



**CORVALLIS
CITY COUNCIL AGENDA**

**May 21, 2007
12:00 pm and 7:00 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 – May 7, 2007
 - 2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Bicycle and Pedestrian Advisory Commission – April 6, 2007
 - b. Citizens Advisory Commission on Transit – April 11, 2007
 - c. Core Services Committee – May 10, 2007
 - d. Corvallis-Benton County Public Library Board – April 4, 2007
 - e. Downtown/Economic Vitality Plans Implementation Committee – April 26, 2007
 - f. Housing and Community Development Commission – April 18, 2007
 - g. Planning Commission – April 4, 2007
 - h. Prosperity That Fits Committee – May 9, 2007
 - I. Watershed Management Advisory Commission – April 18, 2007
- B. Confirmation of Appointments to Boards, Commissions, and Committees (Capital Improvement Program Commission - Stover; Citizens Advisory Commission on Civic Beautification and Urban Forestry - Mauldin; Downtown and Economic Vitality Plans Implementation Committee - Remcho; Downtown Parking Commission - Upton; Housing and Community Development Commission - Littlefield)
- C. Announcement of Vacancy on Committee for Citizen Involvement (Peutz)

- D. Schedule public hearings for June 4 2007, to consider State Revenue Sharing Funds for Fiscal Year 2007-2008 and a Fiscal Year 2007-2008 budget
- E. Schedule a public hearing for June 4, 2007, to consider an appeal of the Community Development Director decision related to an administrative zone change (ZDC 07-00001 – Seventh Street Station)
- F. Schedule a public hearing for June 11, 2007, to consider a vacation request (MIS06-00045 – Witham Oaks)
- G. Approval of an application for a "Full On-Premises Sales – Commercial Establishment" liquor license for Happy Tokyo, Inc., dba Tokyo Japanese Steak House & Sushi Bar, 250 SW Third Street
- H. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(e)(h)(i) (status of real property transaction; status of pending litigation or litigation likely to be filed; status of employment-related performance)

III. ITEMS REMOVED FROM CONSENT AGENDA

IV. UNFINISHED BUSINESS

- A. City Legislative Committee – May 16, 2007
- B. Adoption of Findings of Fact and Order relating to an appeal of a Planning Commission decision (WRG06-00001 – Cornerstone Associates)
- C. Municipal Judge Employment Agreement (evening meeting)

V. MAYOR, COUNCIL, AND STAFF REPORTS

- A. Mayor's Reports
 - 1. Proclamation of Public Works Week – May 20-26, 2007
 - 2. Proclamation of a ONE Community – May 21, 2007
 - 3. Proclamation of Mental Health Month – May 2007
- B. Council Reports
- C. Staff Reports
 - 1. City Manager's Report – April 2007
 - 2. Council Request Follow-up Report – May 17, 2007
 - 3. Neighborhood Empowerment Program process

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

- A. Willamette Criminal Justice Council Presentation on Methamphetamine

VII. PUBLIC HEARINGS – 7:30 pm

- A. A public hearing to consider an appeal of a Planning Commission decision (PLD06-00012, SUB06-00005 – Witham Oaks)

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

- A. Human Services Committee – None.
- B. Urban Services Committee – None.
- C. Administrative Services Committee – May 10, 2007
 1. Allied Waste Services Annual Report
 2. Economic Development Allocations Orientation

X. NEW BUSINESS

- A. Fair Housing Council of Oregon award presentation (noon meeting)

XI. ADJOURNMENT

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

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

A Community That Honors Diversity



CITY OF CORVALLIS
ACTIVITY CALENDAR

MAY 21 - JUNE 2, 2007

MONDAY, MAY 21

- ▶ City Council - 12:00 pm and 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

TUESDAY, MAY 22

- ▶ No Human Services Committee
- ▶ Commission for Martin Luther King, Jr. - 12:00 pm - City Hall Meeting Room A, 501 SW Madison Avenue
- ▶ Urban Services Committee - 4:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

WEDNESDAY, MAY 23

- ▶ Downtown Parking Commission - 5:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

THURSDAY, MAY 24

- ▶ Administrative Services Committee - 12:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- ▶ No Urban Services Committee
- ▶ Downtown/Economic Vitality Plans Implementation Committee - 4:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

SATURDAY, MAY 26

- ▶ No Government Comment Corner

MONDAY, MAY 28

- ▶ City holiday - all offices closed

TUESDAY, MAY 29

- ▶ Prosperity That Fits Steering Committee - 5:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

WEDNESDAY, MAY 30

- ▶ City Legislative Committee - 7:30 am - City Hall Meeting Room A, 501 SW Madison Avenue
- ▶ Urban Services Committee - 5:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

THURSDAY, MAY 31

- ▶ Fire Chief Candidates Community Reception - 5:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

FRIDAY, JUNE 1

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

SATURDAY, JUNE 2

- ▶ Government Comment Corner (Councilor George Grosch) - 10:00 am - Library Lobby, 645 NW Monroe Avenue

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES
MAY 7, 2007**

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Consent Agenda Pages 224-225			
Items Removed From Consent Agenda 1. COI Facility Debt Transfer Page 225			<ul style="list-style-type: none"> • Approved transfer <u>passed 8-0</u>
Unfinished Business 1. Sustainability Coalition Update 2. Planning Commissioner Selection 3. Legislative Committee – May 2, 2007 4. City Attorney Employment Agreement Pages 226-228, 252			<ul style="list-style-type: none"> • Approved ad hoc committee role <u>passed U</u> • Elected Bird, Saunders, Weber • Reopened partial-term vacancy recruitment process and include HRC vacancies, advertise separately <u>passed U</u> • HB3000-communicate no position <u>passed U</u> • SB400-communicate support of compromise language <u>passed U</u> • Approved addendum <u>passed 8-0</u>
Mayor Reports 1. CPRB appointments 2. CCI Council Liaison – Wershow 3. Older Americans Month – May 2007 4. Drinking Water Week – May 6-12, 2007 5. Get There Another Way Week – May 14-18, 2007 6. Enhancing Community Livability – Jim and Ruth Howland 7. Van Buren Bridge project update Pages 228-229	<p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p> <p>Yes</p>		<ul style="list-style-type: none"> • Proclaimed • Proclaimed
Council Reports 1. College Hill area tour (Wershow) 2. OSU events (Wershow) 3. Local food breakfast (Wershow) 4. Ward 2 meeting (Daniels) 5. South Central Park tour (Daniels) 6. Sustainability Coalition participation (Daniels) 7. Open space tour (York) 8. Exhaust emissions (Brauner) 9. USC meeting dates (Wershow) Pages 229	<p>Yes</p>		

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Staff Reports 1. Social Services Administration Contract Extension 2. Core & D-EVPIC budget implications 3. Downtown Commission 4. Council Request Follow-up Report – May 3, 2007 5. Van Buren Bridge project update Pages 229-231	Yes Yes Yes Yes Yes		
HSC Meeting Items – April 17, 2007 1. Corvallis Fall Festival Annual Report 2. Civil Rights Ordinance; New Charter Provisions 3. Majestic Theatre Annual Report 4. Boys & Girls Club Annual Report Pages 231-232			<ul style="list-style-type: none"> • Accepted report <u>passed U</u> • ORDINANCE 2007-09 <u>passed U</u> • Accepted report <u>passed U</u> • Accepted report <u>passed U</u>
ASC Meeting Items – April 19, 2007 1. Ambulance Rate Review 2. daVinci Days Loan Agreement Page 232			<ul style="list-style-type: none"> • Increase four rates <u>passed U</u> • Accepted report; modified loan agreement <u>passed U</u>
USC Meeting Items – April 19, 2007 1. CAS Airport Lease Assignment 2. Council Policy Review: 02-7.15, “Fee-in-Lieu Parking Program” Page 232			<ul style="list-style-type: none"> • Approved <u>passed U</u> • Affirmed without amendments <u>passed U</u>
USC Meeting Items – May 3, 2007 1. Airport Lease Assignment Procedures 2. COI Airport Lease Assignment 3. Mid-Valley Painting Airport Lease Page 233			<ul style="list-style-type: none"> • Approved process; direct referral to Council <u>passed U</u> • Approved <u>passed U</u> • Approved <u>passed U</u>
Other Related Items 1. USDA Forest Service Grant 2. OAC Donation 3. Risk Management Fund supplemental budget 4. Parks & Recreation Fund supplemental budget Pages 233-234			<ul style="list-style-type: none"> • RESOLUTION 2007-05 <u>passed U</u> • RESOLUTION 2007-06 <u>passed U</u> • RESOLUTION 2007-07 <u>passed U</u> • RESOLUTION 2007-08 <u>passed U</u>
Executive Session 1. Potential Litigation (Comcast) 2. Municipal Court Judge employment agreement 3. City Attorney employment agreement Page 234	Yes Yes Yes		

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Visitors' Propositions 1. Oregon Business Magazine Tour (Barlow, Van Powell) 2. Wildcat Park update (Hoffman) 3. America's Affordable Communities Initiative (Epley) 4. Signs in parking strips (Epley) Page 235	Yes Yes Yes Yes		
New Business 1. America's Affordable Communities Initiative Pages 235-236			<ul style="list-style-type: none"> • No action taken <u>consensus</u>
Public Hearings 1. Downtown EID renewal 2. Cornerstone Associates Pages 236-251			<ul style="list-style-type: none"> • ORDINANCE 2007-10 <u>passed U</u> • RESOLUTION 2007-09 <u>passed U</u> • Uphold PC decision to approve request as amended <u>passed U</u>

Glossary of Terms

ASC	Administrative Services Committee
CCI	Committee for Citizen Involvement
COI	Community Outreach, Inc.
Core	Core Services Committee
CPRB	Community Policy Review Board
D-EVPIC	Downtown/Economic Vitality Plans Implementation Committee
EID	Economic Improvement District
HB	House Bill
HSC	Human Services Committee
OSU	Oregon State University
PC	Planning Commission
SB	Senate Bill
U	Unanimous
USC	Urban Services Committee
USDA	United States Department of Agriculture

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

May 7, 2007

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 11:59 am on May 7, 2007 in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Tomlinson presiding.

PLEDGE OF ALLEGIANCE

I. ROLL CALL

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

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

- A revised Ward map for the Planning Commission applicants (Attachment A);
- A memorandum regarding Historic Resources Commission vacancies (Attachment B);
- An e-mail from Kirk Nevin related to House Bill 3000 (Attachment C);
- A letter to Richard Hein, President/CEO Oregon State University Federal Credit Union, related to Economic Vitality (Attachment D);
- Information on House Bill 3000, Field Burning (Attachment E);
- Urban Services Committee Minutes – May 3, 2007 (Attachment F); and
- Get There Another Way Week Proclamation (Attachment G).

Mayor Tomlinson reported that New Business will be deferred to the evening meeting to allow citizens an opportunity to testify during Visitors' Propositions about the Affordable Communities Initiative.

Mayor Tomlinson announced that item H, Approval of a transfer of debt from one location to the Community Outreach Facility on Reiman Avenue, has been removed from the Consent Agenda.

Mayor Tomlinson noted that the April 16, 2007 Council Meeting minutes have been amended to correct the spelling of a name and comments from Councilor Beilstein.

II. CONSENT AGENDA

Councilors Hamby and Zimbrick, respectively, moved and seconded to adopt the Consent Agenda as follows:

A. Reading of Minutes

1. City Council Meeting – April 16, 2007
2. City Council Work Session – May 1, 2007
3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Airport Commission – April 3, 2007
 - b. Core Services Committee – April 12, 2007
 - c. Downtown Parking Commission – March 28, 2007

- d. Historic Resources Commission – March 13, 2007
 - e. Planning Commission – February 21, 2007
 - f. Prosperity That Fits Steering Committee – March 26 and April 23, 2007
 - g. Watershed Management Advisory Commission – March 21, 2007
- B. Announcement of Appointments to Advisory Boards, Commissions, and Committees (Capital Improvement Program Commission - Stover; Citizens Advisory Commission on Civic Beautification and Urban Forestry - Mauldin; Downtown and Economic Vitality Plans Implementation Committee - Remcho; Downtown Parking Commission - Upton; Housing and Community Development Commission - Littlefield)
 - C. Approval of a Systems Development Charge reimbursement request for SW 30th Street improvements to Oregon State University
 - D. Schedule a public hearing for May 21, 2007 to consider an appeal of a Planning Commission decision (PLD06-00012, SUB06-00005 – Witham Oaks)
 - E. Approval of an application for a "Full On-Premises Sales and Catering and Off-Premises Sales" liquor license for Magenta Restaurant & Catering, 137 SW Second Street (New Outlet)
 - F. Approval of an application for a "Limited On-Premises Sales" liquor license for Dede's, 1786 NW Ninth Street (Change in Ownership and Additional Privilege)
 - G. Approval of an application for an "Off-Premises Sales with Fuel Pumps" liquor license for Shell, 1680 SW Third Street (Change in Ownership)
 - I. Acknowledgment of Comcast Rate Filings
 - J. Approval of a permit to occupy the public right-of-way (Oregon Department of Transportation – SW 35th Street)
 - K. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(h)(i) (status of pending litigation or litigation likely to be filed; status of employment-related performance)

III. ITEMS REMOVED FROM CONSENT AGENDA –

- H. Approval of a transfer of debt from one location to the Community Outreach Facility on Reiman Avenue

Councilor Zimbrick declared a conflict of interest.

Councilors Daniels and Grosch, respectively, moved and seconded the approval of a transfer of debt from one location to the Community Outreach facility on Reiman Avenue. The motion passed eight to one with Councilor Zimbrick abstaining.

IV. UNFINISHED BUSINESS

A. Sustainability Coalition Update

Councilor Brown reported that he attended the April 30 Sustainability Coalition meeting with Councilors Wershow and Daniels. Before the City pledges full-partnership, the following issues should be addressed:

1. Assurance of broad community support;
2. Analysis of how the Coalition operates, establishes future goals and framework; and
3. Analysis of the negative effects on vulnerable parts of the community.

Councilors Wershow and Daniels, respectively, moved and seconded to approve that the ad hoc Sustainability Coalition Committee take an active role with Coalition members to further develop and refine the Coalition's evolving structure and work plans. The motion passed unanimously.

B. Selection of Planning Commissioners

Assistant to City Manager/City Recorder Louie announced that Council interviewed five candidates during the May 1 Work Session to fill three 3-year term Planning Commission vacancies beginning July 1, 2007 and one partial-term vacancy expiring on June 30, 2008. Council agreed to vote on the three 3-year term vacancies on the first ballot, and then vote to fill the partial-term vacancy. Anyone receiving five or more votes will be automatically selected to the Planning Commission.

Councilor Grosch reported that although he was not able to attend the May 1 meeting, he listened to the audio recording.

Council members cast their votes for three Planning Commissioner applicants. The votes were as follows:

Councilor Wershow	Bird, Saunders, Weber
Councilor Daniels	Bird, Saunders, Weber
Councilor Zimbrick	Bird, Saunders, Weber
Councilor York	Bird, Saunders, Weber
Councilor Hamby	Bird, Saunders, Weber
Councilor Grosch	Bird, Saunders, Weber
Councilor Brauner	Bird, Saunders, Weber
Councilor Beilstein	Bird, Knapp, Weber
Councilor Brown	Bird, Saunders, Weber

Ms. Louie announced that Ms. Bird, Ms. Saunders, and Ms. Weber were re-elected to three-year terms on the Planning Commission. Ms. Bird and Ms. Weber received nine votes each, Ms. Saunders received eight votes, and Mr. Knapp received one vote.

Ms. Louie requested Council use the second ballot to vote for Mr. Schofield or Mr. Knapp for the partial-term vacancy.

In response to Councilor Brauner's inquiry, Ms. Louie clarified that if neither candidate receives a majority of votes (five or more), Council has the option of voting again to try to reach majority or direct staff to reopen the recruitment process. Councilors are not required to vote for either candidate.

Council members cast their votes for the partial-term Planning Commissioner applicant. The votes were as follows:

Councilor Wershow	Blank
Councilor Daniels	Blank
Councilor Zimbrick	Blank
Councilor York	No Vote
Councilor Hamby	No Vote
Councilor Grosch	No Vote
Councilor Brauner	No Vote
Councilor Beilstein	Knapp
Councilor Brown	No Vote

Ms. Louie tabulated the votes and reported that Mr. Knapp received one vote. Five Councilors indicated no vote and three Councilors returned blank ballots that will be counted as no votes.

Councilors Brauner and Grosch, respectively, moved and seconded to direct staff to reopen the recruitment process for the partial-term Planning Commission vacancy.

Mayor Tomlinson referred to Attachment B, Historic Resources Commission (HRC) Vacancies, and inquired whether Council wanted to include the HRC vacancies in the Planning Commission recruitment process.

Councilor Brauner amended the motion to include the Historic Resource Commission recruitment process with the remaining Planning Commission vacancy, and notice the vacancies for each Commission separately. Councilor Grosch seconded the amended motion. The motion passed unanimously.

C. City Legislative Committee – May 2, 2007

City Manager Nelson reported that Council originally decided not to take a position on House Bill 3000 (HB3000) related to field burning. During a subsequent Council meeting, two citizens testified about HB3000 and the issue was referred back to the City Legislative Committee (CLC). The CLC reviewed the impact of HB3000 on the grass seed operation at the Airport and the City of Eugene's position. In the meantime, the CLC learned that the legislative review of this bill is over for 2007. The CLC believes taking a position at this time would be premature due to unknown future legislative positions and effects.

Councilors Zimbrick and Wershow, respectively, moved and seconded to direct Mayor Tomlinson to communicate to Senator Morse and Representative Gelsler that the Council takes no position on HB3000, and Council states its support, as it has in the past, for ecological processes promoting healthy living for all. The motion passed unanimously.

Mr. Nelson said Senate Bill 400 (SB400) expands collective bargaining legislation. The bill failed at the Legislature; however, compromise language has been drafted by the League of Oregon Cities recognizing that a similar bill will return to the Legislature during the current session. CLC recommends support of the compromise language.

Councilors Zimbrick and Brown, respectively, moved and seconded to direct Mayor Tomlinson to communicate to Senator Morse and Representative Gelser that the Council supports the compromise SB400 language.

Mr. Nelson clarified that the language changes are very subtle and related to bargaining status of staffing and safety issues. If staffing and safety issues cannot be agreed upon, an arbitrator could make staffing level or safety budget decisions.

Councilor York noted that the current language refers to “direct and substantial effect,” SB400 states “relates to,” and the compromise language uses “significant impact.”

The motion passed unanimously.

Councilor Wershow updated the Council on HB2468, Federal Forest Legacy Program, currently being reviewed by the Senate. If HB2468 passes, it would allow for open space spending outside of the Urban Growth Boundary.

V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

Mayor Tomlinson reported that he has begun review of potential Community Police Review Board members. He will accept additional nominations.

Mayor Tomlinson announced that Councilor Wershow will serve as the Council liaison on the Committee for Citizen Involvement.

1. Proclamation of Older Americans Month – May 2007

Mayor Tomlinson said Councilor Zimbrick will read this proclamation at Cascades West Council of Government.

2. Proclamation of Drinking Water Week – May 6-12, 2007

Mayor Tomlinson read the proclamation.

Public Works Director Rogers encouraged Corvallis citizens to drink the “good Corvallis water.” He recognized Councilor York for his consistent use of a Corvallis water bottle. Mr. Rogers reminded citizens to conserve water resources.

3. Get There Another Way Week – May 14-18, 2007

Mayor Tomlinson read the proclamation.

Mr. Rogers acknowledged the good work the Corvallis citizens do in alternative transportation.

Mayor Tomlinson reported that the Madison Avenue Task Force held their annual Spring Garden Festival on May 6. He honored Jim and Ruth Howland by presenting them with an Enhancing Community Livability Proclamation.

B. Council Reports

Councilor Wershow thanked Councilor Brown for the College Hill area tour.

Councilor Wershow reported on the following Oregon State University (OSU) events:

- Associated Students of OSU (ASOSU) Open House – May 8,
- ASOSU awards and inauguration – May 31,
- Asian-Pacific Month with food demonstration – May 8, and
- Invasive species presentation – May 9.

Councilor Wershow attended the local food breakfast on May 5; the OSU Agricultural Department gave a presentation.

Councilor Daniels announced that a Ward 2 meeting will be held at the Library on May 8. Agenda items include the Downtown Strategic Plan, Downtown Urban Renewal District, neighborhood livability, and a panel discussion on sustainability.

Councilor Daniels announced that a tour of the South Central Park area is scheduled for May 10 at 6:00 pm. The tour begins at ArtCentric.

Councilor Daniels encouraged Council to identify additional groups that should be involved in the Sustainability Coalition.

Councilor York reported that he toured a 26-acre parcel south of Country Club with the Open Space Advisory Committee on May 1. He will host Government Comment Corner on May 12.

Councilor Brauner announced that he received a telephone call related to the regulation of exhaust emissions. He expects the caller to make a presentation during Visitors' Propositions.

C. Staff Reports

1. Social Services Administration Contract Extension

City Manager Nelson said the City has a 15-year history with United Way to administer the Social Service funds. Staff proposes an extension of the contract for one year with future discussions related to identifying them as a sole source vendor or issuing a Request for Proposals (RFP). In the past, proposals have only been submitted by United Way.

Councilor Hamby requested information about how much staff time is saved by not processing a RFP and how the administrative fees have changed since the United Way contract was initiated in 1992.

2. Budget Implications of Core Services and Downtown and Economic Vitality Partnership Plans Implementation Committee (D-EVPIC) Work

Mr. Nelson reported that both committees are on task. The Core Services Committee will work on issues for the Fiscal Year 2008-2009 budget. The D-EVPIC may forward recommendations for staff and/or institution support for the Economic Vitality Partnership Plan during the 2007-2008 budget process.

Councilor York noted that some staff support will be offset by sunseting the Riverfront and Downtown Parking Commissions. Mr. Nelson replied that from a Public Works standpoint, parking will continue to require staff support.

3. Downtown Commission (Downtown Corvallis Strategic Plan)

Mr. Nelson said one recommendation for the formation of this Commission is for the Mayor to appoint a short-term group to work with Planning staff to determine purpose, who participates, size of Commission, and Council liaison(s). Staff suggests the work group include members from the Downtown Corvallis Association (DCA), Downtown Parking Commission, Riverfront Commission, City Council, and a non-DCA/Downtown supporter.

In response to Councilor Daniels' inquiry, Mr. Nelson said staff is looking for the individual perspectives the work group can bring forward.

In response to Councilor Hamby's inquiry, Mr. Nelson said the Downtown Parking Commission may fold into the Downtown Commission at a later date. He clarified that there is a Council approved process to ensure all stakeholder groups are represented. Sidewalk issues have not been specifically addressed by the Bicycle and Pedestrian Advisory Commission, but they may be included in future discussions.

Mayor Tomlinson clarified that this small work group is to provide recommendations on forming the Downtown Commission and is not issue based. The Council agreed by consensus to the forming of a work group as proposed.

4. Council Request Follow-up Report – May 3, 2007

Mr. Nelson briefly referred to the items in the Report.

Councilor Hamby thanked Allied Waste Services for their generous donation to Transit.

Councilor Brauner commended the City Attorney's Office for their research on the eligibility of Wildcat Park Redevelopment for Parks Systems Development Charge Funding. He said the project is continuing and close to meeting the fund raising goals.

A work party and community project to rebuild the park has been scheduled for May 30 through June 3, 2007.

Mayor Tomlinson referred to the Oregon Department of Transportation (ODOT) letter regarding the Van Buren Bridge Project. ODOT is reviewing new transportation data related to the placement of a parallel bridge or a northern bypass route.

In response to Councilor Daniels' comments, Mayor Tomlinson said ODOT has considered a northern bypass route since January 2007. Councilor Brauner added that the bypass is an extension of the south bypass and has been in the long-range planning for many years. The extension has not been included in the funding cycle because of the associated high cost. ODOT recently completed an impact study and cost analysis and determined that bridge replacement and bypass completion were cost comparable while the northern bypass route may better solve traffic issues.

Councilor Daniels noted that a northern bypass could conflict with the North Riverfront Park development proposal.

Councilor York requested a map of the northern bypass route.

Councilor Wershow announced that the Urban Services Committee will meet on May 22 at 4:00 pm and May 30 at 5:30 pm to discuss sidewalk cafés. Both meetings will be held in the Madison Avenue Meeting Room.

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

A. Human Services Committee – April 17, 2007

1. Corvallis Fall Festival Annual Report

Councilors Wershow and Brauner, respectively, moved and seconded to accept the Corvallis Fall Festival annual report for Fiscal Year 2006-2007. The motion passed unanimously.

2. Civil Rights Ordinance; New Charter Provisions

City Attorney Fewel read an ordinance relating to City Charter provisions, amending Municipal Code Chapters 1.18, "Ward Boundaries;" 1.21, "Ward Residency Requirement;" 1.23, "Civil Rights;" and Ordinance 93-20, as amended.

ORDINANCE 2007-09 passed unanimously.

3. Majestic Theatre Annual Report

Councilors Wershow and Brauner, respectively, moved and seconded to accept the Majestic Theatre annual report for Fiscal Year 2005-2006. The motion passed unanimously.

4. Boys and Girls Club Annual Report

Councilors Wershow and Brauner, respectively, moved and seconded to accept the Boys and Girls Club Annual Report for Fiscal Year 2005-2006. The motion passed unanimously.

B. Administrative Services Committee – April 19, 2007

1. Ambulance Rate Review

Councilors Zimbrick and Brown, respectively, moved and seconded to:

- Increase the Speciality Care Transports base rate to \$879,
- Increase the Advanced Life Support 2 base rate to \$808,
- Increase the Advanced Life Support 1 base rate to \$798,
- Increase the Evaluation and Treatment with no transport rate to \$249.50, and
- Maintain all other Emergency Medical Support service charge at current levels.

The motion passed unanimously.

2. daVinci Days Loan Agreement

Councilors Zimbrick and Brown, respectively, moved and seconded to accept the daVinci Days 2006 annual report and modify the terms of the Economic Development Grant and Bridge Loan agreements as recommended by staff, including a mandatory annual \$2,000 minimum bridge loan payment. The motion passed unanimously.

C. Urban Services Committee – April 19, 2007

1. Airport Lease Assignment – CAS

Councilors Grosch and Hamby, respectively, moved and seconded to approve the lease assignment for CAS and authorize the City Manager to sign the consent to assign. The motion passed unanimously.

2. Council Policy Review: 02-7.15, "Fee-in-Lieu Parking Program"

Councilors Grosch and Daniels, respectively, moved and seconded to reaffirm Council Policy 02-7.15, "Fee-in-Lieu Parking Program for Parking-Related Improvements in the Central Business District and the Riverfront District," without amendments. The motion passed unanimously.

Councilor Grosch reported that the Urban Services Committee will be discussing Sidewalk Cafés on May 22 and 30. The May 10 and 24 meetings have been cancelled.

D. Urban Services Committee – May 3, 2007

1. Airport Lease Assignment Procedures

Councilors Daniels and Grosch, respectively, moved and seconded to approve changing the airport lease assignment process to provide a mechanism for the Airport Commission to forward unanimously approved, simple lease assignment recommendations directly to the City Council by way of the Consent Agenda.

Councilor Grosch explained that the process currently takes several weeks to complete due to the Airport Commission recommendation going to Urban Services Committee (USC) prior to a recommendation being approved by Council. If significant changes are recommended or if the Airport Commission does not have unanimous approval, the issue will move forward through the USC.

The motion passed unanimously.

2. Airport Lease Assignment – Community Outreach, Inc.

Councilors Daniels and Grosch, respectively, moved and seconded to approve the lease assignment from Community Outreach, Inc., to RCBECC, LLC, and authorize the City Manager to sign a lease agreement with RCBECC, LLC.

Councilor Zimbrick declared a conflict of interest.

The motion passed seven to one, with Councilor Zimbrick abstaining.

3. Airport Lease – Mid-Valley Painting

Councilors Daniels and Hamby, respectively, moved and seconded to approve the proposed lease with Mid-Valley Painting and authorize the City Manager to sign the Land/Building Lease Agreement. The motion passed unanimously.

Councilor Daniels clarified that the Sidewalk Café issues being discussed on May 22 and May 30 include fences and clearance, fee to occupy the public right-of-way, and beverage service after 11 pm.

E. Other Related Matters

1. Mr. Fewel read a resolution accepting a grant from the Oregon Department of Forestry and the USDA Forest Service for a scholarship to the Municipal Forester Institute (\$750) and authorizing the City Manager to sign grant agreement

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

RESOLUTION 2007-05 passed unanimously.

2. Mr. Fewel read a resolution accepting a donation from Osborn Aquatic Center patrons totaling \$7,500 for the installation of additional handrails at the aquatic center and authorizing the Finance Director to make the proper budget appropriations.

Councilors Zimbrick and Wershow, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2007-06 passed unanimously.

3. Mr. Fewel read a resolution relating to the Risk Management Fund; rescinding Resolution 2007-4 and approving a new supplemental budget for the Risk Management Fund.

Councilors Daniels and Wershow, respectively, moved and seconded to adopt the resolution.

RESOLUTION 2007-07 passed unanimously.

4. Mr. Fewel read a resolution relating to the Parks and Recreation Fund; rescinding Resolution 2007-4 and approving a new supplemental budget for the Park Fund.

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

RESOLUTION 2007-08 passed unanimously.

Mayor Tomlinson read a statement, based upon changes in Oregon laws regarding executive sessions. The statement indicated that only representatives of the news media, designated staff, and other Council-designated persons were allowed to attend the executive session. News media representatives were directed not to report on any executive session discussions, except to state the general subject of the discussion, as previously announced. No decisions would be made during the executive session. He reminded Council members and staff that the confidential executive session discussions belong to the Council as a body and should only be disclosed if the Council, as a body, approves disclosure. He suggested that any Council or staff member who may not be able to maintain the Council's confidences should leave the meeting room.

The Council entered Executive Session at 1:20 pm.

City Attorney Fewel, Public Works Director Rogers, Admin Division Manager Steckel, and Franchise Specialist Steele briefed the Council on potential litigation (Comcast).

(Mr. Fewel and Mr. Nelson left the meeting at 2:11 pm; Councilors Zimbrick and Hamby left the meeting at 2:12 pm.)

The Council discussed the Municipal Court Judge and City Attorney employment agreements.

Mayor Tomlinson recessed the Council at 2:14 pm and reconvened the Council at 7:00 pm in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon.

I. ROLL CALL

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

VI. VISITORS' PROPOSITIONS

Marti Staprans Barlow, Oregon Digital City Guides, announced that Oregon Business Magazine chose Corvallis for the 25th anniversary "Business is Good!" tour to be held on September 11 and 12. The tour spotlights people, industries, and communities and their unique contributions to Oregon's economic vitality. Ms. Barlow said Corvallis' participation provides an opportunity to brand the city as a creative, entrepreneurial, high tech, academic, and livable community, promoting sustainability. A birthday celebration will be held on the riverfront with entertainment provided by the Corvallis Community Band and native Meredith Brooks. Ms. Barlow encouraged Councilors to invite their constituents to participate in the events.

Linda Van Powell, Civic Outreach President, said Corvallis is one of only 18 Oregon cities chosen for the Oregon Business Magazine tour.

Councilor Wershow noted that youtube.com profiles many Corvallis businesses. Ms. Barlow said she is developing a Web page that will include links to the specific youtube.com videos, additional Corvallis businesses, and Web pages of tour sponsors.

Mark Hoffman, Wildcat Park Steering Committee Chair, reported that \$118,000 has been raised in private funds since August 2006, and an additional \$20,000 to \$30,000 is needed to purchase materials to rebuild the Park. A work party has been scheduled for May 29 through June 3, 2007 and volunteers are needed to complete the many phases of this project. Additional information is available at www.newwildcatpark.org. Mr. Hoffman thanked the City for the cooperative agreement with Corvallis 509J School District for Wildcat Park maintenance and restroom services.

Ed Epley, Corvallis Matters, said the America's Affordable Communities Initiative will be detrimental to Corvallis land use planning and has the potential of overturning zoning that conflicts with affordable housing. Mr. Epley encouraged Council to not accept the Initiative.

Mr. Epley also testified about signs placed in parking strips. He said real estate companies frequently place for sale signs in the parking strips. Some companies remove them when informed of the sign ordinance while others do not comply. Mr. Epley finds the signs offensive.

X. NEW BUSINESS

A. America's Affordable Communities Initiative

Mayor Tomlinson reported that staff recommends directing the Housing and Community Development Commission (HCDC) to review the work described in the resolution and local laws and regulations to determine whether they present barriers to affordable housing.

City Attorney Fewel read a resolution accepting the United States Department of Housing and Urban Development's call to become an active participant in its National Call to Action for Affordable Housing Through Regulatory Reform; and directs the Corvallis HCDC to review pertinent City laws and regulations with the goal of reporting back to the City Council within one year from the date of the Resolution.

Councilors failed to move adoption of the Resolution.

In response to Councilor Hamby's inquiry, Mayor Tomlinson said the Department of Housing and Urban Development (HUD) requested the resolution and staff recommended referral to the HCDC.

Councilor Zimbrick said he supports sending the issue to the HCDC for review; however, he is not comfortable with the resolution language. His perception is that HUD may view regulatory barriers in parts of the Comprehensive Plan (CP) and Land Development Code (LDC).

Councilor Brauner said he would support a review by the HCDC and recommendation to provide an easier method of moving forward with affordable housing without undoing land use planning. He reminded Councilors that they adopted a goal related to affordable housing.

Councilor Grosch said he does not support the resolution or a referral to HCDC. The City adopted regulations such as the Comprehensive Plan, Land Development Code, System Development Charges, permitting processes, Planning Commission reviews, and many more. He opined that the issue is broader than something Council would normally ask of an advisory board. A significant amount of community outreach and staff time would be required to constitute a regulation. If the issue is regulation, then it should be reviewed by Council with feedback from staff. If it is referred to HCDC, Councilor Grosch requests an evaluation of the project scope and recommendations on how to conduct it thoroughly.

Councilor Wershow noted that the Economic Vitality Partnership is already addressing some of these issues.

Councilor Daniels said the letter and resolution has been drafted on assumptions that there is too much regulation and that regulation contributes to the cost of housing. As part of their long-term work projects, the HCDC is already reviewing affordable housing and the land use implications.

The Council agreed by consensus to take no action.

VII. PUBLIC HEARINGS

- A. A public hearing to consider renewal of the Downtown Economic Improvement District

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

Staff Report

Planning Manager Towne explained that the Downtown Corvallis Association (DCA) requests Council consideration of the re-establishment of the voluntary Downtown Economic Improvement District (EID) for a five year period. If the Council agrees, an ordinance to amend Municipal Code Chapter 10.07, Economic Improvement District, and a resolution to authorize the process must be adopted.

Mr. Towne referred to Exhibit E of the staff report: map identifying the 2007 proposed EID properties and a tax-lot listing of the properties. Exhibit H includes two letters received by property owners asking to be removed from the EID. The two properties are identified on the map and can be removed now or later.

David Dodson, DCA EID Task Force, said the task force reviewed past efforts and determined what would make sense for new boundaries. He clarified that the assessment only applies to commercial properties; residential and governmental properties are not included. If a building is mixed-use, only the retail portion is assessed. Mr. Dodson added that the majority of DCA funding comes from EID participation.

Questions of Staff

Councilor York: How does the task force deal with property owners opting out of the EID?

- ▶ *Mr. Dodson – Members will educate property owners on DCA benefits and explain how the assessment is used. The conversations also help members evaluate and reassess boundaries.*

Councilor York: Is the preference to remove the two properties now or later?

- ▶ *Mr. Dodson – It is preferable to leave the properties in the EID at this point to be counted as part of the entire EID. If property owners representing more than 33 percent of the assessment remonstrate, the EID would fail.*

Councilor Beilstein: If 67% participation is needed, why not leave out entire blocks?

- ▶ *Mr. Dodson – The property boundaries and assessment changes with each re-authorization. The DCA has chosen to leave the properties in and allow the property owners to remonstrate.*

Councilor Beilstein: What happens if the 67% participation is not met?

- ▶ *Mr. Dodson – The DCA can ask for a continuance and re-evaluate boundaries.*

Councilor Beilstein: Is this the first five-year voluntary EID?

- ▶ *Mr. Dodson – This is the second five-year voluntary EID.*

Public Testimony – Support – None.

Public Testimony – Opposed

Lenore Wood, 1201 NW 3rd Street, said as a new downtown property owner and landlord, she would prefer a three-year EID and that it remain voluntary.

In response to Councilor Beilstein's inquiry, Ms. Wood confirmed that she received notice of the EID Public Hearing; however, a map was not included.

Public Testimony – Neutral – None.

Mayor Tomlinson closed the public hearing.

Deliberations

City Attorney Fewel read an ordinance amending Municipal Code Chapter 10.07 (Economic Improvement District) and imposing assessments on property within the Downtown Voluntary Economic Improvement District.

ORDINANCE 2007-10 passed unanimously.

Mr. Fewel read a resolution to levy an assessment in the amount of \$1.25 per \$1,000.00 of the Assessor's Real Market Value.

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

RESOLUTION 2007-09 passed unanimously.

- B. Continuation of a public hearing to consider an appeal of a Planning Commission decision (WRG06-00001 – Cornerstone Associates)

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

Declaration of Conflicts of Interest – None.

Declaration of Ex Parte Contacts

Councilor Grosch stated that he had a conversation with Cornerstone Associates, Inc. Board President Peter Ball regarding site development and process options prior to the Planning Commission hearing. The conversation will not impact his ability to make a fair and impartial decision.

Councilor Brown declared that he joined in the conversation with Councilor Grosch and Mr. Ball. The conversation will not impact his ability to make a fair and impartial decision.

Declaration of Site Visits

Councilor Daniels, Grosch, Zimbrick, Hamby, and York all declared making a site visit.

Objections on Jurisdictional Grounds – None.

Staff Overview

Associate Planner Adams reported that the subject site is located on SE Crystal Lake Drive between several "Evanite site" parcels and within the Willamette River Greenway (WRG) overlay. The Comprehensive Plan Map designation is Mixed-Use Transitional, and other properties in the area are designated Residential Low Density, Open Space Conservation,

and Residential Medium Density. The Land Development Code (LDC) designation for the subject site and the properties to the south and east is General Industrial, while the properties to the north and west are Intensive Industrial. Properties located immediately across SE Crystal Lake Drive are RS 3.5, Low Density Residential.

Mr. Adams reviewed the above existing conditions on an aerial photograph and added that the Cornerstone property consisted of two primary buildings, a portion of which burned down in 2006. The remaining site is developed with gravel storage areas, informal landscaping, material storage (lumber), and industrial buildings belonging to Evanite.

Mr. Adams explained that the applicant/appellant requested to construct a 3,000 square foot (sq ft) building related to manufacturing, wood products, and work space. As a result of the new building, additional vehicle and bicycle parking spaces would be required, as well as new site landscaping per the General Industrial and WRG Districts, as noted in the LDC.

Mr. Adams identified the three issues of the appeal:

- The applicant/appellant contends their request did not constitute development; therefore the proposal should have been processed as a building permit and not reviewed through the WRG overlay.
- The applicant/appellant contends that the Conditions of Approval placed on the development are not substantially supported by evidence in the record.
- The applicant/appellant contends that some of the Conditions of Approval placed on the development are unconstitutional exactions not relevant to the proposal.

Planning Manager Towne clarified that the General Industrial zoning of the subject property is due to the proposal being submitted prior to the December 31, 2006 effective date of the new LDC.

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

George Heilig, representing Cornerstone Associates, Inc., presented materials outlining the appeal (Attachment H). He said Council has the opportunity to direct staff not to interpret ordinances in a manner limiting development. City staff was not required to treat this application as subject to the WRG Conditional Development procedure.

Mr. Heilig referred to Exhibit 1 of his attachment, identified as a photograph of the previous 6,000 sq ft building that burned in 2006. He noted the sloped roof and impervious surface that allowed for storm water runoff. The Site Plan (Exhibit 2) identifies the locations of the burned building pad and proposed new 3,000 sq ft building. The Plot Plan (Exhibit 3) provides additional details of the proposed new building.

Mr. Heilig read LDC Section 3.30.20, in part:

“‘Development’ as used in this section includes change of use or intensification of land or water uses except for those activities listed as exemptions in Section 3.30.30 below.”

Mr. Heilig contended that staff interpreted the above language to decide that going from a 6,000 sq ft building to a 3,000 sq ft building was an intensification of use. The analysis of “intensification” is related to impervious surfaces. The staff analysis states that the impervious surface on the new building will create a storm water issue, yet the proposal identifies storm water flowing to the storm water drain in SE Crystal Lake Drive. The residual of the burned building is a cement slab that collects rain water. Mr. Heilig challenged how reducing the size of the building, and draining the storm water directly to the storm water collection qualifies as an “intensification of use” in the proposal.

Mr. Heilig read LDC Section 3.30.30.k, in part:

“A change of use of a building or other structure that does not substantially alter or affect the land or water upon which it is situated.”

Mr. Heilig said the subsection refers to existing structures; however, staff could have interpreted it to include the change of use of building that was destroyed by fire. He opined that the exemption is silent about changing the location of a building.

Mr. Heilig said Conditions of Approval should not be imposed when there are common sense ways to avoid them. The linkage is whether new construction or renovation will be encouraged. He said this land use decision is important because it highlights the interpretation activity. Sometimes that activity involves gamesmanship of whether one interpretation is more right than the other, rather than how one can provide assistance.

Mr. Heilig stated that in an attempt to find another definition of “development,” staff used a concept of “materiality.” The dictionary defines material as something of substantial and essential import. Staff could have concluded replacing a 6,000 sq ft building with a 3,000 sq ft building was not material; therefore, not development. The question is whether this change is substantial enough to impose \$30,000 in conditions.

Mr. Heilig encouraged Council to empower staff to balance the interests to promote newness and not encourage staff to create with narrow interpretations. If Council concludes this request should not have been considered as a Conditional Development under WRG, it will not remove the building permit process and regulations dealing with building codes.

Mr. Heilig referred to Exhibit 7 (Condition of Approval 8), related to taking land for public right-of-way (ROW). Staff recommends that the front of the property is “taken” for the expansion of SE Crystal Lake Drive and a public easement be given for public utilities. He read from *Schultz vs. City of Grants Pass*:

“In Schultz vs. the City of Grants Pass, the local government required roadway dedications as condition of approving a partition application. The local government’s justification for proposing that exaction was that the property in question might upon further and future applications be subdivided, and that in turn, might result in 20 homes being built on the site. Thus the justification for the

roadway dedications conditions was that those conditions would mitigate transportation impacts that could be generated if at some point in the future these sites were developed in a manner that was not yet permitted.

Applying *Dolan*, we [Court of Appeals] rejected that rationale, saying, the City's justification for conditions is (in the words of the City's own supplemental findings), the impact of 'potential development of the partition track.' In other words, the City imagined the worse-case scenario assuming the petitioner would at some undefined point in the future attempt to develop their land to their full development potential of as many as 20 subdivided residential lots. Further assuming that petitioners would obtain all of the necessary permits and approvals, and on the basis of that scenario it calculated the impacts of the development and tailored conditions to address them." The Court of Appeals ruled that this could not occur under *Dolan*.

Mr. Heilig stated that staff's analysis is exactly the same for the taking of the frontage property. Staff used terms "could intensify," "people who could work," if the General Industrial site develops to its full capacity. The analysis on which exactions can be exerted, is whether the site will generate an adverse impact that is required to mitigate adverse impact and is roughly proportional to the impact. Quotes from the original staff report to the Planning Commission are included in Exhibit 7, and clearly show that the analysis for the exaction, taking of the frontage, and utility easement, is based on potential future increases. *Dolan vs. City of Tigard* states that it is not permissible for the City to "require the dedication of private property for some future public use when such future use is not occasioned by the construction sought to be permitted." In this case, the project sought to be permitted is a reduction in half of what was there before the 2006 fire. There is nothing identifying current impact from this development, only potential future impact. This proposal is for a charity that cannot afford onerous exactions and the City should not require them. The Conditions might serve the overall good of South Corvallis, but they do not serve Cornerstone.

Mr. Heilig referred to Condition 5, related to parking. Staff report Exhibit II, pages 15 through 17 include a staff analysis that identifies 51 existing parking spaces. The six additional parking spaces required provide a total of 57 spaces. The project uses 39 spaces and the new building occasions eight. Therefore, only 47 spaces are needed. Mr. Heilig said the issue is how many spaces need paving. The Americans with Disabilities Act (ADA) requires two paved parking spaces, which Cornerstone will provide. The cement slab left from the burned building includes six paved spaces. Cornerstone suggests that existing parking can be accommodated on site by paving only two of the spaces on the east side of the new building and including six new spaces in the heavily graveled surface. The savings would be approximately \$4,200. Staff has not proved a need "driven by a reasonable response" per Oregon Revised Statutes (ORS).

Mr. Heilig said Condition 10 is driven by the fact that the WRG Conditional Development standard was used. If the WRG was not used, expensive paving would not be required. Mr. Heilig referred to a photograph of the current bus stop in Exhibit 6 of his handout. He said there has never been a report of injury or problems at the current bus stop.

Mr. Heilig referred to Condition 9 which requires a 28 foot setback in a triangle shape. This requirement is also driven by the WRG and will cause the loss of one or two Giant Sequoia trees.

Mr. Heilig said SE Crystal Lake Drive holds public easements on both sides of the drive and there is no immediate need for a seven-foot easement on the east side of the existing fence line as required in Condition 12. He opined that it will be more appropriate for the City to take the utility easement from Cornerstone and Evanite when the City wants to remove the trees and widen the street.

Mr. Heilig referred to page eight of the staff report. He said staff requested landscaping. The Site and Plot Plans show a new building between SE Crystal Lake Drive and the existing antiquated buildings that serve as a visual buffer, along with the existing Giant Sequoia trees. Parking will be located on the east side, or opposite of what is visible by the residents across the street. Cornerstone is willing to add arborvitae next to the building and install drip irrigation. Mr. Heilig reminded Council that each dollar required by the City for these Conditions reduces the ability for Cornerstone to care for their associates.

Questions of Applicant/Appellant

Councilor Grosch: Do you believe that the only additional parking needed is next to the new building?

- ▶ *Mr. Heilig: Other than the ADA paved parking spaces added to the new building, the remaining property can accommodate parking requirements in the graveled areas.*

Councilor York: Do you prefer a ROW dedication with condemnation proceeding?

- ▶ *Mr. Heilig: When the Capital Improvement Program designates SE Crystal Lake Drive for expansion, then the entire community area would benefit. The law states that the impact from the subject property does not have to fund the entire community good.*

Mayor Tomlinson noted that Council sets policy and procedure, and when Mr. Heilig uses the term “staff” the assumption is that he is referring to Council. Mr. Heilig responded that staff, not Council, made the interpretations and staff is requesting affirmation of their interpretations. Mr. Heilig opined that Council should inform staff their interpretation is incorrect and encourage them to be more balanced and less literal.

Councilor Brauner: What was the previous use on this site?

- ▶ *Mr. Heilig: Originally the land was used as a gravel pit. Prior to the Cornerstone building burning, the land was used primarily for storage and work area for the Cornerstone Associates.*

Councilor Brauner: Are you contending that this proposal is not a “change of use” in addition to not an “intensification”?

- ▶ *Mr. Heilig: Yes, even though “change of use” was not referenced by staff. Staff used “intensification” and then used a second definition of “development” related to material change.*

Councilor York: One test of intensification is impervious surface. The slab from the 6,000 sq ft building remains and this proposal is to add a 3,000 sq ft building elsewhere on the property. Is the new building on impervious or pervious surface?

- ▶ *Mr. Heilig: The location for the new building is a pervious (graveled) area. The storm water on the old building was not managed because of its age and lack of information about the runoff. Because the old building site is now a flat slab, the water moves at a slower rate, and most likely migrates under the slab. The new building will connect to the City's storm water system, which will not only result in "no change," it will provide an improvement for water runoff.*

Staff Report

Mr. Adams said the LDC clearly identifies development to be an activity making materials changes in land or structure. The WRG broadens the development definition to include intensification of use and/or land. Construction of a new building would result in material changes to the property and introduce new impervious materials; thereby, causing an intensification of that portion of the property. Because none of the WRG exemptions apply, the application of WRG standards and the processing of this proposal as a Conditional Development was appropriate.

Mr. Adams said Conditions 1-6, 13, and 14 ensure consistency with development standards that apply to the proposal. These Conditions were reasonably applied and consistent with both the LDC and applicable ORS.

Mr. Adams stated staff disagrees with the Applicant/Appellant that Conditions 7, 9, and 10 are exactions. Staff believes these Conditions have the same purpose as Conditions 1-6, 13, and 14, and ensure consistency with development standards that apply to the proposal.

Mr. Adams explained that Condition 11 is advisory and only ensures that a storm water facility design is consistent with the Stormwater Master Plan, if determined to be necessary by the amount of impervious cover created by this proposal. The Condition *informs* the applicant of the requirement.

Mr. Adams said Conditions 8 and 12 have the effect of being exactions. The Applicant/Appellant would be required to dedicate additional ROW along SE Crystal Lake Drive and provide a private utility easement. Both result in the use of private property for a public purpose. Staff broadened the analysis provided to the Planning Commission to include more findings that address the *rational nexus* and *rough proportionality* tests required for exactions. The analysis reveals there is rational nexus between burdens placed on the public system by this proposal and the proposed solution, which consists of dedication of additional ROW to allow for construction of pedestrian and bicycle facilities, and to extend private utilities. The proposed solutions are roughly proportional to the impact that is caused. Staff shows that at a minimum, the introduction of eight individuals to this property, based on the number of parking spaces required, does result in rough proportionality with similarly situated residential properties along this portion of SE Crystal Lake Drive, with respect to the amount of ROW they have provided to facilitate necessary transportation improvements. Staff analysis is not relying on a future potential use of the site, but what would occur as a result of this proposal.

Questions of Staff

Councilor Brauner: Is it correct that Conditions 8 and 12 require a dedication, but not improvements to the property? The dedication would only reserve the property for future use.

- ▶ *Mr. Adams: Correct. Three options were provided to ensure construction of identified transportation facilities: 1) build the facilities, 2) prepay for the facilities to be constructed at a later date in a more comprehensive project along the entire street, or 3) participate in a Local Improvement District (LID) through a non-remonstrance agreement.*

In response to Councilor Hamby's inquiry, Mr. Adams confirmed that rough proportionality only applies to the exactions and the proposal was reviewed by the Planning Commission because of the WRG overlay.

Councilor Grosch: The Applicant/Appellant can choose to improve the ROW, pay for the improvements and Zone of Benefit, or not improve the property and complete a non-remonstrance that ensures when the property develops in the future, they agree to financially participate.

- ▶ *Mr. Adams: Correct, except for the creation of the Zone of Benefit. The Applicant/Appellant would be required to determine the amount of money needed to construct the required improvements (e.g., sidewalk and planter strip) and provide the monies to the City. The funds would be held until those improvements are constructed in entirety with adjacent properties.*
- ▶ *Mr. Towne: The dedication is not associated with increasing vehicular traffic, it is associated with pedestrian facilities to provide adequate pedestrian access along the frontage of the roadway. There would be no Zone of Benefit because it is not an off-site improvement.*

Mr. Towne noted the full Planning Commission report describes staff analysis of the proposal and includes the Planning Commission's Notice of Disposition. Other issues are important to the approval or denial of this proposal, but are not the sole issues associated with the proposal. The proposal is a Conditional Development with the concept that Conditions of Approval may be necessary to mitigate the impacts of certain types of development. Additionally, LDC Chapter 1.6.20, Common Words, "Development" and "Redevelopment" are defined. In the WRG Section, "Development" is listed in quotation marks, meaning it refers back to and includes Chapter 1.6, Definitions; therefore, expanding the definition.

Public Testimony – Support

Peter Ball, Cornerstone Association, Inc. Board President, noted his previously submitted written testimony. Cornerstone is trying to work cooperatively with the City to create an environment to help people move forward with development. The proposal is not to serve more individuals than are currently being served; therefore there is no increase to the use of the property. The surface area of the proposal is 1.5 percent of the entire property, which makes water drainage insignificant.

Councilor Daniels: The written testimony refers to staff not being responsive. What did staff not respond to?

- ▶ *Mr. Ball: Discussions were held with City staff from the Planning Department up to, and including, the City Manager, with the intent of presenting a cooperative project to the Planning Commission for approval. Staff was not responsive to the practical realities of assisting Cornerstone, other than helping to identify the process. In retrospect, Cornerstone should not have invoked WRG and only applied for a building permit. Everyone took time to listen, but no one gave any consideration to holding a meeting to discuss a project that would be approved.*

Councilor Daniels: Do you contend that the land use conditions (landscaping, driveways, etc.) are not “normal”?

- ▶ *Mr. Ball: Cornerstone expects to comply with any reasonable building code and does not necessarily object to codes not related only to the structure.*

Councilor Daniels: What is meant by “alternative and hidden agendas” referred to in paragraph six of your written testimony?

- ▶ *Mr. Ball: It seems as if there is an attempt to create opportunity where projects can be micro-managed beyond what creates a reasonable proactive environment to help citizens accomplish projects within the code. An impasse is eventually created that discourages development and removes creativity.*

Councilor Hamby: Are you saying that the definition of working cooperatively and being reasonable is that the LDC should not apply to you?

- ▶ *Mr. Ball: Cornerstone does not believe in some of the LDC's applications to the proposal. Cornerstone expected to create an environment to discuss issues with the result being a cooperative project that could be presented to and approved by the Planning Commission. There is room for staff to compromise, which is what was expected. An example is a Condition to provide paved walkways. The most direct path between the bus stop and location of a newly constructed building has existing pavement. Why would there be a requirement to construct a paved walkway that goes nowhere?*

Mayor Tomlinson recessed the Council from 8:56 until 9:05 pm.

Councilor York: Do you feel that as a non-profit organization providing a community service, the City should be more lenient on your project versus the for-profit developer?

- ▶ *Mr. Ball: No; cooperation should be applied to everyone. As a community, we need to be cooperative and encourage existing business to make reasonable enhancements and new development that meets reasonable guidelines. The interpretations of the guidelines are too picky.*

Councilor Beilstein: If the application had been to construct a new building on the existing site of impervious surface, would it not be considered development?

- ▶ *Mr. Ball: Cornerstone was told that rebuilding on the existing site would trigger a WRG review. Building away from the old site, removes people from the more industrial parts of the property. Drainage and surfaces were discussed early in the process.*

Councilor Brauner: Which Conditions would cause additional costs and how much?

- ▶ *Mr. Ball: Landscape – \$2,400-\$3,600; parking – \$3,300-\$4,200; storm water conveyance – \$4,200-\$6,000; ROW dedication – \$8,500-\$15,000; walkway construction – up to \$2,300.*

Councilor Zimbrick: What will happen to the old building site?

- ▶ *Mr. Ball: It is currently being used for lumber storage. Structurally, it could not meet building code requirements for a new building.*

David Gilbert, Board Treasurer of Cornerstone Associates, Inc., said he was impressed with how diligent staff works to minimize overhead, provide service to associates, and raise funds. The costs associated with the Conditions of Approvals of the proposal will create a hardship for Cornerstone and force less services for the associates. The additional eight parking spaces are only required because of the building, not because Cornerstone needs them. Building a smaller building does not create additional impact, and the requirements seem unfair. To rebuild a smaller building after a casualty loss and be required to spend an additional \$30,000 to \$40,000 is questionable. Additionally, Cornerstone must certify that the land is clean before it can be dedicated to the City. This property has been known as hazardous since it housed the sand and gravel business. The City suggests dedicating the additional ROW is a small matter, when no one yet knows what condition the land is in, and there is no known use for the ROW now or later.

Public Testimony – Opposition

Dana Campbell, 1360 SE Crystal Lake Drive, lives across the street from the proposed new building. She is not concerned about the Cornerstone organization, she is concerned about the construction of a new building in South Corvallis. As a property owner, she is required to follow every code and regulation specific to Corvallis and believes Cornerstone should also be required to follow the codes and regulations. The proposed building will be located closer to her home and the other five residences located across from Cornerstone and Evanite. Many of the homes have bedrooms fronting SE Crystal Lake Drive and are exposed to lights, landscaping, and noise. Ms. Campbell suggested that a buffer is appropriate.

Public Testimony – Neutral – None.

Applicant/Appellant Rebuttal

Mr. Heilig stated that LDC Section 3.30.30.k (substantiality test) does apply to the proposal.

Regarding rough proportionality, page 14 of the staff report uses terms such as *could intensify*, are *anticipated*, employees that *may* occupy, etc. This analysis is not permissible under *Dolan vs. City of Tigard*; therefore constituting “takings.”

Mr. Towne said the reasons for the Conditions is to mitigate impact. Mr. Heilig questions whether staff has identified the impact of the replacement structure. The construction is not new, it is replacement of a building destroyed by fire. It will be located in a new place, but it is half of the size of the building that was in place when Ms. Campbell moved into her

residence. The issue is the interpretation of whether the WRG Conditional Development should be applied. Cornerstone believes a correct interpretation would be that this property is not subject to the WRG Conditional Development.

Sur-Rebuttal – None.

Questions of Staff

Councilor Zimbrick: Regarding Exemption k – is there an opportunity for a mitigation plan that could comply with the change of the use of a building or structure that would not substantially alter the land or water?

- ▶ *Mr. Towne: Staff does not believe Exemption k applies because the proposal includes construction of a new structure. The proposal is clearly “development” because there is a material change in the land, it is construction of a new structure, and there is no change in use. Mitigating run-off is different and addressed in a number of the Conditions. The City is not aware of what the storm water treatment or transmission on that site includes. When a new structure is constructed and/or new parking is added, the City deals with the run-off consistent with the Stormwater Master Plan. The Conditions related to water quality, treatment, and conveyance associated with impervious surface could be considered a mitigation plan.*

Councilor Beilstein: Condition 11 relates to water quality facilities and states, in part, that if the proposed new pollution generating impervious surface (PGIS) is 5,000 sq ft or greater, the applicant shall construct water quality facilities. Will the new PGIS be 5,000 sq ft or greater?

- ▶ *Civil Engineer Reese: Based on the application, the City does not yet know.*

Councilor Beilstein: Is it feasible for the applicant to keep the new parking and space accessible to motor vehicles less than 5,000 sq ft, thus avoiding this requirement?

- ▶ *Mr. Reese: Engineering has not reviewed the design for maneuvering vehicles on the site. Planning would need to determine how much maneuvering space is required.*
- ▶ *Mr. Towne: A parking space is roughly 10 by 20 feet. Ten parking spaces would be 2,000; added to 3,000 sq ft proposal would equal 5,000 sq ft. The parking spaces could be a little smaller, but once maneuvering and driveway space is added, it will most likely be more than 5,000 sq ft.*

Councilor Beilstein opined that the requirements are somewhat onerous and inquired what the City could do to make the requirements less onerous and still comply with standards.

Councilor Brauner: Regarding Condition 11, the 3,000 sq ft facility does not generate vehicle pollution, so only the parking and vehicle maneuverability needs to be less than 5,000 sq ft?

- ▶ *Mr. Reese: Correct.*

Councilor Brauner: One concern of the applicant/appellant is the internal pedestrian walkway and existing hard surface. Does the pedestrian walkway need to be new or can it be a part of the existing surface?

- ▶ *Mr. Towne: The walkway can utilize existing surface. The Council and community have established clear and objective criteria that staff is attempting to apply. Within*

the walkway criteria, there is a requirement to have a separated surface (raised, curbed, etc.) between pedestrian and vehicular use.

- ▶ *Mr. Adams: Based on the dimensions of the existing vehicle access that travels through the site, one-way traffic is facilitated well and two-way traffic is marginal, making pedestrian movement questionable. It is likely that additional pedestrian use facilities will need to be constructed.*

Councilor Daniels noted that during her site visit, traffic was heavy and she had difficulties maneuvering between vehicles. She agreed that pedestrians would need to be protected from vehicle movement as expected on any industrial site. Councilor Daniels opined that there would be no reason to amend Condition 11. The applicant/appellant will either meet the threshold or not.

In response to Councilor Daniels' comments, Mr. Towne confirmed that the site has been industrial for many years. He said the issue of having pavement over a surface that pedestrians will be using is fairly important since the City does not know what chemicals may be in the ground, even at surface level.

Councilor Grosch opined that Council could consider past use of the property. The majority of people who work at Cornerstone use Dial-A-Bus or private transportation. There are very few associates working outside of the building. He expressed little concern for the need of an internal sidewalk.

Councilor Daniels said a pathway would need to be constructed between the new building and old building pad if the associates are going to continue using the old building pad.

Councilor York opined that an internal sidewalk is required regardless of the current tenant. The requirement is based on the LDC.

Councilor York: Were the same ROW dedications and private utility easements applied to the CoHo Cohousing project?

- ▶ *Mr. Reese: The CoHo project was conditioned for exactly what is listed in the LDC. ROW was dedicated to meet the requirements as well as the construction of sidewalks and planting strips.*

Right to Submit Additional Written Argument

Mr. Heilig waived the right to submit additional written testimony.

Mayor Tomlinson closed the public hearing.

Deliberations

Councilors Wershow and Daniels, respectively, moved and seconded to uphold the Planning Commission's decision to approve the request.

Councilor Beilstein said before the ROW is dedicated, an expensive environmental assessment must be conducted. He inquired why the City needed the dedication at this point rather than when the improvements are made.

Councilor Grosch responded that because of the new development, the site must be brought up to current standards, which requires the ROW dedication. There are no current plans to expand SE Crystal Lake Drive and this proposal will not add traffic to the Drive. There is no pressing need and no overwhelming benefit to dedicate the ROW immediately.

Councilors Grosch and Beilstein, respectively, moved and seconded to amend the motion to remove Condition of Approval 8.

In response to Councilor Hamby's inquiry, Mr. Towne confirmed that the City would be required to pay for the environmental analysis if the property is dedicated at a later time.

Councilor Brauner said he agrees with the Planning Commission and staff that this project is development. The Condition requires a review of whether this development increases use and impact to require the dedication. He opined that replacing a 6,000 sq ft building employing x number of employees with a 3,000 sq ft building employing the same number of employees does not intensify the use to warrant this type of condition; therefore he will support the amended motion.

Mr. Towne clarified that there is available land on the site for additional development. Condemnation may not be the only way to obtain the ROW. The development is in a General Industrial Zone which requires the first 35 feet along SE Crystal Lake Drive be landscaped (Condition 2).

City Manager Nelson noted that the LDC does not allow the City to differentiate between profit and non-profit businesses.

Mr. Nelson suggested a compromise of asking for the dedication with an offer of financial relief and a future requirement to participate in the improvement. The burden would then be passed on to the greater public, street fund, or other entity. The width of ROW is needed because of the Transportation Master Plan and the requirement that fair share go with the development.

Councilor Brauner clarified that the compromise means asking for the dedication without any improvement or financial impact, and the ROW dedication would be reserved for future development. The only issue would be the environmental assessment before the dedication.

Mr. Towne explained that there are three levels of assessment, starting with a base level of likelihood of pollution. Although there is no simple solution, the area subject to dedication has been relatively unused.

Councilor York noted that the ROW dedication is not due to the development generating more traffic. It is for pedestrians, collector, landscaping, and part of the Transportation Plan. He is reluctant to eliminate the requirement.

Councilor Daniels said she would not support removing Condition 8; however, she is agreeable to obtaining the ROW dedication without immediate financial impact. She is concerned about the environmental assessment.

Councilors Grosch and Beilstein, respectively, amended and seconded their motion to remove the last sentence of Condition 8:

“The applicant shall also construct, secure, prepay, or petition for Collector Street standard park strip and setback sidewalk along the development site’s SE Crystal Lake Drive frontage, including relocation of the existing fence.”

In response to Councilor Hamby’s inquiry, Mr. Towne said if the above motion is approved, there may be an opportunity with further development at this site for sidewalk construction. Mr. Nelson said it could be backfilled through another funding source.

In response to Councilor Beilstein’s inquiry, Mr. Nelson explained that an irrevocable consent to participate means a pledge to participate financially with the development at some point in the future. Mr. Reese added, if a local improvement district is formed in the future the applicant would be required to participate.

Mr. Towne explained that the language in Condition 8 does not need to be removed because the applicant can dedicate the property, sign a petition, and not expend funds at this time. The petition does not remove their responsibility.

Councilor Wershow said he was not in support of the motion because future applicants will express need which will eventually put the financial burden on the City.

Councilor Beilstein stated that he is attempting to remove the financial burden as it is not commensurate with the impact of the development. When the development is substantial enough to increase use then the City has an obligation to obtain the cost from the developer.

Mr. Fewel said Council has approved this type of condition for years. The City takes the ROW now and the applicant signs an irrevocable consent to a LID that can be constructed some future date. Only benefitted properties pay for the improvements. If one-third of the properties remonstrate, the LID will fail.

Councilors Grosch and Beilstein withdrew their amended motion to remove the last sentence of Condition 8.

Mr. Towne said Condition 8 language could be amended to read:

“The applicant shall also construct, secure, prepay, or sign an irrevocable petition for public street improvements for Collector Street standard park strip and setback sidewalk along the development site’s SE Crystal Lake Drive frontage, including relocation of the existing fence.”

Mr. Towne read LDC 4.01.110.h related to the three-level environmental assessment. Mr. Fewel said an environmental assessment must occur before the City can take the dedication.

Councilor York noted that this language only deals with assessment and not cleanup. The assessment would help the City determine if they want the dedication. If there is contamination, clean-up would occur when the site is developed further. Mr. Towne added that the City can refuse to accept the ROW based on the environmental assessment.

Mr. Nelson said he could not recall needing an environmental assessment beyond the first phase. The concern is the cost to the applicant. The environmental assessment costs increase once the assessment moves beyond the first level. He inquired about limiting the language to the first level assessment and conducting a second review if needed.

Mr. Adams added that the rough estimate for the width of the needed ROW is ten feet, which is mostly occupied by trees.

Councilor Grosch and Beilstein withdrew their motion to remove Condition 8.

Councilor Grosch inquired whether the landscape buffering in Condition 2 will still apply if amendments are approved for environmental assessment in Condition 8. Mr. Towne confirmed that Condition 2 is a completely separate issue from Condition 8.

Mr. Towne read amended Condition 8 language, in part:

“ . . .and provide an environmental assessment for all land to be dedicated in accordance with LDC Section 4.0.110.h.1. Should a level one assessment be deemed necessary, the City may choose not to accept the public right of way. The applicant shall also construct, secure, prepay, or sign an irrevocable petition for public street improvements for Collector Street standard park strip and setback sidewalk along the development site’s SE Crystal Lake Drive frontage, including relocation of the existing fence.”

Councilor Grosch and York, respectively, moved and seconded to amend Condition 8 as proposed.

Mr. Towne confirmed that LDC Section 4.0.110.h.1 only includes the environmental site inspection. If the inspection results in unclean land, further discussion will occur with the applicant to deal with the environmental impacts and whether the City will accept the dedication.

In response to Councilor Zimbrick’s inquiry, Mr. Fewel explained that if the assessment is not good, the City would not accept the dedication, but still have the irrevocable petition to form the LID.

The motion passed eight to one with Councilor Hamby opposing.

The original motion to uphold the Planning Commission’s decision to approve the request passed unanimously.

IV. UNFINISHED BUSINESS – continued

D. City Attorney Employment Agreement

Councilor Brauner referred to the City Attorney employment agreement addendum (Attachment I) and explained that the language represents a 2.2 percent inflationary adjustment effective July 1, 2007 and an additional 1 percent adjustment effective December 1, 2007. He stated appreciation for the City Attorney's recognition of the City's financial condition and his willingness to agree to an inflationary-only adjustment.

Councilor Zimbrick declared a conflict of interest.

Councilor Grosch noted that the performance evaluation was satisfactory and commended Mr. Fewel for the work he and his staff provides.

Councilors Brauner and Daniels, respectively, moved and seconded to approve the City Attorney employment agreement addendum. The motion passed eight to one with Councilor Zimbrick abstaining.

XI. ADJOURNMENT

The meeting was adjourned at 10:45 pm.

