are no fixed seats.
7. **Public Safety Services** - 2 spaces per bed (sleeping accommodations) or as per administrative service requirements.
8. **Religious Assembly** - 1 space for each 4 fixed seats (18 lineal in. of bench shall be considered 1 seat) and 1 space for each 50 sq. ft of public assembly area where there are no fixed seats.
9. **Schools**:
   **Vehicles**:
   - Preschool/Kindergarten - 2 spaces per teacher
   - Elementary - 2 spaces per classroom
   - Middle School/Junior High - 3 spaces per classroom
   - Senior High, Vocational (or similar institutions), or University - 6 spaces per classroom

   **Bicycles**:
   - Preschool/Kindergarten - 10 percent of required vehicle parking
   - Elementary - 8 spaces per classroom
   - Middle School/Junior High - 8 spaces per classroom
   - Senior High - 8 spaces per classroom
   - Vocational (or similar institutions), or University - 8 spaces per classroom, plus 25 percent of required vehicle parking

**c. Commercial Use Types (for accompanying office and indoor service areas):**

*Unlesso therwise noted, the figuresg iven refer to vehicle parking requirements. Unless a specific bicycle parking figure is given, required bicycle parking shall be 10 percent of required vehicle parking or 2 spaces, whichever is greater. However, where less than 3 vehicle spaces are required, then only one parking space shall be required.*

1. **Administrative and Professional Services** - 1 space per 400 sq. ft
2. **Agricultural Sales** - 1 space per 400 sq. ft of gross floor area for accompanying office and indoor service area
3. **Agricultural Services** - 1 space per 400 sq. ft of gross floor area
4. **Animal Sales and Services:**
   - **Auctioning** - 1 space per 50 sq. ft of gross floor area

1) The additional spaces are made available through a long-term agreement for public use;

2) The additional spaces are made available through a long-term agreement for use by another development to meet its parking requirement; or

3) After a long-term agreement covered under "1" or "2" above has run out, the additional spaces become necessary to meeting parking standards for an expansion of the building for which the parking structure was originally constructed.

4. **Location of Required Parking** - Required parking shall be provided on property located within the Central Business District and within 750 feet of any new development.

5. **Bicycle Parking** - Bicycle parking minimums shall be provided based upon the bicycle parking requirements described in Section 4.1.30, subsections "a" through "f," for each specific use type.

6. **Parking Reductions by Lot Development Option** - With the reduction of the minimum number of required parking spaces in the CB District, the Lot Development Option shall not be used to further reduce the minimum requirements.

**Section 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS**

All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section. These facilities shall be designed, paved, curbed, drained, striped, and constructed in accordance with the standards established by the City Engineer. A permit from Development Services Division shall be required to construct parking, loading, and access facilities, except for single detached, duplexes, single attached, attached, and manufactured dwellings.

**a. Access to Arterial and Collector Streets**

1. Off-street facilities shall be designed and constructed with turnaround areas to prevent back up movement onto arterial streets.

2. Location and design of all accesses to and/or from arterials and collectors (as designated in the Corvallis Transportation Plan) are subject to review and approval by the City Engineer. Accesses shall be located a minimum of 150 ft from any other access or street intersection. Exceptions to this may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

3. No development site shall be allowed more than 1 access point to any arterial or collector street (as designated in the Corvallis Transportation Plan) except as approved by the City Engineer. Evaluations of exceptions shall consider posted speed of street on which access is proposed, constraints due to lotp atterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

4. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in 2 and 3 above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

**b. Access to Unimproved Streets**

Development may occur without access to a City standard street when that development constitutes infill on an existing substandard public street. A condition of development shall be that the property owner sign an irrevocable petition for public street improvements. The form shall be provided by the City Engineer and recorded with the property through the Benton County Recorder's Office. This shall be required with approval of any of the following applications:

- Land partitions;
- Conditional development;
- Building permits for new non-residential construction or structural additions to non-residential structures (except accessory development); or
- Building permits for new residential units.

**c. Vision Clearance**

1. Except within the Central Business District (CB) vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards adopted by the City Engineer that take into account functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.

2. Traffic control devices, street lights, and utility installations meeting approval by the City Engineer are permitted within vision clearance areas.

**d. Backing or Maneuvering of Vehicles** - Developments required to provide 4 or more parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street other than an alley, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.

**e. Screening** - Screening of all parking areas containing 4 or more spaces and all parking areas in conjunction with an off-street loading facility shall be required in accordance with district requirements and Section 4.20.40 in Chapter 4.2 - Landscaping, Buffering and Screening. Where not otherwise specified by district requirement, screening along a public right-of-way shall include a minimum 5-ft depth of buffer plantings adjacent to the right-of-way.

**f. Lighting** - Provided to illuminate a parking facility shall be arranged to not produce direct glare on adjacent properties.

**g. Setbacks**

Where there will be backing movements from a driveway to the public right-of-way, all off-street parking shall be provided so that a minimum of 19 ft of length is provided from the sidewalk or future sidewalk to a garage or carport. Where no sidewalk location has been established, a 19-ft setback from the right-of-way edge to the parking structure shall be used.

Nothing in this section shall imply or permit a lesser setback than thatr equired by any other section of this Code.

**h. Sidewalks** - Shall be required in accordance with the provisions of Section 4.0.40.

**Accessory Use** - Use customarily incidental and subordinate to the main use of a property and located on the same lot or site as the main use.

**Alteration** - Change, addition, or modification in construction or occupancy of a building or structure.

**Compatible** –The ability of different uses to exist in harmony with each other. "Making uses compatible with each other" implies site development standards that regulate the impact of one use on another.

**Developer** - Any person, including a governmental agency, undertaking development.

**Development** - Making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, changing the land use designation, or creating or terminating a right of access. Where appropriate to the context, development refers to the act of developing or the result of development.

**Development, Intensity of** - Relative measure of development impact as defined by characteristics such as the number of dwelling units per acre, amount of traffic generated, and amount of site coverage.

**Development-Related Concerns** - Identification on the Notice of Disposition for a development approval of issues that are worthy of special attention for the developer or for permitting agencies. These are generally issues raised during the development review process.

**Development Site** - Legally established lots or parcels of land occupied or capable of being occupied by a building or group of buildings including accessory structures and accessory uses, together with yards or open spaces, setback areas, and access as required by this Code.

**Family** - An individual or two or more persons related by blood, adoption, or marriage, or a group of not more than five adults unrelated by blood or marriage, living together in a dwelling unit. As used in this Code, "family" also refers to not more than five unrelated physically or mentally handicapped, elderly, or drug- or alcohol-dependent persons receiving treatment, and any number of resident staff persons engaged in their care. The relevant Oregon Revised Statutes that pertain to this definition include ORS 197.660(2) and ORS 197.665.

**Land, Intensity of** - Relative measure of development impact as defined by characteristics such as the number of dwelling units per acre, amount of traffic generated, and amount of site coverage.

**Principal Use** - Primary or predominant use.

**Redevelopment** – Restoring or replacing existing buildings.

**Use** - Purpose of or activity on a site.

# APPLICABLE LDC REVIEW CRITERIA FOR CASE MIS06-00051

## Section 1.4.10 - BACKGROUND

As used in this chapter, nonconforming development includes nonconforming structures and nonconforming uses. A nonconforming structure is a structure that does not fully comply with the district provision because of setbacks, building height, off-street parking, or with some other standard of the district. A nonconforming use is a use that is not permitted outright or has not received conditional approval in the district, but was lawfully begun prior to it becoming nonconforming.

Within the development districts established by this Code, development may exist that was lawful at the time it began, but would be prohibited in the future under the terms of this Code or future amendments.

In order to avoid undue hardship, nothing in this Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Code and upon which actual building construction has been carried on diligently. Construction is considered to have started if excavation, demolition, or removal of an existing building has begun in preparation to rebuilding, and a building permit has been acquired, prior to the effective date of adoption or amendment of this Code.

## Section 1.4.20 - PURPOSES

a. Permit nonconformities to continue, but not to encourage their perpetuation.

b. Ultimately bring development into conformance with this Code and the Comprehensive Plan.

## Section 1.4.30 - GENERAL PROVISIONS

### 1.4.30.01 - Alterations of a Nonconforming Use

No building, structure, or land area devoted to a nonconforming use shall be enlarged, extended, reconstructed, moved, or structurally altered unless such development conforms to the provisions of this Code. Nothing in this chapter shall be construed to prohibit normal repair, maintenance, and nonstructural alterations to such development, nor the alteration, strengthening, or restoration to safe condition as may be required by law.

1.4.30.02 - Alteration of a Nonconforming Structure

Where the use of a structure is permitted by the applicable development district but the structure is nonconforming, an alteration, expansion, enlargement, extension, reconstruction, or relocation may be administratively approved if the improvement, evaluated separately from the existing structure, would be in compliance, and is not within a vision clearance area as determined by the City Engineer.

Section 1.6.30 - SPECIFIC WORDS AND TERMS

Accessory Use - Use customarily incidental and subordinate to the main use of a property and located on the same lot or site as the main use.

Building - Structure having a roof supported by columns or walls and used or intended for the shelter, housing, or enclosure of any individuals, animals, processes, equipment, goods, or materials of any kind.

Church - Permanently located, fully enclosed building used primarily for religious worship.

Development - Making a material change in the use or appearance of a structure or land, dividing land into two or more parcels, changing the land use designation, or creating or terminating a right of access. Where appropriate to the context, development refers to the act of developing or the result of development.

