CORVALLIS
CITY COUNCIL AGENDA

February 19, 2008
12:00 pm ONLY

(Work Session at 5:30 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 – February 4, 2008
   2. City Council/Benton County Board of Commissioners Work Session – February 11, 2008
   3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Citizens Advisory Commission on Transit – January 9, 2008
      b. Committee for Citizen Involvement – December 6, 2007, and January 3, 2008
      c. Corvallis-Benton County Public Library Board – January 2, 2008
      d. Historic Resources Commission – December 11, 2007, and January 8, 2008
      e. Planning Commission – December 19, 2007, and January 2, 2008
      f. Watershed Management Advisory Commission – January 16, 2008

B. Approval of Cornerstone Associates, Inc., transfer of property to Evanite Corporation and waiver of the debt acceleration mortgage provisions

C. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(d) (status of labor negotiations)

III. ITEMS REMOVED FROM CONSENT AGENDA

IV. UNFINISHED BUSINESS

A. Deliberations of an appeal of a Planning Commission decision (PLD07-00009, SUB07-00003 – Ashwood Preserve)

B. Senior and Community Center/Chintimini Park and Recreational Facilities Bond Measure update

C. City Legislative Committee – February 13, 2008

V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

B. Council Reports

C. Staff Reports

1. City Manager's Report – January 2008
2. Council Request Follow-up Report – February 14, 2008

VI. VISITORS' PROPOSITIONS – 12:30 pm *(Note that Visitors' Propositions will continue following any scheduled public hearings, if necessary and if any are scheduled)*

VII. PUBLIC HEARINGS – None.

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

A. Human Services Committee – February 5, 2008
1. The Arts Center Annual Report
2. Public Art Selection Commission Annual Report

B. Administrative Services Committee – None.

C. Urban Services Committee – None.

X. NEW BUSINESS

A. Corvallis Sustainability Coalition agreement

B. City Attorney annual performance evaluation process

C. Consideration of a March 10, 2008, Enterprise Zone public 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

FEBRUARY 18 - MARCH 1, 2008

MONDAY, FEBRUARY 18

- City holiday - all offices closed

TUESDAY, FEBRUARY 19

- City Council - 12:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- Housing and Community Development Commission - 5:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue (proposal presentations)
- City Council/Planning Commission - 5:30 pm - Downtown Fire Station, 400 NW Harrison Boulevard (work session)

WEDNESDAY, FEBRUARY 20

- Human Services Committee - 12:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Watershed Management Advisory Commission - 5:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

THURSDAY, FEBRUARY 21

- Administrative Services Committee - 12:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Urban Services Committee - 4:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Housing and Community Development Commission - 5:00 pm - Madison Avenue Meeting Room (proposal presentations)
- Parks, Natural Areas, and Recreation Board - 6:30 pm - Downtown Fire Station, 400 NW Harrison Boulevard

FRIDAY, FEBRUARY 22

- Community Policing Forum - 10:15 am - Corvallis High School, 1400 NW Buchanan Avenue (community meeting)

SATURDAY, FEBRUARY 23

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

TUESDAY, FEBRUARY 26

- Commission for Martin Luther King, Jr. - 11:30 am - City Hall Meeting Room A, 501 SW Madison Avenue

WEDNESDAY, FEBRUARY 27

- Downtown Parking Commission - 5:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

SATURDAY, MARCH 1

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

CITY OF CORVALLIS
COUNCIL ACTION MINUTES

February 4, 2008

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Consent Agenda Pages 50-51			
Unfinished Business 1. Establish Downtown Commission 2. Legislative Committee – January 23, 2008 3. 7th Street Station Pages 51-53, 68-71	Yes	February 19 work session	• Redirect zone change study to explore MUE passed 6-2
Mayor's Report 1. Urban Renewal Work Session – February 19, 2008 2. Cornerstone Associates Pages 53-54	Yes	February 19 consent agenda	
Council Reports 1. ASC revenue alternatives (York) 2. SE Rivergreen median strip (Grosch) 3. SRTS update (Wershow) 4. CHS Robotics Team (Wershow) 5. CSC Update (Brown, Hamby) Pages 54-55	Yes Yes Yes	Refer to USC	• Increased FY07-08 grant $12,500 passed U
Staff Reports 1. Council Request Follow-up Report – January 31, 2008 Page 56	Yes		
Other Related Matters 1. Purchasing Page 56			• ORDINANCE 2008-06 passed U
Visitors' Propositions 1. Oregon Housing Alliance (Moorefield) 2. 7th Street Station (Bolduc, Hoskinson) Pages 56-58	Yes Yes		

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Public Hearing 1. Ashwood Preserve Pages 58-68		February 19 deliberations	

Glossary of Terms

ASC	Administrative Services Committee
CHS	Corvallis High School
CSC	Corvallis Sustainability Coalition
FY	Fiscal Year
MUE	Mixed Use Employment
SE	Southeast
SRTS	Safe Routes to School
U	Unanimous
USC	Urban Services Committee

CITY OF CORVALLIS
COUNCIL ACTION MINUTES

February 4, 2008

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:00 pm on February 4, 2008 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 Daniels, York, Hamby, Beilstein, Brauner, Grosch, Brown, Wershow

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

- A letter from Cornerstone Associates (Attachment A),
- 7th Street Station Land Use Board of Appeals remand for attorney fees (Attachment B),
- A corrected copy of the City Activity Calendar, and
- Additional materials regarding Ashwood Preserve Subdivision (Attachment C).

II. CONSENT AGENDA

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

A. Reading of Minutes
   1. City Council Meeting – January 22, 2008
   2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Airport Commission – December 4, 2007
      b. Bicycle and Pedestrian Advisory Commission – December 7, 2007 and January 4, 2008
      c. Downtown Commission Ad Hoc Committee – January 15, 2008
      d. Downtown Parking Commission – November 28, 2007
      e. Watershed Management Advisory Commission – November 14 and December 12, 2007

B. Confirmation of appointments to Boards, Commissions, and Committees (Capital Improvement Program Commission - Evans; Watershed Management Advisory Commission - Wolf)

C. Announcement of appointment to Watershed Management Advisory Commission (McDonnell)

D. Announcement of vacancy on Citizens Advisory Commission on Transit (Harrod)

E. Acknowledgment of receipt of updated Boards, Commissions, and Committees directory

F. Approval of an application for a "Grower Sales Privilege" liquor license for Coleman Jewelers, dba Coleman Jewelers & Fine Wines, 255 SW Madison Avenue (New Outlet)

G. Approval of a Letter of Agreement between the Corvallis Fire Department and Oregon Department of Transportation for use of radio frequencies

H. Authorization to enter into and for the City Manager to accept a grant from Oregon Department of Transportation for sidewalk ramps and bus pads and sign grant documents

The motion passed unanimously.

III. ITEMS REMOVED FROM CONSENT AGENDA – None.

IV. UNFINISHED BUSINESS

A. Establishment of a Downtown Commission

Downtown Commission Ad Hoc Committee Chair Lampton reported that the report and recommendation is the latest step in a multi-year process that began with a downtown vision and strategic plan process. Following a strategic plan recommendation, the Ad Hoc Committee held many public meetings and received positive support to form a Downtown Commission.

Mr. Lampton said materials include a draft ordinance to create the Commission, guidelines for Mayor appointment of eleven Commission members, and identification of major responsibilities. After many discussions, the Committee also recommends reforming the Downtown Parking Commission (DPC) as a standing committee of the Downtown Commission. Mr. Lampton acknowledged the work of the current DPC and confirmed that citizens will continue to have access to express parking concerns.

Mr. Lampton concluded that the formation of a Downtown Commission responds to a long-standing community value to have a functioning downtown.

Community Development Director Gibb said the proposed recommendations are based on forming a Commission similar to other Council boards and commissions. The recommendations also include Commission staffing provided by Community Development and Parking Committee staffing provided by Public Works.

In response to Councilor Beilstein's inquiry, Mr. Gibb said Community Development is committed to staffing this effort and the Urban Renewal Planning Committee. Assuming the Urban Renewal Plan is approved, staff estimates one additional full time staff plus administrative support. If the Urban Renewal Plan is not approved, staffing requirements for the Downtown Commission would most likely be less than one full time equivalent. Another option would be to make changes in the current work program to continue staffing at the current level. A decision on whether to submit a budget enhancement package will

not be made until approximately May 2008 due to other discussions occurring within the community.

In response to Councilor York's inquiry, Mr. Lampton said the DPC has nine members and the proposed Parking Committee will consist of five members including two members of the Downtown Commission. Due to testimony related to the Commission composition and interest in including business and property owners, the Committee felt it was necessary to double the membership in those two categories.

Councilor Daniels added that the Ad Hoc Committee followed the same process used when the Parks and Recreation Advisory Board absorbed the Open Space Advisory Commission in making the Downtown Commission and Parking Committee recommendations.

Councilor Daniels clarified that the Downtown Commission is separate from the Urban Renewal planning process.

Councilor Hamby said he is supportive of the Urban Renewal District (URD) going forward to the voters, but is concerned that the Downtown Commission will have little to do if the URD is not approved. He referred to a newspaper article stating that the Commission was closely tied to Urban Renewal and that there would not be a lot of work for the Commission if the URD failed. Additionally, he expressed concern about the statement in the staff report: "Existing Community Development staff resources could be redirected to support the Commission. This would require an adjustment of the department's work program and delay action on the current community and City Council priorities."

In response to Councilor Hamby's inquiry, Mr. Lampton said the previous Downtown Commission was formed when the downtown had a high vacancy rate, the riverfront had been abandoned, and there was high probability of malls being developed in the area. Many activities and projects were completed and the Commission felt they had done everything they could at the time. Mr. Lampton added that many communities have downtown commissions to help with the recovery of their downtown areas.

Mr. Gibb said although there is a link between the proposed Commission and the urban renewal process, if the URD is not approved, the Commission still has many activities to deal with. In the approved strategic plan, a series of action items were assigned to the Downtown Commission. He confirmed that staffing levels will be less if the URD fails.

In response to Councilor Hamby's inquiry, Mr. Lampton said the Downtown Corvallis Association will not disband if the Downtown Commission is formed.

Councilor Hamby said in reviewing the parking and urban renewal issues, it appears the Commission is looking for a charter. Of the 30 items identified in the strategic plan, less than one third are proposed for the Commission, and only one of those are active (URD). The other items are supportive-only issues. Councilor Hamby added that if the only active item is the urban renewal process, then instead of a broad charter for a Commission, perhaps an Urban Renewal Task Force should be formed.

Mr. Lampton said the community has accepted a strategic plan to make the downtown a vital place serving a variety of needs not currently being met. The Commission would be a Council advisory group with no authority and is proposed to be a dedicated group familiar with the downtown core.

Mayor Tomlinson suggested Council further discuss this recommendation during the December 19 work session. Council concurred.

B. City Legislative Committee – January 23, 2008

City Manager Nelson reported that State Representative Andy Olson joined the Committee and discussed several controversial legislative bills, such as carbon footprint requirements, health care as a basic right, drivers licenses, marijuana in the workplace, Umatilla Basin Oasis recharge projects, and additional Oregon State Police staffing. Representative Olson explained that 100 bills are scheduled to process in three and one-half weeks, making it doubtful that any major legislation will emerge. Representative Olson also discussed the Department of Human Services efforts to locate mental health client group homes.

In response to Councilor York's inquiry, Mr. Nelson said the 2009 session will include an economic stimulus package.

Mr. Nelson said the Committee agreed to continue meeting during the current Legislative session and will discuss the proposed Umatilla Basin bill on February 13.

V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

Mayor Tomlinson announced that Council will hold a work session on February 19 at 5:30 pm to discuss the Urban Renewal Plan. A similar meeting will be held with the Benton County Commissioners on the same day.

Mayor Tomlinson referred to the Cornerstone Associates letter (Attachment A) related to a lot line adjustment (LLA) between Cornerstone and Evanite. The LLA will result in the transfer of approximately two acres from the six acre Cornerstone property to Evanite. The Cornerstone property is subject to a mortgage held by the City and secured by a $24,635.63 promissory note. The debt is the result of street improvements made to Crystal Lake Drive in 1984. Cornerstone requests that the City grant permission for the LLA to proceed without accelerating the debt, and grant a release of the mortgage as it applies to the property being transferred to Evanite. The debt will remain attached to the parcel retained by Cornerstone.

Mayor Tomlinson noted that Council can refer this issue to the Administrative Services Committee or direct staff to submit an agreement for approval on the February 19 City Council Consent Agenda.

Councilor Grosch stated support to placing this item on the next Consent Agenda. He said the value of the remaining Cornerstone property more than covers the promissory note.

In response to Councilor Daniels' concerns about transferring one-third of the property, Councilor Grosch said Cornerstone recently constructed a new building greatly increasing property values.

Councilor Brauner said the alternative would be to split the debt, which is not practical. By consensus, Council agreed to place this issue on the next Consent Agenda for approval.

B. Council Reports

Councilor York referred to his January 30 Proposal for the Administrative Services Committee (ASC) to discuss alternative revenues. He said the City is heavily reliant on property taxes and the cost of providing services grows faster than property taxes increase. He opined that it would be prudent for Council to have a current understanding of revenue enhancement alternatives should the City find it necessary to utilize alternative revenues. Councilor York proposed ASC explore alternative revenue issues over the balance of the year and report back to Council with findings.

Councilor Brauner opined that this proposal fits with the financial strategy discussions. He requested mass transit fees be reviewed separately from the transportation maintenance fee.

Councilor Grosch stated support, but cautioned that the discussions will be perceived that the City is considering implementation of alternative revenues.

In response to Councilor Grosch's inquiry, Mr. Nelson said the discussions would not be a duplicate of prior work. Staff will initially provide background information, a review schedule, and stakeholder identification. The proposal is geared toward the Committee becoming familiar with different alternatives so recommendations can be made on major potential revenue sources for Council consideration in the future. Mr. Nelson said holding discussions over the balance of the calendar year is appropriate considering other current activities.

Councilor Brown expressed support of the proposal and agreed that the information can be linked with financial strategy information.

Councilor Daniels commended Councilor York for the proposal. She said she was concerned that Core Services Committee suspended their discussions prior to working through any actual recommendations.

Councilor Brauner said when Council accepted the Core Services Committee's recommendation to disband, it was agreed that these issues needed to be discussed and reviewed by Council. He supports the proposal.

Councilor York added that the list of alternative revenues in his proposal is only an example of items for review and said ASC would be agreeable to exploring additional ideas.

Councilor Grosch requested that the SE Rivergreen Avenue median strip installation issue be referred to the Urban Services Committee for review.

Councilor Wershow reported that he attended the Safe Routes to School grant kickoff meeting. Monies from the Oregon Department of Transportation grant will be used for a light at the intersection of Country Club Drive and 35th Street, covered bike racks, and other projects.

Councilor Wershow also attended the Corvallis High School Robotics Team presentation. The Team is participating in fund raising efforts and attempting to make the community more aware of their efforts.

Councilor Wershow thanked Public Works staff for responding to process inquiries about removing traffic circles.

Councilor Brown reported that the Corvallis Sustainability Coalition (CSC) chose a consultant to move forward the community-wide sustainability issue. The first public meeting is scheduled for March 31 at LaSells Stewart Center. A draft memorandum of understanding is being reviewed by the CSC Steering Committee and will be shared with Council on February 19. Councilor Brown added that additional funds will be needed before year end.

Councilor Hamby said he was initially skeptical about the CSC. With education and experience, he now understands that all of Corvallis can participate in this effort and he stressed the importance of ensuring continued community participation. Councilor Hamby said he was impressed by the four candidates during the interview process and noted that two expressed a willingness to participate in fund-raising efforts. He opined that Council should stand behind the decision to support community-wide sustainability efforts by providing necessary additional funds.

Councilors Hamby and Grosch, respectively, moved and seconded to increase the Fiscal Year 2007-2008 Corvallis Sustainability Coalition grant for plan development in the amount of $12,500, paid from General Fund non-departmental budget savings.

In response to Councilor Beilstein's inquiry, Councilor Hamby said the consultant can begin work immediately, but the lack of funds will limit the amount of involvement. Alternatively, the CSC could spend months requesting grants and raising funds.

Mr. Nelson said additional funds will help keep this project on track to meet the December 2008 time line for completion of action items. The original amount of $20,000 for Fiscal Year 2007-2008 and an additional $20,000 for Fiscal Year 2008-2009 were estimates of the City's contribution to keep the community-wide sustainability issue moving forward. The City has since learned that the effort will cost more than original estimates. In addition to this request, the Budget Commission will entertain a request for an additional $30,000 to $40,000 for Fiscal Year 2008-2009 to complete this goal.

The motion passed unanimously.

C. Staff Reports

1. Council Request Follow-up Report – January 31, 2008

Mr. Nelson reviewed the Report.

Councilor Brown stated appreciation for the curbside recycling statistics.

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

A. Human Services Committee – None.

B. Administrative Services Committee – None.

C. Urban Services Committee – None.

D. Other Related Matters

Mr. Nelson said State law requires Council to annually adopt purchasing guidelines.

City Attorney Fewel read an ordinance related to Purchasing, amending Corvallis Municipal Code Chapter 1.04, "Purchasing,"as amended.

ORDINANCE 2008-06 passed unanimously.

Mayor Tomlinson recessed the Council at 12:56 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 Daniels, York, Hamby, Beilstein, Brauner, Grosch, Brown, Wershow

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

- A Housing Alliance article (Attachment D), and
- Additional testimony regarding Ashwood Preserve Subdivision (Attachment E).

VI. VISITORS' PROPOSITIONS

Mayor Tomlinson referred Council to materials previously distributed:

- Corvallis perspective e-mail, and
- Teen Summit thank you letter.

Jim Moorefield, Willamette Neighborhood Housing Services (WNHS) Executive Director, encouraged the City to join the Oregon Housing Alliance to have more influence with the Oregon Legislature as it applies to affordable housing resources and priorities.

Mr. Moorefield said construction costs have increased 62 percent since 2002. While construction costs are increasing, available federal resources such as the Community Development Block Grant (CDBG) and HOME Investment Partnership are decreasing. The Oregon Housing Trust Fund maximum grant amount of $100,000 has not increased since at least the mid-1990s and does not change in relationship to project size or number of units.

Mr. Moorefield said the City is currently working on the next five-year consolidated plan for the use of CDBG and HOME funds while the State of Oregon is setting its own priorities. The State has decided to increase its priorities on housing preservation (preserving affordable housing with federal subsidies) and homelessness, leaving the WNHS 62-unit project with little success of being financed. Mr. Moorefield expressed concern that State and City priorities are headed in different directions and said membership in the Alliance will provide the City with more influence on how affordable housing is financed by the State.

In response to Councilor Brauner's inquiry, Mr. Moorefield said he was not sure what the dues would be for the City. Mr. Nelson said staff estimates the membership dues at $800 to $1,000 paid from Housing Division activities. If Council is interested in additional information, this issue can be referred to the Housing Division for discussions with the Housing and Community Development Commission. Council concurred.

Mayor Tomlinson inquired about referring Senate Bill 1073 (preserving affordable housing units) to the February 13 City Legislative Committee meeting. Mr. Moorefield stated that he has not yet researched the Bill, but believes the Legislature has begun hearings. He confirmed for Councilor Brauner that he could gather more information about the Bill for the next City Legislative Committee meeting.

Matthew Bolduc, stated that his employment with the City has no impact on his testimony related to 7th Street Station. Mr. Bolduc said the 120-day rezoning process could provide the developer with enough time to lock in the RS-12 zoning, completely defeating the purpose of the rezoning process. Mr. Bolduc suggested the City place a moratorium on building permits until the zoning process is completed. He also suggested closing E Avenue at the intersection with 7th Street to significantly lessen the impact of RS-12 development by forcing traffic onto 7th Street and Western Boulevard instead of D and/or E Avenues.

Mr. Bolduc said he opposes rezoning the property Mixed Use Employment (MUE). Compared to the allowable General Industrial (GI) uses, it appears MUE allows for more intensive parking and traffic per Land Development Code (LDC) Section 3.27.30. Additionally, MUE allows RS-20 development on the site. There is a minimum floor area ratio requirement of 25 percent industrial; however, the remainder of the site could then be developed commercial or residential. The MUE residential criteria could result in a higher than RS-12 density.

Mr. Bolduc added that MUE setbacks are 25 feet compared to 100 foot GI setbacks. Closer setbacks will allow development closer to property borders.

Sam Hoskinson, opined that the City changed the 7th Street Station property zoning back to GI because the property owners found a loophole in the system, are refusing to meet all past promises and commitment, all conditions of approval, and many Comprehensive Plan requirements that were required with the Planned Development Overlay (PDO) that they insisted be removed. Reverting

the property to a more lenient zoning will exacerbate the problems and reward bad behavior. He encouraged Council to do the right thing.

Mr. Hoskinson said after many neighborhood meetings, it is apparent that many issues in the new LDC could easily be resolved. He inquired when public input for LDC changes may occur as his neighborhood has parking code suggestions.

Because there were no other citizens in attendance desiring to speak to the Council under Visitors' Propositions, and the public hearing was advertised to begin at 7:30 pm, Mayor Tomlinson recessed the meeting from 7:21 until 7:30 pm.

VII. PUBLIC HEARINGS

A. A public hearing to consider an appeal of a Planning Commission decision (PLD07-00009, SUB07-00003 – Ashwood Preserve)

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

Declaration of Conflicts of Interest – None.

Declaration of Ex Parte Contacts

Councilor Beilstein noted that during a recent Ward meeting there was discussion pursuant to Minimum Assured Development Area (MADA) in relation to Ashwood Preserve. Also, during a recent Bicycle and Pedestrian Advisory Commission meeting, one member reported testifying at the Planning Commission's Ashwood Preserve hearing about width of internal walkways. Councilor Beilstein opined that neither contact will affect his ability to make a fair and impartial decision.

Councilor Wershow noted that he was present during the Planning Commission's hearing and said it will not affect his ability to make a fair and impartial decision.

Councilor Brown reported that he read the related "As I See It" editorial in the local newspaper that paralleled testimony included in the hearing materials. He opined that he could make a fair and impartial decision.

Rebuttal to Conflict of Interest and Ex Parte Contacts – None.

Declaration of Site Visits

Councilors Brown, York, and Hamby all declared making site visits.

Objections on Jurisdictional Grounds – None.

Staff Overview

Senior Planner Young explained that this appeal is related to a Planning Commission approval of a Conceptual and Detailed Development Plan and Tentative Subdivision Plat

to construct a 28-unit subdivision of two- and three-unit attached single-family dwellings on a 9.52-acre site. Planning Development approval was requested to allow variation of LDC requirements regarding minimum lot size, usable yard area, minimum density, hydrology impacts, planting strips, and lot depth-width ratio requirements.

The subject site is north of Country Club Drive and east of 45th Place. It is surrounded by Starker Arts Park and a multi-use path to the north, Country Club Golf Course and single family units to the south, forested property to the west, and open property with contiguous single family units to the east.

The property is designated for low density residential (RS-6) development as are the abutting properties to the east and west. The golf course and Starker Arts Park are designated Agricultural Open Space (AG-OS). Subject Comprehensive Plan designations include natural hazards and natural features areas, including portions of the 100-year flood plain, a highly protected riparian corridor on Dunawi Creek, and a small tributary draining from the golf course into Dunawi Creek. Sharing the area is a locally protected wetland of special significance.

Mr. Young referred to staff report Attachment J that identifies the subdivision layout plan of two- and three-unit dwellings, comprising approximately three acres of the entire 9.52 acre site.

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 Presentation

Lyle Hutchens, Devco Engineering, Inc., said of the 9.5 acres of the subject site, 72 percent or 6.9 acres consist of a combination of wetlands, flood plain, and riparian corridors. The development is limited to the southeast corner of the site, the largest contiguous piece of uplands area. The proposed design is a reflection of the balance of code provisions related to meeting minimum assured Comprehensive Plan density, protecting natural features, and promoting a pedestrian-friendly environment. Part of the balance is the partial encroachment into the MADA to achieve the minimum level of density allowed by the Comprehensive Plan. The MADA encroachment of 16,729 square feet (sf) is approximately 2,000 sf less than allowable MADA calculations.

Mr. Hutchens said the LDC does not require variation in housing types in development areas of this size. The use of attached housing allows the developer to come as close as possible to meeting the minimum density requirements per the Comprehensive Plan. Architecturally, the structures will be required to meet the Pedestrian Oriented Design Standards (PODS). No architectural variations have been requested.

Specific features of this application include:

Tract A – Approximately 6.5 acres along the northwest portion will be set aside in a conservation easement to protect natural features.

Tract B – The northeast border of the area to be developed is set aside for pedestrian amenities, open space, and a tot lot. Pedestrian connectivity is provided from all lots and maintenance will be the homeowners association's responsibility.

Vehicular access – Alleyways will separate pedestrians and vehicles. The basic site layout is in accordance with the LDC PODS Chapter.

Design standards – RS-9 District standards are used to the maximum extent possible to create a compact development (these standards are similar to RS-6).

Regarding variances, the hydrology provision is due to filling a portion of protected wetlands. A compensating benefit is proposed by using pervious pavements and perforated detention piping for ground water discharge if permitted by the Oregon Department of Environmental Quality (DEQ). These provisions will be combined with multiple discharge points for storm water outlets into the wetland. Approval of the storm water management plan by DEQ will validate the proposed compensating benefits.

It is impossible to meet District minimum density of 38 units for this site without constructing an apartment or condominium building, which is not allowed under this District. The requested variation would maintain mandated Comprehensive Plan level density for low-density residential development between two- and six-dwelling units per acre while allowing for the preservation of natural resources. The developable portion of the site will be consistent with most RS-9 standards and reasonably compatible with the neighborhood.

With respect to minimum lot size and width-to-depth ratio, it is impossible to meet both standards when using the allowed minimum lot width contained in RS-6 and RS-9 standards. The request to reduce minimum lot size and increase width-to-depth ratio is for the interior town home lots only. Meeting the lot width-to-depth ratio for the interior town home lots is not practical as the widths for those lots is normally the facade of the town home, itself. The total area of three lots for a three-unit town home cluster exceeds the minimum triplex lot area, if rental triplexes were being proposed.

Reducing the usable yard requirement for exterior town homes allows for slightly narrower lots helping to reduce the MADA encroachment and increase density. Eliminating the usable yard requirement for interior town home lots allows for narrower lots, typical of interior town homes. Meeting the yard requirement for interior town homes would place a small yard between driveways on the backside of the units which could be a safety hazard for children. More than 75 percent of the lots include a usable yard of 300 sf or larger which is approximately 80 percent of the District minimum yard size. The variance is mitigated by the inclusion of Tract B which provides opportunity for outdoor activity in a shared and pedestrian-friendly environment.

The variation to eliminate a portion of the planter strip along Country Club Drive will reduce the encroachment into the existing riparian area.

Mr. Hutchens submitted a handout (Attachment F) requesting an amendment to Condition of Approval 29. The original Condition was added during the Planning Commission hearing to increase the width of the internal sidewalk from three to five feet, with direction that the two feet is obtained from the setback between the homes and the back of the sidewalk. The new request allows the additional two feet to be obtained from the MADA area which maintains the five foot setback from the sidewalk to the home. This will allow for better buffering and screening.

Mr. Hutchens said the requested variances allow for balancing basic design principals, protecting natural features, meeting density requirements, and promoting a pedestrian-friendly environment.

Questions of Applicant

In response to Councilor Beilstein's inquiry, Mr. Hutchens said the pervious pavement will be used for the driveways, garage approaches, and sidewalks.

Councilor York made several inquiries:
Is the requested change to Condition of Approval 29 for additional encroachment into the wetland?

Mr. Hutchens – Correct. Approval will move the retaining wall two feet into the wetland. The retaining wall is to provide a visible line of demarkation between the development and wetland. The two-foot encroachment is within the MADA allowance.

The plan to have buildings individually developed could mean 11 different contractors and 11 different architects. How will this work with installation, management, maintenance, and semi-public facilities such as the sidewalks, driveways, sewers, etc.?

Mr. Hutchens – Initially, the developer retains control of the homeowners association until all units are developed. This provides one point of contact for problem resolution. Once all units are sold, the control of the homeowners association is through an elected body of homeowners.

Are you assuring 100 percent turnover of maintenance responsibilities?

Mr. Hutchens – We can do that.

Staff Report

Mr. Young identified the three appeal issues:

1. Encroachment into the wetland and 100-year flood plain,
2. Compatibility and density, and
3. Traffic impacts.

Encroachment – This development is the first land use application utilizing MADA provisions. As part of the Natural Features Project (NFP), the MADA was developed to provide a clear and objective way to balance individual property rights with preservation of significant natural resources. More than 70 public meetings were held between 2001 and 2004 to develop the package of natural resource protections that were incorporated into the LDC. The provisions have been reviewed and approved by the Department of Land

Conservation and Development (LCDC), and were upheld on appeal by the Land Use Board of Appeals (LUBA) and the Oregon Court of Appeals.

The requested encroachment area is relatively small. The RS-6 MADA allowance is 13,000 sf per acre. Of the 9.52 acres, 6.88 acres are encumbered with significant natural features, leaving 2.64 unconstrained acres. Including area credits, MADA for the site is 3.06 acres. Because the MADA is larger than the unconstrained area, limited encroachment is allowed. Of the 6.88 acres of significant natural features, approximately 0.38 acres would be developed as part of Ashwood Preserve, leaving the remaining 6.5 acre resource area preserved in perpetuity under a conservation easement. Per the MADA, the development area is in the least environmentally sensitive area of the site.

The portion of the development within the 100-year flood plain is less than 1,000 sf. Physical improvement for this area is a 30-inch retaining wall.

Compatibility – As allowed by Chapter 4.11 (MADA), the applicant proposes to utilize RS-9 on the developable portion of the site. The site is zoned RS-6; however, when applying the MADA, the LDC allows development to standards in the next-most intensive zone, which is RS-9 in this case. It should be noted that the only difference between RS-6 and RS-9 development standards is that maximum lot coverage for RS-6 is 60 percent and RS-9 maximum lot coverage is 70 percent. In all other aspects, standards for attached town homes are the same in both zones.

The perceived density of the development is the result of clustering to minimize impacts to significant features. Actual density to this development in relation to the 9.52 acre site is 2.9 dwelling units per acre. This is at the low end of the low density residential range (two to six units per acre).

Mr. Young compared a graphic image of this proposal and a fully developed RS-6 zoned site in the vicinity (Attachment G). The Ashwood Preserve development proposes 28 lots on 9.5 acres. The comparable development is 41 lots on 8.6 acres with RS-6 zoning (Stoneybrook).

Traffic – No significant traffic impacts are anticipated for this development. A trip generation study was conducted and the conclusion was that the development would generate 15 pm peak hour trips per day. A typical threshold for defining impact is 30 or more peak hour trips to a single intersection.