APPROVED:

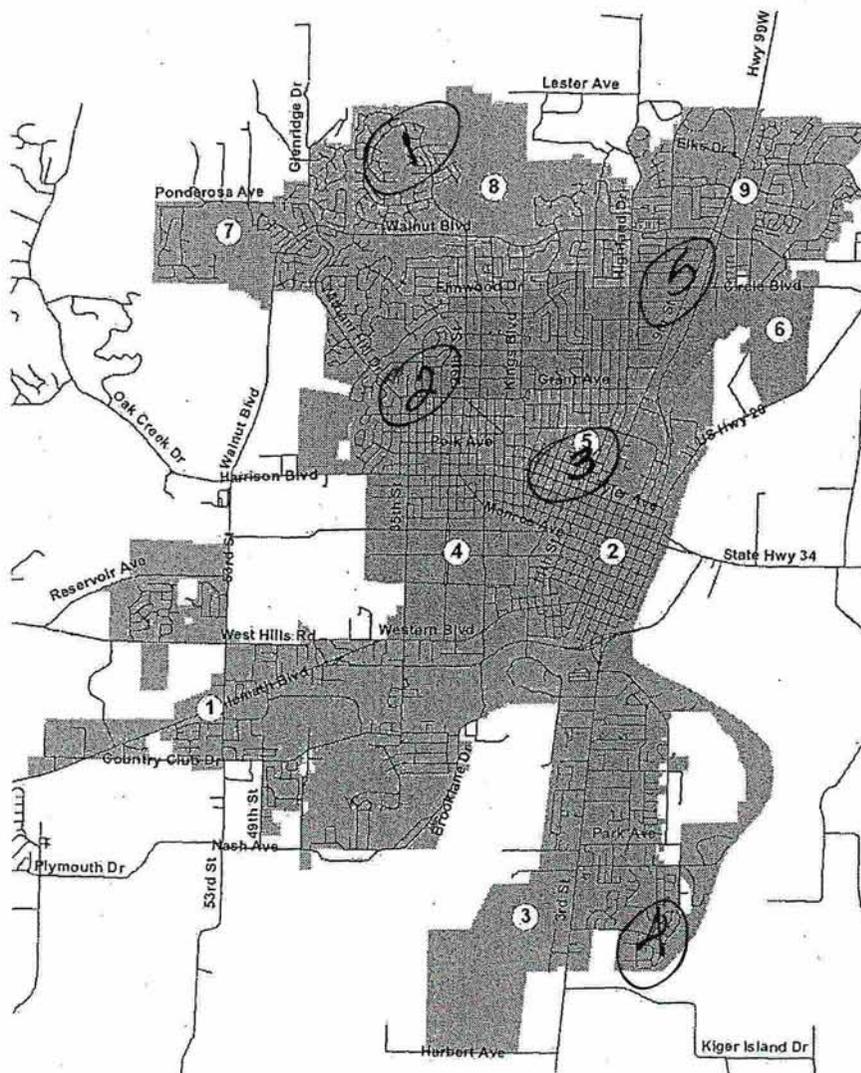
MAYOR

ATTEST:

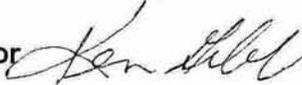
CITY RECORDER

Planning Commissioner Applicants Occupation and Residence Location Guide

Map Location Number	Commissioner's Name	Commissioner's Occupation	Commissioner's Residential Address	Ward or UGB
1	Karyn Bird	assistant professor - veterinary medicine (retired)	3245 NW Silktassel Drive	8
2	Denise Saunders	attorney	1765 NW Alta Vista Drive	7
3	Patricia Weber	electrical engineer	1252 NW Pierce Way	5
4	Dan Schofield	professional organizational development/health care	886 SE Bayshore Circle	3
5	Mark Knapp	administrative assistant	958 NW Sycamore Avenue, Apt. 19	6



MEMORANDUM

TO: Mayor and City Council
FROM: Ken Gibb, Community Development Director 
DATE: May 4, 2007
RE: CURRENT HISTORIC RESOURCES COMMISSION VACANCY

I. ISSUE:

There are three vacancies opening on the Historic Resources Commission as a result of terms ending June 30, 2007.

II. DISCUSSION:

Vacant and expiring Historic Resources Commission positions are filled by the City Council through a recruitment and selection process in which the positions are advertised, and interested citizens are invited to apply. The selection process involves completing an application and being interviewed by the City Council (with pre-selected questions). When all candidates are interviewed, the Council makes the selections.

Once new Commissioners are selected, staff provides basic orientation and an overview of the planning process. Staff also provides copies of necessary planning related documents including the Land Development Code, and the Vision 2020 Statement. As needed, additional training is also available for the Historic Resources Commission members.

III. PROPOSED SCHEDULE:

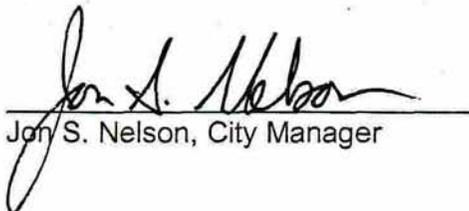
The recruitment schedule is tentatively proposed as follows:

Advertisement	Wednesday, May 9, 2007, and Sunday, May 13, 2007
Receive applications	Through 5 p.m. on Friday, June 1, 2007
Schedule interviews	Week of June 4-8, 2007
Council interviews	Tuesday, June 12, @ 5:20 p.m.
Appointments	Monday, June 18, 2007

IV. ACTION REQUESTED:

City Council is asked to accept the schedule for the Historic Resources Commission appointments and advise as to recommended changes to the application packet that is attached.

Review and Concur:


Jon S. Nelson, City Manager

ATTACHMENT B
Page 252-b



THE CITY OF CORVALLIS
INVITES APPLICATIONS
FOR HISTORIC RESOURCES COMMISSION VACANCIES
(3 Openings for 3-year Terms running July 1, 2007 to June 30, 2010)

The Corvallis City Council invites interested persons to apply for a position on the Corvallis Historic Resources Commission (HRC). The City Council will interview applicants and make selections at a time and place to be announced.

- The HRC advises the City Council on matters pertaining to historic and cultural resource preservation, and reviews Historic Preservation Permit applications for compliance with applicable land use regulations.
- The HRC consists of nine members appointed by the City Council. Three terms will be filled with three-year terms beginning on July 1, 2007. Qualified applicants will demonstrate a positive interest, competence, or knowledge in historic preservation; prior experience in quasi-judicial decision making; and a community-wide perspective on balancing multiple objectives associated with community planning. Additionally, qualified applicants will have a strong background in one of the following fields:

Archeology	Conservation	Historic Architecture
Architectural History	Curation	Historic Landscape Architecture
Conservation	Engineering	Historic Preservation Planning
Cultural Anthropology	Folklore	Historic Preservation
		History

Members of the HRC receive no compensation and attend 1-2 regular evening meetings each month. Review of materials for meetings averages 1-2 hours per meeting, although in some complex cases review can take up to 3 hours.

An application packet may be obtained from the Community Development Department, Planning Division, 501 SW Madison Avenue, or by calling the Community Development Department, Planning Division, at (541)766-6908. An application is also available on the City's web site at: www.ci.corvallis.or.us (select "What's New"). Completed forms must be returned to this office by 5:00 p.m. Friday, June 1, 2007.

Kathy Louie
Assistant to City Manager/City Recorder

Please publish as Display Ad: Wednesday, May 9, 2007, and Sunday, May 13, 2007

ORDINANCE 2006- 15

~~AN ORDINANCE AMENDING MUNICIPAL CODE CHAPTER 1.16, "BOARDS AND COMMISSIONS," AS AMENDED, REPEALING SECTION 1.16.250, "HISTORIC PRESERVATION ADVISORY BOARD," CREATING A NEW SECTION 1.16.325, "HISTORIC RESOURCES COMMISSION," AND DECLARING AN EMERGENCY~~

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Corvallis Municipal Code Section 1.16.250 "Historic Preservation Advisory Board" is hereby repealed.

Section 2. Corvallis Municipal Code Chapter 1.16 is hereby amended to include a new Section 1.16.325 "Historic Resources Commission," as follows:

Section 1.16.325 Historic Resources Commission

1. A Historic Resources Commission (HRC) is hereby created for the City.
2. This Commission shall consist of nine members as described in "3.a" through "3.d" below, in the context of fulfilling at least one of the following three Primary Attributes for all Commission members:
 - a) A demonstrated positive interest, competence, or knowledge in historic preservation;
 - b) Prior experience in a quasi-judicial decision-making capacity; and/or
 - c) A community-wide perspective on balancing multiple objectives associated with community planning.
3. An individual appointed to the Commission may represent both "a" and up to one of the other categories in "b" through "d" below. However, an individual appointed to the Board may not be counted to satisfy representation for both "d" below and either "b" or "c." In addition, a member of the Planning Commission shall serve as an ex officio member of the Commission with all the rights and privileges attendant thereto except the right to vote.
 - a) To the extent that they are available in the community and fulfill at least one of the Primary Attributes outlined in "2" above, at least five members fulfilling one or more of the Federal Historic Preservation Professional Qualification Standards listed in 1-12 below. If a reasonable effort has been made to fill these five positions, the positions may be filled by persons fulfilling the qualifications in "b" through "d" below.
 1. Archaeology: (a) Prehistoric Archaeology - Graduate degree in Anthropology or Prehistoric Archaeology, plus 2.5 years full-time professional experience; or (b) Historic Archaeology - Graduate degree in Anthropology or Historic Archaeology, plus 2.5 years full-time professional experience;

2. Architectural History: (a) Graduate degree in Architectural History or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Architectural History or a closely related field, plus 4 years full-time professional experience;
3. Conservation: (a) Graduate degree in Conservation or a closely related field, plus 3 years full-time professional experience; or (b) an undergraduate degree in Conservation or a closely related field, plus 3 years full-time apprenticeship in the field;
4. Cultural Anthropology: (a) Graduate degree in Anthropology with specialization in Applied Cultural Anthropology, plus 2 years full-time professional experience; or (b) an undergraduate degree in anthropology with specialization in applied cultural anthropology, plus 4 years full-time professional experience;
5. Curation: (a) Graduate degree in Museum Studies or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Museum Studies or a closely related field, plus 4 years full-time professional experience;
6. Engineering: (a) State Government-recognized license to practice Civil or Structural Engineering plus 2 years full-time professional experience; or (b) a Masters of Civil Engineering degree with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a Bachelor's of Civil Engineering degree with one year of graduate study in Historic Preservation or a closely related field, plus 2 years full-time professional experience;
7. Folklore: (a) Graduate degree in Folklore or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Folklore or a closely related field, plus 4 years full-time professional experience;
8. Historic Architecture: (a) State Government-recognized license to practice Architecture plus 2 years full-time professional experience; or (b) a Masters of Architecture degree with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a Bachelor's of Architecture with one year of graduate study in Historic Preservation or a closely related field plus 2 years full-time professional experience;
9. Historic Landscape Architecture: (a) a State Government-recognized license to practice Landscape Architecture plus 2 years full-time professional experience; or (b) a Masters degree in Landscape Architecture with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) a four or five year Bachelor's degree in Landscape Architecture plus 3 years full-time professional experience;

10. Historic Preservation Planning: (a) State Government-recognized certification or license in Land Use Planning, plus 2 years full-time professional experience; ~~or (b) a graduate degree in Planning with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (c) an undergraduate degree in Planning with course work in Historic Preservation or a closely related field, plus 4 years full-time professional experience;~~
 11. Historic Preservation: (a) Graduate degree in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Historic Preservation or a closely related field, plus 4 years full-time professional experience; or
 12. History: (a) Graduate degree in History or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in History or a closely related field, plus 4 years full-time professional experience.
- b) To the extent that they are available in the community and fulfill at least one of the Primary Attributes outlined in "2" above, at least one member from each established Historic District. These Historic District representatives must be property owners and residents of the Historic District that they represent;
 - c) To the extent that they are available in the community and fulfill at least one of the Primary Attributes outlined in "2" above, at least one member that is a representative of Oregon State University. If an Oregon State University Historic District is eventually established, this member requirement will no longer be needed, as an OSU representative would already exist through "b." above; and
 - d) To the extent that they fulfill at least one of the Primary Attributes outlined in "2" above, additional members representing the general public, as needed, to fill the Commission's nine positions.
4. The Commission shall be a quasi-judicial decision-maker for matters that include the following:
 - a) District Change decisions regarding the application or removal of a Historic Preservation Overlay in cases where a public hearing is required by Land Development Code Chapter 2.2 - Development District Changes;
 - b) HRC-level Historic Preservation Permit decisions; and
 - c) Appeals of Director-level Historic Preservation Permit decisions.
 5. The Commission shall advise and assist Council, the Planning Commission, and the Community Development Director in matters pertaining to historic and cultural resource preservation. Such matters shall include:
 - a) Recommendations concerning amendments to sections of the Land Development

- Code pertaining to historic preservation.
- b) Recommendations concerning the nominations of sites or structures for the National Register of Historic Places.
 - c) Recommendations concerning additional inventories and/or surveys of Corvallis' historic sites and structures.
 - d) Coordination of public information or educational programs pertaining to historic and cultural resources.
6. Upon expiration of a term or vacancy, a public announcement of the opening will be announced in a newspaper of general circulation in the City. The notice shall contain the qualifications for appointment in subsections 2) and 3) and a list of the qualifications of existing Commissioners. After receiving applications, Council shall conduct interviews. If more than one application is submitted, Council shall hold a ballot vote conducted by the City Recorder. Any person receiving a majority vote shall be appointed to the Historic Resources Commission. If no person receives a majority vote, the two receiving the most votes shall be voted upon again. The one then receiving the majority vote shall be appointed to the Historic Resources Commission.

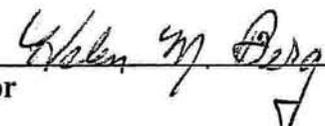
Section 3. The general welfare of the public will be promoted if this ordinance takes effect immediately. Therefore, an emergency is declared and this ordinance shall take effect immediately upon its passage by the City Council and its approval by the Mayor.

Section 4. Section 1.16.325.6 of the Municipal Code describes the process by which the Historic Resources Commission is to be appointed. Council recognizes that this process will take one to two months to complete. Because of this potential delay and the importance of implementing these provisions and the Historic Preservation provisions of the Land Development Code included in Ordinance 2006-14, the Council declares the Land Development Hearings Board to be the interim Historic Resources Commission until October 1, 2006, or until such time as a quorum (five members) of the Historic Resources Commission described in Section 2, above, is appointed. By a majority vote, the Council may extend for two additional months beyond October 1, 2006, the Land Development Hearings Board's status as the interim HRC.

PASSED by the City Council this fifth day of June, 2006.

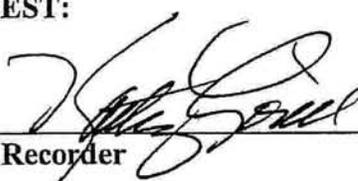
APPROVED by the Mayor this fifth day of June, 2006.

EFFECTIVE this fifth day of June, 2006.



Mayor

ATTEST:



City Recorder



Community Development Planning Division
P. O. Box 1083
Corvallis, OR 97339
(541) 766-6908 Fax 754-1792

2007

Historic Resources Commission

Application

Packet

Deadline: Return by 5:00 p.m. Friday, June 1, 2007

THE CITY OF CORVALLIS

Historic Resources Commissioner

The City of Corvallis has been designated a Certified Local Government by the State of Oregon for the purpose of implementing a Historic Preservation program that is consistent with the Comprehensive Plan, the Statewide Planning Goals, and other state and federal guidelines. This program is implemented locally by *Corvallis Municipal Code Section 1.16.325-Historic Resources Commission (CMC)* and the Corvallis Land Development Code (LDC), primarily *Chapter 2.9 - Historic Preservation Provisions* and *Chapter 2.2 - Development District Changes*. Among other actions, these provisions establish the Historic Resources Commission as the decision-making authority for discretionary decisions affecting historic resources. The job of Commissioner on the Historic Resources Commission (HRC) is described below.

I. JOB SUMMARY

- Review and make quasi-judicial decisions on Historic Preservation Permit requests submitted under the provisions of LDC *Chapter 2.9- Historic Preservation Provisions*, Section 2.9.100.04, 2.9.110, and 2.9.120. Such reviews are for situations where a public hearing is required for Alteration and New Construction, Demolition, and/or Moving activities to be carried out on a Designated Historic Resource and/or in a Historic District within the Corvallis city limits. Reviews are processed through a public hearing consistent with state-mandated open meeting requirements and LDC *Chapter 2.0 - Public Hearings*.
- Review and make quasi-judicial decisions in situations where a public hearing is required for Development District Changes that involve either the placement or removal of a Historic Preservation Overlay on a property, consistent with the provisions of LDC *Chapter 2.2- Development District Changes*. Reviews are processed through a public hearing consistent with state-mandated open meeting requirements and LDC *Chapter 2.0- Public Hearings*.
- Review and make quasi-judicial decisions on appeals of the Director's decision on Director-level Historic Preservation Permit requests submitted under the provisions of LDC *Chapter 2.9- Historic Preservation Provisions*, Section 2.9.100.03. Appeals are processed through a public hearing consistent with state-mandated open meeting requirements and LDC *Chapter 2.0 - Public Hearings*.
- Assist in the development and dissemination of training and other informational materials regarding historic resources, historic districts, and application of the City's Historic Preservation provisions. Such materials may include guidelines to assist owners of Designated Historic Resources in discovering options to consider for repair, maintenance, or construction of other improvements to these resources.
- Assist in decisions regarding completion of additional historic resource inventories.
- Assist in planning and implementing activities for Historic Preservation Month each year.

- Periodically attend conferences and other training or information-sharing activities as funding and time commitments allow.

II. DECISION-MAKING AUTHORITY

As a part of its responsibilities, the HRC makes quasi-judicial decisions. These decisions are similar to court proceedings in which affected parties are afforded procedural safeguards. The quasi-judicial process is characteristic of most meetings of the HRC. Personal notice must be mailed to property owners and occupants living within a prescribed distance from the affected area. Unlike legislative cases, the HRC members are expected to avoid outside discussion of the business at hand and must declare any such contacts. The decisions are discretionary.

Although quasi-judicial decisions of the Historic Resources Commission (HRC) are land use decisions, they are focused on the criteria specifically related to Designated Historic Resources. Thus, permit requests from an owner of a Designated Historic Resource that fall within the applicable parameters of LDC *Chapter 2.9 - Historic Preservation Provisions* and some decisions regarding placement or removal of a Historic Preservation Overlay are the purview of the HRC, but decisions regarding other land use issues (e.g., Conditional Development Permits, etc.) are not. Actions meeting the descriptions in Section 2.9.100.03 are reviewed by the Community Development Director administratively, but these may be appealed to the HRC. These types of decisions of the HRC are final decisions unless appealed to the City Council.

As indicated, decisions will be made based on a review of the development proposal against specific criteria. To assist in the decision-making, a staff report will be prepared and presented that provides the analysis needed to make the decision. The staff report will be available one week in advance of the public hearing. It will generally contain a recommended decision to approve, approve with conditions, or deny the requested Historic Preservation Permit. It will also contain findings and conclusions in support of that recommendation. Based on the Commissioners' review of the proposal against the appropriate criteria, the HRC may support the recommendation in the staff report or may arrive at another decision. If a different decision from that recommended in the staff report is arrived at by the HRC, the Commission will need to provide findings and conclusions in support of that decision based on the facts presented during the hearing and the appropriate criteria.

Consistent with this decision-making authority, the City Attorney's Office will provide legal advice as needed. This advice may be provided via staff reports and memoranda or the presence of an attorney at some public hearings.

The HRC also provides comment and direction on other Historic Preservation issues in the community, such as Historic Preservation Month and decisions regarding additional inventory efforts.

III. TIME COMMITMENT

It is expected that the HRC will meet once every month to review and make decisions on Historic Preservation Permits. The length of each meeting will vary depending on the number of permits to be handled. Assume a minimum of one hour.

As indicated, the staff report will be available one week in advance of the hearing. This will allow some time for preparation. If questions or concerns arise during this review, please contact staff in advance of the hearing to allow time to fully address the issue.

Additional assignments or duties (preparation for Historic Preservation Month, development of guidelines, etc.) may require additional time commitments. Generally, the HRC will have control over the number and frequency of such efforts.

IV. QUALIFICATIONS

Qualifications for the HRC are fully articulated in CMC Section 1.16.325. Members shall be appointed by the City Council as follows:

- All Commission members shall fulfill at least one of the following three Primary Attributes:
 - > A demonstrated positive interest, competence, or knowledge in historic preservation;
 - > Prior experience in a quasi-judicial decision-making capacity; and/or
 - > A community-wide perspective on balancing multiple objectives associated with community planning.
- One member of the HRC shall be appointed from each Historic District, and each such member shall reside in and own property in that district.
- One member of the HRC shall be appointed as a representative of Oregon State University.
- To the extent available in the community, five members of the HRC shall meet the qualifications pertaining to the various types and levels of historic resource expertise described in CMC Section 1.16.350. Otherwise, members will be appointed from the general populace.
- The remaining members may be appointed from the general populace.
- Individual members may fulfill multiple categories, though not all combinations are allowed (see CMC).



2007 Historic Resources Commission Application

Interview date: Tuesday, June 12th, 2007 @ 5:20 p.m.

Please answer the questions that are attached.

Please return to the Planning Division by 5 p.m. Friday, June 1, 2007.

Name: _____ Date: _____

Address (home) _____ Phone(h) _____

Address (work) _____ Phone (w) _____

E-mail (work) _____ E-mail(home) _____

Occupation/Profession: _____

Please list each source of income that is 10% or more of your total household income: _____

Please identify your community/civic activities including business or professional organizations:

Please list all financial interests in real property located in Benton County:

Please indicate your interests, qualifications and/or philosophical attitudes toward the responsibilities of a Historic Resources Commissioner: _____

Please indicate any familiarity you might have with historic preservation planning, Corvallis land use regulations, and/or the Oregon State Historic Preservation Office programs.

Certification: I certify the foregoing information to be true and exact to the best of my knowledge.

Candidate's Signature

Date

This application provides general biographical information to assist the City Council in making their appointments to the Historic Resources Commission. If you wish to elaborate on any of the above items, please attach additional pages.

**City Council Interviews
Historic Resources Commission**

3 Commissioners - term expires June 30, 2010

Questions

Please answer the following questions and return with your application.

1. Why would you like to be on the Historic Resources Commission and what do you think is the role of the Historic Resources Commission?

2. Explain your understanding of Historic Preservation in Corvallis.

3. Briefly, tell us about a Historic Preservation decision that interested you and share your observations about the process and the decision.

4. Describe how you meet at least one of the following criteria:
 - > A demonstrated positive interest, competence, or knowledge in historic preservation;
 - > Prior experience in a quasi-judicial decision-making capacity; and/or
 - > A community-wide perspective on balancing multiple objectives associated with community planning.

5. Indicate if you meet at least one of the criteria identified on the following pages:
(Note: It is not required that you meet one of these qualifications to be appointed):

1. **Archaeology:** (a) Prehistoric Archaeology - Graduate degree in Anthropology or Prehistoric Archaeology, plus 2.5 years full-time professional experience; or (b) Historic Archaeology - Graduate degree in Anthropology or Historic Archaeology, plus 2.5 years full-time professional experience;
2. **Architectural History:** (a) Graduate degree in Architectural History or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Architectural History or a closely related field, plus 4 years full-time professional experience;
3. **Conservation:** (a) Graduate degree in Conservation or a closely related field, plus 3 years full-time professional experience; or (b) an undergraduate degree in Conservation or a closely related field, plus 3 years full-time apprenticeship in the field;
4. **Cultural Anthropology:** (a) Graduate degree in Anthropology with specialization in Applied Cultural Anthropology, plus 2 years full-time professional experience; or (b) an undergraduate degree in anthropology with specialization in applied cultural anthropology, plus 4 years full-time professional experience;
5. **Curation:** (a) Graduate degree in Museum Studies or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Museum Studies or a closely related field, plus 4 years full-time professional experience;
6. **Engineering:** (a) State Government-recognized license to practice Civil or Structural Engineering plus 2 years full-time professional experience; or (b) a Masters of Civil Engineering degree with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or © a Bachelor's of Civil Engineering degree with one year of graduate study in Historic Preservation or a closely related field, plus 2 years full-time professional experience;
7. **Folklore:** (a) Graduate degree in Folklore or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Folklore or a closely related field, plus 4 years full-time professional experience;
8. **Historic Architecture:** (a) State Government-recognized license to practice Architecture plus 2 years full-time professional experience; or (b) a Masters of Architecture degree with course work in Historic Preservation or a closely related field; plus 2 years full-time professional experience; or © a Bachelor's of Architecture with one year of graduate study in Historic Preservation or a closely related field plus 2 years full-time professional experience;
9. **Historic Landscape Architecture:** (a) a State Government-recognized license to practice Landscape Architecture plus 2 years full-time professional

experience; or (b) a Masters degree in Landscape Architecture with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or © a four or five year Bachelor's degree in Landscape Architecture plus 3 years full-time professional experience;

10. **Historic Preservation Planning:** (a) State Government-recognized certification or license in Land Use Planning, plus 2 years full-time professional experience; or (b) a graduate degree in Planning with course work in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or © an undergraduate degree in Planning with course work in Historic Preservation or a closely related field, plus 4 years full-time professional experience;
11. **Historic Preservation:** (a) Graduate degree in Historic Preservation or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in Historic Preservation or a closely related field, plus 4 years full-time professional experience; or
12. **History:** (a) Graduate degree in History or a closely related field, plus 2 years full-time professional experience; or (b) an undergraduate degree in History or a closely related field, plus 4 years full-time professional experience.

Louie, Kathy

From: kirk nevin [kirksnevin@yahoo.com]
ent: Thursday, May 03, 2007 6:47 PM
ro: Mayor
Cc: Louie, Kathy; jon.nelson@council.ci.corvallis.or.us
Subject: conflict of interest? I think so

Dear Charlie,

As I mentioned to you, I was disappointed in the outcome of the Legislative Committee vis a vis the field-burning resolution that Mark Knapp and I had presented to you and the Council.

Since that meeting, I've learned that the City of Corvallis profits, on an annual basis, by field burning. According to a memo from Steve Rogers, Public Works, dated 4/23/07, Larry Venell of Venell Farms rents 1100 acres +/- from the City of Corvallis.

He grows primarily grass seed on the City land, and he pays the City a fee (I don't know the formula for the fee, but the result averages about \$43.50 per acre) annually for the use of the land. According to the memo from Mr. Rogers, Mr. Venell burns between 200 and 400 acres of City land per year as part of what Mr. Venell considers to be an essential agricultural practice (which I consider to be ridiculous, but that's another subject).

Mr. Venell implies that, without field burning, revenues to Corvallis would be lower. Thus, it is in the best interests of the City to burn the fields.

I'm disappointed, Mr. Mayor. The fact that the City of Corvallis profits by field burning is a major conflict of interest, and should have been disclosed to Mr. Knapp and myself at the Council meeting. In fact, I think all Council members should have recused themselves at the beginning of the debate on the resolution; Mr. Knapp and I could then have voted on the resolution, and the result... almost surely 2 yea, 0 nay... might have helped get HB3000 out of committee in Salem.

Government frequently disappoints. It's not just the big stuff, Mr. Mayor... it's little things like this that make citizens wary of any participation in government for fear of being contaminated by the lack of soul and basic ethics in the day-to-day process, regardless of the level of government.

Actually, little conflicts like this one are embarrassing. If I were on the Council, I'd be pretty unhappy with this situation... and I might want to know who should have been aware of the contract with Venell, and why that information wasn't available at the Council meeting... and I'm very disappointed that Jon Nelson kept this information secret in the meeting of the Legislative Committee (I believe he mentioned the report in his initial remarks to the Committee, but gave no details). Mr. Nelson must have known of the conflict, and failed to disclose it during the meeting. What kind of government is that? Normal, I guess.

Mark and I await an explanation for this unseemly behavior.

Namaste.

Kirk S. Nevin



Office of the Mayor
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6985
FAX: (541) 766-6780
e-mail: mayor@council.ci.corvallis.or.us

May 4, 2007

Richard S. Hein
President/CEO
OSU Federal Credit Union
Post Office Box 306
Corvallis, OR 97339

Dear Rick,

Thank you and the Corporate Roundtable for hosting Jon and me. It was good to hear the Roundtable's perspective and I look forward to getting together in the future as our community works on economic vitality.

Four major items surfaced from your conversation with us. First, the inclusion of a long-term vision in the Economic Vitality Partnership Prosperity That Fits plan is required. This vision would enable our community to understand and focus on our strategic direction. Second, the Prosperity That Fits Plan should acknowledge and react to eleven economic drivers that impact our economic competitiveness. Third, given the plan's vision, is a sea change in the attitude and attention to economic vitality required. And fourth, the Roundtable indicated their desire for the City Council to re-think the consequences of the new MUCS zoning along the Ninth Street business corridor.

In reflecting on the Roundtable's comments since our meeting, most EVP partners believe the Corvallis 2020 Vision Statement, especially the Central City and Economic Vitality sections, embodies the Prosperity That Fits Plan vision.

To re-cap my comments, the active participation of the Corporate Roundtable in the community implementation of the Prosperity That Fits plan is desirable. The Roundtable's issues will only be addressed as a result of your steering committee participation, task ownership and funding through the plan's implementation process. Please also consider partner mentoring as a means to bring your substantial business and community knowledge to the effort.



ATTACHMENT D
Page 252-r



Office of the Mayor
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6985
FAX: (541) 766-6780

e-mail: mayor@council.ci.corvallis.or.us

Again, thank you for the opportunity to speak to the Roundtable and I look forward to your participation in the community's economic vitality efforts.

Sincerely,

Charles C. Tomlinson
Mayor

cc: Corvallis City Council
Jon Nelson

Economic Drivers

1. Land Availability and Permitting
2. Labor Availability
3. Roads and Bridges Infrastructure
4. Electricity/Natural Gas and Basic Services
5. Worker's Compensation
6. State and Local taxes
7. Water
8. Pre-approved Permit Costs/Timeframe
9. Access to rail, ports and interstates
10. Vendor/Customer Alliance
11. Natural Resource Competitiveness (Soils and Water)



0056

Page 252-s

MEMORANDUM

April 23, 2007

To: Mayor and City Council
From: Steve Rogers, Public Works Director
Subject: HB 3000 Field Burning

Issue:

How would HB 3000 (elimination of field burning) impact the municipal airport grass seed revenue.

Background:

Much of the 1,100 acre airport property is under contract to Venell Farms to grow crops. The average revenue of this contract to the Airport Fund during the last five years is \$48,000 per year (FY 06-07 was \$41,652). The primary crop has historically been grass seed. HB 3000 would ban the use of field burning as a tool to raise this crop.

For the last several years, valley farmers have been restricted to 40,000 acres of field burning per year and , during this time, Venell farms has typically burned 200- 400 acres per year on the airport property which is an equivalent burn rotation of about once every 4-5 years.

Discussion:

Staff are not knowledgeable of grass seed farming practices. The basis for the information included here was a telephone discussion with Larry Venell manager of Venell Farms.

Burning revitalizes seed crops by removing matted vegetation and sanitizing the ground. Absent this tool, increased mechanical and chemical methods are employed. Given decreased burnable acres, Mr Venell believes that yields have generally decreased. Given the variability of yields from one year to the next, he was not able to quantify the decrease. The alternate methods, although again not quantified, increase the energy and chemicals that are applied to the fields to maintain the harvest volumes at the highest possible levels. Even though field burning is currently restricted, the elimination of burning as a tool is likely to be a bigger impact as the fields can now still be revitalized on about a five year rotation without the use of more extreme (in terms of fuel and chemical use) measures.

Using FY 06-07 as an example, a ten percent increase in farming cost, would have decreased funds to the airport about \$ 3,250. A ten percent yield decrease would have cost about \$4,150.

Nelson, Jon

From: WILSON Brenda S [Brenda.S.Wilson@ci.eugene.or.us]
Sent: Wednesday, April 18, 2007 10:12 AM
To: Nelson, Jon; Louie, Kathy
Cc: TAYLOR Dennis M; WALSTON Mary F; JONES Angel L; CUYLER Alex D
Subject: Info on HB 3000
Attachments: hb3000.intro.pdf; staff HB 3000.pdf

Mr. Nelson:

As I stated in our phone call, I am responding to your request to Dennis Taylor for information re: HB 3000 - the field burning bill introduced by Rep. Holvey.

We have taken a High Support position on this bill. I have attached a copy of our staff recommendation on this bill. We have talked to Rep Holvey about an amendment to exempt prescriptive and ecological burns and he is Ok with that..

A public hearing was held on 4-6 in the House Health Care Committee. The purpose of that hearing was for testimony on the health aspects of field burning, so health professionals testimony basically. On 4-13 it was passed out of that committee and will now go to the House Agriculture and Natural Resources Committee. No public hearing has been scheduled in that committee yet.

Here are the links to recordings of the Committee hearings on HB 3000 - just click on 4-6 - the hearing for the public testimony on the health aspects. HB 3000 is the first bill heard on that date - so start at the beginning of the recording. On 4-13, the work session on the bill starts on the recording at 1:36 on the tape.

<http://www.leg.state.or.us/listn/>

I hope this helps, please let me know if you need any additional information.

Brenda S. Wilson
Intergovernmental Relations Manager
Eugene 541.682.8441
Salem 503.378.1505

<<hb3000.intro.pdf>> <<staff HB 3000.pdf>>

Legislative Tracking

Bills and Response Detail Report

<u>Bills</u>	<u>Sent</u>	<u>Due Date</u>	<u>Subject</u>	<u>Priority</u>	<u>Recommendation</u>
HB 3000	3/8/2007	3/13/2007		Pri 3	Support

Relating Clause: Relating to air quality

Title: Prohibits open field burning, stack burning, pile burning and propane flaming. Requires registration for open burning of agricultural waste.
 Establishes Open Burning Management Account. Continuously appropriates moneys in account to Department of Environmental Quality for smoke management program.
 Declares emergency, effective on passage.

Sponsored By: Sponsored by Representative HOLVEY; Representatives BARNHART, NATHANSON, Senators MORRISSETTE, WALKER

<u>Contact</u>	<u>Respondent</u>	<u>Dept</u>	<u>Updated</u>	<u>Priority</u>	<u>Policy</u>	<u>Pol Num</u>	<u>Recomendation</u>
Eric Wold	Eric Wold	PW-POS	3/18/2007	Pri 1	Yes	VIII.A.1	Support/Am

Comments: Overall, this bill would greatly improve the air quality in Eugene during the traditional, agricultural, grass-field burning season. Overall, the bill is beneficial to the City of Eugene.

However, I would strongly recommend one addition to SECTION 2, to be inserted immediately after subsection 6. It would read: "Ecological prescription fires set or permitted by any public agency or not-for-profit land conservation organization when such ecological prescription fire is set for the purpose of enhancing or maintaining native plant communities, enhancing or maintaining habitat for threatened or endangered species, reducing non-native weed populations, or reducing invasive plant species".

The City of Eugene and its partners in the West Eugene Wetlands Partnership (e.g., The Nature Conservancy and U.S. Bureau of Land Management) have used ecological prescription fires over the past 20 years to maintain and enhance habitat in the West Eugene Wetlands. Ecological prescription fires are an important tool for us to use. Indeed, the wetland and upland prairie habitats that dominate the West Eugene Wetlands are widely thought to have been created and maintained by Native American's use of fire.

Mary Walston	Mary Walston	CS-CMO	3/28/2007	Pri 2	Yes	VIII.A.1	Support
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Comments: This bill is sponsored by the local delegation and seeks to ban field burning. The Senate version is SB 996. This concept is within the legislative policies document and should be supported based upon that. A level 2 is recommended as there are a number of other groups supporting the measure.
 M Walston

ATTACHMENT D

74th OREGON LEGISLATIVE ASSEMBLY--2007 Regular Session

NOTE: Matter within { + braces and plus signs + } in an amended section is new. Matter within { - braces and minus signs - } is existing law to be omitted. New sections are within { + braces and plus signs + } .

LC 1915

House Bill 3000

Sponsored by Representative HOLVEY; Representatives BARNHART, NATHANSON, Senators MORRISSETTE, WALKER

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.

Prohibits open field burning, stack burning, pile burning and propane flaming. Requires registration for open burning of agricultural waste.

Establishes Open Burning Management Account. Continuously appropriates moneys in account to Department of Environmental Quality for smoke management program.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to air quality; creating new provisions; amending ORS 307.391, 468.140, 468A.020, 468A.135, 468A.550, 468A.555, 468A.560, 468A.570, 468A.595, 468A.597, 468A.600, 468A.605, 468A.610, 468A.615, 468A.992, 476.010, 476.380, 478.001, 478.960 and 496.340; repealing ORS 468A.575, 468A.580, 468A.585, 468A.590 and 468A.620; appropriating money; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. ORS 468.140 is amended to read:

468.140. (1) In addition to any other penalty provided by law, any person who violates any of the following shall incur a civil penalty for each day of violation in the amount prescribed by the schedule adopted under ORS 468.130:

(a) The terms or conditions of any permit required or authorized by law and issued by the Department of Environmental Quality or a regional air quality control authority.

(b) Any provision of ORS 164.785, 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535, 454.605 to 454.755, ORS chapter 467 and ORS chapters 468, 468A and 468B.

(c) Any rule or standard or order of the Environmental Quality Commission adopted or issued pursuant to ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535, 454.605 to 454.755, ORS chapter 467 and ORS chapters 468, 468A and 468B.

(d) Any term or condition of a variance granted by the commission or department pursuant to ORS 467.060.

(e) Any rule or standard or order of a regional authority adopted or issued under authority of ORS 468A.135.

(f) The financial assurance requirement under ORS 468B.390 and 468B.485 or any rule related to the financial assurance requirement under ORS 468B.390.

(2) Each day of violation under subsection (1) of this section constitutes a separate offense.

(3) (a) In addition to any other penalty provided by law, any person who intentionally or negligently causes or permits the discharge of oil into the waters of the state shall incur a civil penalty not to exceed the amount of \$20,000 for each violation.

(b) In addition to any other penalty provided by law, the following persons shall incur a civil penalty not to exceed the amount of \$10,000 for each day of violation:

(A) Any person who violates the terms or conditions of a permit authorizing waste discharge into the air or waters of the state.

(B) Any person who violates any law, rule, order or standard in ORS 448.305, 454.010 to 454.040, 454.205 to 454.255, 454.505 to 454.535, 454.605 to 454.755 and ORS chapters 468, 468A and 468B relating to air or water pollution.

(C) Any person who violates the provisions of a rule adopted or an order issued under ORS 459A.590.

(4) In addition to any other penalty provided by law, any person who violates the provisions of ORS 468B.130 shall incur a civil penalty not to exceed the amount of \$500 for each day of violation.

(5) Subsection (1)(c) and (e) of this section does not apply to violations of motor vehicle emission standards which are not violations of standards for control of noise emissions.

(6) Notwithstanding the limits of ORS 468.130 (1) and in addition to any other penalty provided by law, any person who intentionally or negligently causes or permits open

{ - field - } burning { + of agricultural waste as defined in ORS 468A.550 + } contrary to the provisions of ORS 468A.555 to 468A.620 and 468A.992, 476.380 and 478.960 shall be assessed by the department a civil penalty of at least \$20 but not more than \$40 for each { - acre so burned - } { + instance of a failure to register an open burning of agricultural waste + }. Any fines collected by the department pursuant to this subsection shall be deposited with the State Treasurer to the credit of the General Fund and shall be available for general governmental expense.

{ - As used in this subsection, 'open field burning' does not include propane flaming of mint stubble. - }

SECTION 2. ORS 468A.020 is amended to read:

468A.020. { - (1) - } Except as provided in this section and in ORS 476.380 and 478.960, the air pollution laws contained in ORS chapters 468, 468A and 468B do not apply to:

{ - (a) - } { + (1) + } Agricultural operations and the growing or harvesting of crops and the raising of fowls or animals, except

{ - field - } { + that open + } burning { - which - } { + of agricultural waste as defined in ORS 468A.550 + } shall be subject to regulation pursuant to ORS 468.140, 468.150, 468A.555 to 468A.620 and 468A.992 and this section;

{ - (b) - } { + (2) + } Use of equipment in agricultural operations in the growth of crops or the raising of fowls or animals, except { - field - } { + that open + } burning { - which - } { + of agricultural waste + } shall be subject to regulation pursuant to ORS 468.140, 468.150, 468A.555 to

468A.620 and 468A.992 and this section;

{ - (c) - } { + (3) + } Barbecue equipment used in connection with any residence;

{ - (d) - } { + (4) + } Agricultural land clearing operations or land grading;

{ - (e) - } { + (5) + } Heating equipment in or used in connection with residences used exclusively as dwellings for not more than four families, except woodstoves which shall be subject to regulation under this section, ORS 468A.460 to 468A.480, 468A.490 and 468A.515;

{ - (f) - } { + (6) + } Fires set or permitted by any public agency when such fire is set or permitted in the performance of its official duty for the purpose of weed abatement, prevention or elimination of a fire hazard, or instruction of employees in the methods of fire fighting, which in the opinion of the agency is necessary;

{ - (g) - } { + (7) + } Fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction; { + or + }

{ - (h) - } { + (8) + } The propagation and raising of nursery stock, except boilers used in connection with the propagation and raising of nursery stock { - ; - } { + . + }

{ - (i) The propane flaming of mint stubble; or - }

{ - (j) Stack or pile burning of residue from Christmas trees, as defined in ORS 571.505, during the period beginning October 1 and ending May 31 of the following year. - }

{ - (2) As used in subsection (1) of this section, 'field burning' does not include propane flaming of mint stubble. - }

SECTION 3. ORS 468A.550 is amended to read:

468A.550. { - (1) - } As used in ORS 468A.555 to 468A.620 and 468A.992:

{ + (1) 'Agricultural waste' means any organic waste material generated or used by an agricultural operation, excluding:

(a) Perennial and annual grass seed;

(b) Cereal grain crops;

(c) Straw;

(d) Mint stubble;

(e) Christmas trees as defined in ORS 571.505; and

(f) Associated residue generated or used by an agricultural operation.

(2) 'Open burning' means any burning conducted in such a manner that combustion air is not effectively controlled and that combustion products are not vented through a stack or chimney, including but not limited to burning conducted in open outdoor fires, common burn barrels and backyard incinerators.

(3) 'Open burning of agricultural waste' means the burning of agricultural waste material by open burning on any land. + }

{ - (a) - } { + (4) + } 'Research and development of alternatives to field burning' includes, but is not limited to, projects concerned with cultural practices for producing grass seed without field burning, environmental impacts of alternative seed production methods, straw marketing and utilization and alternative crops.

{ - (b) - } { + (5) + } 'Smoke management' means the daily control of the conducting of open { - field - } burning

{ + of agricultural waste + } to such times and places and in such amounts so as to provide for the escape of smoke and particulate matter therefrom into the atmosphere with minimal intrusion into cities and minimal impact on public health and in

such a manner that under existing meteorological conditions a maximum { - number of acres - } { + amount of + } registered { + agricultural waste + } can be { + open + } burned in a minimum number of days without substantial impairment of air quality.

{ - (c) - } { + (6) + } 'Smoke management program' means a plan or system for smoke management. A smoke management program shall include, but not be limited to, provisions for:

{ - (A) Annual inventorying and registering, prior to the burning season, of agricultural fields for open field burning; - }

{ - (B) - } { + (a) + } Preparation and issuance of { - open field burning - } permits { + for open burning of agricultural waste + } by affected governmental agencies;

{ - (C) - } { + (b) + } Gathering and disseminating regional and sectional meteorological conditions on a daily or hourly basis;

{ - (D) - } { + (c) + } Scheduling times, places and amounts of agricultural { - fields - } { + waste + } that may be open burned daily or hourly, based on meteorological conditions during the burning season;

{ - (E) - } { + (d) + } Conducting surveillance and gathering and disseminating information on a daily or more frequent basis;

{ - (F) - } { + (e) + } Effective communications between affected personnel during the burning season; and

{ - (G) - } { + (f) + } Employment of personnel to conduct the program.

{ - (2) As used in this section, 'open field burning' does not include propane flaming of mint stubble or stack or pile burning of residue from Christmas trees, as defined in ORS 571.505. - }

SECTION 4. ORS 468A.555 is amended to read:

468A.555. The Legislative Assembly declares it to be the public policy of this state to { - reduce - } { + prohibit + } the practice of open field burning { + and to reduce the practice of open burning of agricultural waste to the maximum extent possible + } while developing and providing alternative methods of field sanitization and alternative methods of utilizing and marketing crop residues.

SECTION 5. ORS 468A.560 is amended to read:

468A.560. { - (1) Except for the fee imposed under ORS 468A.615 (1)(c), the provisions of ORS 468A.550 to 468A.620 and 468A.992 shall apply only to open field burning, propane flaming and stack or pile burning of grass seed or cereal grain crop residues on acreage located in the counties specified in ORS 468A.595 (2). - } { + The following types of open field burning are prohibited:

(1) The burning of perennial grass seed crops used for grass seed production;

(2) The burning of annual grass seed crops used for grass seed production;

(3) The burning of grain crops;

(4) The propane flaming of mint stubble; and

(5) The stack or pile burning of Christmas trees, as defined in ORS 571.505. + }

{ - (2) Nothing in this section shall apply to the propane flaming of mint stubble. - }

SECTION 6. ORS 468A.570 is amended to read:

468A.570. (1) As used in this section:

(a) 'Marginal conditions' means atmospheric conditions such that smoke and particulate matter escape into the upper atmosphere with some difficulty but not such that limited additional smoke and particulate matter would constitute a danger to the public health and safety.

(b) 'Marginal day' means a day on which marginal conditions exist.

(2) For purposes of ORS 476.380 and 478.960, the Environmental Quality Commission shall classify different types or combinations of atmospheric conditions as marginal conditions and shall specify the extent { - and types - } of { + open + } burning { + of agricultural waste + } that may be allowed under different combinations of atmospheric conditions. A schedule describing the

{ - types and - } extent of { + open + } burning { + of agricultural waste + } to be permitted on each type of marginal day shall be prepared and circulated to all public agencies responsible for providing information and issuing permits under ORS 476.380 and 478.960. The schedule shall { - give first priority to the burning of perennial grass seed crops used for grass seed production, second priority to annual grass seed crops used for grass seed production, third priority to grain crop burning, and fourth priority to all other burning and shall - } prescribe duration of periods of time during the day when { + open + } burning { + of agricultural waste + } is authorized.

{ - (3) In preparing the schedule under subsection (2) of this section, the commission shall provide for the assignment of fourth priority burning by the State Department of Agriculture in accordance with the memorandum of understanding established pursuant to ORS 468A.585. - }

{ - (4) - } { + (3) + } In preparing the schedule required under subsection (2) of this section, the commission shall weigh the economic consequences of scheduled { + open + } burnings and the feasibility of alternative actions, and shall consider weather conditions and other factors necessary to protect the public health and welfare.

{ - (5) - } { + (4) + } { - None of - } The functions of the commission under this section or under ORS 476.380 or 478.960, as it relates to

{ - agricultural - } { + open + } burning { + of agricultural waste + }, { - shall - } { + may + } be performed by any regional air quality control authority established under ORS 468A.105.

SECTION 7. ORS 468A.595 is amended to read:

468A.595. In order to regulate open { - field - } burning { + of agricultural waste + } pursuant to ORS 468A.610:

(1) In such areas of the state and for such periods of time as it considers necessary to carry out the policy of ORS 468A.010, the Environmental Quality Commission by rule may prohibit, restrict or limit { - classes, types and - } { + the + } extent and amount of { + open burning of agricultural waste + } { - burning for perennial grass seed crops, annual grass seed crops and grain crops - } .

(2) In addition to but not in lieu of the provisions of ORS 468A.610 and of any other rule adopted under subsection (1) of this section, the commission shall adopt rules for Multnomah, Washington, Clackamas, Marion, Polk, Yamhill, Linn, Benton and Lane Counties, which provide for a more rapid phased reduction by

certain permit areas, depending on particular local air quality conditions and soil characteristics, the extent { - , type - } or amount of open { - field - } burning of { - perennial grass seed crops, annual grass seed crops and grain crops - } { + agricultural waste + } and the availability of alternative methods of field sanitation { - and straw utilization and disposal - } .

(3) Before promulgating rules pursuant to subsections (1) and (2) of this section, the commission shall consult with Oregon State University and may consult with the United States Natural Resources Conservation Service, or its successor agency, the Agricultural Stabilization Commission, the state Soil and Water Conservation Commission and other interested agencies. The Department of Environmental Quality shall advise the commission in the promulgation of such rules. The commission must review and show on the record the recommendations of the department in promulgating such rules.

{ - (4) No regional air quality control authority shall have authority to regulate burning of perennial grass seed crops, annual grass seed crops and grain crops. - }

{ - (5) - } { + (4) + } Any amendments to the State Implementation Plan prepared by the state pursuant to the federal Clean Air Act, as enacted by Congress, December 31, 1970, and as amended by Congress August 7, 1977, and November 15, 1990, and Acts amendatory thereto shall be only of such sufficiency as to gain approval of the amendment by the United States Environmental Protection Agency and shall not include rules promulgated by the commission pursuant to subsection (1) of this section not necessary for attainment of national ambient air quality standards.

SECTION 8. ORS 468A.597 is amended to read:

468A.597. Unless otherwise specifically agreed by the parties, after straw is removed from the fields of the grower, the responsibility for the further disposition of the straw { - , including burning or disposal, - } { + in a manner provided by the Environmental Quality Commission + } shall be upon the person who bales or removes the straw.

SECTION 9. ORS 468A.600 is amended to read:

468A.600. The Environmental Quality Commission shall establish standards of practice and performance for open { - field - } burning { - , propane flaming, stack or pile burning - } { + of agricultural waste + } and certified alternative methods to open { - field - } burning { + of agricultural waste + }.

SECTION 10. ORS 468A.610 is amended to read:

468A.610. (1) { - Except as provided under ORS 468A.620, - } No person shall open burn { + , + } or cause to be open burned, { - propane flamed or stack or pile burned in the counties specified in ORS 468A.595 (2), perennial or annual grass seed crop or cereal grain crop residue, unless the acreage has been registered under ORS 468A.615 and - } { + any agricultural waste unless + } the permits required by ORS { - 468A.575, - } 476.380 and 478.960 have been obtained.

{ - (2) The maximum total registered acreage allowed to be open burned per year pursuant to subsection (1) of this section shall be: - }

{ - (a) For 1991, 180,000 acres. - }

{ - (b) For 1992 and 1993, 140,000 acres. - }

{ - (c) For 1994 and 1995, 120,000 acres. - }

{ - (d) For 1996 and 1997, 100,000 acres. - }

{ - (e) For 1998 and thereafter, 40,000 acres. - }

{ - (3) The maximum total acreage allowed to be propane flamed under subsection (1) of this section shall be: - }

{ - (a) In 1991 through 1997, 75,000 acres per year; and - }

{ - (b) In 1998 and thereafter, 37,500 acres per year may be propane flamed. - }

{ - (4)(a) After January 1, 1998, fields shall be prepared for propane flaming by removing all loose straw or vacuuming or prepared using other techniques approved by rule by the Environmental Quality Commission. - }

{ - (b) After January 1, 1998, propane equipment shall satisfy best available technology. - }

{ - (5) Notwithstanding the limitations set forth in subsection (2) of this section, in 1991 and thereafter, a maximum of 25,000 acres of steep terrain and species identified by the Director of Agriculture by rule may be open burned and shall not be included in the maximum total permitted acreage. - }

{ - (6) Acreage registered to be open burned under this section may be propane flamed at the registrant's discretion without reregistering the acreage. - }

{ - (7) In the event of the registration of more than the maximum allowable acres for open burning in the counties specified in ORS 468A.595 (2), after 1996, the commission, after consultation with the State Department of Agriculture, by rule or order may assign priority of permits based on soil characteristics, the crop type, terrain or drainage. - }

{ - (8) - } { + (2) In addition to the requirements of ORS 476.380 and 478.960, + } permits { - shall be issued and burning shall be allowed for the maximum acreage specified in subsection (2) of this section unless - } { + described in subsection (1) of this section shall be issued pursuant to rules established by the Environmental Quality Commission. Open burning of agricultural waste shall be allowed for the maximum amount of agricultural waste specified in a permit unless + }:

(a) The daily determination of suitability of meteorological conditions, regional or local air quality conditions or other burning conditions requires that a maximum { - number of acres - } { + amount of agricultural waste + } not be { + open + } burned on a given day; or

(b) The commission finds after hearing that other reasonable and economically feasible, environmentally acceptable alternatives to the practice of annual open { - field - } burning { + of agricultural waste + } have been developed.

{ - (9) - } { + (3) + } Upon a finding of extreme danger to public health or safety, the commission may order temporary emergency cessation of all open { - field - } burning { - , propane flaming or stack or pile burning in any area of the counties listed in ORS 468A.595 (2) - } { + of agricultural waste, or any other form of agricultural burning permitted by statute or rule + }.

{ - (10) - } { + (4) + } The commission shall act on any application for a permit under { - ORS 468A.575 - } { + this section + } within 60 days of registration and receipt of the fee required under ORS 468A.615. The commission may order emergency cessation of open { - field - } burning { + of agricultural waste + } at any time. Any other decision required under this section must be made by the commission on or before June 1 of each year.

SECTION 11. ORS 468A.615 is amended to read:

468A.615. (1) { - (a) - } On or before April 1 of each year, { - the grower of a grass seed crop - } { + a person intending

to engage in the open burning of agricultural waste + } shall register with the county court or board of county commissioners, the fire chief of a rural fire protection district, the designated representative of the fire chief or other responsible persons the { - number of acres - } { + amount of agricultural waste + } to be open burned { - or propane flamed - } in the remainder of the year. { - At the time of registration, - } The Department of Environmental Quality shall { - collect a nonrefundable fee of \$2 per acre registered to be sanitized by open burning or \$1 per acre to be sanitized by propane flaming. - } { + establish a schedule of fees to be paid by registrants based on the amount of agricultural waste to be open burned. + } The department may contract with counties and rural fire protection districts or other responsible persons for the collection of { - the - } { + registration + } fees which shall be forwarded to the department. { - Any - } { + The department may require an additional fee from a + } person registering after April 1 of each year { - shall pay an additional fee of \$1 per acre registered - } if the late registration is due to the fault of the late registrant or one under the control of the late registrant. Late registrations must be approved by the department. Copies of the registration form shall be forwarded to the department. The required registration must be made and the fee paid before a permit shall be issued under ORS { - 468A.575 - } { + 468A.610 + }.

{ - (b) Except as provided in paragraph (d) of this subsection, the department shall collect a fee in accordance with paragraph (c) of this subsection for issuing a permit for open burning, propane flaming or stack or pile burning of perennial or annual grass seed crop or cereal grain crop residue under ORS 468A.555 to 468A.620 and 468A.992. The department may contract with counties and rural fire protection districts or other responsible persons for the collection of the fees which shall be forwarded to the department. - }

{ - (c) The fee required under paragraph (b) of this subsection shall be paid within 10 days after a permit is issued and shall be: - }

{ - (A) \$8 per acre of crop sanitized by open burning in the counties specified in ORS 468A.595 (2); - }

{ - (B) \$4 per acre of perennial or annual grass seed crop sanitized by open burning in any county not specified in ORS 468A.595 (2); - }

{ - (C) \$2 per acre of crop sanitized by propane flaming; - }

{ - (D) For acreage from which 100 percent of the straw is removed and burned in stacks or piles: - }

{ - (i) \$2 per acre from January 1, 1992, to December 31, 1997; - }

{ - (ii) \$4 per acre in 1998; - }

{ - (iii) \$6 per acre in 1999; - }

{ - (iv) \$8 per acre in 2000; and - }

{ - (v) \$10 per acre in 2001 and thereafter; and - }

{ - (E) For acreage from which less than 100 percent of the straw is removed and burned in stacks or piles, the same per acre as the fee imposed under subparagraph (D) of this paragraph, but with a reduction in the amount of acreage for which the fee is charged by the same percentage as the reduction in the amount of straw to be burned. - }

{ - (d) The fee required by paragraph (b) of this subsection shall not be charged for any acreage where efficient burning of

stubble is accomplished with equipment certified by the department for field sanitizing purposes or with any other certified alternative method to open field burning, propane flaming or stack or pile burning. The fee required by paragraph (b) of this subsection shall not be charged for any acreage not harvested prior to burning or for any acreage not burned. - }

(2) All fees collected under this section shall be deposited in the State Treasury to the credit { - of the Department of Agriculture Service Fund - } { + of the Open Burning Management Account established under section 21 of this 2007 Act + }. Such moneys are continuously appropriated to the { - State Department of Agriculture - } { + Department of Environmental Quality + } for the purpose of carrying out the duties and responsibilities { - carried out by the State Department of Agriculture - } { + of the department + } pursuant to { - the memorandum of understanding established under ORS 468A.585 - } { + the provisions of ORS 468A.555 to 468A.620 and 468A.992 + }.

(3) It is the intention of the Legislative Assembly that the programs for smoke management, air quality monitoring and the enforcement of rules under ORS 468A.550 to 468A.620 and 468A.992 be operated { + by the department + } in a manner that maximizes the resources available for the research and development program. Therefore, with regard to the disbursement of funds collected under subsection (1) of this section, the { - State Department of Agriculture - } { + department + } shall act in accordance with the intent of the Legislative Assembly and shall:

(a) Pay an amount { + based on the number of permits issued and amount of agricultural waste open burned in each rural fire protection district + } to the county or board of county commissioners or the fire chief of the rural fire protection district or other responsible person { - , for each fire protection district, \$1 per acre registered for each of the first 5,000 acres registered for open field burning and propane flaming in the district, 75 cents per acre registered for each of the second 5,000 acres registered in the district and 35 cents per acre registered for all acreage registered in the district in excess of 10,000 acres, - } to cover the cost of and to be used solely for the purpose of administering the program of registration of { - acreage - } { + agricultural waste + } to be { + open + } burned, issuance of permits, keeping of records and other matters directly related to { - agricultural field - } { + open + } burning { + of agricultural waste + }.

{ - For each acre from which straw is removed and burned in stacks or piles, the State Department of Agriculture shall pay to the county or board of county commissioners, or the fire chief of the rural fire protection district or other responsible person, 25 cents per acre. - }

(b) Designate an amount to be used for the smoke management program. The { - State Department of Agriculture - }

{ + department + } by contract with the Oregon Seed Council or otherwise shall organize rural fire protection districts and growers, coordinate and provide communications, hire ground support personnel, provide aircraft surveillance and provide such added support services as are necessary.

(c) Retain funds { - for the operation and maintenance of the Willamette Valley field burning air quality impact monitoring network and - } to insure adequate enforcement of rules established by the Environmental Quality Commission governing standards of practice for open { - field - } burning { - ,

propane flaming and stack or pile burning - } { + of agricultural waste + }.

{ - (d) Of the remaining funds, designate an amount to be used for additional funding for research and development proposals described in the plan developed pursuant to section 15, chapter 920, Oregon Laws 1991. - }

SECTION 12. ORS 476.010 is amended to read:

476.010. (1) As used in ORS 476.010 to 476.115, 476.150 to 476.170 and 476.210 to 476.270, 'alterations,' 'construction,' 'family,' 'hospital,' 'occupancy' and 'private residence' have the meanings given those terms in ORS 479.168.

(2) As used in ORS 476.030 and other laws relating to the duties of the State Fire Marshal, 'governmental subdivision' means a city, county, municipal corporation, quasi-municipal corporation and rural fire protection district, created under the laws of Oregon.

(3) As used in ORS 476.380:

{ + (a) 'Agricultural waste' means any organic waste material generated or used by an agricultural operation, excluding:

(A) Perennial and annual grass seed;

(B) Cereal grain crops;

(C) Straw;

(D) Mint stubble;

(E) Christmas trees as defined in ORS 571.575; and

(F) Associated residue generated or used by an agricultural operation. + }

{ - (a) - } { + (b) + } 'Commercial waste':

(A) Means any waste produced in any business involving the lease or sale, including wholesale and retail, of goods or services, including but not limited to housing.

(B) Means any waste produced by a governmental, educational or charitable institution.

(C) Does not include any waste produced in a dwelling containing four living units or less.

{ - (b) - } { + (c) + } 'Demolition material' means any waste resulting from the complete or partial destruction of any man-made structure, such as a house, apartment, commercial building or industrial building.

{ - (c) - } { + (d) + } 'Domestic waste' means any nonputrescible waste, consisting of combustible materials, such as paper, cardboard, yard clippings, wood or similar materials, generated in a dwelling, including the real property upon which it is situated, containing four living units or less.

{ - (d) 'Field burning' means the burning of any grass field, grain field, pasture, rangeland or other field by open burning or by use of mobile equipment or flaming equipment on any land or vegetation. - }

(e) 'Industrial waste' means any waste resulting from any process or activity of manufacturing or construction.

(f) 'Land clearing debris' means any waste generated by the removal of debris, logs, trees, brush or demolition material from any site in preparation for land improvement or construction projects.

(g) 'Open burning' means any burning conducted in such a manner that combustion air is not effectively controlled and that combustion products are not vented through a stack or chimney, including but not limited to burning conducted in open outdoor fires, common burn barrels and backyard incinerators.

{ + (h) 'Open burning of agricultural waste' means the

burning of agricultural waste material by open burning on any land. + }

SECTION 13. ORS 476.380 is amended to read:

476.380. (1) No person, outside the boundaries of a rural fire protection district or a forest protection district, shall cause or permit to be initiated or maintained on the property of the person, or cause to be initiated or maintained on the property of another any open burning of { + agricultural waste, + } commercial waste, demolition material, domestic waste, industrial waste { - , - } { + or + } land clearing debris { - or field burning - } without first securing a permit from the county court or board of county commissioners.

(2) The county court or board of county commissioners, or its designated representative, shall prescribe conditions for issuance of any permit and shall refuse, revoke or postpone issuance of permits when necessary to prevent danger to life or property or to protect the air resources of this state. The Environmental Quality Commission shall notify the State Fire Marshal of the { - type of and - } time for { + open + } burning { - to be - } { + of agricultural waste + } allowed on each day under schedules adopted pursuant to ORS 468A.570 and 468A.595. The State Fire Marshal shall cause all county courts and boards of county commissioners or their designated representatives in the affected areas to be notified of the { - type of and - } time for { + open + } burning to be allowed on each day and of any revisions of such conditions during each day. The county court, board or representative shall issue permits only in accordance with schedules of the Environmental Quality Commission adopted pursuant to this section and ORS 468A.555 to 468A.620 and 468A.992, 476.990, 478.960 and 478.990 but may reduce the hours allowed for burning if necessary to prevent danger to life or property from fire. The State Fire Marshal may refuse or postpone permits when necessary in the judgment of the State Fire Marshal to prevent danger to life or property from fire, notwithstanding any determination by the county court or board of county commissioners or its designated officer. { - Notwithstanding any other provision of this subsection, for a permit for the propane flaming of mint stubble, the county court or board of county commissioners, or its designated representative may only prescribe conditions necessary to prevent the spread of fire or to prevent endangering life or property and may refuse, revoke or postpone permission to conduct the propane flaming only when necessary to prevent danger to life or property from fire. - }

(3) Nothing in this section:

(a) Requires permission for starting a campfire in a manner otherwise lawful.

(b) Relieves a person starting a fire from responsibility for providing adequate protection to prevent injury or damage to the property of another. If such burning results in the escape of fire and injury or damage to the property of another, such escape and damage or injury constitutes prima facie evidence that the burning was not safe.

(c) Relieves a person who has obtained permission to start a fire, or the agent of the person, from legal liability for property damage resulting from the fire.

(d) Permits an act within a city or regional air quality control authority area that otherwise is unlawful pursuant to an ordinance of the city or rule, regulation or order of the regional authority.

(4) The county court or board of county commissioners shall maintain records of all permits and the conditions thereof, if any, that are issued under this section and shall submit at such times, as the Environmental Quality Commission shall require such records or summaries thereof to the commission. The Environmental Quality Commission shall provide forms for the reports required under this subsection.

SECTION 14. ORS 478.001 is amended to read:

478.001. (1) As used in this chapter, unless the context requires otherwise:

(a) 'Board of directors' or 'district board' means the governing body of a district.

(b) 'County' means the county in which the district, or the greater portion of the taxable assessed value of the district, is located.

(c) 'County board' means the county court or board of county commissioners of the county.

(d) 'District' means a rural fire protection district proposed to be organized or organized under, or subject to, this chapter.

(e) 'Owner' or 'landowner' means a legal owner of real property or the vendee of a contract of purchase of real property, if any, to the exclusion of the vendor. The term includes a unit owner, as defined in ORS 100.005.

(2) As used in ORS 478.960:

{ + (a) 'Agricultural waste' means any organic waste material generated or used by an agricultural operation, excluding:

(A) Perennial and annual grass seed;

(B) Cereal grain crops;

(C) Straw;

(D) Mint stubble;

(E) Christmas trees as defined at ORS 571.505; and

(F) Associated residue generated or used by an agricultural operation. + }

{ - (a) - } { + (b) + } 'Commercial waste' means any waste produced in any business involving the lease or sale, including wholesale and retail, of goods or services, including but not limited to housing, and means any waste produced by a governmental, educational or charitable institution; however, it does not include any waste produced in a dwelling containing four living units or less.

{ - (b) - } { + (c) + } 'Demolition material' means any waste resulting from the complete or partial destruction of any man-made structure such as a house, apartment, commercial building or industrial building.

{ - (c) - } { + (d) + } 'Domestic waste' means any nonputrescible waste, consisting of combustible materials, such as paper, cardboard, yard clippings, wood, or similar materials, generated in a dwelling, including the real property upon which it is situated, containing four living units or less.

{ - (d) 'Field burning' means the burning of any grass field, grain field, pasture, rangeland or other field by open burning or by use of mobile equipment or flaming equipment on any land or vegetation. - }

(e) 'Industrial waste' means any waste resulting from any process or activity of manufacturing or construction.

(f) 'Land clearing debris' means any waste generated by the removal of debris, logs, trees, brush or demolition material from any site in preparation for land improvement or construction projects.

(g) 'Open burning' means any burning conducted in such a manner

that combustion air is not effectively controlled and that combustion products are not vented through a stack or chimney, including but not limited to burning conducted in open outdoor fires, common burn barrels and backyard incinerators.

{ + (h) 'Open burning of agricultural waste' means the burning of agricultural waste material by open burning on any land. + }

SECTION 15. ORS 478.960 is amended to read:

478.960. (1) No one, within the boundaries of a district, shall cause or permit to be initiated or maintained on one's own property, or cause to be initiated or maintained on the property of another, any open burning of { + agricultural waste, + } commercial waste, demolition material, domestic waste, industrial waste { - , - } { + or + } land clearing debris { - or field burning - } without first securing permission from the fire chief of the district and complying with the direction of the fire chief. A deputy of a fire chief has the power to perform any act or duty of the fire chief under this section.

(2) The fire chief shall prescribe conditions upon which permission is granted and which are necessary to be observed in setting the fire and preventing it from spreading and endangering life or property or endangering the air resources of this state. The Environmental Quality Commission shall notify the State Fire Marshal of the { - type of and - } time for { + open + } burning to be allowed on each day under schedules adopted pursuant to ORS 468A.570 and ORS 468A.595. The State Fire Marshal shall cause all fire chiefs and their deputies in the affected area to be notified of the

{ - type and - } time for { + open + } burning to be allowed on each day with updating messages each day as required. A fire chief or deputy shall grant permission only in accordance with the schedule of the Environmental Quality Commission but may reduce hours to be allowed for { + open + } burning if necessary to prevent danger to life or property from fire. The State Fire Marshal may refuse, revoke or postpone permission when necessary in the judgment of the State Fire Marshal to prevent danger to life or property from fire, notwithstanding any determination by the fire chief.

(3) Nothing in this section relieves a person starting a fire from responsibility for providing adequate protection to prevent injury or damage to the person or property of another. If such { + open + } burning results in the escape of fire and injury or damage to the person or property of another, such escape and damage or injury constitutes prima facie evidence that the { + open + } burning was not safe.

(4) Within a district, no person shall, during the fire season declared under ORS 477.505, operate any equipment in forest harvesting or agricultural operations powered by an internal combustion engine on or within one-eighth of one mile of forestland unless each piece of equipment is provided with a fire extinguisher of sufficient size and capacity and with such other tools and fire-fighting equipment as may be reasonably required by the fire chief of the district. The provisions of this subsection do not apply to machinery regulated by ORS chapter 477.

(5) No person shall dispose of any building or building wreckage within a district by fire without having first secured permission therefor from the fire chief. No person shall refuse

to comply with any reasonable requirements of the fire chief as to the safeguarding of such fire from spreading.

(6) This section is not intended to limit the authority of a district to adopt a fire prevention code as provided in ORS 478.910 to 478.940 or to issue permits when the { + open + } burning is done by mechanical burners fired by liquid petroleum gas.

(7) The fire chief shall maintain records of all permits and the conditions thereof, if any, that are issued for { - field - } { + open + } burning { + of agricultural waste + } under this section and shall submit at such times, as the Environmental Quality Commission shall require { + , + } such records or summaries thereof to the commission. The Environmental Quality Commission shall provide forms for the reports required under this subsection.

(8) Notwithstanding any other provision of this section { - : - } { + , + }

{ - (a) - } a permit is required for { - field - } { + open + } burning { + of agricultural waste + } authorized pursuant to ORS 468A.550 to 468A.620 and 468A.992.

{ - (b) - } For a permit for the propane flaming of mint stubble, the fire chief may only prescribe conditions necessary to prevent the spread of fire or to prevent endangering life or property and may refuse, revoke or postpone permission to conduct the propane flaming only when necessary to prevent danger to life or property from fire. - }

SECTION 16. ORS 496.340 is amended to read:

496.340. (1) Except as provided in subsection (3) of this section, whenever real property owned by the State Fish and Wildlife Commission is exempt from taxation on January 1 of any year by reason of its ownership by the state, the commission shall pay to the county in which the property is situated an amount equal to the ad valorem taxes that would have been charged against the property if it had been assessed to a taxable owner as of January 1 of such year as provided in subsection (2) of this section. The county assessor shall determine the value of such property and shall notify the commission of the determination of the county assessor. Upon request of the commission, the Department of Revenue shall review the determination of value and shall redetermine the value if it concludes the value initially determined was substantially incorrect.

(2) (a) Except as provided in paragraph (b) { - or (c) - } of this subsection, the value of the property shall be computed at its assessed value under ORS 308A.107 or for forestland use, whichever is applicable.

{ - (b) - } Paragraph (a) of this subsection shall not apply to any property upon which open field burning takes place. If open field burning takes place on any property described in this section, the property shall be valued at its highest and best use rather than the values authorized in paragraph (a) of this subsection on the January 1 following the date of the open field burning. If in the next year, the open field burning is discontinued, paragraph (a) of this subsection shall apply the next January 1 and each year thereafter as long as no open field burning occurs. - }

{ - (c) - } { + (b) + } Paragraph (a) of this subsection shall not apply to any property acquired by the commission after September 9, 1971, if such property was valued under farm use or forestland use special assessment provisions, at the time the

property was acquired by the commission. However, no payments in lieu of taxes made to a county pursuant to this section prior to January 1, 1974, shall be refunded to the commission.

(3) This section does not apply to real property used for bird farms, fish hatcheries, office quarters, fishing access sites or impoundments, capital improvements or real property acquired pursuant to the Act of May 19, 1948 (62 Stat. 240), Public Law 80-537.