Development, Intensity of - Relative measure of development impact as defined by characteristics such as the number of dwelling units per acre, amount of traffic generated, and amount of site coverage.

Discontinued Use - A use that has ceased to be active. Shall not require a determination of the voluntary or involuntary nature of the discontinuance or intent to resume the use. Rental payments or lease payments and taxes are not considered a continued use.

Land, Intensity of - Relative measure of development impact as defined by characteristics such as the number of dwelling units per acre, amount of traffic generated, and amount of site coverage.

Legal Nonconforming Development - Lawful existing structure or use that does not conform to current requirements of the Code, but which existed before this Code or any amendment to it became effective.

Nonconforming Development - See "Legal Nonconforming Development." Also pertains to an unlawful existing structure or use that does not conform to the requirements of the Code or any of its predecessors.

Permitted Outright - Development activity not subject to discretionary review. An example is a detached single-family residence in an RS-3.5 Zone.

Principal Use - Primary or predominant use

Redevelopment – Restoring or replacing existing buildings.

Structure - Combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Use - Purpose of or activity on a site.

## Section 4.1.20 - GENERAL PROVISIONS

d. Alteration of Existing Structures - When an existing structure is altered to the extent that the existing use is intensified, vehicle and bicycle parking shall be provided in the amount required for such intensification.

When increased intensity requires no more than 2 vehicle spaces, no additional parking facilities shall be required. However, the effects of changes, additions, or enlargements shall be cumulative, and when the net effect of one or more changes generates a need for more than 2 spaces, they shall be provided. Additional spaces shall be required for the intensification but not for the original use.

e. Change in Use - When an existing structure is changed in use from one use type to another use type as listed in Section 4.1.30 below and the vehicle and bicycle parking requirements for each use type are the same, no additional parking shall be required. However, where a change in use results in an intensification of use in terms of number of vehicle and bicycle parking spaces required, additional parking space shall be provided in an amount equal to the difference between the number of spaces required for the existing use and number of spaces required for more intensive use.

## Section 4.1.30 - OFF-STREET PARKING REQUIREMENTS

Minimum parking requirements for use types in all areas of the City, with the exception of the CB (Central Business) District, are described in Sections 4.1.30.a through 4.1.30.f. Minimum parking requirements for the CB District are described in Section 4.1.30.g.

a. Residential Uses Per Building Type:
3. Group Residential:
Vehicles:

- Fraternities, sororities, cooperatives, and boarding houses: 3 spaces for each 5 occupants at capacity (capacity to be based on criteria set forth in the Oregon Structural Specialty Code).
- Retirement homes, intermediate care facilities, and halfway houses: 1 space for each 3 persons for which sleeping facilities are provided to be based on the maximum number of people to be accommodated.

Bicycles:

- Fraternities, sororities, cooperatives, and boarding houses: 3 spaces for each 5 occupants at capacity (capacity to be based on criteria set forth in the Oregon Structural Specialty Code).
- Retirement homes, intermediate care facilities, and halfway houses: 10 percent of required vehicle parking, or 2 spaces, whichever is greater.

b. Civic Use Types:

*Unless otherwise noted, the figures given refer to vehicle parking requirements. Unless a specific bicycle parking figure is given, required bicycle parking shall be 10 percent of required vehicle parking or 2 bicycle spaces, whichever is greater. However, where less than 3 vehicle spaces are required, then only one bicycle parking space shall be required.*

8. Religious Assembly - 1 space for each 4 fixed seats (18 lineal in. of bench shall be considered 1 seat) and 1 space for each 50 sq. ft of public assembly area where there are no fixed seats.

c. Commercial Use Types (for accompanying office and indoor service areas):

*Unless otherwise noted, the figures given refer to vehicle parking requirements. Unless a specific bicycle parking figure is given, required bicycle parking shall be 10 percent of required vehicle parking or 2 spaces, whichever is greater. However, where less than 3 vehicle spaces are required, then only one parking space shall be required.*

14. Financial, Insurance, and Real Estate Services - 1 space per 400 sq. ft of gross floor area
21. Personal Services, General - 1 space per 400 sq. ft of gross floor area

Section 4.1.40 - STANDARDS FOR OFF-STREET PARKING AND ACCESS

All off-street parking facilities, vehicular maneuvering areas, driveways, loading facilities, accessways, and private streets shall conform to the standards set forth in this section. These facilities shall be designed, paved, curbed, drained, striped, and constructed in accordance with the standards established by the City Engineer.

A permit from Development Services Division shall be required to construct parking, loading, and access facilities, except for single detached, duplexes, single attached, attached, and manufactured dwellings.

a. Access to Arterial and Collector Streets

1. Off-street facilities shall be designed and constructed with turnaround areas to prevent back up movement onto arterial streets.
2. Location and design of all accesses to and/or from arterials and collectors (as designated in the Corvallis Transportation Plan) are subject to review and approval by the City Engineer. Accesses shall be located a minimum of 150 ft from any other access or street intersection. Exceptions to this may be granted by the City Engineer. Evaluations of exceptions shall consider posted speed of the street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.
3. No development site shall be allowed more than 1 access point to any arterial or collector street (as designated in the Corvallis Transportation Plan) except as approved by the City Engineer. Evaluations of exceptions shall consider posted speed of street on which access is proposed, constraints due to lot patterns, and effects on safety and capacity of the adjacent public street, bicycle and pedestrian facilities.
4. When developed property is to be expanded or altered in a manner that significantly affects on-site parking or circulation, both existing and proposed accesses shall be reviewed under the standards in 2 and 3 above. As a part of an expansion or alteration approval, the City may require relocation and/or reconstruction of existing accesses not meeting those standards.

c. Vision Clearance

1. Except within the Central Business District (CB) vision clearance areas shall be provided at intersections of all streets and at intersections of driveways and alleys with streets to promote pedestrian, bicycle, and vehicular safety. The extent of vision clearance to be provided shall be determined from standards adopted by the City Engineer that take into account functional classification of the streets involved, type of traffic control present at the intersection, and designated speed for the streets.
2. Traffic control devices, street lights, and utility installations meeting approval by the City Engineer are permitted within vision clearance areas.

d. **Backing or Maneuvering of Vehicles - Developments required to provide 4 or more parking spaces shall not have backing or maneuvering movements for any of the parking spaces occurring across public sidewalks or within any public street other than an alley, except as approved by the City Engineer. Evaluations of requests for exceptions shall consider constraints due to lot patterns and impacts to the safety and capacity of the adjacent public street, bicycle and pedestrian facilities.**

i. **Driveways - Shall be surfaced as required by standards established by the City Engineer. No driveway shall traverse a slope in excess of 15 percent at any point along the driveway length. The location and design of the driveway within the lot frontage shall provide for unobstructed sight per the vision clearance requirements in Section 4.1.40.c. Requests for exceptions to these requirements will be evaluated by the City Engineer considering the physical limitations of the lot and safety impacts to vehicular, bicycle, and pedestrian traffic.**

# CHAPTER 3.13
# SA(U) (SHOPPING AREA - UNIVERSITY) DISTRICT

## Section 3.13.10 - PURPOSE

This district implements the Commercial Use Comprehensive Plan designation. This district is intended to provide for concentrations of small retail businesses, commercial, and personal service activities in areas that are adjacent to Oregon State University and which have a large concentration of pedestrian activity. The intent is to promote efficient commercial development of these areas by emphasizing their unique orientation to the pedestrian rather than to the automobile. Development shall reflect the predominant existing development pattern in the district and be compatible with nearby residential areas.

## Section 3.13.20 - PERMITTED USES

### 3.13.20.01 - General Development

**a. Primary Uses Permitted Outright:**

1. Civic Use Types:
   - Administrative Services
   - Cultural Exhibits and Library Services
   - Lodge, Fraternal, and Civic Assembly
   - Parking Services
   - Postal Services
   - Public Safety Services

2. Commercial Use Types: (Intended to provide convenience shopping needs for the neighboring residential area as well as the more general retail and service needs of the university population):
   - Animal Sales and Services:
     - Veterinary (Small Animals)
     - Grooming
   - Business Equipment Sales and Services
   - Communications Services - Service Centers Only
   - Convenience Sales and Personal Services
   - Eating and Drinking Establishments, Sit-down
   - Fast Order Food Establishments
   - Financial, Insurance, and Real Estate Services
   - Food and Beverage Retail Sales
   - Fuel Sales
   - Personal Services - General
   - Repair Services - Consumer
   - Retail Sales - University

**b. Accessory Uses Permitted Outright:**

1. Essential Services
2. (a) Residential Use Types:
   - Family
   - Group Residential/Group Care

   (b) Residential Building Type:
   - Multi-Dwelling

3. Other development customarily incidental to the primary use in accordance with Chapter 4.3

4. 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.
5. 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.

### 3.13.20.02 - Special Development - Uses Allowed Through Discretionary Review.

a. **Type I: Conditional Development** - Subject to review in accordance with Chapter 2.3 and all other applicable provisions of this Code.

1. Major Services and Utilities
2. Religious Assembly
3. Spectator Sports and Entertainment, Limited
4. Freestanding wireless telecommunication facilities greater than 75 ft in height, subject to the standards in Chapter 4.9.
5. Freestanding wireless telecommunication facilities that do not meet the setback or spacing standard requirements of Sections 4.9.60.02.b and 4.9.60.02.c, subject to the standards in Chapter 4.9.
6. Colocated/attached wireless telecommunication facilities on multi-family (3 or more stories) residential structures that 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.
7. Colocated/attached wireless telecommunication facilities on nonresidential structures that 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.

b. **Type II: Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and all other applicable provisions of this Code.