Public Testimony – Support

Lynn Nordhausen, said this development is an attractive infill for the property. It meets LDC criteria and upholds MADA. The property is close to parks and shopping, and has nice views toward the golf course. The development will most likely, and appropriately, slow Country Club Drive traffic due to the increase of intersections.

Appellant Testimony

Mark Knapp, read his prepared statement (Attachment H).

Questions of Appellant

Councilor Brauner made several inquiries:
The slide identifying outflow from Country Club Drive and traveling across the property is in the conservation easement; therefore, protected?

Mr. Knapp – Correct. The point was to show how nice the outflow area is compared to what the applicant proposes to swap, acre for acre.

The area outside of the hazard area that could be developed, but was not included in the proposal, is along the road?

Mr. Knapp – Correct; I have ideas on how that small area can be developed.

The added width for right-of-way (ROW) was on the western end of the property; therefore, encroaching more into the wetlands. It appears by the map that the ROW goes into the upland area, not the wetland areas.

Mr. Knapp – What I meant to say was that by dedicating more ROW at the western edge of the property, the developer is taking a MADA credit which causes the development on the east side to push more into the wetland. Pushing the sidewalk further north on the west side is not necessary because the ditch being considered wetland in the application does not have the same legal standing as the significant wetland.

The additional ROW is not in the wetland area?

Mr. Knapp – Correct, it is in the upland area.

How did you conclude that construction activity may further encroach within the wetland area?

Mr. Knapp – Based on my observations of construction sites, it is hard to believe that they would only have machinery to the south and east when they are pouring the foundation.

Mr. Knapp requested that the hearing be held open for additional written comments.

Public Testimony – Opposition

David Eckert, representing Marys Peak Sierra Club, read portions of his prepared testimony (Attachment I). He added that pervious pavers should not be used because they are not sustainable and should not be used to replace wetlands. Over time, pervious pavers become impermeable.

Doreen Gerner, submitted written testimony and pictures of other developments (Attachment J). She said the result of excavating and grading is fill in the wetlands. The amount proposed for fill is .38 or almost one-half acre. Wetlands can never be replaced once they are filled. The only portion of this property above the wetlands is three acres, so the density can only be counted on those three acres.

Ms. Gerner said the plan includes five driveways for 28 units. Because there are no unit-type garbage collectors, 28 garbage bins, 28 recycling carts, and 28 yard debris carts must be placed on Country Club Drive for pickup. If there is no turnaround for a fire truck, there would be no turnaround for a garbage truck. The proposal does not consider the neighborhood or provide a neighbor-friendly environment.

In response to Councilor Beilstein's inquiry, Ms. Gerner confirmed that residents will be required to place their garbage and recycling bins on one side of Country Club Drive.

Will Koenitzer, read his prepared statement (Attachment K).

Ray Chesbrough, read from his prepared statement (Attachment E) and noted that many neighbors were not notified of this application.

Art Koebel, encouraged Council to discourage encroachment of wetlands and help keep Dunawi Creek open and without development.

Bob Frenkel, read his prepared testimony (Attachment L).

In response to Councilor Beilstein's inquiry, Mr. Frenkel said Unit A is the northeast portion of the wetland that will be indirectly impacted by trespass, dumping, and other management issues despite the homeowners association. Compaction by heavy construction vehicles is permanent. He opined that few pervious surface installations have succeeded and it is a high maintenance solution.

Mayor Tomlinson recessed the Council from 9:05 until 9:12 pm.

Mary Beth Koebel, expressed surprise that the Planning Commission granted a variance to the wetlands based on the City's decision to remove some of its own property utilized by the public because of wetland designation. The City recently restored the Sunset Park softball field to wetlands. Also, the Old Mill Center has been asked to modify their expansion plans due to bordering wetlands.

Ms. Koebel said surface water management of the proposed development is a concern because the water will flow into the creek and downstream. Currently, the stream is over its banks and the surrounding property is flooded. The Planning Commission opined that the homeowners could manage their own nitrogen runoff; however, the City has no recourse on this once a development is built.

As a school bus driver in the proposed development area, Ms. Koebel said nearby traffic is heavy during early morning, afternoon, and early evening hours.

Liz Frenkel, read from her written testimony (Attachment M).

In response to Mayor Tomlinson's inquiry, Ms. Frenkel confirmed that she requested a continuation of the public hearing. City Attorney Fewel noted that Council has no legal obligation to consider a continuation.

Marilyn Koenitzer, read from her prepared statement (Attachment N).

Dr. John Faustini, said as a geologist, he studies the processes that shape streams and rivers and their environments. It is well documented that urban and suburban development can have profound effects on runoff delivered to streams, as well as on the biodiversity of organisms in the streams. Impervious or reduced permeability surfaces created by

development (rooftops, pavement) and storm drains dramatically increase the proportion of runoff and reduce the amount of time it takes to reach streams. This leads to increases in flood-flows and frequency in which they occur. While various best-management practices (BMPs) have been developed to mitigate impact, the evidence of the effectiveness of structural BMPs has been mixed. A 2002 study published in the *Journal of the American Water Resources Association* concluded that there is no evidence structural BMPs can mitigate any but the most egregious consequences of urbanization. The study was specific to the King County, Washington Surface Water Management Guidelines that are referenced by Condition of Approval 24.

There is no effective way to mitigate reduction in flood plain area within the development. By filling a portion of the flood plain and decreasing its effective width, the development will inevitably reduce beneficial flood plain functions. This development, by itself, most likely will not significantly increase downstream flooding risk or lead to noticeable habitat degradation. If future developments follow a similar course, the cumulative impacts will be noticeable.

The MADA's narrow focus places interests of the private landowner wishing to develop property above the interests of neighboring property owners and downstream property owners, as well as the general public and ecosystem which effectively bear the costs of private developments. He encouraged Council to reject the development as proposed and consider modifying the MADA process.

In response to Councilor Beilstein's comments that most of the adverse effects on the water system will result from the development, regardless of the MADA, Dr. Faustini said the MADA process is allowing the encroachment. Filling the wetland destroys a resource that cannot be recreated with mitigation. The fill physically constrains the flood plain and causes loss of high quality habitat.

In response to Councilor York's inquiry, Dr. Faustini agreed that Condition of Approval 24 is good, but added that a basin-wide consideration of impacts and preserving portions of the landscape is not sufficient to mitigate the worst affects.

Jeanne Negley, expressed concern of building on the flood plain, traffic issues, and the notice process. The property has significant natural features as a wetland. The development in southwest Corvallis and this wetland serve a significant function in reducing the impact of runoff from the loss of pervious surfaces. The January 16 Planning Commission meeting included discussions about the potential of contributing pollutants to Dunawi Creek, but there was no discussion about increased runoff and erosion that results when urban developments destroy natural mitigating features.

Ms. Negley said the development will exacerbate traffic problems on Country Club Drive. The volume and speed of traffic in the mornings and evenings make it difficult to cross or enter oncoming traffic. Previous requests for speed bumps on Country Club Drive were denied by the City because they are not allowed on service corridors.

The City did not sufficiently notify citizens regarding the development, and as a result, appropriate public input has not been received. Ms. Negley said although she lives less than

one-quarter mile from the development, she only learned about it by reading a small article in the local newspaper about a January 16 Planning Commission meeting. She was not informed of the initial land use public hearing held the previous month. In addition, holding a land use public hearing six days before Christmas and extending the public comment period one week was not useful or convenient. Ms. Negley first learned of the appeal when she walked near the site on January 24. After canvassing the neighborhood, she found that most residents were not aware of the appeal. She understands budget cuts, but she opined that notice was not sufficient.

Councilor Daniels said budget cuts are relevant to the notice process. In 2002, the City eliminated $2.5 million from the budget due to a failed levy. One budget-based reduction was the required notice area.

Community Development Director Gibb clarified that, for this type of application, notices are mailed to properties within 300 feet for each public hearing.

Matthew Bolduc, stated that his employment with the City has no impact on his testimony related to the Ashwood Preserve development. He cautioned against the use of pervious pavement as a tradeoff for mitigation for natural area impacts. Pervious pavement does not work well in areas where soils have low permeability or with a high ground water table. Most of the soil in Corvallis is very low permeable. Pervious pavement is high maintenance and requires vacuuming to retain permeability. By using pervious pavement, developments may void or lessen the requirement to provide water quality and detention facilities. When a parking lot is made permeable, it no longer qualifies for the stringent standards impermeable construction requires for providing water quality and detention facilities.

Mr. Bolduc said the application includes perforated pipe to infiltrate water back into soils. He expressed concern that this can work in the opposite direction.

Tom Wallmsley, said his property is very close to the proposed site. He understands that development occurs and knew when he moved to Pinehurst Place that his view would eventually be blocked. One stated defense of the development is that it will be consistent with the neighborhood. Placing 28 town homes on this property is not going to look like anything else in the neighborhood. He added that the density of this proposal cannot be compared to Stoneybrook (Attachment G) because Stoneybrook uses the entire acreage for development.

Mr. Wallmsley said water cascades off his property onto the subject site. In completing landscaping, he has found objects that have sunk into the ground up to two feet.

Dan Sullivan, read his prepared statement (Attachment O)

Ray Harris, representing Sunset Homeowners Association, said when Mr. Chesbrough's letter was published in the local newspaper, members of the Association had many comments and questions. They wanted to know why the City would allow development on a wetland when money was just spent to restore wetland at Sunset Park. The lack of notification was a concern, along with traffic speed on Country Club Drive and 49th Street. He noted that attempts to install speed bumps on 49th Street have failed.

Joy Jensen, submitted e-mail testimony (Attachment P).

Public Testimony – Neutral

Rana Foster, read from her written testimony (Attachment Q).

Applicant Rebuttal - None.

Questions of Staff

Councilor York:

- *Clarification of the ROW dedication on Country Club Drive.*
- *Why is the ROW dedication necessary?*
- *How does the ROW impact the MADA calculation?*

Councilor Hamby:

- *Density justification information and clarification of the fire truck turnaround and garbage pickup issues.*

Councilor Beilstein:

- *Traffic study information, specific to whether the calculations include the cumulative impact of several developments producing insignificant impacts.*
- *City experience allowing pervious pavement as part of the Storm Water Master Plan.*

Councilor Brown:

- *How long does permeable pavement remain permeable?*
- *What is the remedy for failed permeable surfaces and how is that enforced?*
- *Is a 30-inch tall retaining wall considered a structure?*

In response to Councilor Daniels' inquiries, Planning Manager Towne said notices are mailed to residents and property owners, including off-site property owners, of surrounding properties within 300 feet. City budget reductions in 2002 changed the notice area from 500 to 300 feet; however, State law only requires notice within a 100-foot radius. The Planning Division also keeps a list of interested parties that are noticed by postal service or e-mail. Neighborhood Associations are also notified. State law requires notification (mailing and posting) 20 days before any public hearing. Normally, the Planning Division mails notices one to three days early to avoid post office delays. A blue sign is posted on the property with an attached flier box.

Councilor Wershow added that Neighborhood Watch Associations receive notification.

Councilor Daniels said the City does not plan hearings around holidays. The State dictates the schedule based on a specific number of days once the application is accepted. Mr. Towne said once an application is complete (by State requirements), the City has 120 days to make a final decision. This includes all Planning Commission and Council public hearings through the adoption of formal findings.

In response to Councilor Daniels' inquiry about the legality of MADA, Mr. Towne said the entire code was submitted to, and a hearing was held with the Land Conservation and Development Commission (LCDC). The provisions were approved and the decision was appealed to the Court of Appeals and the Land Use Board of Appeals (LUBA). The decision was upheld by both.

Request for Continuance

Mayor Tomlinson announced that a continuance was requested for staff re-review of documents. He noted that no new documents or evidence was submitted. Due to the lack of a motion to continue the public hearing, the request was denied.

Request to Hold Record Open

Mayor Tomlinson announced that written testimony will be accepted by the Planning Department until 5:00 pm on February 11, 2008.

Right to Submit Additional Written Argument

Mr. Hutchens agreed that additional written argument will be submitted by 5:00 pm on February 15, 2008.

Mayor Tomlinson closed the public hearing and noted that Council will deliberate on this issue during the noon meeting on February 19, 2008.

IV. UNFINISHED BUSINESS – continued

C. Comprehensive Plan Map and Zoning District Changes designation (7th Street Station)

Mr. Nelson said the staff report includes a calendar and options associated with the Comprehensive Plan designation and zoning changes.

Mr. Gibb explained that the subject site has a Comprehensive Plan designation of Medium High Residential (MHD) and is zoned RS-12. Council proposed changing the designation and zoning to General Industrial (GI) and staff prepared an outline of issues associated with the proposal. He noted that a Comprehensive Plan amendment would be subject to a Statewide Planning Goal review. Staff also provided information and requests feedback on a Mixed Use Employment (MUE) designation alternative.

Councilor York said he welcomes an alternative to the GI designation. MUE seemed plausible until testimony was received about density. He inquired about the MUE density being similar to RS-20 standards.

Mr. Gibb said the MUE District was designed to provide lower-intensity mixed uses for commercial, residential, and industrial. Mr. Towne added that any site more than five acres and consisting of more than one parcel is required to have a Planned Development Overlay (PDO). In this case, a PDO would be required for an MUE District.

Mr. Towne added the issue of structure height. An MUE designates maximum height at 45 feet with an option to increase to 75 feet, dependent upon compatibility with adjacent residential properties. A GI designation allows for a maximum 75 foot high structure.

Mr. Towne identified other GI impacts:

- A telemarketing center in a 75 foot high structure would require one parking space for every 125 feet.
- There are minimal green area requirements.
- Traffic could be impacted during commute hours.

Mr. Towne said residential is allowed on the subject site with RS-20 standards; however, RS-20 density is not required and would be difficult to obtain without high structures. A PDO would limit what the RS-20 designation looks like.

In response to Councilor York's inquiry, Mr. Towne said the needed housing issue addresses residential zones only.

Councilor Beilstein said the purpose to revert to GI was to stop inappropriate development and then rezone it to a more appropriate use. The MUE guarantees the appropriateness of any development that will occur on this property.

Mr. Towne clarified that the MUE will allow Council to address the same compatibility issues that would have been addressed through the RS-12 designation. The process would remain the same with a public hearing before the Planning Commission and the ability to appeal the decision to Council. Compatibility issues include, but are not limited to, basic site design, visual elements, traffic, and parking.

Councilor Hamby inquired about the legalities of closing a street (D Street at the intersection with 7th Street) and moratoriums. Mr. Towne said Council Policy deals with street closures and the LDC addresses vacating a street.

Mr. Fewel added that street vacation is set by the LDC and State law and the process is similar to land use with public hearings and formal findings. Street closure is separate and the City's policies would need to be reviewed and followed. A recent Council packet included information on moratoriums, including the lengthy and difficult process resulting in a temporary solution.

Councilor Daniels said if Council suggests pursuing MUE instead of GI, there could be fairly high impact uses. In reviewing the permitting history, it was apparent that no one has attempted to do anything with this property for many years. She desires assurance that a use and district is applied to meet state and city goals without compromising the vitality of the adjacent neighborhood. An MUE allows industrial activities; however, the ability to apply a PDO is positive trade off. A good argument for the change is that circumstances change, such as the high number of residential units that have recently been added to the neighborhood.

Mr. Nelson said the MUE is not a City staff proposal or recommendation. After looking at the challenges faced by a Comprehensive Plan designation change, staff felt Council should review the MUE alternative when considering the matrices.

Councilor Brauner said when the zone change was first approved, it was on the condition that it had a PDO allowing the City to work with the neighborhood. This process was completed and then, under new State law, the developer asked that the PDO be removed. Councilor Brauner opined that removal of the PDO broke the trust of the neighborhood. A MUE with PDO will help gain back the trust of the neighborhood.

Councilor Hamby said he likes the idea of a MUE designation because of the PDO. He opined that a motion was not needed as this process is simply working through suggestions on how to shape the application.

Councilor York recalled that the motion specifically initiated Comprehensive Plan designation and zone change to GI which would now necessitate a motion.

Councilors York and Hamby, respectively, moved and seconded to redirect the zone change study to explore Comprehensive Plan and zoning designations to Mixed Use Employment.

Councilor Daniels said she supports MUE which is designed for industrial property that allows for a small percentage to be used for non-industrial.

Councilor Brauner said MUE is more consistent with Council's previous findings of a need for housing. He opined that MUE is more compatible with the neighborhood and would have a better chance of being upheld on appeal.

Councilor Grosch said he is not supportive of this motion; however, he does appreciate the efforts to address neighborhood concerns. To make this change, Council would need to state that current conditions and community needs are sufficiently different than when the zone change was adopted. While trying to provide assurance to those living in adjacent neighborhoods, there is no assurance for the property owner to develop under any standards. He is not convinced that any significant change has occurred and is concerned that this decision will cause potential litigation.

Councilor Daniels said the original motion referred to 2001 housing data from the Land Development Information Report (LDIR) to establish more multi-family housing in close proximity to Oregon State University (OSU) and the downtown. Housing conditions have changed considerably, as noted in a 2003 LDIR which identifies an additional 420 multi-family units constructed in the same area. Additionally, of the 253 multi-family building permits issued in 2004 and 2005, at least 140 units are close to the OSU campus and 123 units are less than a one-minute walk from the subject property.

Councilor Grosch encouraged Council review the findings criteria. He said Council is asking staff and the Planning Commission to do a lot of work for something that might not work.

Councilor Wershow said the reason Council is considering this change is to alleviate the effects on the neighborhood; however, this motion will not stop a developer from starting a project tomorrow. He opined that a lot of staff time and resources will be spent on a moot issue.

In response to Mayor Tomlinson's inquiry, Mr. Gibb said if an application for RS-12 development is vested before Council completes a Comprehensive Plan designation to MUE, the project can be built. A residential project would become non-conforming if the zoning is changed to MUE.

The motion passed six to two on the following roll call vote:
Ayes: Daniels, York, Hamby, Beilstein, Brauner, Brown
Nays: Grosch, Wershow

Councilor Beilstein requested staff follow up on a street closure process and time line.

X. NEW BUSINESS – None.

XI. ADJOURNMENT

The meeting was adjourned at 10:51 pm.

APPROVED:

_____
MAYOR

ATTEST:

_____
CITY RECORDER

Cornerstone Associates, Inc.

February 1, 2008

Corvallis City Council
501 SW Madison Avenue
Corvallis OR 97330

RECEIVED
FEB 0 1 2008
CITY MANAGERS
OFFICE

Dear Council Members:

Cornerstone Associates, Inc. and its next door neighbor Evanite Corporation are presently engaged in negotiations to complete a lot line adjustment (LLA) between their properties which would result in the transfer of approximately two acres from the six-acre Cornerstone property, to Evanite. In addition to the LLA, the parties propose that Cornerstone grant a traffic easement across a portion of the Cornerstone parent parcel that will be retained by Cornerstone. The LLA application is currently pending with the Corvallis Planning Department.

The Cornerstone property is subject to a mortgage held by the City of Corvallis which secures a promissory note in the amount of $24,635.63. This obligation arose in 1984 as the result of street assessments in connection with improvements made to Crystal Lake Drive at the time.

The mortgage and note both provide that the debt will not become due and payable unless and until either 1) Cornerstone "transfers" the property to a third party, or 2) Cornerstone no longer uses the property for its non-profit purpose of providing employment opportunities to disabled workers in the community.

Cornerstone continues to use the property for its non-profit purpose, and intends to do so for the indefinite future. However, the transfer of property to Evanite under the LLA, and the grant of the easement, are both technically "transfers" of property interests, even though only partial, which could trigger the provisions in the note and mortgage making the debt due and payable. The purpose of this letter is to request that the City of Corvallis 1) grant permission for these transactions to proceed without accelerating the debt, and 2) grant a release of the mortgage as it applies to the property being transferred to Evanite (it will of course remain attached to the parent parcel retained by Cornerstone).

It is important to note that the LLA transfer involves essentially what is for practical purposes a strip of unimproved land along the shared boundary with Evanite (there are some unused derelict structures on the parcel, but they are of no value and will in all likelihood be eventually demolished, regardless of who owns the property). The parent parcel that will be retained by Cornerstone includes all of the improvements of value, including the main office building, the wood shop, and the new building (nearing completion) that replaces the structure destroyed by fire in 2006. The proposed easement encompasses the already-existing driveway, and so will not result in any changes on the ground.

P.O. Box 973 • Corvallis, OR 97339-0973 • (541) 752-9724 • Fax: (541) 752-7853

The City's mortgage will remain attached to the Cornerstone parent parcel after the LLA and easement grant. The City will thus remain fully secured as to the debt, with all provisions of the 1984 mortgage remaining in effect. It is our belief that the restriction on transfers was probably meant to only apply to a complete disposition of the property, and not to a partial transfer, after which Cornerstone will continue to pursue its non-profit mission on a highly valuable piece of property. Nevertheless Cornerstone wishes to fully apprise the City of the situation, to seek its waiver of the debt-acceleration provisions of the mortgage and note, and to request the release of the mortgage as it applies to the parcel to be transferred to Evanite..

Thank you very much for your consideration of this request.

Nancy Maxwell

Nancy Maxwell
Executive Director

cc. Mayor Charlie Tomlinson
City Manager Jon Nelson
City Recorder

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

JAN29'08 PM 1:43 LUBA

7TH STREET STATION, LLC,
Petitioner,

vs.

CORVALLIS,
Respondent.

RECEIVED
FEB 0 1 2008
CITY MANAGERS OFFICE

LUBA Nos. 2007-140 and 2007-141

ORDER ON MOTION FOR
ATTORNEY FEES AND COST BILL

MOTION FOR ATTORNEYS FEES

Petitioner moves for an award of attorney fees pursuant to ORS 197.830(15)(b), which provides:

> "The board shall * * * award reasonable attorney fees and expenses to the prevailing party against any other party who the board finds presented a position without probable cause to believe the position was well-founded in law or on factually supported information."

In determining whether to award attorney fees against a nonprevailing party, we must determine that "every argument in the entire presentation [that a nonprevailing party] makes to LUBA is lacking in probable cause * * *." *Fechtig v. City of Albany*, 150 Or App 10, 24, 946 P2d 280 (1997). Under ORS 197.830(15)(b), a position is presented "without probable cause" where "no reasonable lawyer would conclude that any of the legal points asserted on appeal possessed legal merit." *Contreras v. City of Philomath*, 32 Or LUBA 465, 469 (1996). In applying the probable cause analysis LUBA "will consider whether any of the issues raised [by a party] were open to doubt, or subject to rational, reasonable, or honest discussion." *Id.* The party seeking an award of attorney fees under the probable cause standard must clear a relatively high hurdle and that hurdle is not met by simply showing that LUBA rejected all of a party's arguments on the merits. *Brown v. City of Ontario*, 33 Or

1 LUBA 803, 804 (1997).

2 In the present appeal, we remanded the city's decision because we found that the city
3 had misconstrued the applicable law when it conditioned its approval of petitioner's request
4 for removal of a Planned Development (PD) overlay from petitioner's property on a change
5 in the zoning and plan map designations for the property. We remanded the decision so that
6 the city could adopt an order removing the PD overlay without improperly requiring that the
7 property's plan and zoning map designations be changed. We declined petitioner's request to
8 affirm the part of the city's decision that removed the a PD overlay and reverse the part of the
9 city's decision that changed the zone and map designations, because our rules do not
10 expressly authorize us to affirm in part and reverse in part.

11 Petitioner argues that every argument that the city made in defense of the challenged
12 decision was lacking in probable cause. In support of this contention, petitioner points to the
13 minutes of the city council hearing during which the decision that was the subject of the
14 appeal was made. Those minutes include the city attorney's explanation to the city council of
15 its options in addressing petitioner's application. Record 76. The minutes indicate that the
16 city attorney advised the council that if the council chose to remove the PD overlay but also
17 change the plan and zone map designations for the property, the city's action could subject
18 the city to an award of attorney's fees in favor of petitioner.

19 The city has not responded to petitioner's motion for attorney fees. Petitioner has
20 made a *prima facie* case that the city's defense of its decision was "lacking in probable
21 cause," and the city offers us no reason to conclude otherwise. *Fechtig v. City of Albany*, 150
22 Or App at 24. Accordingly, petitioner's motion for an award of attorney's fees is granted.

23 Under ORS 197.830(15)(b), the requested attorney fees must be reasonable. LUBA
24 has discretion to determine the amount of attorney fees that is reasonable under the specific
25 facts of the case. *Gallagher v. City of Myrtle Point*, 50 Or LUBA 769 (2005). However, while
26 we independently review attorney fee statements for reasonableness, the failure of an

opposing party to contest such statements is at least some indication that the attorney fees sought are reasonable. *See 6710 LLC v. City of Portland*, 41 Or LUBA 608, 611-12 (2002) (discussing reasonable hourly rates and reasonable amount of time to pursue a LUBA appeal).

Petitioner submitted a statement of attorney fees, seeking $14,280.00 in attorney fees. Petitioner's attorneys spent approximately 67 hours at hourly rates of $225 and $175, and $112.50 for travel time. We agree with petitioner that approximately 67 hours is a reasonable amount of time to have spent in prosecuting this appeal, and that petitioner's attorneys' hourly rates are reasonable. *Id.*

Petitioner's motion for attorney fees in the amount of $14,280.00 is granted.

COST BILL

Petitioner filed a cost bill requesting award of the cost of its filing fees, in the amount of $175 for each appeal. Petitioner also requests return of its deposits for costs. Respondent has not responded to petitioner's motion.

Petitioner is awarded the cost of its filing fees, in the amount of $350, to be paid by respondent. The Board shall return petitioner's $300 deposits for costs.

Dated this 29th day of January, 2008.

$14,630

Melissa M. Ryan
Board Member

Certificate of Mailing

I hereby certify that I served the foregoing Order On Motion For Attorney Fees And Cost Bill for LUBA No. 2007-140/141 on January 29, 2008, by mailing to said parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

Bill Kloos
Law Office of Bill Kloos PC
375 W 4th Street, Suite 204
PO Box 11906
Eugene, OR 97440

James K. Brewer
Fewel, Brewer & Coulombe
456 SW Monroe Ave Suite 101
Corvallis, OR 97333

Dated this 29th day of January, 2008.

Kelly Burgess
Paralegal

Debra A. Frye
Executive Support Specialist

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

MEMORANDUM

DATE: February 4, 2008

TO: Mayor and City Council

FROM: Kevin Young, Senior Planner

SUBJECT: Additional correspondence regarding the appeal of the Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003)

Since the distribution of City Council packets on January 31, 2008, the attached correspondence has been received regarding the appeal of the Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003), which is scheduled to be considered by the City Council on February 4, 2008.

RECEIVED
JAN 31 2008
CITY MANAGERS OFFICE

January 27, 2008

Protest "Ashwood Preserve"

As a 32-year-resident of Country Club Drive in Corvallis, I am concerned about the proposed Ashwood Preserve development for four reasons, (1) density, (2) building into the floodplain (3) traffic, and (4) process in making land use decisions. Surrounding existing homes are single family residential. The proposed development is high density, making "Ashwood Preserve" housing development an oxymoron, as is the "The Gardens" down the street, "Grand Oaks," "Timberhill" and other developments throughout town that destroy the very natural features these developments are named after. Is sweet little Corvallis, as recently portrayed in the new promotional movie celebrating Corvallis's 150th birthday, becoming another "Boomtown"? Having worked in real estate in Corvallis for over twenty years, I believe what our city really needs is more developments like Stoneybrook, with single level, totally handicap-accessible homes. Far too many builders are putting up three bedroom, two and a half bath homes, with bedrooms and main bath upstairs. Most of us will need handicap-accessible housing eventually. City planners are focused on infill and maximizing density, with a resulting lack of properties that serve the long term needs of home owners.

My second concern is that some of the proposed development is on the floodplain. Historically, builders have tried to build for maximum profit rather than wise land use. I remember when the City and Montgomery Brothers proposed building high density apartments and attached housing on the corner of Country Club Drive and 35th Street. An engineer representing the developer, Montgomery Brothers, seriously proposed burying the creek (then Squaw Creek – now Dunawi Creek) in a pipe all the way to the Willamette River and then building over it. We must respect and protect our natural features. The proposed development destroys floodplain.

Regarding traffic problems, it is already difficult to pull out of my driveway during rush hours, due to all the recent development west of my property. Though the speed limit is 25 mph, many drivers use Country Club Drive as a thoroughfare and drive much faster. More high density housing will only exacerbate traffic problems.

As to process, though I live only two tenths of a mile from the proposed development, the city did not notify me of it. A small sign on the property and notice in the newspaper have been ineffective in notifying neighbors of this major land development decision. To appeal it, citizens have had to pay $250. The public hearing for this appeal will be Monday, February 4th, at 7:30 p.m. at the (main) City Fire Station Meeting Room, 400 NW Harrison Boulevard. Please attend and keep the city from riding rough shod over citizen concerns. Let's try to prevent Corvallis from becoming just another boomtown.

Sincerely,

Ray Chesbrough
3800 SW Country Club Drive
Corvallis, Oregon 97333
(541) 753-8383

NOTICE OF POTENTIAL LAND USE PUBLIC HEARING*

Monday, February 4, 2008, 7:30 PM

City of Corvallis City Council

City Fire Station Meeting Room, 400 NW Harrison Boulevard

CASE: **Ashwood Preserve (PLD07-00009, SUB07-00003)**

HEARING TOPIC: A potential* appeal of the Planning Commission's decision to approve a Conceptual and Detailed Development Plan, and a Tentative Subdivision Plat

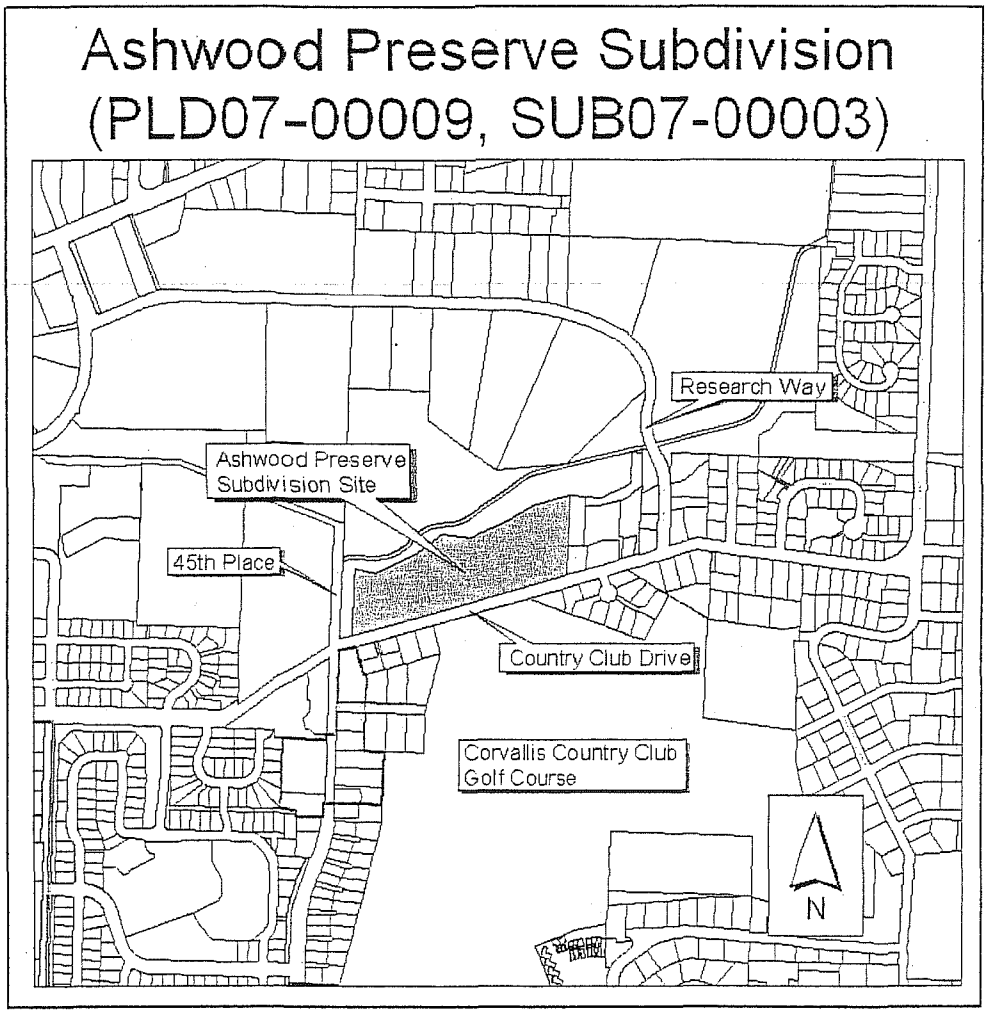
SITE LOCATION: The subject site is located on the north side of Country Club Drive, between 45th Place to the west and Research Way to the east. The subject site is also identified on Benton County Assessor's Map 12-5-09 A, as Tax Lot 1800.