(4) The amount prescribed in subsection (1) of this section shall be determined annually by the assessor of the county in which the property is situated and certified by the assessor to the county court or the board of county commissioners. A notice of the determination, signed by the county judge or the chairperson of the board of county commissioners, shall be mailed to the principal office of the commission not later than October 15. The notice shall contain a statement of the value of the property and a complete explanation of the method used in computing the amount claimed pursuant to subsection (1) of this section. Not later than November 15, the commission shall pay each amount, less a discount equivalent to that which is provided in ORS 311.505. Payment shall be made to the county treasurer, who shall distribute the payment to the taxing districts of the county in accordance with the schedule of percentages computed under ORS 311.390.

(5) Notwithstanding any other provision of the wildlife laws, the commission shall make the payments to counties required by this section annually from the moneys in the State Wildlife Fund established by ORS 496.300.

SECTION 17. ORS 468A.992 is amended to read:

468A.992. { - (1) - } In addition to any liability or penalty provided by law, the { - State - } Department of { - Agriculture - } { + Environmental Quality + } may impose a civil penalty on any person who fails to comply with a provision of ORS 468A.555 to 468A.620 or any rule adopted thereunder, or a permit issued under ORS 468A.555 to 468A.620, relating to open { - field - } burning { + of agricultural waste + }.

{ - (2) The State Department of Agriculture shall impose any civil penalty under this section in the same manner as the Department of Environmental Quality imposes and collects a civil penalty under ORS 468.140. - }

SECTION 18. ORS 307.391 is amended to read:

307.391. Radio communications equipment, meteorological equipment or other tangible personal property used in connection with the operation of the { - field - } { + open + } burning smoke management program established under ORS 468A.555 to 468A.620 and 468A.992 is exempt from ad valorem property taxation.

SECTION 19. ORS 468A.135 is amended to read:

468A.135. (1) When authorized to do so by the Environmental Quality Commission, a regional authority formed under ORS 468A.105 shall exercise the functions relating to air pollution control vested in the commission and the Department of Environmental Quality by ORS 468.020, 468.035, 468.065, 468.070, 468.090, 468.095, 468.120, 468.140, 468A.025, 468A.040, 468A.050, 468A.055, 468A.065, 468A.070 and 468A.700 to 468A.755 insofar as such functions are applicable to the conditions and situations of the territory within the regional authority. The regional authority shall carry out these functions in the manner provided for the commission and the department to carry out the same functions. Such functions may be exercised over both

incorporated and unincorporated areas within the territory of the regional authority, regardless of whether the governing body of a city within the territory of the region is participating in the regional authority.

(2) No regional authority is authorized to establish or alter areas or to adopt any rule or standard that is less strict than any rule or standard of the commission. The regional authority must submit to the commission for its approval all air quality standards adopted by the regional authority prior to enforcing any such standards.

(3) Subject to ORS 468A.140, 468A.145 and 468A.165, when a regional authority is exercising functions under subsection (1) of this section, the commission and the department shall not exercise the same functions in the same territory. The regional authority's jurisdiction shall be exclusive. The regional authority shall enforce rules and standards of the commission as required to do so by the commission.

(4) The commission and the regional authorities may regulate, limit, control or prohibit by rule all air contamination sources not otherwise exempt within their respective jurisdictions. However, { - field - } { + open + } burning { + of agricultural waste + } and forestland burning shall be regulated by the commission and fire permit agencies as provided in ORS

468A.555 to 468A.620 and 468A.992, 476.380, 477.505 to 477.562 and 478.960.

SECTION 20. ORS 468A.605 is amended to read:

468A.605. The Department of Environmental Quality, in coordinating efforts under ORS 468.140, 468.150, 468A.020, 468A.555 to 468A.620 and 468A.992, shall:

(1) Enforce all { - field - } { + open + } burning rules adopted by the Environmental Quality Commission and all related statutes; and

(2) Monitor and prevent unlawful { - field - } { + open + } burning.

SECTION 21. { + The Open Burning Management Account is established separate and distinct from the General Fund. Moneys in the Open Burning Management Account are continuously appropriated to the Department of Environmental Quality and may be used only to pay the administrative expenses of carrying out the provisions of ORS 468A.555 to 468A.620 and 468A.992. Interest earned by the account shall be credited to the account. + }

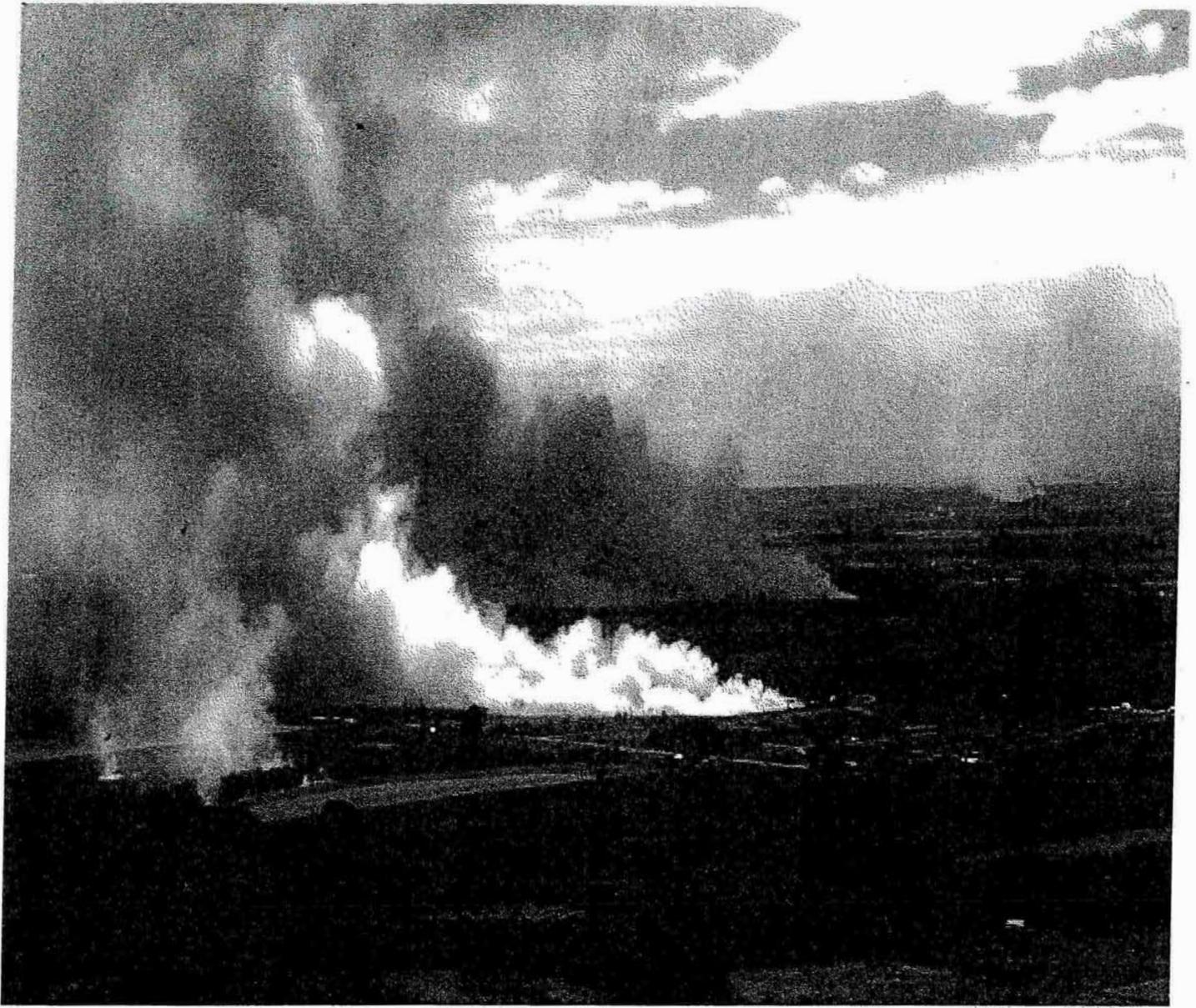
SECTION 22. { + ORS 468A.575, 468A.580, 468A.585, 468A.590 and 468A.620 are repealed. + }

SECTION 23. { + This 2007 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2007 Act takes effect on its passage. + }

This document has been localized for Corvallis; it is adapted from a similar document passed recently in Lane County, Oregon.

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HB 3000
ELIMINATES THE PUBLIC HEALTH
RISK CREATED BY FIELD BURNING

Draft Resolution in Support of a Ban on

Whereas, a primary duty of government is to protect public health, and residents have clean air to breathe,

Whereas, each summer and fall, the burning of grass seed and cereal in the Willamette Valley produces smoke that is inhaled by Corvallis

Whereas, such smoke is composed of both fine and coarse particles, combustion of organic matter, that contain carcinogenic compounds such as hydrocarbons, benzene, aldehydes and metals,¹

Whereas, the U.S. Environmental Protection Agency (EPA), upon reviewing studies, reports an association between exposure to particulate matter and health problems, including aggravated asthma, chronic bronchitis, reduced lung function, heart attack, and premature death in people with heart or lung disease,

Whereas, even short-term exposure to fine particulate air pollution has been associated with an increased risk for hospital admissions for cardiovascular and respiratory ailments,

Whereas, exposure to smoke from field burning presents significant risk to human health, including the elderly and children, and especially to those with respiratory difficulties, including children and elderly persons with respiratory disease,

¹ Oregon Department of Environmental Quality, *Fact Sheet: Open Field Burning in the Willamette Valley* (2007), http://www.deq.state.or.us/aaq/factsheets/07aq019_field.pdf.

² EPA, *Fact Sheet: Final Revisions to the National Ambient Air Quality Standards for Particulate Matter*, 1, (September 21, 2006), <http://www.epa.gov/pm/pdfs/20060921.pdf>.

³ Journal of the American Medical Association, *Fine Particulate Air Pollution and Hospital Admissions for Cardiovascular and Respiratory Diseases* (March 8, 2006).

⁴ Oregonians may be particularly vulnerable to field burning smoke in light of the state's high prevalence of asthma. See Oregon Asthma Program, *Oregon Asthma Surveillance Summary Report*, <http://www.oregon.gov/DHS/ph/asthma/docs/report.pdf> (last visited January 26, 2007). The state has the highest prevalence of asthma in the United States. Behavioral Risk Factor Surveillance System, *Asthma 2005*, <http://apps.nccd.cdc.gov/brfss/list.asp?cat=AS&yr=2005&qkey=4416&st=OR>.

Whereas, under state law, the Oregon Department of Agriculture (ODA) regulates the practice of field burning in the Willamette Valley to reduce smoke impacts on populated areas, but its success is limited by “unexpected wind shifts, rapidly changing mixing heights, rapidly decreasing transport wind speeds and directions, other meteorological factors, and inefficient lighting techniques.”⁵

Whereas, under state law, the Corvallis City Council is precluded from protecting residents of Corvallis from field burning smoke,⁶

Whereas, 1,182 complaints were received from Willamette Valley residents by ODA in 2006, exceeding the 1,106 complaints received in 2005, 475 in 2004, 206 in 2003, 705 in 2002, and 608 in 2001.⁷

Therefore, be it resolved, the Corvallis City Council strongly urges the Oregon State Legislature to enact a ban on field burning in its 2007 legislative session.

⁵ Oregon Department of Agriculture, Natural Resources Division, Smoke Management Program, *Summary of the 2006 Field Burning Season*, 7-8 (Dec 2006), http://www.oregon.gov/ODA/NRD/docs/pdf/smoke_fb_sum2006.pdf.

⁶ ORS 468A.595(4).

⁷ Oregon Department of Agriculture, p. 8.



PAUL R. HOLVEY
STATE REPRESENTATIVE
DISTRICT 8

HOUSE OF REPRESENTATIVES

To: House Committee on Health Care
Date: April 6, 2006
Chair: Rep. Mitch Greenlick and Committee Members

Thank you for hearing House Bill 3000. This bill prohibits open field burning, stack burning, pile burning and propane flaming. It does allow for open burning of agriculture waste under permit and authority of the Department of Environmental Quality (DEQ). The bill also establishes the Smoke Management Program and the Open Burning Management Account under the Authority of the DEQ.

I have been contacted by hundreds of individuals across the state and many organizations all in support of HB 3000 eliminating field burning. Amongst those organizations are the Lane County Medical Society, the Oregon Medical Association, the American Lung Association of Oregon, the Oregon Lung Specialists, the Lane Regional Air Protection Agency, the City of Eugene and the Lane County Board of Commissioners.

I introduced this sweeping legislation because of the extreme threat to the public health of Oregonians as a result of agricultural field burning. In 1991, the Oregon Legislature passed legislation to reduce and regulate field burning, and also to develop and provide alternatives to this practice. That legislation also stopped the reduction of field burning in 1998 at a level of about 65,000 possible acres allowed to be burned. Since that time 16 years ago, we now know much more about particulate matter air pollution and smoke, and its health effects, and specifically the effects of fine particulates referred to as PM 2.5 and the toxics contained in smoke.

There is clear and convincing scientific evidence that both long-term and short-term exposure to fine particulates and smoke have significant adverse human health effects. These effects even occur at exposure levels below the standards established by the Environmental Protection Agency and the Oregon Department of Environmental Quality.

A DEQ Field Burning letter states, "Occasional, short-term particulate sources such as field burning or prescribed field burning can have adverse health impacts on the public, especially sensitive groups like asthmatics." A document from the EPA states, "Health studies have shown a significant association between exposure to fine particles and premature mortality." Another EPA fact sheet states, "Exposure to particulate matter and significant health problems can cause aggravated asthma, chronic bronchitis, reduced lung function, irregular heart beat, heart attack, and premature death in people with heart or lung disease." The Journal of American Medical Association states: "Even short-term exposure to fine particulate air pollution has been found to increase the risk for hospital admissions for cardiovascular and respiratory ailments." Beyond these statements, there have been deaths in both Idaho and Washington that have been directly linked to exposure to field burning smoke, not to mention numerous traffic deaths and accidents caused by smoke. We all remember the 7 deaths and 38 injured in 1988.

The emissions from field burning grass residues contain a mixture of solid and liquid particles, which include particulate matter, carbon monoxide, methane, and toxics like Acetaldehyde, Acrolein, Benzene, Butadiene, Formaldehyde, Methyl Chloride, Toluene, and Xylenes. Unlike coarse particulate matter, fine particulates lodge deep in the lungs and the body's defenses are

unable to remove them. Toxics from the emissions recombine and attach to these fine particulates. I have provided the committee with many studies and medical testimonies to substantiate this information, and there are others here to testify to the health effects of field burning smoke.

I think it is also important to briefly talk about the effectiveness of smoke management and monitoring of the emissions from field burning. Smoke management is intended to burn when conditions are favorable in directing the smoke plumes away from the more densely populated areas. However, smoke management and conditions are not always predictable. This practice of course means that many of our smaller communities are literally designated as sacrifice zones.

The measurements data, and standards used by both the EPA and the DEQ are very site specific and most often based on averages that do not reflect the extremely high levels that much of our population is being subjected to. And frankly our smaller communities do not breathe averages.

Some of our averages actually throw out at least the six worst impact days and often the worst impact hour. When you hear that field burning is only 2% of the annual air particulate matter in the state, you should consider the methodology used to get that figure. I can also prove that in the 4 largest acres burn days, more carbon monoxide is generated from field burning in Oregon than is generated in 6 months by the largest emission producing factory (Weyerhaeuser Containerboard plant) in the southern Willamette Valley. There are others here to briefly testify to some of these facts as well.

Mr. Chair and Committee, the cost to public health and our quality of life from field burning is too high. As a matter of fact, the Washington State Department of Ecology in a cost benefit analysis concluded the costs to the public (such as increased medication use, increased hospitalization, missed work, etc.) far exceeded the cost to farmers to employ alternative methods to burning. Field burning of about 60,000 acres grass seed residues was mostly halted in Washington and their production and yields have significantly increased since then. Court action has halted all agricultural field burning in Idaho. It is time for Oregon to halt this practice now.

Given that this information is available and known, I believe it is incumbent on the State of Oregon to end the unnecessary practice of field burning, whether it is accomplished by the Executive Branch, the Legislative Branch, or the Judicial Branch, it needs to happen, and I believe it would be negligent if this Legislature or Executive branch do not end field burning this year.

Mr. Chair and Members of the Committee, I urge you to pass House Bill 3000 and make every effort to ensure it is enacted into law. Thank you.

Respectfully,

Paul Holvey
Oregon State Representative
District 8

Open Field Burning In the Willamette Valley

Background

The Oregon Department of Agriculture (ODA) Smoke Management Program regulates the burning of up to 65,000 acres of annual and perennial grass seed crop residue and cereal grain residue within the Willamette Valley each summer.

Field burning disposes of leftover straw and stubble on fields after grass seed harvesting. It controls weeds, insects and plant diseases which helps maintain grass seed purity, reduces use of pesticides and herbicides, and improves yields. The practice began more than 50 years ago, with as much as 250,000 acres being burned in the mid-1980s.

A 1988 accident on Interstate 5 involving multiple cars and causing seven fatalities was attributed to decreased visibility due to field burning smoke. This led to passage of House Bill 3043, which called for the phase-down of field burning from 250,000 acres to the current 65,000 acres. Currently, the state's Smoke Management Program affords greatest protection to the Willamette Valley's major population centers, but offers lesser protection to some smaller population areas.

Quick Facts:

- The phase-down of field burning occurred from 1991 to 1998, with the acreage limit reduced from 180,000 down to 40,000 acres. The current limit of 65,000 is based on 40,000 acres plus a 25,000-acre limitation for certain fire-dependent grass species and grasses grown on highly erodible soils on steep slopes.
- Although state law allows the burning of 65,000 acres, over the past five years actual burning has averaged about 50,000 acres.
- Field burning typically starts mid-July and ends mid-October, with a majority of burning in August/early September. Most fields are not burned every year.
- To avoid smoke impacts in populated areas, burning is permitted only after careful evaluation of weather conditions using the latest meteorological forecasting techniques.
- About 75% of all the acreage is burned on just 10 to 15 days during the summer.
- Currently there are about 150 growers who burn in the Willamette Valley.

- The Smoke Management Program is funded exclusively through grower fees.
- In 1995, ODA was directed by House Bill 3044 to operate the entire field burning program, through a contractual agreement with DEQ.

Health effects from smoke

Field burning smoke is comprised of several pollutants that have the potential to cause health problems, depending on the level and duration of exposure. Field burning smoke contains fine particulate matter, which can be inhaled deep into the lungs. In addition, field burning smoke contains carbon monoxide and carcinogenic compounds such as polycyclic aromatic hydrocarbons, benzene, aldehydes and metals.

While efforts are made to conduct burning under optimum smoke dispersal conditions, some field burning smoke impacts do occur. However, these impacts rarely cause air quality to exceed the federal fine particulate health standard. This is because most field burning smoke impacts are of relatively short duration, and occur during the summer months, when particulate air pollution levels are generally much lower than they are in winter months.

Although field burning is unlikely to cause violations of federal health standards, exposure to field burning smoke can still pose health risks. Short-term exposure can cause health problems for people with pre-existing respiratory problems (e.g., asthma, bronchitis and chronic obstructive pulmonary disease), or to sensitive populations such as young children and the elderly.

For the general public, short-term exposure to smoke may result in eye irritation, scratchy throat, runny nose, headaches, and allergic reactions. While little is known about the long-term health effects from exposure to field burning smoke, some research has shown health effects can range from reduced lung function to development of chronic bronchitis, and even premature death.

The Oregon Department of Agriculture, in conjunction with researchers at Oregon State University, is currently planning to conduct a human health risk assessment of field burning in the Willamette Valley. This assessment will help



State of Oregon
Department of
Environmental
Quality

Air Quality Division Airshed Planning Program

811 SW 6th Avenue
Portland, OR 97204
Phone: (503) 229-6278
(800) 452-4011
Fax: (503) 229-5675
Contact: Brian Finneran
www.oregon.gov/DEQ/



Oregon
Department
of Agriculture

For more information:
ODA Smoke Management
Program, Salem:
www.oregon.gov/ODA/
(503) 986-4701

Oregon
Department
of Human Services

Contact: Ken Kauffman,
Portland, (971) 673-0435

Alternative formats:
Alternative formats (Braille,
large type) of this document
can be made available.
Contact DEQ's Office of
Communications &
Outreach, Portland, (503)
229-5696 (toll-free in OR at
1-800-452-4011, x5696)

characterize exposure and risk in affected communities.

Visibility effects from smoke

In addition to health effects, smoke can affect outdoor recreation activities and impair visibility or the ability to view nearby mountains and other scenic areas. Federal visibility protection rules require states to adopt smoke management plans that address outdoor burning practices like field burning and forestry burning.

The phase down in Willamette Valley field burning over the years has led to some improvements in summertime visibility in Oregon's wilderness areas and Crater Lake National Park. This improvement can also be attributed to weekend restrictions on field burning, which are in place from July 1 through Sept. 15, to protect visibility in the Oregon Cascades during the highest visitation and recreation use period.

Alternatives to field burning

In addition to smoke management, ODA manages research and development into alternatives. This includes finding ways to maintain high yields without burning, straw removal and marketing, and alternative crops. Alternatives to field burning are currently practiced throughout the Willamette Valley. These include crop rotation, chemical applications, straw removal and propane flaming. The baling and selling of grass seed straw has become an important agricultural commodity. The straw is sold all over the world as an animal feed supplement and for other uses.

Grant funding from ODA and the Oregon Seed Council (OSC) is used for research into alternatives to field burning. In 2006, ODA and OSC distributed approximately \$370,000 for "Alternatives to Field Burning" research projects. ODA and OSC have funded an average of \$319,000 annually in research projects since the 1999-2000 funding cycle. State tax credits are also used to provide equipment and infrastructure to promote alternatives to burning.

Minimizing smoke impacts from burning

For the 65,000 acres currently allowed for burning, ODA controls the time, amount and location of burning in order to avoid smoke intrusions into cities or impacts on the public. The best conditions for burning are when smoke rises to high elevations, disperses, and is transported away from major populated areas. This practice makes the smoke plume visible from long distances, often causing public reaction and complaints, but actually minimizes ground smoke impacts to the public.

Quick facts:

- *Growers are required to register their fields and obtain burn permits. Permits require being able to light a field within one hour. This helps ensure that the burning takes place when conditions are still favorable.*
- *Growers must follow specific burning instructions issued by ODA. ODA also maintains an enforcement program which can result in fines for violations of program rules.*
- *Growers must also meet fire safety requirements set by the State Fire Marshal.*
- *ODA uses state-of-the-art weather forecasting techniques and computer models to determine geographic locations where fields can be ignited to minimize the smoke impact on the public.*
- *Other elements of the program include a network of air monitors placed in major population centers throughout the Willamette Valley, to track air quality and smoke impacts.*
- *The program is staffed full-time by a program manager, program coordinator and meteorologist. Seasonally, the program employs two inspectors and two field coordinators.*

Complaints about field burning

ODA operates two field burning complaint lines, which are available to the public year-round. The Salem number is for callers in the north Willamette Valley; the Eugene number is for callers in the south portion of the Valley.

Salem Complaint Line: (503) 986-4709
Eugene Complaint Line: (541) 686-7600

Comments and complaints provide supplemental information on the extent and location of smoke problems. Callers may receive a tape recording asking the caller to leave a message describing the smoke problem. Complaints are compiled weekly and reported to the Governor's Office. In 2006, ODA received 1,182 complaints, up slightly from 2005's total of 1,106. In previous years the numbers of complaints were as follows: 2004 (275), 2003 (206), 2002 (705), 2001 (608).

Fields of Fire

In the West, the time-honored tradition of field burning is now raising a host of major health concerns after a controversial death



Smoke from field burning ascends in the Idaho sky.

BY DAVID WHITMAN

COEUR D'ALENE, IDAHO—Dr. Robert West wasn't looking to make history when a local deputy phoned last September to tell him Marsha Mason had died. In fact, it didn't take the Kootenai County coroner long at all to figure out that his former patient had died from a severe asthma attack—the deputy had found Mason's electric inhaler still running next to her slumped body. Yet West was certain there was more to the story. Lots more.

Just a year earlier, he had performed a mastectomy on Mason, a 49-year-old waitress, and she had progressed nicely, returning to her job at Granny's Pantry in nearby Rathdrum. Though she continued to battle asthma, including a flare-up that landed her in the hospital in early August, Mason "was not an asthma patient who was hooked up to her nebulizer 24 hours a day," West says. "You had to be impressed by the fact that this lady who was previously well was now dead."

What changed? West believes that the sooty billows of smoke generated the day before by agricultural field burning triggered the fatal attack. It wasn't a claim he made easily, either. West supported farmers' rights to burn their fields when the winds transported smoke away from cities and towns. He had spent his childhood on a wheat farm in North Dakota, where he had seen firsthand the regenerative powers of fire on cropland. Still, West understood that soot particles posed a health threat, and the afternoon of September 13 was one of the haziest, soupiest days he had seen in his 31 years in Coeur d'Alene.

He also understood that if he were to label field burning a culprit in Mason's death he would "have people down my neck." Nonetheless, he listed two causes on the death certificate: an acute asthma attack and "severe air pollution" caused by field burning. "VICTIM WITH KNOWN ASTHMA SUBJECTED TO INTENSE AIR POLLUTION FROM WHEAT FIELD BURNING," he wrote. The finding may well mark the first time that a coroner in this country has directly linked a death to air pollution in more than 40 years.

Now, almost a year later, field-burning season has started again in Idaho and eastern Washington, a practice time-honored at least since the days of Lewis and Clark. Torched fields send forth huge plumes of smoke that often resemble a looming tornado or a mushroom cloud from a bomb. Like its incendiary cousin the wildfire, field burning is a familiar rural ritual. But growing scientific and medical evidence that field burning poses serious health hazards for people with respiratory problems is fueling opposition to the practice. "She didn't

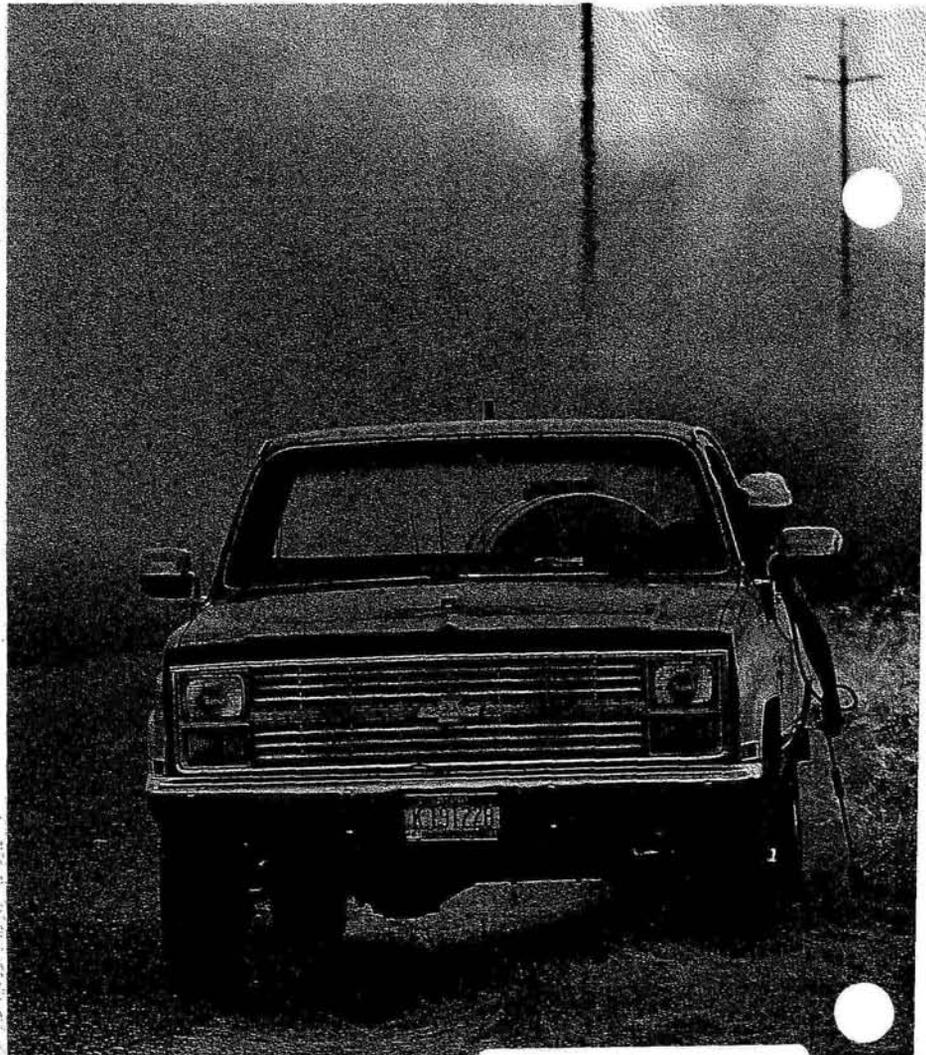
have to die, and I don't want anyone else to become a statistic," says Diana Ahern, Mason's older sister. "They are burning, and it's killing people, and it's wrong."

Polluted air can and does kill. In 1952, the infamous Great London Smog was blamed for the deaths of more than 3,000 people. Earlier this month, a Carnegie Mellon University study estimated that more people are killed by air pollution from traffic than by traffic crashes.

Ordinarily, however, epidemiologists merely infer that air pollution kills Americans. That is one reason Mr. Mason's death—and the place it occurred—was a shock. Her home near the northern tip of Idaho, a conservative corner of a most conservative state, is a place where agriculture and timber interests have long held sway. West, a Republican who was first elected coroner in 1984, says, "I absolutely knew I'd be challenged if I put down air pollution on the death certificate."

Out, damned soot

Farmers today torch sugar-cane fields in Florida, Louisiana, and Texas, rice straw in California, Arkansas, and Missouri, and grass fields in the Pacific Northwest. And ranchers burn millions of acres of grazing pasture in Kansas. Farming by fire reduces the erosion of topsoil and controls dust by eliminating the need for tilling operations to clear residue and plant new seed. On the prairie, fire boosts grass yields for cattle and reduces the need for chemicals to con-



of weeds and pest infestations. Even the more conservative torches tens of thousands of acres each year.

Yet field burning has ecological costs, too. It creates vast plumes loaded with dangerous microscopic soot particles that penetrate deep into the lungs. Estimates by the Natural Resources Defense Council and researchers at the Harvard School of Public Health suggest fine particulates from power plants and other combustion sources may be the nation's leading unregulated air-quality threat. Roughly 60,000 Americans die prematurely each year because of fine-particle pollution, according to the estimates, more than the combined mortality from motor vehicle accidents and homicides.

Even when fine soot particles fail to kill, they can cause flare-ups of chronic illnesses. Kootenai and adjoining Bonner County have an estimated 14,000 residents who suffer from asthma or chronic bronchitis, and the two counties collectively have one of the nation's highest asthma mortality rates. Children like

Alexandria Heisel, a 9-year-old from Post Falls, Idaho, with cystic fibrosis, have had to skip the beginning of school, fleeing Kootenai County for weeks at a time to avoid exposure to grass smoke. The citizens' group Save Our Summers sued the states of Idaho and Washington to restrict field burning under the Americans With Disabilities Act, arguing that the particulate pollution denies children with respiratory problems the right to attend schools, travel freely, and play in public parks. In June, a federal judge granted Washington State summary judgment in the case. SOS has appealed.

The victim

Marsha Mason believed in hard work, whether it was tilling her vegetable garden or making wooden moose in the shop next to her modest 1,000-square-foot home in Rathdrum. She loved to raft the Moyie River, camp, and hunt grouse. In 1997, she was diagnosed with a mild case of

asthma, but the attacks, which got worse last year after she developed allergies to dust and smoke, were sporadic and unpredictable. Nine days after she was discharged from the hospital in August following an asthma attack, Mason even danced at a rollicking family reunion. For the most part, though, hers was a life of quiet triumphs. Her favorite spot in the home she shared with her second husband, Pat, was the newly upholstered bay window seat and its hidden toy-storage compartment reserved for her three grandchildren.

On September 13, she awoke as usual, ready to walk the three blocks to Granny's to banter with the breakfast customers. But, coughing and wheezing when she arrived, Mason was sent home after just 20 minutes. Unknown to her, just a few miles from her house, bluegrass growers on the Rathdrum Prairie would soon start torching 632 acres. About 50 miles to the south, nontribal growers on the Coeur d'Alene Reservation were torching even more bluegrass residue—5,995 acres in all, an

area seven times larger than New York's Central Park.

One reason fine particles are so dangerous is that they infiltrate houses and travel vast distances suspended in air—a puff of diesel exhaust in Los Angeles can end up over the Grand Canyon. At noon, seeing that transport winds were too weak to take the plumes up and away from populated areas to the north,

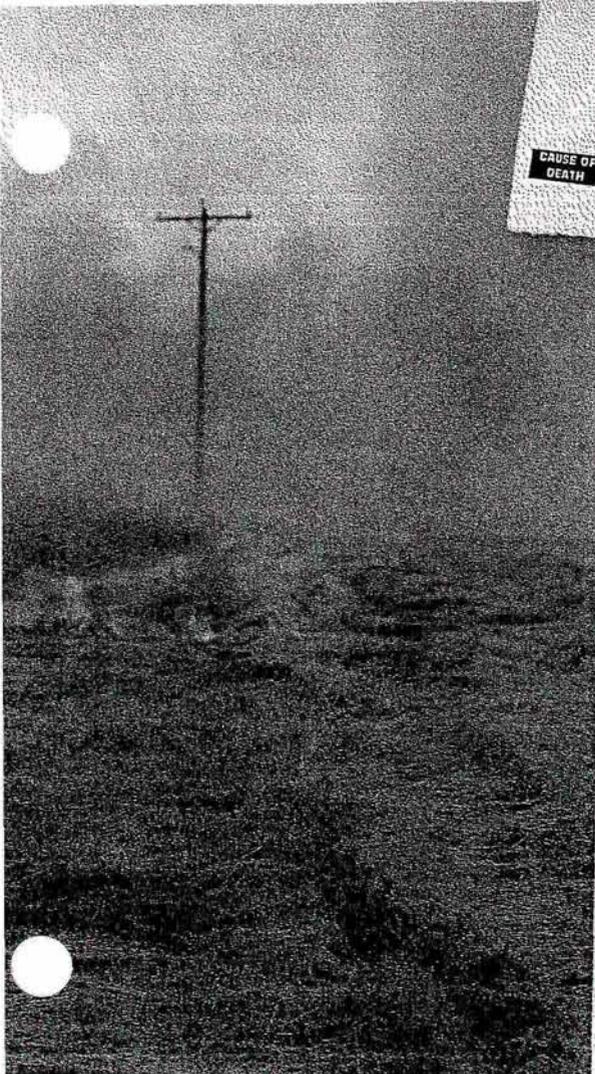
tribal burn managers halted burning in the northern half of the reservation for the first and only time during the year. By midafternoon, smoke and haze appeared to be drifting slowly northward into Coeur d'Alene, and particulate counts had reached unhealthy levels. Before the day was out, more than 140 people called the field-burning hotline in Coeur d'Alene to complain about the smoke.

In Rathdrum, 14 miles to the north, Pat Mason had put his ailing wife in his truck and driven her into the smoke in Coeur d'Alene to see her doctor and get medication for her nebulizer. She seemed better when she got home, napping most of the afternoon. But while she slept, smoke from the day's fires was following her, quietly drifting northward into the Rathdrum Prairie.

At 8 p.m., the air quality meter closest to Mason's house, about 5 miles from town, recorded the second-highest fine-particle count, or PM2.5 reading, of the entire 45-day burn season—161 micrograms per cubic meter. For a brief time the Rathdrum Prairie had worse air pollution than most major American

The county coroner attributed the death of Marsha Mason in part to severe air pollution caused by field burning (above). Farmers again are engaging in the long-standing rural ritual that is largely unregulated (left). Mason, 49 (below), a waitress, suffered from asthma.

COURTESY MCNEW FAMILY



cities ever have during the year.

State officials said afterward that readings above the 100-microgram level essentially meant "people are going to be choking," but Mason doesn't appear to have started suffocating until some time after 4:45 a.m. Her husband, a logger working the "hoot owl" shift, had taken off shortly after 2 a.m., leaving Marsha alone. Marsha had told him she was feeling better and would get up to take her medication. But when she tried breathing in the medicine through the nebulizer mouth-piece, something was terribly wrong. The medicinal mist was not loosening the bronchial spasm shutting down her mucus-filled lungs.

It's hard to convey the terror that asthmatics feel when they start to suffocate. Asthma sufferers have struggled so mightily to breathe that they have broken ribs or blood vessels in their eyes. Unable to loosen the bronchial muscles that control the opening to the airways, acute asthma victims cannot expel the air already in their lungs to draw a fresh breath.

Once her nebulizer failed to help, Mason knew she needed emergency help. At 4:51 a.m. she called 911, managing to gasp between wheezes: "I'm having an asthma attack . . . Help!" The dispatcher got Mason's address, but he apparently failed to hear her complaint of an asthma attack. As a result, he dispatched the Kootenai County sheriff's department rather than an ambulance, and the sheriffs did not enter Mason's house until 20 minutes later.

In the midst of the 911 call, Mason dropped the receiver. She somehow managed to open the front door before sitting on the window seat next to the entrance. Her legs dangled as close to the door as possible, presumably awaiting an ambulance. And then Mason, atop the bay window bench she treasured, died, waiting to exhale.

The farmer

Wayne Meyer, a bluegrass grower and state legislator, knows field burning is controversial. For 30 years, Meyer burned his bluegrass fields and, like other growers, had responded to public complaints. In the outcry after Mason's death, the grass growers repeatedly denied responsibility. Tribal officials insisted that smoke from the reservation had not reached the town of Rathdrum.

Meyer, who did not burn on September 13, noted that there was no air-quality meter in Rathdrum, so one couldn't know that high particulate levels recorded out on the prairie actually hit the town.

The North Idaho Farmers Association, whom Meyer represents on the local citizen-farmer smoke management advisory board, soon seized on a story in the *Coeur d'Alene Press* that said Pat Mason had been shocked to see news reports blaming Marsha's death on grass smoke and that he believed Marsha had died from an adverse reaction to medication. In two interviews with *U.S. News*, Mason said he no longer believed Marsha had an adverse reaction and that grass smoke might have

late pollution for only a couple of hours at a time—so the 24-hour averages always fall within federal limits.

At the state level, both the Coeur d'Alene Tribe and growers on the Rathdrum Prairie run smoke management programs that rely on specially staffed local weather stations and other pollution monitors that can alert growers to the days best suited for burning. Last month, new Idaho Department of Agriculture field-burning rules went into effect for the first time for counties without a smoke management program.

Some bluegrass growers have experimented with no-burn alternatives with limited success, but most farmers still find that burning crop residue is cheaper and stimulates higher yields in later years. "I wish we didn't have to burn, but it's an economic necessity," contends Meyer.

The aftermath

In the end, Mason's death helped prompt a single change in field-burning regulations. To take account of short-lived air pollution spikes, the state Department of Environmental Quality will institute a burn ban when an hourly PM2.5 reading reaches 100 micrograms per cubic meter.

Still, Mason's death hasn't been forgotten. She grew up in a tight-knit family of 14 siblings. Her funeral was so packed that onlookers even stood in



Carol Abelhanz gardens as wind-driven smoke moves toward her home. ● Field burning can be harmful to people with respiratory ailments.

helped trigger her asthma attack.

NIFA, however, asserted in a statement that "Members of [Marsha's] family accept that her death was largely due to lifestyle choices Marsha had made." Family and friends, NIFA reported, said that Marsha "smoked most of her life, worked in a smoky environment, had asthma and breast cancer and was likely diabetic." Bill Dole, a bluegrass grower who did burn on September 13, says: "Marsha was a neat lady who served me many a cup of coffee at Granny's. But she was a very sick lady who could barely walk to the restaurant."

Dole points out that field burning in Idaho has never generated enough pollution to violate federal or state air quality standards. But this safety record obscures the fact that the Environmental Protection Agency does not regulate emissions from agricultural burning unless they violate federal air quality standards, which are based on 24-hour averages. Field burning generates tremendous peaks of particu-

the basement of the funeral parlor to watch the service on closed-circuit television. Marsha was the first of the 14 children to die, and when her sister Diana Ahern delivered the eulogy, she looked out to see the quivering lip of their 72-year-old mother, and tears streaming down the faces of eight of her brothers, four of them former marines.

They didn't deliver antiburning speeches at the funeral or at the cemetery later that day, but Mason's siblings and two daughters have quietly retained an attorney, asking him both to investigate the circumstances of Marsha's death and to advise them what to do to prevent subsequent field-burning-related fatalities.

At a recent visit to Marsha's grave in Rathdrum, as the wind soughed through the towering pines nearby, Marsha's brother Pat Griffus left a silk bluebird by her headstone to honor her love of the outdoors. "We're not just going to say 'my sister passed away' and leave it at that," he vowed. "We will not let Marsha's death be for naught." ●

What Experts Are Saying About The Health Impacts of Air Particulates from Field Burning

"Health studies have shown a significant association between exposure to fine particles and premature mortality." (PM_{2.5} NAAQS Implementation, www.epa.gov/ttn/naaqs/pm/pm25_index.html)

"There is clear and convincing scientific evidence that significant adverse human-health effects occur in response to short-term and chronic particulate matter exposure at and below 15µg/m³, the level of the current annual PM_{2.5} standard." (Letter to EPA Administrator Stephen Johnson, 09/29/06)

"Occasional, short-term particulate sources such as field burning or prescribed field burning can have adverse health impacts on the public, especially sensitive groups like asthmatics." (DEQ Field Burning letter, 10/20/06)

"Even short-term exposure to fine particulate air pollution has been found to increase the risk for hospital admissions for cardiovascular and respiratory ailments." (Journal of the American Medical Association, Fine Particulate Air Pollution and Hospital Admission for Cardiovascular and Respiratory Diseases, 03/08/06)

"Long-term exposure to fine particulate air pollution is associated with the incidence of cardiovascular disease and death among postmenopausal women." (The New England Journal of Medicine, Long-Term Exposure to Air Pollution and Incidence of Cardiovascular Events in Women, 02/01/07)

"Particle pollution significantly increases the risk of dying early. High levels of particle pollution can shorten life, even if the exposure is over a short period, like hours or days. People can die within days or weeks when breathing high levels, which field burning can produce. Many studies over the past two decades have confirmed this, including large studies around the world." (Health Effects of Fine Particulate Air Pollution: Lines that Connect, Pope CA, Dockery DW, Air Waste Management Association, 2006)

"Epidemiological evidence has established a clear link between small airborne particles and health, particularly for an at-risk population comprising people with existing pulmonary conditions such as asthma, emphysema, chronic bronchitis or heart disease." (Estimates of the Benefits and Costs From Reductions in Grass Seed Field Burning, 12/27/96)

"Scientific evidence conclusively documents that particulate air pollution, such as that generated by agricultural field burning, increases the incidence of respiratory and cardiac disease." (Letter from 87 physicians in Kootenai County, Idaho calling for the end of field burning.)

"Is a clear temporal relationship between documented airborne particulate matter exposure from grass field residue burning and documented health effects that are consistent with these documented exposures, and that are also consistent with the known biological effects of exposure to the chemical components of the smoke resulting from grass field residue burning." Declaration of Ricahrd B. Schlesinger, Ph.D. in *Safe Air For Everyone v. Wayne Meyer, et al.*)

"Ambient (outdoor) air pollution is now recognized as an important problem, both nationally and worldwide. Our scientific understanding of the spectrum of health effects of air pollution has increased, and numerous studies are finding important health effects from air pollution at levels once considered safe. Children and infants are among the most susceptible to many of the air pollutants." (*Ambient Air Pollution: Health Hazards to Children*, American Academy of Pediatrics, Pediatrics, Vol. 114)

"The increase in relative risk for heart disease due to air pollution for an individual is small compared with the impact of the established cardiovascular risk factors such as high blood pressure or high cholesterol. However, this is a serious public health problem due to the enormous number of people affected and because exposure to air pollution occurs over an entire lifetime." (Robert D. Brook, M.D., lead author of the American Heart Association statement *Air Pollution and Cardiovascular Disease: A statement for Healthcare Professionals From the Expert Panel on Population and Prevention Science of the American Heart Association*, 06/01/04)

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**Improving Life, One
Breath at a Time**



Date: April 6, 2007

Re: **HB 3000 Open field, pile and stack burning**

Dear Representative Holvey,

Thank you very much for your leadership on prohibiting field burning in Oregon. We fully support your effort to pass House Bill 3000 this legislative session.

The practice of burning crops or wood in fields produces large amounts of particle pollution, or particulate matter, which are tiny bits of ash and soot that can lodge deep inside the lungs and harm the body. They produce both fine (PM 2.5) and coarse particles (PM 10). Particle pollution from crop burning can cause these threats to human health:

- Particle pollution significantly increases the risk of dying early. High levels of particle pollution can shorten life, even if the exposure is over a short period, like hours or days. People can die within days or weeks when breathing high levels, which field burning can produce. Many studies over the past two decades have confirmed this, including large studies around the world. (Pope CA, Dockery DW. Health Effects of Fine Particulate Air Pollution: Lines that Connect. *J Air Waste Manage Assoc* 2006; 56:709-742.)
- More than 2,000 peer-reviewed studies on the subject have been published since 1996, confirming the strong relationship between particle pollution, illness, hospitalization and premature death. The U.S. Environmental Protection Agency recently completed a review of these studies and linked particle pollution to premature death from cardiovascular disease, heart attacks and strokes, as well as worsening asthma, COPD, and may cause lung cancer. (U.S. EPA. Air Quality Criteria for Particulate Matter, October 2004.)
- Those most at risk and the most vulnerable among us: children under 18, those over 65, those with lung diseases like asthma and COPD, those with cardiovascular diseases and diabetes.
- Children's lungs develop mostly after they're born and air pollution from burning can affect the ability of the lungs to develop normally, leading to a lifetime of breathing problems. Children are also outside more than adults, so they risk breathing more of this pollution. The American Academy of Pediatricians warns that particle pollution has been linked to infant death, low birth weight and premature birth. (American Academy of Pediatrics Committee on Environmental Health, Ambient Air Pollution: health hazards to children. *Pediatrics* 2004; 114: 1699-1707.)
- People with lung diseases already have difficulty breathing because their lungs don't work as well. Particle pollution triggers asthma attacks, increased risk of hospitalization and emergency room visits, increased use of medicines. New studies are finding that particles may increase risk of developing chronic bronchitis as well as lung cancer. (U.S. EPA, 2004).
- People with cardiovascular diseases have an increased risk of developing problems and like diabetics can suffer increased heart disease, heart failure, heart attacks, and dysrhythmias, strokes and hospital admissions for these conditions. (Pope and Dockery, 2006).

- Seniors are also more likely to suffer from worsened cardiovascular and respiratory diseases as well as premature death because of breathing high levels of particle pollution. (U.S. EPA, 2004).

The affects of field burning affects the people of Oregon. These people live in your districts.

Please join the American Lung Association and stand up for their health. Support HB 3000

Because when you can't breathe nothing else matters™

Field Burning: The Facts

Oregon growers burn an average of 50,000 acres per year.

In 2006, grass seed growers produced more than 12,000 tons of pollution from field burning. During the four highest burning days growers produced more than 770 tons of fine particulates, 4,885 tons of carbon monoxide, and more than 676 tons of toxic chemicals like benzene. During these four days, the amount of carbon monoxide generated from burning equals half the total yearly carbon monoxide output generated by the largest smokestack polluter in the Southern Willamette Valley.

The smoke from field burning contains fine particulate matter (PM_{2.5}). These particles (roughly 1/30 the size of a human hair) are dangerous because they lodge deeply in the lungs where they can cause and aggravate major health problems.

Scientific evidence clearly documents the relationship between exposure to PM_{2.5} and health problems. The Journal of the American Medical Association states that "even short-term exposure to fine particulate air pollution has been found to increase the risk for hospital admissions for cardiovascular and respiratory ailments." The EPA states that "many scientific studies have found an association between exposure to particulate matter and a series of significant health problems, including: aggravated asthma, chronic bronchitis, reduced lung function; irregular heartbeat; heart attack; and premature death in people with heart or lung disease."

Standards used in measuring and monitoring field burning smoke do not protect the public health. Studies that cite that field burning represents 2% of particulate pollution do not accurately portray the problem. These studies include coarse particulate matter (PM₁₀), but PM_{2.5} particles are those that are dangerous to the body. Monitoring also use formats that average down the true impact of field burning by removing the highest pollution days and averaging data over a number hours and days.

Eliminating Field Burning will not ruin the industry. Since the legislature began reducing the amount of acreage that can be burned, the number of production acres in Oregon has increased. Washington State has seen similar results since it eliminated the practice with acres grown and yields per acre increases since 1998.

Viable alternatives to field burning exist. Growers can retain the straw on their fields, bale and export the product as livestock feed, or rotate their crops with meadowfoam to fight weeds and create oil that can be sold for use beauty products.



Richard Buck M.D. **Virginia Buck M.D.**

Board Certified Physicians

2201 Willamette St. - Suite C Eugene OR 97405

541-683-0730

Representative Paul Holvey
900 Court St. NE H-475
Salem OR 97301

February 6, 2007

Dear Representative Holvey,

The following is a letter of support that we are sending to our State Senators and Representatives.

As specialists in asthma and allergy in Eugene and Springfield, we are writing to express our concern about grass field burning. The exposure to small particulate matter from field burning in the summer and from wood smoke and air pollution has been associated with worsening of asthma. The result is an increase in emergency room visits, hospital admissions, and increased medication use. This cost to the individual and to society is unacceptable.

Specifically with regard to field burning, Oregon is now the only Northwestern State in which field burning is lawful. Washington State has banned open field burning and a recent Federal Court decision stated that field burning is illegal in Idaho. Oregon's asthma rate is significantly higher than the national rate, 9.9%, compared 7.7%, and Lane County's rate of 10.5% is second only to Linn County at 11.9%.

The EPA finally acted last month to cut the amount of fine particulate matter from smoke to be allowed in the air. This will result in dropping the level in the air at which burning of wood is allowed. There will also be increased pressure to eliminate field burning to meet this new standard. Now is the time for the State Legislature to act and completely ban field burning smoke in Oregon.

There are viable alternatives to burning and these must be implemented statewide. It is no longer acceptable to allow the economic interests of 200 grass seed growers to take precedence over the health of thousands of other Oregonians.

I ask you to work with Representative Holvey to develop a legislative solution that brings field burning to an end.

Sincerely,

Virginia M. Buck, M.D.

Richard O. Buck, M.D.



April 3, 2007

Dear Honorable Representative:

I am writing on behalf of the Oregon Medical Association to encourage you to vote in favor of HB 3000, a bill that bans field burning. The OMA supports HB 3000 because field burning increases air pollution and has adverse health effects on those exposed to it.

There is no question that field burning increases air pollution, and while some may claim that the level of pollution is acceptable, this reasoning flies in the face of recent scientific studies. Even if exposure to particulate matter in the PM_{2.5} range is short-term, there are still significant risks to public health, especially to people with asthma or other respiratory conditions. Both the EPA and Department of Environmental Quality agree that human health is adversely affected by short-term exposure to particulate sources such as field burning. Additionally, an article appearing in the February *New England Journal of Medicine* reported that "Long-term exposure to fine particulate air pollution is associated with the incidence of cardiovascular disease and death among post-menopausal women."

Exposure to fine particulate matter (PM_{2.5}) increases the number and severity of asthma attacks, bronchitis, may increase cardiovascular risk, or even lead to premature death. OMA has long been supportive of asthma education and prevention measures and believes that HB 3000 would make great strides toward preventing unnecessary air pollution and improving air quality for our patients.

Please vote YES on HB 3000 – for your health, and the health of your constituents.

Sincerely,

A handwritten signature in cursive script that reads "John Evans".

John Evans, M.D.
Chair, Community Health Committee

January 18, 2002

Dear Neighbors,

We, physicians of Kootenai County, join our colleagues in Sandpoint in calling for an end to agricultural field burning in North Idaho. Scientific evidence conclusively documents that particulate air pollution, such as that generated by agricultural field burning, increases the incidence of respiratory and cardiac disease.

For years, our first-hand experience has shown us that the pattern and intensity of smoke exposure caused by field burning is particularly harmful to many individuals, especially those with cardiac and respiratory illnesses.

We recognize that farming bestows benefits on communities it serves and that growers have legitimate concerns about ending field burning. However, we feel that the suffering of those adversely affected by field smoke is without adequate justification.

We support in particular efforts to preserve the economic viability of agriculture in our communities while, most importantly, bringing the practice of field burning to an end before others are needlessly endangered.

Signed,

Frederick P. Ambrose, M.D.
Henry Amon, Jr., M.D.
Duane R. Anderson, M.D.
David R. Barnes, M.D.
Thomas J. Bassler, Jr., M.D.
Thomas P. Beaton, M.D.
George C. Bell, M.D.
Richard K. Bell, M.D.
Robert G. Benedetti, M.D.
Eric Benson, M.D.
Barry Bergen, M.D.
Paul Berger, M.D.
Christopher Billingslea, D.O.
Mark Brinkman, M.D.
Jeralyn Brossfield, M.D.
Timothy Burns, M.D.
Richard B. Caldwell, M.D.
David Chambers, M.D.
Donald Chisholm, M.D.
W. Eric Chun, M.D.
Henry D. Covelli, M.D.
Duane Craddock, M.D.
Stephen Craig, M.D.
David E. Davenport, M.D.
Michael Dixon, M.D.
Andrea Dominey, M.D.
Henry Downs, M.D.
Bradley, Drury, M.D.
Arlie Esau, M.D.

Terese M. Fandel, M.D.
Robert C. Farr, M.D.
Ronald M. Fritz, D.O.
William Ganz, M.D.
Alan B. Grosset, M.D.
Carl L. Hanson, M.D.
R. Randel Henneberg, M.D.
Keith Hewel, M.D.
John F. Hoffman, M.D.
Robert Holman, M.D.
Stephen Iacoboni, M.D.
Karen M. Ireland, M.D.
Michael W. James, M.D.
Peter C. Jones, M.D.
George C. Kutteruf, M.D.
James Y. Lea, M.D.
H. Mark Lickey, M.D.
Lee Lindquist, M.D.
Rey V. Luce, M.D.
Gordon Luther, M.D.
Albert J. Martinez, M.D.
Jeffrey D. McDonald, M.D.
Robert M. McFarland, M.D.
Richard A. McLandress, M.D.
Susan Melchoire, M.D.
Linda S. Michalson, M.D.
Brendan Mielke, M.D.
Bruce K. Miewald, M.D.
Terence E. Neff, M.D.

Stephen A. Moss, M.D.
Robert Mulvihill, M.D.
L. Raymond Newcomb, M.D.
Adam Olscamp, M.D.
James P. Osmanski, II, D.O.
Lorene Osmanski, M.D.
Patrick J. Parden, M.D.
Romeo Pavlic, M.D.
Anthony D. Peters, D.O.
Timothy T. Quinn, M.D.
Thomas R. Rau, M.D.
Terrance A. Riske, M.D.
Richard J. Robinson, M.D.
Linda Sakai, M.D.
Mary A. Sanderson, M.D.
Antoine Sarkis, M.D.
Peter V. Semogas, M.D.
Robin R. Shaw, M.D.
Douglas R. Stafford, M.D.
Ronald J. Stout, M.D.
J.H. Strimas, M.D.
Haluk Tezcan, M.D.
Stanley A. Toelle, M.D.
R. Alan Wales, M.D.
Michael Wiederkehr, M.D.
Craig W. Wiesenhutter, M.D.
David A. Wold, M.D.
David P. York, M.D.
Mirko Zucec, M.D.

**URBAN SERVICES COMMITTEE
MINUTES
May 3, 2007**

Present

Patricia Daniels, Chair
George Grosch
David Hamby

Staff

Jon Nelson, City Manager
Steve Rogers, Public Works Director
Jim Mitchell, Transportation and Buildings
Division Manager
Emely Day, City Manager's Office

Visitors

Lynn Roylance, Corvallis-Benton Chamber
Coalition

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Airport Lease Assignment Procedures			Approve changing the airport lease assignment process to provide a mechanism for the Airport Commission to forward unanimously approved, simple lease assignment recommendations directly to the City Council by way of the Consent Agenda
II. Airport Lease Assignment – Community Outreach, Inc.			Approve the lease assignment from Community Outreach, Inc., to RCBECC, LLC, and authorize the City Manager to sign a lease agreement with RCBECC, LLC
III. Airport Lease – Mid-Valley Painting			Approve the proposed lease with Mid-Valley Painting and authorize the City Manager to sign the Land/Building Lease Agreement
IV. Other Business			

CONTENT OF DISCUSSION

Councilor Daniels called the meeting to order at 4:00 pm.

I. Airport Lease Assignment Procedures (Attachment)

Public Works Director Rogers noted that the issue of revising the airport lease assignment procedure had been discussed by the Committee, Public Works staff, and representatives of Corvallis-Benton Chamber Coalition (B-CCC). Previously, airport lease assignment

reviews and approvals required as much time as new lease reviews and approvals. The lease assignment transaction is fairly simple but is the City's only interaction with current and prospective lessees as they change ownership of a building on City-owned land; therefore, the City handled lease assignments similar to new leases. Currently, the Airport Commission reviews lease assignment requests and forwards recommendations to the Committee, which forwards recommendations to the Council. The current lease assignment process can delay business sale transactions. According to the City's standard airport lease, lease assignment approval cannot be unreasonably withheld. Staff typically assesses the potential for the new lessee to meet its financial obligations to the City, which would be the only reason to withhold a lease assignment approval. Staff suggested amending the lease assignment review and approval procedure so that the Commission's recommendations would be forwarded directly to the Council under the Consent Agenda, without review by the Committee.

Transportation and Buildings Division Manager Mitchell added that staff presented to the Airport Commission the Committee's previous suggested amendments to the standard airport lease document: changes regarding notifications, removing the term "immoral" from the section regarding nuisances, and updating the non-discrimination verbiage. These amendments would be included in all future lease assignments. Any other lease amendments would necessitate the Committee's review of a lease assignment request.

In response to Councilor Hamby's inquiry, staff confirmed that no other issues are forwarded from advisory bodies directly to the Council under Consent Agenda. Councilor Grosch noted that interim liquor license approvals are presented to the Council, based upon staff's administrative review, without review by a Council Standing Committee.

Councilor Hamby indicated support of the proposed procedure change. In response to his inquiry, Mr. Rogers explained that the proposed procedure represents how the lease assignment process would be conducted. The City does not have a written procedure for lease assignment request reviews and approvals. Council meeting minutes would document the Council's approval of a procedural change.

Councilor Hamby asked that a lease assignment request which receives a dissenting vote from the Airport Commission be forwarded to the Committee for review, so a Commission member would have opportunity to express their concerns. Councilor Grosch noted that the Council Liaison to the Commission should be able to address any Commission concerns regarding a lease assignment request.

Based upon a motion moved and seconded by Councilors Grosch and Hamby, respectively, the Committee unanimously recommends that Council approve changing the airport lease assignment process to provide a mechanism for the Airport Commission to forward unanimously approved, simple lease assignment recommendations directly to the City Council by way of the Consent Agenda.

II. Airport Lease Assignment – Community Outreach, Inc. (Attachment)

Mr. Rogers explained that Community Outreach, Inc. (COI) will sell its building on leased property at the Corvallis Airport Industrial Park. The new building owner (RCBEC, LLC) will occupy the building. The Airport Commission unanimously approved the lease assignment request. He noted that staff assembled for the Committee's review the series of leases involving the subject building.

City Manager Nelson noted that the Business Enterprise Center (BEC) interim location (the subject building) meets its current needs. Long term, the BEC hopes to have a facility at the Oregon State University South Campus Technology Park.

Mr. Mitchell added that the Airport Industrial Park can be a potential site for expanding businesses that begin at the BEC.

Based upon a motion moved and seconded by Councilors Hamby and Grosch, respectively, the Committee unanimously recommends that Council approve the lease assignment from Community Outreach, Inc., to RCBEC, LLC and authorize the City Manager to sign a lease agreement with RCBEC, LLC.

III. Airport Lease – Mid-Valley Painting (Attachment)

Mr. Rogers explained that the City owns a building at Corvallis Airport Industrial Park that has been used as a storage facility. The building was recently leased by Gerry Sturis of G&C Maintenance. Mr. Sturis' partner, Randee Fields, wants to continue leasing the building under a different business name (Mid-Valley Painting), which creates a new lease arrangement. The lease term would be one year, which staff supports in this case because the land is more valuable for re-development in the future; until that opportunity exists, a short-term lease is advantageous to all parties involved. The lease includes provisions for standard square-footage land and building rates.

In response to Councilor Grosch's inquiry, Mr. Mitchell explained that the lease provisions address storage of substances, such as volatile materials associated with a paint business. Staff inspects leased properties and facilities at the beginning and end of lease terms; City lease provisions allow staff to inspect leased premises during the term of a lease. The building does not have drains, so there is little likelihood of any substances from the painting business entering the storm water or sanitary sewer drainage systems.

In response to Councilor Hamby's inquiry, Mr. Mitchell clarified that the lease before the Committee would not be subject to the new lease assignment review procedure, as it constitutes a new lease to a new entity.

In response to Councilor Hamby's further inquiry, Mr. Mitchell explained that leased parcels typically extend from the abutting street to the back of the lot, even though the building and/or parking area are small. The United States Department of Agriculture leased the

property at one time and required a lease that constrained the leased property to the building footprint. The G&C Maintenance lease included provision of a ten-foot buffer for which the lessee was responsible.

Based upon a motion moved and seconded by Councilors Grosch and Hamby, respectively, the Committee unanimously recommends that Council approve the proposed lease with Mid-Valley Painting and authorize the City Manager to sign the Land/Building Lease Agreement.

IV. Other Business

- A. The Urban Services Committee meeting scheduled for May 10, 2007, is canceled.
- B. The Urban Services Committee will conduct a special meeting May 22, 2007, at 4:00 pm in the Madison Avenue Meeting Room.
- C. The Urban Services Committee meeting scheduled for May 24, 2007, is canceled.
- D. The Urban Services Committee will conduct a special meeting May 30, 2007, at 5:30 pm in the Madison Avenue Meeting Room.

Councilor Daniels adjourned the meeting at 4:22 pm.

Respectfully submitted,

Patricia Daniels, Chair

MEMORANDUM

TO: Urban Services Committee

FROM: Steve Rogers, Public Works Director 

DATE: April 16, 2007

SUBJECT: Lease Assignment Procedures

ISSUE

Should the City change the airport lease review and recommendation process to allow simple lease assignment recommendations from the Airport Commission to go directly to City Council by way of the consent agenda?

BACKGROUND

State law requires that the City Council review and approve all real estate transactions for the City. The current city procedure is for lease assignments for Airport property to be reviewed by the Airport Commission, the Urban Services Committee and the City Council.

DISCUSSION

When a building is sold or re-rented at the Airport Industrial Park, the lease assignment process involves Corvallis Benton Chamber Coalition staff, City staff, Airport Commission, and the Urban Services Committee, before it reaches the City Council. In the past, this process has taken up to six weeks to complete, when everything is working correctly. In the case when a lease assignment is a direct assignment because of a sale or a restructuring of the participants in a lease, this process could be made more efficient and effective by skipping the Urban Services Committee and going directly to the City Council by way of the consent agenda. The leases include a clause which states that the City must approve a lease assignment, but that the City "will not unreasonably withhold" the approval. The due diligence necessary to form a recommendation on the lease assignment would be performed by staff and the Airport Commission. Public process and meeting notice requirements would still be satisfied by having the public meeting at the Airport Commission. The Airport Commission has a liaison from the City Council, who can facilitate the communication about different lease activities at the Airport. If there is an issue or difficulty with a lease, that item could be pulled from the consent agenda and discussed by the City Council.

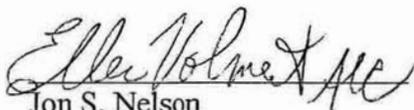
In addition, if the City Council liaison anticipates that the lease assignment would not be appropriate for the consent agenda, then the Airport Commission process could forward the lease assignment to the Urban Services Committee instead. Including items that are currently in the process, the last six months has seen four leases and five lease assignments. Of those assignments, all of them would be simple lease assignments, appropriate for being placed on the consent agenda. This proposed change in procedure has been reviewed and approved by the Airport Commission.

This change in procedure will reduce the amount of staff hours and Committee time required to process a lease assignment request. With this process, it should be possible for a lease assignment to be seen by the Airport Commission on the first Tuesday of the month and to have it approved by City Council on the third Monday of the month. In addition to staff time that will be saved, it reduces the number of meetings that the applicant needs to attend as well.

RECOMMENDATION

Staff and the Airport Commission recommend that the Airport lease assignment process be changed to provide a mechanism for the Airport Commission to forward simple lease assignment recommendations directly to the Corvallis City Council by way of the consent agenda.

Review and Concur,


Jon S. Nelson
City Manager

MEMORANDUM

TO: Urban Services Committee

FROM: Steve Rogers, Public Works Director 

DATE: April 16, 2007

SUBJECT: COI Building Lease Assignment

ISSUE

The COI building at 1965 SW Airport Avenue is currently owned by Community Outreach, Incorporated (COI). The building is being sold to RCBEC, LLC. As a part of that sale, COI desires to assign the lease for the property to RCBEC, LLC.

DISCUSSION

The building at 1965 Airport Avenue is on parcel 12 of the Airport Industrial Park. This parcel was originally leased by SSSI, Inc., in 1986. The building was sold to COI in 2000. An addendum was added to the lease for this parcel on May 14, 2003, identifying the term of the lease ending on May 30, 2013 and providing for an additional 10 year extension. There are no changes to the term or to the provision allowing for a 10 year extension. Upon acceptance of this lease assignment, COI would be released from the obligations under this lease.

The intended use of the building is for a new home for the Business Enterprise Center (BEC). The BEC is the local business accelerator, providing services to start-up businesses. The BEC is moving from their current location at Sunset Research Park to the Airport as a result of this purchase by RCBEC, LLC. The presence of the BEC at the Airport Industrial Park is a positive step for attracting new businesses to the Airport Industrial Park.

As per the First Amendment to Lease Agreement between SSI, Inc and the City, Section 13 Assignment of Lease, "The Lessee shall not assign this lease or sublet the property to any property not directly associated with the Lessor in whole or any part, without the Lessors prior written consent; provided, however, that the Lessor shall not unreasonably withhold such consent." Staff has reviewed this assignment request and has not found any concern with consenting to the request.

This request has been submitted to the Airport Commission and will be considered at the May 1, 2007 meeting.

RECOMMENDATION

Pending approval by the Airport Commission, staff requests the Urban Services Committee recommend consent to the lease assignment to the City Council and authorize the City Manager to enter into agreement with RCBEC, LLC.

Review and Concur,


Jon S. Nelson
City Manager

Attachments

Assignment of Lease

April 11, 2007

KNOW ALL PEOPLE BY THESE PRESENTS, that Community Outreach, Inc. an Oregon non-profit corporation does hereby grant, bargain, sell and assign and set over unto RCBEC LLC an Oregon limited liability corporation, its lessee's interest in a ground lease dated July 1, 1993, between the CITY OF CORVALLIS, Lessor and SSSI PROPERTIES, Inc., Lessee, recorded August 25, 1993, Microfilm No. 168889-93, Microfilm Records, Benton County Oregon and the First Addendum to Lease, including the terms and provisions thereof, recorded August 25 1993, Microfilm No. 168890-93, Microfilm Records, Benton County Oregon.

The property covered by the lease and this Assignment of Lease is described on Exhibit A, which is attached hereto and by this reference incorporated herein.

The true and actual consideration for this transfer is the agreement by the Assignee, RCBEC LLC, to pay all of the Assignor's, Community Outreach, Inc. obligations under said lease, including but not limited to payment of rent. Assignor warrants that there has been no default under said lease, and said lease is in full force and effect, and it has the unqualified right to make this assignment and transfer of said lease.

IN WITNESS WHEREOF, said Assignor has executed this assignment on the day and year first written above.

ASSIGNOR:

COMMUNITY OUTREACH, INC.
An Oregon non-profit corporation

BY: _____

Date: _____

Acceptance of Assignment

The undersigned Assignee hereby accepts the foregoing assignment and agrees to abide by all of the terms and conditions therein contained and in the lease assigned thereby to be performed by the Lessee therein, and to indemnify and hold Assignor harmless from any and all liability under such lease from the date of this Assignment and hereafter.

ASSIGNEE:

RCBEC LLC

Date: _____

Date: _____

Exhibit "A"
SSSI Properties, Inc./Lewis Hanson and Company, Inc.

PARCEL 12

Map No. 12-5-22 TL302

Beginning at a point where the northerly right-of-way line of S.W. Airport Avenue (a 60-foot right-of-way) intersects the westerly boundary line of Parcel 10 of the Corvallis, Oregon Municipal Airport Industrial Park,* said point also being the true point of beginning; thence, north 0° 01' east 230 feet; thence, north 89° 59' west 300 feet; thence south 0° 01' west 230 feet to the northerly right-of-way line of S.W. Airport Avenue; thence, east along the right-of-way line 300 feet to the true point of beginning; all being in Section 22, Township 12 South, Range 5 West, Willamette Meridian, Benton County, Oregon, and containing 1.584 acres.

*as described in instrument recorded December 2, 1986 as M-84271-86, Microfilm Records for Benton County, Oregon.

STATE OF OREGON }
County of Benton } ss. 158454

I hereby certify that the within instrument was received for record.