1. Drive-in Facilities (Financial Institutions, Personal Services, *etc.*)
2. Minor Utilities subject to standards in Chapter 4.9
3. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50.
   *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*
4. Freestanding wireless telecommunication facilities up to 75 ft in height, subject to the standards in Chapter 4.9.

## Section 3.13.30 - DEVELOPMENT STANDARDS

### 3.13.30.01 - Dimensional Requirements

The site size permitted in this district shall be adequate to fulfill the applicable environmental standards and other development standards.

### 3.13.30.02 - Height of Structures

The maximum height of structures shall not exceed 30 ft.

### 3.13.30.03 - Setback Requirements

a. There is no minimum setback (other than those required by the Uniform Building Code or vision clearance triangles) for any commercial structure that abuts a public right-of-way or a commercial district.

b. The following setbacks shall apply when a commercial structure abuts a residential district:

1. If both structures have windows facing each other there shall be a minimum separation of 25 ft.

2. If either structure has windows facing a blank wall there shall be a minimum separation of 15 ft.

3. If both structures have opposing blank walls there shall be a minimum separation of 10 ft.

**Section 3.13.40 - ENVIRONMENTAL STANDARDS**

a. Noise created by venting and air-conditioning shall be directed away from any adjacent residential district.

b. Fumes and odors shall be directed away from any adjacent residential district.

c. Artificial lighting shall be arranged and constructed as to not produce direct glare on adjacent residential properties.

**Section 3.13.50 - LANDSCAPING, SCREENING AND WEATHER PROTECTION**

a. Landscaping and screening shall be required, in accordance with Chapter 4.2. In addition, parking areas that abut residential uses shall be screened from such uses by a wall that effectively reduces or eliminates the adverse effects of visual and noise pollution.

b. Structures which abut a public right-of-way shall incorporate eaves, canopies or awnings of adequate width to provide weather protection into their design.

**Section 3.13.60 - OFF-STREET PARKING**

Parking, loading, and access shall meet the requirements in Chapter 4.1 except as modified by the following standards:

a. All parking shall be located in the rear portion of the development site.

b. The number of required parking spaces may be reduced by up to 33% of that specified in Section 4.1.30 where all of the following criteria can be demonstrably met:

1. Customers would primarily walk or rely on bicycles; and

2. The anticipated times of parking demand would not conflict with other parking demands in the area; and

3. Employee and delivery truck parking is available; and

4. A partial waiver from on-site parking requirements would not adversely affect parking in the surrounding areas.

c. One bicycle parking space shall be provided for each 200 sq. ft of gross floor area.

# CHAPTER 4.0
# IMPROVEMENTS REQUIRED WITH DEVELOPMENT
(Amended 6/05/06)

## 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 within Article IV.

## Section 4.0.20 - EXCEPTIONS

a. Single family residential development on existing lots are exempt from this chapter, with the exception of Section 4.0.40 - Pedestrian Requirements.

## Section 4.0.30 - TIMING OF IMPROVEMENTS

a. All improvements required by the standards in this chapter shall be installed concurrently with development, as follows:

   1. Where a land division is proposed, each proposed lot shall have required public and franchise utility improvements installed or secured in accordance with the provisions of 2.4.40.09 prior to approval of the final plat.

   2. Where a land division is not proposed, the site shall have required public and franchise utility improvements installed or secured in accordance with the provisions of 2.4.40.09 prior to occupancy of structures.

b. Where specific approval for a phasing plan has been granted for a planned development and/or subdivision, improvements may similarly be phased in accordance with that plan.

## Section 4.0.40 - PEDESTRIAN REQUIREMENTS

a. Sidewalks shall be required along both sides of all arterial, collector, and local streets, as follows:

   1. Sidewalks shall be a minimum of 5 ft wide on local through streets and a minimum of 4 ft wide on cul-de-sacs. The sidewalks shall be separated from curbs by a tree planting area that provides at least 6 ft of separation between sidewalk and curb.

   2. Sidewalks along arterial and collector streets shall be separated from curbs with a planted area. The planted area shall be a minimum of 12 ft wide and landscaped with trees and plant materials approved by the City. The sidewalks shall be a minimum of 6 ft wide.

   3. The timing of the installation of sidewalks shall be as follows:

      (a) Sidewalks and planted areas along arterial and collector streets shall be installed with street improvements.
      (b) Sidewalks along local streets shall be installed in conjunction with development of the site, generally with building permits, except as noted in (c) below.
      (c) Where sidewalks on local streets abut common areas, drainageways, or other publicly owned areas, the sidewalks and planted areas shall be installed with street improvements.

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 would interfere with or discourage pedestrian travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of pedestrians considering destination and length of trip.

2. To meet the intent of "b" above, pedestrian rights-of-way connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft wide. When these connections are less than 220 ft long (measuring both the on-site and the off-site portions of the path) and they directly serve 10 or fewer on-site dwellings, the paved improvement shall be no less than 5 ft wide. Connections that are either longer than 220 ft or serving more than 10 on-site dwellings shall have wider paving widths as specified in Section 4.0.50.c.

3. Internal pedestrian circulation shall be encouraged in new developments by clustering buildings, constructing convenient pedestrian ways, and/or constructing skywalks where appropriate. Pedestrian walkways shall be provided in accordance with the following standards:

   (a) The on-site pedestrian circulation system shall connect the sidewalk on each abutting street to the main entrance of the primary structure on the site to minimize out-of-direction pedestrian travel.

   (b) Walkways shall be provided to connect the on-site pedestrian circulation system with existing or planned pedestrian facilities which abut the site but are not adjacent to the streets abutting the site.

   (c) Walkways shall be as direct as possible and avoid unnecessary meandering.

   (d) Walkway/driveway crossings shall be minimized, and internal parking lot circulation design shall maintain ease of access for pedestrians from abutting streets, pedestrian facilities, and transit stops.

   (e) With the exception of walkway/driveway crossings, walkways shall be separated from vehicle parking or maneuvering areas by grade, different paving material, or landscaping. They shall be constructed in accordance with the sidewalk standards adopted by the City Engineer. (This provision does not require a separated walkway system to collect drivers and passengers from cars that have parked on site unless an unusual parking lot hazard exists).

c. Where a development site is traversed by or adjacent to a future trail linkage identified within either the Corvallis Transportation Plan or the Trails Master Plan, improvement of the trail linkage shall occur concurrent with development. Dedication of the trail to the City shall be provided in accordance with Section 4.0.110.d.

d. To provide for orderly development of an effective pedestrian network, pedestrian facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

e. To ensure improved access between a development site and an existing developed facility such as a commercial center, school, park, or trail system, the Planning Commission or Director may require off-site pedestrian facility improvements concurrent with development.

f. Prior to development, applicants shall perform a site inspection and identify any Contractor Sidewalk/street Stamps in existing sidewalks that will be impacted by the development. If such a Contractor Sidewalk/street Stamp exists, it shall either be left in its current state as part of the existing sidewalk; or incorporated into the new sidewalk for the development site, as close as possible to the original location and orientation.

**Section 4.0.50 - BICYCLE REQUIREMENTS**

a. On-street bikelanes shall be required on all arterial and collector streets and constructed at the time of street improvements.

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.

   1. For the purposes of this section, "safe and convenient" means bicycle facilities which: are reasonably free from hazards which would interfere with or discourage bicycle travel for short trips; provide a direct route of travel between destinations; and meet the travel needs of bicyclists considering destination and length of trip.

   2. Bicycle/pedestrian rights-of-way connecting cul-de-sacs or passing through unusually long or oddly shaped blocks shall be a minimum of 15 ft wide.

c. Adequate widths for pedestrian/bicycle facilities shall be provided in accordance with the following standards:

   1. 8 ft bikepaths should be used where long term bicycle and pedestrian usage is expected to be relatively low (a neighborhood facility rather than a community-wide facility) and with proper alignment to ensure adequate sight distance.

   2. 10 ft shall be used as a standard width for two-way bikepaths.

   3. 12 ft bikepaths shall be provided in areas with high bicycle volumes or multiple use by bicyclists, pedestrians and joggers.

d. To provide for orderly development of an effective bicycle network, bicycle facilities installed concurrent with development of a site shall be extended through the site to the edge of adjacent property(ies).

**Section 4.0.60 - TRANSIT REQUIREMENTS**

a. Development sites located along existing or planned transit routes shall, where appropriate, incorporate bus pull-outs and shelters into the site design. These improvements shall be installed in accordance with the guidelines and standards of the Corvallis Transit System (*i.e.*, bus pull-outs are typically spaced at 1500 ft apart).

b. New developments at or near existing or planned transit stops shall design development sites to provide safe, convenient access to the transit system, as follows:

   1. All commercial and civic use developments shall provide a prominent entrance oriented towards arterial and collector streets, with front setbacks reduced as much as possible to provide access for pedestrians, bicycles and transit.

   2. All developments shall provide safe, convenient pedestrian walkways between the buildings and the transit stop, in accordance with the provisions of Section 4.0.40.b.

## Section 4.0.70 - STREET REQUIREMENTS

a. Traffic evaluations shall be required of all development proposals in accordance with the following:

1. A proposal establishing the scope of the traffic evaluation shall be submitted for review to the City Engineer. The 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, the applicant shall 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.