APPLICANT / OWNER:

Applegate Development Group, LLC
2022 SW 45th Street
Corvallis, OR 97333

REQUEST:

Potential appeal(s) of the Planning Commission's decisions to approve a Conceptual and Detailed Development Plan and a Tentative Subdivision Plat to construct a 28-unit subdivision of two- and three-unit attached single family dwellings on a 9.52-acre site.



WHOM TO CONTACT FOR MORE INFORMATION:

Kevin Young, Senior Planner (541) 766-6908, *kevin.young@ci.corvallis.or.us*
Mailing Address: City of Corvallis, Planning Division, P.O. Box 1083, Corvallis, OR 97339
Office Location: City Hall, Main Level, 501 SW Madison Avenue

***Note:** Due to State-required land use decision deadlines, and Land Development Code notice requirements, this announcement is being released prior to the completion of the legal appeal period for the Planning Commission's decisions on the Conceptual and Detailed Development Plan and Tentative Subdivision Plat. Please call the Planning Division, at 766-6908, after January 15, 2008, to confirm if the City Council hearing will be necessary.*

PLEASE TURN OVER FOR MORE INFORMATION

THE HEARING PROCESS / OPTIONS FOR PROVIDING COMMENT:

- At the hearing, the City Council receives public testimony, deliberates, and typically makes its decision before adjourning the meeting.
- The City Council may approve, modify, or deny the proposed application.
- If you wish to testify on the proposal, you may provide written or oral testimony to the City Council.
- The Mayor will set a time limit of three minutes per person for oral testimony at the public hearing. Written testimony is encouraged. While written testimony will be accepted up to and including the night of the public hearing, written testimony submitted to the Planning Division by noon, eight days prior to the public hearing, will be included in the City Council packets that are delivered prior to the hearing.
- Any person participating in the hearing is entitled to request that the hearing be continued to a second hearing if new evidence or documents are submitted in favor of the application. The "continuance" hearing will be limited to the issues related to the new documents or evidence for which the continuance was requested.
- A person testifying also may request to have the written record remain open for seven days to allow for the submittal of additional written testimony.
- "Raise it or waive it": Failure to raise an issue in a hearing, in person or by letter, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue. This means that in order to appeal the City's decision to LUBA based on a particular issue, you must raise that issue at the City's public hearing. The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

DECISION:

The City Council decision on this matter will be final unless the case is appealed to the State Land Use Board of Appeals (LUBA). Appeals to LUBA may be filed within 21 days of the date a notice of disposition is signed and must be filed by 5:00 p.m. on the final day of the appeal period. Where the final day of an appeal period falls on a weekend or holiday, the appeal period shall be extended to 5:00 p.m. on the next work day.

DECISION-MAKING CRITERIA:

The City Council will evaluate this request based on specific review criteria from the Corvallis Comprehensive Plan and Land Development Code. Staff-identified decision-making criteria are listed below. Generally, these criteria specify that developments address compatibility with surrounding development, traffic and circulation, site design, landscaping requirements, natural resource and natural hazard protections, parking, and pedestrian accessibility.

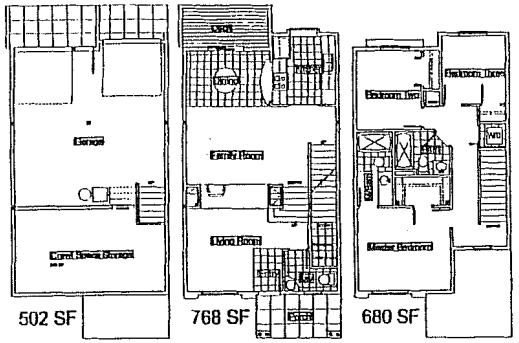
- **Comprehensive Plan policies:**
  3.2.1, 3.2.3, 4.2.1, 4.2.2, 4.5.1, 4.7.1, 4.8.1, 4.8.2, 4.8.12, 4.10.3, 4.10.4, 4.10.5, 4.10.6, 4.10.17, 4.10.19, 4.11.12, 5.3.1, 7.2.5, 7.5.5, 9.2.1, 9.2.2, 9.2.4, 9.2.5, 9.3.2, 9.3.5, 10.2.6, 10.2.12, 11.2.1, 11.2.2, 11.3.9, 11.5.2, 11.7.1, and 12.2.5

- **Land Development Code Chapters:**
  1.2, 1.6, 2.0, 2.4, 2.5, 2.19, 3.0, 3.3, 3.4, 3.33, 4.0, 4.1, 4.2, 4.4, 4.5, 4.6, 4.10, 4.11, and 4.13

Citizens are encouraged to become familiar with the application and applicable review criteria. A staff report discussing the request in relation to the criteria will be available seven days before the hearing. All documents may be reviewed at the Planning Division office without charge; copies will be provided upon request. The Land Development Code and Comprehensive Plan documents are available in the Corvallis-Benton County Public Library (645 NW Monroe Avenue), and on the City's web site (www.ci.corvallis.or.us).

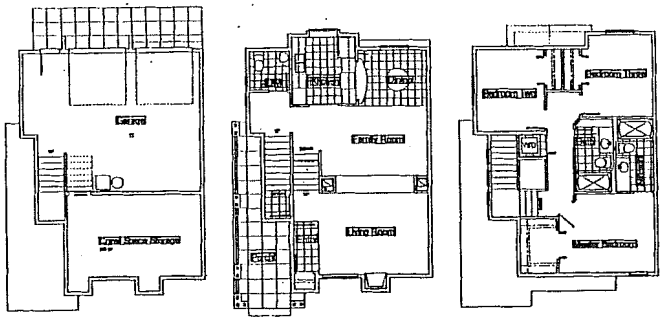
THE CORVALLIS PLANNING DIVISION ENCOURAGES YOU TO NOTIFY YOUR NEIGHBORS AND OTHER PERSONS YOU BELIEVE WOULD BE AFFECTED BY THIS MATTER.

Middle Unit



502 SF Garage Level | 768 SF Main Floor | 680 SF Top Floor

End Unit



520 SF Garage Level | 788 SF Main Floor | 730 SF Top Floor

Rear Elevation Wood Siding

Front Elevation Wood Siding

INTERIOR TOWNHOME UNIT FLOOR PLAN
SCALE: 1/8" = 1'-0"

SAMPLE PLANS & ELEVATIONS USED TO INDICATE HOW COMPLIANCE WITH CHAPTER 4.10 COULD BE ACHIEVED. ACTUAL BUILDING DETAILS TO BE SUBMITTED WITH APPLICATION FOR BUILDING PERMIT.

ATTACHMENT "U"

No.	REVISION:	DATE:

DEVCO ENGINEERING INC.
Corvallis Oregon
2040 NW CONCORD, P.O. BOX 108
CORVALLIS, OR. 97339
WWW.DEVCOENGINEERING.COM

© COPYRIGHT 2006
DEVCO ENGINEERING, INC.
ALL RIGHTS RESERVED.

PROJECT: ASHWOOD PRESERVE SUBDIVISION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: APPLEGATE DEV. GROUP, LLC

SHEET TITLE: FLOOR PLANS & ELEVATIONS

JOB NO.	06-402
ISSUED:	11/09/07
DRAWN BY:	DEVCO
DRAWING:	
# OF SHEETS IN SET:	

LIGHT FIXTURE SCHEDULE

- A WALL-MOUNTED FULL CUT-OFF AREA LIGHTING FIXTURE WITH 250W MH LAMP, MULTI-TAP BALLAST, ASYMMETRIC DISTRIBUTION, HOUSE-SIDE SHIELD AND DARK BRONZE FINISH. ARCHITECTURAL AREA LIGHTING #SP10-250MH-DBZ-ASY-HSS OR APPROVED EQUAL.
- B BOLLARD LIGHTING FIXTURE WITH 70W MH LAMP, MULTI-TAP BALLAST, DARK BRONZE FINISH, ARCHITECTURAL AREA LIGHTING # SPB-70MH-DBZ OR APPROVE EQUAL. MOUNT ON CONCRETE BASE PER MANUFACTURER'S RECOMMENDATION.

ATTACHMENT "T"

No.	REVISION:	DATE:

DEVCO Engineering Inc.

PROJECT: ASHWOOD PRESERVE SUBDIVISION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT:

SHEET TITLE: SITE LIGHTING PLAN

JOB NO. 05-402
ISSUED: 11/09/07
DRAWN BY: DEVCO
DRAWING:
OF SHEETS IN SET:

RECEIVED

FEB - 1 2008

Community Development
Planning Division

31 January 2008

City Council
Corvallis OR 97330

Ladies and Gentlemen:

Re: Protest to the Ashwood Preserve development

My name is Bill Maier, a resident and owner of the house at 1725 SW Whiteside, here in Corvallis since 1975. Our home is located at the end of Country Club Drive where it intersects with 35th St. Since that time we have seen more than 350 dwellings built along Country Club drive between 35th and 53rd streets, not counting Stoneybrook. The area is flooded with houses and apartments, and the automobile's associated with those houses and apartments come down Country Club Drive towards 35th Street.

During this time (since 1975) we have seen the traffic increase to gigantic proportions. At times, during the 8:00am morning rush, from my kitchen window I can see cars backed up beyond the top of the rise in the road, which is about 100 yards, waiting to enter the 35th/Whiteside traffic.

Starting at 7:15am (it is still dark) children are waiting on the corner of 35th/Whiteside and Knollbrook for the school bus. Again at 8:30 another group of children are waiting for the bus to take them to school. Cars come zipping by with little regard for the 15 or so children waiting on the corner. Those coming off of Country Club Drive, making a left hand turns, want to squeeze in between the cars coming down the hill on Whiteside. It is scary.

More apartments in the natural wetland area where these apartments are being proposed will only increase the demand on an already over stressed intersection. **This is crazy**. I ask that you please stop this madness and consider this as a formal protest to the proposed development of the Ashwood Preserve. Ashwood Preserve?? What is being preserved?

More houses will mean more taxes to increase revenues to the city coffers, but I'll bet it will not reduce my tax burden.

Respectfully Submitted

William D. Maier

William D. Maier
1725 SW Whiteside
Corvallis, OR 97333-1502

RECEIVED

FEB - 1 2008

Community Development
Planning Division

January 26, 2008

PROTEST "ASHWOOD PRESERVE'

I own a home and reside at 3929 SW Country Club Drive. About five years ago I bought this property and had my home built in this neighborhood of established single-family homes. This neighborhood was further complimented by the addition of upscale homes across the street.

I am against this "Ashwood Preserve" subdivision:

A subdivision of 28 three story attached homes does not compliment out neighborhood. The following problems could surely arise from such a development:

1. Traffic Problems.
   The impact of an additional 30 to 60 cars on Country Club Drive could be a significant detriment to this area.
   Even now the traffic at times is heavy and the speed limit is often ignored.

2. Desctruction of Weltlands.
   "Ashwood Preserve" will not preserve our wetlands, instead will have a negative effect on this area. Consider the importance of our Wetlands.

3. Drainage Problems
   Consider the effect the Ashwood Preserve 28 attached homes would have in this area. Consider the impact on Dunawi Creek. Many residents with homes down stream are very concerned about flooding.

I ask the Planning Commission to consider maintaining values and quality of life for existing homeowners and tax payers before approving subdivisions that do not compliment our area and in fact may cause problems.

Lois Gerner

Lois J. Gerner
3929 SW Country Club Dr.
Corvallis, OR 97333
(541) 738-8191

Young, Kevin

From: Louie, Kathy
Sent: Friday, February 01, 2008 1:41 PM
To: Young, Kevin
Subject: FW: [Fwd: <web>Protest Ashwood Preserve]

Kevin, here's one that will need to be copied (13) and I can hand it out Monday noon ... K

-----Original Message-----
From: Bill York [mailto:ward1@council.ci.corvallis.or.us]
Sent: Friday, February 01, 2008 1:20 PM
To: Louie, Kathy
Cc: ward1-web-archive@council.ci.corvallis.or.us
Subject: [Fwd: <web>Protest Ashwood Preserve]

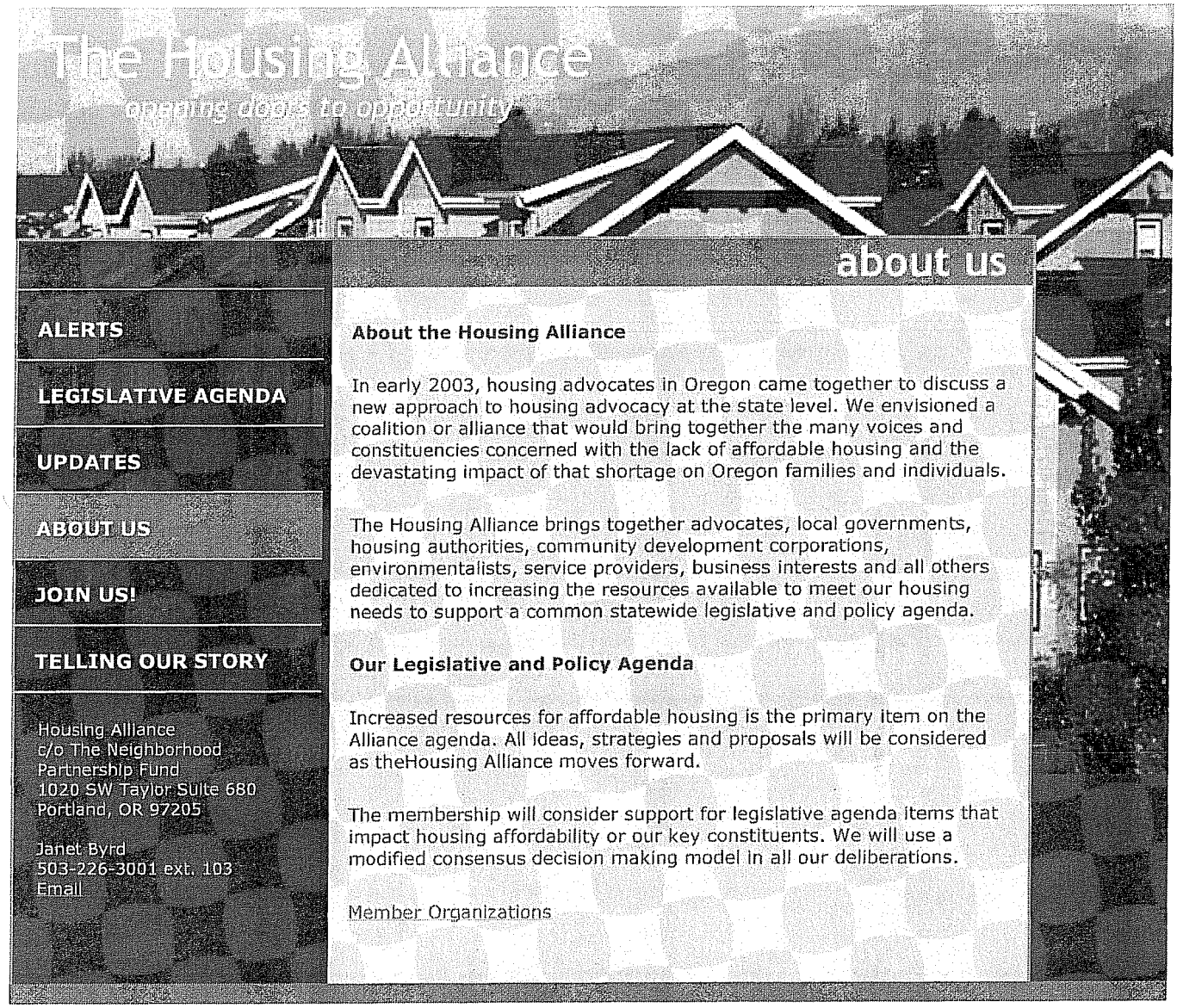
For the record.

Regards,

Bill York
Councilor - Ward 1

---------- Original Message ----------
Subject: <web>Protest Ashwood Preserve
From: "Ardelle Merritt" <atmerritt30@msn.com>
Date: Fri, February 1, 2008 9:51 am
To: ward1@council.ci.corvallis.or.us

This is an inquiry e-mail via %s from: Ardelle Merritt (atmerritt30@msn.com) Due to a prior commitment I am unable to attend Monday's meeting. Please add my name to list of residents who protest this development. I oject to any building on this area of flood plain.
Further, the proposed project is too dense for this neighborhood and will result in major traffic congestion given the nearby schools and industry on Research Way. Further, the multable dwelling units are out of character for the neighborhood of single family dwellings. I live on Country Club Place: why were we who are close neighbors not informed sooner? I appreciate your attention to my concerns. Ardelle Merritt,1676 SW Country Club Place


The Housing Alliance
opening doors to opportunity
about us
ALERTS
LEGISLATIVE AGENDA
UPDATES
ABOUT US
JOIN US!
TELLING OUR STORY
Housing Alliance
c/o The Neighborhood
Partnership Fund
1020 SW Taylor Suite 680
Portland, OR 97205
Janet Byrd
503-226-3001 ext. 103
Email
About the Housing Alliance
In early 2003, housing advocates in Oregon came together to discuss a new approach to housing advocacy at the state level. We envisioned a coalition or alliance that would bring together the many voices and constituencies concerned with the lack of affordable housing and the devastating impact of that shortage on Oregon families and individuals.
The Housing Alliance brings together advocates, local governments, housing authorities, community development corporations, environmentalists, service providers, business interests and all others dedicated to increasing the resources available to meet our housing needs to support a common statewide legislative and policy agenda.
Our Legislative and Policy Agenda
Increased resources for affordable housing is the primary item on the Alliance agenda. All ideas, strategies and proposals will be considered as theHousing Alliance moves forward.
The membership will consider support for legislative agenda items that impact housing affordability or our key constituents. We will use a modified consensus decision making model in all our deliberations.
Member Organizations

about us

ALERTS
LEGISLATIVE AGENDA
UPDATES
ABOUT US
JOIN US!
TELLING OUR STORY

Housing Alliance
c/o
Neighborhood Partnership Fund
1020 SW Taylor Suite 680
Portland, OR 97205

Janet Byrd
503-226-3001 ext. 103
jbyrd@tnpf.org

Member Organizations

- 1000 Friends
- AFSCME Local 3267
- Association of Oregon Community Development Organizations
- Association of Oregon Housing Authorities
- CASA of Oregon
- Central City Concern
- City Club of Portland
- City of Ashland
- City of Beaverton
- City of Eugene
- City of Gresham
- City of Medford Housing and Community Development Commission
- City of Portland
- City of Talent
- City of Wilsonville
- Clackamas Community Land Trust
- Clackamas Housing Action Network
- Coalition for a Livable Future
- Community Action Directors of Oregon
- Community Action Team, Inc.
- Community Alliance of Tenants
- Community Development Network
- Community Housing Fund
- Community Partners for Affordable Housing
- Ecumenical Ministries of Oregon
- Enterprise Community Partners, Inc.
- Habitat for Humanity of Oregon
- Hacienda CDC
- Homeless Families Coalition
- HOST Development, Inc.
- Housing Advocates Group of Washington County
- Housing Development Center
- Interfaith Committee on Homelessness
- Jackson County Housing Coalition
- Lane County Legal Aid and Advocacy Center
- League of Women Voters of Oregon
- Lincoln County
- Manufactured Home Owners of Oregon, Inc.
- METRO
- Multnomah County
- Neighborhood Economic Development Corporation (NEDCO)
- Neighborhood Partnership Fund
- Network for Oregon Affordable Housing
- Northwest Community Land Trust Coalition
- Northwest Housing Alternatives
- Oregon Action
- Oregon Council on Developmental Disabilities
- Oregon Coalition on Housing and Homelessness
- Oregon Food Bank
- Oregon Manufactured Homeowners United
- Portland Community Land Trust
- Portland Community Reinvestment Initiatives, Inc.
- Portland Impact

- REACH CDC
- Rogue Valley CDC
- ROSE Community Development
- St. Vincent de Paul of Lane County, Inc.
- ShelterCare
- Sisters of the Road
- Umpqua CDC
- Washington County
- Willamette Neighborhood Housing Services

« back

welcome

ALERTS

LEGISLATIVE AGENDA

UPDATES

ABOUT US

JOIN US!

TELLING OUR STORY

Housing Alliance
c/o The Neighborhood
Partnership Fund
1020 SW Taylor Suite 680
Portland, OR 97205

Janet Byrd
503-226-3001 ext. 103
Email

2008 Legislative Strategy

During the February 2008 Legislative session, the Housing Alliance will be working to pass SB 1073, introduced on our behalf by Senator Betsy Johnson.

SB 1073 appropriates $2.75 million in the February 2008 legislative session:

- **$2 million** to seed a revolving loan fund to help preserve existing rent-subsidized affordable housing, and
- **$750,000** to support development and implementation of local strategies to end homelessness.

Download details on SB 1073.
Download details on the "Housing Acquisition Fund."
Download details on building strategies to end homelessness.

Members of the Housing Alliance believe that hard-working people should be able to afford housing and still have money left for food and basic necessities.

This isn't the case today.

We know that one in five people in Oregon can't afford the cost of their housing. People are going hungry and doing without medicine for themselves and their kids in order to keep a roof over their heads.

Let's give all Oregonians the opportunity to build better lives. To succeed, we all need a place to call home.

Our Goal:

We must take significant steps towards meeting housing needs in the State of Oregon. To begin addressing these needs, the Legislature can act in two ways.

1. Substantially Increase Funding for Housing Development and Support Programs, with a long-term goal of increasing to $100 million per biennium. Current expenditures are approximately $20 million per biennium.

2. Use Policy Tools to increase housing availability or stability.

2007 Legislative Successes: Housing Alliance Wins More Than $26 Million in New Money for Housing!

Housing Alliance
Opening Doors to Opportunity

Application for Membership

Membership in the Housing Alliance is open to all who endorse our goals and agree to our operating principles. There are two categories of membership. Members include non-profit organizations, government entities, and housing authorities. For-profit entities and individuals are invited to support the Housing Alliance as Associate Members (non-voting).

Yes! We'd like to join as a / an

- ❑ Member
- ❑ Associate member (non-voting)

Dues structure:

Non-Profit Partner Organizations

Operating Budgets under $200,000: $50 to $250
Operating Budgets over $200,000: $250 to $20,000

Trade Associations and Membership Organizations: $1,000 - $5,000

Large Political Jurisdictions: $2,500 to $20,000

Small Political Jurisdictions: $500 to $2,500

For-Profit Associate Members, organizations (non-voting): $500 to $10,000

Associate Members, Individual: $35 to $250

Dues Category and amount: _____

_____
Organization Name

_____
Address

_____
City, State, Zip

_____ _____
Telephone E-mail

_____
Contact person

Please submit form with payment to:
Housing Alliance, c/o Neighborhood Partnership Fund
1020 SW Taylor Suite 680
Portland, OR 97205

Questions? Call Janet Byrd at 503-226-3001 ext. 103 or e-mail at jbyrd@tnpf.org

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

MEMORANDUM

DATE: February 4, 2008

TO: Mayor and City Council

FROM: Kevin Young, Senior Planner

SUBJECT: Additional correspondence regarding the appeal of the Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003)

The attached correspondence has been received since noon today (February 4, 2008) regarding the appeal of the Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003), which is scheduled to be considered by the City Council on February 4, 2008.

[illegible] of more and seriousness of the decision. I will not read this tonight. I will read my shorter version

Feb 4, 2008

Opposing "Ashwood Preserve" Ray Chesbrough

My name is Ray Chesbrough; I live at 3800 SW Country Club Drive, two tenths of a mile from "Ashwood Preserve." Let me start by thanking the Mayor and City Council for their service to the citizens of Corvallis. I thought about attending this meeting wearing my cowboy hat and six guns but I decided to wear my beret and pens in my front pocket instead, for surely "The pen is mightier than the sword"!

I am very concerned about process. I was not made aware of this development until the day before the deadline for filing an appeal. After walking the neighborhood and visiting with people, I found out I was not alone. A great many citizens expressed anger when I explained what was planned for the property. There is also a great deal of apathy. Many feel left out of the decision making process, disgusted with the City and developers, hopeless, and not willing to get involved. The City needs to require all developers to install a large 4 by 8 sign showing visual designs of proposed buildings. People need visuals!

If the developer of Ashwood Preserve would build homes that are compatible with surrounding homes, stay out of the flood plain, and build them all one story or at least handicap accessible, then I would be cheering him on. What is proposed now is not compatible with the existing homes and could easily become student rentals. Just visit the newly completed units on the corner of 53rd and Windflower (close to Bi-Mart) to get a visual of what could happen here. I have had thirty plus years experience as a landlord of student rentals. I know what it is like to deal with students, beer bottles, unpaid rent, loud parties, cramming more kids in apartments without permission, etc. Think about this possibility - the entire 28 units bought by an investor who rents it out to students, who double up in each bedroom and all own vehicles (6 per unit times x 28 units equals 169 vehicles). The City cannot restrict who buys what property in Corvallis. This is a very real possibility - just talk to your police and fire department about similar developments citywide or drive around campus and look.

There comes a time when we must say no to more of this type of development. When I was 15, my family moved to San Jose, California, to an area near Paul Masson Winery. Today all the natural features of this area are gone - no more orchards, no more Paul Masson, no more vineyards, just developments. You would not want to live there now. Our City is heading in the same direction and is to blame for such bad land use decisions as "Ashwood Preserve." The City changes

zoning on property without informing citizens. Our City governement is the villain here!

Following are additional concerns with the proposed development:

Traffic - this is a growing problem. A police officer has told me Country Club Drive is a "Duck Pond;" he said drivers regularly exceed the 25 mph speed zone and he caught one driving 62 mph rounding the corner near my home. This is a huge problem for folks living at Stoneybrook, we need better police coverage and the speed limit needs to be 25mph for the entire length of Country Club Drive. The proposed development will only exacerbate the traffic problem.

Floodplain - Ash trees love their feet in the water. Have respect for Mother Nature and don't build where Ash trees grow. I own a townhouse at 1678 SW Country Club Drive, three-tenths of a mile downstream from the proposed development. During the 1996 flood, I was surprised to discover I owned waterfront property. .

I pay taxes and I expect the city to hire planners who plan and protect Corvallis from such developments as "Ashwood Preserve." I am very unhappy with services rendered.
Corvallis recently showed at the Majestic Theatre a new documentary under development celebrating Corvallis's 150th birthday. The young woman commentator in it frequently refers to "our sweet Corvallis." My concern is that we are losing our sweetness, and fast approaching the sourness of cities such as San Jose.

Sincerely,

Ray Chesbrough

Ray Chesbrough
3800 SW Country Club Drive
Corvallis, Oregon 97333
753-8383

RECEIVED

FEB - 4 2008

Community Development
Planning Division

Copies to Corvallis's Police Department and Fire Department

Feb 4, 2008

Opposing "Ashwood Preserve"

My name is Ray Chesbrough; I live at 3800 SW Country Club Drive, two tenths of a mile from "Ashwood Preserve." Let me start by thanking the Mayor and City Council for their service to the citizens of Corvallis. My concerns about Ashwood Preserve are (1) floodplain, (2) density, (3) traffic problems and (4) process.

(1) Ashwood Preserve is not just another development like those we've seen before in Corvallis. This development sets a precedent, enacting for the first time the City's new policy of allowing developers to build on properties encumbered by natural features. The proposed development destroys floodplain. Ash trees love their feet in the water. I believe we should respect Mother Nature and not build where Ash trees grow. I own a townhouse at 1678 SW Country Club Place, three-tenths of a mile downstream from the proposed development. During the 1996 flood, I was surprised to discover I owned waterfront property.

(2) The proposed development is high density, and not compatible with existing surrounding homes. Having worked in real estate in Corvallis for over twenty years, I believe that what Corvallis needs is single level, totally handicap-accessible homes. Most of us will need handicap-accessible housing eventually. But instead, city planners are focused on infill and maximizing density, with a resulting lack of properties that serve the long term needs of home owners.

(3) Regarding traffic, it is already difficult to pull out of my driveway during rush hours, due to all the recent development west of my property. Though the speed limit is 25 mph, many drivers use Country Club Drive as a thoroughfare and drive much faster. More high density housing will only exacerbate traffic problems.

(4) About process - I did not find about this development until the day before the deadline for filing an appeal. After walking the neighborhood and visiting with people, I found out I was not alone. A great many citizens expressed anger when I explained what was planned for the property. Many feel left out of the decision making process. No-one knew about zoning changes for the area.

I have not had time to research an important concern. Who is on the Planning Commission for the City? Is it a fair representation of the general public and developers, or is it solely people who have economic gains to make from Planning Commission decisions?

Thank you for hearing these concerns.

Sincerely,

Ray Chesbrough
3800 SW Country Club Drive
Corvallis, Oregon 97333
753-8383
c: Corvallis Police and Fire Departments

Young, Kevin

From: NAWWEW@aol.com
Sent: Monday, February 04, 2008 1:02 PM
To: Young, Kevin
Subject: Ashwood Preserve (PLD07-00009-SUB07-00003) Subdivision

I strongly object to this subdivision. These types of subdivision were created all over the Los Angeles Metropolitan area. They created traffic problems and drew less desirable people to the neighborhood after an initial period of time because the "attached" homes concept fell out of favor and into disrepair. They do not fit in this neighborhood of mid to high price homes near the golf course.