'93 AUG 25 PM 3 58

AND
ASSIGNED

N^o 168890

1993

In the microfilm records of said county
Witness My Hand and Seal of County Affixed

DANIEL G. BURK

Director Of Records & Elections

By _____

Deputy

Oregon Rubber

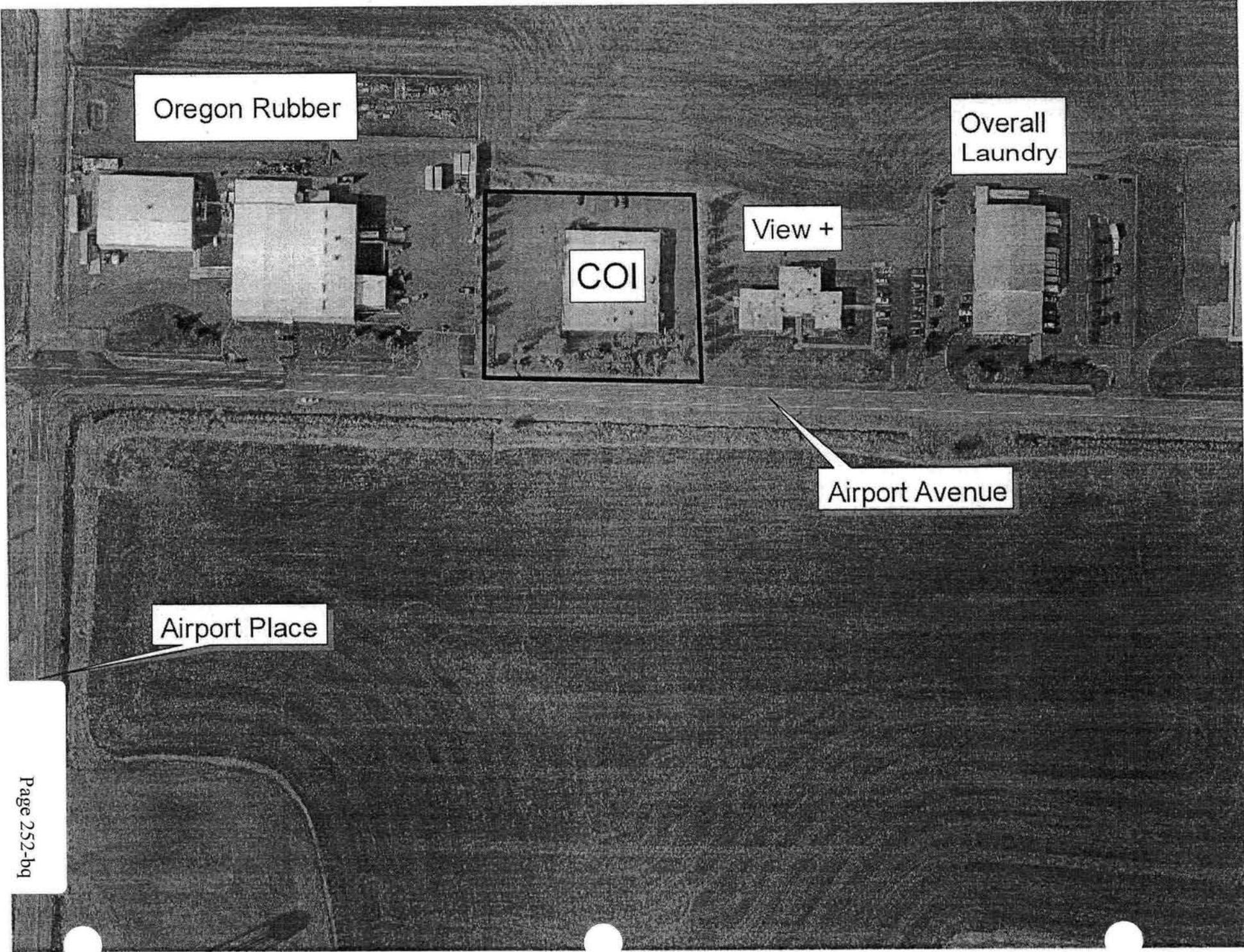
Overall
Laundry

COI

View +

Airport Avenue

Airport Place



Assignment of Lease

May 3, 2007

KNOW ALL PEOPLE BY THESE PRESENTS, that Community Outreach, Inc. an Oregon non-profit corporation does hereby grant, bargain, sell and assign and set over unto RCBE LLC an Oregon limited liability corporation, its lessee's interest in a ground lease dated July 1, 1993, between the CITY OF CORVALLIS, Lessor and SSSI PROPERTIES, Inc., Lessee, recorded August 25, 1993, Microfilm No. 168889-93, Microfilm Records, Benton County Oregon and the First Addendum to Lease, including the terms and provisions thereof, recorded August 25 1993, Microfilm No. 168890-93, Microfilm Records, Benton County Oregon assigned to Community Outreach Inc. (COI) on September 13, 2000, and then amended on May 14, 2003 and May 15, 2003.

The true and actual consideration for this transfer is the agreement by the Assignee, RCBE LLC, to pay all of the Assignor's, Community Outreach, Inc. obligations under said lease, including but not limited to payment of rent. Assignor warrants that there has been no default under said lease, and said lease is in full force and effect, and it has the unqualified right to make this assignment and transfer of said lease.

IN WITNESS WHEREOF, said Assignor has executed this assignment on the day and year first written above.

ASSIGNOR:

COMMUNITY OUTREACH, INC.
An Oregon non-profit corporation

BY: _____

Date: _____

LEASE AMENDMENT and CONSENT TO ASSIGN

The City of Corvallis, as Lessor under the lease between the City of Corvallis and SSSI Inc. July 1, 1993, amended on August 25, 1993, assigned to Community Outreach Inc. (COI) on September 13, 2000, and then amended on May 14, 2003 and May 15, 2003 and by this document, consents to the assignment by COI, Assignor, to RCBEC, LLC, Assignee, of all of Assignor's right, title and interest in the lease assignment of the property described above; and the City accepts RCBEC, LLC. as Lessee under that lease.

The lease described above is amended to remove from Section 4.C. the words "or immoral."

The lease described above is amended by changing the Lessee in Section 21 to: RCBEC, LLC.

Attn: Rich Carone
7250 Avalon Drive
Corvallis, OR 97330

DATED this ____ day of _____, 2007

Community Outreach, Inc.

RCBEC, LLC.

CITY OF CORVALLIS

By: _____
Jon S. Nelson, City Manager

Approved As to Form

City Attorney

MEMORANDUM

TO: Urban Services Committee

FROM: Steve Rogers, Public Works Director 

DATE: April 16, 2007

SUBJECT: New Lease – Randee Fields dba Mid Valley Painting

ISSUE

The lease for the building and property at 490 SW Airport expires April 17, 2007. A new lease is proposed with Randee Fields dba Mid Valley Painting.

BACKGROUND

The building at 490 SW Airport Avenue is owned by the City of Corvallis. In the past it has been used by the U.S. Department of Agriculture (USDA) for storage. Most recently it has been leased by Gerry Sturis of G&C Maintenance. Mr. Fields has been working with Gerry Sturis and jointly using the building.

DISCUSSION

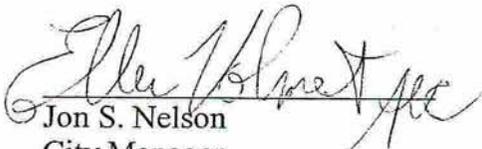
The current property at 490 SW Airport Avenue is being used to house building supply materials. The current lease holder is not interested in extending the lease. The current lease is for one year with two ten-year extensions. Mr. Fields is not interested in a ten-year lease and wishes to enter a new one-year lease. It is the goal of the City to keep this property under a short-term lease until a better utilization of the area can be arranged. To accommodate this goal, this lease is written to allow two extensions for one year each. The current lease rate for the property is \$.0825/sq ft and \$.19/sq ft for the building, for a monthly lease of \$219.13. The lease rate will remain the same initially, with CPI increases yearly on July 1.

The property being leased includes just 10 feet around the building. This is an historical issue due to the USDA use of the property. Normally the lease would be for a larger parcel. At this time, there does not seem to be any advantage in altering the parcel size. On April 3rd, the Airport Commission recommended approval of this lease.

RECOMMENDATION

That the Urban Services Committee recommend the proposed lease to the City Council and authorize the City Manager to enter into a lease agreement with Mid Valley Painting.

Review and Concur


Jon S. Nelson
City Manager

Attachment: proposed lease

Page 252-bt

LAND/BUILDING LEASE AGREEMENT CORVALLIS AIRPORT INDUSTRIAL PARK

THIS LEASE, made this ____ day of April 2007 is by and between the City of Corvallis, an Oregon Municipal Corporation, hereinafter referred to as the City, and Randee Fields, dba Mid Valley Painting, hereinafter referred to as the Lessee.

1. PREMISES

The Corvallis Municipal Airport/Industrial Park is owned and managed by the City of Corvallis and is operated as an Enterprise Fund, in that all fees, land leases and rent revenues are retained by the City for the exclusive operation of the Airport. For and in consideration of the covenants hereinafter set forth, the City does hereby lease to Lessee and Lessee does hereby hire from the City that certain real property (hereinafter called the "Property"), improved with a shop building containing approximately 900 square feet (hereinafter called the "Building"), located at 490 SW Airport Avenue, Corvallis, Oregon, and more particularly described in Exhibit "A" legal description and Exhibit "B" site plan attached hereto (such Property and Building are hereinafter called the "Premises").

2. TERM

The Lessee shall have the right to possession, use, and enjoyment of the leased property for a period of one year, beginning on **April 17, 2007** and ending **April 16, 2008**. Thereafter, the term of this lease may be extended by mutual approval of both parties, for up to two (2) additional one (1) year periods. Lessee shall notify the City at least sixty (60) days prior to the termination date of this lease of its intent to exercise this option. The City shall not withhold its approval for the extension unreasonably. Good reasons for the City to withhold its approval would include but not be limited to; failure of Lessee to provide insurance; failure of Lessee to make timely payment of rent; or the City's determination of a better use of the property.

3. RENT

A. Rental Rate. Lessee shall pay in advance, a monthly rent payment by the first day of each month beginning April 17, 2007, and continue on the first day of each month thereafter during the term of this lease. The monthly rate for the above-described land shall be determined as follows: \$0.0825 per square foot x 7,000 square feet = \$577.50 as an annual base rent. Annual lease rate/12 = \$48.13 as a monthly rent payment.

The monthly rate for the above-described building shall be determined as follows: \$0.19 per square foot x 900 square feet = \$2,052.00 as an annual base rent. Annual base rate/12 = \$171.00 as a monthly rent payment.

The total amount for land and building rental shall be determined as follows: **\$2629.50** as a total annual base rent. Total annual base rent/12 = **\$219.13** to establish the base monthly rent. Rental payments are made payable to the City of Corvallis and are to be delivered in person or mailed to the City at the address given in Section 21 of this lease.

B. Rental Rate Adjustment. The rental rate shall be adjusted annually utilizing the January through December U.S. City Average Consumer Price Index, with adjustments made July 1 following the publication of the annual index, commencing July 2007. The City shall give written notice to Lessee at least thirty (30) days in advance of the annual adjustment date.

C. Extended Term. If this lease is extended as provided in Section 2 of this lease, the rate shall be adjusted annually on the basis described in Section 3-B above.

4. USE OF THE PROPERTY

A. Permitted Use. The property shall only be used for any legal purpose permitted by applicable zoning laws, regulations and restrictions.

B. Conformance with Laws. Lessee shall conform to all applicable laws and regulations, municipal, county, state, and federal, affecting the premises and the use thereof. Lessee also agrees to comply with all City/Airport Industrial Park Master Plans as adopted by City Council.

C. Nuisance. Lessee shall not use or permit the use or occupancy of the property for illegal purposes (as defined by City of Corvallis Municipal Code Chapter 5), or commit or permit anything which may constitute a menace or hazard to the safety of persons using the property, or which would tend to create a nuisance, or that interferes with the safe operation of aircraft using the Corvallis Municipal Airport.

D. Hazardous Materials. Lessee shall not store or handle on the premises or discharge onto the property any hazardous wastes or toxic substances, as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9675, and as further defined by state law and the City's Sewer Regulations, Municipal Code Chapter 4.03 as amended, except upon prior written notification to the City and in strict compliance with rules and regulations of the United States and the State of Oregon and in conformance with the provisions of this lease. Any violation of this section may, at the City's option, cause this lease to be immediately terminated in accordance with the provisions of Section 18 of this lease.

Prior to beginning operations, Lessee shall allow the City to inspect the premises and approve its processes for storing and handling Hazardous Materials. Lessee shall at all times operate in accordance with City approved procedures, and shall maintain strict compliance with all federal, state, and local laws, ordinances, rules, and regulations regarding Hazardous Materials. Any violation of this section shall be grounds for termination of this lease as provided in Section 18, unless within ten (10) days of notification Lessee cures the violation or, if the violation is of such a nature that it cannot be remedied within ten (10) days, Lessee provides to City within (10) days satisfactory assurances, including financial assurances, that Lessee can and will correct the violation, and thereafter Lessee proceeds with reasonable diligence to do so. If the violation is caused by a discharge of a hazardous or toxic material or substance, the City shall have the right, at its option, to immediately take any action reasonably necessary to halt or remedy the discharge, at Lessee's sole expense.

E. Roads. Lessee shall be entitled to reasonable use for its purposes of the roads now existing and serving the leased property. The City may locate and relocate roads as desirable to improve the Corvallis Municipal Airport and Industrial Park so long as reasonable and adjacent

access is provided to Lessee on a continual basis. Lessee will agree to install a half-street improvement along the leased frontage of the leased premises to City standards as detailed in the Transportation Plan. The half-street improvement may include: paving, curb, gutter, drainage, park strip, landscaping and sidewalks.

F. Infrastructure Improvements. Lessee hereby irrevocably agrees to financially participate in the future improvements for public water, wastewater, storm drainage and transportation consistent with the South Corvallis Area Refinement Plan and Airport and Industrial Park Master Plans. It is understood by Lessee that:

1. The cost of the improvements shall be born by the benefitted property in accordance with state law, the Charter of the City of Corvallis and its ordinances and policies.
2. The City in its sole discretion may initiate the construction of all or part of the local improvements required, or may join all or part of Lessee's property with other property when creating a local improvement district.
3. Lessee and Lessee's heirs, assigns and successors in interest in the property shall be bound by this document which will run with the property.
4. Lessee declares that the public improvements herein sought will directly benefit the described property.
5. Lessee shall not challenge the formation of a local improvement district and assessment of Lessee's leased property by City and in any proceedings therein will acknowledge this declaration if requested to do so by City.
6. In construing this section of the agreement singular words include the plural.

5. WATER, SEWER, AND DRAINAGE SYSTEMS

A. Water, Drainage, and Domestic Waste. The City agrees to provide the use and benefits of the public water, sewer, and drainage systems as they now exist or may be later modified. Conditions for the use of these systems shall be the same as the conditions and regulations applying within the corporate limits of the City of Corvallis, including any assessments or charges for any expansion or intensification of Lessee's use of the property.

B. Utility Bills. Water, sewer, and drainage charges shall be paid by the Lessee in addition to the basic monthly rental and at the same rates applicable within the corporate limits of the City of Corvallis. The Lessee shall promptly pay all water, sewer, and drainage charges, and all other utility charges, for the premises as they come due.

C. Prohibited Discharges. Discharge of industrial waste, as that term is defined in the City of Corvallis Sewer Use Municipal Code, Chapter 4.03 (as presently constituted or as amended hereafter), into the sanitary sewer system, drainage system, surface ponds or ditches, or elsewhere is specifically prohibited, except as permitted by a valid Industrial Wastewater Discharge Permit in strict accordance with the Sewer Use Ordinance and applicable state and federal laws. Violation of any provision contained in the City of Corvallis Sewer Use Municipal Code, Chapter 4.03 (as

presently constituted or as amended hereafter), may cause this lease to be immediately terminated in accordance with the provisions of Section 18 of this lease

D. General Information Survey. As a condition of entering into this lease, the Lessee shall submit to the City a completed, signed General Information Survey, in accordance with the industrial waste provisions of the City of Corvallis Sewer Use Municipal Code, Chapter 4.03 (as presently constituted or as amended hereafter). The survey shall be submitted to the City at the time that this lease is signed.

E. Discharge Response Procedures. In the event of any discharge or spill of noxious or hazardous material into the environment, sewer system, or drainage system, Lessee shall immediately notify the Oregon Department of Environmental Quality and the City. The City and any appropriate state or federal agency shall have the right to inspect the premises immediately to determine if the discharge or spill constitutes a violation of any local, state, or federal laws, rules, or regulations. If a violation exists, the City shall notify the Lessee of the specific violations and Lessee shall immediately cease all activities and use of the property until the violations are remedied, all at the Lessee's sole cost and expense and without expense whatsoever to the City.

F. South Corvallis Drainage Master Plan. Lessee hereby agrees to comply with the requirements of the "South Corvallis Drainage Master Plan", approved by the City Council during February 1997. Future improvements within the Industrial Park in compliance with the approved drainage plan may include parcel assessments or charges. Conditions and regulations for any assessment or charges shall be similar to those conditions or regulations applying within the corporate limits of the City of Corvallis.

6. DEVELOPMENT STANDARDS

This agreement is made subject to the terms and conditions as referenced in the Airport Master Plan and in Chapter XIV Development and Building Standards of the Airport Handbook. In addition, compliance with all Corvallis development regulations is required relative to the City's Land Development Code (LDC). Where not otherwise specified by the Airport Handbook, the County's zoning provisions shall apply. Enforcement of development provisions is the responsibility of the City's Development Services Department and, where specified, by the Corvallis Airport Master Plan, the Airport Industrial Park Master Plan and the Airport Design Review Committee.

7. ALTERATIONS, IMPROVEMENTS AND MAINTENANCE

A. Right to Construct. The Lessee, at its own expense, may construct structural improvements on the leased property, subject to Lessee's compliance with all applicable City, county, and state laws and regulations and issuance of necessary building permits.

B. Ownership of Improvements. Any buildings constructed by the Lessee on the leased property during the term of this lease shall belong to the Lessee and may be removed by the Lessee at will. Lessee shall have the right to enter the premises during the thirty-day period following termination of this lease to remove any of its property, including buildings or other improvements, on the leased premises. If, after thirty days after termination of the lease, any of said property remains on the premises, the City may retain the property, or, at its option, remove the property at the Lessee's expense. The half-street improvements along the property frontage

including paving, curb, gutter, drainage, park strip, landscaping and sidewalks will belong to City upon acceptance by the City.

C. Building and Grounds Maintenance. Structural maintenance of the Building is the responsibility of the City. Non-structural maintenance as well as exterior maintenance and upkeep are the responsibility of the Lessee in accordance with Section IV of the Airport Industrial Park Master Plan.

8. ENTRY ON PROPERTY

A. Right to Inspect. The City shall have the right to enter the property at any reasonable time or times to examine the condition of the premises or Lessee's compliance with the terms of this lease.

B. Access. The City retains the right to enter the leased premises at any reasonable time or times to repair or modify City buildings and/or utilities located upon the property or to conduct repairs or other work on the property, provided such repairs or modifications shall be scheduled with Lessee to minimize any disruption to Lessee's business operations.

9. ASSIGNMENT AND SUBLETTING

The Lessee shall not assign or sublease this lease.

10. LIENS

The Lessee shall promptly pay for any material and labor used to improve the leased property and shall keep the leased property free of any liens or encumbrances.

11. TAXES

The Lessee shall promptly pay all personal property taxes levied upon the leased premises during the tax year that they become due. Lessee shall not permit a lien for other than the current year's taxes to be placed on the leased property.

12. INSURANCE

A. Coverage Requirements. The Lessee shall purchase and maintain general liability insurance that provides at least premises and operations coverage. The limit of liability shall be no less than the amounts specified in the Oregon Tort Claims Act, ORS 30.260 to 30.300 as presently constituted or hereafter amended. As of the date of this lease, those amounts are \$50,000 for damage to property, \$100,000 for injury to a person (plus special damages up to an additional \$100,000), and \$500,000 for any number of claims arising from a single accident or occurrence. In addition, if the insurance policy contains an annual aggregate limit, the aggregate shall not be less than \$1,000,000. The policy shall name the City of Corvallis, its officers, agents, and employees as an additional insured.

B. Certificate of Insurance. At the time that this lease is signed, the Lessee shall provide to the City a certificate of insurance complying with the requirements of this section and

indicating that insurer will provide the City with 30 days notice prior to cancellation. A current certificate shall be maintained at all times during the term of this lease.

13. HOLD HARMLESS

A. General. The Lessee shall at all times indemnify, protect, defend, and hold the City of Corvallis, its officers, agents, invitees and employees harmless from any claims, demands, losses, actions, or expenses, including attorney's fees, to which the City may be subject by reason of any property damage or personal injury arising or alleged to arise from the acts or omissions of the Lessee, its agents, or its employees, or in connection with the use, occupancy, or condition of the property. Likewise, the City shall at all times indemnify, protect, defend and hold Lessee, its officers, agents, assignees, invitees and employees harmless from any claims, demands, actions or expenses, including attorney's fees, to which Lessee may be subject by reason of any property damage or personal injury arising or alleged to arise from the actions or omissions of, or entry onto the leased premises by, the City, its officers, agents, invitees or employees, or in connection with the repair, maintenance modification or other work the City may undertake that in any way relates to or affects the leased premises, including without limitation, the work, repair and modification provided for under Section 8B of this lease.

B. Environmental Protection. The Lessee shall be liable for and shall hold the City harmless from, all costs, fines, assessments, and other liabilities arising from Lessee's use of the premises during this and all prior leases for this site resulting in the need for environmental cleanup under state or federal environmental protection and liability laws, including, but not limited to, costs of investigation, remedial and removal actions, and post-cleanup monitoring arising under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9675, as presently constituted or hereafter amended.

City shall defend and hold the Lessee harmless from all costs, expenses, fines, assessments, attorney's or other fees and other liabilities arising from the use of the premises by any persons or entities prior to the execution of this lease, except for any contamination caused by the Lessee during the initial term of this lease or any prior leases as a result of the Lessee's activities resulting in the need for environmental clean-up under City, State, Federal environmental protection and liability laws, including, but not limited to, costs of investigation, remedial and removal actions, and post clean-up monitoring including but not limited to liability arising under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9674, as presently constituted or hereafter amended.

14. NONDISCRIMINATION

The Lessee agrees that no person shall be excluded from participation in the use of the premises on the basis of race, color, creed, religion, sex, sexual orientation, age, physical or mental disability, source of income, or national origin or shall otherwise be subjected to discrimination in the use of the premises and performance of this contract.

15. CONDITIONS ON PROPERTY BY THE UNITED STATES OF AMERICA

This agreement is made subject to the terms and conditions and restrictions of transfer recorded in Book 121, Page 40 and Book 125, Page 239, deed records of Benton County,

Oregon, as modified by the Instrument of Release recorded in Book 182, Page 238 of said deed records.

16. WAIVER OF BREACH

A waiver by the City of a breach of any term, covenant, or condition of this lease by the Lessee shall not operate as a waiver of any subsequent breach of the same or any other term, covenant, or condition of the lease.

17. DEFAULT

A. Declaration of Default. Except as otherwise provided in this lease, the City shall have the right to declare this lease terminated and to enter the property and take possession upon either of the following events:

1. Rent and Other Payments. If the monthly rent or any other payment obligation provided hereunder to the City, including but not limited to property taxes and utility bills, remains unpaid for a period of sixty (60) days after it is due, un-protested and payable, if not corrected after ten (10) days written notice by the City to Lessee; or

2. Other Obligations. If any other default is made in this lease and is not corrected after thirty (30) days written notice to the Lessee. Where the default is of such nature that it cannot reasonably be remedied within the thirty (30) day period, the Lessee shall not be deemed in default if the Lessee proceeds with reasonable diligence and good faith to effect correction of the default.

B. Court Action. It is understood that either party shall have the right to institute any proceeding at law or in equity against the other party for violating or threatening to violate any provision of this lease. Proceedings may be initiated against the violating party for a restraining injunction or for damages or for both. In no case shall a waiver by either party of the right to seek relief under this provision constitute a waiver of any other or further violation.

18. TERMINATION

A. Immediate Termination. Where a specific violation of this lease gives the City the option to terminate this lease immediately, this lease shall be terminated upon written notification to the Lessee.

B. Termination Upon 30 Days Default. In the event of any other default under Section 17 of this lease, the lease may be terminated at the option of the City upon written notification to the Lessee as provided herein.

C. Termination Upon 60 Days Written Notice. If a better use is determined by the City, termination of the lease will occur 60 days after written notification of the Lessee and need not occur coincident with the end of a lease period.

D. Surrender Upon Termination. Upon termination or the expiration of the term of the lease, the Lessee will quit and surrender the property to the City in as good order and condition

as it was at the time the Lessee first entered and took possession of the property under this or a prior lease, usual wear and damage by the elements excepted.

E. Restoration of Property. Upon termination or expiration of this lease or Lessee's vacating the premises for any reason, the Lessee shall, at its own expense, remove and properly dispose of all tanks, structures, and other facilities containing waste products, toxic, hazardous, or otherwise, which exist on the leased property or beneath its surface and did not pre-exist the commencement of this lease. Lessee shall comply with all applicable state and federal requirements regarding the safe removal and proper disposal of said facilities containing waste products. If the Lessee fails to comply or does not fully comply with this requirement, the Lessee agrees that the City may cause the waste products and facilities to be removed and properly disposed of, and further Lessee agrees to pay the cost thereof with interest at the legal rate from the date of expenditure.

F. Holding Over. No holding over upon expiration of this lease shall be construed as a renewal thereof. Any holding over by the Lessee after the expiration of the term of this lease or any extension thereof shall be as a tenant from month to month only and not otherwise, and the exercise of rights provided under Section 7B shall not be deemed a holding over.

19. RECORDING FEES

The lease can be recorded with the Benton County Assessor's Office and the Lessee shall be responsible for paying all associated fees.

20. ATTORNEY FEES

If any suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover, in addition to damages and costs, such sum as the trial court or appellate court, as the case may be, may adjudge reasonable as attorney fees.

21. NOTICE

When any notice or anything in writing is required or permitted to be given under this lease, the notice shall be deemed given when actually delivered or 48 hours after deposited in United States mail, with proper postage affixed, directed to the following address:

City
City of Corvallis
Public Works Department
Attention: Airport Manager
P.O. Box 1083
1245 NE 3rd St.
Corvallis, Oregon 97339-1083

Lessee
Ranee Fields dba Mid Valley Painting
P.O. Box 1280
Corvallis, OR 97339
541-760-5914

IN WITNESS WHEREOF, the parties hereto have executed this lease the date and year first written above.

CITY OF CORVALLIS, OREGON

Randee Fields dba Mid Valley Painting

By: _____
City Manager

By: _____

Date: _____

Date: _____

Approved As-to-Form:

City Attorney



Office of the Mayor
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6985
FAX: (541) 766-6780
e-mail: mayor@council.ci.corvallis.or.us

PROCLAMATION

Get There Another Way Week

May 14-18, 2007

- WHEREAS, Use of transportation alternatives to the single-occupancy vehicle (SOV) is vital to the quality of life and economic well being of the citizens of Corvallis; and
- WHEREAS, Citizens, including workers, students, senior citizens, people with disabilities, and those unable to afford or utilize an automobile use commute options to gain access to jobs, schools, medical facilities, and other fundamental services; and
- WHEREAS, Use of public transportation, walking, bicycling, carpooling, and vanpooling provides commute options to employees, students, and other citizens without the use of an SOV; and
- WHEREAS, Use of commute options decreases the demand for automobile parking, resulting in better use of land for more productive uses, such as commercial, industrial, and residential development and open space, and
- WHEREAS, Increased public investment in transit services and other commute options provide the potential to expand the employment base, provide job opportunities, and enhance prosperity; and
- WHEREAS, Traffic congestion that wastes productive time can be alleviated through the increased availability and use of public transportation and other commute options; and
- WHEREAS, Walking and bicycling are healthy forms of exercise and can help to incorporate physical activity into the daily routine; and
- WHEREAS, The nation, our community, and our citizens face the risks to health and the environment that are brought on by automobile exhaust emissions;

NOW, THEREFORE, I, Charles C. Tomlinson, Mayor of Corvallis, Oregon, do hereby proclaim **May 14-18, 2007**, as **Get There Another Way Week** in the City and encourage all Corvallis citizens to consider bicycling, walking, carpooling, and vanpooling to the events planned in Corvallis.



Charles C. Tomlinson, Mayor

Date

ATTACHMENT G
Page 252-cd

CORNERSTONE

APPEAL

About



Cornerstone

Established:

November 1, 2001 with the merger of Bonney Enterprises, Inc. and Open Door, Inc., two well established not-for-profit businesses for a combined total of 79 years of operation.

Tax Exempt status:

501(c)(3) Cornerstone Associates, Inc. is a private, not-for-profit corporation organized for charitable, educational, and rehabilitation purposes.

Governance

A volunteer board of directors who are elected to serve three-year terms provides governance. The Cornerstone Associates, Inc. Board of Directors conducts no fewer than 10 monthly business meetings annually.

Number of People with Disabilities Served:

153 in the greater Benton and Linn county areas.

Disability characteristics of people served:

Mental retardation, autism, hearing impairment, seizure disorder, blindness, cerebral palsy, speech disorder, behavioral disorders, physical impairments which lead to limited use of one or more limbs, psychiatric and emotional disabilities.

Board of Directors President:

Peter Ball

Executive Director:

Nancy Maxwell

E-mail: nmaxwell@cornerstoneassociates.org

Support Services Manager:

Naomi Burnham

E-mail: nburnham@cornerstoneassociates.org

Licenses: Oregon Mental Health Division, Oregon Department of Agriculture, Oregon Landscape Contractor's Board

Pub. 2/07

CORNERSTONE APPEAL

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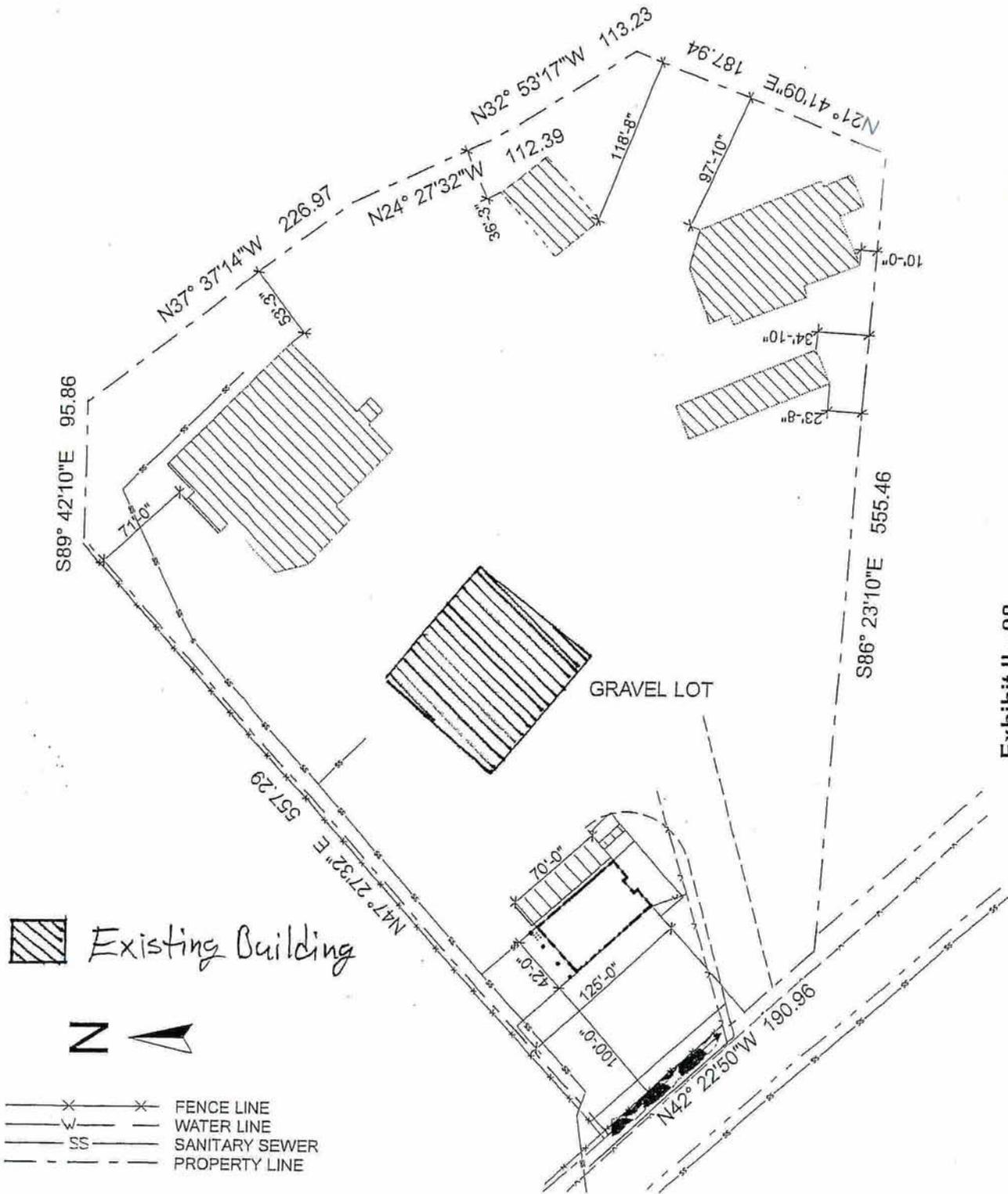


Exhibit II - 98

Existing Building



- x—x— FENCE LINE
- w—w— WATER LINE
- ss—ss— SANITARY SEWER
- --- PROPERTY LINE

1

Site Plan

1:1200

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PROJECT NO:	Project Number field empty
FILE NAME:	CCN1.lbk
DRAWN BY:	Draftsman field empty
COPYRIGHT:	Broadleaf Architecture

BROADLEAF ARCHITECTURE
412 NW 9TH ST
CORVALLIS, OR 97330

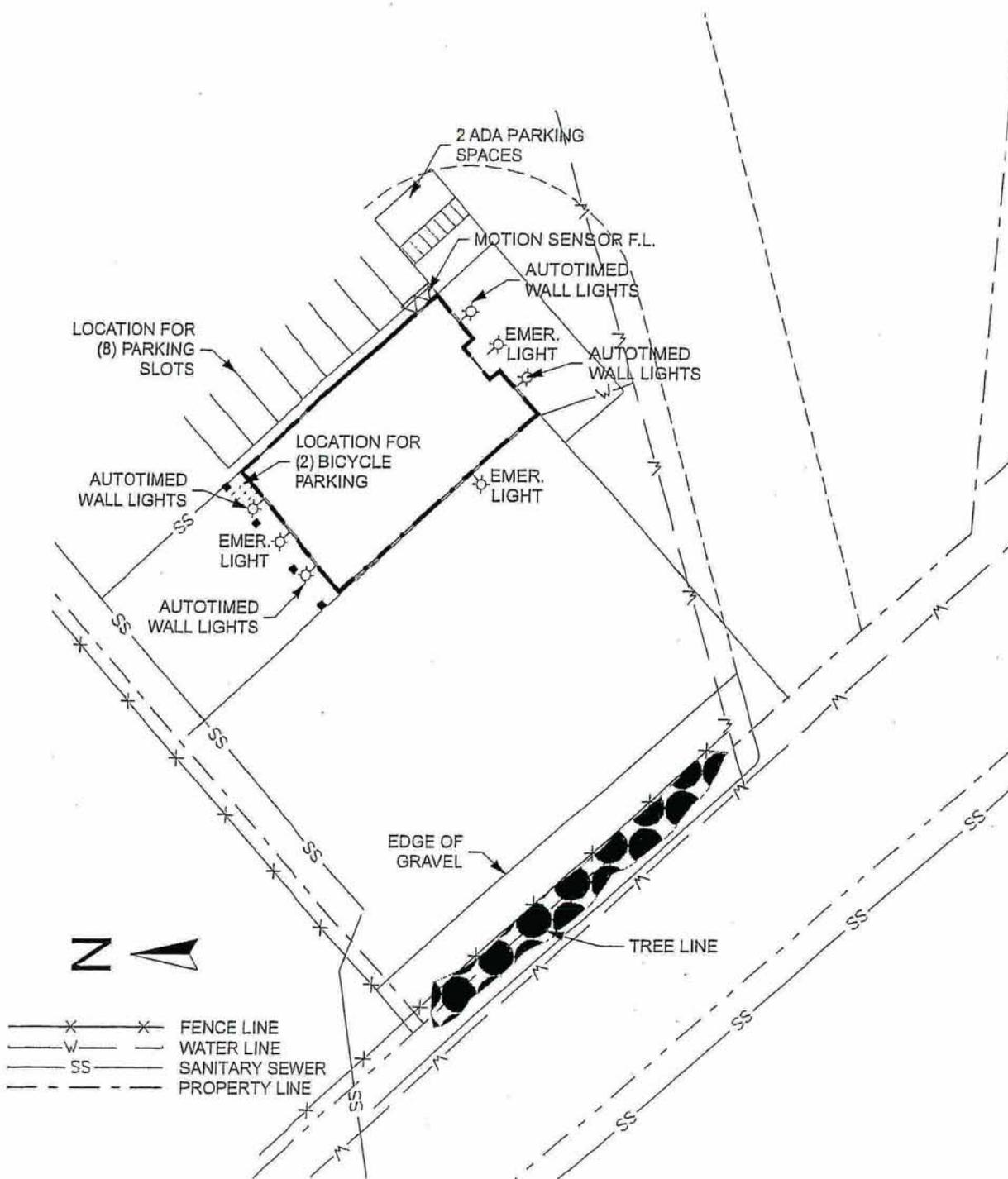
Cornerstone Associates
1445 SE Crystal Lake Drive
Corvallis, Oregon
(541) 602-1090

Plot Plan

G-004

Attachment H - 25
WRG06-00001

3



1 Plot Plan
 1" = 40'-0"

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FILE NAME:	CCN1.lbk
DRAWN BY:	Draftsmen field empty
COPYRIGHT:	Broadleaf Architecture
BROADLEAF ARCHITECTURE 412 NW 9TH ST CORVALLIS, OR 97330	

Cornerstone Associates
 1445 SE Crystal Lake Drive
 Corvallis, Oregon
 (541) 602-1090

Plot Plan

G-005

Attachment H - 26
 WRG06-00001

Exhibit II - 99

Page 252-cj

**CHAPTER 3.30
WRG (WILLAMETTE RIVER GREENWAY) DISTRICT OVERLAY**

Section 3.30.10 - PURPOSES

The Willamette River Greenway District is an overlay district that coincides with the adopted Greenway boundary and applies to all development permitted by the underlying districts. It is intended to:

- a. Protect, conserve, enhance, and maintain the natural, scenic, historical, economic, and recreational qualities of lands along the Willamette River;
- b. Maintain or improve air and water quality within the Greenway;
- c. Implement goals and policies of the State of Oregon's Willamette River Greenway Program as required by the Oregon Revised Statutes;
- d. Implement policies of the City of Corvallis Comprehensive Plan;
- e. Establish standards and requirements for the use of lands within the Willamette River Greenway in the City of Corvallis;
- f. Provide for review of any intensification of use, change of use, or development within the Willamette River Greenway of the City of Corvallis; and
- g. Increase and maintain public access to and along the Willamette River to create urban recreational opportunities, provide linkages to other transportation corridors, and provide for multiple use of urban land.
- h. Assure development is consistent with floodwater flow mitigation and management of a natural resource.

Section 3.30.20 - Type I: CONDITIONAL DEVELOPMENT

Development within this district, regardless of its classification in the underlying district, requires conditional development approval in accordance with the provisions of Chapter 2.3. In addition to notification requirements of Chapter 2.0 - Public Hearings, written public notice and a notice of disposition shall be mailed to the Oregon Department of Parks and Recreation. "Development" as used in this section includes change of use or intensification of land or water uses except for those activities listed as exemptions in Section 3.30.30 below. "Development" also includes proposed increases in air discharges that require permit approval by the Oregon Department of Environmental Quality (DEQ).

Section 3.30.30 - EXEMPTIONS

The following development activities do not require conditional development approval:

- a. Customary dredging and channel maintenance conducted under permit from the State of Oregon;
- b. Seasonal increases in gravel operations under permit from the State of Oregon;
- c. Erosion control operations not requiring a permit from the Oregon Division of State Lands and that constitute a reasonable emergency necessary for safety or the protection of property.
- d. Scenic easements acquired under ORS 390.332 and their maintenance as authorized by that statute and ORS 390.368.
- e. Addition or modification by public utilities for existing utility lines, wires, fixtures, equipment, circuits, appliances, and conductors.
- f. Flood emergency procedures and the maintenance and repair of existing flood control facilities.
- g. Signs, markers, aids, and similar items, placed by a public agency to serve the public.
- h. Residential accessory development (excluding structures), such as lawns, gardens, and play areas outside of the riparian management zone, as defined in Chapter 1.6.
- i. Storage of equipment or material associated with permitted uses, providing it complies with applicable provisions of this Code.
- j. Minor repairs or alterations to an existing structure for which no building permit is required.
- k. A change of use of a building or other structure that does not substantially alter or affect the land or water upon which it is situated.
- l. Landscaping.
- m. Construction of driveways.
- n. Maintenance and repair, usual and necessary for the continuance of an existing use.
- o. Reasonable emergency procedures necessary for the safety or protection of property.
- p. Other activities similar to those listed in "a" - "o" above. The Director shall make such determinations and provide notice in accordance with Chapter 2.16 - Request for Interpretation.













CONDITION 8

Dedication of Right of Way

Legal Requirements

1. Is there a connection between:
 - a. the purpose of the dedication and
 - b. some adverse impact that will result from the development

2. Is the amount of the dedication roughly proportioned to the degree of adverse impact the dedication is intended to impact

The City has the burden of proof.

Questions

What is the purpose of taking Cornerstone's land.

What is the adverse impact that will result from the new structure.

Is the taking of the frontage property from Cornerstone "roughly proportional" to that impact.

Failure of Proof

The City has failed to identify an adverse impact.

If there is an adverse impact, the City has failed to show it is generated by this 3000 square foot building.

If there is an adverse impact from this 3000 square foot building, the City has failed to show that taking the frontage property will mitigate that impact or that taking their property is roughly proportional to the mitigation if there is any resulting mitigation.

QUOTES FROM ORIGINAL STAFF REPORT TO
PLANNING COMMISSION REGARDING
PUBLIC RIGHT OF WAY

“Given that it would be roughly half the size of the building that was destroyed by fire, it is reasonable to assume that a reduction in the potential number of vehicle related trips would result.” Page 17, Staff Report to Planning Commission.

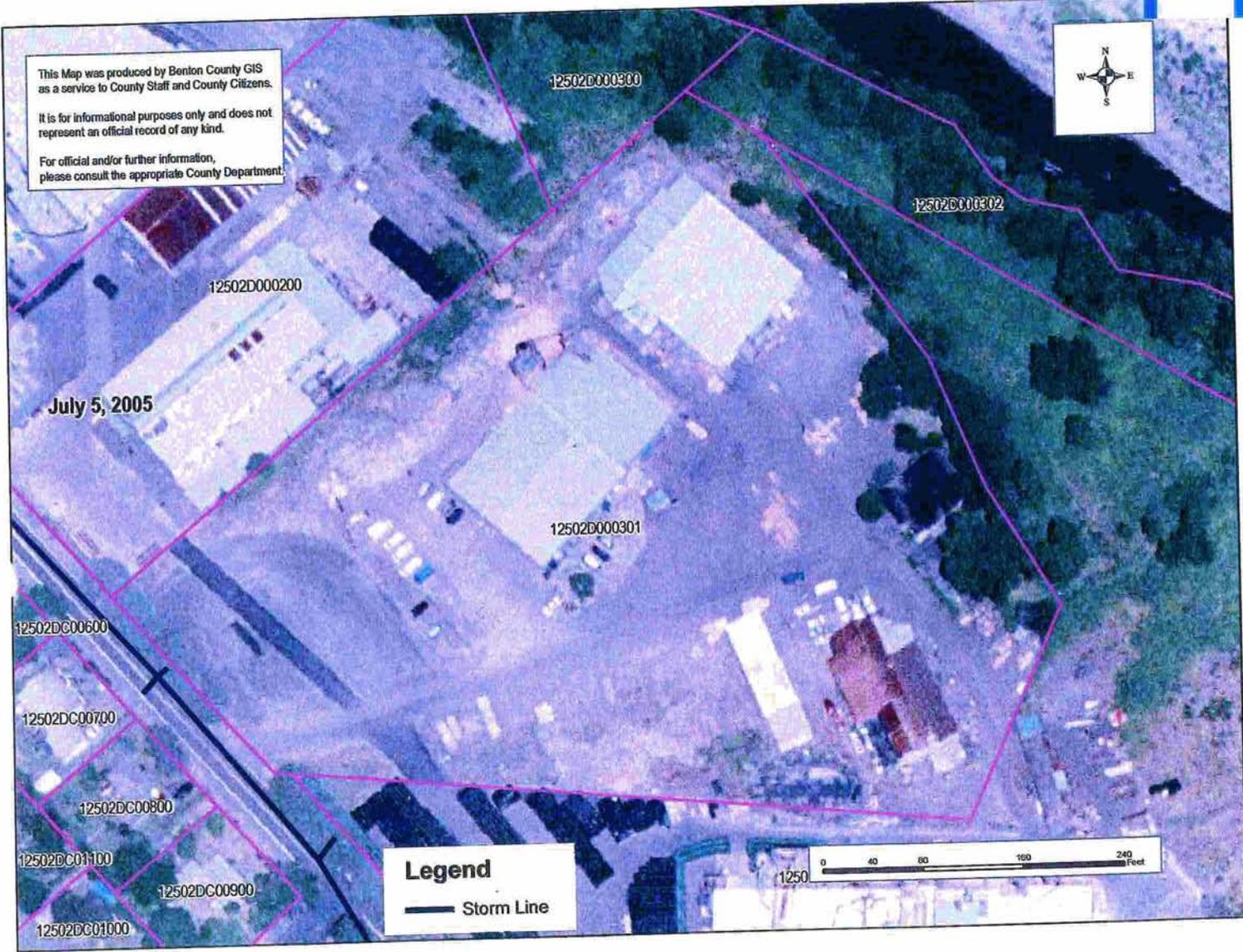
“Staff do not recommend modifying the street pavement width with this development proposal. The street is functioning well given the current transportation demands, and while the required improvements would address **potential future increases** in traffic volume, these modifications are beyond the scope of the Cornerstone proposal.” Page 20, Staff Report to Planning Commission. (emphasis added).

“No changes in use have been proposed with the new building. Current levels of traffic impacts are not expected to change.” Page 20-21, Staff Report to Planning Commission.

“The current ROW width is consistent with that for a Local Street, and was established at a time when this area of Corvallis was not in the City Limits. The subsequent need for additional ROW **is a result of** this area being annexed and the subject street being designated as a Collector in the Corvallis Transportation Plan.” Page 23, Staff Report to Planning Commission. (emphasis added)

THE LAW

“It is not permissible for the City to “require the dedication of private property for **some future public use** when such future use is not occasioned by the construction sought to be permitted.” *Dolan v. City of Tigard*.





- 8.3.b *The rate of unemployment among minorities is higher than for the population as a whole. The 1990 Census indicated that minorities comprised 9.5% of the Benton County population and 16.4% of the unemployed workers.*
- 8.3.c *Benton County's low unemployment rate has made it difficult for many Corvallis employers to locate qualified, skilled workers for available jobs.*
- 8.3.d *Overall, the population of Benton County is well-educated. According to the 1990 Census, 41% of those 25 years old or older in Benton County attained a baccalaureate degree or higher, compared to 21% for Oregon as a whole.*
- 8.3.e *Workers will need to upgrade their skills on a continual basis to remain competitive in a rapidly changing economy. While some Corvallis employers provide regular training to their employees, many workers have limited time or financial resources to train for better jobs.*
- 8.3.f *There are several local public and private organizations which promote job training and facilitate contacts between job seekers and prospective employers. The different services are sometimes not well-coordinated. A "One-Stop Career Center" will be established in Corvallis in 1998 or 1999. The purpose of the center will be to integrate job training, assistance, and placement services in one location.*

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Policies

- 8.3.1 The City shall support the delivery of effective, coordinated job training and other career assistance.
- 8.3.2 The City shall support programs and initiatives for the development of a skilled, trained workforce.
- 8.3.3 The City shall encourage local employers to provide their employees with opportunities for training and career development.
- 8.3.4 The City shall seek opportunities to minimize unemployment among all segments of the community.

Policies

- 8.6.1 The City shall encourage adequate support facilities for Corvallis' expanding visitor and conference activities.
- 8.6.2 City policies shall encourage lodging and conference facilities in close proximity to visitor services and public transportation.
- 8.6.3 The City shall consider possible benefits to visitor and conference activities when evaluating possible transportation-related improvements through annual updates to the Capital Improvement Plan.
- 8.6.4 The City shall support the development of visitor and conference-related amenities that promote the historical and cultural focus of the community.

8.7 Health Services

Findings

- 8.7.a *The Good Samaritan Hospital, other medical facilities, and public health programs located in Corvallis provide medical services for Benton, Linn, and Lincoln Counties.*
- 8.7.b *The region's aging population will impact the type, location, and extent of needed health care facilities in the future. The population of the age group above 64 has been growing approximately eight times faster than the population of the region as a whole. The Corvallis area also appears to be gaining popularity as a new home for retirees. The medical facilities, and the general livability of a small town with a major university, all encourage this in-migration.*
- 8.7.c *Public facilities such as parks, multi-use paths, and recreational centers can help promote healthy lifestyles by affording opportunities for exercise and social interaction.*
- 8.7.d *Some Corvallis citizens have limited access to health care facilities due to the lack of facilities in their area, or lack of available transportation.*
- 8.7.e *According to testimony received by the City Council in a 1997 development application process involving an Alzheimer's facility, there is a shortage of Alzheimer's facilities for Medicare and Medicaid patients.*

Policies

- 8.7.1 The City shall encourage cooperation among local, State, Federal, and private agencies in planning and providing for health and related social services.
- 8.7.2 The City shall support the development or expansion of health services to meet regional, as well as local, needs and the role of Corvallis as a regional medical center.
- 8.7.3 The City shall accommodate land uses that support the availability of a continuum of health care options, including primary care, assisted living, home health care, and nursing home care.
- 8.7.4 The City shall stay responsive to demographic trends to evaluate changing health care needs of the community.
- 8.7.5 The City shall continue to encourage healthy lifestyles by supporting a variety of opportunities for recreational activity and social interaction.
- 8.7.6 The City shall promote access to available sources of health services by encouraging a broader geographic distribution of facilities and by coordinating land use and transportation decisions that pertain to health services.
- 8.7.7 The City shall work with the County, health service agencies, and local health care providers to encourage the provision of additional Alzheimer's facilities for Medicare, Medicaid, and other lower-income patients.

8.8 Child Care Facilities and Services

Findings

- 8.8.a *Affordable, convenient, quality child care is one of the services which contributes to the growth and stability of the economy in Corvallis. When employers provide child care assistance, they benefit from improved recruitment and retention of employees, reduced absenteeism and increased productivity.*
- 8.8.b *With the increasing number of working parents, it will be necessary to provide child care facilities and services in all areas of the community.*
- 8.8.c *In 1997, Benton County had approximately 26 visible child care slots available for every 100 children under age 13, the highest level for all Oregon counties. However, Benton County has an inadequate supply of child care for infants and toddlers and for children with behavioral or learning disabilities.*

CITY OF CORVALLIS, OREGON

CITY ATTORNEY EMPLOYMENT AGREEMENT ADDENDUM

This agreement addendum, dated _____, 2007, amends the employment agreement entered into on March 22, 2006, by and between the City of Corvallis, Oregon, a municipal corporation of the State of Oregon (hereinafter referred to as "CITY"), and the law firm of Fewel & Brewer (hereinafter referred to as "LAW FIRM").

- 1 The City and Law Firm agree to modify the original employment agreement as follows:
 - 1.1 Compensation for Services. As compensation for services included in the retainer, the City shall pay the Law Firm \$19,529.56 per month effective April 1, 2007. This monthly payment is to be paid on or before the 10th day of each month. This monthly payment will be adjusted effective July 1, 2007 in the same amount as inflationary adjustments to the City Manager and Department Director salaries. Specifically, the 2007 inflationary adjustments are 2.2% effective July 1, 2007, and an additional 1% effective December 1, 2007.

2 All other terms and conditions in the original agreement remain as originally identified.

IN WITNESS WHEREOF, the parties have herewith executed their signatures.

CITY OF CORVALLIS

FEWEL & BREWER

Charles C. Tomlinson, Mayor

Scott A. Fewel

ATTESTING AS TO THE MAYOR

City Recorder

Bicycle and Pedestrian Advisory Commission
MINUTES
April 6, 2007

Present

Andrew Ross, Vice-Chair
Jack Schubert
Kenyon Solecki, ASOSU
Josh Storer
Rosie Toy
Brad Upton
Joel Rea
Mike Beilstein, City Council

Absent

Susan Nelson, Chair

Staff

Joe Whinnery, Public Works
Lisa Namba, Public Works
Sgt. Jim Zessin, Police Department

Visitors

Walt Prichard, Mid-Valley Bike Club
Susan Christie
Dean Codo
Laura Duncan Allen
Roni Sue
Brenda VanDevelder

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Call Meeting to Order/ Introductions	X		
II. Approve March 2, 2007 Minutes			Approved, as amended
III. Visitor Comments		X	
IV. Old Business <ul style="list-style-type: none"> • Prioritize Safety and Education Recommendations 			See attached for Commission's Recommendations
V. New Business <ul style="list-style-type: none"> • Extension of Bike/Skateboard Exclusion Zone Downtown • BPAC Sunset Review • 35th Street Curb Cuts Design Review 		X	Approved staff's recommendation Approved
VI. Information Sharing	X		

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

The meeting was called to order by Vice-Chair Ross and introductions were made.

II. Approve March 2, 2007 Minutes

The following are corrections to the minutes:

Page 3, second bullet titled "Safety", the following words shall be added to the end of the first sentence: "specifically the Subcommittee's safety recommendations".

Page 3, fifth bullet titled "Promotion of Bike/Ped Usage", the following words shall be added to the end of the sentence "(see Subcommittee's safety recommendations)".

Page 3, fourth bullet titled "Signage", the sentence shall be replaced with "Signage could be used to inform bicyclists that 10th Street is calmer than 9th Street because 10th Street has bike lanes and less vehicle traffic."

Commissioners Rea and Upton, respectively, moved and seconded that the Commission approve the March 2, 2007 minutes, as amended. The motion passed unanimously.

III. Visitor Comments

- Mr. Codo addressed the Commission on the subject of boundaries needed for downtown cafes which have outdoor seating. The Oregon statute states that each establishment shall have a clearly defined boundary, which does not necessarily have to be a physical boundary but does specify that if alcohol is served, it must remain within the boundary. Mr. Codo opined that the fences currently delineating downtown sidewalk cafes impede mobility for persons with disabilities. He would like to see the fences removed and the café boundaries delineated with a painted stripe on the sidewalk.

The Commission previously recommended that the City enact a regulation stating the City will require an increase of the pedestrian portion of the sidewalk furnishings zone from 3 feet to 4 feet, even if the ADA federal statute is not yet enacted. The City currently requires a six-foot unobstructed zone from the curb to the establishment boundary.

- Ms. Allen is a vocational skills trainer for persons with disabilities. Sixteen of her clients are mobility challenged to the point they cannot negotiate either stairs or currently-configured downtown sidewalks. She opined that sidewalks are public domains and should never have impediments to pedestrians or wheelchairs. When questioned if she had complained to the City, she answered affirmatively but that no changes came about as a result. Ms. Namba said Community Development has recently begun a review of the permitting process for sidewalk cafes, with stakeholders and local business owners included in the discussions. Ms. Allen asked the Commission to advocate her position to the Urban Services Committee, the body responsible for permitting. The Commission assured her that it has always advocated for pedestrian safety. Currently, there is no funding to hire a full-time code enforcement officer.

It was decided by the Commission to add this as a future agenda item for further discussion and possibly make a recommendation.

- Ms. Sue stated that she attended the meeting to become aware of the issues and to hear first-hand the testimony given by Mr. Codo and Ms. Allen.
- Ms. VanDevelder, Director of daVinci Days, attended the meeting as a follow up to her request of Mr. Whinnery that she speak about the City's 150th Birthday Celebration. As part of the celebration, the daVinci Days community art project is bike art titled "Cycledelic". Ms. VanDevelder will attend the May Commission meeting to speak about having Commissioners and staff appear at daVinci days to provide education outreach on bicycle and pedestrian safety.

IV. Old Business

- **Prioritize Safety and Education Recommendations**

Ms. Namba said staff will present a package to the Budget Commission requesting an addition of a half-time position Full Time Equivalent (FTE). Currently, there is 0.5 FTE position dedicated to the Transportation Demand Management (TDM) program, including bike and pedestrian programs, but that person's time is fully committed so he is unable to devote any additional time to implementing the recommendations. If funded, this position would be able to implement all of the education recommendations made by the Commission. Another package to be presented will request a one-quarter time position which, if funded, would be able to only implement a portion of the recommendations. Urban Services Committee (USC) requested staff to provide a list of prioritized recommendations to be implemented in the case of a one-quarter time position being funded.

Sgt. Zessin was asked if the Police Department has someone earmarked to implement the Commission's safety recommendations. He said there is currently no one on staff who will be able to complete this task. A Community Service Officer (CSO), an unpaid, unarmed volunteer, would be the most likely scenario but there is currently not one available. Commissioner Upton pointed out that many of the safety recommendations can be implemented without a CSO or additional police resources.

In advance of the Commission's prioritization of recommendations, Ms. Namba summarized the educational items.

See attached for the list of the Commission's prioritizations.

Commissioners Storer and Rea, respectively, moved and seconded that the Commission recommend that the attached prioritizations list be considered by staff to be the Commission's consensus for recommendation to Urban Services Committee. The motion passed unanimously.

V. New Business

- **Extension of Bike/Skateboard Exclusion Zone Downtown**

This item was tabled until a future meeting.

- **BPAC Sunset Review**

Ms. Namba distributed a memo on staff's recommendations for BPAC sunset review and asked the Commission to consider four areas of BPAC: accomplishments and activities; future activities and plans; analysis of shared responsibilities; analysis of whether more responsibilities should be added to the charge of the Commission.

Mr. Prichard said current development projects, such as the Witham Oaks development, should be presented to the Commission before approval by the City's Planning Commission. This would allow the Commission to have input in the process before the process is complete. Commissioner Storer said this is particularly pertinent for large projects at which bicycle and pedestrian issues are prominent. Councilor Beilstein said some mechanism of review could be implemented to allow the Commission to have input. Ms. Namba agreed to add this concern to the list of new development activities for the Commission.

Commissioners Upton and Toy, respectively, moved and seconded that the Commission approve staff's recommendations for BPAC sunset review, while adding the Commission's ability to review bike/ped facilities of future development. The motion passed unanimously.

Staff will make its recommendation to Urban Services Commission (USC) at a future USC meeting.

- **35th Street Curb Cuts Design Review**

The Commission was asked to review drawings of curb cuts design provided by City Engineering Supervisor, Greg Gescher. The location of the project is northbound on 35th Street from Washington Way to Jefferson Way, on the east side of the street. The intent of the project is to use "bio-swales" to trap and treat water in vegetated swales before it reaches the storm drainage system. Mr. Gescher is requesting the Commission's opinion on the viability of the curb cut design for its potential impact to bicyclists.

Commissioners Rea and Toy, respectively, moved and seconded that the Commission approve the 35th Street curb cuts design. The motion passed unanimously.

VI. Information Sharing

- The next bike path cleanup will be Wednesday, April 25th.
- Mr. Prichard said the next Planning Commission meeting will deal with the required developer improvements at NW 29th Street and Grant Avenue, as part of the Witham Oaks subdivision plans. He said the Commission should make a recommendation at the Planning Commission meeting that bike/ped facilities are not compromised by these

improvements. Ms. Namba said she would research the issue before the meeting to gather facts and report back to the Commission.

NEXT MEETING: May 4, 2007, 7:00 a.m., Madison Avenue Meeting Room

**CORVALLIS CITIZENS ADVISORY COMMISSION ON TRANSIT
MINUTES
April 11, 2007**

Present

Bob Lowry, Chair
Lita Verts, Vice-Chair
Scott Carroll
Stephan Friedt
Joe Harrod
Kenyon Solecki, ASOSU
Robert E. Wilson

Staff

Jim Mitchell, Public Works
Lisa Namba, Public Works

Visitors

George Allmendinger

Absent

George Grosch, City Councilor
Brandon Trelstad

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Introductions	X		
II. Approval of March 14, 2007 Minutes			Approved
III. CACOT/Visitor Comments	X		
IV. Old Business <ul style="list-style-type: none"> • Committee Report on CACOT /Staff/ Laidlaw Cookout Plans 		X	
V. New Business <ul style="list-style-type: none"> • Sunset Review • Ridership Trends by Route 	X		Approved new charge language
VI. Information Sharing			Approved recommendation to support ASOSU's Beaver Bus funding request
VII. Adjournment			Adjourned

CONTENT OF DISCUSSION**I. Introductions**

Introductions of Commission members, staff and visitors were made.

II. Approval of March 14, 2007 Minutes

Commissioners Wilson and Friedt, respectively, moved and seconded that the Commission approve the March 14, 2007 minutes. The motion passed unanimously.

III. CACOT/Visitor Comments

- Mr. Allmendinger suggested CTS bus passes should be sold at locations in addition to City Hall. In response to a question from the Commission, he suggested that WinCo would be a good outlet. He also asked that buses without functional heat or air conditioning not be used unless absolutely necessary.

Chair Lowry stated that this particular meeting was scheduled as an evening meeting specifically in response to a citizen request since the citizen was unable to attend the regular morning meetings due to work schedule conflicts. He asked Mr. Allmendinger whether this was an issue for him and how he felt about having more evening meetings. Mr. Allmendinger said that since he is currently unemployed, he could attend either a morning or evening meeting and so it made no difference for him.

- Commissioner Friedt commented that he has heard from many riders and CTS drivers who are concerned about the maintenance of CTS buses. He feels the cleanliness of the buses both inside and out is not acceptable. He said that drivers told him that reports of needed repairs submitted by them to Laidlaw mechanics were not being follow-up on adequately. Commissioner Friedt asked if the Commission should set up a subcommittee to audit Laidlaw's maintenance schedules and practices. Mr. Mitchell said he could ask Brian Maxwell, Laidlaw's Corvallis Branch Manager, to attend a future commission meeting to answer these and similar questions. Mr. Mitchell said Public Works fleet staff is currently auditing Laidlaw's maintenance and preventive maintenance logs.

CTS drivers have also told Commissioner Friedt that biodiesel used by the buses is time-consuming to dispense into the buses and is wreaking havoc on the bus filters and on the dispensing filters on the pumps themselves. Mr. Mitchell said Public Works has used biodiesel for years without the problems described above. He said he would contact Laidlaw to ask about this issue.

Commissioner Solecki said he has been hearing information indicating that biodiesel may not be as energy efficient as claimed due to the processing required, and wondered if the City should examine the research to determine whether the use of biodiesel is consistent with the community's sustainability goals.

The Commission requested that Mr. Maxwell be asked to attend a future commission meeting to answer questions about Laidlaw's operations.

IV. Old Business

- **Committee Report on CACOT/Staff/Laidlaw Cookout Plans**

The committee has not yet met to discuss a cookout. It was decided to table this issue until the May Commission meeting. It appears as though a summer picnic is much more likely than a spring picnic.

V. **New Business**

- **Sunset Review**

Ms. Namba asked the Commission to review the staff's report on the Commission's sunset review and in particular evaluate whether it adequately represented the Commission's charge. Vice-Chair Verts said one of the positives of the Commission is the role of conduit between the community and City Council. She suggested adding the phrase "and furnish a means for the public to express their views on transit to City Council" to the end of Commission's listed charge.

With the additional language, the Commission proposed that the Commission's charge would now read: "The Commission shall advise Council on all matters relating to operation, maintenance and expansion of the mass transit system of the City and mass transit systems interfacing with the Corvallis Transit System and provide a means for the public to express their views on transit to the Council."

Commissioners Friedt and Carroll, respectively, moved and seconded that the Commission recommend the above-stated paragraph as its listed charge. The motion passed unanimously.

- **Ridership Trends by Route**

Routes 3 and 8 have lost ridership, likely due to route revisions that resulted in the routes no longer traveling through the OSU campus or past high-density housing on SW 49th Street. Neither the Philomath Connection nor the OSU Shuttle have made up the lost ridership because ridership on those systems is also down. Mr. Mitchell said that in meeting with ASOSU during the Student Incidental Fee process, there was significant interest in reinstalling service on SW Jefferson Way in order to better serve OSU's campus. The route change removing the CTS buses from campus is seen by students as a service reduction. OSU Facilities Services has indicated their willingness to talk with city staff about restoring service to campus, though their preference is to keep the CTS buses on the periphery.

There was discussion about re-examining the way the schedule is designed: providing the same service at the same frequency for the entire day, or structuring the routes to maximize service at certain times of the day. As an example, CTS buses enter the HP campus each hour, but during only a few runs do riders board or disembark. Chair Lowry wondered whether we have an HP contact for transportation issues. Ms. Namba said that we do have an HP representative on the Employer Transportation Committee but their

participation has been hit and miss.

It appears from ridership data that OSU student ridership is down while non-student ridership has remained the same or even increased. During a discussion about on-time performance, Ms. Namba noted that the highest number of complaints she has received are regarding Route 1. Mr. Mitchell pointed out that our method of calculating and reporting on-time performance by recording departure from the Downtown Transit Center distorts the data. On-time performance out in the system at particular stops is considerably less than the 95% + that we typically report. One possibility is to measure on-time performance both at the DTC and at the midpoints of the routes.

Ms. Namba would like to eventually re-convene a subcommittee to examine various issues about the routes and schedule, but said she is understaffed and not able to support that effort now. If the City Council approves the request for an additional transit position, that person would be charged with mining ridership data and working to develop transit changes. Mr. Mitchell said that with the vacant Transit Coordinator position, there is no one currently available to use existing data to formulate changes to increase route efficiency.

VI. Information Sharing

- Mr. Mitchell reported that Congress has allocated funds for 2007, which means funds earmarked for a 2007 replacement CTS bus is now available. Staff will put together a grant request to the FTA for a replacement bus. Because of rising cost of buses, staff is looking into the viability of purchasing a 29-foot, 28-passenger bus vs the 35-foot, 32 passenger buses in our current fleet.
- ASOSU approached the Budget Commission in March to solicit funds for Beaver Bus operations for next year. The Budget Commission did not pass a recommendation for funding. Subsequently, ASOSU received a commitment for more funding from the student government and from sponsors but will need approximately \$20,000 from the City which is \$1,000 less than this year. ASOSU has committed to \$42,000 in funds from student fees and will raise an additional \$15,000 from sponsors. Commissioner Solecki pointed out that while the City's portion is significant, it represents slightly little more than one-quarter of the total operating cost (\$77,000) even though non-student ridership constitutes nearly one-half of total ridership. The date for final public input is less than one month away.

Commissioner Solecki pointed out that one drunk driving accident could cost many thousands of dollars and the Beaver Bus service helps keep these people off the roads and preserve quality of life for the citizens of Corvallis. Commissioner Friedt asked about the lack of OSU monitors on the Beaver Bus. Commissioner Solecki said that next year there will be paid monitors budgeted for, hence the increase in operating costs.

Commissioners Verts and Friedt, respectively, moved and seconded that the Commission approve a recommendation to City Council to support ASOSU's request for \$20,000 from the City for Beaver Bus service during next year's OSU

school year. The motion passed unanimously.

- Ms. Namba distributed a draft copy of the summer transit program for kids advertisement which will appear in the *Corvallis Gazette-Times*. This year's program will be expanded from last year and will feature free rides for youths aged 17 and under. Allied Waste of Corvallis donated money which will offset income previously received from youth summer pass sales and revenue from both Library and Parks and Rec summer program riders and will allow CTS to expand and enhance the summer kid's program with incentives and better promote it as well.

VII. Adjournment

Commissioners Wilson and Friedt, respectively, moved and seconded that the Commission adjourn. The motion passed unanimously.

NEXT MEETING: May 9, 2007, 8:15 a.m., Madison Avenue Meeting Room

DRAFT

**CITY OF CORVALLIS
CORE SERVICES COMMITTEE MINUTES
May 10, 2007**

The regular meeting of the Core Services Committee of the City of Corvallis, Oregon, was called to order at 4:02 pm on May 10, 2007 in the Downtown Fire Station, 400 NW Harrison, with Mayor Charles C. Tomlinson presiding.

I. ROLL CALL

PRESENT: Committee Members Mayor Charles C. Tomlinson, Councilor Hal Brauner, Councilor Bill York, Eric Blackledge (4:08), Tim Cadman, Kent Daniels, John Detweiler, Tom Nelson, Sandy Ridlington, Jacque Schreck, Diana Simpson, Cary Stephens, Jim Swinyard, Brandon Trelstad, Doug VanPelt, Bob Wilson; Ex-Officio Member Michael Mann (CPOA); City Manager Jon Nelson, Finance Director Nancy Brewer, Parks and Recreation Director Julee Conway, Library Director Carolyn Rawles-Heiser, Public Works Director Steve Rogers, Assistant City Manager Ellen Volmert, Management Assistant Carla Holzworth (Recorder)

ABSENT: Rich Carone, Kathleen Paris; Ex-Officio Members Kevin Loso (AFSCME) Eric Baxter (CRCCA), Dan Wehrman (IAFF)

II. REVIEW AND APPROVAL OF APRIL 12, 2007 MINUTES

The April 12, 2007 minutes were approved.

Mr. Daniels noted that George Brown's public testimony at the April 12 meeting contained revenue suggestions that were not included in the Watershed Management Plan that was recently adopted by Council. If those suggestions were to be further explored, the Plan itself would have to be revisited.

III. PUBLIC COMMENT

Corvallis Fall Festival Director Cynthia Spencer said she appreciates the support the City gives to her organization and da Vinci Days.

IV. REVIEW INFORMATION REQUESTED FROM LAST MEETING

Finance Director Nancy Brewer reviewed her handout of responses to information requested from the previous meeting.