2. If the traffic evaluation identifies level-of-service conditions less than the minimum standard established in the Corvallis Transportation Plan, improvements and funding strategies mitigating the problem shall be considered concurrent with a development proposal.

b. Location of new arterial streets shall conform to the Corvallis Transportation Plan in accordance with the following:

1. Arterial streets should generally be spaced in one-mile intervals.

2. Traffic signals should generally not be spaced closer than 1500 ft for reasonable traffic progression.

c. Local streets shall be designed to discourage through traffic. *NOTE: For the purposes of this section, "through traffic" means the traffic traveling through an area that does not have a local origination or destination.* To discourage through traffic the following street designs shall be considered, as well as other designs intended to discourage traffic:

1. Straight segments of local streets should be kept to less than a quarter mile in length, and include design features such as curves and "T" intersections.

2. Local streets should typically intersect in "T" configurations rather than 4-way intersections to minimize conflicts and discourage through traffic. Adjacent "T" intersections shall maintain a minimum of 125 ft between the nearest edges of the 2 rights-of-way.

3. Cul-de-sacs should not exceed 600 ft nor serve more than 18 dwelling units.

d. Development sites shall be provided with access from a public street improved to City standards in accordance with the following:

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.

2. Half-street improvements, as opposed to full-width street improvements, are generally not acceptable. However, these may be approved by the Planning Commission or Director where essential to the reasonable development of the property. Approval for half-street improvements may be allowed when other standards required for street improvements are met and when the Planning Commission or the Director finds that it will be possible to obtain the dedication and/or improvement of the remainder of the street when property on the other side of the half-street is developed.

3. To ensure improved access to a development site consistent with policies on orderly urbanization and extension of public facilities the Planning Commission or Director may require off-site street improvements concurrent with development.

e. To provide for orderly development of adjacent properties, public streets installed concurrent with development of a site shall be extended through the site to the edge of the adjacent property(ies) in accordance with the following:

1. Temporary dead-ends created by this requirement to extend street improvements to the edge of adjacent properties may be installed without turn-arounds, subject to the approval of the Fire Marshal.

2. In order to assure the eventual continuation or completion of the street, reserve strips may be required in accordance with 2.4.40.04.

3. Drainage facilities shall be provided to properly manage storm water run-off from temporary dead-ends.

f. Where required by the Planning Commission or Director, public street improvements may be required through a development site to provide for the logical extension of an existing street network or to connect a site with a nearby neighborhood activity center, such as a school or park. Where this creates a land division incidental to the development, a land partition shall be completed in accordance with Chapter 2.14 concurrent with the development.

g. Except for extensions of existing streets, no street names shall be used that will duplicate or be confused with names of existing streets. Street names and numbers shall conform to the established pattern in the surrounding area and be subject to approval of the Director.

h. To provide off-street loading and/or access to parking areas, alleys shall be provided in commercial and industrial districts to serve abutting properties unless other permanent provisions are approved by the Planning Commission or Director.

i. Location, grades, alignment, and widths for all public streets shall be considered in their relation to existing and planned streets, topographical conditions, public convenience and safety, and proposed land use. Where topographical conditions present special circumstances, exceptions to these standards may be granted by the City Engineer provided the safety and capacity of the street network is not adversely effected. The following standards shall apply:

1. Location of streets in a development shall not preclude development of adjacent properties. Streets shall conform to planned street extensions identified in the Corvallis Transportation Plan and/or provide for continuation of the existing street network in the surrounding area.

2. Grades shall not exceed 6 percent on arterial streets, 10 percent on collector streets, and 15 percent on local streets.

3. As far as practical, arterial streets and collector streets shall be extended in alignment with existing streets by continuation of the street centerline. When staggered street alignments resulting in "T" intersections are unavoidable, they shall leave a minimum of 200 ft between the nearest edges of the two rights-of-way.

4. Centerline radii of curves shall not be less than 500 ft on arterial streets, 300 ft on collector streets, and 100 ft on local streets.

5. Streets shall be designed to intersect at angles as near as practicable to right angles and shall comply with the following:

(a) The intersection of an arterial or collector street with another arterial or collector street shall have a minimum of 100 ft of straight (tangent) alignment perpendicular to the intersection.

(b) The intersection of a local street with another street shall have a minimum of 50 ft of straight (tangent) alignment perpendicular to the intersection.

(c) Where right angle intersections are not possible, exceptions can be granted by the City Engineer provided that intersections not at right angles have a minimum corner radius of 20 ft along the right-of-way lines of the acute angle.

(d) Intersections with arterial streets shall have a minimum curb corner radius of 20 ft. All other intersections shall have a minimum curb corner radius of 10 ft.

6. Right-of-way and improvement widths shall be as specified in the table below.

| FACILITY | FEATURE | WIDTH (ft) | NUMBER | FEATURE WIDTH (ft) | ROW WIDTH |
|---|---|---|---|---|---|
| **Local Street** | Travel Lanes | 14 | 1 | 14 | |
| | Parking | 7 | 2 | 14 | |
| | **Total Curb-to-Curb Width →** | | | **28** | |
| | Park Strip | 6 | 2 | 12 | |
| | Sidewalks | 5 | 2 | 10 | |
| | **Total Width →** | | | **50** | 50 |
| **Cul-de-sac Bulb** | Bulb Radius | 38 | --- | 38 | |
| | Park Strip | 6 | --- | 6 | |
| | Sidewalks | 4 | --- | 4 | |
| | **Total Radius →** | | | **48** | 48 |
| **2 Lane Collector** | Travel Lanes | 12 | 2 | 24 | |
| | Bikelanes | 6 | 2 | 12 | |
| | **Total Curb-to-Curb Width →** | | | **36** | |
| | Park Strip | 12 | 2 | 24 | |
| | Sidewalks | 5 | 2 | 10 | |
| | **Total Width →** | | | **70** | 70 |
| **3 Lane Collector** | Travel Lanes | 10 | 2 | 20 | |
| | Left Turn Lane | 12 | 1 | 12 | |
| | Bikelanes | 6 | 2 | 12 | |
| | **Total Curb-to-Curb Width →** | | | **44** | |
| | Park Strip | 12 | 2 | 24 | |
| | Sidewalks | 5 | 2 | 10 | |
| | **Total Width →** | | | **78** | 78 |

| FACILITY | FEATURE | WIDTH (ft) | NUMBER | FEATURE WIDTH (ft) | ROW WIDTH |
|---|---|---|---|---|---|
| **2 Lane Arterial** | Travel Lanes | 12 | 2 | 24 | |
| | Bikelanes | 6 | 2 | 12 | |
| | **Total Curb-to-Curb Width →** | | | **36** | |
| | Park Strip | 12 | 2 | 24 | |
| | Sidewalks | 5 | 2 | 10 | |
| | **Total Width →** | | | **70** | 70 |
| **3 Lane Arterial** | Same as 2 Lane Arterial, but with one additional 12 ft wide lane | | | | |
| | **Total Curb-to-Curb Width →** | | | **48** | |
| | **Total Width →** | | | **82** | 82 |
| **4 Lane Arterial** | Same as 2 Lane Arterial, but with two additional 12 ft wide lanes | | | | |
| | **Total Width →** | | | **94** | 94 |
| **5 Lane Arterial** | Same as 2 Lane Arterial, but with three additional 12 ft wide lanes | | | | |
| | **Total Width →** | | | **106** | 106 |

j. Where standards do not exist to address unusual situations, the Planning Commission or Director may require as conditions of development approval of special design standards recommended by the City Engineer.

k. Private streets, though discouraged in conjunction with land divisions, may be considered within a development site provided all the following conditions are met:

1. Extension of a public street through the development site is not needed for continuation of the existing street network or for future service to adjacent properties;

2. The development site remains in one ownership, or adequate mechanisms are established (such as a homeowners' association invested with the authority to enforce payment) to ensure that a private street installed with a land division will be adequately maintained; and

3. Where a private street is installed in conjunction with a land division, paving standards consistent with City standards for public streets shall be utilized to protect the interests of future homeowners.

l. Development shall include underground electric services, light standards, wiring and lamps for streetlights according to the specifications and standards of the City Engineer. The developer shall be responsible for installation of underground conduit for street lighting along all public streets improved in conjunction with such development in accordance with the following:

1. The developer shall coordinate with the City Engineer to determine the location of future street light poles.

2. The streetlight plan shall be designed to provide illumination meeting standards set by the City Engineer.

3. The standard street light installation is a wood pole.

The developer shall install such facilities and make the necessary arrangements with the serving electric utility for the City-owned and operated street lighting system to be served at the lowest applicable rate available to the City. Upon City's acceptance of such development improvements, the street lighting system, exclusive of utility-owned service lines, shall be and become the property of the City.

## 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.

## Section 4.0.90 - PUBLIC IMPROVEMENT PROCEDURES

It is in the best interests of the community to ensure public improvements installed in conjunction with development are constructed in accordance with all applicable City policies, standards, procedures, and ordinances. Therefore, prior to commencement of installation of public water, sanitary sewer, storm drainage, streetlights, street, bicycle, or pedestrian improvements for any development site, developers shall contact the City Engineer to receive information regarding adopted procedures governing plan submittal, plan review and approval, permit requirements, inspection and testing requirements, progress of the work, and provision of easements, dedications, and as-built drawings for installation of public improvements. All work shall proceed in accordance with those adopted procedures, and all applicable City policies, standards, and ordinances.

Whenever any work is being done contrary to the provisions of this Code, the Director may order the work stopped by notice in writing served on the persons engaged in performing the work or causing the work to be performed. The work shall stop until authorized by the Director to proceed with the work or with corrective action to remedy substandard work already completed.