These types of dwellings may be suitable in Southeast Corvallis, not Southwest Corvallis. Personally, I would not vote for them in the City of Corvallis.

Additionally, does Corvallis really want to have this image?

Is Applegate Development Group so greedy for money they have to cram that many units on the land?

Where are their values and where are Corvallis' values?

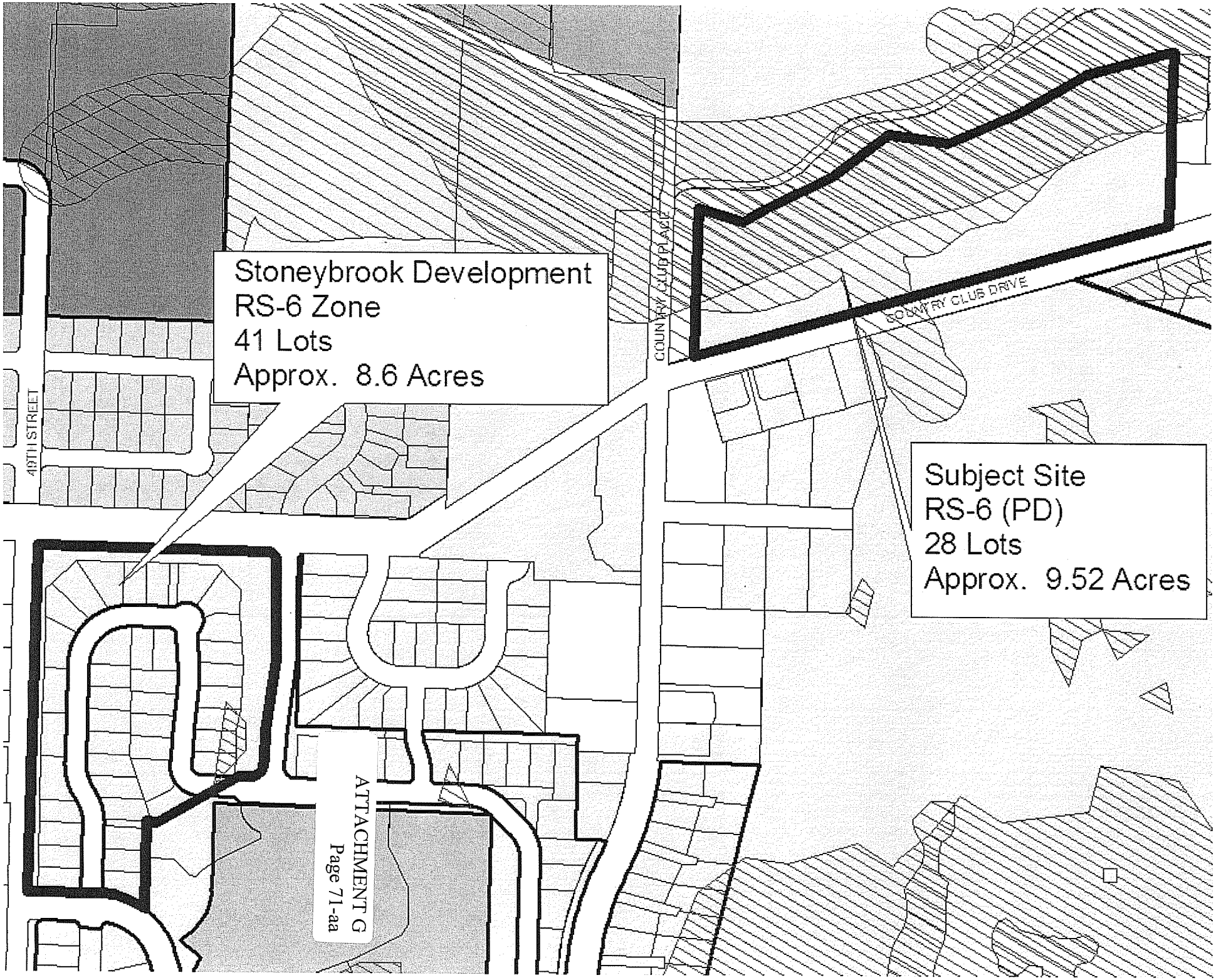
Blessings, Nancy Waldron, 2839 SW 45th Street, Corvallis, OR 97333, 541.758.2061

Who's never won? Biggest Grammy Award surprises of all time on AOL Music.

04 Feb 2008

Applicant's suggested wording for Condition of Approval No. 29

Internal Sidewalk Width – The sidewalk along the western and northern edges of the development, which provides access to the "tot lot", shall be constructed with a 5-ft width, and shall gain the additional 2 feet of width by utilizing the available MADA area.


Stoneybrook Development
RS-6 Zone
41 Lots
Approx. 8.6 Acres
Subject Site
RS-6 (PD)
28 Lots
Approx. 9.52 Acres
49TH STREET
COUNTRY CLUB PLACE
COUNTRY CLUB DRIVE

Appellant's Presentation for Ashwood Hearing

by Mark Knapp
February 4, 2008

A review of the maps of hydric soil and current wetland shows that Corvallis has already lost most of its historical wetland. What remains in the watersheds of Dixon, Oak and Dunawi Creeks are the remnants of what existed 150 years ago, before European settlers inhabited the land.

Given that history of wetland destruction, I strongly object to a special chapter in the Land Development Code that gives developers a trump card, on 30 to 60 percent of any property, to override all of the protections that were created for natural features.

Due to the time limits of this public hearing, I will focus the remainder of my testimony on technical details of the current land development application.

First of all, the application violates section 4.11.50.04.b of the Land Development Code:

> "All unconstrained lands shall be used before encroachments can occur."

The developer of Ashwood has proposed to encroach upon 16,729 square feet of wetland and flood plain, while leaving 22,136 square feet of the property undeveloped.

Attachment M of the application shows all of the relevant areas on the site.

Secondly, the largest portion of the calculated MADA fatally flawed.

Based on 13,000 square feet per acre (or 30 percent of the site), the base MADA for the 9.52 acres of Ashwood is 123,760 square feet. The application claims 9,426 square feet of ***additional*** MADA based on the provisions of Section 4.11.50.02.c.1 of the Land Development Code:

> "The Minimum Assured Development Area ... may be increased above the base MADA by adding the areas determined by ... the area of public right-of-way dedications resulting from a ***required*** width in excess of the width needed for a local street, provided the required street is identified in the Corvallis Transportation Plan."

Country Club Drive is identified as a collector street on page 3-7 of the Corvallis Transportation Plan.

Table 4.0-1 nicely summarizes the right-of-way requirements for all of the street classifications in Corvallis. When measured from the centerline of the street, the required right-of-way is 34 feet – with 11 feet for a motor vehicle lane, 6 feet for a bicycle lane, 12 feet for a planting strip, and 5 feet for a sidewalk.

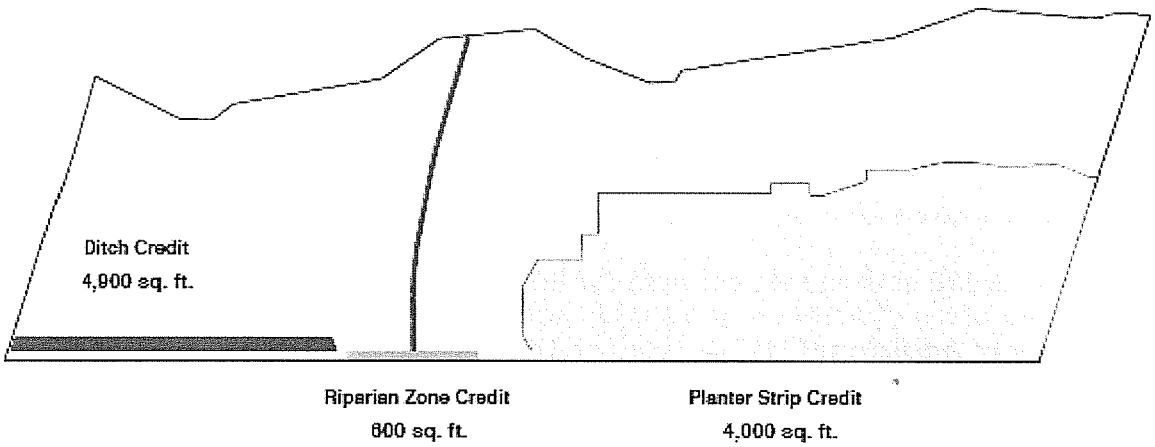
The ***current*** right-of-way on Country Club Drive is only 30 feet from the centerline. So 4 feet more would be required.

The application also proposes an additional 13 feet of right-of-way along the western portion of the site. As shown on page 20 of the staff report, the stated purpose of this unusual move would be to protect the "wetland" in the ditch along the north side of Country Club Drive.

By claiming MADA credit for protecting the curbside ditch, the application proposes to swap the protection of a ditch for the destruction of an equal area of Locally Significant Wetland of Special Concern. This proposal would be a clear violation of the public interest, and I doubt that it is legal.

Henderson Land Services performed a wetland delineation on the Ashwood development site in February 2005. Their report was reviewed and certified by Janet Morlan of the Department of State Lands. However, that delineation did not include the curbside ditch, because the ditch is in the existing public right-of-way and not part of the private property.

MADA Credits Above Baseline



So why does the Planning Division think that the ditch is a wetland?

I spoke with the Public Works Department about their recent improvements to Country Club Drive. Jennifer Goodridge of Pacific Habitat Services analyzed six ditches on Country Club Drive in February 2007 to determine if they could be classified as wetlands.

I found that none of the sample sites in Ms. Goodridge's study were in the ditch adjacent to the Ashwood development site. Her only conclusion about that ditch was as follows:

> "Portions of Ditch F are adjacent to wetlands outside of the right-of-way, therefore, DSL ***may*** take jurisdiction over sections of Ditch F."

The project manager of the road construction told me that the key consideration was one of financial precaution. Based on the possibility of a ***state or federal*** wetlands finding, the Public Works Department chose to avoid the possible delay of a required wetlands permit by avoiding the ditch altogether during their road construction.

Meanwhile, however, the report by Pacific Habitat Services has ***not*** been reviewed or certified by any government agency. The ditch does not have the same legal standing as the Locally Significant Wetland of Special Concern along Dunawi Creek.

Therefore, protection of the curbside "wetland" is not required. And the Corvallis Land Development Code is clear. Only ***required*** right-of-way dedication qualifies for increasing the MADA.

Furthermore, what DSL inspector in their right mind would consent to the swap envisioned in the application?

A third consideration is that the application proposes MADA credit for area in the riparian buffer zone. The development would wisely move the sidewalk against the curb in that area – thereby slightly minimizing the ecological impact.

That would also push the sidewalk into the ***existing*** 30-foot right-of-way. The whole point of the calculations for extra MADA is to determine the ***additional required*** right-of-way dedications. In this case, the right-of-way already exists.

Furthermore, it would be illogical to allow additional natural features destruction as a result of an area of natural features destruction. Perhaps we could characterize this as "double jeopardy."

So here are the numbers.

The property is approximately 1150 feet long, with 150 feet of that as buffer in the riparian zone. 1000 feet times 4 feet of extra right-of-way is 4,000 square feet of MADA credit. 150 feet times 4 feet in the riparian zone is 600 square feet.

Over along the disputed curbside wetland, the application proposes 13 feet of additional right-of-way along 378 feet. That would create about 4,900 square feet

of MADA credit. So the total credit from those three areas would be about 9,500 square feet.

The combined area of development and unconstrained areas that are not being developed ***must*** be less than the Minimum Assured Development Area. In this case, the total proposed development area is 131,930 square feet, and the claimed MADA is 133,186 square feet.

However, at least 5,500 square feet of the proposed MADA credit is invalid. The true MADA is less than 127,700 square feet. The development proposal exceeds this area by over 4,000 square feet.

Therefore, the application must be denied.

There is a final issue that also deserves to be addressed.

The process of constructing eleven buildings would probably necessitate heavy machinery rolling over portions of wetland that are not considered for development. Therefore, the total degradation of wetland would actually exceed the area of encroachment listed in the application.

Testimony to Corvallis City Council

February 4, 2008

By David Eckert
2311 NW Van Buren Avenue, Corvallis, Oregon 97330
Speaking on Behalf of the Marys Peak Group of the Sierra Club

RE: Ashwood Preserve Subdivision (PLD07-000009, SU 07 – 00003)
Request: Deny the Planning Commission's approval of the Ashwood Preserve Subdivision

1. I am representing the Marys Peak Group of the Sierra Club. Approximately 800 of our over 3,000 members reside in the City of Corvallis. The Sierra Club believes that wetlands are one of the most precious habitats for life on earth and that their protection is also critical to ensuring the health and safety of nearby residents. Flooding and other hazards can result from wetlands destruction. High-level water quality mitigation is also lost when wetlands are destroyed. Engineered mitigation is not a suitable substitute for wetlands.

2. I am here tonight to testify that the Marys Peak Group of the Sierra Club urges the City Council to reverse or deny the Planning Commission's approval of the Ashwood Preserve Development Project.

3. Our concern is that the City's MADA chapter 4.11 of the Land Development code presumes to override the City's much heralded Natural Features Inventory as implemented in **chapters 4.12 and 4.13**, which the City widely proclaimed as an environmental victory and an example of environmentally progressive reform.

4. We have concern that the staff's interpretation of MADA and the MADA ordinance itself is capricious, without legal precedent, ethically indefensible in its disregard of environmental and social impacts, and is in irreconcilable conflict with the City's Comprehensive Plan:
   a. **CPP 4.2.c** - "*When natural systems are altered, they may not recover or return to their original state and ecological function. We do not yet fully understand the complex interactions between natural systems, or the cumulative impacts of changes on such systems.*"
   b. **CPP 4.2.2** - "*Natural features and areas determined to be significant shall be preserved, or have their losses mitigated, and/or reclaimed.*"
   c. **CPP 4.7.1** - "*Developments shall not be planned or located in known areas of natural hazards without appropriate safeguards.*"
   d. **CPP 4.8.a** - "*Rivers are dynamic and subject to channel migration and changing flood patterns.*"

e. **CPP 4.8.2** - "*Land designated as 100-year floodplain shall be treated as follows: A. Development of new buildings on undeveloped lands (where such development does not fall within the definition of infill contained in Article 50) shall be prohibited in the 100-year floodplain of Corvallis streams, with the exception of the Willamette River, the Marys River, and the Millrace. If pre-existing parcels are entirely within the 100-year floodplain or if this policy renders an otherwise buildable parcel unbuildable, exceptions may be considered to allow limited development.*"

f. **CPP 4.11.1** - "*Consistent with State and Federal policy, the City adopts the goal of no net loss of significant wetlands in terms of both acreage and function. The City shall comply with at least the minimum protection requirements of applicable State and Federal wetland laws as interpreted by the State and Federal agencies charged with enforcing these laws.*"

g. **CPP 4.11.8** - "*City wetland management plans for significant wetlands, as defined by the State through the Statewide Planning Goal 5 process or by a formally adopted plan, shall require protection of these lands consistent with State provisions.*"

5. We contend that the MADA presumes to override the intention of **Oregon's Statewide Planning Goals and Guidelines, Goal 5** [**OAR 660-015-0000(5)**]. Goal 5 states: "*Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability. The following resources shall be inventoried: a. Riparian corridors, including water and riparian areas and fish habitat;*" The City complies with the Natural Features Inventory and the Riparian Corridors and Wetlands Overlay, but, the City then inserted MADA Chapter 4.11, which significantly overrides the City's implementation of Goal 5.

6. We contend that the MADA Chapter was not the focus of the judicial review initiated by a special interest organization comprised of local developers that challenged the new Land Development Code. We contend that the City needs to overturn both the Planning Commission's approval of the Ashwood Preserve Subdivision Plan and the MADA chapter of the City's Land Development Code. It is the only legal and ethical position the City can take in protecting the wetlands and floodplains in Corvallis.

January 25, 2008

Protest "Ashwood Preserve"

We are the owners and residents of 3925 SW Country Club Drive, three (3) properties east of the proposed "Ashwood Preserve". We had a local builder build our 2600 sq. ft. home 5 years ago. A local developer has recently built single family homes across the street. It compliments the Country Club and maintains the quality and home values of the homes around it. In this neighborhood there are no 3 story or attached homes.

We are against this "Ashwood Preserve" subdivision proposal for the following reasons:

1. The development does not compliment any of the current single family homes in the neighborhood.

2. Applegate Development Group does not need to encroach on its property wetlands. This property should be approved for 5 or 6 individual residents. This would compliment the housing already across the street. This development should not be allowed on this property. The zoning should remain RS 6.

3. "Ashwood Preserve" does not have its own catch basin for water run off as other current built subdivisions. Dunawi Creek could swell wider past this development because of the impact this subdivision has on the wetlands. We are concerned that homes down stream, including ours, will be impacted by this increased and contaminated runoff from the 28-unit attached homes. If you consider the square footage of 28 grouped rooflines in this development, it will impact Dunawi Creek. The city needs to protect the current residents down stream. What is porous pavement, has it been tested and will it impact the wetlands?

4. "Ashwood Preserve" is not a preserve and will negatively affect the wetlands. The city just improved the baseball park wetlands west of this development. Residents in "Ashwood Preserve" subdivision will not enjoy the views of this wetland area as no windows face them and only 2 benches will be provided as beautification of the wetland side. A retaining wall will collect garbage at the bottom. Corvallis residents enjoying a walk on the path north of this subdivision will not enjoy the views of this wetland area either because they see retaining walls on the back side of this subdivision.

5. "Ashwood Preserve" does not have adequate parking for 28 units with the street and garage designs and there is no street parking on Country Club. The impact of at least 30 to 60 cars coming and going on Country Club is too high. The subdivision by the baseball park has two entrances coming from two different streets and has street parking. I think there are about 28 units there. How many acres is that subdivision? They didn't have any wetland concerns and could use all the land, but does this give Applegate Development Group the right to squeeze 28 units onto the available 3 acres at "Ashwood Preserve"? No!

6. Who does the developer target to buy these attached homes and with the close proximity to OSU, are there any constraints on subleasing to college students. The closest similar

subdivision is at Windflower, off of 53rd. There is a homeowners association there, but if you drive by you will see 3 Real Estate signs and 2 For Rent Signs. The other (3) similar subdivisions are next to OSU, which this design is similar to. With 28 units proposed, this will impact the atmosphere and home value of neighboring residences. Is this the best for this property and Country Club Drive?

We hope that each of you on the Planning Commission will take a look at these stated concerns and consider the rights of the developer, the rights of current neighbors, and the best scenario for the future of Country Club Drive and Corvallis. Vote No to this development and ask Applegate Development Group to look at developing 5 or 6 nice single homes that could enhance and beautify this property. When they bought this property, they knew there would be building constraints. There should be no "Variations to Development Standards". Help them to vision the best use for this unique development opportunity with integrity.

Thank you,

Kirk Gerner

Kirk Gerner

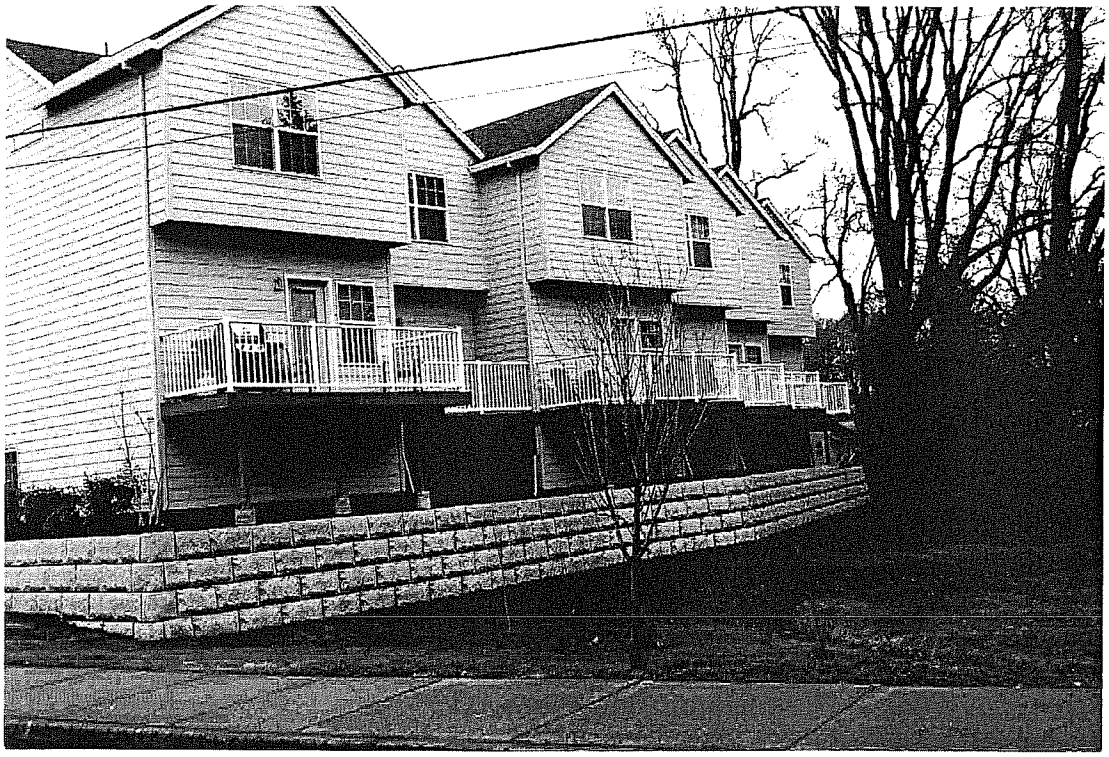
Doreen Gerner

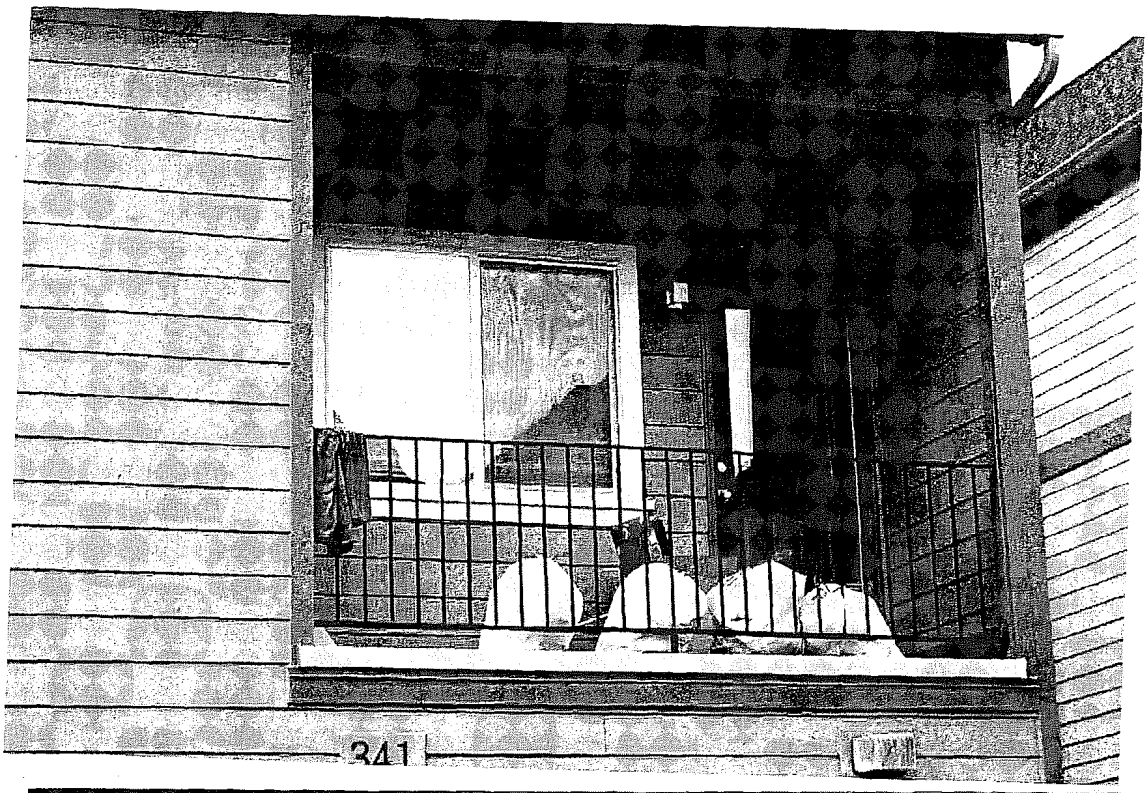
Doreen Gerner

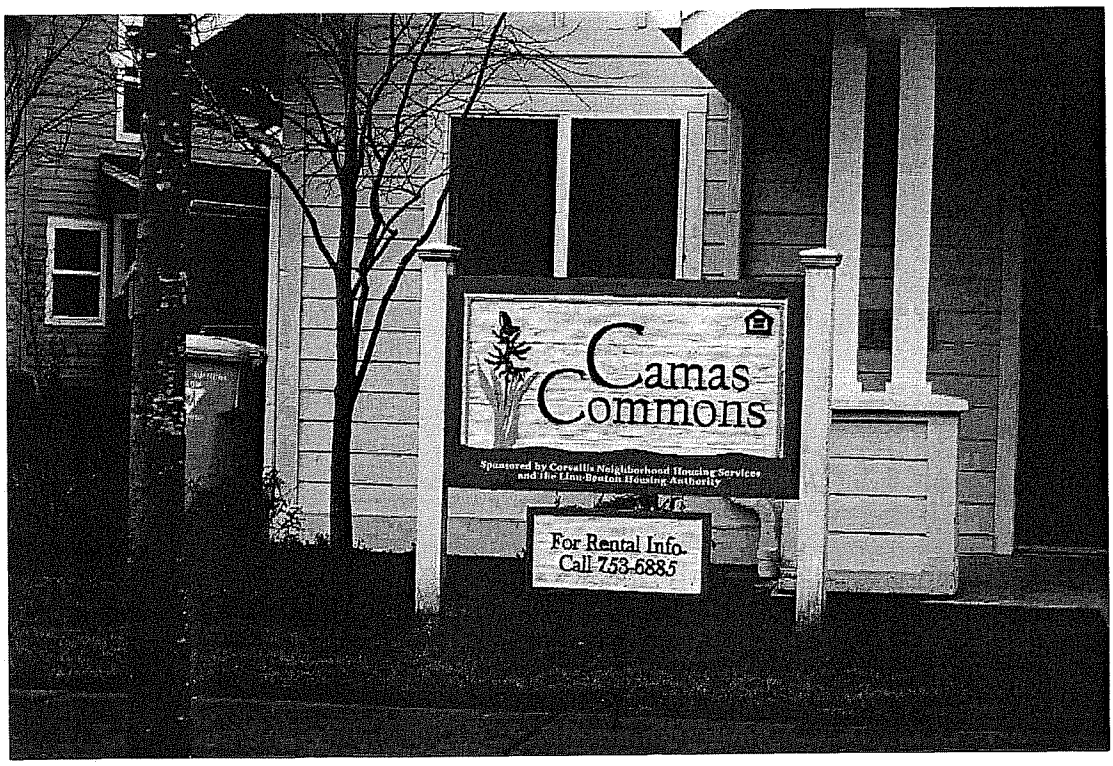
3925 SW Country Club Drive
Corvallis, OR 97333

(541) 738-8191

330




341


Camas
Commons
Sponsored by Corvallis Neighborhood Housing Services
and the Linn-Benton Housing Authority
For Rental Info.
Call 753-6885

Oak
Grove
Commons

Elite Property Management
FOR RENT
754-0928
KELLER WILLIAMS
541-609-8253
FOR SALE

4 February 2007, to Corvallis City Council, From Will Koenitzer,
4240 SW Fairhaven Drive, 97333. Subject: Ashwood Preserve Appeal

The City went to considerable time and expense to hire consultants to map the Significant Natural Features, and to hold numerous public hearings to ensure that the public had a say in which features, including wetlands, would be preserved.

The public perceived all the work done to identify significant natural features as an attempt to preserve them.

The Planning Commissioners and City Councilors who adopted the Minimum Assured Development Area (MADA) code in 2004 must have thought that it would protect our Significant Natural Features.

But now, the Ashwood Preserve proposal is the first test of the MADA calculations. As you know, this is the first test statewide, since Corvallis is the only City in Oregon with this formula. Any program of this kind may look good on paper, but usually a regulation as far-reaching as this needs test and evaluation. I hope that you recognize that the MADA may have to be changed to reflect our goals of saving wetlands and other significant features.

The benefits of wetlands are incalculable. "Freshwater wetlands act as natural filters for our ground water supply, reducing the need for expensive investments in water purification. They also protect us from floods by absorbing water and releasing it slowly, which reduces the costs that we might otherwise pay for insurance and cleanup. They provide crucial habitat for birds and other wildlife. Sustaining our wetlands is an important way to protect both human settlements and natural habitat.[1]"

The reason for my concern is that even with wetlands mitigation, Oregon is still losing wetlands. We have lost 38% of our original wetlands. Oregon does, however, have a goal of net wetland gain. Corvallis should be the Oregon leader in not only preserving our wetlands but also in increasing them.

Now is the time for Corvallis to take positive action to be that leader in preserving our wetlands. Now is the time to enforce our buffer zones adjacent to wetlands. We could also establish wider buffer zones. Now is NOT the time to chip away at our existing wetlands. We should adhere to the goals in our 20/20 Vision statement and the policies in the Wetlands Chapter (4.1) of the Comprehensive Plan. In doing so, we reduce the possibility of irreparable damage to our life support system.

Please deny the Ashwood Preserve proposal and schedule hearings for a review and revision of MADA. We no longer have to feel intimidated by Measure 7 or Measure 37. We have the power to enact more stringent regulations than the State or Federal laws. The State allows us to do so. Let's enact them.

[1] http://njssi.impacthosting.net/goals_sub.asp?Level2ItemID=20&Level3ItemID=33

February 4, 2008

TO: Corvallis City Council

FROM: Bob Frenkel

4954 SW Hollyhock Circle
Corvallis, 97333
(541) 754-6790
frenkelr@geo.oregonstate.edu

RE: Ashwood Preserve Plan Development (PLD07-00009) & Subdivision (SUB07-0003)

As a Corvallis resident for 47 years, I have participated in and become familiar with the city's planning process. I am also a specialist in wetland resources and have reviewed with care many documents related to the Ashwood Proposal. I address one issue – wetlands.

Wetlands

Corvallis' Local Wetland Inventory (2003) establishes that within the UGB the city lost about 90%i -- not surprising for a city. Not dwelling on the loss, I deal with the little left.

I reviewed three on site delineations/determinations:

1994 by Loverna Wilson (on file Corvallis Assessors Office and DSL),
2006 by Henderson Land Services' LLC
2003 Corvallis City Local Wetland Inventory (LWI)

All three substantially agree as to boundaries and wetland area delineation. Delineations reflect presence of independent defining parameters: wetland vegetation, hydric soils, and hydrology. The 1994 and 2006 delineations followed DSL and Army Corps standards. They do not evaluate wetland quality.