Mayor Tomlinson reminded Committee members that requests for information will be forwarded to staff if the Committee agrees it is needed.

DRAFT

In response to Mr. Daniels' request, staff agreed to provide follow up information about City, County, and School District debt service schedules and when those bond issues are paid. Staff will also include where the City is relative to those same jurisdictions with the addition of the Library District on the \$10 per thousand cap to see what taxing capacity exists.

In response to Mr. Cadman's inquiry, Mr. Nelson noted that the City's participation in the International City Manager's Association Performance Consortium will assist with gathering data in the future about how Corvallis' City department services compare with similar communities. The Committee agreed that the issue could be re-visited after all staff presentations have concluded.

In response to Mr. Van Pelt's inquiry, staff agreed to provide information about the timing of the addition of Fire Station 5 and any expenses that were added to the General Fund after that time. Mr. Van Pelt said the project was extensive and he is concerned that some may believe that closing the station will help resolve the City's financial shortfalls. He added that understanding the ten years of planning and delays associated with opening the station will be helpful.

Mayor Tomlinson asked that Committee members provide reasons for their requests for information to help everyone understand their value and staff time necessary to develop answers.

V. DEPARTMENT PRESENTATIONS

Parks and Recreation

Parks and Recreation (PR) Director Julee Conway said, based on the 2020 Vision Statement and Council goals, her department focuses on three main areas: Livability, with programs and volunteer opportunities for kids, families, teens, and seniors; Economic Vitality, primarily through tourism activities with the Aquatic Center and Crystal Lake Sports Fields; and Sustainability through open space acquisitions, community gardens that promote food security, and urban forest activities. Challenges included providing sustainable funding for the Aquatic Center, Senior Center and Chintimini Park improvements, and capital funding for parks.

In response to Ms. Ridlington's inquiry, Ms. Conway said the City owns the Majestic Theatre and ArtCentric buildings. Interest on a City-managed endowment supports a portion of the Majestic Theatre's operations and ArtCentric historically received funding from property tax due to a millage levy approved by voters in the early 1990s. After Measure 47/50 passage and the resulting consolidation of dedicated levies, the City Council elected to continue honoring the millage levy amount.

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In response to Ms. Schreck's inquires, Ms. Conway said PR's current project is the Senior Center and Chintimini Park expansion. The Senior Center needs to be re-developed to green building standards to make it more sustainable and comfortable for users. The department's business plan lists other challenges, including those they will face beyond five years, such as the eventual need to expand the PR administration building in Avery Park. Ms. Conway noted that volunteers provide a great return on investment and the same level of service could not be offered without them.

In response to Mr. Blackledge's inquiries, Ms. Conway confirmed that PR has about 280 contract service providers for instructors, coaches, and park maintenance through organizations like Cornerstone. PR has approximately seven full-time equivalent (FTE) employees in administration and planning for all of its facilities.

In response to Ms. Simpson's inquiry, Ms. Conway said charges for service reflect income from program participants; scholarships, grants and donations are categorized differently.

In response to Mr. Mann's inquiries regarding the Senior Center data on page nine of the handout, Ms. Conway said the attendance figure of 44,722 reflects program participants; it does not include approximately 13,000 in attendance from rentals and other special events. She added that expansion of the Senior Center would create space to increase rental income, ultimately reducing the cost per participant. The size of the current building inhibits any further growth in classes and programs that could generate additional revenue. Ms. Conway agreed to bring back projections for post-expansion attendance.

Mr. Daniels noted that at some point, more staff will be needed to properly care for the parks and open space areas that have been added. Referring to the *FTE per 100 acres of developed parkland* metric in the Performance Measures table on page 3 of the handout, Ms. Conway agreed that, over time, the ability to existing staff to properly maintain parks and open space will decline. Discussions with the School District and Linn-Benton Community College are occurring regarding the re-location of softball fields that will be required as a result of the expansion.

Library

Library Director Carolyn Rawles-Heiser said the Library is a City/County system that has received many awards. Approximately 61% of the Library is funded by City property taxes; the remainder comes from the service district, as well as fines, fees, charges, and State funding. The Library heavily emphasizes youth services and its volunteer hours equate to approximately five FTE. Ms. Rawles-Heiser said a proposal to expand the Library's volunteer program was submitted to the Budget Commission; she corrected the Volunteer Coordinator figure provided on page 15, noting that the cost is \$25,000 per year, not \$33,000. The Friends of the Library agreed to provide \$10,000 toward the program in the first year. Staff are constantly working to make the facility more efficient, but at some point, expansion will be needed.

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In response to Ms. Schreck's inquiry, Ms. Rawles Heiser said Corvallis' school libraries are in bad shape. The two high schools have only one full time and one half time librarian and the elementary and middle schools do not have any librarians. As a result, many school children, who do not always have library research skills, use the public library

In response to Mr. Blackledge's inquires, Ms. Rawles-Heiser said she does not have recent demographics on library users, but she will try to locate the data. Usage by Oregon State University is not readily known, but the use of laptops and expansion of Valley Library has helped to better meet student needs.

In response to Mr. Swinyard's inquiry, Ms. Rawles-Heiser said DVDs and CDs are the most commonly stolen items and such theft is primarily related to methamphetamine use. The FY 2007-08 budget includes funds to purchase a CD and DVD dispensing machine that will not release the item without a library card. Use of a collection agency has helped with overdue materials.

In response to Mr. Blackledge's inquiry, Ms. Rawles-Heiser said while the Library strives to partner wherever possible, working to improve the School District's libraries will not solve the public library's space needs. Expanding the number of locations would increase staffing needs at considerable cost.

In response to Ms. Ridlington's inquiry, Ms. Rawles-Heiser said while she does not have figures about usage of the branch libraries, the information could be extrapolated from the County population and number of library cards issued. She clarified that data from the 2006 Citizen Attitude Survey reflects the Corvallis branch only.

In response to Councilor Brauner's request, Ms. Rawles-Heiser said the bookmobile serves both the City and Benton County. She added that with the exception of the STARS program and Monroe Middle School, the bookmobile does not go to schools. Rather, it stops at community locations like the Boys and Girls Club, Lewisberg, and other areas where there are barriers to library use.

Mr. Daniels estimated that approximately 75% to 80% of the library's service district funds come from Corvallis. In response to his inquiries about increasing funding, Ms. Rawles-Heiser said the service district rate is fixed and growth in revenue can only come from increases in assessed value. A new, voter-approved levy would be needed to increase the rate.

Transit

Public Works Director Steve Rogers reviewed the Transit handout, noting that Corvallis has offered transit since about 1980. The system was primarily funded through a series of three-

year levies until they were eliminated by Measures 47 and 50. Since then, funding is through property tax allocations. Reductions in the transit system's reliance on property taxes have been realized through \$500,000 per year in Federal funding that Corvallis began receiving when it became a Metropolitan Planning Organization (MPO); Oregon State University's voluntary contribution of \$130,000 per year; and the transit system's eligibility for Business Energy Tax Credits, which total \$400,000 annually. Mr. Rogers then reviewed the handout, noting that the City contracts for its transit services and the Special Transportation Fund is a pass through with Benton County. Leverage using Federal dollars is at the maximum and if local dollars are cut, some Federal funding will be lost.

Transit system challenges include future increases in service hours and facilities issues. Mr. Rogers said about half of the transit's ridership comes from the two routes with 30 minute frequencies; ridership is much less on the remaining routes, which are one hour in frequency. The City has plans to construct a City-owned operations and repair/maintenance facility to encourage competition among contractors.

In response to Ms. Schreck's inquiry, Mr. Rogers said Federal funding is tied to a six-year program. Corvallis expects to receive funding for another three or four years, but receipts beyond that are uncertain.

In response to Mr. Wilson's inquiry, Mr. Rogers said the Business Energy Tax Credit program has been formalized over the last year, but it requires partners. The City now has a partner that Mr. Rogers believes will be good for the next few years. The unknown factor is how long the State Legislature is willing to go without the tax dollars that are being lost from those credits.

In response to Mr. Daniels' inquiry, Mr. Rogers said the transit system still has capacity to absorb additional demand of 20 percent to 30 percent, but the peak hour routes could be more challenging to manage. He added that changes in parking availability impact transit use.

In response to Mr. Blackledge's inquiry about partnering on the possible new transit facility, Mr. Rogers said the City initially brought all potential agencies together, including Benton County and OSU, but the only feasible partners were the City and School District who share the same contractor, and the Fire Department. The process is currently on hold, as the Federal government, which provides 80% of the study funding, is not supportive of the facility being jointly used with the School District. The City is formulating a response as to why such an arrangement makes sense.

In response to Mr. Van Pelt's inquiries, Mr. Rogers said fuel costs have not risen to the point where purchasing hybrid buses would result in financial savings. However, the City does use biodiesel fuel as much as possible, depending on price. The City owns the buses, but maintenance, operation, and insurance are handled through a contract with Laidlaw. When it makes financial sense, the City would bring transit back in-house, but for now, it is more

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economical to contract out the service. The City wage requirement applies only to drivers, not to administration or management staff. In addition, Laidlaw achieves some economies of scale by having contracts with both the City and the School District. Regarding how OSU's financial contributions to the transit system relate to comparable property tax support, Mr. Rogers said the City's transit system is a municipal system; however, if it was a transit district, OSU's contribution would be, according to State law, based on payroll taxes. This would net the City a comparable property tax amount. The State Legislature has not been supportive of changing the existing law, so the City and OSU reached the current mutually beneficial agreement.

VI. PUBLIC COMMENT

None.

VII. OTHER MINUTES

Mayor Tomlinson noted the inclusion in the packet of minutes from the Prosperity That Fits Committee meetings of March 26, 2007 and April 23, 2007.

VIII. NEXT MEETING

The next Committee meeting will be June 14 at 4:00 pm in the Downtown Fire Station at 400 NW Harrison Boulevard. Presentations will be provided by the Police Department, Fire Department, and Planning. The Committee will then discuss the process for future meetings.

Ms. Schreck noted that she will be absent from the June meeting, but asked that future department presentations include information about what role volunteers play in their departments and the FTE their donated hours represent.

In response to Mr. Blackledge's request, Ms. Brewer said she would see if phone conferencing could be made available for future meetings to give absent committee members an option for participation.

The meeting adjourned at 6:00 pm.

CORVALLIS-BENTON COUNTY PUBLIC LIBRARY BOARD MINUTES
April 4, 2007

Board Present	Staff Present
Sandy Ridlington, Chair	Carolyn Rawles-Heiser, Library Director
Phyllis Mix	Janelle Cook, Sr. Administrative Specialist
Linda Modrell, County Commissioner	Mary Finnegan, Adult Reference Manager
Mohammad Saeed	Shaun Hearn, Circulation Co-Supervisor
Jacque Schreck	Lori Johnston, Circulation Co-Supervisor
Mary Lee Seward	Curtis Kiefer, Youth Services Manager
Eric Teegarden	Carol Klamkin, Management Assistant
Tom Wogaman	Teresa Landers, Deputy Library Director
Bill York, City Council Liaison	
<u>Excused:</u> Phoenix Ries Charles Wicks	<u>Excused:</u> Mary Norman, Access Services Manager

Summary of Discussion

Agenda Item	Information Only	Action/Recommendation
Call to Order	7:30 pm	
Visitors' Propositions		None
Minutes: March 7, 2007		Approved
Library Board Packet	x	
Committee & Board Reports • Friends of the Library	x	
Director's Report	x	
Presentation: Transforming Libraries for the 21 st Century	x	
Information Sharing		None
Adjournment	8:53 pm	

CONTENT OF DISCUSSION

I. CALL TO ORDER

Sandy Ridlington called the meeting to order at 7:30 pm

II. VISITORS' PROPOSITIONS

There were no visitors' propositions brought forward.

III. APPROVAL OF MINUTES

Motion: Jacque Schreck moved approval of the March 7, 2007 minutes. The motion was seconded by Phyllis Mix and it carried unanimously.

IV. LIBRARY BOARD PACKET QUESTIONS AND COMMENTS

Carolyn Rawles-Heiser began the meeting by introducing Janelle Cook, the new Senior Administrative Specialist for the Library Administration office.

Sandy announced that Bonnie Helpenstell has resigned from the Board. She was a County representative. There are now two County vacancies on the Board to fill. Carolyn participated in interviews in the last couple of weeks and they will be appointing two new members next week – one is a long-time library volunteer and the other is a retired librarian. Carolyn added that she is really sorry to see Bonnie go – for the last few months, Bonnie had not agreed with some of the Library's teen services, especially the addition of video games and the establishment of a MySpace account to communicate with teens. She was a great Board member, really good Chair, and made a strong contribution. Carolyn suggested that the Board sign a card and send to Bonnie.

Jacque presented the OLA Quarterly publication to the Board and mentioned if anyone was interested in reading it, she would loan it out. Phyllis borrowed it and will pass it along to anyone else who may be interested. Teresa Landers noted that the next edition will be devoted to the President's theme (the current OLA President is the editor of this publication) of "Finding Community" and Jacque said she would be sure to bring it in to pass around.

V. COMMITTEE AND BOARD REPORTS

Friends of the Library: Jacque reported the actual numbers from the February book sale were the largest ever gross amount and the net was over \$27,000. Year-to-date, book shelf sales have brought in over \$9600 and online books \$1878. Now that they have their new logo, the Friends are going to start selling book bags with the new logo on them. Memberships are coming in; thus far, there have been 420. Jacque further reminded the Board of the following upcoming dates:

- May 1st will be the staff appreciation lunch
- April 18th at 7:30 pm – the Friends are having a special program honoring the Oregon Book Award winners, in conjunction with the 150th birthday for Corvallis and National Library Week. The authors will be available to sign their books. Emcee will be John Hope Johnstone.
- Random Review in March was *Marley and Me*. 68 people attended. Next week, April 11 will be *The Golden Spruce*. The May reviewer is Sandy Ridlington reviewing *Maps for Lost Lovers*. Last week the Friends sponsored a program with Ginny Anderson and they will be announcing a date fairly soon for the co-sponsorship of the Oregon poet laureate.

Foundation Board: No report.

VI. DIRECTOR'S REPORT

The solarium that the Brookes family is funding is nearly completed. It blends in perfectly with the building if you're driving by on 6th Street and it looks great with the inside of the library as well. Carolyn commented that it's going to be a nice addition - this is a project she and Tom Brookes have been working on for about nine years now. They hope to have some kind of dedication ceremony in May. Carolyn is waiting to hear back from the family on what dates work best for them. The City Council voted a year or so ago to name the new solarium, "The Victor Brookes Reading Area." There will be some kind of plaque to identify the space. Phyllis inquired if the area is restricted to young people and Carolyn said no, it is open to everyone. It is located off the kid's room, but it's going to be a comfortable reading area available to all.

Carolyn went on to report about several other topics:

- The Core Services Committee held their first meeting – Carolyn will be presenting to them about the Library in May. They are looking at the big picture of City finances and also looking at the individual departments as well as other areas such as social services funding. Jacque, Sandy, and Bill are participating in this committee and it's just getting off the ground.
- Adair Village residents talked to Carolyn about a potential library building in their area. They would like to move a burned out building which once contained a bar onto city property to use for a library, but Carolyn is hoping they will find another solution. She is happy that there is interest in building a library in Adair Village, but would really prefer not to have to retrofit a burned out building. Carolyn gave them the name of the architect who is working with us in Monroe so she can give the residents of Adair some ideas about why it's probably better to build a new building.
- Carolyn announced that Teresa is running for president of OLA and encouraged OLA members to vote for her after the conference.
- It's not too late to sign up for the OLA conference on April 18 - 20. Sandy has already signed up. Trustees and friends receive a really reduced rate. Carolyn encouraged everyone else to attend as well since the conference is conveniently being held here in Corvallis. The Library will pay for the registration fee.
- Sports Illustrated (SI) has been properly chastened by librarians across the nation who were pretty upset that SI just decided to withhold part of the subscription (the swimsuit issue) without consulting anyone first. They are supposedly sending us a copy now. This issue is commonly stolen and libraries often have problems (we kept it behind the desk last year because a patron said he was going to steal it). SI didn't tell the Library that they weren't going to send this particular issue; it was discovered on a ListServ and then our librarians started asking around and found out that other libraries were also missing the issue.

VII. PRESENTATION: TRANSFORMING LIBRARIES FOR THE 21ST CENTURY

Carolyn, Teresa, Mary Norman, and Curtis Kiefer attended the Spring Symposium of the Public Library Association in San Jose in early March. Mary and Curtis participated in a session on customer service in the 21st century and Teresa and Carolyn participated in a session on the physical library building using retail techniques such as space planning and expansions. Carolyn opined that this was one of the most inspirational conferences they have attended over the years. It reinforced topics the Board has been discussing over the last several months. Both workshops incorporated marketing techniques directed at discovering what the customer really wants. Curtis, Teresa, and Carolyn used a PowerPoint presentation to share what they learned and what the

implications are for the Corvallis Library.

Curtis began by stating that Corvallis is a good library, highly valued by the community, but in order for the library to compete in the 21st century, we need to become a great library. He realized at this conference that it really is “all about the customer.” According to Curtis, studies have shown that traditionally, libraries offer:

- confusing signage - for example, upon entering the Corvallis Library, there are three or four easels plus other banners advertising seven different programs;
- seemingly unapproachable staff;
- poor parking;
- hard to use online system - Curtis initiated a search for “Italian cookbooks” from the customer’s point of view using the Library’s online catalog and received poor results (Aquabrowser provided much better search results); and
- dark, unpleasant surroundings - often the materials have the best view, not the patrons.

In order to survive and compete with outside retailers, Curtis said libraries must provide value-added services and become more user-friendly. Teresa continued the presentation with “What Libraries Need to Be”:

- A welcoming environment
- A physical and virtual destination
- The community living room
- Supportive of self-sufficiency
- A place where people can co-exist as they are

Carolyn proposed action steps needed to change our approach instead of expecting our patrons to change to meet our rules. She said we need to find out how customers use our facilities by analyzing traffic patterns, reaching out to all current non-users through focus groups and/or surveys, and identifying our core functions and our unique niche in the community. It was agreed that the Library’s niche is that there is no charge for our services (as opposed to Borders’ for example). Carolyn continued with the second phase of action steps:

- Incorporate all of the above into our vision, mission, and goals by evaluating and redefining customer service for our library;
- Redesign our spaces - libraries tend to look cluttered; Teresa is attending a space planning workshop next week and will provide a report later; and
- Consistent branding and marketing of our new identity

In conclusion, Carolyn posed the question, “What does this mean for the Board?”

- Recognize the need for this transformation
- Stay informed:
 - Ask staff when you don’t understand
 - Attend conferences and workshops
 - Encourage dialogue
- Support staff efforts in making these changes
- Set Board goals to facilitate this transformation

Sandy mentioned that OSU has experienced the problem of not having a consistent identity; thus four logos in the past ten years. She surmised that when you really don’t know your identity before you start implementing changes, then it becomes expensive and confusing for the customer. Jacque added that this confusion would suggest that we haven’t found our niche yet. Further, Jacque suggested that the Board take a few “field trips” to local libraries to get ideas about what is and is not working for their facilities. Linda agreed this would be a good idea and

Carolyn said it was worth considering. Teresa said Pierce County Library and the Richmond, B.C. library are the gold standards. Jacque described the environment of the Sunriver Public Library with a fireplace hearth and nearby chairs, providing a very warm and inviting locale within the library. Mary Lee commented that change is great, but we shouldn't forget that we already have an outstanding library. Carolyn concurred that we hear this sentiment often from our patrons. Linda mentioned that OSU has an entire set up for focus groups; however, it's important to be heavily involved in the process. Jacque suggested we invite Corvallis Tourism to speak with the Board about customer service in the hospitality industry.

VIII. INFORMATION SHARING

None.

IX. ADJOURNMENT

The meeting was adjourned at 8:53 pm.

NEXT MEETING: May 2, 2007 at 5:30 pm

**CITY OF CORVALLIS
DOWNTOWN AND ECONOMIC VITALITY
PLANS IMPLEMENTATION COMMITTEE
MINUTES**

April 26, 2007

The regular meeting of the Downtown and Economic Vitality Plans Implementation Committee of the City of Corvallis, Oregon, was called to order at 4:00 pm on April 26, 2007, in the Madison Avenue Meeting Room, 500 SW Madison Avenue, Corvallis, Oregon, with Mayor Tomlinson presiding.

I. ROLL CALL

PRESENT: Mayor Charles Tomlinson, City Manager Jon Nelson, Finance Director Nancy Brewer, Community Development Director Ken Gibb, Assistant City Manager Ellen Volmert, Committee Members Larry Plotkin, Pat Lampton, Patricia Daniels, Scott Zimbrick, Julie Manning, Dave Livingston, Belinda Batten, Elizabeth French, Pam Folts, Elizabeth Foster, Dave Gazeley, Linda Modrell, Vincent Remcho.

ABSENT: Committee Members Judy Corwin, Barbara Ross, Jay Dixon.

Mayor Tomlinson introduced new member Vincent Remcho, a Professor in Analytical Chemistry at OSU.

II. REVIEW AND APPROVAL OF MINUTES

March 13, 2007 minutes approved as presented.

III. PUBLIC COMMENT None.

IV. PUBLIC INFORMATION REQUESTED FROM LAST MEETING

Mayor Charles Tomlinson noted that this item reflects the City Council goals, adopted in March 2007; the two-year goals are guided by the Corvallis 2020 Vision Statement. The relevant goal is implementation of the Downtown Strategic Plan and the EVP Plan. Councilor Patricia Daniels described how the goals chart was developed.

V. CITY STAFFING AND RESOURCE IMPLICATIONS MEMORANDUM

City Manager Jon Nelson highlighted his April 11 memo to the group accompanying Community Development Director Ken Gibbs' memo on the Community Development resource requirements necessary to support the Downtown and EVP Plans; \$155,000. Also attached was an estimate of the resources necessary to provide coordination, facilitation and monitoring for the EVP Plan; just under \$50,000. The last Prosperity That Fits Committee meeting suggested that each partner contribute a minimum of \$1,000 and the three principal partners (the city, county and the Coalition) contribute about \$12,000 each, to start. So the estimated total annual City resources necessary to work on the action items and facilitate plans implementation is just under \$170,000.

Ken Gibb added that the Downtown Strategic Plan contains a series of recommendations to be implemented over time; staffing a Downtown Commission is one of the recommendations. The Downtown Commission would take on the roles of the Parking Commission and the non-park related issues of the Riverfront Commission. The cost of staff support to the Downtown Commission, which would also oversee urban renewal program management and the general strategic plan recommendations, as well as the costs of supplies and overhead would require an estimated \$105,000 in new dollars annually. He estimated the cost of undertaking EVP recommendations, including working with the Blue Ribbon Panel on the Development process and implementing recommendations as well as support work for the Barrier Buster Team would be accommodated at no cost through re-allocating .10 FTE of the Community Development Director's time. The estimated cost of funding strategic consultant services and special projects would require \$50,000 annually in new dollars.

Mr. Gibb stated that the length of a typical Urban Renewal District is around twenty years, so administrative costs of overseeing that work would need to be funded during that period. Pat Lampton noted that some of the administrative costs could possibly be born by the District. Larry Plotkin suggested that a shorter period could be easier for the public to accept, in terms of avoiding perception of creating another permanent layer of bureaucracy.

Elizabeth French asked whether it was typical of cities to staff urban renewal districts or whether they were outsourced. Mr. Gibb replied it depended on the model; it could be structured with an independent board to oversee it. The City of Albany has a 1.0 FTE staffer to oversee their district; Medford has 2.5 to 3.0 FTE employees to do so.

Ms. French asked if an urban renewal district could be re-evaluated after five years or so. Mr. Gibb responded that he had never heard of a district terminated early, though some have finished early when they have retired debt sooner than expected.

Mr. Nelson highlighted the Prosperity That Fits staffing proposal, attached to his memo. The internal support costs are an estimated \$32,500; the external support costs are \$14,900, for a total of \$47,400. Highlighting funding sources listed to support the EVP Plan, he stated it is proposed that partners contribute a minimum of \$1,000 per year, with the principle Coalition, City and County partners providing the balance of the \$47,400. He added that neither County Commissioners nor the City Council have been formally approached regarding those contributions yet. The City's share would be \$12,000. Together with the \$155,000, the total City share is rounded up to about \$170,000.

Ms. French asked about the Chamber Coalition as a funding source. Mr. Nelson replied that the Coalition would likely provide an in-kind contribution of staff support worth \$12,000. He emphasized the plan was still in the early, framework stage.

VI. REVIEW OPTIONS FOR FUNDING PLANS' IMPLEMENTATION

Mayor Tomlinson asked Finance Director Nancy Brewer to present resource implications of the City's funding implementation of the plans. She highlighted her April 3, 2007 memo on revenue alternatives, which featured a matrix of selected possible revenue alternatives for the Committees to consider.

She noted the sources vary in how accurately the revenue from each source may be estimated. Some revenue sources are a more appropriate fit than others to fund the services being examined by the DCA/EVP Committee. Other communities use sources such as a business corporate income tax or license fees to fund economic development. Payroll taxes are more typically used to generate income from commuters. She cautioned that changes in state law means that a 1% increase in the Transient Room Tax that has been discussed would actually result in a net loss of revenue to the City. Ms. Brewer stated she is doing a comparative study on how nine other Oregon cities fund economic development and would bring that information to the next meeting.

Scott Zimbrick suggested adding to the list of revenue alternatives an exploration of the Council policy that limits recouping costs of land development applications to 50%. He noted another similar community charges over 100%. Mr. Nelson stated that such funds could not be used to fund Downtown Commission work. Ms. Daniels suggested forwarding the suggestion to the Core Services Committee to fund services such as code enforcement. Mr. Nelson noted that page 3 of the matrix describes a Community Development Fee.

Ms. Brewer described how a Special District, as described on page 6 of the matrix, could generate revenue. Mr. Nelson stated that the funding alternatives on page 7 of the matrix, a Business/Corporate Income Tax and a Business License Fee, made most sense to staff.

Ms. French asked about the alternative of Selling City Assets (land). Ms. Brewer replied that one possibility could also be to lease land. She cautioned that substantial research would be required on issues such as finding out how specific parcels were acquired and whether there were any deed restrictions.

Pam Folts noted that discussion of the increment of increase in the City Utilities Franchise Fee, page 2 in the matrix, usually focuses on an increase from the existing 5% to 7%; however, other, smaller increments could also be considered. She said part of the business of the city is economic development and that can be sold to the community. Mayor Tomlinson emphasized that part of the charge to committee members is to test proposed revenue sources with the community.

Mr. Lampton noted a concern with nomenclature, saying it is not the DCA's plan anymore; the DCA developed a strategic plan for the city, which the city adopted. No funding for the plan will go to the DCA. He noted that the primary funding for the DCA comes from the Economic Improvement District, which is a voluntary tax, which members levy on themselves. A smaller amount of funding comes from membership dues.

Mayor Tomlinson outlined the allocation of the Transient Occupancy Tax, noting half of the roughly \$1 million total goes into the general fund and the other half gets split between Corvallis Tourism, which receives a fixed amount of money and the rest is distributed in an economic allocation process every May. Grants from that process fund the DCA, fairs, festival, etc. to fund economic development according to policies that the City Council has established. Ms. Daniels noted that the amount of funding that goes to Corvallis Tourism is mandated; the rest of the allocation is a choice; she suggested that perhaps that funding source should be added to the list of revenue alternatives for consideration.

Ms. Brewer noted that 30% of funds from the Transient Occupancy tax must go to tourism, which has an ORS definition. However, 70% of any increase in that tax must go to tourism, as well as allowing lodging facilities to keep 5% of that for administrative overhead for collecting the taxes (which they do not currently keep). The loss of that 5% is why an increase in that tax would result in a net loss to the city. Increasing the proportion that goes to competitive grants and Corvallis Tourism would decrease resources that are now available for other generally funded city services.

Dave Livingston suggested that the owner of a business on 9th Street could be concerned about the equity of contributing funding to downtown economic development. He asked whether the Economic Improvement District could be changed from voluntary to mandatory participation. Mr. Lampton replied that it has been voluntary for five years and didn't see how it could now be changed. Ms. Daniels suggested exploring the change, since even if it didn't take effect for five years, it would still make a substantial dent in the funding needed to fund a twenty-year period of urban renewal.

Julie Manning observed that in regard to revenue solutions tied to economic development goals, some of the activities in the EVP plan are tied to the city and others are not; a number of organizations were identified in the action plan as having a lead role in implementing those tactics. She related that she saw in the previous EVP minutes that these organizations are also faced with the same challenges that the city faces in having the funds to go forward in the areas that they have been identified to lead. She noted that the city already has an annual grant process that is tied to economic development. She suggested that the group consider that whatever the proposed revenue solution might be, that apart from mandated tourism dollars, all of the economic development activity be tied to the city's EVP and Downtown Plans. This would create a community-owned asset that would fund both city actions as well as other organizations' work on actions outlined in the EVP Plan. She emphasized that this approach could be sold to the community as not simply funding the city component, but also providing grant dollars for other organizations to be able to take the lead in the EVP Plan, where it makes sense for them to do so.

Ms. Manning said the two plans have a list of action items and owners that have been identified; it simply remains to find a way to pay for implementing the plans. The city is not the only player trying to figure out a way to pay for the action items that they own in the plan. She advocated creating a revenue solution that included extra in it that could be allocated in a grant process tied to achieving actions outlined in the plans.

Ms. French concurred with Ms. Manning's approach, characterizing it as a community-based solution. Ms. Folts cautioned that many of these issues must be addressed by the City Council and the Core Services Committee. Elizabeth Foster noted that the title "DCA/EVP" Plan could limit the scope of the committee; the community could also perceive the work in that same way. Ms. Folts concurred, suggesting perhaps there was a problem in the terminology being used.

Mayor Tomlinson stated the charge of the committee was to focus on the city's part of the Downtown Master Plan and the EVP Plan (called Prosperity That Fits). He stated that Ms. Manning is suggesting that the Downtown Plan is part of the EVP, which is an umbrella plan that benefits the whole community economically. The question is whether the committee should make a recommendation for considering EVP funding that extends beyond the city's share of EVP funding to include a granting process for organizations that support the EVP Plan and tie it with a revenue source (or sources) that are somehow economic development linked. He suggested the committee may wish to test out the idea

with the Core Services Committee. The committee may also wish to simply choose to find funding for only its original charge, the city's portion.

Larry Plotkin stated that he never expected that the committee would try to find funding for only the City's share, \$170,000. He expected that the Prosperity That Fits steering committee would come back with additional recommendations for funding, for which this committee would have to find funding. Mayor Tomlinson related that the PTF group was trying to zero in on tasks that they want to accomplish in the first year and communicating to the community. The \$50,000 requirement to support the PTF plan is part of the staffing proposal discussed earlier. He said that while the group is intending to self-fund in the first year, funding that work long-term is an issue. Ms. Manning's suggestion deals with that issue. Mr. Nelson added that Ms. Manning's approach goes beyond funding plan infrastructure to also funding the actual plan action items as well.

Councilor Zimbrick declared Ms. Manning's idea to be brilliant. A critical part of the committee's conversation will be acknowledging that all the other partners will be scrambling to find funding for the plans as well. He added that since the EVP Plan states that a major driver of economic vitality is downtown, business owners elsewhere in the city would support the plan.

Ms. French stated that she also thought it was likely that the committee would have to come up with additional funding for additional pieces that haven't yet come forward. It would be better to have a single, unified, comprehensive plan to articulate the funding piece; she strongly favored the broadened approach that Ms. Manning brought forward.

Ms. Foster concurred with Ms. Manning's proposal. She suggested that perhaps administration of some of the action items could be joined to avoid duplication. She added that if her business were on Kings Blvd, she'd want to see some benefit from the economic development effort.

Councilor Daniels asked if the EVP could form a coalition of participating partners. Mayor Tomlinson noted that it was clear to him that the Chamber Coalition would not consider further consolidation.

Mr. Lampton advocated testing ideas before acting, especially since the community has not historically supported economic development efforts. He cautioned that incremental economic development was not effective, though. He added that the City's experience shows that anything can be considered to be economic development, so if a pot of money is set up, the City had better be prepared.

Ms. Folts stated that there seems to be very solid strategic planning among the leading economic development players in the community. The community may never be better positioned to do what Ms. Manning suggests. If the various players are united, then the plan has a better chance with the public. She supported Ms. Manning's proposal, especially given its more inclusive approach.

Mr. Gazeley supported Ms. Manning's concept, though it will take care to implement it, especially in explaining it to the public. Also, additional funds must go only to clearly defined economic development purposes. He expressed concern about how some organizations may feel about requesting funds from the city.

Mr. Nelson clarified that the committee would be asking the Prosperity That Fits steering committee if they want the committee to look at size of funding options that cover more than what have been identified as the city's action items.

Vincent Remcho declared himself in support of Ms. Manning's proposal to broaden funding. Linda Modrell stated it was an idea worth discussing; she cautioned that some funding mechanisms affect others.

Councilor Zimbrick stated that if funding can't be found to help other stakeholders in the process, then they will all be competing for and asking for funds. Mr. Livingston concurred with Ms. Manning's idea and agreed with Ms. Folt's analysis about the need to be inclusive. Mr. Plotkin stated that he assumed from the beginning that the funding would have a wider scope. He added that the Prosperity That Fits approach has been customized for the Corvallis community, noting that the phrase "economic vitality" was being used intentionally in this process rather than "economic development", due to the latter phrase's negative connotations to many in the community.

Ms. Folts stated she wanted to underscore Ms. French's comment regarding the DCA terminology sometimes used interchangeably and the potential confusion and political ramifications of continuing to refer to the plan as the DCA/EVP Plan. Mayor Tomlinson noted the Downtown and Economic Vitality Plans Implementation Committee has sometimes been referred to in shorthand as DCA/EVP; he will try to avoid doing so in the future.

VII. DISCUSS NEXT STEPS

Ms. Manning, Mr. Zimbrick, Ms. French and Ms. Foster volunteered to discuss Ms. Manning's idea at a special Prosperity That Fits meeting within two weeks. Mayor Tomlinson noted the group will want to know how it will work. He asked the four volunteers to bring back PTF feedback to discuss at the next meeting. He noted he has already heard some anxiety among some partners about how to raise funds for the first year.

Mayor Tomlinson stated that if the PFT steering committee buys into the broader vision, then it can be broached to the Core Services Committee, which is now hearing departmental presentations in order to better understand how the city functions. Ms. Manning's proposal could be presented to the CSC in about a month.

VIII. OTHER INFORMATION. None.

IX. NEXT MEETING

The next Committee meeting will be May 24 at 4:00 pm.

X. PUBLIC COMMENT

Mark Knapp, 958 NW Sycamore, concurred with Ms. Folts' concern regarding the usage of DCA/EVP language. He added that "economic development" and "community" mean different things to different people and need to be defined. Mr. Gazeley highlighted definitions at the Prosperity That Fits website.

XI. ADJOURNMENT

The meeting was adjourned at 5:58 pm.

**HOUSING AND COMMUNITY DEVELOPMENT COMMISSION
MINUTES
April 18, 2007**

Present

Judy Gibson, Chair
Buzz Berra
David McCarthy
Patricia Weber, Planning Commission Liaison
Trish Daniels, City Council Liaison

Absent

Ed Fortmiller, Vice Chair
Jennifer Jordan
Dan Schofield (excused)

Staff

Kent Weiss
Joe DeMarzo
Terri Heine

Visitors

Sherry Littlefield
Michael Smith

SUMMARY OF DISCUSSION

Agenda Item	Action/Recommendation
I. Consideration & Approval: HCDC Draft Minutes of 03/07/07	Approved as Submitted
II. Status: Loan Funds and Recent Rehab Loans	Information Only
III. Loan Policy Exception Request: Neighborhood Improvement Program Loan	Recommendation
IV. HUD's HOME Program Monitoring Letter and Report	Information Only
V. Pending City Council Resolution and Implications for HCDC	Discussion
VI. Other Business: City Council Public Hearing of April 16, 2007	Information Only

CONTENT OF DISCUSSION**I. Consideration & Approval: HCDC Draft Minutes of March 7, 2007**

Chair Gibson opened the meeting, asking for consideration of the HCDC draft minutes of March 7, 2007. The minutes were approved unanimously.

II. Status: Loan Funds and Recent Rehab Loan

Housing Program Specialist DeMarzo reported that one new First Time Home Buyer (FTB) loan has closed since the last meeting, adding that one more is expected to close by the end of the month. Regarding rehabilitation loans, DeMarzo reported that two Essential Repair (ER) loans have closed since the last meeting, adding that several more are in the application/review process.

III. Loan Policy Exception Consideration: Neighborhood Improvement Program Loan

DeMarzo directed Commissioners to a memo included in their packet detailing a Neighborhood Improvement Program (NIP) loan policy exception request for a one person household located at 796 NW Fox Place. He noted that the home was built in 1978 and, overall, is in good condition.

Continuing, DeMarzo noted that the proposed scope of work addresses items that are typical of a 30 year old structure, and is intended to repair, replace, or upgrade worn and compromised components of the house. Priority items include replacing the roof, windows, furnace and flooring, and adding insulation. DeMarzo noted that six bids have been received from interested contractors to determine that costs are reasonable for the project.

Concluding, DeMarzo noted that there is sufficient equity in the property to secure the requested loan amount of \$32,680. Because the total loan amount exceeds the \$30,000 policy threshold, the applicant's housing costs exceed 30% of total income, and the applicant's total fixed debt exceeds 40% of total income, a recommendation for a loan policy exception from the HCDC is needed in order to forward this request for City Manager approval.

Following a brief discussion, Commissioner Berra moved, with Commissioner McCarthy's second, that the HCDC recommend City Manager approval of the request for a loan policy exception for a Neighborhood Improvement Program loan in the amount of \$32,680 for the owner of the home located at 796 NW Fox Place. The motion passed unanimously.

IV. HUD's HOME Program Monitoring Letter and Report

Housing Division Manager Weiss directed Commissioners to a letter and report included in their packet regarding the recent HOME Program monitoring visit conducted by staff from HUD's

Portland Field Office. He noted that the monitoring visit was quite extensive, taking place over the course of three days in early February, and included looking at files and talking with staff in the Housing office, as well as site visits to properties assisted with HOME funds, and to Willamette Neighborhood Housing Services (WNHS), the City's Community Housing and Development Organization (CHDO), to look at their records and processes.

Continuing, Weiss noted that comments included in the letter from Doug Carlson, Director of Community Planning and Development in HUD's Portland office, mention that Housing staff's attention to the HOME Program's statutory and regulatory requirements is to be commended, and that HUD is pleased with the Housing staff's knowledge of the HOME requirements, attention to detail, communication with HUD's staff regarding compliance questions, and attendance at relevant program trainings.

Regarding the monitoring report, Weiss noted that it conveys four findings, two concerns and a number of recommendations. He explained that findings are items not in compliance with regulatory and/or statutory requirements. Concerns are deficiencies that could lead to future problems. Recommendations are intended to be helpful in efforts to comply with the requirements and operate a successful problems. Weiss noted that Mr. Carlson mentions in his letter that it is HUD's opinion that the findings and concerns that were identified are isolated and can be easily corrected, and that the monitoring did not identify any systemic non-compliance related to overall program management and oversight.

Continuing, Weiss noted that although only findings require a written response within 30 days, Housing staff will be responding to all findings, concerns and recommendations within the next week. He then provided an overview of the monitoring report:

- Finding No. 1: The written HOME agreements with future capital funding recipients need some revision to include a correct conflict of interest clause. Also, the agreements specify the correct length of the period of affordability, but don't specify when the affordability period starts. Weiss noted that affordability periods begin when the projects are actually closed out in HUD's financial tracking system. Language will be included in future agreements regarding the conflict of interest clause and affordability period beginning date.
- Finding No. 2: The City's HOME match credited to date includes non-federal contributions made to housing that is not HOME-assisted. All requirements to claim this match were met by the City's HOME-eligible First Time Home Buyer (FTB) program assistance except for those pertaining to property standards. Weiss noted that this was overlooked by staff because the FTB loans were being funded with CDBG funding, which does not require property inspections. The property standards requirement kicked in because other assistance in the transactions being provided by the Federal Home Loan Bank was also being counted as HOME match. Weiss noted that staff does not want to give up the match credit, so will be contacting all applicable homeowners and asking if staff can come back out to take a look at their home to complete the property standards inspection requirement.

- Finding No. 3: Tenant leases did not have acceptable termination clauses included as required by owners of HOME funded rental housing. During site visits, HUD staff reviewed leases for four of the units located at WNHS's South Corvallis Townhomes (I and II) and for two units located on NW Sycamore. It was found that the South Corvallis Townhome leases did not include specific language noting that the termination of tenancy requires a 30-day written notice for cause. Weiss noted that WNHS and their property manager will be correcting their leases to include this specific, HOME required language.
- Finding No. 4: The FTB loans did not meet the Uniform Relocation Assistance and Real Property Acquisitions Policies Act (URA) as no voluntary sales agreements were provided to sellers. Weiss noted that shortly after the FTB loans were processed, staff discovered on its own that this notice was required, and has included the voluntary sales agreement as part of the loan processing procedure for several years now.
- Concern No. 1: The City has not re-certified WNHS as a CHDO each time funding has been provided to the agency. Weiss noted that previously, staff has asked WNHS to self-certify each year, but will now ask them to fill out a complete application as suggested by HUD.
- Concern No. 2: The FTB files did not contain documentation that the purchase price had been checked against the FHA mortgage limits as required by HOME regulations. Weiss noted that staff had actually done this comparison for each FTB loan, but had not included adequate documentation in the customer files.

Concluding, Weiss noted that, as mentioned in the letter from Mr. Carlson, while there are several areas in which the City can improve regulatory compliance and program management, on the whole staff are well versed in the program requirements, attend to details, and clearly aim to comply with the requirements.

A brief discussion followed, during which Commissioners asked about the monitoring visit and review process, and commended staff on a favorable HOME program monitoring report.

V. Pending City Council Resolution and Implications for HCDC

Weiss directed Commissioners to a memo and draft City Council resolution included in their packet, noting that staff expects to submit the resolution for consideration during the Council's May 7 meeting. He explained that HUD has launched an "America's Affordable Communities Initiative," and is asking communities both to join the initiative, and to undertake a self-examination relative to the things they do to promote or discourage the development of affordable housing. HUD contacted Mayor Tomlinson to request that Corvallis participate, and the Mayor has asked staff to move forward. Weiss noted that the resolution mentions that the HCDC will be asked to conduct a review of current City development rules and regulations, and to assess whether there are barriers to the creation of affordable housing contained in or resulting from

those rules and regulations. Where barriers exist, the Commission will be asked to learn about and then recommend approaches to overcome them.

Continuing, Weiss noted that the two things that are being asked of jurisdictions to set the process in motion are to pass a resolution noting their desire to join the initiative and how the task will be accomplished, and to "sign on" with HUD by notifying the Oregon Field Office in Portland. If things go as anticipated, both of these steps should be completed prior to the regular May meeting of the HCDC. At that meeting, discussion will begin regarding the best approach to the task. Weiss noted that the conversation that HCDC began last fall about small houses and cottage-style development seems like it might have a natural place in this bigger project. To aid in the research and discussion, Weiss noted that also included in Commissioners' packets are copies of a HUD questionnaire that looks at development policies from both the planning side and the building review side, adding that it has been completed with input from both the City's Planning Division and Development Services Division.

Concluding, Weiss noted that depending on the specific direction the Council provides, this undertaking has the potential to be a significant work task. He added that the Planning Division and Development Services staff will continue to help with the research as needed, and that staff is also open to exploring a variety of other resources to accomplish the task.

Following a brief discussion regarding affordable housing options and possible barriers in the City, it was decided that Commissioners will continue reviewing the HUD questionnaire and thinking about ideas and approaches to completing the task in preparation for continued discussion at the May 16th meeting.

VI: Other Business: City Council Public Hearing of April 16, 2007

Weiss provided a brief overview of the April 16 City Council public hearing to consider the FY 07-08 CDBG/HOME Action Plan. He reported that representatives from four agencies had presented favorable testimony regarding the Plan, and that Council had voted unanimously to adopt it as written. The Action Plan will now be forwarded on to HUD for their review, and staff expects to hear back from HUD in mid-June regarding its acceptance of the document.

There being no further business, the meeting was adjourned at 1:05 p.m.



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

Approved as corrected, May 2, 2007
CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
April 4, 2007

Present

David Graetz, *Chair*
 Karyn Bird, *Vice Chair*
 Jennifer Gervais
 Frank Hann
 Tony Howell (arrived 7:15 p.m.)
 Denise Saunders
 Patricia Weber

Staff

David Coulombe, Deputy City Attorney
 Fred Towne, Planning Division Manager
 Keith Turner, Development Engineering Supervisor
 Eric Adams, Associate Planner
 Bob Richardson, Associate Planner
 Jackie Rochefort, Parks Planner
 Roxanne George, Civil Engineer I
 Terry Nix, Recorder

Excused

Brandon Trelstad

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions	X		
II.	Public Hearing, continued Witham Oaks Conceptual and Detailed Development Plan / Tentative Subdivision Plat (PLD06-00012, SUB06-00005)		X	The record was held open until April 11, 2007, at 5:00 p.m. Deliberations will be held April 18, 2007.
III.	Public Hearing Wilson Woods Comprehensive Plan Map Amendment and District Change (CPA06-00001, ZDC06-00001)		X	The record was held open until April 11, 2007, at 5:00 p.m. Deliberations will be held April 18, 2007.
IV.	Request for Extension of a Detailed Development Plan - Corvallis Home Improvement Center (PLD03-00019, MLP03-00016)			Approved.
V.	Minutes A. Planning Commission, March 7, 2007			Approved as presented.

	Agenda Item	Information Only	Held for Further Review	Recommendations
VI.	Old Business	X		
VII.	New Business A. Planning Manager's Update	X		
VIII.	Adjournment - 12:40 a.m.			

CONTENT OF DISCUSSION

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

- I. **VISITORS' PROPOSITIONS:** There were no propositions brought forward.

- II. **PUBLIC HEARING, CONTINUED - Witham Oaks Conceptual and Detailed Development Plan / Tentative Subdivision Plat (PLD06-00012, SUB06-00005):**

- A. **Opening and Procedures:**

The Chair welcomed citizens to the continuation of the Public Hearing for Witham Oaks, which began on March 21, 2007. He then reviewed the public hearing procedures. There will be a staff report and public testimony, followed by rebuttal by the applicant, limited in scope to issues raised in opposition and sur-rebuttal by opponents, limited in scope to issues raised on rebuttal. The Commission may ask questions of staff, engage in deliberations, and make a final decision. Any person interested in the agenda may offer relevant oral or written testimony. Please try not to repeat testimony offered by earlier speakers. It is sufficient to say you concur with earlier speakers without repeating their testimony. For those testifying this evening, please keep your comments brief and directed to the criteria upon which the decision is based.

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

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

The Chair opened the public hearing.

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

1. Conflicts of Interest: None.
2. Ex Parte Contacts: None.
3. Site Visits: None.
4. Objections on Jurisdictional Grounds: None.

C. Staff Overview:

Associate Planner Eric Adams said there is an opportunity this evening for additional public testimony. For those who testified verbally at the March 21, 2007, public hearing, testimony is limited to information that has been submitted since that time. For those who have not yet testified in these proceedings, testimony may be presented on any part of the application. Mr. Adams reviewed materials distributed this evening: two staff memoranda dated April 4, 2007, with attached public testimony (**Attachments A and B**); a staff memorandum dated April 4, 2007, with attached additional application materials (**Attachment C**); and testimony submitted this evening from Rebecca Wilson (**Attachment D**), and from Elizabeth Schwartz and Jason DeLorenze (**Attachment E**). Mr. Adams said staff is also prepared to answer questions received via email from Commissioners Weber and Gervais.

Planning Division Manager Fred Towne said staff received a significant amount of new information today, which it has not yet had the opportunity to analyze. Staff recommends that the record be held open for seven days, after which the applicant would have seven additional days to submit final written argument. Deliberations would then be held on April 18, 2007. Mr. Towne said staff would not recommend a continuance, as that would prevent the City from meeting the 120-day mandated time frame required by State law. Following brief discussion, it was generally agreed to hold the record open for seven days.

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

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

Stella Coakley, 3839 NW Jackson, submitted written testimony (**Attachment F**) and said her primary concerns are related to the wetlands. She strongly supports the staff recommendation for five years of monitoring after the last phase of development. She would like to see more trees preserved on this land, and feels the number of trees slated for removal would substantially change the natural features in this area. Ms. Coakley expressed concern that Street "J" abuts the OSU property as a dead end without any easement to protect access to those properties; she would like that situation modified, perhaps with a cul-de-sac. She thinks a monument sign at Circle and Harrison would be inappropriate and that the fencing should be made of wood in order to be consistent with the neighborhood. Ms. Coakley believes there are many questions with the geotechnical analysis and that expectations are not nearly as predictable as the developer would like them to be.

Tom Jensen, 970 NW Garfield, #6, said he has concerns about open space and traffic impacts. He said the layout shows much of the open space to be awkwardly-shaped pieces smaller than one acre. He said the traffic impact analysis shows 195 a.m. trips and 249 p.m. trips at full build-out, averaging a little more than one trip per unit. Mr. Jensen

said the transportation maintenance fee on his water bill suggests that each household is responsible for 9.6 trips. He questioned that differential, asked that consideration be given to traffic impacts further down Circle Boulevard, and suggested that Engineering do an actual trip count.

Robert Mason, 3635 NW Jackson, submitted written testimony (**Attachment G**). He expressed concern that the plan to form a Home Owners' Association (HOA) does not detail what is to be maintained; HOAs are known to fail, and responsibility then falls to the City at the taxpayers' expense. He said the Conditions, Covenants and Restrictions (CCRs) should be described within the application and should include a clear warning regarding the noise and smells related to the agricultural dairy research operations. Mr. Mason said control of stormwater is of great importance to him and his neighbors, and he requested additional planning and analysis prior to City approval.

Jason DeLorenze, 3930 NW Witham Hill Drive, referred to his written testimony, previously submitted (**Attachment E**). He said the traffic studies were conducted during finals week and he does not feel they are an accurate representation of the traffic the area gets on a regular basis. Mr. DeLorenze also stated that:

- ◆ the monument sign seems excessive and ridiculous;
- ◆ a concrete fence is a bad idea, considering the character of the area;
- ◆ the proposed variance for lot coverage seems impractical; and
- ◆ wildlife does not consider small one-acre pieces of land as places to flourish and thrive.

Marilyn Moore, 3608 NW Tyler Place, said she lives near the subject site and bikes or drives on Harrison every day. She expressed concern that Circle Boulevard will be carried through to Harrison Boulevard, noting that Harrison is very narrow and potentially dangerous from 36th to 29th Street. Ms. Moore recommended that left turns onto Harrison from the development be illegal and that a traffic light be put in at Witham Hill Drive and Circle.

Chava Neuhaus, 3362 NW Roosevelt Drive, submitted written testimony (**Attachment H**). She said she believes that the voters who approved this annexation believed trees would be preserved and that this proposal to remove 342 significant trees is a betrayal of the voters' trust. She cited Comprehensive Plan policies 4.6.5 and 4.6.7. and said a reduction in density of dwellings would address those goals. Ms. Neuhaus called attention to the map included with her written testimony, on which she has indicated the trees proposed to be cut and those that might be preserved if density was reduced.

Karl Hartzell, 750 SW "C" Avenue, #15, said he is a member of the Mary's Peak Sierra Club and is speaking on their behalf. He expressed concern about the Witham Oaks proposal, including:

- ◆ the loss of two acres of prime wetlands;
- ◆ removal of existing trees;
- ◆ destruction of precious and diminishing habitat;
- ◆ hydrological changes which are likely to create ground water problems for homeowners; and
- ◆ impacts to OSU agriculture land.

Mr. Hartzell urged the Commission to defer consideration until the applicant meets all 60 Conditions of Approval outlined in the staff report, and to reopen the hearing at that point so the public can determine that the Conditions have been adequately met.

Jonathan Nash, 3245 NW Crest Drive, said he frequently uses the multi-use path, and he is concerned about the proposed number of new street crossings. He suggested that the four crossings proposed be minimized to just one. He also said that:

- ◆ he is in favor of a light or four-way stop at Witham Hill and Circle;
- ◆ some small changes could allow further preservation of the wetlands;
- ◆ he agreed with previous testimony that voters were persuaded to annex this property because they thought it would save trees; and
- ◆ he would like to see better linkages of park land and open space with the existing City park so this area would be a more effective place for recreation.

In response to an inquiry from the Commission, Mr. Nash said removing the extension of Street "A" and relocating Circle a little to the east would help to reduce wetland impacts.

Zel Brook, 3555 NW Polk Avenue, said she is concerned about the developer's proposal to delay the extension of Circle Boulevard. She said she previously submitted testimony (**Attachment A, pages 37-42**) detailing a traffic count she did in front of her house during the week of spring break, during which she counted more than 300 cars per hour. After spring break, the rate rose to between 400 and 600 cars per hour. Ms. Brook stated that traffic in the area has been increasing over time; 36th Street was not built for the current level of traffic, and additional traffic would adversely impact this residential neighborhood. She would like to see an extension of Circle or some traffic relief on 36th Street as soon as possible.

Dave Mellinger, 3798 NW Jameson Drive, spoke about the importance of keeping areas with natural character close to where people live. He said use of the subject area exceeds use of Bald Hill and it is convenient to where people live. He said he would advocate eliminating the high density housing, or moving it further from the open areas and preserving much of the natural character of that area. Mr. Mellinger said he would also advocate traffic-calming measures to discourage excess traffic, especially truck traffic.

Robert Moore, 3608 NW Tyler Place, said this is a fairly inconsistent proposition, given that the neighborhood consists mostly of single family homes. He questioned what impact this development might have on property values. Mr. Moore said the area on Harrison between 36th and 53rd is basically a two-lane "freeway," and both sides are awash during the winter. He bikes at that location and feels it is a dangerous place. He noted that OSU has a locked agricultural facility adjacent to the property and questioned what impact a high-density housing tract might have on that.

Larry Becker, 3904 NW Clarence Circle, addressed the issue of safety on Harrison. He stated that he runs and walks in that area. The road is used by walkers, runners, children, families, and dog walkers, and it is very dangerous with fast-moving cars. Mr. Becker said he is not convinced that residents will be ready to accept the strong smells associated with OSU agricultural uses. He thinks of this area as a landscape and would like to see it preserved.

John Foster, 1205 NW Fernwood Circle, requested that the record be held open for seven days.

Alice Burbott, 4075 NW Dale Place, said she has lived at this location for 35 years. She agreed with testimony in support of a traffic light at Witham Hill and Circle. She expressed concern that Dale Drive is not designed to take the amount of traffic that will come up that road, and she can assure the City that residents will request traffic calming devices. Ms. Burbott also expressed concern about water runoff, stating that she knows of four houses

on Dale Drive with springs. She questioned where all the water pouring off of Dale will go if the wetlands are filled. She pointed out the location of the fault in this area and asked if serious consideration has been given to placing houses on the fault.

F. Neutral testimony:

None. The Chair reminded people that speaking neutrally removes rebuttal rights.

G. Questions of Staff:

Staff responded to questions previously submitted by Commissioner Weber as follows:

What is the possibility of granting conditional development approval only, and requiring the applicant to come back when engineering is finished to get detailed development approval?
That is a possibility and is within the purview of this body. There will be more discussion later about requirements for conceptual development and detailed development, as well as the detailed engineering that comes before a project commences construction.

Is it true that there is no traffic study that accurately depicts current level of service (LOS) at the 29th Street and Grant Avenue intersection, nor one that predicts LOS at the same intersection should the restriping proposed by the applicant be implemented?

There are traffic studies indicating that the area is on the verge of suffering adverse LOS, and this project is proposed to add traffic to that intersection. Staff has not yet had time to analyze the new information submitted.

Given the number of unknowns concerning storm drainage design on this project, would the granting of a conditional development approval only assist in the process of ensuring that the necessary design details are worked out to an adequate level prior to issuance of a detailed development approval?

Not necessarily. Staff worked with the applicant to get what staff considered to be adequate detail for a Detailed Development Plan application, and it is normal for detailed engineering to come after. There is a modification process available for planned development projects and staff set thresholds in the conditions to address components, such as stormwater design, that are not specifically included in the Major Modification criteria.

Questions related to the staff report:

Re: Page 60 - Why do we not know what the appropriate riparian buffer width is for the drainageway? Why are we asking the applicant to document this rather than telling them what is required?

The section of the drainageway that is proposed to be relocated with the construction of Circle is located within a tract of land. Staff has looked at the existing channel and the width of the buffer proposed and believes it met the intent of the Land Development Code (LDC) and would be adequate to serve that area.

Re: Page 70 - Condition of Approval 12 - How is the construction traffic to be directed onto NW Harrison Boulevard given the weight restrictions on vehicles more than 12,000 lbs. from 9th Street to the westerly City limits?

The Municipal Code establishes a set of weight limits in this area, on Walnut Boulevard, Circle Boulevard, and Harrison. Those limits are designed to address through truck traffic, but do provide for needed truck access to sites that front the streets.

Re: Page 76 - Development Related Concern K - What happens if the applicant is unable to resolve this conflict and the driveways remain within 150 feet of each other, in violation of City standards?

This situation has to do with the proposed extension of the Circle Boulevard landing near the flag lot portion of the Beit Am property and the westerly driveway of the Latter Day Saints (LDS) Church site; staff is aware of the circumstance. The proposed alignment clearly preserves the wetlands to the best extent. The applicant was able to communicate with the Beit Am property owners, and staff expects access to that property would be established via Circle. Staff has not yet had time to analyze all of the testimony received, including that from the LDS Church. Staff review has indicated that the LDS access point is far enough from Circle not to generate safety conflicts, and therefore, staff has accepted this as a variance.

Page 76 - Is Street "J" required to have an emergency vehicle turnaround at its dead end? If not, why not?

As proposed, Street "J" does not exceed 150 feet in length, which is what the Fire Department says it can effectively back out of. Street "J" is there to facilitate an interconnected local street network with possible development to the west.

Page 79 - Why are we requesting a reflectorized locking gate at the multi-use path entrance south of Street "A"? Unfortunately, without a barrier to prevent it, some people will drive on this portion of the property, and there is evidence of damage in the wetland area. There is a gate similar to that proposed at the bottom of the existing multi-use path. Staff may need vehicular access to the path for maintenance of the sanitary sewer.

Page 80 - What sort of mechanism could the Applicant provide to ensure maintenance should the HOA cease to exist?

Condition 1 states that approval is for the application as proposed or as modified by the Conditions. Since the applicant has proposed to form an HOA, that body is part of the approval; therefore, the City could require it to remain intact and functioning in a manner to maintain the facilities as intended.

Page 91 - Do we know if there will be adequate Level 2 water pressure to serve all fire hydrants required for the developments, including the ones located at higher elevations? Yes, based on staff's experience. It will need to be demonstrated that the system will maintain 20 psi and 1000 gpm. to maintain fire requirements. There is discussion in the staff report about the possibility of using private booster pumps to meet domestic water needs. Both of these items will be addressed at the Public Improvements Under Private Contract stage.

Page 93 - How do private storm drains work? Where does the water go?

Staff strives to minimize the extent of private storm drain systems, but in this case, the topography is such that it was determined that private easements along the back of the lots are appropriate. The water will be collected and tied into the public system. Private easements would be established with maintenance rights, so all owners would have the right to maintain or repair lines if needed.

Page 97 - What level of engineering detail would the applicant need to provide to ensure that the stormwater drainage system can be built to King County standards?

There is a great deal of detail to come. Staff is comfortable that the applicant understands the criteria, that the system was designed accordingly, and that there are boundaries which staff will be reviewing for compliance. This is a complex system which feeds wetlands, and

staff wants to be as sure as possible that it is a viable system. The language in the Condition which indicates staff is not certain the system can be built to standards is unfortunate and could be revised. The data submitted for this application is very similar to most other detailed development plan applications of this size.

Commissioner Weber suggested that consideration be given to revising the language in that Condition.

Re: Condition 11a. - Do we know for certain that the other native plant mix proposed by the applicant, which purports to attract hummingbirds and butterflies, would require fertilizer and/or maintenance?

Staff contacted the seed company and confirmed that neither mixture would require irrigation or mowing once the seeds have germinated. However, since some of the species contained in the ProTime 712 PDX Habitat mixture have a comparatively taller growth habit, the dormant season remnants of this mixture would be more visible from abutting properties and would place combustible materials closer to the canopy of oaks.

Re: Condition 11b. - With respect to the term "Professional Ecologist", is there some professional licensing or accreditation that we can use to more clearly articulate what is required for a person to claim this title?

The Ecological Society of America provides accreditation for professional ecologists, requiring at a minimum, completion of a bachelor's degree with at least 30 semester hours of biological sciences; 9 semester hours of ecology; 12 semester hours of mathematical and physical science; and completion of at least one year of post-graduate experience in ecological research and application of ecological principles.

Re: Condition 19 - Who determines or defines where exactly the critical root zone is located for significant trees?

A certified arborist would confirm the location and extent of the critical root zone for each tree identified as preserved through the application. At a minimum, this area would be five feet outside of the dripline for each tree.

Re: Condition 24 - Are the financial securities provided by the applicant substantial enough to ensure to that additional mitigation will be performed if required due to impacts? For example, will a bond be issued to cover the cost of additional wetland mitigation? How could such a bond be issued when the extent of additional impacts aren't known?

The financial security held would equate to 20 percent of the construction costs associated with all the water quality and detention facilities installed for the project. The original intent of the condition was to use retention of securities as insurance that the requirements described in the Condition were completed prior to their release, not necessarily that the securities would be used to complete the mitigation itself. A bond would probably not afford the flexibility needed since it is not known what future impacts will be. There are other mechanisms for financial securities, such as a Mutual Improvement Agreement.

Commissioner Weber expressed concern that the applicant might walk away if it is cheaper to do so. Staff responded that there are other enforcement mechanisms within the LDC and that, if the work cost more than the security amount, the applicant would still be legally obligated.

Re: Condition 5 - Could you provide information concerning the increase in allowable lot coverage to 60% for all detached houses? Are there other provisions in the new LDC for providing open space that were not included in the old Code to make up for the difference in allowing greater coverage?

No, the revised LDC does not specifically contain additional criteria that balance a comparative increase in allowed lot coverage. However, it is difficult to assess how other new provisions related to natural features protection, grading, and pedestrian oriented design would influence the site plan in this regard.

Re: Condition 8 - This condition would this allow window coverage in the dormers or gables to be included in the 15%. Does the language proposed by the applicant make any difference?

No, staff does not foresee that the proposed language would be different from what is recommended.

Re: Condition 11 - Could you provide information concerning the requirement for the Habitat Enhancement Plan (HEP) and whether or not the changes to the size of the riparian buffer zone around the drainageway would obviate the need for the HEP?

The HEP was intended to offset impacts related to the riparian buffer stipulated through Safe Harbor provisions. If Safe Harbor provisions do not apply, that would suggest the HEP was no longer necessary. However, the proposed plan also results in impacts to wetlands that are not allowed through the LDC unless approved through the Planned Development process. The HEP would be one way to mitigate these impacts. This aspect of mitigation is exclusive of that required through the Division of State Lands (DSL) permitting process and, absent some form of mitigating benefit, it becomes more difficult to make positive findings in support of the application.

Re: Condition 12 - What would be the gain of having the HEP evaluated by DSL?

Staff has confirmed that DSL does not have jurisdiction to alter the HEP, so long as it only involves areas outside of the wetlands. DSL did note that including this information with the permit application would not hinder or delay processing the application and might help inform their decision.

Re: Condition 14 - Could the City Forester comment on whether or not seedlings would be more appropriate in the areas noted by the applicant?

The City Forester has indicated that the use of seedlings would be more appropriate in the areas noted if the following is also done:

- 1) the soil is scalped to remove competing weeds and grasses;
- 2) grow tubes or weed barriers and mulch are provided for each seedling;
- 3) a follow-up herbicide treatment is applied to keep competing vegetation at bay while seedlings get established; and
- 4) grow tubes are removed after three years.

Re: Condition 18 - Would the change in roof pitch result in the ability to build an additional story on the buildings?

If no portion of the dwelling was wider than 40 feet and the height of each story no more than 8 feet, 4 inches, as shown in the application materials, adjusting the roof pitch to no less than 6:12 would allow for a three-story (two-story with garage under) dwelling with an average height of 30 feet. Increasing the height of each story to 9 feet would result in an average structure height of 32 feet, using these same assumptions.

Re: Condition 33 - What is the relevance of the additional language proposed by the applicant?

The developer was concerned that the existing language might be interpreted to mean reconstructing Harrison Boulevard to full City standards. The applicant's proposed language addition is acceptable to staff. Staff will evaluate the design options at that phase of development and determine the most effective means of meeting City standards.

Re: Condition 34 - What is the rationale behind staff's recommendation to require the turn lane to be constructed at the same time as the Circle Boulevard extension?

The traffic studies were evaluated based on the assumption that the turn lane would be constructed with the extension of Circle, and not doing so would be considered new information. Given the posted speed and traffic levels, staff felt constructing the turn lane with the extension of Circle would be the prudent thing to do to ensure safe and convenient pedestrian passage. With regard to the thought of postponing development of the turn lane until improvements on Harrison Boulevard are made, staff said the first priority is the extension of Circle; the turn lane is less of a priority. One idea might be to require that the applicant provide additional data in order to opt out of the condition.

Re: Condition 57 - What does an easement provide that the agreement does not?

Oregon State University, as a public institution, prefers agreements over easements with the City. LDC Chapter 3.36 includes language supporting these agreements with the City and staff can accept an agreement and/or easement.

In response to questions submitted by Commissioner Gervais, staff provided the following responses:

What are the standard setbacks from the upland edge of a wetland?

If Safe Harbor is applied, the setback would be 50 feet from the upland/wetland edge. In the absence of Safe Harbor, there would be a 25-foot buffer from the upland/wetland edge, unless the applicant has received approval of a DSL delineation, which they have in this case. Therefore, no setback applies.

Re: Condition 13 - What is the reasoning for asking that the total site be subjected to geotechnical analysis?

Staff has taken a second look and concurs with the applicant's requested modification.

Re: Condition 11 - If the applicant's request to strike language referring to a professional ecologist determining appropriate plantings is granted, who decides what is appropriate?

The decision would fall to whomever the applicant chooses to create the final landscaping plans.

Re: Condition 11 - The language related to Tract M appears to mean that the developer needs to replant any disturbed soil, regardless of where it falls in terms of homeowner fence lines. Did the applicant not interpret the condition correctly?

Staff believes the applicant did interpret the condition correctly and takes issue with the long term maintenance issues.

Commissioner Howell asked if this situation argues for the graded area being outside the fence and under the responsibility of the HOA, and staff concurred.

Re: Condition 18 - In the absence of conceptual drawings showing a garage under the back of the house, would approval allow for increased building height regardless of the design?

The architectural details presented are sufficient to satisfy the requirements of a detailed development plan. Attachment I shows an example of a design with the garage below.

Re: Condition 24 - What is the reasoning for the five-year monitoring for locally significant wetlands, and at what time would the five-year period begin?

Staff recommends monitoring would begin at the groundbreaking for Phase 1 and extend out to five years after build-out of the site. This time frame is borrowed from typical

requirements through the DSL permitting process for monitoring mitigated wetlands. The true impacts of the development would not be known until at least completion of the last phase.

Re: Condition 31 - If the applicant's requested language is approved, who makes decisions related to environmental assessment reports? The City Engineer would make the decisions. The LDC requires an environmental assessment to be done when the City is acquiring property through dedications. Staff is agreeable to the proposed language.

Regarding the intersection of 29th Street and Grant Avenue - Would the proposed striping reduce the LOS enough that the additional trips generated by Phase 1 would not push it back beyond acceptable levels?

Staff has not yet had time to analyze the applicant's proposal.

In response to inquiries from Commissioner Saunders, staff provided the following information:

If the extension of Circle Boulevard is delayed, would sidewalk improvements be delayed as well?

Condition 38 would provide for pedestrian improvements concurrent with Phase 1, regardless of the timing of the extension of Circle Boulevard.

Could the wall be built of wood rather than masonry?

There is no limitation in the materials used and no permit needed to construct the wall, as long as it is less than 6 feet tall.

Regarding the HOA, would an option be to have some kind of financial security if it fails?

Potentially. However, there is complexity regarding the amount of security that may be needed. An HOA may fail after several decades, and it would be unusual to require a security over that length of time.

In response to inquiries from Commissioner Hann, staff provided the following information:

Regarding the public testimony about traffic impacts on Circle Boulevard and ideas for traffic calming, do any of the ideas raised seem reasonable?

The requests are reasonable and quite standard. Staff reviewed the neighborhood traffic calming program and related City Council policy. It was noted that the neighborhood must come to agreement and contribute financially.

Regarding the potential impact on Dale Drive, has this been considered?

There was no formal analysis done to evaluate the impacts on Dale. The theory is that, if you preserve the capacity of the major street system, diversion onto local streets will be minimized. Staff noted City policies related to an interconnected system.

H. Rebuttal by Applicant:

Dana Krawczuk, Ball Janik LLP Attorneys, 101 SW Main Street, Suite 1100, Portland, addressed testimony requesting the extension of Circle Boulevard with Phase 1. She referred to her written testimony, previously submitted (**Attachment C, pages 16-25**), which includes an analysis and legal support for extending Circle Boulevard with Phase 2 of the development. She made the following statements:

- ◆ A requirement for the extension of Circle with Phase 1 violates constitutional limitations on exactions;
- ◆ There is no nexus between the impact of Phase 1 and the extension of Circle Boulevard;
- ◆ The expense of extending Circle Boulevard is not roughly proportional to the impacts of Phase 1;
- ◆ The cost of extending Circle with Phase 1 would result in an extra cost of about \$500,000;
- ◆ The burden of providing the proportionality is the City's burden; and
- ◆ There has been no analysis in this regard by the City.