## Section 4.0.100 - FRANCHISE UTILITY INSTALLATIONS

These standards are intended to supplement, not replace or supersede, requirements contained within individual franchise agreements the City has with providers of electrical power, telecommunication, cable television, and natural gas services (hereafter referred to as "franchise utilities").

a. Where a land division is proposed, the developer shall provide franchise utilities to the development site. Each lot created with a subdivision shall have an individual service available or secured in accordance with provisions of Section 2.4.40 prior to approval of the final plat.

b. Where necessary, in the judgement of the Director, to provide for orderly development of adjacent properties, franchise utilities shall be extended through the site to the edge of adjacent property(ies), whether or not the development involves a land division.

c. The developer shall have the option of choosing whether or not to provide natural gas or cable television service to the development site, providing all of the following conditions exist:

   1. Extension of franchise utilities through the site is not necessary for the future orderly development of adjacent property(ies);

   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 Section 4.0.70.f. above); and

   3. The development is non-residential.

d. Where a land division is not proposed, the site shall have franchise utilities required by this section provided in accordance with the provisions of Section 2.4.40 prior to occupancy of structures.

e. All franchise utility distribution facilities installed to serve new development shall be placed underground except as provided below. The following facilities may be installed above-ground:

   1. Poles for traffic signals, pedestals for police and fire system communications and alarms, pad mounted transformers, pedestals, pedestal mounted terminal boxes and meter cabinets, concealed ducts, substations, or facilities used to carry voltage higher than 35,000 volts;

   2. Overhead utility distribution lines may be permitted upon approval of the City Engineer when unusual terrain, soil, or other conditions make underground installation impracticable. Location of such overhead utilities shall follow rear or side lot lines wherever feasible.

f. The developer shall be responsible for making necessary arrangements with franchise utility providers for provision of plans, timing of installation, and payment for services installed. Plans for franchise utility installations shall be submitted concurrent with plan submittal for public improvements to facilitate review by the City Engineer.

## Section 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 a public right-of-way in accordance with the following:

   1. When located between adjacent lots, easements shall be provided on one side of a lot line.

   2. The minimum easement width for a single utility is 15 ft. The minimum easement width for two adjacent utilities is 20 ft. The easement width shall be centered on the utility to the greatest extent practicable. Wider easements may be required for unusually deep facilities.

b. Public utility easements with a minimum width of 7 ft shall be provided adjacent to all street rights-of-way for franchise utility installations.

c. Where a development site is traversed by a drainageway or water course, drainageway improvements in accordance with the Corvallis Drainage Master Plan and a drainageway dedication in accordance with the requirements of Chapter 4.5 shall be provided to the City.

d. Where a development site is traversed by, or adjacent to, a future trail linkage identified within either the Corvallis Transportation Plan or the Trails Master Plan, dedications of suitable width to accommodate the trail linkage shall be provided. This width shall be determined by the City Engineer, considering the type of trail facility involved.

e. Where existing rights-of-way and/or easements within or adjacent to development sites are nonexistent or of insufficient width, dedications may be required. The need for and widths of those dedications shall be determined by the City Engineer.

f. Where easement or dedications are required in conjunction with land divisions, they shall be recorded on the plat. Where a development does not include a land division, easements and/or dedications shall be recorded on standard document forms provided by the City Engineer.

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 be reserved for public acquisition for a period not to exceed 2 years.

h. Environmental assessments shall be provided by the developer for all lands to be dedicated to the public or City. An environmental assessment shall include information necessary for the City to evaluate potential liability for environmental hazards, contamination, or required waste cleanups related to the dedicated land. An environmental assessment shall be completed prior to the acceptance of dedicated lands in accordance with the following:

   1. The initial environmental assessment shall detail the history of ownership and general use of the land by past owners. Upon review of the information provided by the grantor, as well as any site investigation by the City, the Director will determine if the risks of potential contamination warrant further investigation. When further site investigation is warranted, a Level I Environmental Assessment shall be provided by the grantor.

   2. Level I Environmental Assessments shall include data collection, site reconnaissance, and report preparation. Data collection shall include review of Oregon Department of Environmental Quality records, City and County fire department records, interviews with agency personnel regarding citations or enforcement actions issued for the site or surrounding sites that may impact the site, review of available historic aerial photographs and

maps, interviews with current and available past owners of the site, and other data as appropriate. Site reconnaissance shall include a walking reconnaissance of the site checking for physical evidence of potentially hazardous materials that may impact the site. Report preparation shall summarize data collection and site reconnaissance, assess existing and future potential for contamination of the site with hazardous materials, and recommend additional testing if there are indications of potential site contamination. Level I Environmental Assessment reports shall be signed by a registered professional engineer.

3. If a Level I Environmental Assessment concludes that additional environmental studies or site remediation are needed, no construction permits shall be issued until those studies are submitted and any required remediation is completed by the developer and/or owner. Additional environmental studies and/or required remediation shall be at the sole expense of the developer and/or owner. The City reserves the right to refuse acceptance of land identified for dedication to public purposes if risk of liability from previous contamination is found.

## Section 4.0.120 - MAIL DELIVERY FACILITIES

a. In establishing placement of mail delivery facilities locations of sidewalks, bikeways, intersections, existing or future driveways, existing or future utilities, right-of-way and street width, and vehicle, bicycle and pedestrian movements shall be considered. The final location of these facilities shall meet the approval of the City Engineer and the Post Office. Where mail delivery facilities are being installed in conjunction with a land division, placement shall be indicated on the plat and meet the approval of the City Engineer and the Post Office prior to final plat approval.

b. Where mail delivery facilities are proposed to be installed in areas with an existing or future curbside sidewalk, a sidewalk transition shall be provided that maintains the required design width of the sidewalk around the mail delivery facility. If the right-of-way width will not accommodate the sidewalk transition, a sidewalk easement shall be provided adjacent to the right-of-way.

c. Mail delivery facilities and the associated sidewalk transition (if necessary) around these facilities shall conform with the City's standard construction specifications. Actual mailbox units shall conform with the Post Office standards for mail delivery facilities.

d. Installation of mail delivery facilities is the obligation of the developer. These facilities shall be installed concurrently with the public improvements. Where development of a site does not require public improvements, mail delivery facilities shall be installed concurrently with private site improvements.

## Section 4.0.130 - PONDING AREAS AND FLOOD HAZARDS

a. Areas subject to ponding of surface water or flooding shall not be developed until necessary measures have been taken to mitigate the situation. Such measures may be required by the Planning Commission or Director as conditions of development approval.

b. The developer shall submit proposed mitigation measures to the City Engineer for review. The City Engineer shall report to the Planning Commission or the Director on the adequacy of the proposed mitigation measures.

c. Existence of a ponding area or flood hazard may be cause for revision of the development proposal or denial of the requested development.

# MEMORANDUM

**From:** Jason Yaich, Associate Planner, Community Development Department

**To:** City Council

**Date:** February 2, 2007

**Re:** Additional Appellant Testimony Received Since Release of January 22, 2007, Staff Report for Case MIS06-00051 (2323 NW Monroe Avenue)

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For your information, the attached documents have been received by staff, subsequent to the release of the Staff Report for Case MIS06-00051 (2323 NW Monroe Avenue). This information was received by staff after the date of release of the staff report, and this memorandum serves as an attempt to make these comments and concerns public information. Additional technical documents, provided by staff, have been included with the appellant's new testimony, at the request of the appellant, and are attached herein.

Jason Yaich
Associate Planner

# WILLIAM COHNSTAEDT

LAWYER
561 NW JACKSON AVENUE
CORVALLIS, OREGON 97330

Telephone (541) 757-9944
Fax (541) 757-9950
cohnstaedt@uci.net


January 31, 2007

City Staff, Mayor, and City Council
Corvallis, OR 97333

***Hand delivered***

Re: MIS06-00051
Appeal of Building Permit issued for 2323 NW Monroe Avenue

Dear Gentle People:

This letter addresses three (3) major points, several other ones, and contains several requests for staff. After reviewing the staff report on this matter these questions require clarification.

Major Points

(1) *Jurisdiction*
The notice sent by staff states the owner is Sigma Pi, not the Assemblies of God Church as reflected on Benton County records, page 1 of attachment B of staff report. Is this proper notice? A copy of the notice is attached.

(2) *Parking space*
The proposed handicapped parking space is in front of the structure. Plain specific language of LDC 3.13.60(a) requires all parking shall be located in the rear portion of the site.

(3) *Capacity of redeveloped structure*

(a) Attachment V, page 26 of 35 staff report to Land Development Hearings Board seems to indicate that the maximum capacity for the entire first floor is twenty-three (23) people at any one time. See attached calculation. Please clarify how this will be enforced in the future.

(b) Are no persons are allowed in the basement per this calculation? Please clarify and explain how this will be enforced.

(c) Sixty-five (65) people are allowed on the second and third floors. Please clarify this November 22, 2006 communication and explain its consequences to the Mayor and City Council and to me. Staff continues to present financial counseling as primary use. Under the LDC how is this determined? How will this be enforced in the future?

Other Points

(1) In exhibit 11, page 1, paragraph 2 applicant says their garbage will be placed on the east side of their building in a closed fenced area. This appears to me to be immediately in front of and obstructing their fire escape. How is this permitted?

(2) Exhibit 11, page 3 indicates the church intends no commercial use, only residential. How is this permitted in a mixed use commercial zone?

(3) Mr. Adams' letter on the back of the staff report is completely inaccurate. Attached is my Right of First Refusal. Mr. Adams' restatement of our conversation is not accurate. His identity of the Red Hat Construction person to whom he addresses his letter also is not accurate. There is no Bob Mitchell who works for Red Hat Construction.