Treating artificial ditches as "wetlands" is problematic. The important consideration is that a ditch has principally one function – a conduit; other critical wetland functions are few. DSL should be consulted on designation. The function of a ditch is to drain water away from an area, or to irrigate an area, or channel water around an area, etc. A wetland, although hydrologically dominated by water has almost diametrically different functions. Some of these are listed in the City's LWI, page 3 such as water quality improvement, storm water abatement, nutrient trapping, etc.

The City LWI, an extension of The Natural Features Inventory (NFI), follows a DSL protocol for estimating wetland **quality** called Oregon Freshwater Wetland Assessment Method (OFWAM). Within the UGB 122 wetland units occupy about 2,608 ac, 15% of city land, the majority farmland. The OFWAM system allows the city to qualitatively compare 122 wetlands by such properties as wildlife habitat, water quality, flood control, education, recreation, etc. Forty eight Corvallis wetlands were rated significant, occupying 1,247 ac., most were judged not significant.

Of 122 Corvallis wetland units, 12 qualitatively rated as **Wetlands of Special Interest for Protection**. The Ashwood wetland unit (WC- SQU-W3) is among the units rated highest as

"Wetlands of Special Interest for Protection". Why is it so valuable? Besides the high OFWAM assessment, the Ashwood wetland forms a rare cluster of protected wetlands at Starker Arts Park to the north and Sunset Park to the west. Undeveloped, it provides a wild core to a more recreationally developed area. Such a cluster presents a rare opportunity for wetland preservation in our urban area.

Conclusion

My conclusion is that the Ashwood property contains an outstanding wetland the loss which cannot be mitigated. The unique nature of this very special wetland is not given adequate weight in the Minimum Assured Development Area (CDC Chapter 411) application.

Regardless of development precautions and due diligence by the Home Owners Association, the wetland will suffer further degradation through on site and offsite disturbances. I have seen this kind of irreparable damage at Jackson Frazier Wetland where I have served as volunteer for Benton County for 15 years.

Thank you for your attention and please make my testimony part of the official record.

February 4, 2008

TO: Corvallis City Council
FROM: Liz Frenkel
4954 SW Hollyhock Circle
Corvallis, 97333
(541) 754-6790
lizbobfrenkel@proaxis.com

RE: Ashwood Preserve Plan Development (PLD07-00009) & Subdivision (SUB07-0003)

I am Liz Frenkel. I recently moved to within an easy mile walk of the proposed Ashwood site. During the summer, I walked to Sunset Park to the west, Starker Arts Park to the north and along the multiple-use trail to the north of Dunawi Creek. The Ashwood site is, to a large extent, surrounded by designated Open Space-Conservation. In an area that is already densely populated (many apartments, multiple family dwellings, relatively dense single-family residences), it seems to me that Corvallis could do better than just providing "limited" protection for this area, allowing wetland and flood plain "encroachment" in exchange for 28 residential units.

Since this is my first winter in the area, though I cannot personally comment on flooding in the area, Dunawi Creek is identified on FEMA maps as in the flood plain with notes about flooding in 1996. Stream corridors and adjacent wetlands bordering Dunawi Creek are critical to flood plain management when the Marys River cannot flow into the Willamette because of flood conditions, such as 1996.

The "encroachment" of the proposed Ashwood project into both flood plain and wetland is described in the Staff Report. It implies that the impacts and values are essentially the same because the two Overlays refer to a similar area. (Staff Report p. 15) The purposes of flood plain protection and wetland protection are not identical. The filling proposed for the development, would reduce the acreage of both the flood plain and the wetland area. Reducing the flood plain area reduces the capacity of the area for spreading and buffering the flooding waters. Reducing the wetland acreage would reduce its water quality functions as well. The "retaining wall", separating the flood plain from the development, certainly should be considered a "structure" and hence construction standards within the 100-year floodplain (LDC 4.5.50.08) should apply. A retaining wall is meant to inhibit some floodplain functions. These "encroachments" into flood plain and wetland would have a two-fold impact to the public purposes of both the flood plain and the wetland overlays and should not be allowed. (LDC 4.11.50.05)

Destruction of a portion of the wetland may or may not be allowed by the Division of State Lands. If allowed, the Division will require mitigation for the loss. The cost of mitigation would be borne by the present owner or by the future Home Owner's Association.

The proposed conservation easement for Tract A lays a heavy burden on the future Homeowners Association, as required by Condition #2. The HOA will have responsibility and liability for Tract A on into the future. The HOA will also be responsible for insuring that the proposed

pervious surfaces will continue to meet stormwater requirements on into the future. This is not "common" land in the ordinary sense of the word.

The changes to design features (e.g. minimum lot sizes, usable yard area, minimum density) if denied, would still allow development (conditioned on a waiver). This still leaves the applicant with a viable economic development and a handsome profit over the 1995 purchase price of $225,000. There appears to be no "takings" issue for the City as the owners would not lose all l economic value loss as a result of regulation.

I ask that the City Council either reject this application outright, remand it to the City Planning Commission for exploration of further options, or continue the hearing to further evaluate staff's figures and assumptions and alternate options.

Thank you for your attention and please make my testimony a part of the official record.

Date: 4 February 2008
To: Corvallis City Council and Mayor
From: Marilyn Koenitzer, 4240 SW Fairhaven Dr. 97333
Subject: Ashwood Preserve Appeal

I support the testimony of Mark Knapp, Liz and Bob Frenkel and Will Koenitzer. In addition to the testimony from me included in your packet, tonight I will add comments about right-of-way dedication and variances for landscape strips.

Additional right-of-way dedication for the public sidewalk would give City permission to the developer to take out more wetland, as Mark Knapp discussed. A ***variance*** to the requirements of LDC 4.0 would ***not*** increase the right-of-way and would leave it at 30 feet from the centerline of Country Club Drive. The city could allow the developer to build a planting strip that is 8 feet wide, instead of 12 feet wide. That would eliminate the MADA credit proposed in the application.

The Planning Division was clearly aware of granting a variance to the requirements for landscape strip improvements. Condition 20 of the application grants exactly such a variance for the 150-foot section of street that crosses the riparian zone. In that area, the planting strip would be entirely removed. This means to me that the Planning Division or you could require a variance for the entire length of the property. While I generally do not like the idea of variances, in this case it makes sense, and protects the public interest.

The tools of Planned Development can be used to protect the public interest, the developer's interest, or both. I would like to see the City put more effort into protecting the public interest.

I hope you will have the time to carefully consider all the technical information which I and others are presenting before you make your final decision on this matter.

Thank you for the opportunity to testify.

Comments on Ashwood Preserve Development proposal. Feb 4, 2008.

Dan M. Sullivan

Dan M. Sullivan, Associate Professor, Soil Science, Oregon State University.
Residence: 1611 SW Country Club Place (approximately ¼ mile from subject property).

Regarding the developer-requested variation to code section LDC2.4.30.04(b)(4) to permit filling a portion of protected wetlands (approx. ~~13,000~~ 16,000 square feet). The proposed compensating benefit listed is: "use of porous pavement will reduce impervious surface area and pollution and will control the flow of stormwater. The stormwater management plan required by DEQ will require mimicking of pre-construction flows, quality, and quantity."

Comment: Porous pavement is an emerging technology. It has not received widespread application in construction in Oregon until the past 10 years or so (probably not that long). Therefore, it is not possible to demonstrate that the installation of porous pavement will provide long-term control of runoff. Because porous pavement depends upon pores to transmit water, what happens when the pores clog (with mineral or organic debris)? What post construction maintenance will insure that infiltration capacity is maintained in the porous pavement? If porous pavement fails, what recourse will the city have? Will the HO Association have sufficient monetary reserves to maintain porous pavement over the long term? What infiltration rate is required for porous pavement to perform adequately in eliminating runoff? Will the soil under the pavement have enough hydraulic conductivity to transmit water rapidly?

How will DEQ monitor "pre construction water flows, quality and quantity"? What data has been collected to document the present quality of subsurface flow from the subject property into the wetland? If water flow, quality and quantity not measured now, on what grounds can DEQ prosecute the developer or other responsible parties later on?

The installation of porous pavement does not provide the other functions of a wetland. Porous pavement will not have the soil biological activity that is responsible for cleansing water before it is transmitted to Dunawi Creek. The porous pavement does not support plants, wildlife or other wetland functions.

I think the porous pavement is a good technology, but it is unproven in the long-run, and it is not typically a stand-alone practice to control stormwater flows. The development needs to have additional technologies to control stormwater flows. Wetlands cannot be replaced by porous pavement or other engineering solutions.

Additional comments:
In City of Corvallis online project description for Ashbrook Commons, Attachment 1, 1-7, Item 24 in a big table says that stormwater detention facilities will be implemented on the site. How will this be done, given the lack of open space within the development site? Why is a King County, WA standard adequate for the design of stormwater control facilities in Corvallis? Underlying soils are different in Seattle (glacial) vs. Corvallis (alluvium), and this should affect the performance of stormwater detention facilities.

Louie, Kathy

From: Bill York [ward1@council.ci.corvallis.or.us]
Sent: Monday, February 04, 2008 2:41 PM
To: Louie, Kathy
Cc: ward1-web-archive@council.ci.corvallis.or.us
Subject: [Fwd: Ashwood Preserve]

For the "record".

Regards,

Bill York
Councilor - Ward 1

---------- Original Message ----------
Subject: Ashwood Preserve
From: "Joy Jensen" <jjensen@peak.org>
Date: Mon, February 4, 2008 2:10 pm
To: ward1@council.ci.corvallis.or.us

Dear Mr. York,
I am unable to attend the meeting tonight, but I am concerned about Ashwood Preserve. There is no longer any excuse for ignoring the impact of the destruction of wetlands. When such a large are is filled, what happens when the next flood occurs? Where will all that displaced water go? Please, before approving the project, be totally convinced that the existing properties in the flood plain will not be endangered.
Joy Jensen

Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003)
City Council
Feb 04, 2008

Dear City Council,

I commented in testimony to the Corvallis PC Dec 19 and Dec 26, 2007 and hopefully these comments can be included in the City Coucil hearing record. Thank you.

Pervious paving systems are noted to fail if they are not maintained. "Porous pavement is very susceptible to becoming clogged with fine particulates. Sand and grit application should not be used on porous pavement. Vacuuming is required to remove fine-grain soils clogging the pavement. Corvallis building codes would need to be changed to allow the use of pavers rather than concrete or asphalt." Page 4 Technical Memorandum No. 3 October 19, 2000 Corvallis Stormwater Master Plan.

The developer has not shared in the staff report how this critical part of this development will be maintained.

The three or more as yet undefined outfall from fill pad/filled area will be moved into what remains of Tract A at that location and elevation.
At high flood flow Dunawi Creek is much wider and or braided to more then one area/channel through the ash swale. Sediement trapped only drainage from this site may reach into flood waters at some parts of the year.\i.e. this weekend.

Outfall areas may be allowed to erode into Tract A as they are noted to be not engineered or unarmed.
Construction Allowance of compaction of soil in Tract A may reduce its potential to capture, hold and filter outfall volume from the parcel/seeps or springs under the fill, and from maybe street flow as sheet flow from Country Club drive may have to move down into these French drains/gutters.
Currently Country Club ditch ROW on the east has decreased in width to some degree and will continue to loose area due to new road fill moving downslope at this angle into these ditch lines on either side of Country Club Drive.
I assume the frontage along Country Club egress and regress and sidewalk will be 100% filled to the north ditchway and will force or reroute more drainage from Country Club Drive into the next nearest location and that may be the east most ditch line.
That much more ditch will be eliminated from Country Club drive with this much area then focused to drain directly to the east most ditch way via curve and gutter outfall bay application as that much open ditch ROW is buried and or that water is not allowed to move into the parcel and down the French drains set in the three roadway.

Easements for both north south drainages in Tract I assume A and city sewer/power company utility are of note in this parcel.

From review of 1993 Wetland delineation these two ditch may have a homeowners group and or the Country Club agreement to maintain these ditchlines.

Ashwood Preserve HOA may not be fully able to maintain both the ditchway. Over time the ditchway may be dredged and more upland has been created as noted in 1993 delineation and current delineation record comparison.

Various mammals live in this area and burrow into these wet soils perhaps creating drainage way changes and allowing more water to flow over the lower ash swale areas from these two north south ditch lines.

LD C 4.13.70.02 Easements, easement restrictions, dedications and easement widths perhaps applies.

Will the owner take full responsibility for maintaining historic easements or allowing the easements to be maintained by the various parties who own easements on this parcel? Country club, HOA for 45th street, city of Corvallis, Power Company? Ashwood Preserve HOA may be responsible for maintaining some of these easements? If so which ones? Parcel tax lot numbers changed from 1800 to 1000 and more area was added to tax lot 1000 so an easement may be the reason for the acres increasing and the tax lot number changing here I assume, so an easement agreement or easement to be maintained by the owner may be active overtop this parcel.

Section 4.13.50 Use Limitations and exceptions within highly protected riparian corridors and riparian-related areas.

a. Removal of Vegetation from Riparian corridors and Riparian related areas, is prohibited, except for the following purposes:

1. Stream restoration and enhancement programs
2. Removal of nonnative invasive and or noxious non native plants…
3. Substitution of local source native plant species for non-native plants…
4. Development of water-related or water dependent uses as defined in Chapter 1.6-Definitions…
5. Removal of emergent in channel vegetation likely to cause flooding…
6. Perimeter mowing/cutting for fire hazard…
7. *may not apply as it deals with ag use and ag chemical use*
8. Maintain and protection of city utility and transportation facilities within riparian corridor and wetlands.
9. Allowance of activities by ODFW,
10. *Hazard tree removal may not apply*

The parcel has various invasive species invading due to floodflow, site grazing, site disturbance by the city for buried utility, and presence of relatively high quality wetlands/ash swale riparian corridor as floodplain.

Some plant invasives on site in Tract A that could be managed for removal are: Reed's Canary Grass and non native yellow Meadow Buttercup and English Ivy may to be spread from the creek to this parcel. DSL may require no mitigation for loss of wetland and floodplain due to the fact the area is smaller then one acre, but if this is required,

perhaps onsite mitigation can work to attempt to removal invasives, and attempt over time to work to keep invasives off site and maintain native species in plantings where ever possible.

The City may require species be planted in x area, and hopefully all plantings in Tract A will be using local material found original to the WV.

Dumping of yard waste will damage any place it is dumped as it may contain non native landscaping weeds from other parts of the world and waste as chemicals and dog/cat fecal material picked up from lawns. Yard waste should be put into yard waste containers and a private lawn care company who contracts for this site should be monitored to note over time that this company is truly and ethically put lawn clippings and leaves into yard debris containers or into their truck bed to dump to sanitary storage site for composting.

The Country Club Drive two ditch line will take more water once that much more open ditch is paved over for the abutment of this parcel to Country Club Drive and city future upgrade to the intersection of Country club/45th and Starker Arts Park if the most recent changes to this intersection have not already changed area drainage patterns or will change them in the future to drain the south most ditch line and ash swale open space easement for the Starker Arts Park bike path to Tract A.

Paving of Sunset park gravel parking lot in 2007 may direct more water to be run off quicker and backed up in this general parking lot area with deeper standing water that may drain under Starker Arts access road on existing natural clay layers to the next lower location, at the bikepath and into the west edge of this parcel.

The west most N/S Tract A ditch as conveyance may work that much more to carry water/area subsurface flow along clay layers to some lower location closer to Dunawi Creek.

2.5.40.04 Review Criteria

a. Compatibility Factors

...12. "Effects on air and water quality (note: a DEQ permit is not sufficient to meet this criterion)"

4.5 C. Construction Standards within the 100 year Floodplain

a. "All necessary permits shall be obtained from those gov. agencies from which approval is required by federal and state law, including Section 404 of Fed. PCA ..."

page 40 Ashwood Preserve Staff report discussion of MADA and water quality: Staff notes in the first paragraph third sentence: ..."Although it is likely that DEQ review will be necessary in conjunction with the DSL and ACOE fill permit that will be necessary to construct the proposed development, it is not entirely certain that DEQ will review the development. However if DEQ review is not needed, it would likely be because anticipated wetland impacts would be minor."...

Hydrologic information as total surface area to be hardened is not available to the public. 1993 Wetland Delineation noted seeps or springs in the southern upland areas so fill will overcap these historically seasonal seeps or springs.

Fill volume and quality are unknown as are the methods of constructing the water convance systems/and maintance of this key surface and buried drainage engineering interior to the development with use of French drains and exterior to the development as: culverts along Country Club Drive with the loss of that many square feet of the north open ditchline at County Club Drive and the disclosed and undisclosed drain engineering that will move each house's lawn irrigation water and rain water from the filled area into Tract A.

I assume without a DEQ and ACOE permit the site should be carefully monitored by the HOA for function/upkeep of the pervious pavement and care that Tract A ditch outfalls do not incise too deeply to Tract A and or yard waste is not disposed of into Tract A as the HOA may never have the ability to maintain Tract A should it become too invaded by non natives or too eroded at the outfall areas from fill drainage to Tract A. Two ditch ROW as easements and all utility easements may need to be maintained by their associated owners over time due to increased focus of water to these two drains from Country Club Drive to the south and west at intersection of 45th/Starker Arts Park and Sunset Park newer surface changes and fill addition to the west.

Development upstream at 53rd and 20/34 will add that much more pressure to Dunawi Creek and or increase floodflow volume by displacement and or increase to total area hardened will add that much more flash volume to Dunawi Creek/Marys River and Willamette River.

More property damage downstream of filled areas inside these small watershed such as Dunawi Creek to its historic 100 year floodplain may be evaluated for acres lost over time by various insurance agencies from total acres of fill in floodplains. Dunawi Creek may become more incised due to more and faster flows from hardened surfaces upslope.

Tract A is useful to reduce flow speeds/sponge like and to filter incoming water from upslope in this watershed. Thanks to the owners for conserving and maintain the riparian ash wetland and flow corridors for Dunawi Creek. This creek is a treasured and dynamic nature feature in our midst that we should enjoy and explore.

Thanks, R. Foster Rana Foster
1415 SW Brooklane Drive
Corvallis, OR 97333

CITY OF CORVALLIS CITY COUNCIL AND
BENTON COUNTY BOARD OF COMMISSIONERS
JOINT WORK SESSION MINUTES

February 11, 2008

The joint work session of the City Council of the City of Corvallis, Oregon, and the Benton County Board of Commissioners was called to order at 5:30 pm on February 11, 2008, in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon, with Mayor Tomlinson presiding.

I. ROLL CALL

PRESENT:

City Council: Mayor Tomlinson, Councilors York, Hamby, Beilstein, Brauner (5:35), Brown, Grosch, Wershow, Daniels

Board of Commissioners: Commissioners Dixon, Jaramillo, Modrell (5:32)

II. NEW BUSINESS

A. Enterprise Zone

Mayor Tomlinson reviewed the work session packet. The Oregon Economic and Community Development Department (OECDD) requires a Comprehensive Plan Map of a proposed enterprise zone site to ensure appropriate zoning designations. Zone applications must be submitted to the State by April 4th.

Mayor Tomlinson explained that the Prosperity That Fits (PTF) Plan includes Task 12.2 regarding sustainable industry traded sector clusters. The work group associated with Task 12.2 investigated an enterprise zone as a means of helping the community retain or recruit traded sector clusters. The group concluded that a zone might create a traded sector cluster with a sustainability focus. Community meetings were held during December 2007 and January 2008 to solicit public input regarding the enterprise zone concept; meeting feedback was provided to the Council and the Board of Commissioners (BOC). The work group identified conditions that could be applied to an enterprise zone, such as focusing or broadening a zone. The work group proposed an enterprise zone aligned with the Corvallis Airport Industrial Park (AIP), but the zone could be changed. The AIP land was deemed "shovel ready" and is governed by a master plan. The OECDD established a maximum enterprise zone size. A zone is a means of increasing income levels of people living near the zone.

Councilor York said he expected a larger proposed enterprise zone, possibly extending northward, and questioned why the proposed zone was defined to coincide with the AIP. He noted the large amount of privately owned land zoned General Industrial (GI) north of the AIP.

Mayor Tomlinson responded that the AIP was long expected to be an enterprise zone location, but the City and County could identify a different location of a smaller or larger size.

Councilor Wershow expressed opposition to including in an enterprise zone any property not owned by the City, for which other taxing entities do not receive property tax revenue. Including privately owned property in an enterprise zone would impact property tax revenue for Corvallis School District 509J, Benton County, and Corvallis-Benton County Public Library Service District.

Mayor Tomlinson clarified that existing property tax assessments would not change. Property within an enterprise zone would be eligible for a three-year deferment of taxes on new plant, property, and equipment. Incremental property tax revenue would be deferred.

At Councilor Beilstein's request, Mayor Tomlinson explained that the phrase "traded sector cluster" referred to an industry designation of similar types of companies with symbiotic relationships – suppliers to a particular customer type that locate in a particular area and essentially make a product that is exported from the area in exchange for revenue entering the area. A sustainable traded sector cluster is the focus of the Oregon Business Plan.

Councilor Wershow noted that the proposed enterprise zone was located in South Corvallis, where local jobs are needed. Mayor Tomlinson confirmed that the businesses within the zone could not be required to employ only residents of the local area. The businesses could hire people who live in other communities and commute to work.

1. Enterprise Zone Description

Arthur Fish, State Business Incentive Coordinator, coordinates the State's enterprise zone program, and he reviewed highlights of the program:

- Oregon has approximately 50 enterprise zones; Benton County is the only Oregon county without an enterprise zone.
- Approximately 100 Oregon cities sponsor enterprise zones.
- Cities, counties, and ports sponsor enterprise zones by defining zone boundaries.
- Prospective businesses for enterprise zones are assured an exemption of at least three years on property taxes due on new plant and equipment investments in the zone, subject to statutory requirements, which include a minimum ten-percent increase in the number of full-time employees. The exemption may be extended to five years.

Corvallis would have an urban enterprise zone, along with nine other Oregon communities. Activity within zones can vary by zones and over time. Urban zones can have criteria associated with the three-year exemption, but those criteria must be administered. Companies within enterprise zones should be entitled to tax exemptions for three years, subject to standards or requirements. Extension of the exemption to five years is subject to an agreement between the business and the zone sponsor (e.g., Corvallis and Benton County). Counties sponsor most zones. The business composition within a zone can vary and be based upon existing businesses in the community, many of which use enterprise zones for expansion. Most businesses in zones are small but have large property investments.

A prospective enterprise zone sponsor must complete and define a zone boundary, develop a zone map, conduct a public meeting with other taxing jurisdictions that might be affected, submit an application, and adopt a resolution to accompany the application. If the State receives more applications than it has available zones, applications would be reviewed, with additional information, on a competitive basis. The State awards zones based upon each site's likelihood for success. The selection process must be completed by June 30th, when 11 current zones will expire (existing sponsors may re-apply for zone designation).

2. Questions/Answers

In response to Commissioner Jaramillo's inquiry, Mr. Fish clarified that an enterprise zone applicant need not demonstrate that transportation is available for shipment of manufactured products. The zone sponsor's resolution usually indicates that the sponsor does not anticipate changes in zoning designations. When a business applies for participation in a zone, it must pass an eligibility test. Businesses that sell retail products to households would not be selected for participation in a enterprise zone because they compete locally, do not contribute new amenities to the community, and are not the target of economic development. Infrastructure impacts of businesses within a zone are subject to the local development standards. Infrastructure access is important. Some zone sponsors will offer incentives of reduced fees and permit charges; others add criteria regarding employment.

Councilor Wershow noted that an enterprise zone would exempt future growth from property taxes. Mr. Fish confirmed that the zone boundary could encompass privately owned property north of the AIP that is within the Urban Growth Boundary (UGB). The property would be subject to the same taxing regulations, and existing plants and equipment would remain subject to normal taxation.

Councilor York opined that the proposed enterprise zone seemed small, and he envisioned a greater return by including privately owned land. Including City-owned land in the zone would result in a tax exemption for three to five years, after which improvements would be subject to taxation, although they would have depreciated in value. Investment on privately owned land would have the added benefit of land appreciation.

Mr. Fish clarified that, to the extent that any City-owned land is leased to a private, taxed entity, the land would become taxable and would not become exempt in the enterprise zone. The land's value would increase because of development on the land, and the increased value would be exempt.

Councilor Wershow noted that, at the end of the tax-exemption period, the property improvements could have significantly depreciated.

Mr. Fish responded that most equipment should still have 30 to 40 percent of its original value after three years, while high-technology equipment depreciates

rapidly. The tax exemption can only be extended if the business size increases by ten percent.

Councilor Beilstein noted that the property immediately north of the AIP is zoned GI but is farmed. He inquired whether the property owners' taxes would increase substantially upon re-zoning from an agricultural tax-deferral status.

Mr. Fish responded that improvements on the property, whether or not it is included in an enterprise zone, would be subject to taxation, based upon the zoning designation. If the property is no longer eligible for agricultural tax deferral, the tax assessment could substantially increase. Existing improvements on the land would not be subject to the enterprise zone provisions. Later improvements on the land would be eligible for tax exemption, if the land is within the zone and the business is eligible for inclusion in the zone. The property can remain under agricultural tax-deferral status if it is sold, until the property is improved. Real property, buildings, machinery, equipment, and personal property are not exempt from taxation. County assessors determine real property values; the State determines equipment and personal property values and what property is exempt from taxation within the enterprise zone. The determinations are made after submission of a zone application and before site improvements are made. Urban enterprise zones are technically limited to UGBs and do not affect the underlying development requirements.

Councilor Beilstein inquired as to the potential advantages to the City of developing an enterprise zone and possible criteria for a zone to help the City meet the goals of having a zone.

Mr. Fish cautioned against having more enterprise zone criteria than can be administered and enforced. A warehouse is a good activity in a zone. Some zones have criteria involving minimum wages. Enterprise zones only count full-time, year 'round jobs. Zone criteria must be in addition to State requirements; the State requires that average annual compensation be 150 percent of the average wage within the county in order for a business within a zone to be eligible for a two-year tax-exemption extension. Criteria cannot prohibit types of businesses; State laws specify the types of businesses that can be included in a zone. Possible criteria could involve giving local suppliers an advantage for production, training employees regarding environmental proactivity, employing minorities, and offering continuous employee training. The State does not enforce enterprise zone criteria; zone sponsors should be practical about the criteria they are prepared to administer.

Councilor Beilstein noted that criteria could inhibit recruiting businesses to locate in the enterprise zone, and the sponsor would be responsible for criteria enforcement.

In response to Councilor Brauner's inquiry, Mr. Fish said it is advantageous for an enterprise zone sponsor to determine issues such as incentives and zone management early in the application process. Incentives and criteria need not be specified in the application. Zone standards must be included in an adopted zone

policy, which affects only companies that apply for zone participation after the policy is adopted.

Mr. Fish clarified for Commissioner Modrell that local incentives can be offered to businesses considering locating within an enterprise zone. Zone sponsors should be sure that urban conditions do not hinder businesses unnecessarily for bureaucratic reasons. Some investments may not be advantageous within the zone.

Mayor Tomlinson reviewed the draft enterprise zone application in the work session packet. The sections involving economic need and hardship require some additional work.

Mr. Fish noted that some information in the enterprise zone application can be updated within 30 days of the April 4th application deadline. The quantity and quality of land within the proposed zone cannot be changed after the application is submitted, but that information can be critical in a competitive application situation.

Mayor Tomlinson said the PTF work group that reviewed Task 12.2 suggested that businesses appropriate for inclusion in the proposed enterprise zone would meet criteria regarding "green" buildings, alternative energy, local food, recycled products, and "green and clean" technology. Mr. Fish added that criteria for participation in the zone would not be included in the application but would be included in the sponsor's resolution.

In response to Councilor Beilstein's inquiry, Mr. Fish explained that Oregon has 11 enterprise zones terminating June 30th. State law allows for a few more zones (beyond the 11 terminating) to be established. Because of its urban setting, Corvallis would not be eligible to join another community for a zone. Enterprise zone boundaries can be modified.

Mr. Fish noted for Commissioner Dixon that application denial was the only potential disadvantage of applying for an enterprise zone. The three- to five-year tax-exemption factor must be balanced with the potential to attract more businesses.

Mr. Fish confirmed for Commissioner Modrell that the underlying property of an enterprise zone remains taxed. Only new buildings and equipment and increased land value are not exempt from taxation.

In response to Councilor Wershow's inquiry, a change in zoning designation or use or an improvement on the property creates an exception to the taxing requirements of State Measure 50; the new value is adjusted, respective to the change, proportional to how similar property is assessed in the county. A change on the property can result in a tax increase of more than three percent. After the exemption period, the property would be taxable at its real market value. If an existing building did not depreciate during the three-year exemption period and new buildings are assessed at 90 percent of market value, the existing building will be assessed at 90 percent of market value upon the end of the exemption period. The

end of the exemption period is, effectively, a property change for the purposes of State Measure 50.

Councilor Beilstein noted that an enterprise zone designation lasts ten years, with tax exemptions lasting three years from the beginning of use within the zone. Mr. Fish added that the exemptions only apply to properties on which construction is begun after the zone is designated. Per State law, during the tax-exemption period, all real property must cost at least $50,000 (new plant structure, heavy equipment, etc.), and personal property valued at more than $5,000 can qualify for tax exemption. Personal property valued at less than $50,000 must be used in the production of tangible goods or for e-commerce in an e-commerce enterprise zone.

Mayor Tomlinson suggested that the Council and the Board of Commissioners each conduct a public meeting to decide whether to pursue an enterprise zone in terms of meeting with other taxing jurisdictions that would be impacted by a zone; the decision would not mean the governmental entities would apply for a zone. The process would involve scheduling and advertising public meetings at which the governmental entities would receive input from the public and taxing jurisdictions. The entities would then decide whether to adopt resolutions for submission with the application.

Councilor Beilstein opined that an enterprise zone would involve a great deal of staff time and effort. He was not convinced from the information in the meeting packet and today's discussions that the City should pursue a zone. He questioned whether the Council would want to commit staff time to a zone. Before beginning the application process, he would like to hear strong arguments regarding the benefits of a zone.

3. Timeline

Mayor Tomlinson reviewed the timeline explained in the work session packet, noting the 21-day notification period prior to the public meeting and the requirement that a resolution not be adopted for seven days after the public meeting. The aspects of the timeline must be completed by April 4th.

Commissioner Modrell noted the lack of discussion regarding the size of the proposed enterprise zone. Councilor Hamby questioned why the airport was not included in the proposed zone. Mayor Tomlinson responded that the zone could include the Corvallis Municipal Airport (CMA) property zoned GI; the CMA property was not excluded for a particular reason.

Councilor York requested discussion regarding the advantages and disadvantages of expanding the proposed enterprise zone northward to encompass privately owned property.