Ms. Krawczuk said the applicant has gone above and beyond on many things, including the habitat plan and open space, but the project cannot bear the extra costs to extend Circle with Phase 1. She asked that Condition 2 be modified so that Circle is extended with Phase 2.

Terri Valiant, Pahlisch Homes, said she would like to reiterate the amount of effort, time and expense that has gone into this application. She said there is a team of specialists available to answer questions this evening, including a traffic engineer, a water resources individual, a wetlands specialist, civil engineers, and representatives of Legend Homes.

Ms. Valiant said she will address some of the larger issues that have come up. Regarding comments that the open space was not configured appropriately to save trees, she noted that balancing was done during the natural features process, when the identified area was adopted as high priority for preservation, and that this was confirmed when the property was annexed. The HOA will maintain the open space, consistent with state requirements, and the applicant has had preliminary discussions with the City of Corvallis Parks & Recreation Department regarding a possible future donation. She said a lot of thought and consideration has been given to the establishment of open space.

Ms. Valiant stated that the traffic counts are accurate and that staff has concurred. She acknowledged that there will be impacts from OSU agricultural uses and said the applicant would agree to a deed restriction with each lot to make sure that is understood. She clarified that the wetlands would not be filled for lot development; the wetland impacts primarily result from the extension of Circle Boulevard, which is a City requirement. Ms. Valiant said there appears to be a need to describe, for the benefit of the public, how the land use process works with the construction process. At this level, the applicant submits engineered drawings to demonstrate that the project is feasible. Staff adds conditions of approval it believes are necessary to meet land use planning standards, many of which indicate what must be done when the applicant comes back for permits, at which time another whole set of standards must be met. Ms. Valiant said it is premature to ask for that level of detail now. Regarding the monument sign, the proposed location is in response to concerns from bicyclists and pedestrians about visibility, as well as wetland and drainageway issues.

Ms. Valiant addressed comments about potential conflicts with driveway access. She said the applicant worked with the Beit Am community and hopes to have a written agreement that Beit Am will abandon the existing driveway and access off of Circle Boulevard. She said the applicant concurs with staff's balancing argument and believes, in this case, minimizing impacts to the wetlands is more important than a potential conflict with the driveway, given that there are two driveways and this is infill. Ms. Valiant reviewed benefits of the proposal, including open space, trails, architectural features, and a variety of lot sizes and housing types. She noted that adjoining properties generally have no trails or

open spaces, but do have uniform lot sizes and housing types. She referred to comments from people who felt their trust had been betrayed and stated that those people were not at any of the numerous meetings on this project at which the applicant consistently explained the proposal, which is consistent with the plan brought forward. Ms. Valiant invited questions.

Commissioner Bird said she does not see how the proposed changes at 29th Street and Grant Avenue will improve conditions there. Since most of the traffic goes straight through the intersection, she believes the proposal would seem to increase risk to bicyclists over the current configuration. In response, Thomas Bauer, a traffic engineering consultant for the applicant, reviewed the proposed configuration which, he said, addresses deficiencies in the southbound direction during peak hours. He advised that the study indicated peak hour usage of 77 left turns, 36 right turns, and 326 straight through. He acknowledged that there is not a high number of left turns, but noted that when there is a left turn, traffic gets held back.

Commissioner Weber referred to the applicant's proposed changes to Condition 11b., based on the fact that it does not want to dictate what people are permitted to plant inside the fence. She asked if all of the fill will be inside of the fence, and Ms. Valiant responded affirmatively. Commissioner Howell expressed concern that placing the slope within the fence allows for no control over how it is vegetated as a way to buffer runoff into the wetland. One strategy, he said, would be to require that lots end at the top of the slope and that the slope be within the Habitat Management Plan. Ms. Valiant said this would probably require retaining measures and a revision to the grading plan. Commissioner Howell said he will be discussing with staff how the slope that will run off into wetlands could be vegetated in an enforceable place that does not intrude on people's lots, and he invited the applicant to provide suggestions in final written comment.

Commissioner Hann asked for additional information about the applicant's assertion that completing the extension of Circle Boulevard with Phase 1 would cost an additional \$500,000. Ms. Krawczuk reviewed the cost breakdown from her memorandum, previously submitted, noting that she divided the total cost by 77 homes, because the City is requesting the improvements be done with Phase 1 when only 77 homes will have been constructed. Ms. Krawczuk stated that it is not fair nor proportional to require the extension of Circle with Phase 1. Commissioner Graetz said it appears the carrying costs to borrow the funds required for the extension of Circle would be far less than the \$275,000 the applicant will spend to partially improve Circle for temporary fire access. Representatives for the applicant explained that the partial improvements would need to be done for construction, regardless of when the full improvements are required. Ms. Valiant stated that the developer wants to stage improvements so that income from selling lots will help to fund those improvements. Ms. Krawczuk stated that the extension of Circle is not proportional to the development of Phase 1 and that this is a "line in the sand" issue for the applicant. Commissioner Weber said she will be discussing this issue further with staff. If nexus is established, she said, then something will have to be done about traffic. Brief discussion followed.

I. Sur-rebuttal:

Zel Brook, 3555 NW Polk, reiterated that she conducted a count of vehicles passing in front of her house. She stated that traffic counts at 36th Street and Harrison Boulevard will not include cars which go off on side streets to avoid the traffic lights on Harrison. She

said traffic in the area is at crisis level and she is very concerned about impacts to the character of the neighborhood due to this excessive traffic.

Ed Epley, 3053 NW Harrison, referred to the proposal for a gravel road for construction. He said Harrison Boulevard has a weight limit, and he questioned which way the trucks would go and whether the weight limit would be waived for construction traffic.

J. Additional time for applicant to submit final argument:

The record was held open until April 11, 2007, at 5:00 p.m. The applicant will then have an additional seven days to submit final written argument. Deliberations will be held on April 18, 2007.

K. Close the public hearing:

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

III. **PUBLIC HEARING - Wilson Woods Comprehensive Plan Map Amendment and District Change (CPA06-00001, ZDC06-00001):**

A. Opening and Procedures:

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

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

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

The Chair opened the public hearing.

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

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

C. Staff Overview:

Associate Planner Bob Richardson reviewed the Location, Comprehensive Plan Map Designations, Zoning at Time of Application, and Current Zoning of the site and surrounding properties. He read the request and distributed written testimony submitted by Rory O'Donnel (**Attachment I**) and Lance Jones (**Attachment J**).

D. Legal Declaration:

Deputy City Attorney Coulombe said the Commission will consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they 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:

David Dodson, Willamette Valley Planning, 350 NW Polk, said he is here on behalf of the applicant, who is ill this evening. He showed an aerial photograph of the subject site and surrounding properties and reviewed zoning at the time of application and present day. He noted that the North Campus Area Plan Study was done in late 1980s in response to neighborhood concerns that:

- ◆ the zoning at the time encouraged disinvestment and low maintenance, which led to degradation;
- ◆ new development appeared out of scale and not in character with existing residences due to differing architectural details, more paving, and less green area; and
- ◆ neighbors were often not notified about projects because the projects were allowed outright.

As a result of that study, Mr. Dodson said, the zoning of the property directly to the west was changed; zoning on the subject site remained the same. He noted that the new Land Development Code (LDC) addresses architectural details, building orientation, massing, green area concerns, pedestrian oriented development standards, and common and open space requirements, which he believes will result in an improved design over what was allowed under the previous Code. He said the applicant held a neighborhood meeting, which only one individual attended, and also had contact with a property owner directly north of the site regarding potential impacts to his solar array. That property owner was encouraged to consider establishing a solar easement for his property. Mr. Dodson said Comprehensive Plan policies encourage higher density development near commercial areas, employment centers, and transit routes, all of which apply to this property. Given that the City does not have a large supply of higher density residential land zoned, the applicant believes this is a suitable site to consider rezoning from RS-9 to RS-20.

Commissioner Howell said the application does a good job of looking at need based on vacant land, but the bigger issue for him is the proportion of different zones in this area and the City's policy for neighborhoods having a mix of density and housing types. He asked if any analysis was done regarding the proportion of RS-20 in this particular area. Mr. Dodson said he did not do that analysis, but noted that there are policies which encourage higher density zoning in close proximity to the university. Housing near the university provides a great opportunity for students and employees of the university, as opposed to having to drive in from across town. Mr. Dodson believes a greater diversity of housing types is found around the university than in other areas of the community.

In response to inquiries from Commissioner Howell regarding the vacated right-of-way on 28th Street, Mr. Dodson said he suspects it was platted as a right-of-way and then vacated at some point, in which case there may still be public facilities located there. The right-of-way may be used informally, but he is unaware of any pedestrian easement. He said his client will need to consider connectivity requirements when redeveloping the site.

Commissioner Hann said he is struggling with the rationalization that there is a lack of available RS-20 land when this site is identified as underdeveloped. He asked if outreach was done to the College Hill Neighborhood, which would be impacted by this action. He stated that the current zoning seems to be logical, given the adjacent zoning. Mr. Dodson said there is RS-12 on one side and RS-20 on the other, with this RS-9 site in the middle. If direct compatibility with 29th Street is desired, he said, there might be an argument for rezoning the subject site to RS-12. Since this is part of a split-zoned site, the applicant believed it made more sense to zone the entire site at RS-20. He noted that the old Code allowed development consistent with whatever the predominant zoning was on a particular property, in this case RS-20.

Commissioner Bird said she is not convinced of the public need for additional RS-20 in this particular area. She expressed concern about losing the nice neighborhood feel that is there now by creating a wall of apartment buildings along 29th Street. Mr. Dodson stated that the new LDC is designed to address those concerns through orientation and setback requirements. He again reviewed zoning on adjacent properties and stated that this seems a reasonable location to provide for higher densities based on transit, employment, etc. He noted that only one person attended the neighborhood meeting, and only one person is here to testify this evening. Mr. Dodson reviewed the notification area which, he said, did penetrate into a portion of the College Hill neighborhood. Brief discussion followed.

Commissioner Hann said the proposal addresses the possibility of the City acquiring additional land to widen 29th Street just along this property line, and he expressed concern that impacts on other streets from the 150 to 160 units that development on this site could generate is not addressed. Mr. Dodson responded that is not part of this proposal and is also true of other RS-20 lands in the area.

In response to inquiries from Commissioner Weber, Mr. Dodson said the traffic analysis was based on the worst case analysis he could find with a comparable project adjacent to the university. Commissioner Weber noted that the new LDC has more stringent open space requirements; Mr. Dodson said those requirements could be addressed with creative options such as a rooftop garden and underground parking.

In response to inquiries from the Chair, Mr. Dodson said he does not know the current occupancy rates, although most of the buildings appear to be occupied. Chair Graetz said the existing complex has filled a niche as a desirable place for new families, and he asked

if there is any intent to keep that niche in mind. Mr. Dodson said he can't answer that question at this time, as it has not yet been decided what a future project might look like. Brief discussion followed.

F. Staff Report:

Planner Richardson reviewed portions of the staff report related to Public Need; Net Benefit and Advantages vs. Disadvantages; Compatibility Factors; and Best Method of Meeting Need. He said staff finds the proposal complies with applicable LDC and Comprehensive Plan Policies in the four areas outlined above and recommends that the Planning Commission recommend to the City Council approval of the proposed Comprehensive Plan Map Amendment, and that the Commission approve the proposed Zone District Change contingent upon Council approval of the Comprehensive Plan Amendment.

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

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

Tammy Stehr, 3560 NW Tyler, said she does not live within the notice area. She pointed out that most of the notices were sent to renters, and the lack of public response should not indicate a lack of interest. She requested that the record be held open for seven days. Ms. Stehr stated that, in reading the staff report, she was struck that staff seemed to be advocates of the applicant in this case. She expressed concern that perhaps the desire for additional high density development took consideration over other goals and policies. She said she finds no policy which advocates up-zoning of existing built land as a remedy for lack of a particular zone, and she thinks a reasonable person would expect that zoning would not change in established neighborhoods. Ms. Stehr said that, in her opinion, the only condition which has been met is the general need for high density. She is not convinced that there is specific need at this site nor that this is a desirable way to meet public need. She said the interpretation regarding advantages outweighing disadvantages is subjective and lacks quantifiable findings. Ms. Stehr is concerned that:

- ◆ up-zoning this site would be contrary to the City's goals for sustainability;
- ◆ new construction creates waste;
- ◆ the existing housing stock just needs repairs; and
- ◆ new construction would not be of the same quality as existing construction.

Ms. Stehr referred to the North Campus Area Plan and said approval of this proposal would result in disinvestment incentive, incompatibility with the character of the existing neighborhood, and no public involvement. She showed photographs of new construction across the street from the subject site and said having three-story buildings on each side of the street is not compatible with the neighborhood. Ms. Stehr expressed concern about impacts on traffic, the intersection at Harrison, and parking, and said she does not think more housing units in this area are warranted. She said she will be submitting written testimony.

Chair Graetz asked how important the issue of sustainability is to Ms. Stehr. She responded that she lives in an 80-year-old house; she has talked to experts who say the majority of housing stock built today will be torn down in 40 years. She said the current housing is well built, and rehabilitating and repairing is almost always cheaper than new construction. Chair Graetz asked whether the proposal would be more palatable if the developer addressed the issue of sustainability. Ms. Stehr said the current housing stock has not deteriorated to the point that new construction is needed. At the very least, she would like the duplexes to be moved rather than adding to the landfill. She said she thinks it is dangerous to upzone when it is unknown what will go in there.

I. Neutral testimony:

None. The Chair reminded people that speaking neutrally removes rebuttal rights.

J. Questions of Staff:

In response to inquiries from Commissioner Hann, Planning Manager Fred Towne said the rezoning of this property would add to the stock of higher density land and reduce the potential deficit, but he acknowledged that it is not currently vacant land. He noted the higher density zoning on adjacent land and stated that, if there are areas where consideration of an upzone should be given, this is one of those areas. In response to further inquiry, staff affirmed that there would be no transition zone on 29th Street.

Commissioner Howell asked if staff has a way to evaluate the degree of underdevelopment, i.e., the need for RS-20 if all land was fully developed at its current zoning. Mr. Towne said staff does do a query based on an assumption of improvement value as a ratio with the land value. He said the question of whether this would be needed if all property was developed to its full potential is valid and this is a discretionary decision. Staff believed approval was appropriate. Brief discussion followed.

K. Rebuttal by Applicant:

David Dodson addressed the question of redevelopment on already developed lots. He said in the years he has worked in the community, short of periodic review where the City takes broad view of designations, land that is rezoned to higher density is usually an existing parcel which is oftentimes already developed. If the City chose not to approve this application, he expects there would be other similar applications, and it would have to be determined whether those locations are more viable than this location, based on the available criteria. Mr. Dodson said he cannot recall many Comprehensive Plan policies that speak to sustainability specifically as a factor in rezoning. He acknowledged that fixing up buildings which are in reasonable shape is probably more sustainable than redevelopment; however, new construction is more energy efficient and allows for putting people in close proximity to where they will shop, work, or go to school. Regarding the issue of disinvestment, his client purchased this property with the intent to redevelop it, and he would consider that to be investment, rather than disinvestment. Mr. Dodson acknowledged these buildings are old, but he does not know that they are architecturally significant. He acknowledged that rezoning the property to RS-20 would negate the need for additional public review, but noted that the new LDC was intended to do just that. He stated that the applicant will comply with City standards related to traffic, that the parking analysis was based on existing demand and supply, and that any new development would be subject to parking requirements.

L. Sur-rebuttal:

Tammy Stehr said disinvestment refers to a developer buying property, neglecting it until it is no longer habitable, then tearing it down and rebuilding; an upzone to RS-20 reduces incentive to rehabilitate existing stock. She thinks architectural significance is relevant and suspects this site would be appropriate for national register status, as this was one of few projects of high quality construction built during World War II. Ms. Stehr said the key issue is compatibility, and allowing the existing buildings to be torn down would degrade the

integrity of the neighborhood. She said new units would rent for more than the existing units and residents would likely own more vehicles than the people who currently rent there. She thinks parking impacts would be greater than those anticipated by the applicant.

M. Additional time for applicant to submit final argument:

The record will be held open until April 11, 2007, 5:00 p.m. The applicant will then have an additional seven days to submit final written argument. Deliberations will be held on April 18, 2007.

N. Close the public hearing:

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

IV. **Request for Extension of a Detailed Development Plan - Corvallis Home Improvement Center (PLD03-00019, MLP03-00016)**

Planning Manager Towne briefly reviewed a request from Devco Engineering for an extension of the PLD03-00019 and MLP03-00016 approvals for two years, as allowed under LDC Chapter 2.5.50.07.a.

Lyle Hutchins, Devco Engineering, 245 NE Conifer, provided a brief update on the status of the project.

Commissioner Gervais said she has some concern about extending decisions that were made under the old Code. Commissioner Howell said the proposal incorporated many features from the new Code, including gateway features and orientation. He said he thinks it would be appropriate to approve the request. Commissioner Hann agreed that an extension is appropriate, but he said he does have concerns about the feelings of neighbors in that area.

Commissioner Weber said she will abstain due to conflict of interest.

MOTION: Commissioner Bird moved to approve the requested two-year extension. Commissioner Howell seconded the motion and it **passed** unanimously with Commissioner Weber abstaining.

V. **MINUTES:**

A. Planning Commission, March 7, 2007:

MOTION: Commissioner Howell moved to approve the minutes as presented. Commissioner Hann seconded the motion and it **passed** unanimously.

VI. OLD BUSINESS: None.

VII. NEW BUSINESS:

Planning Manager Towne noted that several Commissioners' terms are coming to an end, and he encouraged them to reapply. He provided a brief update on upcoming agenda items, as outlined on the back of agendas.

VIII ADJOURNMENT: The meeting was adjourned at 12:40 a.m.



MEMORANDUM

From: Eric Adams, Associate Planner *EA*
To: Planning Commission
Date: April 4, 2007
Re: Witham Oaks Conceptual and Detailed Development Plan (PLD06-00012, et al.) – Additional Public Testimony

The attached pieces of public testimony were submitted to the Planning Division between March 21, 2007, and noon on April 4, 2007.

This memorandum makes these comments public information.

Adams, Eric

From: David Eckert [deckert@virginiavillageproductions.com]
Sent: Friday, March 16, 2007 1:31 PM
To: Adams, Eric
Subject: Witham Oaks development comments

Comments for Planning Commission Hearing:

Re: Witham Oaks

The current submitted development plan you are considering for Witham Oaks excessively impacts wetlands and other sensitive lands by altering the rainwater infiltration rates and water table levels. Mitigation techniques are inadequate to compensate for the hydrological changes such development will create.

The land to be developed currently feeds water and nutrients in a balanced, dynamic way to the existing wetland. A casual walk through this development site reveals a high water table in the development area and multiple springs. This entire ecosystem is also critical to maintaining a healthy dynamic for the water table in the adjacent OSU agricultural properties.

We urge the Planning Commission to send back the current plan and request the developer to return with a scaled back plan that will have far less hydrological impact.

Thank you for your consideration.

Annette Mills and Dave Eckert
2311 NW Van Buren Ave.
Corvallis, OR 97330
571.451.5867

Dave Eckert
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P.O. Box 1980
Corvallis, OR 97339
www.virginiavillageproductions.com
deckert@virginiavillageproductions.com

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MAR ~~21~~ 2007
21

Community Development
Planning Division

John W. Foster
1205 NW Fernwood Circle
Corvallis, OR, 97330
jwformat@comcast.net

21 March, 2007

Testimony for the Planning Commission on Witham Oaks

I do not believe this plan is yet ready for final approval, but I believe there are reasons for giving it preliminary approval. I suggest that you approve it only as a conceptual plan, and send it back to the developer for additional work.

The staff report contains 60 conditions and 12 development related concerns—a total of 27 pages—raising questions about whether this proposal is really ready for approval. Some of the conditions are easily complied with and others are as much waivers as conditions, but there are some that could require significant changes to the plan after you approve it.

--Condition 2 requires that the developer choose one of two options either of which will change the layout of the plan you are considering. Why not have the developer decide what plan he will follow before you give approval?

--Condition 13 requires a geotechnical analysis that—depending on the results—could force a Planned Development Modification. Why not wait for the geotechnical analysis before approving something that might have to be redone?

--Conditions 20 and 23 require DEQ and DSL approvals. These approvals may or may not be consistent with what the Planning Commission is being asked to approve.

--Condition 54 requires a stormwater maintenance plan.

--Condition 57 requires off-site easements—in addition to the agreement with OSU—for the drainage plan. If the developer cannot acquire the easements another major modification to the plan may be required. Why not have the developer get the easements first?

--Condition 58 questions whether the stormwater facilities can be constructed to the required standards. Perhaps further study of the problem should precede approval.

Even so, there are some reasons why you should go ahead now.

The city needs a resolution of the status of Tract A, the timbered area not being developed. The staff report assumes that it will become city owned conservation land, but as long as it remains in private hands or with agricultural zoning there are serious potential problems. When the citizens voted for annexation, they were voting to save these trees, not to build over 200 houses or to extend Circle.

It would also be useful to lock down the developer as much as possible to the current plan. This plan will create serious traffic problems, add to urban sprawl, add children to an area without a school and put increased pressure on OSU agricultural programs among other problems. Nevertheless, it is actually slightly better than what the developer originally said he would do. More important, it is vastly better than what the zoning rules allow.

Perhaps the best solution would be approval of a Conceptual Plan, but not a Detailed Development plan. The developer has submitted only one plan for both, but the plan could be approved as a conceptual plan with the staff report conditions added. At the same time the zoning of the open space parcels could be changed from agricultural to conservation—what is already in the Complan.

This would give the developer some assurance of future approval as well as the opportunity to rework the plan to conform to the many conditions of approval and to explore alternate solutions to the problems identified by Staff.

Whatever you decide, you should uphold condition 24, which extends the time the developer is responsible for the drainage and wetland plans. No one knows whether these plans will work, and we probably won't know until after the usual periods of responsibility have expired. If the plans work, the condition costs the developer almost nothing. If they do not, the developer, not the tax payers, would be responsible for fixing the problem.

Private driveways line Circle, from Highland Drive to Woodland Meadow Park. Circle Blvd. is already crammed with cars, motorcycles and trucks. Residents must back into heavy traffic each day. Add to this children going to and from school each day, and it is a dangerous mix. A 60% increase in traffic will also increase the high number of speeders in our neighborhood.

HELP!

- * It is reasonable and correct to ask developers to write into a Budget, a \$20,000 allocation for SPEED HUMPS on the west end of Circle, in the block going into Woodland Meadow Park.

City Planners recommend a traffic control device at Witham and Circle. Note the safety data for traffic circles over signals. Attached is an article from the March 17, 2007 Gazette-Times. Not only are traffic circles safer for us seniors, they are the traffic device of choice for all citizens.

- * Let the Circle-Witham intersection be the first well designed "roundabout" or TRAFFIC CIRCLE in Corvallis. USA's east coast has installed countless well designed traffic circles, as has Bend, Oregon. Please pay attention to traffic safety study research, and write in a Witham Hill Drive - Circle Blvd. TRAFFIC CIRCLE.

Thank you. Carly Davis, 3450 NW Circle Blvd., Corvallis, Or.97330

Carly Davis 3/21/07

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MAR 21 2007

Community Development
Planning Division

11.3.4
11.3.5
11.3.12

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There is also a chance that ness.

B-T Mon 7, '07

Intersections pose problems for older drivers

BY DIANE C. LADE
SOUTH FLORIDA SUN-SENTINEL

FORT LAUDERDALE, Fla. — Seniors often choose not to drive on the interstate, convinced they'll be safer out of high-speed traffic. But a new study shows the intersections they'll travel through on city streets are more dangerous.

Intersections are where 40 percent of the fatal collisions involving drivers age 70 and older and other vehicles happen, according to a report released today by the Insurance Institute for Highway Safety. That rate compared to 23 percent of fatal crashes involving those 35 to 54 years old, researchers found.

The new data gathered by the institute on 200 Connecticut intersection crashes found 58 percent of drivers age 80 and

older had intersection crashes because of their failure to yield. The most common reason among youngest drivers was rear-ending another car.

Anne McCartt, the institute's senior vice president for research, said the results suggest age-related vision and depth-perception issues contribute to senior's problems at a crossroads, while younger drivers are impatient and distracted. Older adults also have less range of head movement and a lower ability to process multiple information cues simultaneously, making a four-way intersection's cacophony of signs and lights particularly confusing.

The report's suggestions for what might help: better designed intersections with green arrows controlling left turns

and more traffic circles instead of signaled intersections. Circles tend to slow vehicles and funnel traffic in a single direction.

Seniors could be safer if they take to the highways, McCartt said — but not if they are uncomfortable with interstate congestion and high speeds. Instead, she advises older drivers to be aware of intersection dangers, approach cautiously and take their time.

That's the same advice Allen Kaplan, of Tamarac, Fla., gives students in his 55 Alive classes, defensive driving sessions sponsored by AARP. "I tell them please, do not make a left turn until you are sure there is no danger," said Kaplan, 75, a retired university professor. "If someone behind you is blowing their horn, ignore them."

62

RECEIVED

William L. Kemper
3730 NW Harrison Blvd.
Corvallis, OR 97330

MAR ~~22~~ 2007
21

Community Development
Planning Division

Witham Oaks Plan Comments

March 21, 2007

- Ideally, this project should never be developed, as supported by 8 annexation requests over 28 years. But it is now annexed and development will occur.
 - Staff approval of these plans was based on the imposition of sixty [60] conditions. Imposing these conditions on the development, at a **minimum**, is critical to the mitigation of this large development in an area with significant wetlands and steep slopes.
 - Having lived on Harrison Blvd. for over 25 years, I have witnessed the increased traffic flow firsthand as well as storm runoff flooding my western neighbors' front yards and driveways. I have major concerns over this development and want every possible action taken to ensure that there is minimum impact from this development.
 - Areas of greatest concern:
 - o Storm runoff and the impact on the remaining wetlands.
Conditions 23, 24, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, and 58
 - o Traffic Impact. New traffic flows have resulted from the construction of the two traffic lights on Harrison Blvd. at 35th and 36th Streets. Anecdotally, this has resulted in traffic backups on east-bound Harrison from 36th St to almost Witham Drive [past my house at 3730 NW Harrison]
Condition 26 plus an initial traffic study to establish a base point for review and approval prior to any development.
- Condition 28** plus an analysis of the impact of the construction of Circle Blvd to Harrison Blvd. with or without traffic calming devices on traffic flows to, through and from the development and if warranted requiring the installation of traffic calming devices by the developer. Also consider not having Circle Blvd. connect to Harrison Blvd. which would mitigate some of the impact on the wetlands, as well as the impact of traffic on Harrison Blvd.

Louise Marquering
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Corvallis, Oregon 97330
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March 21, 2007

To the Planning Commission.

I have four concerns about the Witham Oaks Development plan.

MAR 21 2007

Community Development
Planning Division

Concern 1 - Four to -six-foot masonry wall

Comp Plan 9.2.1 City land use decisions shall protect and maintain neighborhood characteristics in existing residential areas.

LandUse Code 2.5.40.04 Review Criteria include . . . Noise attenuation.

On p.29 of the staff report, the developer proposes "a four to six-foot high masonry wall that would extend along the rear of Lots 1 through 3 and 157 through 171."

Lots 1 through 3 and 157 through 171 will have yards that back onto Circle Boulevard. The proposed masonry wall will be built between those lots and Circle.

The construction of a four to six-foot masonry wall is inconsistent with neighboring residential areas. Higher up on Circle Boulevard, the houses that face Souza and back onto Circle have six-foot high wooden fences. Homes in the Sunview addition that face Lance Way and back onto Witham Hill Road have six-foot high wooden fences and buffering plantings. Homes in the Walnut Park subdivision that face Acey Way and back onto Walnut Boulevard have six-foot wooden fences, berms, and buffering plantings. In the Timberhill area across from Hoover School the homes that back onto Walnut Boulevard have six-foot wooden fences and buffering plantings. There are no six-foot high masonry walls in the area. They are inconsistent with local neighborhoods.

This masonry wall is proposed to be built between the homes and the multi-use path that was constructed in 2002-2003. Many people use that path on a daily basis for pleasure, exercise and to enjoy the wildlife. Wooden fences and buffer plantings exist along the upper portions of the path. The lower part of the path goes through open space and wetlands. This masonry wall will be inconsistent with the rest of the path and would significantly alter the experience of those who use the Multi-use path. Masonry walls are not pedestrian friendly. Masonry walls are fortress-like and exclusionary. They are not welcoming to pedestrian traffic.

Masonry walls reflect noise. I have stopped many places along Highway 34 and heard the cars go by. But, when I stopped at the Linn County Animal Shelter near I-5, which has a six-foot concrete wall, the noise was horrendous! A wooden fence and buffer plantings absorb the noise. A masonry wall would reflect noise back onto the multi-use path, which would significantly alter the experience of the people walking on the path.

I ask that you require a four to six-foot wooden fence, possible berms, and buffer plantings in order to be consistent with other neighborhoods and allow continuity on the multi-use path. Do not allow a wall to be built between part of the development and the neighborhood.

Concern 2 - Construction of a monument sign at the corner of Harrison and Circle.

Comprehensive Plan Policies 9.2.5.L. Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.

On page 36 of the staff report there is discussion of a monument sign. "Consistent with LDC section 4.7.90.09 the applicant has submitted a signage plan for the proposed development. The proposed monument sign would be constructed at the northwest corner of the intersection at Circle Boulevard and Harrison Boulevard."

I wonder why the proposed sign is so far from streets A and D. The proposed location certainly does not provide a "sense of enclosure." At some point in time Tract M will be turned over to the city. The location of the sign implies that all of Circle Boulevard and Tract M are part of the development. I believe the location of the monument sign should be north of Tract M, at the entrance to Streets A or D. It should not be at the entrance to a neighborhood collector street.

While a monument sign of this type is allowed under the LDC, this sign is inconsistent with the local neighborhoods. There are no monument signs designating the Cedarhurst, Walnut Park, Sunview, Edgewood Estates, Forest Hill or Woodland Park. developments. There is a wooden, not lighted sign at one of the entrances to Timberhill. Many apartment complexes do have monument signs to advertize their location, but none of the neighborhoods do. Rather than blending into existing neighborhoods, this monument sign will set the neighborhood apart.

I propose that you recommend moving the monument sign closer the the tracts that are to be developed.

Concern 3 - Granting Tract A to the City

When this development was first proposed it gained support from the electorate because 39.6 acres of PD(AG-OS) are to be made unavailable for future development and tentatively are to be granted to the city. The upper ridge on the northwest corner of the development is to be connected to the Witham Hill Natural Area.

The Open Space Advisory Commission is working on ecosystem management plans for each of the Open Space Areas purchased in 2000. If there is any way of allowing or encouraging the developer to integrate management plans for Tract A with the city plans for managing the Witham Hill Natural area it would benefit the natural features. The OSAC will be determining their priorities for Witham Hill Natural Area in the next few months. The most likely common goal is to preserve the white oaks at the top of Witham Hill and along the ridgeline in Tract A. Already the white oaks on the ridge are being overtaken by Douglas-firs. The OSAC was told that timeliness is really important in preserving the upland prairie and white oaks by removing excessive woody undergrowth. If those firs can be removed in the near future, the oaks have a much better chance of surviving than if the firs are left until the property transfer is complete. In addition, it is easier to remove firs at a smaller diameter than to wait and do it after another four or five years of growth.

I propose that you work with the developer to come to an understanding that will allow integrated management of Tract A and the Witham Hill Natural Area.

To: Corvallis Planning Commission
Eric Adams, Planner

We are writing regarding The **Witham Oaks** Annexation Development Plan. We own the house at 3555 NW Polk Ave at the corner of 36th and Polk. The area that we live in is residential. One side of our house, Polk Street, is a designated local street. The 36th street side of our house, is a designated collector street. We have lived here over 30 years in a significantly **historical house** that has been listed in Oregon for the Curious. During this same time period, **traffic on 36th has continued to climb to an alarming rate.** In a study done Nov 2006 there were 145 AM and 141 PM peak trips going down Witham on 36th toward Harrison.

Because of increased numbers of apartments being built on Witham Hill and vicinity and the lack of the extension of Circle Boulevard at the same time, traffic has gotten worse. Witham Hill Oaks Apartments alone contain over **130 apartments** that can now go down our street but could also share with Circle if it was extended. Oak Vale Apartments contain over **257 units** that can now most conveniently go down our street that could also travel Circle via if it was extended.

This does not count any other apartment or housing units currently existing at the top of the hill that could be diverted to share traffic with Circle if it was extended allowing travel to OSU. The halfway point between 36th and Harrison and the Walnut loop to Harrison is beyond Walnut Street. This means that to save time, it is most likely that cars from the following streets are likely to travel Witham Hill to 36th street down our street rather than being able to also use Circle when it is extended. These streets are: Woodland, Douglas, Elmwood and Canary, adding a total of many, many more houses to the mix.

If Circle was extended, this traffic could travel on Circle as well. This does not count any houses on additional side streets that would likely use Circle, either. This means that **anyone in over 387 apartment units plus more houses living in those areas will likely chose 36th street in front of our house as the most expedient way to travel each time they go to an event** such as a football game at the stadium, Gill Coliseum, LaSells Stewart Center, CH2MHill Alumni center or to another OSU event. These are even higher volumes of cars for these regular OSU events that are likely well over the already high volume indicated in the 141 to 145 vehicle-trip studies. During some of these OSU related events we have seen cars lined up in front of our house going towards Harrison and OSU. Since the

traffic light has been installed at 36th, it has reduced their high rate of speed only slightly.

Drivers have few options- they cannot go on 35th out to Harrison because it is only a one way street the wrong way. This high volume of traffic on 36th will continue until we get some relief from the extension of Circle Blvd. The longer the wait for the extension of Circle, the worse the traffic is likely to be.

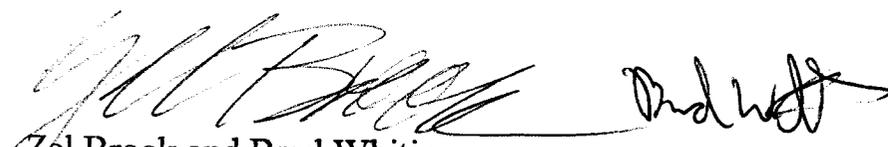
According to Mr. Adams, the turn lane proposed near 29th and Sams station turns left into the direction of Fred Meyer onto Grant, not up Witham Hill, so this turn lane will not help mitigate traffic on 36th street. At the last hearing on this issue, the developer suggested that Circle Blvd not be extended until a phase two or later part of the project. The developer recommended a later time for the extension of Circle than city staff.

We oppose the developer's later extension of Circle. This means that further delays will cause still worse increased traffic onto 36th. When we moved into this house over 30 years ago we understood that at some time Circle Blvd would be extended to help mitigate traffic on 36th. Circle has not been extended for the over 30 years we have been here and traffic has only grown worse.

If you compare 36th street to 29th street, also a collector street, there is commercial development on 29th street including Sams Station, the First Alternative, Schmidts and several other commercial stores. None of these type stores exist on 36th street in front of our house, yet the traffic has continued to increase here in an area of residential houses and no businesses.

We would like to see the extension of Circle to mitigate traffic as soon as feasible, not later on in the development project. The extension of Circle Blv. should occur not longer than one year after the completion of the first house in the development.

We would also like to see minimal signage for the development project and a stipulation for upkeep of the appearance of any signage placed there.


Zel Brook and Brad Whiting
3555 NW Polk Av. (36th and Polk)
Corvallis, Oregon 97330

RECEIVED

John W. Foster
1205 NW Fernwood Circle
Corvallis, OR, 97330
jwfmatt@comcast.net

MAR 26 2007

Community Development
Planning Division

24 March, 2007

Additional testimony on Witham Oaks.

The Beit Am Property: An agreement between Beit Am and the developer would solve some problems with the lower portion of Circle such as eliminating the Beit Am pipestem driveway and allowing the developer to grade on Beit Am property along Circle. Such an agreement should come before approval of a detailed development plan. It should not be something to be negotiated after approval.

There is, however, a further problem to such an agreement. Presumably, Beit Am plans to do something with their five acres. Alternatives that have been mentioned include a synagogue, a school and a residential development of up to 30 houses. If Beit Am receives access from Circle, will a single access road be sufficient? Even if the pipestem were retained, we could easily see two access points leading to a single choke point. Is access through the LDS parking lot an acceptable alternate fire route? To avoid future problems, this is something that should be addressed now, not put off until Beit Am applies for annexation or a county building permit. Perhaps Beit Am should have two separate access points on Circle.

Condition 28. There is no need to extend Circle with phase one. The supposed benefit to this extension would be a very TEMPORARY reduction of traffic on Harrison due to the transfer of some of that traffic to Circle. With the completion of about 70 houses, traffic on Harrison would reach the pre-extension level. With or without extension, traffic would continue to increase on Circle with the construction of every house.

Arguments for the extension of Circle generally relate to the doubtful proposition that it will improve circulation throughout the city. We should remember that this part of Circle is designated as a neighborhood collector, not an arterial or an alternate route for a federal highway. According to this designation, Circle is needed only to funnel the traffic that originates from the neighborhood. If so, there clearly is no need for Circle in phase one before there is a neighborhood.

There is, however, an implied contradiction in the Transportation Plan in that it makes Circle a neighborhood collector, but says that it will be needed, presumably for other reasons, when the city reaches 62,000 population. Even so, the Transportation Plan makes it clear that the extension is not needed until population rises considerably.

If the city still wants Circle extended with phase one, a light or traffic circle will have to be installed at Witham Hill and Circle sooner than currently planned.

Bus Transportation: There is a lot more involved in public transit for Witham Oaks than building a few bus shelters.

It is unreasonable to expect people in Witham Oaks to walk all the way down to Harrison to catch the route 8 bus or to walk up to Witham Hill Drive for the route 1 bus. Sending the 8 bus up through the developed part of the property will increase the time and distance of that route significantly. CTS should be asked if this is feasible.

Rerouting the 1 bus from 36th Street to the Circle extension would take away bus service from established neighborhoods that already have more people than Witham Oaks will have at build out. There would be no service between Circle to the north and Harrison to the South, and no service west of 29th (the 7 bus.)—an area about 10 blocks by 10 blocks. CTS should be asked if such a change is desirable or feasible.

The bottom line is that the Planning Commission should be aware that Witham Oaks cannot have public transit without costs to areas already served by CTS.

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MAR 26 2007

Community Development
Planning Division

600 NW 36th
Corvallis, OR 97330
March 26, 2007

Corvallis Planning Commission
Attn: Eric Adams, Planner

We are opposing the delay in implementing the extension of Circle Boulevard contained in the Witham Oaks development plan. We live at 36th St/Polk Ave. This delay would greatly increase the traffic in front of our house which is already quite large for a residential neighborhood. This traffic is a noise problem and a safety concern for both people and animals as many motorists using 36th fail to abide by the residential speed limits. The recent removal of the school crosswalk at Polk has made the speeding problem worse and increased substantially the hazards for middle school and high school students, as well as the general public in crossing the road. Traffic has also increased on the local streets, as people try to avoid the lights at the Harrison/36th intersection. There have already been accidents as the cross traffic attempts to get across Polk trying to beat the continual line of traffic. Thus, the delay in extending Circle and the resulting increase of traffic due to a further increase in planned housing aggravates a situation that has already been deteriorating.

Another problem with the increased traffic is the long delay on the traffic lights at Harrison which already backs up the traffic to Polk on busy mornings. Often the traffic doesn't make it through one cycle of the light and thus it continues to back up. During the time we have lived here, the traffic has gotten heavier and heavier due to the construction not only of single unit housing, but in particular the multi-unit housing. It is not isolated to the peak travel times as is much traffic in other locations. This is because of a high percentage of students living in the apartments; they are constantly coming and going to classes and work and there is a high traffic flow on 36th the entire day. The Circle extension would at least remove the west bound traffic from Witham Hill from using that intersection.

As per the original development plan, the developer should pay for the cost of extending Circle. The public has already paid for the beginning of the extension which was completed several years ago. The annexation was finally approved by voters in part due to the promise of extending Circle to relieve the burden of traffic from surrounding neighborhoods. It is only logical that the roads be built first to service the development-not after it is already built. We are concerned if the developer postpones this construction that there will be a further large increase in noise, backed up traffic and accidents and stress an already heavily trafficked neighborhood.

James Kitchen
Cindy Kitchen

James and Cindy Kitchen

Adams, Eric

From: Tara [taranhome@comcast.net]
Sent: Thursday, March 29, 2007 6:30 PM
To: Adams, Eric
Subject: Witham Oaks testimony

Dear Eric and Planning Commission:

I would like you to consider not passing the Witham Oaks development plan.

The first concern is based on the criteria in Section 4.5.120, which states that the mitigation site will retain sufficient natural buffer so as to sustain a class of wetland or habitat type that is typical of the natural surrounding watershed. Wetland mitigation tends to have a high failure rate due to the lack of water sources that provide equitable flow and recharge. This mitigation plan is inequitable compensation for the intact integrity of the ecosystem as it currently exists. Moreover, waiting 5 years to monitor after the final phase is complete is not in the range of a temporal scale recommended by any natural resources protocol that I am aware of. It will likely be too late for any kind of recovery at that point.

4.5.110 - b. Building, Paving, and Grading activities - although the planning details may state that there will be mitigation for the increase in impervious surfaces, the impact of a 220 unit development, its parking allotments, and new road counterparts will vastly increase the amount of impervious surface such that unanticipated, cumulative, negative impacts are bound to incur to the riparian, wetland, and interconnected upland ecosystems. When land is developed, increased volume of runoff and reduction in groundwater recharge can destabilize nearby stream channels and in-stream habitat, as well as lower the available groundwater supply.

There has always been a disconnect between Oregon land-use planning and water planning. Oregon counties and communities are not required to develop water planning efforts. They are required to follow planning goals set by the State, but there are no measures in place that ensure water availability and quality for every development that is planned and approved.

660-023-0090- Riparian Corridors. Were there sufficient field investigations for wildlife and the wildlife habitat loss that would occur with this development? This development would fragment wildlife habitat for up to 10 known species of birds and other wildlife.

Traffic: The quality of the traffic flow will be significantly, negatively impacted on Witham Hill Dr, an area that draws residents for its more rural nature. And, the quantity of traffic flow that will occur at the 35th St lights will eventually impart great costs, if not in the short term, then in the mid-term, because it will be a ripple effect to other traffic flow locations that will need to be modified.

4.0.110 - Land for Public Purposes - Although a bike path will still run through this development, the intent of the land will no longer be for a "public purpose." Rather, it will be a linear corridor in a matrix of private overdevelopment. Open space is one of the salient qualities that draws people to Corvallis, and this development would destroy the feeling of open space that currently thrives in this area. Open space is critical to a community's mental health and leadership: "If you open yourself to the natural environment, you will find personal and specific answers to the leadership challenges and opportunities you face." - Stephen Covey. Personally, I am deeply saddened thinking that my daughter will not be able to grow up being able to safely walk to and enjoy this rejuvenating open space area. It is an area

that our family greatly values - we enjoy the quiet - and since we are able to walk there, we do not contribute to traffic or pollution. With this development, we would be pushed to drive to another open space area, as would many others in the vicinity.

"When one tugs at a single thing in nature, he finds it attached to the rest of the world." - John Muir.

I urge you to consider the known, unknowable and uncertain costs, and value the integrity of this interconnected riparian, wetland, and upland ecosystem, as well as the immeasurable added-value of the open space, by disapproving this development plan.

Thank you for your time.
Tara Nierenberg, M.S. Forest/Riparian Ecology
15 year Corvallis resident

City of Corvallis
Planning Commission
501 SW Madison
Corvallis, Oregon 97330

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MAR 27 2007

**Community Development
Planning Division**

3/24/07

Please Extend Circle Boulevard soon to help alleviate some of the heavy traffic on 36th Street in front of my house. The voters have already approved the annexation and I would like to see Circle extended without more delays.

Anne Swanson

Anne Swanson
642 NW 36th St.
Corovallis, Oregon 97330

RECEIVED

Testimony from Douglas M. Henry, 3270 NW Circle Boulevard to the
Corvallis Planning Commission on Wednesday, March 21, 2007.

MAR 27 2007

Community Development
Division

I am here to speak on behalf of the Circle Boulevard Neighborhood Association. Our homes are located along Circle Boulevard from 29th Street going west to Lantana. We also include the homes on Arbol Place and Juniper Place. About 50 homes are represented.

Through time we have seen a steady increase in traffic volume and the number of speeders. Many of us have called the police and asked for increased patrols. But their department is limited by what they can do. I wish to make a formal request for the placement of speed humps on upper Circle that will serve as traffic calming devices. Reference city's comprehensive plan article Eleven.3.5 *Local streets shall be designed and built to discourage high speed-through traffic.*

We conducted an official speed survey with astonishing results. 32% of the 4,875 cars observed were speeding. This translates to 1,560 speeders. Important point: This tally was taken only during peak rush hours and does not include any other times day or night. See attachment for complete survey results.

It is projected there will be an additional 2,100 car trips per day generated from the 220 home Witham Oaks Subdivision. One prediction is a 60% increase in traffic. This translates to an additional 700 speeders on Circle each day. We are a neighborhood collector and must back into the street to get going. This makes for a dangerous situation. It will only get worse--- And drastic measures are needed to correct it. Reference: comprehensive plan article Eleven.3.j: *As traffic congestion increases (as it has on Circle) it detracts from residential livability.*

As you know cars that go faster emit more noise (higher pitch) than slower moving autos. Reference: comprehensive plan article Seven.4.g: *Noise from speeding traffic constitutes excessive sound. This is a hazard to the public health, safety and quality of life.* We believe that speed humps will remedy this situation and restore calm to our neighborhood and have asked the developer of Witham Oaks to defray the majority of these costs. To help, local residents will be asked to pay \$50-80 per household. The humps will be at 330 foot intervals from just west of Lantana and go to the mid-point between Dogwood and Firwood Streets. We have worked closely

**Testimony from Douglas M. Henry, 3270 NW Circle Boulevard to the
Corvallis Planning Commission on Wednesday, March 21, 2007.**

Page 2

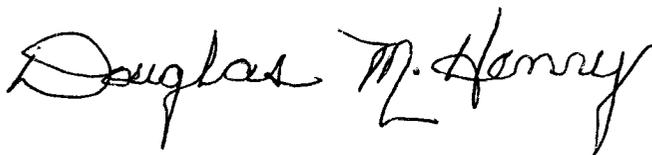
with Steve Rogers and he estimates the total cost of this project at \$20,000. A breakdown of these costs is as follows: \$3,250 per speed hump x 5 = \$16,250. This covers asphalt, marking tape, signage and labor, but It does not cover the cost of inflation, hence the request for \$20,000.

The Matrix Development Corporation/Legend Homes has agreed to participate in the funding of five speed humps based upon the percentage of homes within the drawn boundary of the recovery area.

We also request a traffic circle be installed at the intersection of Circle and Witham Hill. We understand the city has future plans to install a traffic light at this location. But we feel a traffic circle will be more environmentally friendly. For example, as cars are stopped at a stop light their emissions will spread into Woodland Meadows Park and the prevailing westerly winds will carry these pollutants on down Circle Boulevard and into the air we breathe. Another reason for the circle is to discourage/prevent through-truck traffic especially large trucks that may try to use this as a short-cut to Highway 20 and on to the Coast. We have recently seen an inexplicable rise in large truck traffic in this area and can only think their numbers will rise unless effective counter measures are taken. Reference: comprehensive plan article Eleven.3.j *Good methods are available that can be used to discourage through-traffic in residential areas.* We propose the city and the developer of Witham Oaks reach some agreement to share the costs of this traffic circle.

There are safety, health, environmental and livability issues involved here. Corvallis has always prided itself with high standards in each of these areas. It is time to address these at this critical juncture in time. We hope you will support these requests.

If you have any questions regarding any portion of this testimony please call me at 752-7126, or email me at douglasmhenry@peak.org.

A handwritten signature in black ink that reads "Douglas M. Henry". The signature is written in a cursive, flowing style.

Speed Survey Summary Upper Circle Boulevard, Corvallis

Dates: January 30, 31 and February 1, 2007, and February 6, 7, and 8, 2007.

Use of radar gun from the Corvallis Police Department.

Persons Who Conducted the Survey: Steve Anderson, Bill Ayers, Al Habelt and Doug Henry.

Times: 7:30-9:00 a.m. and 4-7 p.m. each day. 20 hours spent observing during week #1, and 20 hours during Week #2

Locations: Various Locations on Circle between Lantana and Dogwood

Results: 4,875 cars observed of which 1,560 were speeding (32%)

The average 85th percentile speed was 32.3 mph. The 85th percentile speed ranges from 30.5 mph to 35 mph.

See further data summary page attached.

Circle Blvd
 Speed Survey
 Feb-07

Count	Location	Date	Time	Day of Week	Duration, Hrs	Lane East/West	Volume	85% Speed mph
#1	3400 block	2/1/2007	7:30 AM	Thursday		1.5 east	137	33.5
#2	3400 block	2/8/2006	7:30 AM	Thursday		1.5 west	68	34
#3	3400 block	2/8/2007	4:00 PM	Thursday		1.5 east	172	32
#4	3245 Circle	1/31/2007	7:30 AM	Wednesday		1.5 west	88	33
#5	3245 Circle	1/31/2007	4:00 PM	Wednesday		1.5 east	171	33
#6	3245 Circle	2/6/2007	7:30 AM	Tuesday		1.5 west	318	33
#7	3400 block	1/30/2007	4:00 PM	Tuesday		1.5 east	253	33.5
#8	3400 block	2/1/2007	4:00 PM	Thursday		1.5 west	94	33
#9	3400 block	2/7/2007	4:00 PM	Wednesday		1.5 east	221	32.5
#10	At Arbol Pl	1/30/2007	7:30 AM	Tuesday		1.5 west	458	34
#11	At Arbol Pl	2/7/2007	7:30 AM	Wednesday		1.5 east	247	32
#12	3270 Circle	2/6/2007	4:00 PM	Tuesday		1.5 west	90	34.5
						2 east	129	31
						2 west	229	32
						2 east	182	32.8
						2 west	356	24.5
						2 east	168	33.5
						2 west	345	35
						1.5 east	165	30.7
						1.5 west	79	32
						1.5 east	243	31.5
						1.5 west	110	32
						2 east	206	30.5
						2 west	346	31

Average 85 % speed is 32.3 mph
 85% speed ranges from 30.5 mph to 35 mph

RECEIVED

City of Corvallis
Planning Commission
501 SW Madison
Corvallis, Oregon 97330

MAR 28 2007

Community Development
Planning Division

3-27-07

I walk my dog on 36th street and have noticed the level of traffic there long before work begins at 8 AM. If drivers had the option of going down Circle to Harrison in addition to traveling on 36th, it might give drivers an additional choice if they are going in the direction of OSU or downtown which would help reduce traffic on 36th.

The developer stated at the last planning commission hearing that they were considering delaying the extension of Circle even longer than city staff recommended. Because there are hundreds of apartments at the top of Witham Hill that frequently travel on 36th, it would help relieve some of the traffic if Circle were extended from Witham Hill to Harrison as people have been waiting for less traffic on 36th. I would like to see the extension of Circle as one of the earliest stipulations for the development.

*I support these views
Peter A. Lankford
529 NW 35th St.
Corvallis, OR 97330*

RECEIVED

Richard M Hines
458 NW 36th St.
Corvallis, OR
97330
758-6089

MAR 28 2007

Community Development
Planning Division

To whomever it concerns,

Recently, members of our neighborhood have been noticing a great increase in the traffic on NW 36th St. At one time there was talk of the City extending Circle Blvd on thru to Harrison, but I am hearing this is being placed back on the "shelf", possibly for another 5 years or so. Meanwhile, the traffic in our RESIDENTIAL neighborhood continues to increase. And often times, this traffic does not pay attention to the posted 25MPH signs. This has many concerns for my self, and numerous neighbors. Perhaps a topic of discussion at the next City Council meeting? A thought,...perhaps a four way stop at the corner of 36th, and Fillmore say, would either deter some traffic using 36th to save time, or at the very least, slow some of this traffic down. Thank you for listening,

R. Hines

RECEIVED

March 28, 2007

Attn: Members of the **Corvallis Planning Commission**

Re: Submission of **Written Testimony** following the meeting of 3/21/07, to be continued on 4/4/07, of Agenda Item IV. Public Hearing: **Witham Oaks Conceptual and Detailed Development Plan/Tentative Subdivision Plat (PLD06-00012, SUB06-00005)**

MAR 29 2007

Community Development
Planning Division

Submitted by: Carolyn Simmons, 1302 NW Souza Place, Corvallis, OR 97330,
Tel.# 758-0271, e-mail CrCAROLYN@aol.com

Item 3.2.7

B. Visual Elements: Construction of a 6' masonry wall along multi-use path is not compatible with the surrounding area. Construction of a modest wooden fence with attractive landscape features would be more compatible.

C. Noise attenuation. Traffic noise will drastically increase on Circle Blvd., Witham Hill Dr., Harrison Blvd., and the neighboring streets; specifically, Dale Drive, Dale Place, Souza Place, Kline Place, Kline Drive, and Fernwood Drive.

F. Signage: Proposed sign with lighting is not appropriate to site.

G. Landscaping/Buffering: See "B" above.

I. Traffic:

Since it is inevitable that Dale Drive must be a through street, it is imperative that it be marked and used as an **EXIT ONLY ROAD**. Putting Dale through will seriously impact the approximately 48 homes in the existing subdivisions. **NO TRAFFIC STUDY HAS BEEN DONE OR PRESENTED FOR THESE STREETS (as listed in "C" above) NOR THE POTENTIAL IMPACT WITHAM OAKS WOULD HAVE UPON THEM. CURRENTLY THE 5 INTERSECTIONS IN THIS EXISTING SUBDIVISION HAVE NO TRAFFIC CONTROLS. This has always been a quiet, family neighborhood. It should never become a two way through street to the extension of Circle Blvd. Never!**

Item 4.10.9 Habitat/Migration

The proposed removal of non-invasive, existing trees will have serious negative consequences on the existing habitat of the area; namely, deer, rabbit, bird populations, and more. Also, the extensive planned removal of mature trees will affect air quality, as well as weather patterns, such as the natural upward air flow which currently travels up and along the multi-use path area, and cools upper air in the hot Summer months, along the ridge of Witham Hill. Concrete and asphalt are not environmentally friendly.

Item 7.5.3 Water Quality

C. and D. Only conceptual plans have been presented for storm water runoff. We must have the "Hard Numbers" BEFORE the plan goes ahead, not after!!

Water retention and runoff into the Harrison ditch have not been presented beyond the conceptual plan. Water runoff is a HUGE ISSUE/PROBLEM whose solutions MUST be presented with detailed specifications, BEFORE the plan proceeds.

In conclusion, this written testimony addresses only a few of the 60+ conditions yet to be entirely met by the Witham Oaks Developers, and addresses only a few of my deep concerns regarding the negative impacts this proposed development will have on our quality of life here in Corvallis.

Respectfully Submitted,

Carolyn Simmons

Carolyn Simmons
NW Corvallis



OSU Facilities Services
130 Oak Creek Building
Corvallis, OR 97331
541.737.0917

RECEIVED

MAR 30 2007

Community Development
Planning Division

Thursday, March 29, 2007

Mr. Fred Towne, Senior Planner
City of Corvallis Community Development Department
Planning Division
501 SW Madison Avenue
Corvallis, Oregon 97331

Re: Witham Oaks Development

Dear Mr. Towne:

This letter serves as OSU's written response to the Witham Oaks Conceptual and Detailed Development Plan/Tentative Subdivision Plat (PLD06-00012/SUB06-00005). OSU wishes to bring attention as a matter of public record two considerations: 1) the proposed wetland impacts and mitigation strategies proposed along Harrison Boulevard; and 2) the traffic analysis report completed by PTV America, Inc.

Wetland Considerations

OSU was approached by Matrix Development through a preliminary planning process to discuss potential stormwater management strategies. OSU and Matrix Development completed a Memorandum of Understanding on August 15, 2006, to ensure that the preliminary storm drain system proposed at the Witham Oaks Development would be realized.

OSU wants to restate the agreement with Matrix Development that final engineering drawings of the stormwater facility plans will be provided to both the City and OSU Facilities Services for review and approval. OSU must approve any material change from the preliminary stormwater management plan, and any change that affects the direction, flow, volume, quality or location of water that will migrate across OSU property.

Transportation Considerations

A condition of approval for the OSU Campus Master Plan was the inclusion of a Base Transportation Model (BTM) to ensure that transportation mitigation strategies were included as the campus grows. The model includes analysis for trip distributions based on identified uses within each sector. The City has accepted the premise of the BTM and the method of calculation.

The approved master plan includes a section (LDC 3.36.70d – Campus Master Plan Monitoring) where OSU is required to provide an update to the BTM which includes: traffic counts to be updated on a 5-year cycle, new development, and if known, future development square footage and use type (based on the existing model's categories) to be included in the model assumptions on a per sector basis; and new parking areas or roadways that may have an effect on traffic



OSU Facilities Services
130 Oak Creek Building
Corvallis, OR 97331
541.737.0917

volumes or patterns. The code requires OSU to complete an annual update report, which includes any transportation improvements identified in the BTM.

OSU is concerned about the intersection at 30th and Harrison. The OSU BTM (Section 4.2.4) identifies this intersection currently operating at a LOS F during the AM and PM peak times. The report proposes a mitigation strategy to restrict turns from 30th street to right turn only during peak hours if a backup persists. Since this is a City road, the proposed mitigation is for consideration by the City, but it is something OSU needs to consider to track transportation impacts in this area if development occurs. The added traffic as a result of the Witham Oaks Development site as a cut-through or a destination could add to the difficulty of this intersection.

Due to the length of time of the full buildout scenario of the Witham Oaks development, and the size of the subdivision, OSU would request for consideration by the City that Matrix Development produce a similar monitoring report focused on traffic impacts as identified in the November 2006 PTVAmerica report. The annual monitoring report will enable Matrix to continually update and refine the report to account for the ongoing development. The report should also be available for public review.

If you have any questions about the information provided in this letter, please feel free to contact me at 541.737.0917 or email patty.mcintosh@oregonstate.edu.

Sincerely,

Patricia J. McIntosh
Interim Campus Planning Manager
Facilities Services
130 Oak Creek Building
Corvallis, OR 97331

RECEIVED

April 2, 2007

Community Development Planning Division
PO Box 1083
Corvallis, OR 97339
Phone: 766-6908
Fax: 754-1792

APR 2 2007

Community Development
Planning Division

Re: Witham Oaks Conceptual & Detailed Development Plan/Tentative Subdivision Plat,
PLD06-00012

Attention: Eric Adams

Planning Division,

Please accept these comments for the April 4, 2007 Hearing regarding the Witham Oaks Subdivision.

After having reviewed the Planning Commission Staff Report I would like to commend the staff on the review and recommendations. I am concerned that all conditions be fully met, especially #17, 20, 22, 23, 24, 31, and 36 before development proceeds.

I do appreciate the clause (3.2.1) for "Efficient use of energy and other resources". The site, if developed, has great potential for solar energy, if only passive through such simple requirements as appropriate orientation, height, design and overhangs. Please encourage this.

I support most of the staff's 60 recommendations and would like assurances that those concerns are fully addressed before the project proceeds. I am concerned about the loss of, and damage to, wetlands through development, storm/ground water management, and diminished water and air quality. In addition, the biodiversity of the area will be decreased with the removal of 25% of Oregon White Oaks, which are being replaced by non-native species. The Natural Features Overlay and community expect these to be addressed.

Recommendation #24, Wetland Mitigation and Monitoring Plan requests extending to 5 years after completing of the last phase of the Conceptual and Detailed Development Plan an "objective monitoring of wetland and riparian areas". This must be strongly enforced or we could end up with "Oops, I'm sorry" which helps no one, especially the irreplaceable wetlands/wildlife. I support holding financial securities until all mitigation is complete.

There are many things to consider when approving developments, but I encourage you to hold developers to the standards the community is demanding, including the Natural Features Overlay, energy efficiency and environmental assessments and protections.

Thank you,

Leslie Redpath
3085 NW Autumn St.
Corvallis, OR 97330
757-0312

RECEIVED

APR 2 2007

Community Development
Planning Division

30 March 2007

Planning Commission
City of Corvallis

Dear Members of the Commission:

Along with other members of the neighborhood, I can vouch for how extremely busy 36th Street is. If the housing development goes forward, the extension of Circle to Harrison seems to be the only way to provide relief on this 36th Street. Has the Commission considered putting in speed bumps along 36th to alleviate the speed with which cars travel down the street disregarding speed limits and pedestrians? I understand that the speed bumps on 30th have provided relief for that neighborhood. I have been yelled at and had obscene gestures directed my way on 36th simply because I was crossing the street walking my dog.

While I have very mixed feelings about the need for development in the Circle/Harrison area, I can support any move to relieve the traffic on 36th.

Respectfully submitted,



Charlotte J. Hendrick

564 NW 36th

Louise Marquering
1640 NW Woodland Drive
Corvallis OR 97330
541-753-0012 CorvallisMatters@aol.com

April 2 2007
RECEIVED

APR 2 2007

Community Development
Planning Division

Re: Witham Oaks Development Concerns

Regarding the 25 foot buffer between OSU lands and the lots 33 through 44

(p17). "Policy 3.2.4 would suggest a buffer between these two uses should be created."

Why is the buffer only proposed between lots 33 and 44 and not Street "J"? OSU has indicated that they do not have plans to develop their property for at least fifty years and it is debatable whether they ever will. Why isn't a buffer also needed to prevent pedestrians from accessing the OSU property from the end of Street J? If there is to be a buffer shouldn't it also extend across Street J?

Who will plant the buffer area and when? Who will monitor it to make sure that the homeowners maintain that buffer rather than use it for private gardening? What kind of plants will be planted in the buffer to discourage pedestrians from accessing the OSU property? One suggestion is to allow the poison oak to continue to grow in place and plant native shrubs, such as Oregon Grape.

Trees.

Policy 4.6.5 "On tree covered hillsides, development shall be designed to preserve as many trees as possible and tree removal shall be consistent with the approved development plan.

Comp Plan 9.2.1 City land use decisions shall protect and maintain neighborhood characteristics in existing residential areas.

Many people supported this annexation because the developer planned to preserve the trees. Trees were preserved in the construction of near-by neighborhoods in Forest Hill, Edgewood Estates and both apartment complexes to the north of the proposed development.

Is removal of 342 trees consistent with what the voters expected when they supported this annexation? Would a lower housing density preserve more trees? To be consistent with local neighborhoods and preserve trees a decrease in housing density should be considered.

(p81-82) Condition 38 - Phasing of Pedestrian Facilities As a person who uses the current multi-use path almost daily I really appreciate the recommendation that these facilities be completed with the first phase of the development. Promoting safety during construction is of the utmost importance. The neighbors who use the area definitely favor as little disruption to their routines as possible.

FYI Condition 10. (p30) . . . the erosive downcutting currently occurring along the existing trail through Tract "A". . . I appreciate trail maintenance, but the downcutting and erosion on this trail is due to repeated vehicle traffic about 15 years ago. Those deep ruts were created by tires in the very wet soil.

Stormwater and Wetland Mitigation Plans

The proposal seems to be incomplete based on material that the applicant is still submitting and all of the studies that still need to be completed. My concern is that the public will have no input if the application is approved without the studies being completed. Several conditions together indicate lack of detailed analysis about the geological and hydrological functions on this property. Some of the conditions that still have to be met involve studies on storm water run-off and wetland mitigation plans. I am concerned that storm water plans are incomplete and that there are no engineered calculations for pre-and post development peak stormwater run-off flow. I ask that you not approve this development until those are clarified. Everything hinges on those as yet incomplete studies. These conditions show that there are many questions that need to be answered before this application is approved.

(p64) I really support the city on Condition 24, recommending a five year warranty period after build out for the public facilities in the riparian and wetland areas. In Timberhill, Seavy Meadows, Cedarhurst and other housing along Harrison, and the area east of Sequoia Street water problems occurred after the developer left. The homeowners end up paying for the work necessary to prevent water from entering their homes. Because of all the incomplete studies and the complexity of the stormwater and wetland management plans this is an excellent recommendation.

(p.95, 97) Condition 56 “Fencing will not be allowed around any of the stormwater detention facilities unless otherwise approved by the City Engineer.” Fences would impede wildlife and are not aesthetically pleasing. However, the public will have no input on whether or not fences will be placed if the calculations from the study show that there could be more water and the ponds will exceed the 3H:1V. The stormwater storage facilities must be designed so that no fences are required. It could indicate building fewer house to allow for larger ponds with sides less than the 3H:1V.

Condition 13 Geotechnical Analysis

We have been asking for years for a geotechnical analysis of the property. We read about cities all over the country where landslides occur and we wonder why the developer was ever allowed to build there. Please, be sure the studies are complete before this application is approved.

(p48) Drainage Basin Map has boundaries that do not appear to correspond with the existing topography.

(p.95) Condition 51 & 52 the design and location of the flow control structure for Outfall 2 was not addressed or shown on the plans.

(p97) Conditions 54, 55 and 56 Water Quality and Detention Facilities

(p98) Condition 58 Stormwater Facilities Design - Given the complexity of the stormwater drainage system, it is not clear at this time . . . wetland mitigation. . .

To: Department of Public Works
Corvallis, OR
Transportation Department:
Attn: Som Sartnurak

March 28, 2007

RECEIVED

Received

From: Carolyn Simmons
1302 NW Souza Place
Corvallis, OR 97330
(541) 758-0271
CrCAROLYN@aol.com

APR 3 2007

MAR 29 2007

Community Development
Planning Division

PUBLIC WORKS

Re: Proposed connection of Dale Drive with the Circle Blvd. Extension, as part of the Proposed 221 home Witham Oaks Development, to be constructed between Witham Hill Drive and Harrison Blvd.

Mr. Sartnurak:

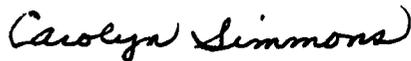
I am writing to **urge you** to see that Dale Drive, if/when it goes through, as part of the proposed Development (Witham Oaks), will **ONLY BE USED AS AN EXIT FROM CIRCLE**, as opposed to being used as both an entrance and an exit.

I have proposed this idea (more than once) to the Developers, but they tell me I must go through the Transportation Department, and that is why I am writing you. I am not aware of anyone being opposed to this proposal.

Please let me know that you have received this written request, and please carefully consider making Dale Drive—one way—OUT!

The 48 homes and 5 intersections existing now have shared these streets without any kinds of traffic controls. Please help keep our neighborhood quiet and safe.

Sincerely,



Carolyn Simmons

I am also enclosing a copy of the written testimony I am submitting to the Planning Commission.

March 28, 2007

Attn: Members of the **Corvallis Planning Commission**

Re: Submission of **Written Testimony** following the meeting of 3/21/07, to be continued on 4/4/07, of Agenda Item IV. Public Hearing: **Witham Oaks** Conceptual and Detailed Development Plan/Tentative Subdivision Plat (PLD06-00012, SUB06-00005)

Submitted by: Carolyn Simmons, 1302 NW Souza Place, Corvallis, OR 97330,
Tel.# 758-0271, e-mail CrCAROLYN@aol.com

Item 3.2.7

B. Visual Elements: Construction of a 6' masonry wall along multi-use path is not compatible with the surrounding area. Construction of a modest wooden fence with attractive landscape features would be more compatible.

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G. Landscaping/Buffering: See "B" above.

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Since it is inevitable that Dale Drive must be a through street, it is imperative that it be marked and used as an **EXIT ONLY ROAD**. Putting Dale through will seriously impact the approximately 48 homes in the existing subdivisions. **NO TRAFFIC STUDY HAS BEEN DONE OR PRESENTED FOR THESE STREETS (as listed in "C" above) NOR THE POTENTIAL IMPACT WITHAM OAKS WOULD HAVE UPON THEM. CURRENTLY THE 5 INTERSECTIONS IN THIS EXISTING SUBDIVISION HAVE NO TRAFFIC CONTROLS. This has *always* been a quiet, family neighborhood. It should *never* become a two way through street to the extension of Circle Blvd. *Never!***

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Water retention and runoff into the Harrison ditch have not been presented beyond the conceptual plan. Water runoff is a **HUGE ISSUE/PROBLEM** whose solutions **MUST** be presented with detailed specifications, BEFORE the plan proceeds.

In conclusion, this written testimony addresses only a few of the 60+ conditions yet to be entirely met by the Witham Oaks Developers, and addresses only a few of my deep concerns regarding the negative impacts this proposed development will have on our quality of life here in Corvallis.

Respectfully Submitted,

Carolyn Simmons
NW Corvallis

RECEIVED

April 3, 2007

4045 NW Dale Place
Corvallis Oregon 97330
bettylogan@comcast.net
752-6014

APR 3 2007

Community Development
Planning Division

Corvallis Planning Commission

I write concerning the Witham Oaks Planned Development. The impact of increased traffic especially in Dale Drive is my primary concern, but I also comment on speed control on Circle Blvd. east of Lantana.

Dale Drive: With the inevitable increased congestion that will occur at Witham Hill Drive and Circle Blvd. I feel traffic from the Witham Oaks subdivision will use Dale Drive as an alternate route to Witham Hill Drive. Dale Drive, Kline Place and the short segment of Fernwood Circle between Kline Place and Witham Hill Drive are small residential streets with four uncontrolled intersections. Increased traffic will present danger to residents as well as those who may detour through the neighborhood.

A condition of development should include provisions to eliminate this increased traffic. A couple of options seem logical to me.

1. Limit access from Circle to Dale to local traffic only
2. Add stop signs on Dale Drive at the intersection with Souza Place and at the intersection with Kline Place. I believe these would discourage through traffic. In addition a stop sign on Fernwood Circle at the intersection with Kline Place is needed to prevent collisions due to traffic and poor visibility at this intersection.