Requests

(1) To assist the Mayor, City Council, and me in understanding staff's analysis please provide the LDC definition of the following:

(a) Redevelopment; and

(b) Intensification.

(2) Please provide complete LDC sections set forth at page 3 of 7 of current staff memorandum to Mayor, City Council, and me. The Land Development Hearings Board did not have these Code Sections available to examine. City Councilors should have these LDC sections available for reference.

(3) To City Councilors and Mayor who may make a site visit, please note the following:

(a) Between the corner of Monroe Street and the south side of 120 NW Monroe Street there is an old concrete driveway from 23rd Street going west. This old concrete driveway goes west until it meets the fraternity structure, which is the subject of this permit to redevelop.

(b) The old concrete driveway passes through the gate that closed off this driveway until removed and alongside the steel fence that the fraternity had constructed in March, 2006. The steel fence still is present on the northern boundary of the old concrete driveway.

(c) There is a concrete pad upon which part of the present fraternity structure rests and part of which protrudes from under the west side of present structure. This concrete pad used to be a garage floor when 2323 NW Monroe was a single family home. It is the destination of the concrete driveway off 23rd Street. This illustrates part of the intensification of the original structure by the fraternity Sigma Pi and the fact that their improvements do not meet modern standards. It also shows how the actions of the fraternity prevented their backyard from having legal access for vehicles.

(d) The fire escape from the fraternity sleeping porch on the east side of the building comes down onto a public walkway. To the north of this fire escape is where the church plans to place its garbage collection containers.

Very truly yours,

Bill

William Cohnstaedt
WC/jb

# NOTICE OF LAND USE PUBLIC HEARING

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

## Monday, February 5, 2007; 7:30 PM

City of Corvallis City Council
City Fire Station Meeting Room, 400 NW Harrison Boulevard

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**CASE:** **Building Permit Appeal, 2323 NW Monroe Avenue**
(case: MIS06-00051)

**HEARING TOPIC:** Appeal of the Land Development Hearings Board's decision to uphold the Community Development Department Director's Decision to approve a building permit application.

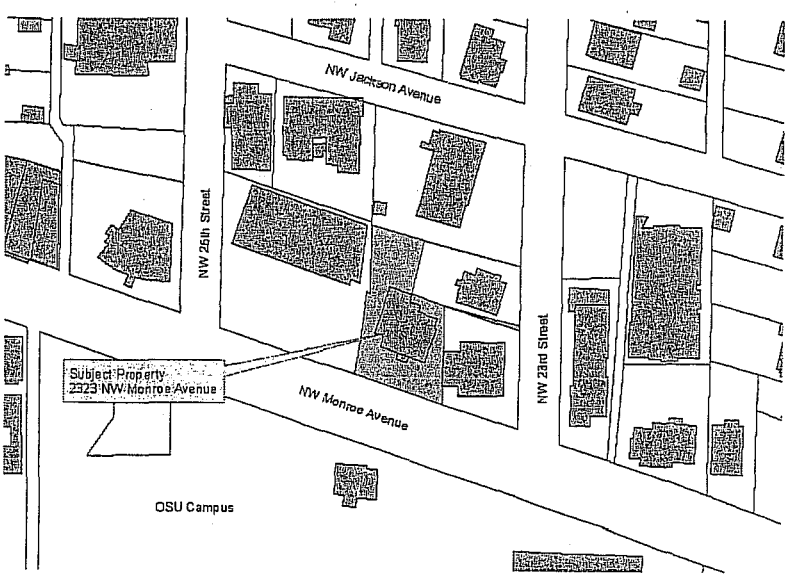
**LOCATION:** The subject property is located at 2323 NW Monroe Avenue (Benton County Assessor's Map # 11-5-34 DB, Tax Lot # 3600).

**APPELLANT:** William Cohnstaedt
561 NW Jackson Ave
Corvallis, OR 97330

**APPLICANT:** Oregon Ministry Network - Russ Chambers
820 SW 5th Street
Corvallis, OR 97333

**OWNER:** Sigma Pi
2110 NW Flanders St - Apt 33
Portland, or 97210-3687

**REQUEST:** Appeal the December 6, 2006, decision of the Land Development Hearings Board, related to issuance of a building permit (case BLD06-00842) by the Development Services Manager. The appellant is specifically appealing staff-level decisions concerning Land Development Code vehicle parking requirements, and staff-level decisions related to construction of a new driveway entrance on NW Monroe Avenue.




**WHOM TO CONTACT FOR MORE INFORMATION:**
Jason Yaich, Associate Planner (541) 766-6929, *jason.yaich@ci.corvallis.or.us*
Mailing Address: City of Corvallis, Planning Division, P.O. Box 1083, Corvallis, OR 97339-1083
Office Location: City Hall, Upper Level, 501 SW Madison Avenue

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Community Development
Development Services Division
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6929
TTY (541) 766-6477

November 22, 2006

Re: 2323 NW Monroe Ave. Oregon Ministry Network.

Prior to building application BLD06-00842 the structure located at 2323 NW Monroe Ave. was classified R-2 (dormitory). The application proposed changing the occupancy to a mixed use, B (office) & R-2 (dormitory). Per the Oregon Structural Specialty code, we use table 1004.12 of the code to determine the number of occupants permitted. I have calculated the occupant loads below.

Prior to permit occupant load calculation (existing)

| | | |
|---|---|---|
| 1st Floor | 2298 sq.ft. / 50 sq.ft. = 46 occupants | |
| 2nd Floor | 2176 sq.ft. / 50 sq.ft. = 44 occupants | |
| 3rd Floor | 1095 sq.ft. / 50 sq.ft. = 21 occupants | = 111 total occupants |

Proposed new use occupant load calculation (new)

| | | |
|---|---|---|
| 1st Floor | 2298 sq.ft. / 100 sq.ft. = 23 occupants | |
| 2nd Floor | 2176 sq.ft. / 50 sq.ft. = 44 occupants | |
| 3rd Floor | 1095 sq.ft. / 50 sq.ft. = 21 occupants | = 88 total occupants |

The building fire sprinkler & exit systems have been upgraded. Fire separation between the 1st & 2nd floors have been added to comply with code for the new mixed use occupancies.

Sincerely

William R.T. Clemens
Commercial Plans Examiner

"A Community that Honors Diversity"

Attachment V

RIGHT OF FIRST REFUSAL

AGREEMENT

Cascade Alumni Club, owner of the property at 2323 Monroe Street NW which is currently occupied by Omega Chapter, Sigma Pi Fraternity, hereby grants William Cohnstaedt the right to meet any purchase price for the property described above should the Cascade Alumni Club offer said property for sale.

William Cohnstaedt, owner of the properties at 120 NW 23rd Street and 2305 NW Monroe Street in the City of Corvallis, hereby grants Cascade Alumni Club the right to meet any purchase price for either or both the properties described above should William Cohnstaedt offer either of said properties for sale.

This agreement, commonly called right of first refusal, will expire December 31, 1993, unless terminated at an earlier date by consent of both parties.

Wm Cohnstaedt
William Cohnstaedt

Date_____

James H. Jaqua
Jame H. Jaqua
President
Cascade Alumni Club

Date January 10, 1991



C00023

Exhibit 2

# ADDITIONAL TECHNICAL DOCUMENTS PROVIDED BY STAFF AT APPELLANT'S REQUEST

# NOTICE OF LAND USE PUBLIC HEARING

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

## Monday, February 5, 2007; 7:30 PM

City of Corvallis City Council
City Fire Station Meeting Room, 400 NW Harrison Boulevard

---

**CASE:** **Building Permit Appeal, 2323 NW Monroe Avenue**
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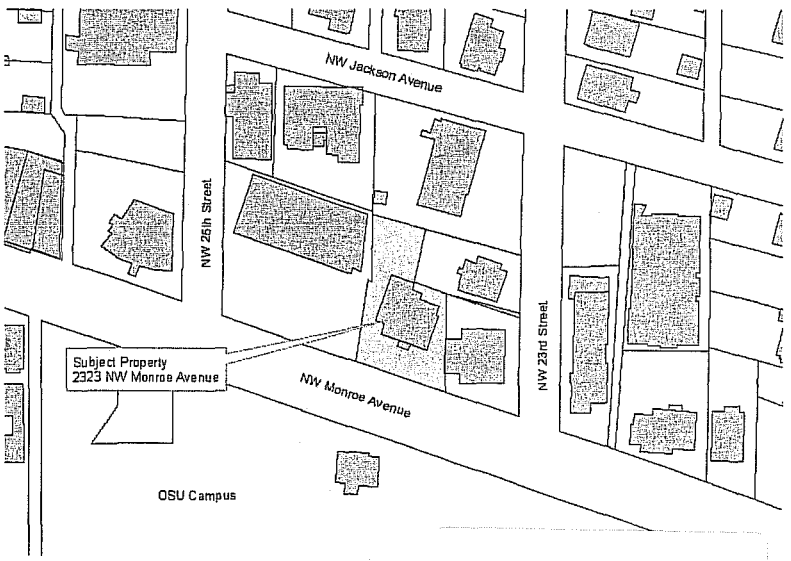
**APPELLANT:** William Cohnstaedt
561 NW Jackson Ave
Corvallis, OR 97330

**APPLICANT:** Oregon Ministry Network - Russ Chambers
820 SW 5th Street
Corvallis, OR 97333

**OWNER:** Assemblies of God Church
PO Box 9178
Salem, OR 97305

**REQUEST:** Appeal the December 6, 2006, decision of the Land Development Hearings Board, related to issuance of a building permit (case BLD06-00842) by the Development Services Manager. The appellant is specifically appealing staff-level decisions concerning Land Development Code vehicle parking requirements, and staff-level decisions related to construction of a new driveway entrance on NW Monroe Avenue.