In response to Councilor Daniels' inquiry, Mayor Tomlinson said he explored the enterprise zone concept during the past year, and asked the PTF work group regarding Task 12.2 to investigate whether a zone could help the community attract

sustainable traded sector clusters. The group responded affirmatively. A zone might assist the community with economic development at the AIP and in terms of developing a traded sector cluster aligned with Oregon State University's commercialization efforts.

Councilor Daniels suggested that the PTF work group should provide responses to the Council's questions regarding the proposal.

Mayor Tomlinson added that the PTF work group focused its discussions on establishing an enterprise zone at the AIP, but the zone could be expanded. The work group also focused on sustainable traded sector clusters and how they could be promoted.

Mr. Fish acknowledged the commitment of pursuing an enterprise zone. He cautioned that all taxing jurisdictions with potential revenue from property within the zone should be included in each governmental entity's public meeting.

Mr. Fish said private property owners need not give permission for their property to be included in an enterprise zone, but they should be advised of a proposed zone.

In response to Councilor Hamby's inquiry, Mr. Fish said taxing jurisdictions must have 21 days' notice that an enterprise zone boundary will be changed. Boundary changes require new resolutions by the zone sponsor.

4. Next Steps

The Council and the BOC will determine during their next meetings whether to proceed with a public meeting to receive testimony from citizens and taxing jurisdictions.

III. ADJOURNMENT

The meeting was adjourned at 7:10 pm.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY RECORDER

DRAFT
Subject to review & approval

CORVALLIS CITIZENS ADVISORY COMMISSION ON TRANSIT
MINUTES
January 9, 2008

Present
Bob Lowry, Chair
Lita Verts, Vice-Chair
Stephan Friedt
Brandon Trelstad
Robert E. Wilson
George Grosch, City Councilor

Absent
Rick Crawford, ASOSU
Scott Carroll
Joe Harrod

Staff
Lisa Namba, Public Works
Tim Bates, Public Works
Cindy Hallett, Public Works

Visitors
Susan Hyne, CoHo Ecovillage, Inc.
Jim Mitchell, Transportation Division Manager

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Introductions	X		
II. Approval of November 14, 2007 Minutes December 12, 2007 Minutes			 Approved, with corrections. Approved.
III. CACOT/Visitor Comments	N/A		
IV. Old Business • Route Revision Update	 X		
V. New Business • Discussion on Alternatives for $180,000 Service Enhancement	X		
VI. Information Sharing • Written Report	 X		
VII. Adjournment	X		Adjourned at 9:28 a.m.

CONTENT OF DISCUSSION

I. Introductions

The meeting was called to order at 8:21 a.m.

Introductions of Commission members, staff, and guests were made.

II. Approval of November 14, 2007 Minutes

Page 3, paragraph 4, line 5 add should read "concern is that **there** are little".

Commissioners Wilson and Friedt, respectively, moved and seconded that the Commission approve the November 14, 2007 minutes, with corrections. The motion passed unanimously.

- **Approval of December 12, 2007 Minutes**

Commissioners Wilson and Friedt, respectively, moved and seconded that the Commission recommend approval of the December 12, 2007 minutes. The motion passed unanimously.

III. CACOT/Visitor Comments

- No comments.

IV. Old Business

Route Revision Update - The subcommittee met January 8, 2008. Below is a recap of the meeting notes:

- **Route 1 -** Chair Lowry reported ridership figures for Route 1 at the east end were very small. There are only three stops on NW Walnut Boulevard not served by another route. One suggestion was to shorten Route 1 by returning to the Downtown Transit Center (DTC) after Timberhill Shopping Center; this would result in a 40 minute route. A separate 20-minute route from the DTC would travel 2nd Street to the south end of Hewlett-Packard and back to the DTC on 2nd St.

- **Routes 2, 4 and 7 -** The decision of the sub-committee is this area is working well except for signage. No one from the Regent has mentioned problems with the current route service. Vice-Chair Verts said safety at the Regent stop across NW Elks Drive is a concern since residents have to cross the street, which may be difficult for some of them. It was clarified that Regent residents have service on both sides of the street. Councilor Grosch questioned why there are three routes to Good Samaritan Hospital, and if ridership warrants three buses. Ms. Namba stated the buses come from different geographic areas and the hospital complex serves

as a de facto transfer station. Corvallis Clinic and Good Samaritan Hospital are also participants of the Group Pass Program. Commissioner Friedt would like a survey or geographic study to show the number of riders that are alighting at the Good Samaritan complex, where they are coming from and the percentages. Ms. Namba stated staff had done a short onboard survey in regards to the direction of travel issue and would need to perform an in-depth survey to obtain the information Commissioner Friedt requested. The long-term goal is to establish other transfer points throughout the system. This happens now by drivers using their radios to contact one another to coordinate transfer details at common stop locations. Jim Mitchell commented about the reversal of routes at the Good Samaritan complex and the associated costs and that the Commission would need to determine if changing the route direction is worth the cost.

- **Route 5 -** Mr. Bates elaborated on the signage issues on Route 5 at NW Kings Boulevard and NW Monroe Avenue. Better signage at the NW Kings Boulevard shelter would be helpful. Mr. Bates presented a possible route revision to Route 5 which would alter the route on NW Rolling Green Drive due to difficulty turning left onto NW Kings Boulevard. Instead of turning left at NW Kings Boulevard, Route 5 would go from NW Rolling Green Drive and turn left on NW Forestgreen Avenue, turn right on NW 17th Street, turn right onto NW Circle Boulevard, then left onto NW Kings Boulevard at the traffic signal. Chair Lowry would like to review numbers of riders possibly affected by this change since the southbound stops on NW Kings Boulevard between NW Rolling Green Drive and NW Circle would be eliminated from Route 5. Mr. Bates said the Route 5 option would also need to be driven to verify timing issues.

- **Routes 3 and 8 -** Ms. Namba would like to address the possibility of Routes 3 or 8 providing service to SW 49th Street. Routes 3, 8, and the Philomath Connection provide service to the SW area. Reconfiguration of those routes could help to better serve the SW area. Mr. Mitchell would also like to resume service to the core of Oregon State University campus. Previous issues have been on-time performance and OSU Facilities wanting to keep vehicles out of the OSU core. Currently the Philomath Connection and Beaver Bus routes use 26th Street and SW Jefferson Avenue through campus. Scarce parking, mobility/physical limitation issues, and the condition of Jefferson Avenue between 15th - 26th Streets need to be addressed. It may be possible to use 26th Street and SW Jefferson Avenue as a transfer point to the OSU Shuttle in addition to 15th Street and SW Jefferson Avenue. Forming an ASOSU Advisory Committee on Transit and involving the Environmental Affairs Task Force could help address this issue.

V. New Business

- **Discussion on Alternatives for $180,000 Service Enhancement**

Mr. Mitchell discussed the memorandum to CACOT regarding a request to the Budget Commission for increased funds for transit. Mr. Mitchell solicited input from CACOT on how the additional service hours could be used. Co-Chair Verts would like longer evening hours to specific routes serving OSU. This would allow students to use CTS for transportation to and

from jobs at night. Commissioner Friedt thought increasing frequency on Routes 2 and 8 rather than 3 and 4 would offer more service to commercial areas for employees. Routes running extended hours in the evening could be configured differently from daytime routes. Commissioner Wilson thinks increasing frequency and extending service hours address the two major areas of rider concern. Ms. Namba would like feedback on the eight-month scenario versus a yearly scenario, as presented in the memo. Mr. Mitchell suggested that people have other transportation alternatives during the summer season and believes the eight-month scenario provides the best use of the additional hours. In response to a Commissioner's question, staff stated consideration of reprinting schedules due to having different routes at different times of the year and the related staff time have not been factored into the costs. Councilor Grosch reiterated the importance of getting this proposal into the base budget. There would need to be a balance of frequency, increased service during commuter peaks and extended hours. Commissioner Trelstad expressed concern with not having enough data to demonstrate which of the three service enhancements would yield the highest increase in ridership. Ms. Namba stated the Citizen Attitude Survey is the best information currently available. Steve Rogers, Director Public Works, is scheduled to present this information January 31, 2008 to the Budget Commission. Public comment will be February 5, 2008, at 7 p.m. at the Fire Station. Councilor Grosch would like the allocation for Beaver Bus to be in the Enhancement Budget.

VI. Information Sharing - Written Report

- **Beaver Bus** - Cindy Hallett spoke about the January 10th "Beaver Bus Returns" celebration to get media attention. Benny Beaver will be present and the Beaver Bus service will be free this week. New Beaver Bus posters are posted at bus shelters and the Library. Beaver Bus decals have been added to CTS signs on Monroe Avenue and Kings Boulevard along the Beaver Bus route. The service operates 8:45 p.m. to 2:45 a.m., Thursday, Friday and Saturday, January 10th through March 15th, then April 3rd through June 7th. Ms. Hallett stated the breaks in service make it hard to keep the continuity of ridership going. The goal for the first week of service is to double the ridership from the first week of January, 2007.

- **Holiday Trolley** - Ms. Hallett acknowledged First Student for donating driver time and Trolley operations costs for the Community Parade. Commissioner Trelstad questioned the gap in funding. Ms Hallett is waiting for a few sponsors to pay. The actual income will be $6,725, with a 2007 shortfall of $725.00. This compares to the 2006 shortfall of $1,100.00. With the ability to recruit sponsors earlier in the year, the 2008 Holiday Trolley should be self supporting. Commissioner Friedt would like to have a Holiday Lights evening run with a possible food drive. Ms. Hallett said that could be possible if there are sponsors to cover the costs.

- **Summer Youth Transit Program** - Ms. Namba stated since Allied Waste has committed to the "2008 Expanded Summer Youth Program", CTS was able to get advertising in the Corvallis Parks and Recreation summer activity guide. The Expanded Summer Youth Program will provide free rides to all youth 17 years of age and under.

- **Ridership** - In the Information Sharing report the last sentence should include **"is still**

on pace to set an annual ridership record".

VII. Adjournment

Commissioners Friedt and Wilson, respectively, moved and seconded that the meeting be adjourned. The motion passed unanimously.

The meeting was adjourned at 9:28 a.m.

NEXT MEETING: February 13, 2008, 8:15 a.m., Madison Avenue Meeting Room

For a copy of the Information Sharing Report or Memorandum from Jim Mitchell, contact Tim Bates at Public Works, 541-766-6916.

CITY OF CORVALLIS
MINUTES OF THE COMMITTEE FOR CITIZEN INVOLVEMENT
Madison Building Meeting Room
December 6, 2007

Attendance
Larry Earhart, Chair
Maureen Frank
Jerry Groesz
Tom Powell (arrived 7:40 p.m.)
Stewart Wershow, *City Council Liaison*

Staff
Sarah Johnson, Assistant Planner
Terry Nix, Recorder

Absent
Barbara Bull
Steven Leider
Kirk Newburgh
Jennifer Gervais, *Planning Commission Liaison*

SUMMARY OF DISCUSSION

	Agenda Item	Summary of Recommendations/Actions
I.	Call to Order; Review Agenda	Called to order 7:25 p.m.
II.	Review Draft Minutes from November 1, 2007	Approved as presented.
III.	Visitors' Propositions	Information only.
IV.	Report on Visitors' Propositions brought to City Council attention November 19, 2007	Information only.
V.	Update on South Corvallis Citizen Participation Plan	Information only.
VI.	Nominations and Elections of 2008 Service Positions	Larry Earhart was elected as CCI Chair. Jerry Groesz was elected as CCI Vice Chair.
VII.	Review and Update Brochure (Participating in Land Use Decisions)	Information only.
VIII.	Discussion Regarding HRC Liaison Proposition and HRC Participation	Information only.
IX.	Discussion Regarding CCI Member Absentees and Vacancies	Information only.
X.	Next Meeting	January 3, 2008, 7:15 p.m.
XI.	Adjournment	The meeting was adjourned at 8:50 p.m.

CONTENT OF DISCUSSION

I. CALL TO ORDER; REVIEW AGENDA:

Chair Larry Earhart called the meeting to order at 7:25 p.m.

II. REVIEW DRAFT MINUTES FROM NOVEMBER 1, 2007:

MOTION: Jerry Groesz moved to approve the November 1, 2007 minutes as presented. Maureen Frank seconded the motion and it **passed** unanimously.

III. VISITORS' PROPOSITIONS: None.

IV. REPORT ON VISITORS' PROPOSITIONS BROUGHT TO CITY COUNCIL ATTENTION NOVEMBER 19, 2007:

Chair Earhart reported on his presentation to the City Council regarding CCI Visitors' Propositions in which concerns were expressed about the perception of bias when a member of a decision-making body recuses himself and addresses the body as an applicant. The City Council decided to send this back to the CCI for further recommendations. Discussion followed.

Planner Johnson reviewed recent Planning Commission discussion and a decision that it would be appropriate if one of the Commissioners recused herself to present an application on behalf of her employer. Commissioners indicated that they could be impartial in this situation and the City Attorney advised that there is no law to prevent such action.

Maureen Frank said perhaps a statement explaining this could be added to the brochure or read by the City Attorney at hearings. Planner Johnson said it may be appropriate for the City Attorney to make a statement when staff knows this scenario is going to occur. She cautioned against taking action that would harm the ability to recruit members with valuable expertise. She said it is appropriate for a Commissioner with a conflict of interest to recuse himself. There is then nothing to prevent that individual from being an applicant. If a member of the public believes that an application was given undue consideration, the decision may be appealed to the City Council. Brief discussion followed.

It was agreed to add this item to the Work Plan and to review the work plan at the next meeting. It was further agreed to schedule a Council agenda item to present the CCI Work Plan in February.

V. UPDATE ON SOUTH CORVALLIS CITIZEN PARTICIPATION PLAN:

Planner Johnson advised that Evanite withdrew its application due to timing issues. She expects that Evanite will resubmit the application and that it will go before the Planning

Commission in March 2008. Following brief discussion, it was agreed to reschedule the community meeting related to citizen participation to February 21, 2008. The next meeting of the subcommittee is scheduled for Wednesday, December 12, 2007.

Maureen Frank suggested that a flow chart be prepared to show the process and to highlight times when citizen input is appropriate. She agreed to prepare a draft.

VI. NOMINATIONS AND ELECTIONS OF 2008 SERVICE POSITIONS:

Chair Earhart said he is willing to serve as Chair for one more year, provided that there is a Vice Chair who will step up to Chair next year. Jerry Groesz agreed to do so.

MOTION: Maureen Frank moved to elect Larry Earhart as CCI Chair and Jerry Groesz as CCI Vice Chair. Tom Powell seconded the motion and it **passed** unanimously.

VII. REVIEW AND UPDATE BROCHURE (PARTICIPATING IN CORVALLIS LAND USE DECISIONS):

Brief discussion followed regarding the brochure *Participating in Corvallis Land Use Decisions*, which was distributed at the last meeting. Maureen Frank said it is most easy to read dark letters on a light background. She suggested that the brochure be reprinted on a pastel color. Minor changes to the contact information were noted.

Planner Johnson distributed *Corvallis Land Use Decisions. Tips for Providing Effective Testimony*. Committee members will review and discuss any changes at the next meeting.

VIII. DISCUSSION REGARDING HRC LIAISON PROPOSITION AND HRC PARTICIPATION:

Chair Earhart initiated discussion about the idea of requesting that the CCI include a liaison from the Historic Resources Commission (HRC). Councilor Wershow said he brought this up at a Council meeting, but he has not received a response. Planner Johnson agreed to review those Council minutes. She noted that HRC is a small group with a large work load. She said this has been discussed at the staff level and one idea was to appoint an ad hoc member from the HRC for those times that the CCI believes it needs that special expertise.

Discussion followed, during which the possibility was raised that it may be appropriate for both the Planning Commission and HRC liaisons to be ad hoc positions. Planner Johnson noted that the ordinance calls for a Planning Commission liaison to the CCI. Councilor Wershow offered to research past minutes to find the reasoning behind that decision. There was general agreement to discuss this further at the next meeting.

IX. DISCUSSION REGARDING CCI MEMBER ABSENTEES AND VACANCIES:

Chair Earhart advised that Debbie Baker has resigned and that Steven Leider is expected to resign. The Mayor has appointed two new members - Anna Lopez and Shannon Rich. Barbara Bull is expected to return after the first of the year.

In discussion regarding CCI member absentees, Planner Johnson said she understands that any member who has three consecutive unexcused absences is to be automatically removed from the Committee. This is a standing policy for all City volunteer committees. She agreed to provide additional information at the next meeting.

Planner Johnson noted that the CCI has unspent funds. She suggested that the Committee communicate how those funds are to be spent if there is a desire to continue to receive the current level of funding. She agreed to research Council minutes to see what specifications are on the allocation. Brief discussion followed regarding ways to build the Neighborhood Empowerment Grant program. There was general agreement to review budgetary issues at the next meeting.

X. NEXT MEETING:

The next regular CCI meeting will be held Thursday, January 3, 2007, at 7:15 p.m.

XI. ADJOURNMENT: The meeting was adjourned at 8:50 p.m.

Approved as submitted, January 3, 2008.

CITY OF CORVALLIS
MINUTES OF THE COMMITTEE FOR CITIZEN INVOLVEMENT
Madison Building Meeting Room
January 3, 2008

Attendance
Larry Earhart, Chair
Maureen Frank
Jerry Groesz
Steven Leider
Kirk Newburgh
Tom Powell
Jennifer Gervais, *Planning Commission Liaison*
Stewart Wershow, *City Council Liaison*

Absent
Barbara Bull

Staff
Sarah Johnson, Assistant Planner
Terry Nix, Recorder

Visitors
Don and Connie Herbert, 2200 SW Herbert Ave

SUMMARY OF DISCUSSION

	Agenda Item	Summary of Recommendations/Actions
I.	Call to Order; Review Agenda	Called to order 7:15 p.m.
II.	Review Draft Minutes from December 6, 2007	Approved as presented.
III.	Visitors' Propositions	Information only.
IV.	Update on South Corvallis Participation Plan, Evanite Neighborhood Meeting	Information only.
V.	Discussion Regarding Planning Commission Attendance and Participation	Information only.
VI.	Review and Update Brochure (Tips on Giving Effective Testimony)	Information only.
VII.	Discussion Regarding Budget Allocation	Information only.
VIII.	2008 Work Program	Information only.
IX.	Planning Commission Current Agenda Update	Information only.
X.	Next Meeting	February 7, 2008, 7:15 p.m.
XI.	Adjournment	The meeting was adjourned at 9:45 p.m.

CONTENT OF DISCUSSION

I. CALL TO ORDER; REVIEW AGENDA

Chair Larry Earhart called the meeting to order at 7:15 p.m.

II. REVIEW DRAFT MINUTES FROM DECEMBER 6, 2007

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

III. VISITORS' PROPOSITIONS: None.

IV. UPDATE ON SOUTH CORVALLIS CITIZEN PARTICIPATION PLAN, EVANITE NEIGHBORHOOD MEETING

Planner Johnson advised that staff has received an updated application for the Evanite project, but anticipates that additional materials will be needed. The public hearing will likely be in March or April. Chair Earhart advised that he spoke with David Dodson, the planning consultant hired by Evanite, who was agreeable to CCI holding a neighborhood meeting on February 21. Brief discussion followed regarding the meeting date and whether it would be better to hold the meeting closer to the time of the public hearing.

Kirk Newburgh reported that the subcommittee is finalizing a meeting notice to be posted and distributed around South Corvallis. He will also be looking into the possibility of publishing a notice in the Gazette-Times. He advised that the current plan is to hold the meeting at the Lincoln School gymnasium on February 21. The agenda will include introductions, an educational discussion about the process and time line, a presentation on the proposal from an Evanite representative, discussion about applicable land use criteria, and recommendations on providing public testimony. It was noted that the subcommittee will need to finalize the meeting date at its January 17 meeting in order to notify the school and finalize the meeting notice.

V. DISCUSSION REGARDING PLANNING COMMISSION ATTENDANCE AND PARTICIPATION

Chair Earhart said it is part of CCI's charge to assist citizens who wish to participate in the land use process. He suggested that all CCI members attend a Planning Commission meeting in the near future in order to become familiar with the process. Brief discussion followed.

VI. REVIEW AND UPDATE BROCHURE (TIPS ON GIVING EFFECTIVE TESTIMONY)

Maureen Frank reviewed several suggested changes to the brochure. She offered to Chair a subcommittee to update this and other CCI brochures. She suggested that the update be done as soon as possible, preferably before the Evanite neighborhood meeting. Brief discussion followed and it was agreed that Ms. Frank and Planner Johnson will work together to schedule a subcommittee meeting.

VII. DISCUSSION REGARDING BUDGET ALLOCATION

Planner Johnson noted that the City Council generally allocates about $4,000 to CCI and, in recent years, that amount has been added to unspent funds which were carried over. She suggested that the Committee identify how it intends to expend its allocation in the hope that it will be able to retain its current level of funding. It was agreed to identify potential expenditures while reviewing the work program under the next agenda item.

VIII. 2008 WORK PROGRAM

A1. There was general agreement to have a booth at daVinci Days again this year. Steven Leider suggested having a small giveaway or raffle item with a land use theme to bring more people to the booth. He agreed to give this some thought and provide suggestions at the next meeting.

A2. Chair Earhart said the Footwise window is reserved for September, 2008. Brief discussion followed regarding a possible display theme involving neighborhood empowerment. Planner Johnson agreed to provide a digital camera with which to document the Evanite neighborhood meeting and any other educational meetings that are held between now and September. There was general agreement to set aside $500 for enhanced graphics for the display.

A3. and A4. Ms. Frank agreed to Chair a subcommittee to review previously published brochures. It was noted that there are three or four existing brochures and the Committee has talked about developing an additional brochure with tips on finding land use information on the City's website. Mr. Newburgh suggested that the subcommittee review one brochure each quarter on an ongoing basis in order to ensure that they remain current. Ms. Frank said she would like to have the existing brochures updated by June 1, so they will be ready for daVinci Days. Mr. Leider agreed to look into whether OSU's graphic design department would be interested in helping with layouts. It was agreed to set aside $1,000 to update the existing brochures and develop a new brochure.

A5. It was agreed to add a new item A5 as follows: *Review and update "A Citizens Guide to Land Use Planning."* Planner Johnson suggested that the first step might be a careful review by CCI members, but that it will probably be necessary to hire a professional to do the actual update. It was agreed to complete this item by the end of the year and to set aside $2,500 for this project.

Planner Johnson invited members to email her with any other ideas on ways to disseminate information. Brief discussion followed regarding the possibility of airing information on the public access television channels and Councilor Wershow agreed to look into the process.

B1. It was agreed to delete Land Development Code outreach from the work program. A new Item B1 will be added as follows: *Hold public forums on proposed land use projects.* This will have a time frame of ongoing, and Mr. Newburgh as the CCI Sponsor. Tasks will include inviting members of the community and developers to come together to educate people on proposed projects and associated land use processes.

Don Herbert, a visitor in the audience, requested information on the South Corvallis citizen participation plan. CCI members explained that this was originally envisioned to be a neighborhood empowerment process based on the Our United Villages concept. There did not seem to be sufficient interest in that process and the CCI has decided to focus on the upcoming Evanite proposal to educate citizens on land use processes. Brief discussion followed.

B2. It was noted that Barbara Bull and the Mayor had put together some information related to this work item which was presented to Leadership Corvallis. It was agreed to leave this item on the work program and to add Ms. Bull as the CCI Sponsor.

C1. It was agreed to retain this item and to list the time frame as ongoing.

C2. Committee members recalled previous discussion about whether it is necessary to have a Planning Commission liaison attend every meeting, or whether it would be more appropriate to have at large liaisons from both the Planning Commission and the Historic Resources Commission attend as needed. Planner Johnson noted that the Downtown Commission decided to have a City Council liaison attend meetings, and standing appointees from the Planning Commission and the Historic Resources Commission would be called upon when their expertise is needed. In response to an inquiry from the Chair, Planning Commission Liaison Gervais said she does not always feel she has a lot to contribute, but she wants to be accessible to answer questions or as needed. It was decided to ask that the Planning Commission liaison give a brief update at each meeting immediately following Visitors' Propositions. The liaison would then be welcome to leave if there were no other pertinent agenda items. A new item C2 will be added as follows: *Redefine the roles of liaisons to make their presence more effective.* This item will have a time frame of November 2008.

C3. Planner Johnson said she will make an effort to keep CCI members informed of upcoming Planning Commission and Historic Resources Commission agenda items so members can attend meetings if they have a particular interest. Mr. Newburgh suggested that there be a time immediately following the Planning Commission liaison report when members may report on any meetings that they attended. A new item C3 will be added as follows: *Develop guidelines for CCI members' participation in land use hearings.* This item will have a time frame of May 2008.

D1. Chair Earhart recalled previous discussions in which it was generally felt that the activity level of Neighborhood Associations tend to ebb and flow based on issues. Planner Johnson said staff maintains the Neighborhood Association list and those contacts receive information about meetings as part of the City's list of interested parties. It was agreed to strike this work item.

D2. It was agreed to strike the phrase "in South Corvallis" from this work item and task list, and to change the time frame to "open." It was further agreed that this work item will serve as an umbrella for the Our United Villages concept.

E1. Planner Johnson suggested that this work item may be more appropriate under Goal D. It was agreed that this item will replace item D1, which was deleted. A new item E1 will be added to address the issue of recusals and conflicts, which has arisen in public testimony and which is expected to come back from the City Council as a work item request.

Planner Johnson invited members to email her with any additional suggestions. She will prepare a final draft of the work program for review at the next meeting.

IX. PLANNING COMMISSION CURRENT AGENDA UPDATE

Planner Johnson gave a brief update on Planning Commission agenda items and said she will provide a more detailed report at the next meeting.

X. NEXT MEETING

The next regular CCI meeting will be held Thursday, February 7, 2008, at 7:15 p.m.

XI. ADJOURNMENT

The meeting was adjourned at 9:45 p.m.

Approved as submitted, February 7, 2008.

CORVALLIS-BENTON COUNTY PUBLIC LIBRARY BOARD MINUTES
January 2, 2008

Board Present	Staff Present
Sandy Ridlington, Chair	Carolyn Rawles-Heiser, Library Director
Martha Fraundorf	Janelle Cook, Senior Administrative Specialist
Leanne Giordono	Mary Finnegan, Adult Services Manager
Corrine Gobeli	
David Low	
Linda Modrell	
Jacque Schreck	
Mary Lee Seward	
Tom Wogaman	
Bill York	
Excused:	**Visitors**:
Judith Edelstein	None

Summary of Discussion

Agenda Item	Information Only	Action/Recommendation
Call to Order	7:31 pm	
Visitors' Propositions		None
Minutes: December 5, 2007	x	
Library Board Packet	x	
Committee and Board Reports • Friends of the Library • Library Foundation • Board Committees	 x x	 No report
Director's Report	x	
Information Sharing		None
Adjournment	8:40 pm	

CONTENT OF DISCUSSION

I. CALL TO ORDER

Sandy Ridlington called the meeting to order at 7:31 pm.

II. VISITORS' PROPOSITIONS

None

III. APPROVAL OF MINUTES

Carolyn Rawles-Heiser provided clarification on the Summer Reading expense under the Friends of the Library report on page two. The $22,000 total is comprised of $12,000 for Summer Reading and $10,000 for the Volunteer Coordinator. Motion: Corrine Gobeli moved approval of the December 5, 2007 minutes as submitted. The motion was seconded by Tom Wogaman and carried unanimously.

IV. LIBRARY BOARD PACKET QUESTIONS AND COMMENTS

Sandy questioned what the "interesting results" of the Adult Reference survey are as noted on page one of the Board Report. Adult Services Manager, Mary Finnegan, elaborated that with the Internet, they assumed a lot of specialized books were not getting used. However, they have been surprised thus far by the kinds of books patrons have been utilizing.

Jacque Schreck inquired if the Bookmobile satellite was an ongoing issue. Carolyn replied yes, it is problematic, but has been repaired. There is no better alternative to transmit the data except by cell phone; however, that option is not always reliable in rural areas and would be fairly expensive.

Corrine commented that she enjoyed reading the Extensions section of the Board Report. Tom expressed his appreciation of the Loomis' generosity and everyone enthusiastically agreed. Mary Lee Seward wondered if it would be possible to reduce the amount of paper used for the Board Report? It was generally agreed that shrinking the articles any smaller would make them impossible to read without a magnifying glass. David Low inquired if the Philomath roof leak was a new or ongoing problem. Carolyn responded it was the first she knew about the issue and the City of Philomath is responsible for maintaining that building. To her knowledge, the collection did not suffer any damages.

V. COMMITTEE AND BOARD REPORTS

Friends of the Library: Per Jacque, the Friends met on December 17 to share cookies. They are setting up a budget committee who will be working on next year's budget. The Friends will be collecting the funds for the staff Summer Reading T-shirts. They are looking at selling Library T-shirts and are planning to discuss other possible merchandising opportunities. The year-to-date figure for the Bookshelf Sales is $7500, which is an 18% increase over last year; and Benton Books year-to-date figure is $7300, which also is an 18% increase. The Random Review in November had 115 people in attendance. The Holiday Book Sale brought in over $1700. James Howard was the new Chair for this event, held the first weekend of December, and he will retain this position for next year. James works for the OSU Bookstore. The next Friends meeting is in January.

Foundation Board: No report.

Board Committees: Committee members provided updates on any recent activities and/or discussions.

Speaker's Bureau: No report.

Facilities Planning: Carolyn will email the checklist referred to by Jacque to both Martha Fraundorf and Judith Edelstein for their review.

Current Library Services: Corrine thanked everyone for their feedback. She has incorporated the comments, but is missing the up-to-date mission statement. She proposed beta-testing the document to find out what information might be missing. Jacque suggested it would be a good idea to remind those interested in giving gifts to the Library that it is best to give to the Foundation. Sandy concurred and added that the Foundation's form on the Library's web site is misleading. There does not seem to be an "unencumbered" option for those who would like the gift to be used where most needed. Corrine will send the revised document to Sandy for the Speaker's Bureau Committee.

Planning for the Future: David reported that he and Leanne Giordono were able to meet and put together a road map for their committee. Leanne will email it to Carolyn. They have a meeting scheduled this week with Molly Raphael, the Director of Multnomah County Library, to obtain her input on the future of libraries. For this purpose, they have assembled a questionnaire to use when interviewing various stakeholders. Carolyn mentioned Wyma Rogers from Newport Public Library would be another good person to consult in order to get a smaller library's perspective. Jim Scheppke, the State Librarian, is also an option according to Carolyn. Outside of Oregon, Carolyn specifically mentioned King County and Pierce County as examples of innovative, forward-thinking libraries. David noted it would probably be wise to work in synch with the long-range planning consultant. Martha thought some of the committee's questions might be useful for outreach.