To facilitate traffic planning for these streets, the current amount of traffic on them should be determined before Circle is extended to Dale Drive. This will provide a quantitative basis for judging the impact of the development and options outlined above.

Circle Boulevard: I am opposed to the proposal for speed bumps on Circle east of Lantana. Circle is an arterial and installation of speed bumps will cause traffic to divert through adjacent residential areas. Local residents are rightfully concerned about limiting speed, but I see this as a matter of rigorously enforcing the existing speed limit in that area.

I will be pleased to enlarge on any of these points if you wish.

Sincerely


Logan A. Norris

CC: Scott Zimbrick, Jim Mitchell

30 March 2007

RECEIVED

APR 4 2007

**Community Development
Planning Division**

Planning Commission
City of Corvallis
attn: Eric Adams
501 SW Madison St.
Corvallis, Oregon 97333

To the Planning Commission:

I have lived at the address below on NW 36th Street since early 2003, and have noticed since then an increase in vehicle traffic on 36th. I believe that the long planned and expected Circle Blvd. Extension from Witham Hill Dr. to Harrison Blvd. would be a significant benefit to traffic flow (especially with the development of the new subdivision on Harrison west of Merrie) in this part of Corvallis, and reduce some of the traffic pressure on 36th Street.

This is therefore a request that the City proceed with the Circle Blvd. Extension at the earliest possible date.

Thank you for your consideration of the above.



Douglas Leedy
532 NW 36th Street
Corvallis, Oregon 97330
738-2611

Adams, Eric

From: Aaron Liston [listona@peak.org]
Sent: Wednesday, April 04, 2007 8:57 AM
To: Adams, Eric
Subject: <web>Witham Oaks -Condition 11

Importance: Low

This is an enquiry e-mail via %s from: Aaron Liston (listona@peak.org)

In regards to Condition 11: The "Pro-Time 710 PDX-Plus Green Clover Plus Flowers" is definitely not a "native plant seed mix." Only two of the 10 included species are native, California poppy and dwarf yarrow. In the past, native sources of grass and flowers were difficult to obtain. However, today, groups like the Corvallis-based "Native Seed Network" are developing the grower-marker supply chain. Both Salix Associates and the Institute of Applied Ecology could assist you in developing a grass and flower mix that included local-source native plants.

Sincerely,
Aaron Liston
Herbarium Director
Dept. of Botany and Plant Pathology
Oregon State University

Steven J. Krygier
641 NW 36th Street
Corvallis, OR 97330

April 2, 2007

RECEIVED

APR 4 2007

Community Development
Planning Division

The City of Corvallis Planning Commission
Corvallis, Oregon

Corvallis Planning Commission:

I am a life-time resident of our city and a long-time resident of this northwest neighborhood, and I am writing to express my concerns about traffic along 36th street between Witham hill and Harrison blvd.

My concerns are twofold: Speed and volume. It is common for traffic to move along 36th street at 35mph (noted when the police radar display was stationed near my house), when the posted speed limit is 25mph. Police traffic patrols are rare on this section of 36th street and so cars routinely accelerate over the posted speed; this situation appears to have been exacerbated by the addition of the traffic light at the corner of 36th and Harrison. Over the years, the large apartment complexes on Witham hill and Walnut have increased the population density dramatically, resulting in a corresponding increase in traffic volume.

Having lived on 30th street for 10 years, I understand that speed bumps can slow traffic effectively. The effect of speed bumps on 30th street was dramatic. I am asking that the commission consider a similar solution on 36th street.

I am also asking the commission to consider expediting the extension of Circle Blvd. to accommodate a more natural traffic flow. Circle, being a main arterial, is much better suited to serve not only the Witham hill/Walnut population but the planned development between "Circle" and 53rd street as well.

Thank you for giving my concerns due consideration.

Sincerely,

Steven Krygier

RECEIVED

To the Corvallis Planning Commission
501 SW Madison
Corvallis, Or 97333
4/4/07

APR 4 2007

Community Development
Planning Division

Summary:

1. Traffic on 36th street can be heard from every point in my house, even parts of the house that are near the alley, almost halfway down Polk street towards 35th. My house was built in 1953 and faces the corner of 36th and Polk with a carport on Polk as well as 36th. It is architecturally significant and has been listed in the book Oregon for The Curious. **Traffic has been increasing** over the years, and is noisier, frequently above the speed limit. I can hear this at every point in my house all day long, especially if someone is playing booming music that reverberates.
2. Traffic on 36th street **exceeds the rate of traffic in many parts of downtown Corvallis** even though there is no commercial development, and 36th is only **residential**. Traffic going past my house typically accelerates if people are going up Witham hill or if they might be in a hurry for some reason as they are coming down 36th.
3. During Spring Break, **most traffic on 36th comes down from Witham Hill towards Harrison** and not the opposite. After Spring Break sometimes more go up.
4. Traffic has increased dramatically during the more than 30 years I have lived here because more housing has been built. There are two apartment complexes at the top of Witham Hill with **387 apartment units** in them. This does not count any of the houses. The halfway point between 36th and the Walnut loop is beyond Walnut Street almost to Walnut Park. This means that it is **most expedient** for cars to travel over Witham Hill to 36th street each time there is work or an event at OSU (football, basketball, LaSells, Ch2M Hill Alumni Center, work at/near OSU)
5. **Traffic is constant all day long on 36th** street, sometimes worse than others with cars backed up in front of my house two blocks from Harrison. We were informed when we moved here in the 1970s that Circle Boulevard would be extended towards Harrison to help mitigate traffic on 36th. The annexation passed, but that still has not happened. Instead, at the last hearing on Witham Oaks, the developer spoke about delaying extending Circle for years. We oppose this because the rate of traffic is becoming worse on 36th and drivers have few other options.

6. The **traffic lights on 36th and 35th have had little effect on us**. Large numbers of cars still speed past our house beyond the speed limit of 25 MPH constantly. The one way from Harrison to 35th does not help us. The turn lane the developer spoke of on 29th will not affect us because it is too far away and turns toward Fred Meyer. Cars make more noise now when they accelerate and exceed the speed limit in front of my house.

7. The crosswalk at 36th and Polk has been removed. The school bus lets students off on 36th and Polk in front of my house and I watch many students cross 36th with no cross walk each time the bus lets them out in front of my house.

Traffic Count on 36th St. and Polk

*I could not count any cars at the ends of 36th street because I could not see them from my driveway, so the actual traffic count on 36th is probably higher than this.

*** Time period exceeds a rate of 300 cars/hour

**** Exceeds rate of 400 cars/hour

***** Exceeds rate of 500 cars/hour

***** Exceeds rate of 600 cars/hour

(there were very few bikes and bikes were not counted, buses and trucks counted each time they passed just like cars.)

According to my traffic data kept in 10 minute segments in front of my house on **spring break, traffic exceeded a rate of 300 cars per hour** starting at the following times: 7:46 AM, 7:49, 8:22, 8:42, 8:45, 8:53, 11:40, 12:10 PM, 12:32, PM, 1:11-1:21 PM, 1:13-1:23 PM, 1:47, 2:40 PM, 3:04 PM, 3:47 PM, 4:14 PM, 5:04 PM, 5:12 5:25, 5:36, 5:48, 6 PM and 7:14 PM, Basically this was all day long during Spring Break when we have less traffic than usual. **This starts early in the morning and goes well into the evening. After Spring Break, the rate of traffic often exceeded 400 and 500 cars per hour and went beyond 600/hr.**

Spring Break 3/26/07 Monday

2:46 PM to 2:54 PM (8 minutes)

38 cars

One additional minute (9 minutes)

44 cars in 9 min. (rate: 4.8 cars per minute/293 per hour) Many are over the speed limit

This count was done with my neighbor across 36th street.

5:04 PM to 5:14 PM (ten minutes) 82 cars (rate: 8.2 cars per minute/492 per hour) Many are over the speed limit ****

Tuesday 3/27-07 Spring Break

5:30 AM I can hear traffic in my bedroom ½ block from 36th facing the alleyway and towards the back yards of the houses on 35th

6:50-7 AM 24 cars (144/hour)

7:40-7:50 AM 48 cars, (288 per hour) 7 going up towards Witham Hill and the rest towards Harrison. As I left, the cars got faster and faster beyond the 25MPH speed limit, presumably as people are late for work

8:37-8:47 42 cars (252 per hour)

5:12-5:22 PM 77 cars (462 per hour) ****

Wednesday 3/28/07 Spring Break

6:58-7:08 AM 7 cars (42 cars per hour), 3 going uphill towards Witham

7:49-7:59 AM **62 cars (372/hour)** 13 going up towards Witham Hill ***

8:22-8:32 AM **53 cars (318/hour)** 12 going up towards Witham Hill ***

12 noon-12:10 47 cars (282/hour), 25 going up Witham Hill from Harrison

12:10-12:20 **56cars (336/hour)** 32 going up towards Witham Hill from Harrison***

1:47-1:57 PM 47 cars (282/hour) 16 going up towards Witham Hill

7:18-7:28 PM 44 Cars (264/hr) 17 going up towards Witham Hill from Harrison

Thursday 3/29/07 Spring Break

5:56-6:06 AM 6 cars (36/hr) 1 of them going up towards Witham Hill from Harrison

6:47-6:57 AM- 16 cars, (96/hr) 5 of them going up Witham Hill from Harrison

6:57-7:07- AM 21 cars (126/hr), 5 or them going up Witham Hill

7:07-7:17 AM 33 cars, (198/hr), 13 going up towards Witham Hill

7:17-7:27 AM 41 cars, (246/hr) 10 going up towards Witham Hill

7:46-7:56 AM **58 cars, (348/hr)** 13 going up towards Witham Hill ***

7:57-8:07 AM 37 cars, (222/hr) 12 going up towards Witham Hill

8:42-8:52 AM **55 cars (330/hr)** 20 of them going up towards Witham Hill ***

8:53-9:03 AM **55 cars (330/hr)** 20 of them going up towards Witham Hill ***

11:40-11:50 AM **54 cars (324/hr)** 13 of the cars going up toward Witham Hill ***

including one police car,

12:32-12:42 **51 cars (306/hr)** 17 going up 36th towards Witham Hill ***

1:11-1:21 PM **53 cars (318/hr)**, 24 on 36th uphill to Witham Hill ***

3:03-3:13 PM 26 cars (156/hr), 11 going up 36th to Witham

3:47-3:54 PM 57 cars (342/hr), 25 going up 36th to Witham Hill ***
 7:14-7:24 PM 51 cars (306/hr), 30 going up 36th towards Witham Hill ***

Friday 3/10/07 Spring Break

7:35-7:45 AM 34 cars total, (204/hr) 13 of them going up 36th towards Witham Hill many above 25MPH

7:46-7:56 AM 48 cars total, (288/hour) 8 of them going up 36th towards Witham Hill***

8:33-8:43AM 41 cars (246/hr) 15 going up 36th towards Witham Hill

8:45-8:55 58 cars, (348/hour) 14 traveling on 36 up towards Witham Hill ***

9:40-9:50 45 cars (270/hour) 11 traveling on 36th up towards Witham Hill

1:13-1:23PM 53 car (318/hour) 19 traveling on 36th up towards Witham Hill***

1:47-1:57 54 cars (324/hour) 15 traveling on 36th up towards Witham Hill ***

2:05-2:15 47 cars (282/hour) 16 traveling on 36th up towards Witham Hill

2:40-2:50 50 cars (300/hour) 21 traveling on 36th up towards Witham Hill***

3:04-3:14 51 cars (306/hr) 20 traveling on 36th up towards Witham Hill ***

4:14-4:24 52 cars (312/hr) 13 traveling on 36th up towards Witham Hill ***

5:13-5:23 76 cars (456/hr) 37 traveling on 36th towards Witham Hill ****

5:25-5:35 56 cars (336/hr) 44 traveling on 36th towards Witham Hill ***

5:36-5:46 65 cars (390/hr) 40 going on 36th up towards Witham Hill ***

5:48-5:58 66 cars (396/hr) 31 going on 36th up towards Witham Hill ***

5:58-6:08 52 cars (312/hr) 20 of them going up 36th towards Witham Hill ***

Sunday April 1, 2007

10:23-10:33 AM 38 cars (228/hr) 14 going up 36th towards Witham Hill

1:43- 1:53 PM 39 cars (234/hr) 15 going up 36th towards Witham Hill

3:45-3:55 PM 48 cars (288/hr) 23 going up 36th towards Witham Hill

4:25-4:35 PM 47 cars (282/hr) 27 going up 36th towards Witham Hill

5:43-5:53 PM 57 cars (342/hr) 21 going up 36th towards Witham Hill ***

Monday April 2, 2007

6:43-6:52 AM 27 cars (162/hr) 3 going up 36th towards Witham Hill

6:53-7:03 AM 32 cars, (192/hr) 9 going up 36th towards Witham Hill

7:35-7:45 AM 82 cars (492/hr) 13 going up 36th towards Witham Hill ****

7:45-7:55 AM 87 cars (522/hr) 24 going up 36th toward Witham Hill *****

7:55-8:05 AM 76 cars (456/hr) 24 going up 36th towards Witham Hill ****

8:55-9:05 AM 52 Cars (312/hr) 18 going up 36th towards Witham Hill ***

9:05-9:15 AM 50 cars (300/hr) 20 going up 36th towards Witham Hill ***

9:35-9:45 AM 63 cars (378/hr) 20 going up 36th towards Witham Hill ***

9:45-9:55 AM 64 Cars (384/hr) 24 going up 36th towards Witham Hill ***

10:06-10:16 AM 51 cars (306/hr) 17 going up 36th towards Witham Hill ***
11:50-12 NOON 65 cars (390/hr) 36 going up 36th towards Witham- This is the
first time more cars have gone up than are coming down Witham on 36th) ****
12:02-12:12 PM 72 cars (432/hr) 39 going up 36th towards Witham ****
12:12-12:22 PM 54 cars (324/hr) 21 going up 36th towards Witham Hill ***
2:56-3:06 PM 57 cars (342/hr) 33 going up 36th towards Witham Hill ***
3:08-3:18 PM 53 cars (342/Hr) 25 going up 36th towards Witham Hill ***
4:11-4:21 PM 64 cars (384/hr) 31 going up 36th towards Witham Hill ***
4:58-5:08 PM 83 cars (498/hr) 44 going up 36th towards Witham Hill ****
5:21-5:31 PM 116 cars (696/hr) 59 going up 36th towards Witham Hill *****
5:40-5:50 PM 88 cars (528/hr) 38 going up 36th towards Witham Hill *****
5:51-6:01 PM 98 cars (588/hr) 46 going up 36th towards Witham Hill *****
6:22-6:32 PM 62 cars (372/hr) 30 going up 36th towards Witham Hill ***
6:22-6:58 PM 65 cars (390/hr) 32 going up 36th towards Witham Hill ***
7:25-7:35 PM 34 cars (204/hr) 14 going up 36th towards Witham Hill

Tuesday April 3, 2007

7:35-7:45 AM 83 vehicles (498/hr) 15 going up 36th towards Witham ****
7:56-8:06 AM 82 vehicles (492/hr) 28 going up 36th to Witham ****
8:23-8:33 AM 69 cars, (414/hr) 28 going up 36th towards Witham ****
8:44-8:54 AM 78 cars, (468/hr) 22 going up 36th towards Witham ****
9:31-9:41 AM 63 vehicles (378/hr) 29 going up 36th towards Witham ***
10-10:10 AM 39 cars (234/hr) 16 going up 36th towards Witham
1:12-1:22 PM 54 cars (324/hr) 23 going up 36th towards Witham ***
1:46-1:56 PM 62 cars (372/hr) 20 going up 36th towards Witham ***
2:42-2:52 PM 61 cars (366/hr) 26 going up 36th toward Witham ***
3:06-3:16 PM 85 cars (510/hr) 45 going up 36th towards Witham *****
3:39-3:39 PM 66 cars (396/hr) 29 going up 36th towards Witham ***
4:17-4:27 PM 73 cars (438/hr) 35 going up 36th towards Witham Hill ****
4:39-4:49 PM 81 cars (486/hr) 44 going up 36th towards Witham Hill ****
4:50-5 PM 90 cars (540/hr) 40 going up 36th towards Witham Hill *****
5-5:10 PM 93 cars, (558/hr) 63 going up 36th towards Witham *****
5:12-5:22 PM 113 cars (678/hr) 57 going up towards Witham Hill *****
5:37-5:47 PM 92 cars, (552/hr) 48 going up towards Witham Hill *****
5:47-5:57 PM 99 cars (594/hr) 56 going up towards Witham Hill *****
6:10-6:20 PM 76 cars (456/hr) 44 going up towards Witham Hill ****
6:50-7 PM 62 cars (372/hr) 29 going up 36th towards Witham Hill ***
19 cars were traveling on 36th in 5 minutes from 8:53-8:58 PM

Thank you for considering this traffic information,

A handwritten signature in black ink, appearing to read "Zel Brook". The signature is fluid and cursive, with the first name "Zel" being more prominent than the last name "Brook".

Zel Brook
3555 NW Polk (36th and Polk)
Corvallis, Oregon 87330
753-6241

RECEIVED

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS

APR 4 2007

Community Development
Planning Division

April 4, 2007

Corvallis Planning Commission
501 SW Madison Avenue
Corvallis, OR 97333

RE: Witham Oaks Planned Development (PLD06-00012/SUB06-00005) and the proposed Circle Blvd relocation

Dear Planning Commission Members:

I represent the Corvallis Stake Physical Facilities of the Church of Jesus Christ of Latter-day Saints (LDS). The Corvallis Stake Center is the 37-year-old church building just east of the proposed Circle/Harrison intersection shown on the December 19, 2006 plans of the Witham Oaks Planned Development.

We have no objections to the proposed residential development nor do we oppose relocating Circle Blvd. However, we believe that if Circle Blvd is to be relocated, its intersection with Harrison Blvd should not be within the required 150 feet from the nearest access. We base this on adopted policies of the Corvallis Transportation System Plan (2.60.10) and Comprehensive Plan (11.2.1), both of which have the same top priority for transportation planning:

The transportation system shall be planned and developed in a manner which contributes to community livability, recognizes and respects the characteristics of natural features, and minimizes the negative effects on abutting land uses.

We believe the proposed Circle Blvd is well-intended, but the proposed location of the intersection with Harrison Blvd does not comply with the three criteria of the above policy: minimizing negative effects, recognizing natural features and contributing to community livability.

Minimize Negative Effects. The proposed Circle Blvd right-of-way near its intersection with Harrison Blvd is directly adjacent to a 25-foot flag lot of the Beit Am property, our neighbor to the west (and north). Our west entrance is approximately 30 feet from the Beit Am flag lot. This adds up to 55 feet of separation from our driveway to the proposed Circle Blvd right-of-way. This is an insufficient distance for the safe operation of Harrison Blvd., which our property abuts. The Corvallis LDS Stake Center is a heavy-use facility, particularly during certain days of the week. Frequently, our parking capacity is maximized and traffic demand on Harrison Blvd increases accordingly.

Furthermore, Section 4.1.40 of the Corvallis Land Development Code (LDC) states, "Accesses shall be located a minimum of 150 ft. from any other access street or intersection." With about 1,300 feet of frontage on Harrison Blvd, the subject property has more than enough land to select a safe intersection for Circle Blvd without having to request a variance that negatively impacts existing land uses.

Finally, Statewide Planning Goal 12, *Transportation*, begins: “To provide and encourage a safe, convenient and economical transportation system” (OAR 660-015-0000(12)). We believe realigning the right-of-way of an arterial-collector intersection to within 55 feet of an existing access is not safe, convenient or economical.

Natural Features. The existing Circle Blvd right-of-way between Witham Hill and Harrison was surveyed in 1963. In 1996, the Transportation Plan said a multi-use path from Witham Hill to Harrison was a top priority of 10-year improvement projects (10-4). A few years later, the City constructed the path, using about 20 feet of the existing 80-foot right-of-way. The narrow path did not meander through the wide right-of-way, as would have been most convenient; rather, it exactly followed the easternmost 20 feet, so as to reserve the remaining 60 feet for the future expansion of Circle Blvd as prescribed by the Transportation Plan. In short, it appears the City has planned on using this right-of-way for Circle Blvd for over 40 years.

The existing right-of-way, therefore, should be the standard by which all other proposed realignments are measured: its intersection with Harrison is at least 150 feet to the nearest access, and the amount of wetland area impacted (according to the applicant) is 3.63 acres—no alternative should exceed this amount. The applicant’s proposed Circle Blvd right-of-way impacts fewer wetlands but is well under the 150 feet required for driveway accesses. There is an abundance of land on the site for the applicant to relocate Circle Blvd, impact fewer wetlands than the existing right-of-way, and still meet the 150 feet requirement.

Community Livability. We believe this residential and open space development will be a great addition to the community. We look forward to having new neighbors who will soon enjoy this beautiful part of town with us. We believe their safety, and our safety on the roads will be ensured only if “livability, sustainability, and accessibility” are priorities for new and existing streets (Comprehensive Plan 11.3.10). If the accessibility of our west entrance is restricted or eliminated because Circle Blvd is located too close to it, then the Comprehensive Plan, the Transportation Plan, and the Land Development Code—all of which say the Circle Blvd/Harrison Blvd intersection should be located farther to the west than is currently proposed—will lose effectiveness in measuring community livability.

For these reasons, we believe the currently proposed location of the Circle Blvd/Harrison Blvd intersection is not in compliance with the intent and policies of state and local land use ordinances and should be adjusted before approval is granted.

Thank you for your time and consideration.

Regards,



Paul Davis
Corvallis Oregon Stake Physical Facilities Representative
The Church of Jesus Christ of Latter-day Saints
Paul.davis@ch2m.com
541-768-3584

Cc: Eric Adams, Associate Planner
Eugene Braun, P.E., City Engineer
Terry Valiant, Pahlisch Homes



MEMORANDUM

From: Eric Adams, Associate Planner 
To: Planning Commission
Date: April 4, 2007
Re: Witham Oaks Conceptual and Detailed Development Plan (PLD06-00012, et al.) – Additional Public Testimony

The attached piece of public testimony was submitted to the Planning Division between noon and 5:00 PM on April 4, 2007.

This memorandum makes these comments public information.

Adams, Eric

From: Rana S Foster [tweet.37@juno.com]
Sent: Wednesday, April 04, 2007 4:39 PM
To: Adams, Eric
Subject: Witham Oaks, Testimony, April 04, 2007

Dear Corvallis Planning Commission,

Concern about analysis of Annexation Notice of Disposition, is this proposal for development fulfilling the wishes of the community with relation to Notice of Disposition? How has this proposal varied from the original Annexation Finding of Fact/reasons people in the community voted for the land to be annexed?

I recall being asked to consider voting for the annexation due to pending threat by the owner to log off all or much of the sites Oregon White Oak.

With this proposal a known number and location of individual Oregon White Oak/other hardwood spp. from 8-50 inches (25-300 years) diameter breast height (DBH) will be removed. Is there a way to provide compromise from the applicant for conservation of this same amount of live Oregon White Oak on the parcel? Steeper slope to north and attached to OSU and City Open Space may be the location that can not be cut and filled for homebuilding and roadways due to elevation above City Water Service.

Could this area be extended by the owners to include the same number of trees and diameter that are targeted for removal should there be trees that will be removed in this area?

Instead of planting nonnative commercial trees, owner could dedicate that number of trees on site to be conserved permanently, and plant/relocate native hardwoods or Oregon white oak where overhead power lines are not located, as landscaping plant material.

With Harrison Blvd becoming a storm water conveyance channel as proposed and to be developed with a side walk with planting strip how much County right of way will be eliminated? This reach of Harrison Blvd.

is considered historic for Federally Listed T and E species Sed. nelsonii. and Benton County and State of Oregon are aware of this site. I assume mitigation will occur with the State for this spp. loss.

How will the use of NW Harrison Blvd. north ditch used as a storm water convance channel and sidewalk with planting stripe work to not destroy the right of way, damage T and E plants within it and protect the engineering design of the ditch and road bed itself with x volume of water moving directly to Oak Creek outfall from ditch line on North side of Harrison?

With relocation of Circle to the east, how are SDC for City owned Bike path paid for then if Circle will not connect to or be near the existing bike path? Will City Parks or City Public Works pay for Bike Path if this path was built specifically to be paid for, when a future developer comes to construct Circle? Hundreds of people use this bike path a day, hopefully they can continue to do so in future and perhaps will just enjoy endless corridor of wood and plastic yard fences. With Phased development will bike path be open or closed due to construction hazard insurance requirements?

With proposed development/subdivision plat, is Circle Blvd relocation overtop of a part of the Corvallis fault? Noise levels from this location could be increased due to hillslope reflecting all traffic noise out across the subdivision (west and south) from this significant land form already in place due to perhaps historic floodflow erosion by the Willamette River or perhaps this slope face is present due to Corvallis Fault.

With location of this development the owners may note air quality issues with operation of all historic AG zone. The owners should not be allowed to sue as they should note this in their deeds that they came to this site after AG zone was in place.

Hopefully traffic impact studies (historic and current) jointly state or define the need for traffic signals at both Circle and Witham Hill and Harrison and Circle. Speed bumps will be needed to slow the volume of traffic and reduce noise perhaps.

Wetland delineation and cut and fill are significant and I would like more information on both. Off site movement/engineering/control of run off is not clearly presented.

I am not in favor of the proposal as there are substantial information not present related to hydrology and its management. I object to this proposal for development as it

is unclear how Annexation Disposition relates to the current proposal, what has changed(-) or been granted(+) in this proposal with relation to what the voters requested by the vote for Annexation? There is not enough info in detail about storm water mg. off site water storage and movement to the waters of the State of Oregon.

Thanks, R. Foster 1415 SW Brooklane Dr. Cor. OR



MEMORANDUM

From: Eric Adams, Associate Planner *EA*
To: Planning Commission
Date: April 4, 2007
Re: Witham Oaks Conceptual and Detailed Development Plan (PLD06-00012, et al.) – Additional Application Materials

The attached materials were submitted on April 4, 2007, by the applicant for the case noted above. Please note that Staff have not had an opportunity to review these materials and will not be able to comment on them at the April 4, 2007, public hearing continuance. In order to provide an opportunity for Staff and the public to consider these materials, the applicant has authorized a 14-day extension to the period within which a decision on the subject case must be made.

This memorandum makes these materials public information.

Adams, Eric**RECEIVED**

From: Terri Valiant [tvaliant@pahlischhomes.com]
Sent: Wednesday, April 04, 2007 10:34 AM
To: Adams, Eric
Cc: Krawczuk, Dana
Subject: FW: Invitation to Attend a Neighborhood Meeting

APR 4 2007

Community Development
Planning Division

Email committing participation in speed humps

From: Randy Rutherford [mailto:RRutherford@legendhomes.com]
Sent: Monday, March 26, 2007 5:36 PM
To: Terri Valiant
Subject: FW: Invitation to Attend a Neighborhood Meeting

fyi

From: Randy Rutherford
Sent: Wednesday, March 21, 2007 1:55 PM
To: 'Douglas M. Henry'
Subject: RE: Invitation to Attend a Neighborhood Meeting

Dear Mr. Henry,

Thank you for your continued interest in ensuring that Matrix Development Corporation and Legend Homes are considered as a participant in your ongoing traffic calming efforts within the upper Circle neighborhood. As Terri Valliant committed at your neighborhood meeting on Monday March 12, 2007 Matrix Development Corporation will commit to the following;

- We will participate as 221 homes (or whatever the final # of approved homes is) within the identified recovery area. Further, our participation will be based upon the percentage of homes within the drawn boundary of the recovery area.
- Our participation will not be finalized until all appeal time periods have expired for the approval(s) of the Witham Oaks land use applications being sought by Matrix/Legend.
- Matrix/Legend will participate in installation of traffic calming features along Circle Blvd., from the Witham Hill intersection down to 29th Street, consisting of up to 5 speed tables.
- Matrix/Legend shall provide the full amount of our percentage of participation in advance of the installation of the appropriate traffic calming features, subsequent to the final traffic calming proposal being presented by the neighborhood for approval, and authorized by the City Council.

Doug, we sincerely hope that our commitment to participate in this neighborhood attempt to address traffic safety illustrates our commitment to the community as well as flexibility in trying to help solve some potential impacts to the larger neighborhood. Please feel free to contact me in order to further this agreement as you are able.

Respectfully submitted,

Randy Rutherford

4/4/2007

Matrix Development Corporation
Ph. 503.620.8080 ext. 260
Fx. 503.598.8900
Cell 503.939.6682

-----Original Message-----

From: Douglas M. Henry [mailto:douglasmhenry@peak.org]
Sent: Tuesday, February 27, 2007 12:51 PM
To: Randy Rutherford
Subject: Invitation to Attend a Neighborhood Meeting

12:50 p.m., Tuesday, February 27, 2007

Dear Mr. Rutherford:

I first wanted to invite Terry Valiant to our neighborhood meeting but was informed by your Corvallis office to contact and invite you instead. So please do not be offended by the fact you are our second choice. It will be on Monday at 7:00 p.m., March 12, 2007 at the residence of Bill Brandt, 3490 NW Circle Boulevard, Corvallis.

At this meeting and upon the advice of Steve Rogers, Director of Public Works for the City of Corvallis, we will request Legend Homes to fund the placement of four or five speed humps on upper Circle Boulevard. These will be placed east of Lantana and west of Dogwood, a distance of 330 yards from the 1st one to the 4th. We will show you the actual placement of these on a map at the meeting.

This is but one of several meetings we have had. Among our activities: We just completed an official traffic/speed study over a period of two weeks. We observed traffic for 20 hours one week and another 20 hours during the second week at specific times and different specific locations. We used a police radar gun to record the speeds of each car and recorded these. We found that 32% of the cars were speeding. This is a high and alarming rate and translated into numbers equals 1,560 speeders out of a total 4,875 cars observed.

Steve Rogers has estimated the Witham Oaks development of 220 homes will generate 2,100 car trips per day. If the majority of these cars travel down Circle (which they may do) it could increase by 700 the number of speeders through our neighborhood. Of course, the further expansion of Witham Oaks will increase these numbers.

Again, on the advice of Steve Rogers we will request your organization place \$20,000 in an escrow account with the City of Corvallis to be used for traffic calming devices. The city has estimated these to cost around \$3,000 per hump or a total of \$12-15,000. The actual cost of the humps may vary depending on inflation. These are estimates and as you know the numbers can change. Any amount not used will be returned to your organization.

The bottom line is that the residents in our neighborhood are already frightened by the speeders through here. We have worked closely with the city police department and requested added patrols but their manpower resources are limited and can only provide sporadic patrols --- not enough to cover the need. So we feel that in order to restore a degree of calm and peace of mind in our neighborhood your funding of these speed humps will provide a great deal of good will toward the Witham Oaks development and your organization.

We feel that it is important to lay all of these facts out to you prior to the meeting on March 12th so that you are aware of all of the issues. I look forward to hearing from you and hope you can attend our meeting.

Doug Henry
3270 NW Circle Boulevard
Corvallis, OR 97330-1764
Tel: 541-752-7126

4/4/2007

2

RECEIVED

April 4, 2007

APR 4 2007

Community Development
Planning Division

Planning Commission
City of Corvallis
501 SW Madison Avenue
Corvallis, OR 97339

RE: Witham Oaks (PLD06-0001/SUB06-00005)

Dear Planning Commission Members,

This letter is written to respond to questions raised during our presentation and public testimony in opposition during the March 21st public hearing.

Issue/Question raised: How are we meeting the 10% rule for affordability/attached and how does this tie into the requested lot coverage.

Response: Lot coverage is not positively linked to affordability. In fact, with land prices what they are, a home that uses less land (more lot coverage) can be more affordable by virtue of the lot price alone. Legend Homes spends a significant amount on windows to meet percentage of glazing (window) requirements, diverse architectural elements such as lap siding, shake, stone and brick, wider trim boards, etc. Those costs are similar on a 2400 square foot home to a 1400 foot home. Site preparation, foundation and roof are major costs and the size of the home (particularly the lot coverage) are not significant impacts on those costs either. While there is certainly some difference in hard costs (sticks and bricks) per square foot those hard costs are still typically less than half the cost of the home with lot costs, permits, SDCs, commissions, insurance, interest and other soft costs not having a direct relationship to square footage of the home making up much of the balance. Lot coverage standards includes driveways, sidewalks, porches etc., not just the footprint of the home.

We have designed the lot sizes and grading in this plan to allow for a variety and diversity of housing types. We planned more affordable (i.e. small to mid range sizes) lots in the center of the project where grading is minimized and thereby results in lower development costs. We intend single-level housing on appropriately flatter and more accessible lots in the southern portion of the site adjacent to the wetland area, where the privacy afforded by the open space will result in higher lot costs to balance the costs of building on one level. Attached housing has been placed where grades are reasonable and impacts from Circle

Boulevard would better support a lower-priced product. These lots are narrower in order to accommodate attached homes. Finally, larger lots (higher price) has been planned in the upper and steeper areas of the project where grades dictate expensive construction techniques, which are balanced by proximity to open space and views.

Issue/Question raised: Sign Standards in this case should include standard for fences and walls which limit height to 6'.

Response: We are amenable to accepting a condition of approval which limits the structure to which the sign is attached to 6 feet in total height. The sign will use masonry and cultured stone and be heavily landscaped. This, together with the vision clearance triangle will ensure compatibility with the surrounding area. The wall at the back of lots 157-171 was proposed to be a concrete block with cultured stone accents. We are amenable to a condition of approval that requires the wall to be limited to materials such as wood, cultured stone or rock to provide for an aesthetic that blends better with the natural surroundings and neighborhood.

Issue/Question raised: Why didn't we provide alleys for a more pedestrian friendly, less garage oriented development?

Response: The primary reason was topography. Given the slopes it is difficult to implement the alleys, minimize grading, and create lots that don't entail expensive stepped foundation walls, site retaining walls and exterior concrete steps that limit accessibility. One of the development goals is targeting family friendly housing with private, usable back yards with gentle slopes. Adding alleys would have increased cuts and fills. It was a balancing of policies that we were trying to achieve.

Issue/Question raised: # of trees removed from RS-6 area - estimate of overall #.

Response: Page 43 of the staff report states that 342 trees will be removed from the RS-6 zone. These include "significant" trees as defined by Section 4.2.20 of the Land Development Code, which includes any tree 8" or greater at a height of 4 feet above grade. While we have not counted all the trees over the entire site, we estimate that the number of significant trees saved over those removed is at a ratio of approximately 6:1. Many of the trees proposed for removal include apples, cherry, fir, and hemlock which compete with the native oaks. Additionally, over 1/3 of the trees proposed for removal occur in the area of the remnant orchard and include ornamental fruit trees and invasive Hawthorn. Roughly 10.7% of the trees are proposed to be removed for the extension of Circle Blvd, as required by the City's "to and through" requirement. More

trees will be added through required landscaping for street trees than will be removed.

Tracts A and K are specifically established to coincide with the Open Space – Conservation designation placed on the property at the time of annexation. These tracts include a large number of mature oak, maple and fir trees and coincide with the areas designated for a high level of protection through the Natural Features Planning Process. So, the City's Natural Features process placed priorities on preservation of natural features and we followed the City's goals. At this time, it was anticipated that the rest of the site was developable and that future development would likely involve removal of the some of these trees. This was part of the balancing of City's goals for urban development.

Issue/Question raised: Clarification on intent of Habitat Enhancement Plan.

Response: We have proposed a Habitat Enhancement Plan as part of our overall development package. We are still proposing to complete this plan as a part of our proposal. However, we do believe that State Dept. of Lands (DSL) review of the plan is inappropriate as it is outside their regulatory authority and they have no criteria for which to review it under. The area covered in the Habitat Enhancement Plan area is located outside the wetland boundary, not a component of our wetland mitigation package and not under the jurisdiction of DSL. It is burdensome and inappropriate to the applicant to require this additional level of agency review. We object to Condition #12 as we are proposing the Habitat Enhancement Plan and feel it is appropriately handled under Condition #1.

Issue/Question raised: What does the wetland mitigation plan entail?

Response: Typically, wetland mitigation plans and approval through the State Dept of Land and the Army Corps of Engineers occurs post development approval. The reason for this is that final engineering of streets and development may change through the land use process through compliance with conditions of approval. As such, our "final" plan is still being completed and may be revised to meet conditions of approval.

However, based on the plans in place today, the estimated wetland impact is +/- 2.0 acres. We potentially have at up to 1.5 acres on-site suitable for wetland creation mitigation. We will propose enhancement of existing wetlands at a 3:1 ratio, but final review of enhancement has not been finalized. Any amount remaining that can not be mitigated on site will be mitigated in a local wetland bank. We also plan to make use of logs (large woody debris) that are removed on site to direct water from the lower channel area out into the wetland and mitigation areas. This makes direct and beneficial use of exiting on site resources. We will use the same method

throughout the west side “fingers” to force water up into the marginal wetland area to try and support a wetter plant community. This has the additional advantage of delaying storm water flow concentration at the lower end of the site. We have and will continue to work closely with the Corps and DSL regulators to achieve the best and most sustainable mitigation areas possible on the site.

For Both DSL and the Corps of Engineers, there is not a significant difference in mitigation for what causes the impacts. The extension of Circle Boulevard would have an impact on the wetlands regardless of the proposed lot development, and we would have to mitigate for these wetland impacts.

Issue/Question raised: Provide a summary of Storm water plan and answers to the following questions:

- *Why is the storm water report only “conceptual” at this point?*
- *How does the existing storm water runoff description work today?*
- *How will the water quality treatment system work after development?*
- *How are we going to protect and preserve the wetland, natural systems and our neighbors downstream of the project?*

Response: *Why is the storm water report only “conceptual” at this point?* The level of engineering plan detail is limited during the land use review process. The amount of information needed for construction is significant and costly to have completed. It can be mute or significantly altered with conditions of approval that dictate changes to the land use design, location or width of streets, utility connections, cut and fill limitations, storm water systems, etc. So, during the land use process, preliminary engineering details factor in topographic, boundary and soil surveys, cut and fill sections, street alignment and site design. Once conditions of approval are finalized, detailed engineering specific to the construction of the infrastructure and grading are completed. These details are closely reviewed during what is referred to as the PIPC process (Public Improvement by Private Contract) which includes, storm water systems, along with streets, water, sewer, power and grading. These plans are reviewed against the detailed technical specifications adopted by the City of Corvallis or otherwise required through specific conditions of approval. Approval of these plans, along with payment of performance bonds at 120% of the cost of the improvement are required before any permits for construction are granted.

- *How does the existing storm water runoff description work today?*
- *How will the water quality treatment system work after development?*
- *How are we going to protect and preserve the wetland, natural systems and our neighbors downstream of the project?*

Extensive planning, design, and modeling were performed to evaluate and determine the best way to manage increased runoff from the project site. We used XP-SWMM version 10 Software to model flows generated under both existing and proposed conditions (topography, hydrology, soils, vegetation, etc)

and to determine how flows interact and travel through the existing wetland areas. Wayne Huber, a Civil Engineering Professor at OSU developed EPA-SWMM which is the model that the EPA uses and upon which the XP-SWMM program is based. The XP-SWMM Hydrologic/Hydraulic Model considers unsteady flow conditions and provides realistic estimates of the interaction between Best Management Practices and the natural drainage system.

This level of modeling is not generally needed to develop a conceptual residential storm water management plan, but we felt that the complexity and delicacy of the downstream natural systems necessitated a more detailed study.

Please refer to the Memorandum from Scott Ferre with the OTAK Water Resources Dept OTAK to provide more detailed answers to the specific questions.

Issue/Question raised: What are we doing to minimize garage appearance?

Response: As stated during the hearing and in the submittal narrative, we are following the pedestrian oriented design guidelines of the newly adopted code, which call for recessed garages and front porches, together which serve to minimize the appearance of garages. These standards are intended to implement Comprehensive Plan policy 9.2. 5 which states in part as follows:

Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:

- J. Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.)*

The newly adopted Code included provisions which were intended to implement the above policy. We propose that all the garages shall meet a least one of the following four criteria.

1. The garage shall be oriented toward a rear or side public street;
2. The front of the garage shall not project any closer to the street than 2-feet behind a minimum 10-foot wall of living area of the home facing the street;
3. The garage shall be recessed a minimum of 4 feet behind any habitable living space of the residence, OR, if the garage is flush with or in front of the house a maximum of four feet, a covered porch shall extend a

minimum of 6 feet from the face of the house and be a minimum of 36 square feet.

4. The garage door(s) shall be oriented away from the street at a minimum 90 degree angle (side loaded garage). The side wall of the garage facing the street must have at least 15% of its area as windows. A side-loaded garage is defined as a garage whose doors open at a 90 degrees or greater angle to the front street.

Additionally, we are proposing the following design features which provide greater architectural interest and variation.

1. Covered front porches with a minimum dimension of 36 square feet;
2. A minimum area of 15% percent windows and/or dwelling doors on facades (including garage facades) facing streets, sidewalks, and multi-use paths;
3. 2 different types of building materials such as rock and/or brick column bases and horizontal lap siding;
4. A minimum of 2.25-inch trim or recess around windows and doors that face the street;
5. Increased roof pitches most likely between 8:12 and 10:12;
6. Eaves with a minimum 18-inch overhang;
7. Architectural details such as beam ends, eave brackets, windows with grids or divided lights, or pergola/trellis work integrated into the building façade for windows, nooks, dormers, eaves, etc.

Together, we feel garages are minimized through application of the above standards.

Issue/Question raised: Elaborate on timing of Circle, 29th/Grant and Harrison traffic issues.

Response: As mentioned on our March 21, 2007 letter/matrix on the conditions, based on staff's analysis, the phasing of Circle Blvd. with Phase I is warranted for the following reasons:

- 1) to and through requirement
- 2) emergency access
- 3) SDC/Zone of Benefit Eligibility
- 4) Completion of necessary components of overall transportation system.

The "to and through" requirement can and has been historically met with phasing, provided the completed phasing plan provides for a complete "to and through" connection, which our proposal does. There is also an issue of rough proportionality which is addressed in the attached letter from Dana Krawczuk.

Emergency access can be accomplished via a 20 foot wide gravel road and is acceptable to the Fire Dept. SDC/Zone of Benefit is an option the development

can utilize to recoup costs and is not a reason for requiring an extension that isn't roughly proportionate to the Phasing Plan.

The "transportation system impacts" referenced in item 4 primarily responds to the discussion on page 69 relating to the level of service at the intersection of 29th and Grant. With the current methodology required, there are some existing critical turn movements that cause the intersection level of service to be .91, which is .01 over the acceptable level of service .90 for that intersection. With re-striping the south bound 29th street movements from the existing right turn and shared through and left turn lane to a shared right turn and through with a dedicated left turn (see attached graphic), the intersection level of service is improved to .80, which meets and exceeds the acceptable level of service. This improvement allows the transportation system to function acceptably with the Circle Blvd extension occurring with Phase2.

Issue/Question raised: Issues raised by the Church of the Latter Day Saints re: their westerly driveway access and proximity to the proposed Circle Blvd alignment.

Response: We had numerous neighborhood meetings to discuss the proposed development plan and any issues that neighbors or adjoining property owners may have. In several cases, we modified the plan to account for their comments. Representatives of the LDS church did not attend these meetings. It wasn't until at the hearing did we hear their comments about the proximity of Circle Blvd. to their western most driveway approach. We spoke with them on March 27th about trying to hold a meeting with our traffic engineer and civil engineers to look at potential conflicts and how to address the conflicts. We heard back from them on Tuesday April 3rd stating their opposition to the proposed location of Circle Blvd right-of-way.

We are assuming that the weekend service peak hours will provide little conflict with the intersection of Circle and Harrison Blvd. as the weekends at this intersection are not peak am or peak pm times as found during the week. According to the TIA submitted with the application, 15% of the overall traffic to/from the Witham Oaks site will travel to/from the east intersection at Harrison/35th. While the representatives of the Church did say that activities are planned during the week, given the different peak hours for most of the week, we anticipate little traffic conflict with activities at the church.

As part of the Planned Development process, a balancing of goals is necessary to realize benefits that wouldn't otherwise be achieved with a standard subdivision design.

Our proposed realignment of Circle Boulevard places the centerline of Circle Boulevard within approximately 49.5 feet of the Beit Am gravel driveway centerline and within approximately 106.5 feet from the centerline of the LDS church's westerly most driveway. As part of our Planned Development proposal,

we specifically requested the ability to deviate from the existing location to the proposed. The request included a 46.5 foot deviance from the distance needed between access ways. By placing Circle Blvd where it is proposed, we are able to provide Beit Am frontage on Circle which enables them to eliminate their driveway approach on Harrison, which is closer in proximity to Circle / Harrison Blvd intersection than the LDS driveway. We therefore minimize the conflict and maximize protection of the wetlands.

Should we shift the ROW and constructed street over 45 feet to meet the standard of 150 feet distance, we impact an additional 7,500 square feet of wetland and 4,800 square feet of proposed wetland mitigation area.

As with other infill projects throughout town that have driveways in close proximity to intersections or other driveways, caution is warranted. Given the other issues associated with wetland impacts, the proposed alignment of Circle Blvd. provides, on balance, a greater overall benefit than if moved further to the west.

Issue/Question raised: Confirm that the TIA addressed the signals at Harrison/35th and Harrison/36th. There seemed to be some skepticism about the functioning of these newly signalized intersections. Also, why was Dale Drive was not analyzed in the TIA?.

Response: The Traffic Impact Analysis did address both signals. Analyzed with the requested V/C ratio, these intersections operate at levels of service (LOS) "A". The current wait/delay times have to do with signal timing, not with the intersection capacity.

When Traffic studies are undertaken, the first step is to contact the city and request from staff a list of intersections to be included in the study. Dale Drive was not included as it was not requested by city staff. The proposed mitigation of the intersection of Witham Hill and Circle Blvd. should minimize any potential use of Dale Drive for out of direction travel. Should neighbors along Dale Drive wish to further reduce potential use, traffic calming devices could be installed, at the homeowners' request, through the City's Neighborhood Traffic Calming Program.

Issue/Question raised: Confirm the issue of contribution of funds towards the speed humps on Upper Circle.

Response: We met with the Upper Circle Neighborhood Association and participated with them in discussions over the establishment of a recovery area for speed bumps via the City's Neighborhood Traffic Calming Program. As the attached email indicates, we are willing to participate in the cost of these speed bumps.

Thank you for the opportunity to clarify the issues or questions you raised. We hope we have provided you with the information needed to move forward with a positive recommendation.

Sincerely,

Terri Valiant
Pahlisch Homes

Technical Memorandum

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Lake Oswego, OR 97035
Phone (503) 635-3618
Fax (503) 635-5395

To: Terri Valiant; Jasmin Woodside, PE
From: Scott J. Ferré, EIT
Copies: File
Date: April 2, 2007
Subject: Witham Oaks Stormwater Management Plan
Review
Project No.: 12059

APR 4 2007

Community Development
Planning Division

Introduction

This memorandum describes the design and operation of the stormwater management plan (SWMP) for the Witham Oaks Development proposed for construction in Corvallis, Oregon.

Extensive planning, design, and modeling were performed to evaluate and determine the best way to manage increased runoff from the project site. XP-SWMM version 10 Software was used to model flows generated under both existing and proposed conditions and to determine how flows interact and travel through the existing wetland areas. The XP-SWMM Hydrologic/Hydraulic Model considers unsteady flow conditions and provides realistic estimates of the interaction between Best Management Practices and the natural drainage system. A model such as this is not typically required to develop a residential stormwater management plan, but the design team concluded that the complexity and delicacy of the downstream natural systems merited a more detailed study.

The Witham Oaks Stormwater Management Plan is a compilation of work by a multidisciplinary team of scientists, architects, and engineers. The plan has been developed to maintain the existing natural system and to minimize impacts to the downstream systems as a result of development.

The SWMP consists of two main sections: water quality and flow control:

Water Quality

Water quality consists of treating collected runoff generated by rainstorms before it's able to flow into natural areas and waterways downstream. The design of the water quality system for the Witham Oaks project is based on and is in accordance with the 2002 City of Corvallis Stormwater Management Plan and the 1998 King County Surface Water Management Manual (KCSWMM). The Oregon Department of Environmental Quality (DEQ) Document titled *Stormwater Management Plan Submission Guidelines for Removal/Fill Permit Application Which Involve Impervious Surfaces* from July 2005

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was referenced to develop the overall stormwater management plan.

Existing Conditions – How does it work today?

Under existing conditions, runoff from the land proposed for development upstream of the wetland area flows overland and through a series of small channels into and throughout the wetland area. These overland flows are filtered, stored, taken up by plants, and evaporated as they flow through and are utilized by the wetland. These processes treat and condition the water and produce the clear, cool water that can be observed during storms. Excess runoff not stored or utilized by the existing wetland flows into the existing ditch along the north side of Harrison where it eventually joins Oak Creek, then Mary's River, then the Willamette River along its journey to the Columbia River, and then the Pacific Ocean.

There is one larger channel that carries flows from the forested and partially developed hillside upstream of the wetlands and the project site. This larger channel originates as an existing ditch along the west side of Circle north of the project site. The ditch transitions to a more natural appearing channel as it flows through the project and wetland area and into the ditch along the north side of Harrison. Harrison forms the southern boundary of the project site.

Proposed Water Quality Treatment System – How will it work after development?

Under proposed conditions runoff generated by the developed land will be collected and conveyed by a series of catchbasins and pipes under the streets throughout the development. This system will take the collected runoff to the water quality system. The water quality system has been designed to specifically treat pollutants commonly associated with residential developments.

The water quality system consists of a two part treatment process to address typical residential pollutants. The first part of the system relies on special manholes designed to pre-treat the water. These pre-treatment manholes are designed to remove larger sediment and floatable debris and litter, as well as oils and grease. After passing through the pre-treatment manholes the runoff will be divided and conveyed to four water quality treatment facilities including a vegetated biofiltration swale and three vegetated sedimentation treatment ponds. One of the vegetated sedimentation treatment ponds will be constructed as part of the detention facility. These facilities will provide final treatment and conditioning of the runoff through vegetative filtration, settling, plant uptake, and biological decomposition of pollutants typically found in residential runoff. The facilities will be organically shaped and blended into the topography of the land and will be planted with native plants specifically selected for their abilities to uptake and remove certain types of pollutants. All four facilities will be located along and outside the upstream boundary of the wetland area.

This water quality system has been designed and modeled with technology beyond that typically applied to residential developments. To ensure that the system will work with and blend into the natural environment, the design team has produced a high level of detail and exerted a great amount

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of effort to develop this plan. The design team has also taken the time to explain the design and operation of this system to neighbors, the general public and the City of Corvallis.

The City of Corvallis has been provided with design hydrographs for existing, proposed, and proposed regulated flows for both water quality and water quantity facilities, the preliminary stormwater management plan, water quality facility design calculations, and a memorandum dated September 21, 2006 describing the function and operation of the stormwater management system in more technical terms.

Careful thought and innovative, low-impact design solutions were engineered specifically for this project using the latest research and knowledge of scientists, landscape architects, and engineers from both academia and private water and natural resources consultants.

Flow Control – How are we going to protect and preserve the wetland, natural systems and our neighbors downstream of the project?

Under existing conditions, as rain falls on the existing land and wetlands, it is utilized as described above. But after development, some vegetated ground will be replaced with pavement and rooftops. The pavement and rooftops will prevent rain water from being stored and utilized and instead will force it to flow into catchbasins and pipes at higher rates than would occur under existing conditions. These higher flows will be controlled and routed so that impacts to the natural system are minimized.

Once flows have been collected, conveyed, treated and conditioned as described above, they will be released from the water quality facilities through level flow spreaders. The flow spreaders have been designed as a series of small openings that will drain the water quality facilities so that treated water will radiate out along the ground in an even, constant sheet flow along the upstream boundary of the wetland. The flow spreaders have been designed to mimic existing flow patterns to allow water to get to, and follow the existing flow paths downstream of the development. This will allow water to reach every part of the wetland. As in existing conditions, excess runoff not stored and utilized by the wetland will flow to the ditch along the north side of Harrison.

The ditch along the north side of Harrison will be improved and have two areas incorporated into it that will allow excess runoff to pond providing storage. The ditch and the storage areas will drain through a flow control structure and will function as a detention facility. The flow control structure has been designed to regulate released flows from the ditch and storage areas so that the downstream system will not experience larger flows than it does today in accordance with the City of Corvallis and Oregon State University.

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APR 4 2007

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DANA L. KRAWCZUK
ALSO ADMITTED IN WASHINGTON

March 30, 2007

Planning Commission
c/o Eric Adams
City of Corvallis
501 SW Madison Avenue
Corvallis, OR 97339

Re: Proportionality Analysis of Circle Boulevard Extension – Witham Oaks
(PLD06-0001/SUB06-0005)

Dear Members of the Planning Commission:

This firm represents Matrix Development Corporation (“Matrix”), the property owner and applicant for the above referenced project. Please include this letter in the record.

The purpose of this letter is to explain why NW Circle Boulevard should be extended with Phase 2, not Phase 1, from a legal and common sense perspective. From the outset, Matrix wants to emphasize that it agrees to extend Circle Boulevard; our objection is to the requirement in condition 28 that Circle Boulevard be extended concurrent with the first phase of development.

A related concern is that the extension of Circle Boulevard triggers the Harrison Boulevard improvements. Condition 34. The Harrison Boulevard improvements include the new intersection with Circle Boulevard, including adding turn lanes on Harrison (conditions 32 and 33) and improving Harrison Boulevard along the site’s frontage to full City standards (condition 33). Matrix agrees that the Harrison Boulevard improvements should be constructed concurrently with the extension of Circle Boulevard. However, if Circle Boulevard is extended prematurely with Phase 1, then Phase 1 is unreasonably burdened with the costs for construction of both the Circle Boulevard extension and Harrison improvements.

1. Legal Support for Extending Circle Boulevard with Phase 2

A. Requiring the Extension of Circle Boulevard with Phase 1 Violates Constitutional Limitations on Exactions

All exactions that are conditions of approval, such as the extension of Circle Boulevard and related Harrison Boulevard improvements, must be reasonably related to and roughly proportional to the impact of the proposed development to survive constitutional

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scrutiny under Dolan v. City of Tigard, 512 U.S. 374 (1994). To prevent unconstitutional exactions, Dolan demands that there be a “nexus” between the local government’s interest and imposition of a condition, and a “roughly proportional” connection between the condition and the impact of the proposed development. Requiring Circle Boulevard to be extended and the NW Harrison improvements with Phase 1 (rather than Phase 2) fails both prongs of the Dolan test.

(i) There is No Nexus Between the Impact of Phase 1 and the Extension of Circle Boulevard, and Related Improvements to Harrison Boulevard

In order for there to be a nexus between the conditioned improvements and the proposed development, the improvements must be related to the impact of the proposed development. In simple terms, when analyzing only the impact of Phase 1,¹ would the impact justify the extension of Circle and Harrison improvements? If not, then there is no nexus between requiring the improvements to be concurrent with Phase 1. Staff determined that Phase 1 would cause the intersection of 29th Street and Grant Avenue to fail, which would be mitigated by the extension of Circle Boulevard. However, Matrix has demonstrated that changing the lane configuration of the 29th Street and Grant Avenue intersection mitigates the impact of Phase 1. This interim mitigation measure will improve the function of the 29th Street and Grant Avenue intersection, which will continue to perform adequately once Phase 2 is constructed and Circle Boulevard is extended. Therefore, extending Circle Boulevard is not needed to mitigate the impact of Phase 1, so there is no impact-based justification (or nexus) for requiring the extension of Circle Boulevard and improvement of Harrison Boulevard prior to Phase 2.

(ii) Extending Circle Boulevard and the Related Improvements to Harrison Boulevard are Not Roughly Proportional to the Impact of Phase 1

The cost of extending extending Circle Boulevard and improving Harrison Boulevard with Phase 1 is also not roughly proportional to Phase 1 of Witham Oaks. Dolan requires the City to make “some sort of individualized determination” that the exaction is related both in nature and extent to the impacts of the proposed development on a specific facility. 512 US at 391. No individualized assessment of if the required improvements are proportional to Phase 1 has been conducted by the City.

¹ The City cannot rely upon the future development of Phase 2 to require the improvements with Phase 1. Improvements based upon future development or impacts are impermissible. As the Oregon Court of Appeals has stated, “The problem with that [speculative] approach is that Dolan requires that the exactions imposed be ‘related both in nature and extent to the impact of the proposed development.’” Schultz v. City of Grants Pass, 884 P.2d 569, 573 (Or. App. 1994) (emphasis added by the court in Schultz). In this case, the proposed development includes phases, so the impacts of the development will be phased. Therefore, the timing of mitigation measures must correlate to the phased impact.

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Extending Circle Boulevard and making the related improvements to Harrison Boulevard with Phase 1 will add approximately \$498,062 to the cost of Phase 1. Spread over the 77 homes in Phase 1, the cost is an additional \$6,468 per home.² There City has not made the required individualized determination if the additional \$6,468 per home is related to the nature and extent of the impacts of the first Phase. Because the extension of Circle Boulevard and Harrison Boulevard improvements are not needed to mitigate the impacts of Phase 1, it is unlikely that such a proportionality justification could be made. Without an individualized determination that the improvements are related in nature and extent to the impacts of Phase 1, condition 28 fails the proportionality prong of Dolan.

2. Common Sense Reasons for Extending Circle Boulevard with Phase 2

In addition to not being required to mitigate the impacts of Phase 1 and that the cost of extending Circle Boulevard with Phase 1 is not constitutionally supportable, there are common sense reasons for waiting to extend Circle Boulevard. Circle Boulevard will cross through designated wetlands, although the proposed realignment impacts less wetland area than the alignment on the TSP. At the March 21st public hearing, members of the public requested that the extension of Circle Boulevard be delayed so that the wetland would not be impacted until a later phase of development. If the Circle Boulevard extension is delayed until Phase 2, a gravel emergency access road will be constructed in the natural area.³ However, because the access road will not be open to the public for vehicular use, the impact of the gravel road on users of the mulit-path will be minimal. Also, because the gravel road is pervious, there will be less of an impact on stormwater than if the paved street is extended with Phase 1. In sum, delaying the extension of Circle Boulevard to Phase 2 will preserve the natural area and wetland for a few additional years.

3. Conclusion

There is no transportation or safety based reason to extend Circle Boulevard and improve Harrison Boulevard with Phase 1 Witham Oaks. The re-stripping of the 29th Street and Grant Avenue intersection mitigates the impact of Phase 1, so the extension of Circle Boulevard is not warranted until Phase 2. Despite the lack of a transportation based need to extend Circle Boulevard, Matrix may have been willing to go above and beyond what was required if the cost were not as significant. As noted above and explained on the attached spreadsheet, extending Circle Boulevard and improving Harrison Boulevard with Phase 1 is a very expensive endeavor. Requiring the improvements with Phase 1 add almost half a million dollars to the cost of Phase 1. Not only is this significant expense not related to or proportional to the impact of Phase 1, it

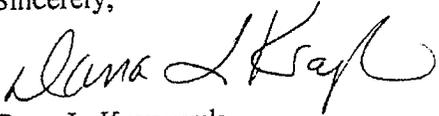
² The attached spreadsheet provides the calculation for the additional costs associated with extending Circle Boulevard and constructing the Harrison Boulevard improvements with Phase 1.

³ The Fire Department has not objected to using a gravel road for emergency access to Phase 1.

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unnecessarily impacts a wetland and natural area prematurely. Therefore, Matrix Development respectfully requests that the Planning commission modify Condition No. 28 so that the extension of Circle Boulevard and related Harrison Boulevard improvements are constructed concurrent with Phase 2 of Witham Oaks.

Sincerely,



Dana L. Krawczuk

Enclosure

cc: Randy Rutherford, Matrix Development Corporation
Terri Valliant, Pahlisch Homes
David Coulombe, City Attorney

**Additional Costs for Extending Circle Boulevard and Constructing Harrison Boulevard
Improvements with Phase 1 of Witham Oaks**

Estimated Cost to improve Circle Boulevard from terminus of Phase 1 to Harrison (Circle South)	\$755,830
	+
Estimated Cost to complete Harrison improvements with Phase 1	<u>\$140,144</u>
	\$895,974
Estimated cost to partially improve Circle South for fire access*	-
	<u>\$275,090</u>
	\$620,884
Estimated SDC Credits for Circle South**	-
Estimated SDC Credits for Harrison***	-
	<u>\$ 82,010</u>
	<u>\$ 40,811</u>
Total Additional Costs for Phase 1	\$498,062
Divided by number of homes in Phase 1	<u>77</u>
Total Additional cost per home in Phase 1	\$ 6,468

* If Circle Boulevard is not extended with Phase 1, Circle South will be partially improved (i.e., gravel surface) for emergency access. If Circle Boulevard is extended with Phase 1, then Matrix will not have the expense of partially extending Circle Boulevard. Therefore, to determine the actual cost difference between extending Circle Boulevard with Phase 1 or Phase 2, the estimated cost to partially improve Circle South is subtracted from the costs for extending Circle Boulevard and the Harrison Boulevard improvements.

** The estimated cost to improve Circle Boulevard through Phase 1 is \$807,360, or 52% of the total cost for the entire Circle Boulevard extension (\$1,563,190). The total estimated SDC credits for the entire Circle Boulevard extension are \$170,856. Therefore, we estimate that Circle South's proportion the Circle Boulevard SDC credits is approximately 48% (or \$82,010) of the total SDC credit. To determine the actual cost of improving Circle South, the estimated SDC credits for Circle South are subtracted from the construction costs for Circle South.

*** The estimated SDC credits for the Harrison Boulevard improvements are \$40,811. To determine the actual cost of improving Harrison Boulevard, the estimated SDC credits for Harrison are subtracted from the construction costs for Harrison Boulevard.

Attached is a spreadsheet that details the construction cost estimate.