**WHOM TO CONTACT FOR MORE INFORMATION:**



Jason Yaich, Associate Planner (541) 766-6929, *jason.yaich@ci.corvallis.or.us*
Mailing Address: City of Corvallis, Planning Division, P.O. Box 1083, Corvallis, OR 97339-1083
Office Location: City Hall, Upper Level, 501 SW Madison Avenue

**NOTICE OF LAND USE PUBLIC HEARING:** **Building Permit Appeal, 2323 NW Monroe Avenue** (case: MIS06-00051)

## THE HEARING PROCESS / OPTIONS FOR PROVIDING COMMENT:

- At the hearing, the City Council receives public testimony, deliberates, and typically makes its decision before adjourning the meeting.
- The City Council may approve, modify, or deny the proposed application.
- If you wish to testify on the proposal, you may provide written or oral testimony to the City Council.
- The Mayor will set a time limit of three minutes per person for oral testimony at the public hearing. Written testimony is encouraged. While written testimony will be accepted up to and including the night of the public hearing, written testimony submitted to the Planning Division by noon, eight days prior to the public hearing, will be included in the City Council packets that are delivered prior to the hearing.
- Any person participating in the hearing is entitled to request that the hearing be continued to a second hearing if new evidence or documents are submitted in favor of the application. The "continuance" hearing will be limited to the issues related to the new documents or evidence for which the continuance was requested.
- A person testifying also may request to have the written record remain open for seven days to allow for the submittal of additional written testimony.
- "Raise it or waive it": Failure to raise an issue in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision make an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue. This means that in order to appeal the City's decision to LUBA based on a particular issue, you must raise that issue at the City's public hearing. 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.
- The applicant is responsible for demonstrating conformance with the applicable approval criteria. 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.

## DECISION:

The City Council decision on this matter will be final unless the case is appealed to LUBA. Appeals may be filed within 21 days of the date a notice of disposition is signed and must be filed by 5:00 p.m. on the final day of the appeal period. Where 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 next work day.

### DECISION-MAKING CRITERIA:

The City Council will evaluate this request based on specific review criteria (listed below) from the Land Development Code and Comprehensive Plan. Generally, these criteria specify that appeals are consistent with the Land Development Code and the policies of the Comprehensive Plan.

- **Land Development Code Chapters:**
  1.4, 3.13, 4.0, & 4.1

**Citizens are encouraged to become familiar with the application and applicable review criteria.** A staff report discussing the request in relation to the criteria will be available seven days before the hearing. All documents may be reviewed at the Planning Division office without charge; copies will be provided upon request.

**THE CORVALLIS PLANNING DIVISION ENCOURAGES YOU TO NOTIFY YOUR NEIGHBORS AND OTHER PERSONS YOU BELIEVE WOULD BE AFFECTED BY THIS MATTER.**

**Mail & Post: January 16, 2007**

**Redevelopment** – Restoring or replacing existing buildings.

**Rehabilitation Treatment** (as applied to Designated Historic Resources) - As used in this Code, rehabilitation treatment includes activities that modify properties. Though removal of Historically Significant features is discouraged, replacement with new materials and even new additions may be allowed, if they are compatible with the property's historic materials, features, size, scale and proportion, and massing to protect the Historic Integrity of the property and its environment. Approval generally requires quasi-judicial review by the Historic Resources Commission.

**Replat (Major)** - A land use process that is used when parcels within a recorded Subdivision are reconfigured such that 4 or more parcels are created or deleted in a calendar year. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development, Land Development Code Chapter 2.4 - Subdivisions and Major Replats, and Land Development Code Section 2.4.50 - Major Replat.

**Replat (Minor)** - A land use process that is used when parcels within a recorded Subdivision or Partition are reconfigured such that 3 or fewer parcels are created or deleted in a calendar year. Procedures for this type of land use application are outlined in Land Development Code Section 1.2.110.02 - Special Development, Land Development Code Chapter 2.14 - Partitions, Minor Replats, and Lot Line Adjustments, and Land Development Code Section 2.14.50.

**Reserve Strip** - Strip of land dedicated to the City and reserved for use as part of a future public street or facility.

**Residential Care** - Services such as supervision; protection; assistance while bathing, dressing, grooming, or eating; management of money; transportation; recreation; and the providing of room and board.

**Restoration** – The process of returning an area to a close approximation of a former condition, and re-establishing functions.

**Reversible** - Pertains to Designated Historic Resources. Refers to modifications that do not substantially change, obscure, damage, or destroy character-defining materials, features, or finishes. Intent is that the modification could be removed and any impacted character-defining materials, features, or finishes could then be restored.

**Right-of-Way** - Public travel route dedicated for vehicular, bicycle, or pedestrian use. Can and often does contain public and franchise utilities.

**Riparian** – Land adjacent to a water body that directly affects or is affected by the aquatic environment. This includes streams, rivers, and lakes and their side channels, floodplains, and wetlands, and portions of adjacent slopes that shade the channel or provide streamside habitat. The area of transition from an aquatic ecosystem to a terrestrial system.

**Riparian Management Zone** - Area within the Willamette River Greenway, extending from the edge of the waterway to either the top of the bank or to the 10-year flood plain, whichever is greater.

**APPELLANT** William Cohnstaedt
561 NW Jackson Avenue
Corvallis, OR 97330
541-757-9944
cohnstaedt@uci.net

**LOCATION** The subject property is located at 2323 NW Monroe Avenue (Benton County Assessor's Map # 11-5-34-DB, Tax Lot # 3600)

## TESTIMONY IN SUPPORT OF THE APPEAL TO CITY COUNCIL

The purpose of this testimony is to clarify the points and premises of my appeal. One underlying premise is the belief that the Comprehensive Plan and Land Use Development Code are legislative expressions of what is best for our community. Together they regulate the individual properties for the improvement of all of our community. They "enhance livability."

### The matter before you

I believe the staff analysis is mistakenly focused on finding a use for this individual property rather than protecting the existing zoning and shopping area (university) classification of the district in the existing Comprehensive Plan and the Land Development Code. Staff's interpretation mistakenly and unfairly discriminated against the neighboring uses and the intent of the Comprehensive Plan and the LDC. The Plan and Code intend to provide a commercial center for the surrounding residential neighborhood and the university, shopping area (university).

### Applicable Land Development Code Sections

LDC 1.4.10 talks specifically about a non-conforming structure as one that does not fully comply with the district provision because of off-street parking or some other standard of the district.

LDC 1.4.20(b) The Land Development Code directs compliance of each property when it is redeveloped. The code proposes ultimately to bring development into conformance with this code and the Comprehensive Plan.

The entire code is intended to be read with its general and background provisions for guidance and interpretation. Staff apparently has focused on giving this property the applicant's use, failing to consider what this means to the neighbors. LDC SA(U) district purpose is set for at LDC 3.13.10 ". . . the intent is to promote efficient commercial development of these areas . . ."

The residential fraternity house use is a non-conforming primary use and a non-conforming

structure. This is why we start with LDC 1.4. The boarding house use as the principal use is a non-conforming use. It appears from staff report to be an accessory use permitted outright under LDC 3.13.20.01(b) 2.(b) but the structure is still a non-conforming structure. This is a decision for you to make. Is a boarding house permissible in this SA(U) district? The general rule governing student housing is no more than five (5) unrelated persons per unit. The structure is non-conforming because of the lack of off-street parking. The permit should be restricted to creating a conforming structure and a conforming use as much as possible on this site.

Remember, the LDC SA(U) district purpose is set forth at LDC 3.13.10 ". . . the intent is to promote efficient commercial development of these areas . . ." (emphasis added) Is a boarding house a commercial development permitted? Are hotel, motels? Staff says this is not a multiple unit building or structure, the question then is how are more than five (5) unrelated persons to legally occupy it in this district?

LDC 1.4.40.02 - Discontinuance of a Nonconforming Use, further use shall be in conformity with the code.

Staff's analysis of 1.4.30 is addressed later.

Now let us focus on definitions. Staff has accepted the Assemblies of God Church statement in their permit application that the primary use is to be financial counseling. What does primary use mean? LDC §1.6.30 defines primary or predominant use. Therefore a primary use is the principal or predominate use. The Church's plans show two floors of public boarding house use and one floor of public assembly type use, which presumably includes the boarders. The principal use of the first floor appears to be assembly. Examine the Chi Alpha web sites attached as staff report exhibits to confirm this. Where is financial counseling occurring in Chi Alpha's existing programs?

LDC §1.6.30 Specific Words and Terms definition of Principal Use as primary or predominant use is the appropriate definition of primary use. Since this is a shopping area district, one may reasonablely inquire as to which use will generate more shoppers, the intermittent financial counseling or the Chi Alpha Miracle House evangelical use. Mr. Chambers testified: "Oregon Ministry Network's (OMN) goal is to help OSU students to be whole, spiritual people . . . Chi Alpha Fellowship's goal is to serve students, and one of the ways will be to use one-on-one counseling, as well as weekend seminars to talk about planning for the future. Help will also be offered for preparing tax returns."

This testimony compared to the plans submitted creates the problem I am appealing. Where is one-on-one counseling occurring? The first floor plan is more than 1,000 square feet of open assembly area. Is financial counseling a principal use?