VI. DIRECTOR'S REPORT

Carolyn shared the results of the Citizen Attitude Survey. There were 671 surveys returned and the Library's approval rating was 98.6%. Last year, it was 98.9%. Carolyn noted the Library consistently receives above 98% approval rating and about 75% of the population actually uses the services of the Library. The last couple of years, the survey has included possible new Library services and these have generally been perceived as valuable (for example, self pick-up of holds and self check-out machines). 73% of the population thought the Library's services were very valuable, 22% thought they were somewhat valuable, and three percent said not valuable. Overall, the Library received a very high rating. General comments received were all positive. Per Carolyn, this is a scientific, random sample survey, professionally conducted each year and can be considered a valid indication of public opinion. The one aspect that is problematic for the Library is that the survey is only conducted within the City and does not include County residents. Carolyn opined it would be great if at some point, a public opinion survey of Library services could be coordinated for those residing in the County. Jacque inquired if the question on the survey about using the Library may have inferred a physical visit. Carolyn said they will try to clarify this for next time.

Benton County Commissioners are appointing two new Library Board members. Scott Elmshaeuser, who works for the OSU Alumni Association, and Samantha Fisher, who is the new student representative, are both avid Library users.

Carolyn was in court today regarding a patron who was arrested for trespassing several months ago. The focus of the hearing was to determine how to retrieve the 28 items still checked out to this individual. Most of them were locked up in the patron's car, but apparently the car key could not be found. Police were given permission by the patron to break into the car and retrieve the materials. Staff have also dealt with a particularly odoriferous patron who has not returned to the Library since the problem was addressed.

The Budget Commission will begin meeting at the end of January. The Library's presentation will be on Tuesday, January 29. The primary focus of Carolyn's presentation will be the Library's budget enhancement requests. An opportunity for public comment will be offered and Carolyn welcomed any volunteers willing to attend the meeting to show their support for the Library. The last several years, many Friends of the Library members have supported the Library in this capacity. Martha, Leanne, and Sandy offered to attend. Carolyn will send out a reminder email. A few of the Library's partners in Early Literacy also plan to attend in order to show their support for this particular budget enhancement. The Adult Programming component was not allowed to move forward due to the fact that it was not originally part of the business plan. However, Carolyn will fold this in to the next business plan. The results from the Citizen Attitude Survey will be helpful in this regard.

The first installment of the Loomis bequest ($350,000) was received by the Foundation and the balance could potentially be close to the same amount, depending on the sale of a piece of property. Carolyn solicited ideas from the Board on how they would like to see the money spent. A few ideas that have been received thus far include a contribution to the Monroe Library, enclosing the second floor patio, setting up an endowment for staff training, and saving it for the future. Carolyn surmised that the Foundation will probably decide on a combination of these ideas. Sandy questioned whether the Foundation has an endowment goal? Carolyn said at one point when they were first established, they did have an endowment

goal, but after the Library expansion and the 2010 trust was set up, it was not pursued. Only in the last couple of years, they have regularly transferred money into the endowment to build it up. Mary Lee asked about the adjacent property and Carolyn replied that it is unlikely for the foreseeable future. Linda commented that it would be useful to have endowed chairs or funds to reduce the need for public funds. Carolyn noted the one stipulation of the Loomis bequest was that it not be used to supplant any tax resources. The fact that the Corvallis Library building is approaching its expansion date and that a plan is not yet in place concerns Jacque. In her opinion, there are some areas of the Library that do not look as top-notch as they used to and she would rather see improvements now rather than later.

Mary Finnegan, who was introduced to the Board by Carolyn, briefly shared that Lisa Stout would soon begin an internship with the Library, working fifteen hours each week. She is currently pursuing her MLS degree. One of the projects she will be in charge of is organizing the Library archives, which are currently being stored in a closet in cardboard boxes. Lisa will be arranging these historical documents and memorabilia into archival safe storage.

VII. INFORMATION SHARING

None.

VIII. ADJOURNMENT

The meeting was adjourned at 8:40 pm.

NEXT MEETING: February 6, 2008 at 7:30 pm

CITY OF CORVALLIS
HISTORIC RESOURCES COMMISSION MINUTES
DECEMBER 11, 2007

Present
Lori Fulton
Deb Kadas
Scott McClure
Robert "Jim" Morris
E. Ross Parkerson
Michael Pope
Cynthia Solie
Karyn Bird, Planning Commission Liaison
Dan Brown, Council Liaison

Excused
Chick Gerke
Bruce Osen

Staff
David Coulombe, Deputy City Attorney
Ken Gibb, Director
Mark Lindgren, Recorder
Bob Richardson, Associate Planner
Kelly Schlesener, Senior Planner

Guests
Kirk Bailey
B.A. Beierle, PO Box T
Doug Eaton
Rachel & Mr. Weber
Dee Wendel, 301 SW Madison Ave.

SUMMARY OF DISCUSSION

	Agenda Item	Held for Further Review	Recommendations
I.	Visitor Propositions		None.
II.	Public Hearing. Harding Building (HPP07-00029)		Motion passed unanimously to approve the application as conditioned.
III.	HRC Work Program		Public testimony and HRC discussion on the work program.
IV.	Urban Renewal & Downtown Commission Update		Director Gibb outlined the proposed formation of a Downtown Commission and an Urban Renewal District.
V.	Other Business/Info Sharing		Staff will present a memo on participation in the Preserve America program to the Council Dec. 17. Discussion on Historic Preservation Month planning.
VI.	Minutes Review November 13, 2007		Nov. 13, 2007 minutes approved as amended.
VII.	Adjournment.		Meeting adjourned 9:09 p.m.

CONTENT OF DISCUSSION

Vice Chair Cynthia Solie called the Corvallis Historic Resources Commission to order at 7:02 p.m. in the Corvallis Downtown Fire Station Meeting Room, 400 NW Harrison Blvd. Introductions were made.

I. VISITOR PROPOSITIONS. None.

II. PUBLIC HEARINGS –A. Harding Building (HPP07-00029)

A. Opening and Procedures:

Vice Chair Solie 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 Vice Chair opened the public hearing.

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

1. Conflicts of Interest – None declared or rebutted.
2. Ex Parte Contacts – Scott McClure stated he'd had a long conversation with one of the applicants and so recused himself; no ex parte contacts were rebutted.
3. Site Visits –Declared by all Commissioners except liaisons.
4. Objections on Jurisdictional Grounds – None made.

C. Staff Overview:

Mr. Richardson stated the property is located at 301 SW Madison Avenue. The Harding Building is a designated historic resource in the Corvallis Register of Historic Landmarks and Districts. The applicant is requesting approval of an Alteration or New Construction Request to increase the width of the column on the southwest corner of the building and apply a stucco material different than the

existing material. The applicant is also requesting approval to change the primary entry on the SE by replacing the entry door and windows with similar materials but a different style. He noted that some of the work has already been done; the application seeks to rectify a Land Development Code violation.

D. Legal Declaration:

City Deputy Attorney David Coulombe stated that the Commission would 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:

City Council Liaison Dan Brown explained the protocol of the meeting to the public. Dee Wendel, 301 SW Madison, stated that the two changes sought were renovations that were not done during previous exterior renovation work in 2000, and would be more compatible with the original architectural style. The existing doors are in poor condition and allow substantial airflow. Ms. Wendel distributed to the commission a photo, taken 12-11-07, of the installed new doors.

Ms. Solie asked whether there were any photos of what the column originally looked like. Ms. Wendel replied that the original building did not have an entrance on that corner; no photos are available from the time the entryway was first installed, though there are photos of the original building.

F. Staff Report:

Planner Bob Richardson related that the applicant made a request in 2000 to the Historic Preservation Advisory Board (HPAB) to make alterations to the building; this is when stucco was applied to the ground floor level and new awnings installed. The HPAB recommended that the Community Development Director approve that request and he did so.

Citing LDC review criteria 2.9.100.04.b, Mr. Richardson stated that prior to those changes in 2000, the Statement of Significance reports the building as having had work done to it that reduced its historic integrity, including replacement of original windows and installation of aluminum siding. Windows and siding were removed and stucco applied in 2000.

He related that Staff believe that the changes made in 2000 as approved by the Director increased its historic integrity by removing non-historic elements and that criteria in that section helped staff conclude that proposed changes were compatible. Clarifying, he noted that the previous entry did not have a pattern of divided lights; the proposed one does, while being in the same location and orientation; and is the same size and constructed of the same materials.

The current 12" column under a 30" pilaster appears to be out of scale; the applicant proposes to enlarge the column to 30" and to stucco it; and add relief patterns, mirroring other such patterns on the ground floor. Mr. Richardson stated Staff believe the proposed changes to the column are compatible in terms of materials, scale and proportion, and overall seems to be a better fit than the current column. He summarized that staff concluded that proposed changes to the entryway and the column were compatible based on applicable review criteria from LDC 2.9 and recommends that the HRC approve the application with conditions of approval listed in the staff report.

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

H. Public Testimony in opposition of the application: None.

I. Neutral testimony: None.

J. Rebuttal by Applicant: None.

K. Sur-rebuttal: None.

L. Additional time for applicant to submit final argument:

The applicants waived the seven-day period to submit additional written argument.

M. Close the public hearing:

Mr. Parkerson moved and Mr. Morris seconded to close the public hearing; motion passed.

N. Discussion and Action by the Commission:

Mr. Parkerson stated that the request is reasonable and that the existing column always seemed out of scale; the proposed column would be more proportionate. He suggested the applicant repeat the four indented squares on column (not yet built) in order to retain the scale. Ms. Kadas thanked the applicants for their stewardship of the building; Mr. Brown concurred. Ms. Kadas praised the concise, understandable staff report.

Questions from the Commission:

Mr. Morris noted the printed pictures were printed poorly, though they were good quality in the email that had been sent out to commission members. Mr. Richardson replied that it has been an ongoing issue and staff has been working on it with little success.

Mr. Pope asked whether the violation (lack of HRC review) was picked up during the permit process. Mr. Richardson replied that the applicant did not apply for a building permit, so when the violation was noticed, both building permit and Historic Preservation violations were started at the same time; it would have been noticed if a building permit had been applied for.

MOTION:

Ms. Kadas moved and Ms. Fulton seconded to approve the application as conditioned. (Mr. Parkerson moved to amend the motion to require redesign of the column to include four indented squares; amendment failed due to lack of a second). Motion passed unanimously.

O. Appeal Period:

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

III. HRC WORK PROGRAM.

Planner Richardson stated the purpose of developing the work program, with public and Council input, is to assist the HRC in its responsibilities under the ordinance. Planning should identify and prioritize short and long term projects, based on available resources; staff can then be more responsive to the needs of the commission as well as broader community historic preservation goals.

He highlighted previous brainstorming and stated that public testimony was being solicited this evening. Senior Planner Kelly Schlesener highlighted previously submitted testimony.

B.A. Beierle highlighted written testimony from PreservationWORKS, based on input from about 25 citizens. The extensive proposed HRC work program was divided into broad categories titled Planning; Survey/Inventory/Nominations; Education/Outreach; Administrative; and Other Projects.

Kirk Bailey concurred with the testimony from Marcia Kaylen and PreservationWORKS regarding the importance of education and outreach. He expressed concern with a feeling among his neighbors that living in a Corvallis historic district is becoming a real hassle; any changes require a lot of paperwork. This will make it much more difficult to establish more historic districts in the future. Incentives or less disincentives are needed; people need to be motivated to participate in the process. He suggested implementing a variation process in which the design review during historic review could supplement the normal review done during, a lot development option, for example. He related he was trying to get someone locally to manufacture wood storm windows.

Ms. Beierle stated that some shortcomings are emerging in the LDC; for example, "economically feasible rehabilitation" renders the code meaningless. It creates the opportunity to demolish a historic structure based on a formula that is inherently flawed (since Assessors records completely depreciate buildings older than 50 years old, reducing them to zero value). She emphasized that she was most concerned about Chapter 2.9 demolition criteria, since demolition is forever.

Rachel Weber concurred with Mr. Bailey, stating that the majority of issues come up during remodeling houses. She heard from neighbors in her historic district that it is so hard just to do the basics, such as making a house more energy efficient. This kind of activity should entail a lower level of bureaucracy than larger projects such as demolition. Mr. Brown clarified that the LDC now distinguishes between the levels of proposed change; small proposed changes are very easy to do, while requirements for larger projects are more rigorous. Ms. Beierle added that the recent LDC rewrite was based on Ms. Weber's kinds of concerns.

Ms. Beierle cited zoning conflicts; for example, current zoning requires that downtown structures all have awnings; however, some historic downtown structures never had awnings, so this is asking to add a conjectural element to a historic structure. Also, while vision clearances are important, in the recent case of the Biddle House, it required removing landscaping and historic fencing (there are competing priorities in the code).

She cited the importance of technical assistance; one way to do this is through mentoring. Mr. Bailey added that the HPAB previously gave informal redesign and help to people.

Doug Eaton stated he would have a preferred a more informal public process in which participants sat in circles. He advocated improving coordination with other city groups. He related that many are concerned that the architecture and scale of recent (and future) buildings at the south riverfront may not be in keeping with the historic feel of the downtown area. He suggested that commissioners travel to other cities to compare their work with peers.

Rachel Weber highlighted the Green Building Network; many in Corvallis are concerned about ensuring that their historic homes are sustainable, energy efficient and that their families not be exposed to asbestos or lead paint during modifications.

Ms. Beierle stated that she personally advocated for establishing a very low-interest revolving loan or grant historic preservation program and making someone available to provide technical assistance. Any historic preservation funding program needs to be tied to the Secretary of Interior's standards. Mr. Bailey added that he advocated for reproducing the Secretary's standards in the code when Chapter 2.9 is modified, even if it is only as supporting material; it is well-written and is the result of a lot of political give and take. He noted the standards are helpful to consider when planning a project. Ms. Beierle added that having the Secretary's standards in the municipal code allow different projects in different venues to be able to use the same standards.

Mr. Parkerson suggested doing a workshop illustrating the different levels of review in historic districts. Mr. McClure praised Mr. Brown's ongoing efforts in making the process seem less scary to participants. He suggested doing whatever possible to foster a mindset that living in historic districts is like being in a desirable club.

In discussion, Planner Schlesener asked that Mr. Bailey submit his detailed suggestions for processing applications. She noted that the Council wants to look at the Lot Development Option Chapter.

Mr. Parkerson suggested instituting opportunities for informal discussion at HRC meetings, perhaps every other month. Mr. Bailey added that educational presentations by design professionals could be included. Mr. Pope suggested comparing issues and processes to those used in other cities to learn how they make the process less burdensome.

Mr. Bailey stated the new code now has better consistency and fine staff analysis; however, the formality is scarier for applicants and requires more work of staff and applicants.

Ms. Kadas suggested trying an "Easy Application" for common projects as well as a list of people willing to be mentors. Mr. Bailey added that a group such as PreservationWORKS could publish a list of local preservation-friendly contractors at its website. Ms. Kadas related that the City of Albany has handouts for a dozen particular applications, e.g., "So You Want to Add a Front Porch"; in Corvallis, this could be paired with an "Easy App".

Ms. Kadas asked Ms. Beierle for her top priorities. Ms. Beierle replied that from a personal standpoint, she is alarmed at the pace in which Corvallis is losing its historic resources, because they are not reviewable. Many of the oldest structures are not surveyed and nominated, so additional surveys are needed. She noted that many old neighborhoods are becoming homogenized.

Mr. Weber cited the need for education and outreach so that vendors are well versed in the historic resource regulations. Mr. Bailey said Ms. Kadas' "Easy Apps" proposal should be at the top of the list of priorities, since many common situations are not very complex. Ms. Bird noted that many of the expressed issues seem to come up over and over again; the commission needs to take action to address these concerns of the community.

Planner Richardson summarized he would compile the input on the HRC work program and bring it back to the commission to start the prioritization process. Ms. Solie suggested prioritizing the program in terms of threats and timing and what opportunities could be lost if action is not taken. She asked that the aspect of resources (volunteers and money) be included. Mr. Richardson noted that notice of this meeting went out to everyone who owns individually listed historic resources or property in historic districts. Ms. Kadas asked staff to compile a suggested prioritized shortlist.

IV. URBAN RENEWAL AND DOWNTOWN COMMISSION UPDATE.

Director Ken Gibb related that there has been an ongoing visioning process for downtown for the last five years, followed by development of a strategic plan accepted by the City Council. The plan's recommendations included creating a Downtown Commission to provide a citizen advisory body to the Council and staff regarding all matters downtown. The plan also recommended formation of an urban renewal district in the downtown area; citizens and staff have been working on it for several months.

He related the Mayor appointed an Ad Hoc committee over a year ago, which is scheduled to make recommendations on details on forming a Downtown Commission to the City Council in February. The committee is recommending a Downtown Commission of at least seven mayor-appointed members with a representation profile that includes downtown residents, business and property owners. The ten interests that will probably be included in consideration in selection of Commission members include historic preservation. The commission's major responsibilities would include implementation of the downtown strategic plan; urban renewal (if created); streetscape projects; redevelopment projects; land use matters, including development code revisions; and public parking.

Tax increment financing could finance urban renewal projects: By freezing the value of the downtown urban renewal district; the district would then capture the tax revenue that would be generated by the future growth in the assessed value of the district. The increased increment of assessed property tax revenues would go into a fund that would support downtown activities. Current projections show a roughly $33 million revenue generation over twenty years ($21 million in today's dollars). Those funds would go towards public infrastructure; financial support for rehabilitation of buildings; seismic upgrades; parking; park improvements; and other activities that would assist in stimulating future investment in the downtown area. Following further public process, the public would have to vote on the proposal, perhaps in the November, 2008 election.

The boundaries considered include the Central Business District; the Central Business District fringe north to Polk and west to 6th Street; and the Evanite area (which has been rezoned to a mixed use transitional zone).

V. OTHER BUSINESS/INFORMATION SHARING.

Planner Richardson reported that staff created a memo on the Preserve America program to present to the Council at their December 17 meeting.

He noted he suggested that the HRC create committees to work on Historic Preservation Month awards, workshops and displays; Mr. Parkerson and Mr. Pope concurred. Ms. Solie suggested doing walking tours. Mr. Richardson suggested workshops on repairing historic windows and historic landscaping. He will email a list of tasks to the commission for members to sign up. Ms. Kadas suggested forming three committees to work on displays and advertising; workshops and walking tours; and the awards and the awards ceremony. Ms. Beierle noted that if a keynote speaker is desired, PreservationWORKS needs to know.

VI. MINUTES REVIEW.

Ms. Bird noted that the word *to* in the first sentence of the fifth paragraph (under Work Plan) on page three should be replaced by the word *in*. The date of the CLG Grant cited in the fourth paragraph on page 4 should read *2007*-2008. Word *invite* in the seventh paragraph on page 4 should be replaced by *inviting*. Mr. Parkerson moved and Mr. Pope seconded to approve the November 13, 2007 minutes as corrected; motion passed unanimously.

Vice Chair Solie highlighted the recent passing of community leader and Councilor Scott Zimbrick. Mr. Parkerson noted that Mr. Zimbrick had served as Council Liaison to the HPAB and proposed adjourning in his memory.

VII. ADJOURNMENT: The meeting was adjourned at 9:09 p.m.

CITY OF CORVALLIS
HISTORIC RESOURCES COMMISSION MINUTES
JANUARY 8, 2008

Present
Lori Fulton
Chick Gerke
Deb Kadas
Scott McClure
Bruce Osen, Chair
E. Ross Parkerson
Michael Pope
Cynthia Solie, Vice Chair
Karyn Bird, Planning Commission Liaison
Dan Brown, Council Liaison

Excused
Robert "Jim" Morris

Staff
David Coulombe, Deputy City Attorney
Bob Richardson, Associate Planner
Fred Towne, Planning Division Manager
Mark Lindgren, Recorder

Guests
B.A. Beierle, PreservationWorks
Carol Chin, 219 NW 23rd St.
Frank Crotti, 420 NW 6th St.
Tom Ellicott, 115 SW 15th; Portland
Jacqui Schrek, 3060 NW Seneca
Pete Sekemestrovich, 2789 SW Titleist
Dick Thompson, 4028 NW Liveoak Place

SUMMARY OF DISCUSSION

	Agenda Item	Held for Further Review	Recommendations
I.	Visitor Propositions		Carol Chin advocated doing a newspaper insert during Historic Preservation Month.
II.	Public Hearing. Biddle-Porter House (HPP07-00028)		Motion passed unanimously to approve the application as conditioned.
III.	HRC Work Program		Prioritizing activities.
IV.	Other Business/Info Sharing		Council gave permission to apply to the Preserve America Program.
V.	Adjournment.		Meeting adjourned 9:30 p.m.

CONTENT OF DISCUSSION

Chair Bruce Osen called the Corvallis Historic Resources Commission to order at 7:04 p.m. in the Corvallis Downtown Fire Station Meeting Room, 400 NW Harrison Blvd. Introductions were made.

I. VISITOR PROPOSITIONS.

Carol Chin, 219 NW 23rd St, highlighted the newspaper insert in a Bend area newspaper and advocated that HRC do a similar insert during Historic Preservation Month. The Bend insert was funded by CLG funds and honors those doing historic preservation.

II. PUBLIC HEARINGS –A. Biddle-Porter House (HPP07-00028)

A. Opening and Procedures:

Chair Osen 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 declared or rebutted.
2. Ex Parte Contacts – No ex parte contacts were declared or rebutted.
3. Site Visits –Declared by all Commissioners except Ms. Kadas.
4. Objections on Jurisdictional Grounds – None made.

C. Staff Overview:

Mr. Richardson highlighted recently submitted testimony distributed this evening. He stated the property is located at 406 NW 6th Street. The application began with a previous proposal of a Conditional Development permit and Lot Development Option that was approved by the Planning Commission on June 21, 2007. That allowed the site to be used for civic assembly purposes. That approval also permitted the construction of two vehicle parking spaces and potentially a sign located at the southeast corner of the site. These site modifications are all contingent on approval of a Historic Preservation permit.

The request is to construct two parking spaces, install a six square foot directional sign to inform visitors that the drive is one way, to install an illuminated monument sign about 28' long and a maximum of 5' tall at the southeast corner of the property at NW 6th and Harrison Boulevard, and to raise the grade of the driveway and to alter west entry steps in order to create an ADA accessible entrance on the west. Other proposed changes would affect the fence and landscaping; staff has determined these are exempt from review.

D. Legal Declaration:

Deputy City Attorney David Coulombe stated that the Commission would 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:

Tom Ellicott, 115 SW 15, Portland, stated he was an architect and represented the owner of the house, John Beardsley. He stated the Benton County Foundation is proposing restoring and maintaining the house as a historic treasure. It is the oldest house in the city and the Big Leaf Maple on the site may be the oldest in the city.

He stated the applicants concur with the staff report. He related that the owner, Mr. Beardsley, long the caretaker of the house, believes the Foundation will do an honorable job to maintain the house. The few proposed modifications are important for the use that will maintain the house. The house's Gothic architecture was important to the city to demonstrate that it was an important point for advancement from east to west and to bring a cultural statement to the city at the time.

Ross Parkerson asked Mr. Ellicott if he had any comment on staff's suggested changes to the monument sign. Mr. Ellicott replied the idea was to match the sign to the hedge, provide mass to balance the carriage house, provide a way to mount historical plaques, and to allow pedestrians to sit on it; he agreed that it may be too long. The shape could conform to a Gothic character; stucco and masonry should be part of the sign.

Councilor Brown suggested the applicants take photographs before they make the proposed changes. Mr. Ellicott replied that photos were taken a year ago.

Ms. Kadas stated that the name on the sign should be consistent with the name of the house in the record. Planning Commission Liaison Bird related that the commission did not want to rule on the change of the name (from Biddle to Porter-Biddle), feeling that the HRC should address the matter.

Ms. Kadas asked whether the magnolias would remain; Mr. Ellicott replied that they would remain.

F. Staff Report:

Planner Bob Richardson highlighted photos displayed on the screen. He noted that there were three sets of criteria to consider. One set, LDC 2.9.100.04.b.1 addresses the character of the house and its age, integrity, and whether it's rare or unusual. The Biddle House may possibly be the oldest house in Corvallis and was listed in the local register after the Historic Preservation Advisory Board (HPAB) determined that it was historically significant based on its age, integrity, craftsmanship, design and

setting. There have not been any documented changes to the house since the 1980's. Therefore, it is important to be especially sensitive in doing work to the house or the site. Staff believe that the proposed activities, mostly having to do with the site, can be done in a historically sympathetic manner and so comply with the cited criteria.

The second set of criteria, 2.9.100.04.b.2 ask whether the proposed changes cause the building to more closely approximate its original historic form or whether they are compatible; these criteria are related to the criteria, 2.9.100.04b.3, as well. One of the two proposed parking spaces is to meet ADA van accessibility requirements; the parking area, at the northwest corner of the site, would be surfaced with pavers. He added that the parking spaces are required if the building is to be used for civic assembly; the two spaces are the minimum that the applicant can get away with for the site (it is less than 50% of the standard parking requirements). The Planning Commission minutes show that those reductions were allowed by the Planning Commission in order to maintain the historic integrity of the site.

The scale of the parking area has been kept as small as possible; it will be screened partially by a fence. For these reasons, staff found it met Building Materials, Scale and Proportion, Site Development and Building Orientation criteria.

Applicants propose a monument sign at the southeast corner; it would consist of three eight-foot segments, following the inside of the sidewalk at the corner of 6th Street and Harrison. The height at the center portion would be 5'; the monument would step down to 20" at its outer limbs. Sign materials would be stucco and brick; pavers are proposed to be located between the sidewalk and the monument. The condition of approval that suggests changes to the sign are to meet compatibility criteria; particularly, the sign plate. The condition also states that the sign shall not be internally illuminated. While there was concern about the size of the sign, it is a relatively large site and the sign is designed to reflect the height of the surrounding hedges. He noted that if the HRC is not comfortable with the size, staff recommends reducing the outer edges of the exterior segments of the monument.

Directional signs such as the proposed interior sign are typically exempt; it serves to direct one-way traffic through the site. Staff applied a condition of approval that would require the sign to be mounted on a 4" by 4" post 7' above grade and reduced the size of the sign from six to three square feet.

The proposed change to the west entry steps is mandated by the proposed civic assembly use, which requires having at least one ADA accessible entry; this is adjacent to the parking area. To make the ramp flush with the landing, the grade of the driveway is proposed to be raised by a maximum of 14" over a length of 30'. That portion of the drive is proposed to be constructed with pavers in a similar pattern to what now exists. Staff found it an appropriate way to meet the ADA accessibility required for civic assembly use.

Mr. Richardson noted that fencing was not identified in any sources of information identified in the LDC as designating the fence as a historically significant part of the site; therefore removing, installing or extending it was considered to be an exempt activity. The same consideration was applied to the proposed relocation or removal of some existing vegetation in the west yard to make way for the parking spaces.

He stated that reviewing the application based on criteria, staff concluded that the application, with staff recommended conditions of approval, was compatible with the historic preservation criteria and recommended that the HRC approve the request.

Mr. Parkerson asked whether fencing along the interior of the driveway, turning towards 7th Street, would remain. Mr. Richardson replied that it is not clear; he guessed that it would probably need to be moved when the driveway is raised. He related the applicant stated that a minimal retaining wall may be needed that could require relocating the fence. Mr. Parkerson stated that the fence seems distinctive and an important part of the resource. Mr. Richardson stated that it was his understanding that the applicant is not proposing to remove any of the fencing except for the portion just south of the 7th Street driveway, where it would be moved and an additional fence added. It is possible that additional fencing may need to be moved to make way for the driveway change.

Mr. Parkerson stated that some of the fencing between 7th and Harrison seems quite old. He asked if there would be any definition between the driveway and the neighboring drive. Mr. Richardson replied that there is nothing that guarantees that that will remain the same; it is possible that the neighbor could one day build a fence along the property line there.

Mr. Parkerson asked about the birch tree at the southeast corner, by the sign. He agreed that there should be careful consideration of the roots as they relate to the sign. He asked why the hedge along 6th Street is proposed to be reduced in height from four to three feet. Mr. Richardson stated that this may be due to vision clearances, in which it may need to be reduced to two feet. There is no condition of approval that would require it to be trimmed to three feet.

Ms. Kadas asked about the name change. Mr. Richardson replied that "Porter-Biddle House" was the name assigned to the application by the applicant, so staff took that forward. The property is in the Corvallis Register, not the National Register. Local action could change the name. There is no specific application process for that. The HRC would want to ensure that the Porter portion of the name was as important as the Biddle part of the name.

G. Public Testimony in favor of the application:

Dick Thompson, 4028 NW Liveoak Place, stated he is Executive Director of the Benton County Foundation and that the house is a perfect fit for the foundation. He and the administrator would use it daily and the eleven member board would meet there monthly. A portion of the house would be used to manage the Foundation's business of managing investments for endowment funds (that primarily benefit the community's youth). The house would provide a more visible location for the Foundation, enhancing its ability to grow. The Foundation created a facility endowment fund in February.

Jackie Schrek, 3060 NW Seneca, stated she was a trustee of the Benton County Foundation. She stated the foundation, entering its 55th year, would continue to maintain the house, now entering its 155th year. She added that the inside of the structure is also an architectural treasure; the Foundation would maintain that, as well.

Pete Sekemestrovich, 2789 SW Titleist, stated he is President of the Benton County Foundation. He noted the house is located on land that is zoned RS-9 on a half acre of prime real estate; he praised owner Mr. Beardsley in passing it on to an organization whose goal is to maintain it in outstanding condition. He stated that it would be nice to remove the tree at the SE corner, which obscures the house when it has foliage.

He expressed concern that it did not seem to be clear during Planning Commission deliberations about whether there could be public assembly. He added that the Foundation would like to place the house on the National Register; however, to do that, it would have to allow people to visit the house. Planning Commission Liaison Ms. Bird noted that the application was for a shift in use; while the city does not have control of private houses, the site does not have the amount of parking to accommodate

a large public gathering; the commission felt that it had to protect neighbors. This does not preclude use by small groups such as the foundation's board or groups of similar size; visitors could be brought by bus. She clarified that the commission's intent was to avoid a large number of vehicles parking there.

Mr. Osen noted the HRC has a limited scope of discussion; it does not address use questions. Councilor Brown opined that moderate size gatherings, such as a wedding, could be an appropriate purpose. He offered to help facilitate achieving the foundation's objectives.

Planner Fred Towne cited Attachment F-5, the Planning Commission Notice of Disposition; Condition #10 refers to "Approved onsite parking and use limitations: The Biddle House shall be used for civic assembly, in a manner consistent with the subject proposal. Vehicular parking demand generated by use on the site shall be satisfied exclusively by the five onsite parking spaces approved by the subject application". He noted that there were already two other parking spaces in one of the garages and another. The LDO reduced the parking required for the site down to roughly 50% of what might have otherwise been allowed. He added that the department generally responds to such problems through a complaint process; so that if people park only intermittently on the street nearby, there shouldn't be a problem.

Ms. Bird noted that public transit and public parking could be used; there are also six bike parking spaces there.