Construction Cost Estimate
Project: Wiltam Oaks - Circle Comp. (Full & Fire Only)
Owner: Pahlisch, Matrix, & Legend Homes
Engineers: OTAK
Date: 11/6/2006 (Updated 03/20/2007)

		Circle North 0 2.09 acres				Circle South 0 2.25 acres				Circle Fire Only 0 2.25 acres						
ITEM #	DESCRIPTION	UNIT	QTY	BID UNIT	BID TOTAL	UNIT	QTY	BID UNIT	BID TOTAL	UNIT	QTY	BID UNIT	BID TOTAL			
Schedule A - Site Work																
A-1	Mobilization	LS	0	\$ 15,000.00	\$ -	LS	0	\$ 15,000.00	\$ -	LS	0	\$ 15,000.00	\$ -			
A-2	Clear & Grub	AC	1	\$ 1,650.00	\$ 1,650.00	AC	2	\$ 1,650.00	\$ 3,300.00	AC	1	\$ 1,650.00	\$ 1,650.00			
A-3	EC - Construction Entrance	EA	1	\$ 2,000.00	\$ 2,000.00	EA	1	\$ 2,000.00	\$ 2,000.00	EA	0	\$ 2,000.00	\$ -			
A-4	EC - Silt Fence	LF	2,300	\$ 1.75	\$ 4,025.00	LF	3,000	\$ 1.75	\$ 5,250.00	LF	3,000	\$ 1.75	\$ 5,250.00			
A-5	EC - Inlet Protection	EA	6	\$ 85.00	\$ 510.00	EA	6	\$ 85.00	\$ 510.00	EA	6	\$ 85.00	\$ 510.00			
A-6	EC - Straw Mulch	AC	1	\$ 1,500.00	\$ 1,575.00	AC	2	\$ 1,500.00	\$ 3,485.00	AC	1	\$ 1,500.00	\$ 1,875.00			
A-7	EC - Orange Tree Fencing	LF	0	\$ 1.80	\$ -	LF	0	\$ 1.80	\$ -	LF	0	\$ 1.80	\$ -			
A-8	Sawcut	LF	0	\$ 4.00	\$ -	LF	0	\$ 4.00	\$ -	LF	0	\$ 4.00	\$ -			
A-9	4" Hatch Striping	LF	600	\$ 1.50	\$ 1,200.00	LF	0	\$ 1.50	\$ -	LF	0	\$ 1.50	\$ -			
A-10	4" Solid/Broken Yellow Striping	LF	1,100	\$ 1.50	\$ 1,650.00	LF	1,000	\$ 1.50	\$ 1,500.00	LF	0	\$ 1.50	\$ -			
A-11	8" Bike Lane Striping	LF	3,150	\$ 3.00	\$ 9,450.00	LF	2,350	\$ 3.00	\$ 7,050.00	LF	0	\$ 3.00	\$ -			
A-12	24" Strip Bar Striping	LF	26	\$ 9.00	\$ 234.00	LF	0	\$ 9.00	\$ -	LF	0	\$ 9.00	\$ -			
A-13	Letters and Symbols Striping	SF	270	\$ 2.50	\$ 675.00	SF	280	\$ 2.50	\$ 700.00	SF	0	\$ 2.50	\$ -			
A-14	Striping (8" thick)	CY	2,255	\$ 15.00	\$ 33,825.00	CY	2,460	\$ 15.00	\$ 36,900.00	CY	850	\$ 15.00	\$ 12,750.00			
A-15	Excavation and Embankment	CY	180	\$ 4.60	\$ 828.00	CY	510	\$ 4.60	\$ 2,346.00	CY	170	\$ 4.60	\$ 782.00			
A-16	Import	CY	14,450	\$ 10.00	\$ 144,500.00	CY	9,300	\$ 10.00	\$ 93,000.00	CY	3,100	\$ 10.00	\$ 31,000.00			
A-17	Soft Spot Excavation Budget	CY	500	\$ 35.00	\$ 17,500.00	CY	500	\$ 35.00	\$ 17,500.00	CY	300	\$ 35.00	\$ 10,500.00			
A-18	Subgrade Geotextile Fabric	SY	6,000	\$ 1.00	\$ 6,000.00	SY	6,070	\$ 1.00	\$ 6,070.00	SY	0	\$ 1.00	\$ -			
A-19	5.5" Class B & C Asphalt Paving	SY	0	\$ 15.75	\$ -	SY	0	\$ 15.75	\$ -	SY	0	\$ 15.75	\$ -			
A-20	4" Class B & C Asphalt Paving	SY	5,100	\$ 12.00	\$ 61,200.00	SY	5,320	\$ 12.00	\$ 63,840.00	SY	0	\$ 12.00	\$ -			
A-21	Base Rock (12.0" of 3/4" - 0")	SY	0	\$ 15.00	\$ -	SY	0	\$ 15.00	\$ -	SY	0	\$ 15.00	\$ -			
A-22	Base Rock (9.0" of 3/4" - 0")	SY	7,850	\$ 8.00	\$ 62,800.00	SY	8,190	\$ 8.00	\$ 65,520.00	SY	3,300	\$ 8.00	\$ 26,400.00			
A-23	Leveling Rock (2" of 3/4" - 0")	SY	6,000	\$ 2.20	\$ 13,200.00	SY	7,140	\$ 2.20	\$ 15,708.00	SY	3,300	\$ 2.20	\$ 7,260.00			
A-24	Leveling Rock (2" of 3/4" - 0")	LF	2,400	\$ 8.30	\$ 19,920.00	LF	3,050	\$ 8.30	\$ 25,315.00	LF	0	\$ 8.30	\$ -			
A-25	Curb & Gutter (Type A)	SF	12,000	\$ 3.50	\$ 42,000.00	SF	7,200	\$ 3.50	\$ 25,200.00	SF	0	\$ 3.50	\$ -			
A-26	Concrete sidewalk 4" thickness	EA	4	\$ 275.00	\$ 1,100.00	EA	2	\$ 275.00	\$ 550.00	EA	0	\$ 275.00	\$ -			
A-27	Truncated dome installation	SY	1,530	\$ 13.00	\$ 19,890.00	SY	0	\$ 13.00	\$ -	SY	0	\$ 13.00	\$ -			
A-28	4" Paved Path	EA	1	\$ 1,100.00	\$ 1,100.00	EA	0	\$ 1,100.00	\$ -	EA	0	\$ 1,100.00	\$ -			
A-29	Install MUTCD Type III Street Barricades	CY	60	\$ 100.00	\$ 6,000.00	CY	60	\$ 100.00	\$ 6,000.00	CY	60	\$ 100.00	\$ 6,000.00			
A-29	Allowance: Rock Excavation															
Sub Total					\$ 451,881.50	Sub Total					\$ 392,136.50	Sub Total				\$ 104,389.50
Schedule A1 - Retaining Walls																
A1-1	Rockery walls (4' and under)	SF	0	\$ 12.00	\$ -	SF	0	\$ 12.00	\$ -	SF	0	\$ 12.00	\$ -			
Sub Total					\$ -	Sub Total					\$ -	Sub Total				\$ -

Construction Cost Estimate															
Project:		Wilham Oaks - Circle Comp. (Full & Fire Only)													
Owner:		Pahlisch, Matrix, & Legend Homes													
Engineers:		OTAK													
Date:		11/6/2006 (Updated 03/20/2007)													
				Circle North 0: 2.09 acres:				Circle South 0: 2.25 acres:				Circle Fire Only 0: 2.25 acres:			
ITEM #	DESCRIPTION	UNIT	QTY	BID UNIT	BID TOTAL	UNIT	QTY	BID UNIT	BID TOTAL	UNIT	QTY	BID UNIT	BID TOTAL		
Schedule B - Sanitary Sower															
B-1	Construct 6" with Granular Backfill	LF	0	\$ 44.00	\$ -	LF	0	\$ 44.00	\$ -	LF	0	\$ 44.00	\$ -		
B-2	Construct 10" with Granular Backfill	LF	1,150	\$ 60.00	\$ 69,000.00	LF	0	\$ 60.00	\$ -	LF	0	\$ 60.00	\$ -		
B-3	Construct 4" 3034 with Granular Backfill	LF	0	\$ 32.50	\$ -	LF	0	\$ 32.50	\$ -	LF	0	\$ 32.50	\$ -		
B-4	Construct 4" 3034 with Native Backfill	LF	0	\$ 14.30	\$ -	LF	0	\$ 14.30	\$ -	LF	0	\$ 14.30	\$ -		
B-5	Construct 48" standard manhole	EA	5	\$ 1,938.20	\$ 9,691.00	EA	0	\$ 1,938.20	\$ -	EA	0	\$ 1,938.20	\$ -		
B-6	Connect to existing Manhole	EA	0	\$ 2,316.00	\$ -	EA	0	\$ 2,316.00	\$ -	EA	0	\$ 2,316.00	\$ -		
B-7	Build New Manhole Over Existing 8" SS	EA	2	\$ 2,500.00	\$ 5,000.00	EA	0	\$ 2,500.00	\$ -	EA	0	\$ 2,500.00	\$ -		
B-8	Remove Existing (10") SS	LF	920	\$ 20.00	\$ 18,400.00	LF	0	\$ 20.00	\$ -	LF	0	\$ 20.00	\$ -		
B-9	Remove M.H.	EA	3	\$ 500.00	\$ 1,500.00	EA	0	\$ 500.00	\$ -	EA	0	\$ 500.00	\$ -		
B-10	8" 3034 Cleanout Cleanout Ass. w/ Fr & C	EA	0	\$ 700.00	\$ -	EA	0	\$ 700.00	\$ -	EA	0	\$ 700.00	\$ -		
B-11	Service Wye, 8"x4" 3034	EA	0	\$ 27.10	\$ -	EA	0	\$ 27.10	\$ -	EA	0	\$ 27.10	\$ -		
B-12	4" 3034 Cleanout Assembly w/ Fr & C	EA	0	\$ 600.00	\$ -	EA	0	\$ 600.00	\$ -	EA	0	\$ 600.00	\$ -		
B-13	Test sanitary sower	LF	1,150	\$ 2.00	\$ 2,300.00	LF	0	\$ 2.00	\$ -	LF	0	\$ 2.00	\$ -		
				Sub Total:				\$ 105,891.00				\$ -			

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Construction Cost Estimate														
Project: Witham Oaks - Circle Comp. (Full & Fire Only)														
Owner: Pahlisch, Matrix, & Legend Homes														
Engineers: OTAK														
Date: 11/6/2006 (Updated 03/20/2007)														
				Circle South				Circle Fire Only						
				0 2.09 acres				0 2.25 acres						
ITEM #	DESCRIPTION	UNIT	QTY	BID UNIT	BID TOTAL	UNIT	QTY	BID UNIT	BID TOTAL	UNIT	QTY	BID UNIT	BID TOTAL	
Schedule C - Storm Sewer														
C-1	Construct 24" w/ granular backfill	LF		\$ 61.30	\$	LF	400	\$ 61.30	\$ 24,520.00	LF	400	\$ 61.30	\$ 24,520.00	
C-2	Construct 18" w/ granular Backfill	LF	0	\$ 55.00	\$	LF	1,200	\$ 55.00	\$ 66,000.00	LF	1,200	\$ 55.00	\$ 66,000.00	
C-3	Construct 15" w/ granular backfill	LF	0	\$ 45.00	\$	LF	0	\$ 45.00	\$	LF	0	\$ 45.00	\$	
C-4	Construct 12" w/ granular backfill	LF	0	\$ 32.90	\$	LF	0	\$ 32.90	\$	LF	0	\$ 32.90	\$	
C-5	Construct 10" laterals w/ granular backfill	LF	120	\$ 30.20	\$ 3,624.00	LF	120	\$ 30.20	\$ 3,624.00	LF	120	\$ 30.20	\$ 3,624.00	
C-6	Construct 6" 3034 w/ granular backfill	LF	0	\$ 27.30	\$	LF	0	\$ 27.30	\$	LF	0	\$ 27.30	\$	
C-7	Construct 6" 3034 w/ native backfill	LF	0	\$ 24.00	\$	LF	0	\$ 24.00	\$	LF	0	\$ 24.00	\$	
C-8	PSD-Construct 8" 3034 w/ native backfill	LF	0	\$ 27.00	\$	LF	0	\$ 27.00	\$	LF	0	\$ 27.00	\$	
C-9	Construct 48" standard manhole	EA	0	\$ 1,920.00	\$	EA	0	\$ 1,920.00	\$	EA	0	\$ 1,920.00	\$	
C-10	Construct 60" standard manhole	EA	1	\$ 3,924.00	\$ 3,924.00	EA	5	\$ 3,924.00	\$ 19,620.00	EA	5	\$ 3,924.00	\$ 19,620.00	
C-11	Flow Control Structure (Type 3 Ditch Inlet)	EA	0	\$ 1,500.00	\$	EA	0	\$ 1,500.00	\$	EA	0	\$ 1,500.00	\$	
C-12	24" Flared End Section	EA	0	\$ 1,500.00	\$	EA	2	\$ 1,500.00	\$ 3,000.00	EA	2	\$ 1,500.00	\$ 3,000.00	
C-13	18" Flared End Section	EA	0	\$ 1,000.00	\$	EA	0	\$ 1,000.00	\$	EA	0	\$ 1,000.00	\$	
C-14	12" End Section	EA	0	\$ 300.00	\$	EA	0	\$ 300.00	\$	EA	0	\$ 300.00	\$	
C-15	12" 3034 Cleanout Ass. w/ Fr & C	EA	0	\$ 675.00	\$	EA	0	\$ 675.00	\$	EA	0	\$ 675.00	\$	
C-16	PSD-8" 3034 Cleanout Ass. w/ Fr & C	EA	0	\$ 525.00	\$	EA	0	\$ 525.00	\$	EA	0	\$ 525.00	\$	
C-17	Break into & connect to existing MH	EA	0	\$ 1,000.00	\$	EA	0	\$ 1,000.00	\$	EA	0	\$ 1,000.00	\$	
C-18	Catch Basin Tee, 12" x 10" 3034	EA	0	\$ 200.00	\$	EA	0	\$ 200.00	\$	EA	0	\$ 200.00	\$	
C-19	Catch Basin Tee, 15" x 10" 3035	EA	0	\$ 275.00	\$	EA	0	\$ 275.00	\$	EA	0	\$ 275.00	\$	
C-20	Catch Basin Tee, 18" x 10" 3034	EA	0	\$ 350.00	\$	EA	0	\$ 350.00	\$	EA	0	\$ 350.00	\$	
C-21	Catch Basin Tee, 24" x 10" 3034	EA	6	\$ 900.00	\$ 5,400.00	EA	6	\$ 900.00	\$ 5,400.00	EA	6	\$ 900.00	\$ 5,400.00	
C-22	Service Tees, 12" x 6" 3034	EA	0	\$ 120.00	\$	EA	0	\$ 120.00	\$	EA	0	\$ 120.00	\$	
C-23	Service Tees, 15" x 6" 3035	EA	0	\$ 240.00	\$	EA	0	\$ 240.00	\$	EA	0	\$ 240.00	\$	
C-24	Service Tees, 18" x 6" 3034	EA	0	\$ 325.00	\$	EA	0	\$ 325.00	\$	EA	0	\$ 325.00	\$	
C-25	Service Tees, 24" x 6" 3034	EA	0	\$ 838.00	\$	EA	0	\$ 838.00	\$	EA	0	\$ 838.00	\$	
C-26	6" 3034 Service Cleanout Ass. w/ Fr & C	EA	0	\$ 400.00	\$	EA	0	\$ 400.00	\$	EA	0	\$ 400.00	\$	
C-27	Curb Inlets	EA	6	\$ 1,540.00	\$ 9,240.00	EA	6	\$ 1,540.00	\$ 9,240.00	EA	6	\$ 1,540.00	\$ 9,240.00	
C-28	Test Storm Sewer	LF	800	\$ 2.00	\$ 1,600.00	LF	1,708	\$ 2.00	\$ 3,416.00	LF	1,708	\$ 2.00	\$ 3,416.00	
Sub Total:					\$ 23,780.00						\$ 134,820.00			

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Project: Construction Cost Estimate
Witham Oaks - Circle Comp. (Full & Fire Only)
Owner: Pahlisch, Matrix, & Legend Homes
Engineers: OTAK
Date: 11/6/2006 (Updated 03/20/2007)

Circle North 0 2.09 acres Circle South 0 2.25 acres Circle Fire Only 0 2.25 acres

ITEM #	DESCRIPTION	UNIT	QTY	BID UNIT	BID TOTAL	UNIT	QTY	BID UNIT	BID TOTAL	UNIT	QTY	BID UNIT	BID TOTAL			
Schedule D - Water System																
D-1	16" CL 52 DIP w/ granular backfill	LF	1,100	\$ 75.00	\$ 82,500.00	LF	1,500	\$ 75.00	\$ 112,500.00	LF	0	\$ 75.00	\$ -			
D-2	16" MJ Gate Valve	EA	4	\$ 2,500.00	\$ 10,000.00	EA	1	\$ 2,500.00	\$ 2,500.00	EA	0	\$ 2,500.00	\$ -			
D-3	8" CL 52 DIP w/ granular backfill	LF	0	\$ 35.00	\$ -	LF	0	\$ 35.00	\$ -	LF	0	\$ 35.00	\$ -			
D-4	8" MJ Gate Valve	EA	0	\$ 960.00	\$ -	EA	0	\$ 960.00	\$ -	EA	0	\$ 960.00	\$ -			
D-5	8" x 8" MJ Tee	EA	0	\$ 550.00	\$ -	EA	0	\$ 550.00	\$ -	EA	0	\$ 550.00	\$ -			
D-6	8" x 6" MJ Tee	EA	0	\$ 525.00	\$ -	EA	0	\$ 525.00	\$ -	EA	0	\$ 525.00	\$ -			
D-7	1" Water Services, meter not included	EA	0	\$ 600.00	\$ -	EA	1	\$ 600.00	\$ 600.00	EA	0	\$ 600.00	\$ -			
D-8	Fire Hydrant Assembly	EA	2	\$ 2,956.00	\$ 5,912.00	EA	2	\$ 2,956.00	\$ 5,912.00	EA	0	\$ 2,956.00	\$ -			
D-9	Test and chlorinate water system	LF	1,100	\$ 1.80	\$ 1,980.00	LF	1,500	\$ 1.80	\$ 2,700.00	LF	0	\$ 1.80	\$ -			
D-10	Poly Wrap Water Line for Wet Trench Installation	LF	1,100	\$ 8.00	\$ 8,800.00	LF	1,500	\$ 8.00	\$ 12,000.00	LF	0	\$ 8.00	\$ -			
D-11	8" MJ x FL Adaptor	EA	0	\$ 160.00	\$ -	EA	0	\$ 160.00	\$ -	EA	0	\$ 160.00	\$ -			
D-12	16" MJ x FL Adaptor	EA	4	\$ 250.00	\$ 1,000.00	EA	0	\$ 250.00	\$ -	EA	0	\$ 250.00	\$ -			
D-13	1" Air Release Valve	EA	0	\$ 1,500.00	\$ -	EA	0	\$ 1,500.00	\$ -	EA	0	\$ 1,500.00	\$ -			
D-14	Standard End of Line 2" Blow-Off Ass.	EA	0	\$ 950.00	\$ -	EA	1	\$ 950.00	\$ 950.00	EA	0	\$ 950.00	\$ -			
D-15	1" Irrigation Service	EA	0	\$ 575.00	\$ -	EA	1	\$ 575.00	\$ 575.00	EA	0	\$ 575.00	\$ -			
D-16	Concrete Cap Waterline	CY	0	\$ 150.00	\$ -	CY	0	\$ 150.00	\$ -	CY	0	\$ 150.00	\$ -			
D-17	8" 90 Degree MJ Bend	EA	0	\$ 275.00	\$ -	EA	2	\$ 275.00	\$ 550.00	EA	0	\$ 275.00	\$ -			
D-18	8" 45 Degree MJ Bend	EA	0	\$ 255.00	\$ -	EA	0	\$ 255.00	\$ -	EA	0	\$ 255.00	\$ -			
D-19	8" 11 1/4 & 22 1/2 Degree MJ Bend	EA	0	\$ 255.00	\$ -	EA	0	\$ 255.00	\$ -	EA	0	\$ 255.00	\$ -			
D-20	8" Plug	EA	0	\$ 90.00	\$ -	EA	0	\$ 90.00	\$ -	EA	0	\$ 90.00	\$ -			
D-21	16" x 8" MJ Tee	EA	4	\$ 2,000.00	\$ 8,000.00	EA	1	\$ 2,000.00	\$ 2,000.00	EA	0	\$ 2,000.00	\$ -			
D-22	16" x 8" MJ Cross	EA	1	\$ 2,300.00	\$ 2,300.00	EA	0	\$ 2,300.00	\$ -	EA	0	\$ 2,300.00	\$ -			
D-23	20" x 16" Hol Tap	EA	0	\$ 7,500.00	\$ -	EA	0	\$ 7,500.00	\$ -	EA	0	\$ 7,500.00	\$ -			
Sub Total:					\$ 120,492.00	Sub Total:					\$ 140,287.00	Sub Total:				\$ -

Schedule E - Franchise Utilities (Actual quantities yet to be determined)																
E-1	Allowance (\$2500/lot)	lot	0	\$ 2,500.00	\$ -	lot	0	\$ 2,500.00	\$ -	lot	0	\$ 2,500.00	\$ -			
Sub Total:					\$ -	Sub Total:					\$ -	Sub Total:				\$ -
Estimate Subtotal (Construction)					\$ 702,052.50	Estimate Subtotal (Construction)					\$ 657,243.50	Estimate Subtotal (Construction)				\$ 239,209.50
Contingency					10% \$ 70,205.25	Contingency					10% \$ 65,724.35	Contingency				10% \$ 23,920.95
Estimate Total (Construction)					\$ 772,257.75	Estimate Total (Construction)					\$ 722,967.85	Estimate Total (Construction)				\$ 263,130.45
Estimated Engineering and Survey					12% \$ 84,246.30	Estimated Engineering and Survey					12% \$ 78,869.22	Estimated Engineering and Survey				12% \$ 26,705.14
Estimated City Review and Devlpmt Fees					5% \$ 35,102.63	Estimated City Review and Devlpmt Fees					5% \$ 32,862.19	Estimated City Review and Devlpmt Fees				5% \$ 11,000.40
Estimate Total Project					\$ 807,360.38	Estimate Total Project					\$ 755,830.03	Estimate Total Project				\$ 275,080.93
Cost Per Lot										Cost to Fully Improve South Circle:				\$ 480,739.10		
Land Price Per Lot (5.1 M Total)																
Total Cost Per Lot																

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Construction Cost Estimate					
Project:	Witham Oaks - Circle Portion of Harrison				
Owner:	Pahlisch, Matrix, & Legend Homes				
Engineers:	OTAK				
Date:	11/6/2006 (Updated 3/20/2007)				
		Harrison	0 lots	Off Site	
ITEM #	DESCRIPTION	UNIT	QTY	BID UNIT	BID TOTAL
Schedule A - Site Work					
A-1	Sawcut	LF	900	\$ 4.00	\$ 3,600.00
A-2	4" Hatch Striping	LF	2,600	\$ 1.50	\$ 3,900.00
A-3	4" Solid/Broken Yellow Striping	LF	1,800	\$ 1.50	\$ 2,700.00
A-4	0" Bike Lane Striping	LF	900	\$ 3.00	\$ 2,700.00
A-5	24" Stop Bar Striping	LF	10	\$ 9.00	\$ 90.00
A-6	Letters and Symbols Striping	SF	34	\$ 2.50	\$ 85.00
A-7	Excavation and Embankment	CY	500	\$ 4.60	\$ 2,300.00
A-8	Soft Spot Excavation Budget	CY	300	\$ 35.00	\$ 10,500.00
A-9	Subgrade Geotextile Fabric	SY	2,850	\$ 1.00	\$ 2,850.00
A-10	5.5" Class B & C Asphalt Paving	SY	2,600	\$ 15.75	\$ 40,950.00
A-11	Base Rock (12.0" of 3/4" - 0")	SY	2,600	\$ 15.00	\$ 39,000.00
A-12	Leveling Rock (2" of 3/4" - 0")	SY	2,600	\$ 2.20	\$ 5,720.00
A-13	Curb & Gutter (Type A)	LF	900	\$ 8.30	\$ 7,470.00
	Sub Total				\$ 121,865.00
	Estimate Subtotal (Construction)				\$ 121,865.00
	Contingency			10%	\$ 12,186.50
	Estimate Total (Construction)				\$ 134,051.50
	Estimated Engineering and Survey			12%	\$ 14,623.80
	Estimated City Review and Dvlpmt Fees			5%	\$ 6,093.25
	Estimate Total Project				\$ 140,144.75
	Cost Per Lot				
	Land Price Per Lot (5.1 M Total)				
	Total Cost Per Lot				

RECEIVED

APR 4 2007



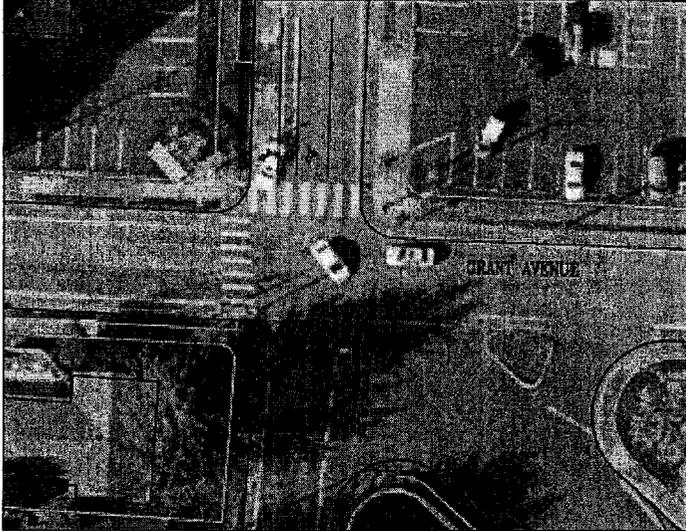
Community Development
Planning Division

MEMO

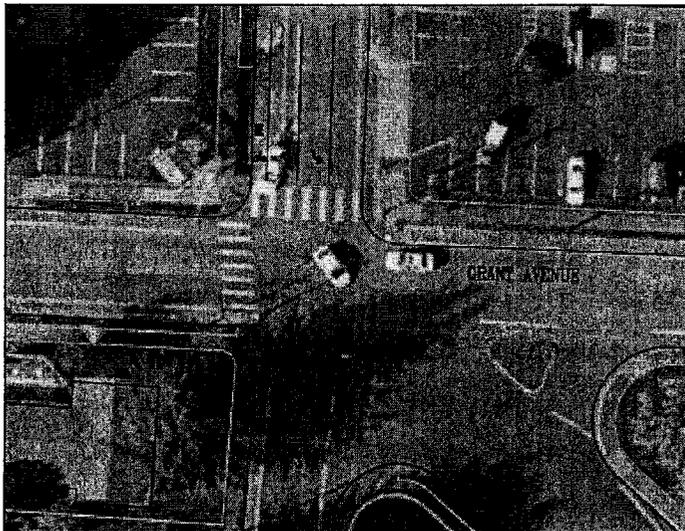
To: Keith Turner, P.E., City of Corvallis
From: Thomas Bauer, P.E., PTOE, PTV America
Cc:
Date: March 20, 2007
Subject: 29th at Grant Mitigation Analysis for Witham Oaks TIA

The purpose of this memo is to specifically analyze the option of a small interim mitigation for the intersection of 29th Street at Grant Avenue. This intersection is expected to reach a V/C ratio of 0.91 which corresponds to LOS E in the 2007 AM peak period under no-build conditions. Its poor performance has prompted the City of Corvallis to request the construction of the entire Circle Boulevard extension as part of Phase 1 of the Witham Oaks development.

A closer look at the operation of this intersection reveals that the southbound approach is responsible for the poor AM peak operation. Currently, the intersection lane geometry provides for an exclusive right-turn lane and a shared through and left lane for this approach. Changing the lane configuration to a shared right and through lane and an exclusive left-turn lane improves the operation for 2007 AM peak Phase 1 build (no Circle extension) conditions to a V/C ratio of 0.80 which corresponds to LOS D, an 11% reduction in saturation. Figure 1 below shows the proposed approach lane reconfiguration.



EXISTING



PROPOSED

Figure 1. Proposed SB Approach Lane Reconfiguration for 29th Street at Grant Avenue



Table 1. No Build Level of Service

Intersection	Period	2005		2007		2008		2009		2010		2011		2027	
		LOS*	v/c												
Grant Ave. & 29th Street	AM	D	0.86	E	0.91	E	0.94	E	0.96	E	0.99	F	1.02	F	1.63
	PM	D	0.82	D	0.88	E	0.91	E	0.94	E	0.98	F	1.01	F	1.63

*LOS based on v/c per City of Corvallis TSP

Table 2. Build Level of Service

Intersection	Peak	Phase 1 2007		Phase 2 No Circle Extension 2008		Phase 2 W/ Circle Extension 2008		Phase 3 (A+B) 2009		Phase 3 A 2009		Phase 3 B 2010		Phase 4 2010		Phase 4 2011		Build Out 2027	
		LOS	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS	v/c
Grant Ave. & 29th Street	AM	E	0.91	E	0.95	E	0.93	E	0.96	E	0.96	E	0.97	E	0.99	F	1.02	F	1.5
	PM	E	0.90	E	0.93	D	0.87	E	0.92	E	0.91	E	0.94	E	0.96	F	1.00	F	1.5

*LOS based on v/c per City of Corvallis TSP

28



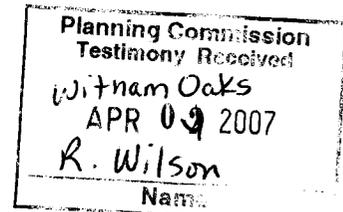
Table 3. Mitigated Level of Service

		Phase 1 No Circle 2007		Phase 2 No Circle Extension 2008		Phase 2 W/ Circle Extension 2008		Phase 3 (A+B) 2009		Phase 3 A 2009		Phase 3 B 2010		Phase 4 2010		Phase 4 2011		Build Out 2027	
Intersection	Peak	LOS	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS	v/c	LOS	v/c
Grant Ave. & 29th Street	AM	D	0.80	D	0.83	D	0.81	D	0.84	D	0.84	D	0.86	D	0.87	D	0.90	F	1.0
	PM	D	0.90 ¹	E	0.94	D	0.82	E	0.95	E	0.93	E	0.95	E	0.98	F	1.02	F	1.0

¹ Actual computed value is 0.899

62

ATTACHMENT 8



April 4, 2007

To: City of Corvallis Planning Commission
From: Rebecca Wilson
1540 NW Woodland Dr
Corvallis, OR 97330
Subject: Witham Oaks Development Plan

As a nearby resident of the proposed Witham Oaks development, I would like to speak out in opposition to the proposed plan.

Before the vote on Measure 02-48 in 2004 for the annexation of this area, I received a flier authorized and paid for by the Citizens for a Livable Corvallis (see back page). This flier, headlined boldly with "ENVIRONMENTAL ALERT", stated that a YES vote will:

- Save Oregon White Oak trees
- Set aside permanent open space
- Preserve wetlands
- Add bike and pedestrian paths

So misleading was the flier even I, who was aware of the development plan at the time, had to read it over a few times in order to determine what a "Yes" vote actually meant. Similar arguments were put forth in the Benton County voter's pamphlet (Nov. 2, 2004, pp. B17-B20). It is my feeling that many residents of Corvallis may not have been fully aware of the outcomes of a "yes" vote on this measure.

In their proposed plan, Matrix Development has in part fulfilled the above-stated promises. Not all of the Oregon White Oaks will be removed, permanent open space and wetlands will be set aside, and bike and pedestrian paths will be added.

However, I question whether the citizens would have voted yes on this plan if they had known that a total of 342 significant trees, including Oregon White Oak, maple, cherry, fir, and ash, were to be removed, with a potential of 25 more (p.42, staff report). Would they have voted yes if they had known that the viability of the "preserved wetlands" could be seriously and irreversibly endangered? "While the applicant's hydrologic model has accounted for a set of variables that can be reasonably ascertained at this time, there are also unknown factors that cannot accurately be quantified through the modeling process", and that "...if modifications to the existing drainage patterns resulted in an appreciable alteration to the amount of water infiltrating these areas, additional loss of wetland area could result", and that "effectiveness of the proposed storm water management plan would not be known until some point after completion of the last phase" (pp.62- 64, staff report). Would the citizens have voted yes if they had known that the additional bike and pedestrian paths spoken of will mostly be those along paved streets in a crowded development, and that the area would potentially no longer be a place to which they were drawn for those activities?

Unfortunately, the citizens did vote yes on measure 02-48 and now it is in the hands of the Planning Commission to approve, or disapprove, the current development proposal for the Witham Oaks area. From what I can ascertain, several questions remain. Many reports were either incomplete (wetland remediation, wastewater, traffic) or inaccurate (presence of fish, pp. 59-60 staff report) before the hearing on March 21st, 2007. It was necessary for the Corvallis Planning Division to include 60 conditions for approval for this development plan. Perhaps this inordinate number of conditions reflects the uniqueness of this scarce wetland and oak savanna within the heart of Corvallis.

I urge you to seriously consider whether the Comprehensive Plan Policies and Land Development Codes have been, or could ever be, adequately addressed, specifically the following:

Comprehensive Plan

4.6.5 On tree covered hillsides development shall be designed to preserve as many trees as possible and tree removal shall be consistent with the approved development plan

4.6.6 On tree covered hills the design of dwellings and their placement shall be planned to retain a sufficient number of trees to preserve a green tree covered hillside appearance...

4.10.9 Negative impacts on habitat and migration corridors for birds, wildlife, aquatic life and on open space and the recreation qualities of significant drainage ways shall be minimized

4.13.2 Development on land identified with significant plant communities or significant fish and wildlife habitats shall be planned to minimize the impact on the significant resources

4.9.1 Significant watercourses lakes and wetlands shall be preserved or have their losses mitigated in order to maintain clean water support natural vegetation protect the aquatic habitat retain existing significant public vistas and provide wildlife habitat and recreation sites ...

4.10.3 Significant drainage ways shall be kept in a natural state to protect tree lines maintain their natural functions and enhance native plant species to the maximum extent practicable

4.10.9 Negative impacts on habitat and migration corridors for birds wildlife aquatic life and on open space and the recreation qualities of significant drainage ways shall be minimized

4.13.2 Development on land identified with significant plant communities or significant fish and wildlife habitats shall be planned to minimize the impact on the significant resources

4.13.5 Development occurring in significant wildlife areas will set forth a plan of action to reduce impact to significant identified areas

Land Development Code

4.2.20 GENERAL PROVISIONS

c. Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees of 8 in or greater diameter measured at a height of 4 ft above grade and shrubs excluding blackberries poison oak and similar noxious vegetation over 3 ft in height are considered significant. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved only if no cutting filling or compaction of the soil takes place between the trunk of the tree and the area 5ft outside the trees drip line In addition the tree shall be protected from damage during construction by a construction fence located 5 ft outside the drip line.

2.5.40.04 Review Criteria

Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter policies and density requirements of the Comprehensive Plan and any other applicable policies and standards adopted by the City Council In addition the following compatibility factors shall be considered

- Basic site design the organization of uses on a site
- Visual elements scale structural design and form materials and so forth
- Noise attenuation
- Noxious odors
- Lighting
- Signage
- Landscaping for buffering and screening
- Traffic
- Effects on off site parking
- Effects on air and water quality

Section 4.5.80 DRAINAGEWAY EASEMENTS AND DEDICATIONS

Development can have a number of impacts on the drainage system and its associated water quality...

I ask you, would approval of this development, especially in its current incomplete state of planning, truly benefit the future of our special community? And finally, I urge you to take the steps necessary to create that vibrant, livable town described in the Corvallis 2020 Vision Statement.

**Corvallis 2020 Vision Statement
Open Space and Habitat**

Our natural features; hillsides, floodplains, streams, wetlands, and other natural areas are protected and treasured. Wildlife habitat areas, scenic areas, and other natural areas help shape development patterns as we grow. Our natural open space helps buffer flood events, purify our air and water, provide recreational and educational opportunities, and reinforce the community's distinctive character. Corvallis has identified its open space resources, and has established criteria and priorities for open space protection.

Corvallis is encircled by an emerald necklace of parks, scenic vistas, natural habitats, and farm and forest lands that define the city's boundaries. The OSU Research Forests and the OSU agricultural research lands located within easy walking distance to campus also contribute to the unique character of Corvallis as a land grant college community. Corvallis has established a common open space with Philomath which provides recreational opportunities, wetland protection, and community identity to each city.

We value our rivers, our streams, and our watershed, carefully managing them to protect the purity of our water, their aesthetic and biological qualities, and their value as recreational areas. The city's streams and wetlands act as the backbone for a system of "green fingers" which weave through and connect the city's open space resources. These "green fingers" provide trail corridors and habitat areas where native plants and wildlife grow and flourish in their natural state. These "green fingers" widen out at community-scale parks and open space preserves and are easily accessible to neighborhoods.

Developers and homeowners are encouraged to use natural landscaping which integrates and preserves the existing significant vegetation on homesites and commercial developments in creative and environmentally sound ways. Habitat disturbed during construction is restored and enhanced.

Thank you,



Rebecca Wilson

ENVIRONMENTAL ALERT

Witham Oaks will be developed soon. The only question is how.

How many trees will be left? How much open space will be preserved? By voting YES on Measure 02-48, you can make sure the decisions are good for the environment.

A YES vote will:

- Save Oregon White Oak trees.
- Set aside permanent open space.
- Preserve wetlands.
- Add bike and pedestrian paths.

But a NO vote means:

- No requirement for open space.
- No control over clear-cutting.
- Weaker environmental controls.

Support our community.

Vote YES on Measure 02-48.

Authorized and paid for by Citizens for a Livable Corvallis.

Printed on recycled paper.



Citizens for a Livable Corvallis
515 SW Western Blvd.
Corvallis, Oregon 97333



Vote YES on
Measure 02-48
to preserve
trees, habitat,
open space
and bike paths.
Vote YES to
include Witham
Oaks in our
community.



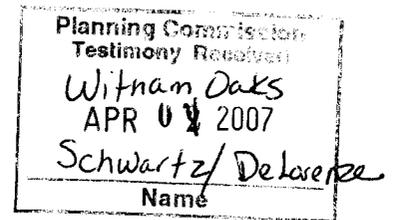
YES saves the trees.

NO puts them at risk.

ATTACHMENT E

April 2, 2007

Elizabeth Schwartz & Jason DeLorenze
3930 NW Witham Hill Drive, apt 64
Corvallis, OR 97330
(541) 752-3016



To the Corvallis Planning Commission and residents:

I have several concerns in reference to the planned Witham Oaks Development project. The first regards the Circle Boulevard extension. The extension is meant to become a main thoroughfare connecting opposite sides of town. It would completely change the character of the area which currently gets mostly local traffic. The comprehensive plan promises that "The transportation system shall be planned and developed in a manner which contributes to community livability, recognizes and respects the characteristics of natural features and minimizes the negative effects on abutting land uses" (11.2.1, page 37). As I see it, the extension of Circle Boulevard will add more traffic than necessary to the Witham Hill and Harrison Boulevard areas. Harrison Blvd. will already have an influx of traffic from the new development. To make Circle Boulevard a quick route across the northern portion of town will only worsen this problem. As it will track closely with the multi-use path for some distance, it will make the path a much less peaceful and welcome place to walk. As a daily user of the existing path, I do not welcome the thought of walking along a busy highway each day. Overall, it will not only affect the path, but it will significantly and negatively alter the character of the surrounding areas on Witham Hill by transforming a relatively quiet area into a traffic artery.

If the Circle Boulevard extension is approved against my recommendations, it should not be done without additional traffic studies. The current studies were incomplete and often conducted during OSU dead and finals weeks (Attachment I - 93). Though the applicant asserts that OSU is fully operational during these weeks, I would point out that many students (particularly graduate students) do not have finals, and are free to leave town during the finals period. The traffic reports should attempt to more accurately represent normal traffic patterns. I would also like to see traffic slowing devices recommended by other citizens in their testimonies from March 21, 2007. They recommended traffic circles and speed bumps to slow traffic and help maintain the pedestrian friendly, neighborhood atmosphere of northwest Corvallis. Please keep these recommendations in mind when amending/approving the development plan.

My second concern is in regards to the excessive tree removal from the site. Residents voted for the annexation of the property only after threats from the developer of clear-cutting. The campaign laid out by the developer for annexation was based on a "save this tree" philosophy. Now that the plan is out, it preserves only 47 of 189 existing significant trees (staff report, pg. 19). This is in contrast to the comprehensive plan policies as stated in 4.6.6, "...the design of dwellings and their placement shall be planned to retain a sufficient number of trees ..." (page 17) and 4.2.20 (c) "Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development" (page 41). In order to comply with the expectations of voters when they agreed to the annexation, as well as the comprehensive plan's own policies, it is imperative that a large number of significant trees

remain on the property. As the surrounding neighborhoods all have a large number of existing significant trees, requiring tree preservation of the new development project will not only satisfy the voters, but also help the new neighborhood blend with existing developments.

Third, I would like to address the layout of the proposed development. The applicant is asking for a variance to allow for a 20-30% increase in allowable lot coverage (page 21), paired with a decrease in the side yard setback to under 5 ft. (page 23). The tight lot spacing is impractical for home maintenance and repair, and is not in keeping with the character of the surrounding areas. I ask that you deny these variance requests in order to create a more practical homeowner situation and to better blend the new development with existing neighborhood.

Similarly, a goal of the comprehensive plan as stated in article 9.2.5(j), "Domestic garages are behind houses or otherwise minimized (eg by setting them back from the front facade of the residential structure). Parking lots and structures are located at the rear or side of buildings" (page 15). The applicant reiterated this in attachment I (page 38). However, the building typicals in attachment I 202-227 show garages that dominate the homes and are prominently placed. At the hearing on March 21, 2007 the applicant stated that these were just "typicals" and not exact replicas of the homes. This is much too vague a portion of the development plan. Prior to acceptance of the proposal, accurate representations of the homes should be presented and adherence to those plans should be a condition of approval.

As expressed by other residents of Corvallis, I see a definite need for a geo-technical analysis of the property. It is imperative that these studies be completed prior to further development planning or approval. Across the country we have seen towns that allow developers to move ahead with building before fully investigating the stability of the soil. This kind of oversight can lead to disastrous results, and should be avoided at all costs.

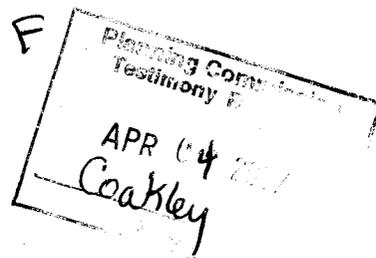
Lastly I would like to address the monument sign and masonry wall. Both are obscenely and unnecessarily large. The monument sign they are proposing is larger than the maximum allowed size (page 36). I am also opposed to the materials proposed. For the wall in particular, a wooden structure would blend into the environment and reduce noise reverberation better than a masonry wall. There is no need for such huge and obtrusive structures in a neighborhood entrance, and they should be reduced to a more reasonable size.

I ask you to remember that the comprehensive plan is meant in part to protect existing neighborhoods and the encompassing ecosystem. So many components of this plan (the extension of Circle Blvd, the significant tree loss and associated wildlife habitat, the tight neighborhood layout, etc.) conflict with that goal. Please make an effort to resolve these issues and help to make the proposed development more acceptable to the surrounding residents before approving this plan.

Thank you,

Elizabeth Schwartz
Jason DeLorenze

ATTACHMENT F



Tuesday, April 03, 2007

To: City of Corvallis
Planning Commission

From: Stella Melugin Coakley
3839 NW Jackson
Corvallis, OR 97330
541-753-6215

RE: Witham Oaks development Plan
(PLD06-00012/SUB06-00005)

There are numerous issues within this development proposal that are of concern to residents of Corvallis. Among them are:

1. Those who have watched the ebb and flow of the wetlands on this property believe that the proposed density exceeds that appropriate to this area. Earlier studies of the wetlands showed that they were substantially greater than 19.87 acres. It is of concern that the calculations done in regards to what is necessary for mitigation has been limited to a 24 hour precipitation or a 10-year water event (p. 62) and that the issue of the spring(s) on the property has apparently not been considered in the calculations.

I strongly support the recommendation that the developer be responsible for 5 years of monitoring (and mitigation) of the wetlands after the last phase of the development (p.64). Without this safeguard, the homeowners (and the city) are likely to end up with expensive modifications to deal with water issues that are likely to accompany the development of this hillside. Following the completion of the multi-use path, there have been additional flooding issues in the surrounding fields and every effort should be to return the run-off rate to pre-path/sewer line installation.

One possible way to assure that the wetland delineation is adequate would be to leave the development of the adjacent area until the last phase of build-out. This could allow on-site adjustments without disrupting existing homes.

2. In addition to the questions about adequacy of water management, are the issues of how many significant trees will be removed. The proposed removal of 342 trees with the potential for an additional 25 (p.42) is not consistent with the "promises" made at the time of annexation. Indeed, the threat of a clear-cut was likely the tipping point for the approval of the annexation. The development as laid out suggests that the preservation of trees will be greatly limited by the housing density requested and the impact of grading. I request that every effort be made to preserve more of the significant trees so that this development will be consistent with surrounding neighborhoods.

3. Lack of set-back or limited access to OSU property via Street J. To dead-end this street adjacent to the OSU property would invite entry onto the research lands by residents of this area. Consistent with the proposed "in yard" set-backs for lots 33-44, I suggest a cul-de-sac be created to ensure that the buffer is maintained in perpetuity. There are no plans for the university to develop or change the use of the agricultural research property adjacent to this development so it makes no sense to have a dead-end street at this location.

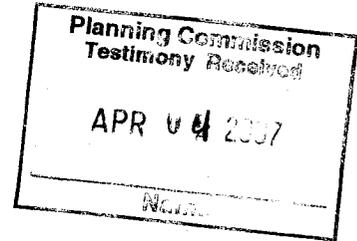
4. To be consistent with surrounding neighborhoods, no monument sign should be allowed for this development and most certainly not at the proposed location.

5. Fencing should be 4-6 foot wood and a combination of berms and buffer plantings should be used to ensure that the multi-use path remains "open" to citizens. A masonry fence would be unfriendly, reflect noise, and be inconsistent with the surrounding neighborhood.

6. Geotechnical analysis: It is critical that this be done and that no development be allowed unless homes can be constructed safe from water flow and landslipping. I have visited neighborhoods in Portland where relatively new homes are already moving down hillsides due to the steep slopes and cut-downs that were used when the houses were constructed. Dependent on precipitation and other weather factors, such movement may take some years before it occurs. When, however, it does, the developer is usually long-gone and the homeowners (and other citizens) are left with the cost of mitigation.

In summary, I believe the Planning Commission should deny this development request until more of the issues within the City Staff's conditions have been addressed by the developer.

Robert Mason
3635 NW Jackson Ave.
Corvallis, OR 97330



Witham Oaks Plan Testimony

April 4, 2007

The developer's plan needs revision in two key areas before it merits city approval.

First, they plan to form a Home Owners' Association to maintain common tracts within the development and enforcement of Covenants, Conditions and Restrictions (CCRs). No details are provided to assure anyone what is maintained and what is not. Moreover, a Home Owners' Association is primarily a legal strategy that allows a developer to shift his responsibility to maintain his property to others. Home Owners' Associations are known to fail because of poor planning or lack of skill among Association leaders. This lapse in responsibility when it occurs, as it has in the past, falls to others, such as the City, to pick up the pieces at taxpayers' expense. Examples are the Skyline West or Ponderosa development and a smaller development on Reservoir Road near the County Fairgrounds.

As well, none of the CCR's is described and this is a major shortcoming. The CCR's should include one clear warning to new homeowners that a working agricultural dairy research operation is functioning nearby that will expose them to the noise and smells of dairy animals from time to time. Buyers should understand that the University has a legal right to operate their facility as they see fit. The CC'C is the appropriate place to provide this information as a deed restriction and the developer should do so before the development plan is approved.

Secondm the control of stormwater is most important to me and my neighbors. The University has stipulated, through a memorandum of understanding signed August 15, 2006 by the representatives of the developer and the University that stormwater storage and control facilities will be designed to detain up to the 100- year proposed peak flow from the

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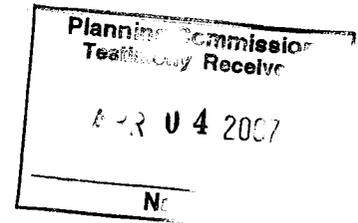
project site to channels crossing the OSU property. This is a conservative figure that has major cost implications for the developer. Although points of this agreement are scattered throughout the text of the development plan, (see pp. 95, 96 of development plan text) no mention of it is included in the 60 conditions the City of Corvallis has imposed on the development. The developer should state, somewhere in his development plan, that the 100-year peak flow of stormwater from the development applies to conditions 24, 51, 52, 53, 54, 55, 56, 57, 58 and particularly to Major Modifications to the approved conceptual and detailed development plan that are defined by City of Corvallis and King County criteria. Staff approval of these plans was based on the imposition of the 60 conditions. Acceptance of these conditions, while critical to the mitigation of this development in an area with significant wetlands and steep slopes, may not be sufficient to meet the more rigorous OSU 100-year requirement for stormwater control.

I believe more planning and analysis in these two areas is required before the development plan receives City approval.

Witham Oaks Annexation

Written Testimony

April 4, 2007



Submitted by: Chava Neuhaus
3362 NW Roosevelt Dr.
Corvallis, OR 97330
602-5161 cell

Many people supported this annexation because the developer planned to preserve the trees. Is the removal of 342 significant trees consistent with what the voters expected when they supported this annexation? A greater number of significant trees could be preserved if the number of planned houses were reduced. I propose reducing the number of houses from 221 to 123. By eliminating 98 houses on the steepest slopes and on land that contains the largest clustering of trees, many of the concerns raised about this development are effectively addressed. The reduction in density of houses would still result in a density consistent with the RS6 designation at 123 units/ 57.75 acres, or 2.1 units per acre.

Please refer to the attached map which shows preserved trees in yellow and proposed reduction in dwellings in blue.

Preservation of a greater number of trees by reducing the density of dwellings addresses many of the concerns raised by the public:

- Fewer of the significant trees would need to be removed.
- Reduction in erosion; trees add stability to hillsides.
- Fewer streets would be needed resulting in fewer impervious surfaces, further reducing runoff and erosion.
- Reduced traffic/noise.
- Maintain voters' trust/avoid betrayal of voters/ wishes. (In an aggressive PR campaign by the owners/developers of the property, voters were led to believe that the trees would be spared – not cut – if they voted for the annexation).
- Maintain consistency with local neighborhoods which preserved trees (ie: Forest Hill, Edgewood Estates and both apartment complexes to the north of the proposed development).

Comprehensive Plan Policies:

4.6.5 On tree-covered hillsides, development shall be designed to preserve as many trees as possible and tree removal shall be consistent with the approved development plan.

4.6.7 In areas where development is permitted, standards in the Land Development Code for hillside areas will achieve the following:

- A. Plan development to fit the topography, soil, geology, and hydrology of hillsides and to ensure hillside stability both during and after development.
- B. Preserve the most visually significant slopes and ridgelines in their natural state by utilizing techniques such as cluster development and reduced densities.
- C. Preserve significant natural features such as tree groves, woodlands, the tree meadow interface, and specimen trees.

AREA SHOWN
THIS SHEET

TREES TO BE PRESERVED
(TYPICAL)

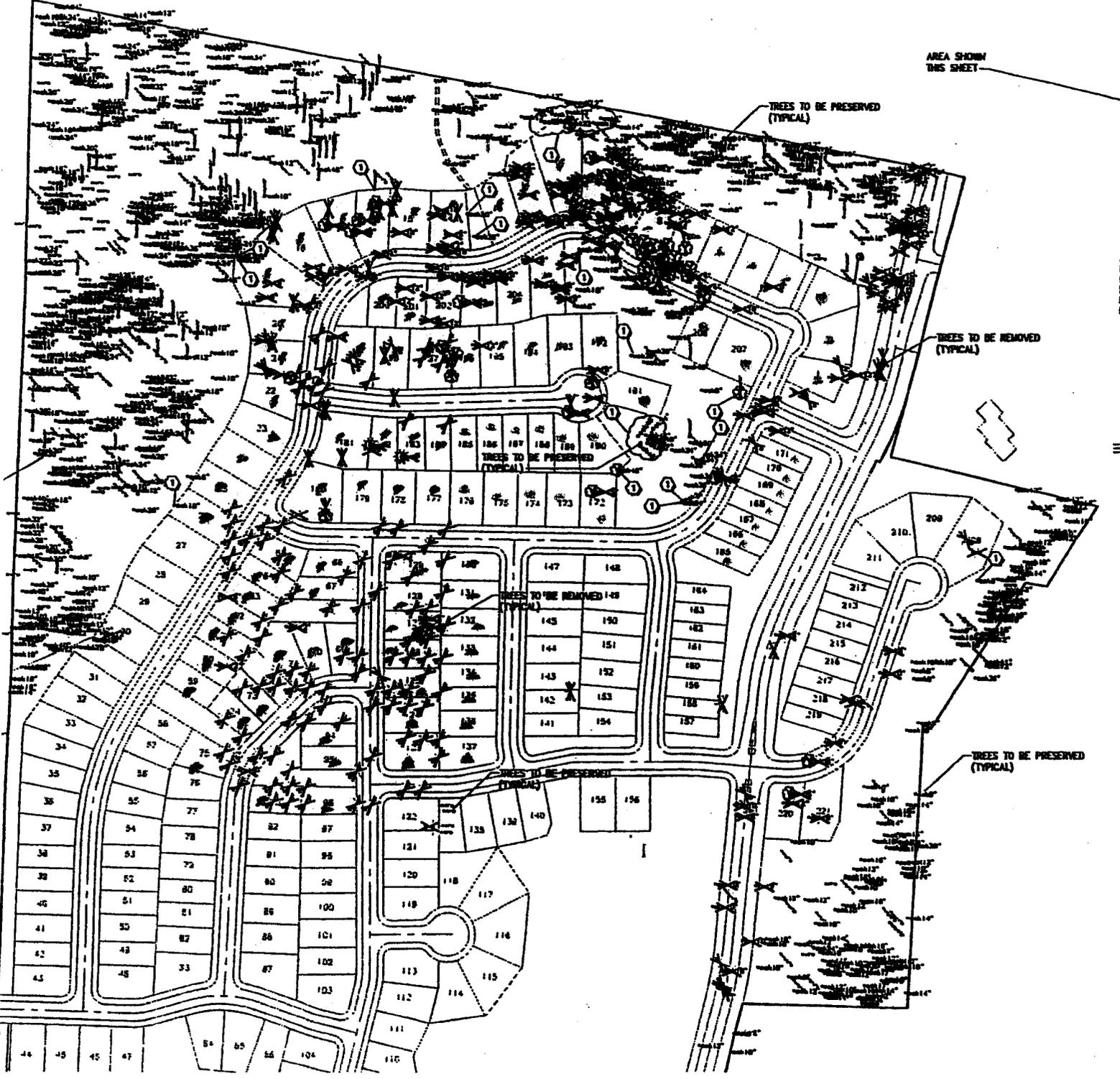
TREES TO BE REMOVED
(TYPICAL)

TREES TO BE PRESERVED
(TYPICAL)

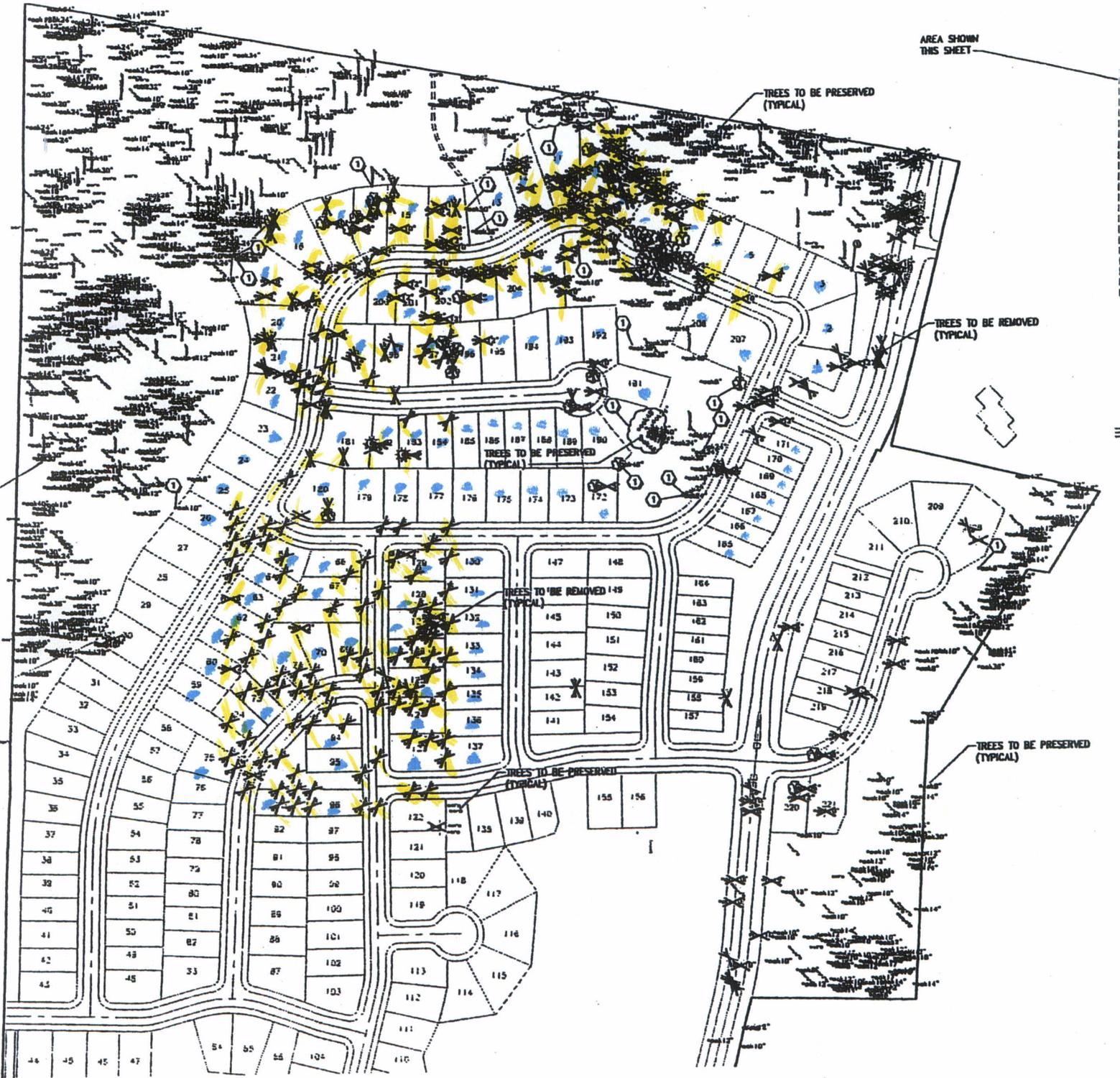
TREES TO BE REMOVED 1-48
(TYPICAL)

TREES TO BE PRESERVED
(TYPICAL)

TREES TO BE PRESERVED
(TYPICAL)



AREA SHOWN
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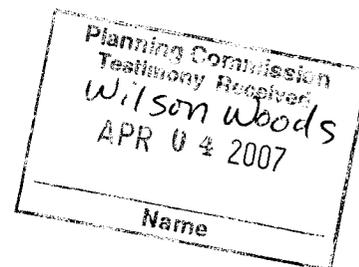
ATTACHMENT I

Richardson, Robert

From: Rory O'Donnell [rory_odonnell_1@hotmail.com]
Sent: Monday, March 26, 2007 4:43 PM
To: Richardson, Robert
Subject: Proposed Wilson Woods Zoning Change

To: Bob Richardson, Associate Planner

City of Corvallis, Planning Division



Dear Bob,

I received the "Notice of Land Use Public Hearing" scheduled for April 4, 2007, regarding the proposal to re-zone the western portion of Wilson Woods from RS-9 Medium Density Residential to RS-20 High Density Residential.

For the past 40 years, my family has owned a home directly across Polk street from Wilson Woods. Our home is located at the northeast corner of 29th Street and Polk Street, with the address of 603 NW 29th Street. Unfortunately, I cannot attend the hearing in person, so I wanted to provide you with this written testimony.

I strongly oppose this proposal to rezone the western portion of Wilson Woods to High Density Residential. I believe that higher density zoning would have a detrimental impact on the quality and character of the immediate neighborhood. I lived in this neighborhood from 1967 through 1981, and have visited several times per year since then, so I am extremely familiar with this area and the history of Wilson Woods. It is very clear to me that a higher density zoning of Wilson Woods will not yield a net benefit to the community, and in fact will detract from the community.

Higher density zoning of this location would, in the longer run, result in less open space and taller structures which block views and are less aesthetically appealing. In addition, parking and traffic congestion are longer run consequences of higher zoning.

In summary, changing the western portion of Wilson Woods to High Density residential zoning should not be allowed, as it will lead to the deterioration of the quality of life in this immediate neighborhood.

Sincerely,

Rory O'Donnell, Trustee

The O'Donnell Family Trust

415-637-6591 (cell)

3/26/2007

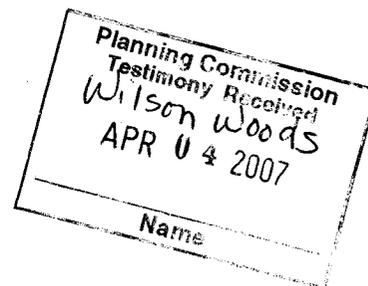
ATTACHMENT ↘

Richardson, Robert

From: lancer [lancemandu@comcast.net]
Sent: Wednesday, April 04, 2007 5:36 PM
To: Richardson, Robert
Subject: Fw: Wilson Woods ammendment

I neglected to put my name on this

Lance Jones
 2953 NW Polk Ave.
 Corvallis, OR



----- Original Message -----

From: lancer
To: ROBERT.RICHARDSON@CI.CORVALLIS.OR.US
Sent: Wednesday, April 04, 2007 5:34 PM
Subject: Wilson Woods ammendment

I object to the proposed Wilson woods zone district change for the following reasons:

1. Traffic analysis shows increase of 28 PM trips and suggests that is "not significant". If the trips were 30, that would be "significant". It is patently absurd that two additional trips make that much difference. In addition, no analysis of the traffic on Polk street, to the west of the planned site, has been factored in. That is often used as a shortcut to get around the light at 29th and Harrison by local residents, which leads drivers directly past several residences.
2. Trade offs in livability - new development of the site at a higher density would mean the individual units would be higher in rental cost than the existing, further decreasing the number of affordable rental units in the community.
3. Parking - the neighborhood streets in the vicinity already have very high usage due to a nearby school, church, the health department, the senior center, and most recently, the new location of the dial-a-bus headquarters. Existing parking allows for 52 spaces for the west half of the larger site, more than specified in the staff report. Putting university students into units with the Corvallis formula (MAX of 1.5 spaces per 2-bedroom unit) means there will have to be on-street parking. Because there is none on 29th street, that parking will move to Polk and Tyler, and will affect neighborhoods beyond the immediately adjacent.
4. Compatibility - even though there are height limits, this proposal occurs only tens of feet away from an RS-5 zone (the block across 29th to the northwest). That is too abrupt a change for neighborhood compatibility.

4/4/2007

**PROSPERITY THAT FITS COMMITTEE
MEETING NOTES**

May 9, 2007

The Prosperity That Fits Committee special meeting was called to order at 5:30 pm on May 9, 2007, in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Tomlinson presiding.

PRESENT: Mayor Tomlinson, Pat Sardell, Rich Carone, Ilene Kleinsorge, Curtis Wright, Barbara Ross, Jon Nelson

GUESTS: Elizabeth Foster, Elizabeth French, and Scott Zimbrick, all representing the Downtown/Economic Vitality Plans Implementation Committee.

I. Public Comment

None.

II. Downtown/Economic Vitality Plans Implementation Committee (D/EVPIC) Presentation

Elizabeth French, representing the D/EVPIC, provided an update of the Committee's work to secure funding for the City action items in the two plans. She described the D/EVPIC discussion on sizing revenue alternative(s) under consideration to provide funding beyond the City's action items. Elizabeth Foster and Scott Zimbrick added information points on how an expanded funding request would provide support from other geographic areas of the City and be helpful to businesses who would otherwise receive multiple funding support requests.

Following a question-and-answer session that included Fiscal Year 2007-2008 budget implications and funding Prosperity That Fits (PTF) Plan monitoring costs, the PTF Committee members offered unanimous support for considering the concept further.

Mayor Tomlinson described a potential committee process that includes PTF Committee members working further with D/EVPIC members on the specifics of a funding alternative, its sizing, and program administration guidelines.

III. Public Comment

None.

Barbara Ross distributed a Linn-Benton Community College Sector Needs Assessment information (Attachment A).

IV. Adjourn

The meeting adjourned at 6:10 pm.

LBCC SECTOR NEEDS ASSESSMENT

An annual sector specific needs assessment conducted in collaboration with regional industry partners and other sector experts. Our purpose is to strengthen LBCC's and the sector's capacity to quickly respond to the existing and changing educational needs of our community by better understanding:

Industry/Workforce Trends – What are the emerging industries, characteristics, demand for labor, and education and training needs?

Education/Training Needs – What type and level of education is needed? What challenges do employers face in hiring, retaining and advancing workers? What skills are needed – technical and interpersonal?

Education/Training Opportunities and Barriers – What education and training opportunities exist? How well are these opportunities meeting the demand for employers and enabling residents of the region to enter and advance?

Awareness of LBCC/Strength of Relationships – What is the level of awareness of what LBCC offers among sector leaders, workforce, and other community partners? How is the college perceived? How strong are our partnerships?

ANNUAL SECTOR CYCLE

07-08: Manufacturing (wood/products, metals/machinery, food processing)

08-09s: (1) Healthcare and (2) Education/Human Services

09-10: (1) Agriculture/Horticulture, and (2) Transportation (technology, business management, educational partnerships, career/employment services cut across all sectors)

ANNUAL TIMELINE

Planning for new sector cycle. (Spring, Summer)

Secondary data review of employment and sector trends, and describe what LB currently does including current results for related program areas. (Summer)

Strategic indepth interviews with employer and other sector stakeholders (initial “going deep,” strong emphasis on richness at the front of the process). (Fall)

Strategic surveys of employers and their workforce (“going broad”). (Fall, Winter)

Focus group discussion of findings from above (“going deeper”). (Winter)

Data synthesis, internal communication and discussion including utilization focus groups. (Winter, Spring)

Closing the loop, sharing what we know at LB and with the community. (Spring)

SECTOR NEEDS ASSESSMENT TEAM

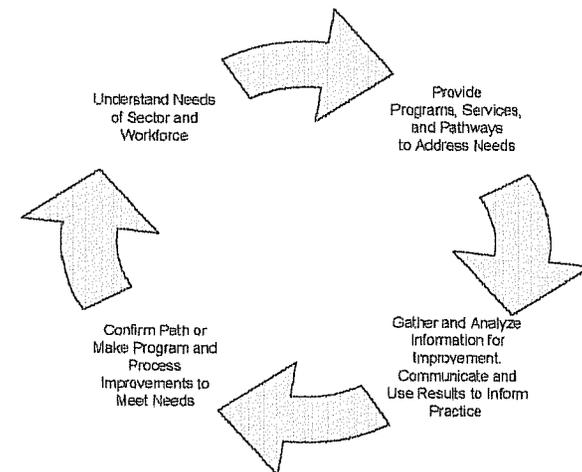
Project Leader - Gary Price, LBCC Business & Employer Services (guardian of the process).

Sector Team – a small strategic working group made up of LB and community representatives, advisory to overall process, some involvement with data collection, data synthesis, instrumental to communications and reflection on findings and utilization of results (practical and applied role, committed to the communication and consideration of the findings).

LBCC Community Relations Council - input on design and implementation, discussion of findings and implications for college (advisory, critical to communications and utilization).

Institutional Research - technical support with design, implementation, analysis, reporting, and utilization (research support).

A Cycle of Understanding



LBCC Sector Needs Assessment

For More Information Contact: Gary Price, Business & Employer Services, 541-917-4948, priceg@linnbenton.edu.

Watershed Management Advisory Commission
MINUTES
April 18, 2007

Present

Michael Campana
Jennie Cramer
Matt Fehrenbacher
Nicole Strong, Chair

Staff

Tom Penpraze, Public Works
Steve Rogers, Public Works
Bob Worthean, Public Works
Mike Hinton, Public Works

Absent

Hal Brauner, City Council
Jerry Davis
Robert Griffiths, Vice Chair
Frank Morris

Visitors

Scott Ferguson, Trout Mountain
John Berry
Frank Davis, Siuslaw National Forest

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Introductions	X		
II. Approve March 21, 2007 Minutes			Approved
III. Public Comment	X		
IV. Discuss Harvest Planning Scope of Work	X		
V. Discuss Vegetation Control Scope	X		
VI. Commission Reports/Requests	X		
VII. Public Comment Period	X		

CONTENT OF DISCUSSION**I. Introductions**

Introductions of Commissioners, staff and visitors were made.

II. Approve March 21, 2007 Minutes

The minutes were approved.

III. Public Comment

An email message (attached) from Jim Fairchild to Chair Strong, dated April 18, 2007, was read into the minutes.

IV. Discuss Harvest Planning Scope of Work

Mr. Ferguson led a discussion about the locations and scope of work for two areas identified for some treatments. Trout Mountain has investigated three areas in the north part of the watershed as potential harvest areas. The areas include two approximately 30-acre pieces of agriculture origin with timber in the 70-110 year old range and one larger younger (40 year old) plantation. One of the agriculture origin stands is proposed for a thinning harvest of approximately 25% in Fiscal Year 2007-08. This area has been reviewed by U.S. Fish and Wildlife for conflicts with murrelet habitat, and spotted owl will also be surveyed. The intent of the harvest is to open an existing meadow, create openings for the existing large old trees in the stand and create openings to promote a hardwood second storey. Typical harvest markings will be in place in this stand for review by the Commission during the May meeting.

V. Discuss Vegetation Control Scope

Mr. Ferguson reviewed the vegetation control outline for the sites included in the proposed timber harvest area.

VI. Commission Reports/Requests

Chair Strong led a discussion regarding development and implementation of a public outreach plan in relation to the Good Neighbor Policy contained in the Stewardship Plan.

Discussion centered around the need to inform neighboring property owners of any forest activity in the vicinity, such as log trucks using roads adjacent to homes. A short-term and more broad-reaching plan for the general public was also discussed. Mr. Rogers said staff will develop a short-term and long-term public outreach plan and bring it to the Commission for discussion at the next meeting.

VII. Public Comment Period

- Mr. Davis, a USFS planner, told the Commission that the Marys Peak Stewardship Group continues to make progress on developing an organizational structure, stewardship area boundaries and restoration priorities on the Siuslaw National Forest-owned portion of the City's watershed and adjacent properties. He also mentioned that the USFS has been asked to write a letter of support for the Marys River Watershed Council's (MRWC) grant application to the Oregon Watershed Enhancement Board (OWEB) for fish passage improvement projects on the City-owned portion of the watershed.

- Mr. Penpraze updated the Commission on the status of OWEB and the Oregon Department of Fish and Wildlife (ODFW) grant applications for City watershed fish passage projects. The City is working with the MRWC to solicit grant funds for the survey and design work for the following projects:
 - Fish passage at the Griffith Creek and South Fork of Rock Creek water intakes;
 - Replacement of four perched culverts on the main watershed road;
 - Placement of large wood in the mainstem of Rock Creek; and
 - Reestablishment of a meander in the mainstem of Rock Creek.

The MRWC is acting as the agency requesting the grants. ODFW recently announced that it has approved a grant for survey work for the fish passage and culvert projects. A grant has been submitted to OWEB for the design work for the projects.

NEXT MEETING: May 16, 2007, 5:00 p.m. - Note time change.

The next meeting will be held in the field, in the areas under consideration for restoration work. The tentative plan is to leave from City Hall at 5:00 p.m., tour the work areas, conduct the Commission meeting, and then return to Corvallis at approximately 8 p.m. The public will be invited to attend.

Hi Nicole,

I have to go out of town for a bit, and am unable to attend tonight's meeting. Thank you for agreeing to chair the WAC, I think you will do a great job. I would like to include in the record a short public comment if I could:

Thank you for continuing to take public comment at your meetings. Again I would like to emphasize that the role of the WAC is to advise the City Council regarding watershed management as being planned and implemented by city staff. The Mayor and Councilors have entrusted stewardship decisions in part to you. I am now looking for consistency between the planning effort and the policies adopted by the Council.

Two policies still concern me. First, as I continue to bring up, is the Good Neighbor Policy. I would ask the WAC to directly inquire of Public Works how and when they intend to implement this, and whether it is appropriate to continue not to contact all adjacent landowners. Second, important wildlife habitat management activities in plantation stands, particularly in older, or commercial-harvest age plantations need to be begun. Not only were these earlier addressed in the visioning process, but silvicultural/restoration activities can benefit increased growth and future yield volumes on lands already entered, plus more likely decrease stand and forest floor fuel loading in response to public concern concerning fire risk, than harvest activities in naturally regenerated stands.()

I would ask that the WAC also review Barry Schreiber's wildlife portions of the adopted Plan, and compare the wildlife habitat requirements for sensitive species listed in the Plan. Most species therein are dependent on "mature" forests, of which the standard definition includes forests of similar age and composition as is being considered for thinning. Conditions here may be perceived by TMF as "unnatural", but is certainly within the range of natural variability in unmanaged douglas-fir stands of the Oregon Coast Range(). The consultant's choice of the term "middle-aged" for these forest stands is not in common usage nor is this language internally consistent.

Jim Fairchild
31540 Homestead Road
Philomath, OR 97370,

5/8/2007

MEMORANDUM

To: City Council Members
From: Charles C. Tomlinson, Mayor *cc*
Date: May 16, 2007
Subject: Confirmation of Appointments to Boards, Commissions, and Committees

As you know, at our last regular meeting I appointed the following persons to boards, commissions, and committees with the terms of office stated below:

Capital Improvement Program Commission

Larry Stover
2557 SW 45th Street
Corvallis, OR 97333
Telephone: 745-3990
Term expires: June 30, 2009

Citizens Advisory Commission on Civic Beautification and Urban Forestry

Frank Maudlin
1112 NW Charlemagne Place
Corvallis, OR 97330
Telephone: 753-1467
Term Expires: June 30, 2008

Downtown and Economic Vitality Plans Implementation Committee

Vincent Remcho
240 Gilbert Hall
Oregon State University
Corvallis, OR 97331
Telephone: 737-8181

City Council Members

Re: Confirmation of Appointments to
Advisory Boards, Commissions, and Committees

May 16, 2007

Page 2

Downtown Parking Commission

Brad Upton
1465 NW 15th Street
Corvallis, OR 97330
Telephone: 752-8801 ext. 224 (work)
752-8196
Term expires: June 30, 2009

Housing and Community Development Commission

Sherry Littlefield
929 SE Bethel Place
Corvallis, OR 97333
Telephone: 231-9293 (cellular)
Term expires: June 30, 2007

I ask that you confirm these appointments at our next Council meeting, May 21, 2007.

1064

MEMORANDUM

To: City Council Members

From: Charles C. Tomlinson, Mayor

Date: May 14, 2007

Subject: Vacancy on Committee for Citizen Involvement

CCT

Beth Peutz has submitted her resignation from the Committee for Citizen Involvement. A change in work hours will prevent her from attending Committee meetings. Beth's term on the Committee expires June 30, 2008.

I would appreciate your nominations of citizens to fill this vacancy.

1062

MEMORANDUM

May 11, 2007

TO: Mayor and City Council

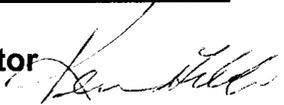
FROM: Nancy Brewer, Finance Director *NB*

SUBJECT: Scheduling Public Hearings

Staff requests the City Council schedule Public Hearings at 7:30 PM on Monday, June 4, 2007 for:

- A recommendation for the use of State Shared Revenues for FY 2007-2008; and
- Adoption of a budget for FY 2007-2008.

MEMORANDUM

From: Ken Gibb, Community Development Department Director 

To: Mayor and City Council

Date: May 8, 2007

Re: Scheduling a Public Hearing for an Appeal of an Administrative Zone Change Decision by the Director for 7th Street Station (ZDC07-00001)

On May 7, 2007, the City received an appeal of the Director's Decision to approve an Administrative Zone Change request (ZDC07-00001) for the 7th Street Station site. The request involved removal of the Residential Planned Development Overlay from a portion of the site. Land Development Code Section 2.19.30.02.a.3 states that appeals of Administrative Zone Change decisions by the Director shall be heard by the City Council. Therefore, it is requested that a public hearing be scheduled for the June 4, 2007, City Council meeting.

MEMORANDUM

From: Ken Gibb, Community Development Director 
To: Mayor and City Council
Date: May 17, 2007
Re: Request to Schedule a Public Hearing Regarding the Vacation of a Portion of Circle Blvd. (MIS06-0004)

Staff requests that the City Council set a public hearing for June 11, 2007, at 7:30 p.m. to consider the vacation of a portion of Circle Boulevard. The vacation is an element of the Witham Oaks development currently under consideration.

MEMORANDUM

To: Mayor and City Council

From: Tony Krieg, Customer Services Manager 

Subject: Liquor License Investigation - Tokyo Japanese Steak House & Sushi Bar

Date: May 15, 2007

The City has received an application from Cindy Tran, Owner of Happy Tokyo Inc, doing business as, Tokyo Japanese Steak House & Sushi Bar located at 250 SW THIRD ST, Corvallis, OR 97330. This application is for a New Outlet for a Full On-Premises Sales - Commercial Establishment 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

Full On-Premises Sales License

Allows the sale and service of distilled spirits, malt beverages, cider, and wine for consumption on the licensed premises. Also allows licensees who are pre-approved to cater events off the licensed premises.