Examining the Chi Alpha web sites, one finds many programs aimed at OSU students and youth. All appear to be spiritual in nature. (See attached exhibit in staff report) All appear to conform with the stereotypical evangelical Christian ministry, which the Assemblies of God Church support. Financial counseling is not mentioned. Nowhere prior to the December 6, 2006 hearing was financial counseling mentioned on any Chi Alpha web site,

or OMN web site. Lots of pictures and programs for the Chi Alpha house do appear on these web sites. (See exhibits 4, 6, 7, 8, 9, and 12 of staff report, the Chi Alpha web site)

One question for the City Council to resolve is what is the primary or principal use being proposed by the owner of the property?

One standard to determine principal use is square footage for each use in the structure. Current proposal indicates more than 1000 square feet of assembly area, 132 square feet office space, and 2 floors of boarding house with 8 bedrooms. Staff report attachment IV page 22 of 38 and page 23 of 38.

Financial services are not presently part of Chi Alpha's statement of programs.

Another standard to determine principal use is the number of hours per day of use for the building, or hours per person in the structure. Since there is only one small office suitable for one-on-one financial counseling, it is difficult to see (from the submitted plans and the various web sites) how financial planning is a principal use. Religious assembly – making OSU students whole, spiritual people – appears to be the primary or principal use of Chi Alpha Miracle House.

City staff appears at one point to say that the number of people being served creates principal use. Open to the public means the intended use is more intense than the previous members-only use. Chi Alpha intends to evangelize all OSU students and the public. It is intended to be more intensely utilized by the public than the non-profit members-only fraternity.

If the City Council determines that the principal use is not financial counseling, then the permit to redevelop should be cancelled.

Turning the focus to the handicapped parking space and parking in general, I offer the following:

In the LDC chapter on SA(U) Shopping Area University there are specific off-street parking requirements set forth at LDC 3.13.60 that state, "Parking, Loading, and access shall meet the requirements in chapter 4.1 except as modified by the following standards: 3.13.60(a) <u>all</u> parking shall be located in the rear of the development site; 3.13.60(b)4 a partial waiver from on-site parking requirements would <u>not</u> adversely affect parking in the surrounding areas."

This is a specific code section, not the general off-street parking codes, found in LDC Chapter 4.1. This code section appears to apply to the handicapped parking space to be added by the Assemblies of God Church, the owner of the property. All parking spaces shall be in the rear. City staff seems to gloss over this. They also gloss over LDC 4.1.40 standards for off-street parking and access, particularly 4.1.40.4(d) backing over sidewalks. They cite my property with the handicapped space coming off of and onto Monroe Street as the reason this is acceptable. There are two issues present in that analysis.

First, the 2305 NW Monroe Street access to Monroe Street was established when the structure was built, 1915, not redeveloped, 1988.

Second, staff insisted that is was necessary to redevelop off-street parking when the 2305 NW Monroe structure was redeveloped from a boarding house to commercial retail. Citing the total intensification of use, i.e., from single family residence to a public boarding house to retail shop, more people would be using the space.

Now 2323 Monroe is going from single family residence to members-only fraternity to commercial boarding house use and Chi Alpha's financial counseling services for the general public. More people will be using the structure than either the single family or the members-only fraternity uses. This was mentioned in passing when justifying the financial counseling use as the principal use because more people would come for Chi Alpha's financial counseling than came to the members-only fraternity or the residential use.

If this is staff's analysis, then parking codes need to be applied. The "use" is intensifying, cumulatively from single family to members-only to general public use. Yet they cite building code square foot usage to deny this analysis that they previously applied or the LDC code language. See staff exhibit v page 26 of 38 and LDC 4.1.20(d) cumulative alterations read in conjunction with LDC 1.4.10 and LDC 1.4.20(b)

Third, what do redevelopment and intensity of development mean in the LDC? LDC 1.6.30 Specific Words and Terms states the following:

1. Redevelopment - restoring or replacing existing building; Development - making a material change in the <u>use</u> or appearance of a structure or land . . . changing land use designation, or creating or terminating a <u>right of access,</u> this is the addition of the easement in September, 2006;
2. Intensity of Development - relative measure of development impact as defined by characteristics such as . . . the <u>amount of traffic generated</u>, and <u>amount of site coverage</u>.

Fourth, LDC 4.1.40 Standards for Off-Street Parking and Access.

I will discuss parking, then access. LDC 4.1.40 is provided as a handout with LDC sections in point. LDC 4.1.40 and previous staff practice was to minimize access to busy streets. Crossing sidewalks that are full of pedestrians was discouraged. LDC 4.1.40(a)(4)(d) expresses this practice, as does LDC 4.1.40(a) in general. Staff is so focused on making this property useful that the various departments – planning, engineering, public works – do not seem to realize the cumulative effect on the neighbors, the Comprehensive Plan, the LDC, and the shopping area (university) customers. The cumulative result of all these exceptions will destroy the purpose and character of this commercial strip adjacent to the university.

Fifth, per staff's analysis if no parking improvements nor additional spaces are to be provided all are waived, what will the impact be on the neighbors? LDC 3.13.60.b.4. The neighbor's parking lot will fill up. This is very costly to commercial tenants. It is costly both in dollars lost and also in time wasted dealing with the litter, the illegally parked vehicles,

and the students who need to get their vehicles off the street to attend classes, whether at the university or at Chi Alpha Miracle House.

Sixth, this is an area of heavy pedestrian use. Backing handicapped vehicles across a sidewalk onto Monroe is not a good idea.

a) continuing

which states the effect of changes shall be commutative

Why not apply 4.1.20, attached as staff exhibit, particularly 4.1.20(d)? The original use was single family residence. The members only fraternity abandoned their use and the structure in 2004. Now the proposed redevelopment needs parking for the proposed bedrooms, the proposed financial counseling, the assembly area, and handicapped parking. Sleeping porch is a sleeping rooms in one unit. – all public uses

Now let's turn our attention to access. The fraternity bought a single family residence in the early 1950s. They proceeded to expand it to meet their needs. One result of their expansion was to eliminate all legal vehicle access to their backyard. This was not a big issue at the time for several reasons. Among those reasons was their need to expand the square footage of the structure, they had and have vehicle access to 23rd Street, they had permission from the neighbors to drive over their property to park vehicles in the fraternity's backyard. Mostly until student housing was developed on Witham Hill, and other parts of the city, parking vehicles was not a big deal. Oregon State University enrollment in the 1980s and 1990s was down. There was not much commuting to campus. This is the origin of the SA(U) zoning, to eliminate the need for commuting from campus to shopping areas.

Now with both the residential members-only fraternity, non-conforming use, non-conforming structure because it lacks off-street parking, and illegal parking use abandoned in 2004, the university at almost 20,000 students, modern parking rules are a big deal in this neighborhood and the commercial zone. Until September, 2006, there was not legal access to the backyard at 2323 NW Monroe Street. It was used for parking but only intermittently and with the neighbor's permission. Therefore, there is no legal parking use to be prior. The redevelopment of 2323 NW Monroe requires the application of modern parking rules LDC 1.4.10, 1.4.20(b), 1.4.4.02, 4.1.10, 4.1.20(d), 4.1.20(e), 4.1.20(h), and 4.1.20(l). Staff again is so focused on making this structure useful that they are ignoring the neighbor's needs, the Comprehensive Plan, the LDC, and their previous decisions.

Returning to staff's analysis of LDC 1.4.30 apparently leads them into splitting the non-conforming use and non-conforming structure then evaluating the reconstruction proposal separately from the existing non-conforming structure. Staff then separates the illegal parking use into conforming and non-conforming uses.

Staff concludes the parking use of the backyard is conforming even though the parking structure is not. Staff's conclusions are not sufficient and plainly incorrect under the language, definitions, and goals of the LDC. See 1.4.30.01 - parking lot size is altered by the addition of the easement, it needs to be brought current rather than simply be declared a conforming use.

By declaring the parking use legal and conforming, staff waives the non-conforming structure and thus all these other LDC provisions, specifically 1.4.40.02 abandoned non-conforming uses.

We, my mother and I, are asking the City Council to enforce the applicable code as written for the welfare of the entire district and community, not the specific property that has been improperly developed as a non-conforming structure and use.

Another basic premise is the facts. The facts I am operating from are the following:

1) The property located at 2323 NW Monroe was built in the 1920s as a single family residence. Sigma Pi (ΣΠ) fraternity purchased the family residence in the early 1950s. They progressively redeveloped it into a members-only fraternity house. They abandoned all uses in 2004, moving to 25th and Harrison. The property has been for sale since early 2004.

2) In 2006 the fraternity caused an ugly steel fence to be constructed over, on, and around my property in back of 2323 NW Monroe. This action initiated my filing a lawsuit. I sued the Sigma Pi fraternity for trespass, damages, prescriptive easement, and to quiet title. I filed public notice to everyone interest in buying this property of the pending legal action. The Assemblies of God Church purchased 2323 NW Monroe later in 2006 and its accompanying lawsuit without ever talking to me.

3) The Assemblies of God Church or their agents filed for a Lot Development Option to develop a legal parking lot in their backyard. This LDO was objectionable because, among other reasons, the proposed drawings obviously involved trespass onto my property. They had not discussed this proposal with me. They withdrew the LDO.

4) Through their agents The Assemblies of God Church applied for construction permits to redevelop this abandoned member only residential fraternity house into a boarding house and a first floor financial counseling area. Staff granted the permits to redevelop. After examining the written application, the submitted drawings, the construction contractor's responses to the city's application questions, and the applicant's website, I appealed the staff's decision because it was not based on objective facts, nor the Comprehensive Plan and not the Land Development Code.