B.A. Beierle stating she was speaking on behalf of PreservationWorks to support the application. She applauded Mr. Beardsley for his stewardship, generosity and civic-mindedness, as well as the Foundation's continuing his stewardship. The application is an excellent example of an adaptive use of a historic resource. The Biddle-Porter House is an outstanding resource; Corvallis Tourism's trolley tour starts there.

She noted that from the applicant and inspection that the fence has been a contributing historic element to the resource for a long time. It underscores the need for the HRC to evaluate and correct the existing survey information that is relied upon for decision making; it should be included in the multi-year work plan that is being developed.

The survey also does not discuss the important role that the Porters play in Corvallis history. Both Mr. Biddle and Mr. Porter were Corvallis mayors; the Biddles owned the property for 69 years; the Porters owned it for 82 years.

The application also illustrates conflict with other chapters of the code, including vision triangles; awnings required in the downtown core on historic resources that never had them; as well as the dilemma regarding assembly and parking. She stated that for outstanding historic resources and parking, there needs to be a place where the code bends. She noted that this case is the first time that an application has come before both the Planning Commission and the HRC and there was considerable discussion at the commission about the situation and there was probably also consternation regarding the unclear process on the part of the applicant, as well. Growing Chapter 2.9 will require figuring out how the city process deals with applications that include both a use function and a preservation function.

Regarding the name, Ms. Beierle stated that since it is a locally designated historic resource, and the local designation process is the zoning process, then the decision comes to the HRC. When the time comes to write a National Register nomination for the house, whoever writes it would be free to submit any name they choose. National Park Service guidelines focus on who the important players

were with a building during its period of significance; in this case, it is both families. Naming is also a matter of convention, so if the HRC refers to it as the Biddle-Porter House, everyone else likely will, too.

Frank Crotti, 420 NW 6th Street, stated that his house is at the northwest corner of the property and said he approved of the application, thanked Mr. Beardsley, and is thrilled to have the Foundation there. He added that regarding parking, the LBCC parking lot is only a block away and something could probably be worked out for a large function. Liaison Brown added that Mr. Crotti is responsible for preserving a number of historic houses in the community.

H. Public Testimony in opposition of the application: None.

I. Neutral testimony: None.

J. Rebuttal by Applicant: None.

K. Sur-rebuttal: None.

L. Additional time for applicant to submit final argument:

The applicants waived the seven-day period to submit additional written argument.

M. Close the public hearing:

Ms. Parkerson moved and Ms. Solie seconded to close the public hearing; motion passed.

N. Discussion and Action by the Commission:

Questions from the Commission:

Mr. Parkerson stated the house is an extraordinary historic resource and is pleased it will be retained. Ms. Solie stated it is a wonderful gift to the community and hopes this showpiece inspires others to do the same; Mr. Pope concurred. Mr. McClure praised the quality of the staff report.

MOTION:

Mr. Parkerson moved to approve the Biddle-Porter House application as conditioned in the staff report, including two development related concerns; Mr. Pope seconded. Motion passed unanimously.

Ms. Kadas stated she would be supportive of the name change, as it seems appropriate. She added that the minute's show that the Planning Commission was very careful in recognizing where some matters may have been an HRC issue; the process where both bodies are concerned needs to be streamlined.

Mr. Towne added that staff has not identified a specific process for name changes; also, no name change was proposed in the application. Staff can follow up on the issue if, if directed to do so. Ms. Bird added that the HRC motion identified it as the Biddle-Porter House.

O. Appeal Period:

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

III. HRC WORK PROGRAM.

Planner Richardson stated that the commission can revisit the issue next month, if need be; there was consensus to work to 9:15 p.m. Mr. Richardson stated he had envisioned the commission taking a multi-year approach, prioritizing, then grouping items that can be accomplished over shorter and longer time periods. He stated that he arranged spreadsheets according to different categories: planning, education and outreach, administration, etc, with a list of activities attached to each. He suggested the HRC prioritize each activity, one by one, based on four criteria: Level of complexity, expense, urgency and importance; the lower the score, the better. He noted that staff assigned values to activities, based on their perspective, on levels of complexity and expense; these suggestions can be changed.

Ms. Solie questioned whether level of complexity and expense were as an important criteria as urgency and importance; it gives them all the same weight; whereas complexity and expense may be actually secondary considerations as criteria. She suggested focusing on urgency and importance first, then considering complexity and expense in figuring out how to program activities. She added the HRC may wish to immediately do a small piece of something that is complex and expensive, such as applying for funding for it, which will allow moving forward with it. There was consensus to take Solie's approach.

The group started with planning activities, starting with **developing a comprehensive historic preservation plan;** this would include a context statement, guidelines and activities to work towards for several years. Ms. Beierle added that they include an assessment of the ordinance, and discussion of the historic context, including architecture, the riverfront, agriculture, education, etc. Having a context (background) helps decision makers be more informed when making decisions. A preservation plan includes a history of the community and a discussion of preservation and economics, preservation and green building, etc. They are usually substantial in length and are generally contracted out. Many funders will not support a community's projects without a preservation plan in place. Mr. Pope stated that it was a framework for future action. There was consensus to assign values of 1 for importance and 1 for urgency.

In discussion on **creating design guidelines for existing resources and infill development**, Kadas stated that it helps applicants by giving them a tool before they apply by telling them the guidelines regarding making changes to their historic property. Mr. Richardson added that it would be similar to the set of guidelines that was started but never finished. Ms. Solie stated it would make it much easier for many applicants; many are unsure what to do and it would be much more customer-friendly. Ms. Fulton concurred with Mr. McClure in saying that she didn't see many applicants having trouble with the ordinance.

Mr. Osen stated that he assumed guidelines would be an explanation of historical styles and types and the kinds of windows, roofs, etc. that typically go with a style; it helps people approach how to make changes and what the expectations are. Mr. Richardson noted the HPAB at one time worked on design guidelines; however, he discouraged against going back to it, since it was based on the old code.

Ms. Kadas cited the Eugene design guidelines; she advocated seeing what other communities do. Ms. Bird noted the abandoned design guidelines were based on the Eugene document. Ms. Kadas added that she could bring in examples for the "Quick Apps" concept, such as "Adding A Back Porch", "Changing Windows" etc. Mr. McClure stated the City of Astoria has examples of this on its website.

Ms. Solie asked Planner Richardson whether he felt that simply handing applicants the code was sufficient in helping them to understand what the expectations are. He replied that the code must be explained to most people, including what it is that they need to address. The application guidelines recently developed several months ago have been a huge help, especially in telling applicants what they need to include in their application. Design guidelines, as discussed by the HRC, would also be helpful, as long as it is clear that they are not the rules. Mr. Towne added that design guidelines could be a good approach, particularly if they were on the web, to help give people initial direction.

Mr. Pope related he watched his neighbor struggle with the process in applying to replace windows and doors; many people do struggle; and most people don't have the funds to hire an architect for a small remodel. Mr. McClure noted that there are differing levels of development; for infill development, one would be hiring an architect or designer. Mr. Osen related that having design guidelines would have saved a neighbor proposing a condo development a lot of grief. The code is language based; whereas many people are more visual than text-oriented.

There was consensus to assign values of 1 for importance and 1 for urgency.

In discussion on **creating building design guidelines for buildings along the riverfront**, Mr. Osen asked whether that was under the HRC's purview. Mr. Richardson related that it was a comment from a resident. Mr. Osen asked whether some design guidelines for the riverfront were folded into the LDC; Mr. Towne replied that it was a very complex issue; the LDC includes elements such as pedestrian oriented standards. He noted that while there are specific historic structures along the riverfront, the riverfront is not a historic district, so he questioned whether it fell within the HRC's purview. He added that the Riverfront Zone, under the new code, took effect in December, 2006; there has been no development there under the new code yet. Ms. Bird related that a number of community members have stated that they hoped that there will be no more six story buildings built on the south end of the riverfront. There was consensus to rate it 3 and 3.

There was consensus to rate **explore green building incentives** 3 and 3. Mr. Brown added that the Sustainability Coalition will come forward with proposals in this matter, so the HRC doesn't need to do the work or start from scratch. Ms. Kadas asked that Mr. Brown communicate to the coalition that the HRC is interested in meshing historic preservation with their proposals; the HRC could give them some feedback.

In rating **develop 1-3 proposals per year to apply for city funding**, Ms. Solie contended that the HRC will have to find resources for each project; it is not a project in and of itself. There was consensus to remove the item from the list.

The HRC postponed further work until the next meeting.

IV. OTHER BUSINESS/INFORMATION SHARING.

Planner Richardson related that the City Council gave permission for staff to apply for the Preserve America Program. PreservationWorks will assemble the application and Corvallis Tourism volunteered to package it.

He highlighted his memo on suggested Historic Preservation Month subcommittees. He related there is a nomination to create an OSU campus Historic District; it will be deliberated in Corvallis February 22. An OSU representative will make a presentation at the next regular HRC meeting. He highlighted a potential training program, entitled "WindowPains", on wood window repair; it will be held in Portland. Liaison Bird highlighted an article in the most recent Fine Homebuilding on wood window repair.

Mr. Pope asked about the status of a house on 5th Street and Western, referred to months ago, that had had a window replaced. Mr. Richardson related that the violation case has not been completely resolved; the owner indicated that he will replace the window to exactly replace the previous window and match the adjoining windows. Mr. Osen added that he understood that the house now has a new owner since the violation occurred and so the maintenance may be different.

In discussion on Historic Preservation Month committees, Mr. Gerke, Ms. Solie and Mr. Parkerson signed up for the Awards Committee. Mr. Pope, Ms. Fulton, Ms. Kadas, Mr. McClure and Mr. Parkerson signed up for the Walking Tours and Workshops Committee. Mr. Osen and Mr. Parkerson signed up for the Outreach Committee (Mr. Morris was nominated to the committee).

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

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

Approved as submitted, February 6, 2008

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
December 19, 2007

Present
David Graetz, *Chair*
Karyn Bird, *Vice Chair*
Jennifer Gervais
Frank Hann
Tony Howell
Steve Reese
Denise Saunders
Brandon Trelstad

Staff
David Coulombe, Deputy City Attorney
Fred Towne, Planning Division Manager
Keith Turner, Development Engineering Supervisor
Kevin Young, Senior Planner
Mark Lindgren, Recorder

Absent
Patricia Weber
Dan Brown, *Council Liaison*

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions			None.
II.	Public Hearing: Ashwood Preserve Subdivision, **(PLD07-00009, SUB07-00003)**			Request for the record to be held open. The Commission will reconvene January 2, 2008.
III.	Planning Commission Minutes December 5, 2007			Approve as presented.
IV.	Old Business	X		
V.	New Business A. Planning Manager's Update	X		
VI.	Adjournment - 9:08 p.m.			

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by the Chair, David Graetz, at 7:02 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard. Staff distributed the green handout "Staff- Proposed Condition of Approval #28." **(Attachment A)**

I. VISITORS' PROPOSITIONS:

There were no propositions brought forward.

II. PUBLIC HEARING - Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003):

A. Opening and Procedures:

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

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

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

The Chair opened the public hearing.

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

1. Conflicts of Interest: None declared nor rebutted.
2. Ex Parte Contacts: None declared nor rebutted.
3. Additional Site Visits: Declared by Trelstad, Reese, Howell and Saunders.
4. Objections on Jurisdictional Grounds: None.

C. Staff Overview:

Senior Planner Kevin Young stated that the request is for approval of a Conceptual and Detailed Development Plan and Tentative Subdivision Plat to construct a 28-unit subdivision of two- and three-unit, attached, single family homes at Ashwood Preserve Subdivision. The overall development site is 9.25 acres in size. Planned Development approval is requested to allow variation to Land Development Code requirements regarding minimum lot size, usable yard area, minimum density, hydrological impacts, planting strips and lot depth: width ratio requirements.

Planner Young highlighted the additional Proposed Condition of Approval #28, which makes overt the understanding that the subdivision is contingent upon approval of the Detailed Development Plan. He outlined conditions of the site and Comprehensive Plan designations for the site, which is zoned Low Density Residential. He displayed overheads showing the 100 Year Flood Plain and natural resource areas, including the riparian corridor along Dunawi Creek and a drainageway from the golf course ponds. There is also an adjacent locally-protected wetland of special significance. A significant part of the 9.25 acre site is encumbered with natural resource and hazard areas. Mr. Young highlighted Comprehensive Plan designations of adjoining areas. The subject site is zoned RS6.

D. Legal Declaration:

Deputy City Attorney Coulombe said the Commission will consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they believe are applicable. It is necessary at this time to raise all issues that are germane to this request. Failure to raise an issue, or failure to provide sufficient specificity to afford the decision-makers an opportunity to respond, precludes an appeal to the State Land Use Board of Appeals on that issue.

The failure of the applicant to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government to respond to the issue precludes an action for damages in Circuit Court.

E. Applicant's Presentation:

Lyle Hutchens, Devco Engineering, stated that his company is providing consulting assistance to the applicant, and he introduced Jim Boeder, representing the applicant. Mr. Hutchens noted that about 72% of the subject site is a combination of wetlands, floodplains, and riparian corridors. Development is predominantly limited to the southeast corner of the site, which is the largest contiguous upland area of the site. Dunawi Creek forms the northern border of the property and defines the natural features of the site.

Mr. Hutchens observed that most of the application design reflects Land Development Code provisions regarding balancing and meeting minimum Comprehensive Plan density requirements; protecting natural features; and promoting a pedestrian-friendly environment. Part of the balance is achieved by the partial encroachment into the Minimum Assured Development Area (MADA) in order to achieve a minimum level of Comprehensive Plan density. The proposed MADA encroachment is 16,729 square feet, which is less than the 18,795 square feet allowable under the MADA provisions.

Mr. Hutchens stated that the Land Development Code does not require a variation in housing types for development areas of this size. The use of attached housing allows the proposal to come as close as possible in meeting the minimum density requirements. Architecturally, the structures will be required to meet the Land Development Code Pedestrian Oriented Design Standards (PODS); no architectural variations are being requested.

Mr. Hutchens said that Tract A (the area completely outside the development area) is about 6.5 acres in size; this will be set aside with a conservation easement. Tract B, at the northeast corner of the site, is set aside for pedestrian amenities, open space, and a tot lot, and will be maintained by the homeowner's association. Pedestrian connectivity is provided to Tract B via a pedestrian link along the outside perimeter of the property in conjunction with pedestrian links to all the units. Vehicular access will be provided via three planned alleyways, which will separate pedestrians and cars.

The development uses design standards of the RS-9 district, as allowed by the MADA chapter, to the maximum extent possible. These standards are almost identical to RS6 district standards, as they apply to this district.

The requested variance to the hydrology-related provision for subdivisions is due to the filling of a portion of the protected wetlands as part of the balancing of standards in the application. As a compensating benefit, the applicant is proposing pervious pavements and perforated detention piping for groundwater recharge, combined with multiple discharge points for stormwater outlets from roof drainage into the wetlands. As a condition from the Department of State Lands (DSL) and from the Corps of Engineers fill permit, the Oregon Department of Environmental Quality (DEQ) will be reviewing the Stormwater Management Plan included in this application. The Plan has already been sent off to the wetlands consultant for inclusion in the fill permit application. Mr. Hutchens stated that it is the applicant's position that DEQ approval of the Stormwater Management Plan should validate the proposed compensating benefit.

Mr. Hutchens stated the application results in a density of 2.8 units per acre for the overall site. It is impossible to meet the Land Development Code's minimum 4 units per acre density of 38 units for the entire site without constructing an apartment or condominium building, which is not allowed in the RS-6 district and would not be compatible with surrounding neighborhoods. The requested variation would meet the mandated Comprehensive Plan level density for Low Density Residential development, between two and six units per acre, while allowing for the preservation of the natural resources. The developable portion of the site will be at a level of density that is consistent with most of the RS-6 and RS-9 development standards and will be reasonably compatible with the neighborhood.

The deviation requested for minimum lot size and lot depth: width ratio is necessary because it is impossible to meet these when using the allowed minimum lot width. Mr. Hutchens noted he understood that this issue will be addressed as the Land Development Code is refined in the future. He clarified that the request to reduce the minimum lot size and increase the depth: width ratio is only for the interior townhome lots, where it would not be practical. The lot width is actually the townhome façade width. By definition and design, interior townhomes are relatively long and thin. The total lot area of the three lots allocated to each of the three-unit townhomes exceeds the minimum area requirement for a triplex.

Reducing the exterior yard requirement for the *exterior* townhome lots allows for slightly narrower lots, which helps reduce the MADA encroachment and increase density. Eliminating the usable yard requirement for the *interior* townhome lots allows for narrower lots, which are typical of interior townhomes. Meeting the yard requirement for the interior townhomes would place a small backyard area between driveways, which

could be dangerous to children. Also, some people prefer smaller yards, which have less maintenance.

Over 75% of the lots in this application include a usable yard of 300 square feet or more. This is 80% of the district minimum for yard size, so there is some choice available to buyers. The variance is mitigated by inclusion of Tract B, which provides opportunities for outdoor activity in a shared, pedestrian-friendly, outdoor environment.

Mr. Hutchens stated that there is a request for a variation so that the portion of the planter strip along Country Club Drive in the riparian area would be eliminated, and the sidewalk would be moved to curbside to eliminate encroachment into the riparian area.

Mr. Hutchens related that developers held a neighborhood meeting on December 4, 2007; however, no one attended.

Commissioner Howell noted that the applicant was asking the Commission to accept elevations and floor plans showing how they might be in compliance with both RS-9 and POD standards. Mr. Howell stated that he assumed this would be conditioned, and he wanted to ensure that it would be in strict compliance with both chapters of the Land Development Code. Mr. Hutchens replied that the applicant anticipated such a condition. The intention is to offer the lots for sale with a little flexibility to end users regarding how their units will look and be laid out. The proposal is for a footprint within which the units will have to fit. He clarified that the units would come forward as two- or three-lot groups, so that each structure has appropriate continuity. Mr. Howell asked if there would be a fair amount of variation in appearance of the buildings, since there would be a number of ways to comply with the RS-9 standard. Mr. Hutchens answered affirmatively.

Commissioner Howell noted the application makes it difficult to evaluate how all would work together. Mr. Hutchens replied that the POD standards and the small lots' confined footprint will provide their own continuity in terms of the units' appearance. The POD standards are fairly specific in terms of what is allowed for design, so there shouldn't be too much variation from structure to structure, while meeting applicable requirements.

Commissioner Saunders asked if the building materials could be widely different in different units. Mr. Hutchens replied that that there could be some variation. Ms. Saunders asked if there was any documentation on what the facades facing Country Club Drive would look like. Mr. Hutchens replied that the appearance of the facades is not addressed specifically.

F. Staff Report:

Senior Planner Young explained that the use type of the site is single-family residential; the building type is attached townhome. Both types are permitted outright in the RS-6 low-density zone; they are also permitted outright in the RS-9 zone. The applicant has opted to develop at RS-9 standards, which is allowable under MADA provisions. Staff found that the proposed development is consistent with purposes for planned development per Land Development Code section 2.5.20.

The site contains highly protected riparian corridors, locally protected wetlands of special significance, and areas within the 100 Year Floodplain. It does not contain significant vegetation. Because of the extent of significant natural resources on the site, the MADA provisions apply.

Planner Young related that the MADA allowance in the RS-6 zone is 13,000 square feet per acre. The site contains 6.88 acres encumbered with significant natural features and 2.64 unconstrained acres. The MADA calculation for the site, including the area credits allowed for additional right-of-way dedication, is 3.06 acres. Since the MADA area is larger than the unconstrained area, limited encroachment into the locally significant wetland is allowed under MADA standards.

Planner Young stated that, with the exception of requested variations from standards, the proposed development complies with all applicable RS-9 standards, as conditioned. Because the proposed development will meet the minimum required density by at least 50%, it is exempt from Land Development Code solar access requirements.

Planner Young summarized compensating benefits for requested variations. In regard to the variation to the standard of no change to hydrology, because the MADA allows encroachment into the wetland, it is impossible to say that no impact to the hydrology has occurred. However, the applicant's proposed use of pervious pavement minimizes impact. Also, the fill permit and Stormwater Management Plan requirements will ensure that various hydrology requirements are met.

Planner Young related the request to vary from the recent Land Development Code provision of RS-6 minimum density of four units per acre. He noted that the MADA results in a density range that is too low or too high, and the calculation can vary, based on minimum or maximum density and whether the developable acreage or the entire site acreage is used. He stated that the Comprehensive Plan sets the density range for Low Density Residential at between two and six units per acre. The density range calculation for the whole site is 2.9 units per acre, consistent with the Comprehensive Plan density range; therefore, staff supports a variation from the specific RS-6 standard.

The benefit of granting a reduction in minimum lot size for a few of the lots on the site is to allow greater density, more efficient use of the land, and a larger protection area on the protected portion of the site.

In regard to allowing variance on the usable yard area, Planner Young noted that there would be common usable area provided. Front yard areas in the development serve as the best usable yard area. However, because of the way the Land Development Code language is written, those areas do not qualify; the Code states that usable yard area must be at the side or rear yard. Because of the layout of the development of protected courtyards that are solely pedestrian oriented, staff believes the courtyards are more appropriately usable yard areas. Based on this, staff concluded that the variation from the standard should be allowed.

In regard to the request to vary the lot depth: width ratio, staff concurred with the applicant's contention that the ratio doesn't work well for townhome style development. Also, varying from the standard allows higher density and more efficient use of the developable portion of the site.

In regard to the variance on a portion of the planting strip width, a variance would allow a reduced impact to riparian areas. The reduction to a curbside sidewalk along Country Club Drive, where there is a protected riparian corridor (a resource area), is permitted outright by the Land Development Code. Mr. Young noted that the applicant has proposed to move the planter strip further away from the street in the site's curbside wetlands in the southwest corner, minimizing impacts by creating a very wide planter strip.

The proposal to vary from the 5-foot-wide sidewalk standard on the back of the site, by using a 3-foot-wide standard instead, allows a more compact development footprint for a low-volume onsite pedestrian circulation system, so staff concluded that a variance was allowable to reduce that standard.

Planner Young stated staff found that conditions regarding fire access and fencing will ensure the compatibility of the site design. Visual elements, compliance with POD standards and the 30-foot height limitation in the RS-9 zone will ensure compatibility with the surrounding development. There will be ample buffers on the north, west and south sides of the development. Staff is recommending a requirement of a fence to be constructed along the east property line.

Staff does not anticipate negative noise or odor impacts. As conditioned, water quality will be acceptable; as conditioned, lighting will not cast glare on the adjacent properties; and, as conditioned, landscape will comply with applicable requirements.

The traffic analysis indicates that impacts will be negligible. On-site parking requirements are met for both bicycles and vehicles; however, because there is no on-street parking on Country Club Drive, an arterial street, staff believes some overflow parking capacity should be preserved in the area. Therefore, staff is recommending a condition of approval that would require two-car garages for each dwelling, as well as ample space in front of garages to allow for tandem parking, allowed for this type of development. There are also a few on-site spaces shown within the alleys.

Staff concluded that, as conditioned, the proposed development will comply with all POD standards. Compliance should be ensured through the building permit process. All bicycle and pedestrian transit circulation requirements are met. As conditioned, public facilities and services will be made available to serve the subject development.

The proposed development is designed to comply with RS-9 standards, as allowed by the MADA. Staff supports exceptions to standards regarding hydrology, minimum lot size, and lot depth: width standards. Otherwise, all subdivision requirements are met, as conditioned. Staff recommends approval of the Conceptual and Detailed Development Plan and approval of the Tentative Subdivision Plat, as conditioned, with the noted addition of Condition #28.

Commissioner Reese asked about the sentence on page 40 of the staff report, regarding the certainty of DEQ review of the development. Planner Young replied that a fill permit requires review by the DSL and the Corps of Engineers. The latter has the option of reviewing or not; they sometimes defer to the DSL. Mr. Young stated it is his understanding that when the Corps reviews fill permits, the DEQ review is essentially

required, and the DEQ reviews stormwater management plans for developments putting stormwater into wetland areas impacted by fill permits, such as in this case. He related that DSL and DEQ staff he contacted were not willing to say, without looking at a permit, whether they would review it. It is his understanding that there is a slight chance that the DEQ will not review the permit.

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

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

Walter Pritchard, 5250 NW Highland Drive, stated that he has concerns about the request for a variance to reduce sidewalk width from the standard 5 feet to 3 feet. He noted that if a person using a wheelchair is on a 3-foot sidewalk, there is not enough room for others to pass. Also, it is difficult to keep children and dogs on a 3-foot sidewalk; even a 5-foot sidewalk is marginal.

Commissioner Bird asked whether any compromise from the 5-foot standard would be acceptable, such as 4 feet. Mr. Pritchard replied it would not; a 32-inch wheelchair leaves only a couple of inches on either side to navigate on a 36-inch sidewalk.

Mark Knapp stated it was unreasonable to fill and develop even a quarter acre of wetlands. He stated that, according to an OSU professor, the presence of hydric soils is the best indication of where wetlands existed before the City was developed. Mr. Knapp presented City maps of hydric soils in Corvallis, showing how development over the years had greatly eliminated wetlands. Noting that the fish habitat and hydrological function of the subject wetland is intact, he said that, while the development has good intentions, it goes a little too far, by degrading Corvallis' water ecology. Mr. Knapp noted the application uses minimum density as an excuse to fill in wetlands; however, the staff report cited an apparent ambiguity in how density is defined. By defining density in terms of the *net* area, the density requirements would be met as well as a reduction in the number of houses in the development, resulting in complete natural features protection.

Commissioner Howell replied that it is not the density that is driving the impact to the wetlands; it is the Land Development Code-established minimum developable area guaranteed to a property owner. Prior to that Code change, apart from a 50-foot corridor along the riparian area, the entire site could have been developed and it would have been mitigated elsewhere, so this plan is an improvement. Mr. Howell asked Mr. Knapp if there was another way to structure the site in order to have less impact on wetlands while still guaranteeing the same amount of buildable land. Mr. Knapp replied that he did not know of any way to do this; he had hoped the Commission would issue a waiver from the MADA so that the developers would only develop, say, 75% of what they proposed in order to avoid filling the quarter acre of wetlands. He questioned why the desire to develop as much as possible was allowed to supercede the public interest in preserving functioning ecosystems.

I. Neutral testimony:

Rana Foster, 1415 SW Brooklane Drive, highlighted her written testimony. She expressed concern about percolation of petroleum products through the proposed pervious driveways into Tract A, and how drainage facilities at the ends of the three alleyways would be constructed to filter and capture petroleum products. Ms. Foster noted that while the staff report stated the applicant would give consideration to reducing use of pesticides and herbicides, this was not defined. She added that future development upstream will further reduce floodplain attenuation, resulting in increased flooding.

Ms. Foster noted the plans show a 30-inch high retaining wall near the children's play area. She asked whether there should be a fence to protect them from falling over the flood plain barrier wall. She also asked how overhead street lamps would function in Tract A to reduce light pollution, since the site is currently fairly dark, and increased light pollution could affect how the site functions ecologically.

Commissioner Gervais concurred that there was a lack of information on how pesticide use could be reduced or eliminated; perhaps the use of native vegetation would help. Ms. Foster advocated using a native seed mix rather than a commercial lawn, whose fertilization often runs off into waterways.

J. Rebuttal by Applicant:

Mr. Hutchens noted that, regarding a guard rail for the retaining wall, thirty inches is the break point in the Building Code for requiring a rail. The applicant would accept incorporating one if there is a Code change.

In regard to pesticide use, Mr. Hutchens noted that a conservation easement will be placed over Tract A; the DSL has minimum requirements for preservation in such easements. He suggested using DSL standard language for the easement area and that the CC&Rs for the Homeowners Association (HOA) also incorporate the same wording, in order to be consistent for wetlands preservation.

Regarding the amount of overflow parking, Mr. Hutchens noted there will be a new sidewalk at the corner of 45th and Country Club Drive to provide easy access to Sunset Park's parking for special occasions.

Commissioner Graetz asked about the section of 3-foot-wide sidewalk. Mr. Hutchens replied that it was part of the balancing involved in the site design and it reflects the desire for good connectivity without relying on a public way to get to the Tract B area, as well as minimizing wetlands encroachment. The applicant will live with the decision of the Commission on the issue. Commissioner Reese asked whether the applicant would be willing to reduce the 5-foot setback to the house instead of encroaching on the wetland in order to widen the walk. Mr. Hutchens replied the applicant would prefer to retain the livability of the full 5-foot minimum setback to the house from the sidewalk.

Commissioner Saunders asked whether DSL language specifically addresses use of pesticides. Mr. Hutchens replied that he did not know if it specifically addresses practices. Ms. Saunders asked how the applicant would respond to language and conditions limiting the types of pesticides permitted or the planting of native lawns. Mr. Hutchens replied that a requirement for planting a native lawn would be fine; however,

the applicant would be more comfortable if there was Municipal Code language in place for pesticide use standards, rather than imposing enforcement for this particular development.

K. Sur-rebuttal:

Marc Knapp stated that losing a quarter acre of wetlands may not be as important as the potential for residents encroaching into the wetlands; the railing that was discussed could discourage, though not prevent, such use and would be a visual cue to keep people from wandering down to the creek. He asked that the record be held open for one week.

L. Additional time for applicant to submit final argument:

The applicant did not waive the additional time to submit written argument.

M. Close the public hearing:

MOTION: Chair Graetz stated that, since there has been a request to hold the record open, the Planning Commission would re-convene on the matter on January 2, 2008. Additional written testimony must be received by 5 p.m. on Wednesday, December 26, then there will be seven days for the applicant to respond. Commissioner Bird moved to close the public hearing. Commissioner Gervais seconded the motion and it passed unanimously.

N. Discussion and Action by the Commission:

Questions from the Commission:

Commissioner Bird asked about details on limiting the use of pesticides and herbicides. Planner Young replied that Condition #2 on page 87 of the staff report discusses maintenance obligations for the development. The Condition notes that, due to the proximity to protected wetlands, the use of pesticides, herbicides, and fertilizers or other chemicals should be strictly limited. Mr. Young added, however, that it was not measurable. Standards for those materials are not enforceable by the City, but residents should be sensitive to the issue. Ms. Bird expressed concern that if the city says such use should be limited, but then doesn't say what those limits are, the statement is meaningless. Planning Division Manager Fred Towne added that when the recent Land Development Code was developed, it was determined that the Land Development Code was probably not the proper location for such concerns, and that the Municipal Code would probably be a more appropriate location when such standards are developed.

Commissioner Bird asked if there was any standard which could be referenced. Planner Young replied that the Parks and Recreation Department may have standards for judicious chemical use near waterways, but he wasn't sure if it was codified.

Commissioner Hann asked if stewardship of the wetlands falls to the HOA, would their submittal of a written maintenance plan for landscaping be the appropriate venue for regulatory scrutiny of whether the integrity of the wetlands would be maintained. Planner Young replied he wasn't sure how to encode that obligation. Mr. Hann added the design

wasn't at that level of detail yet; however, perhaps it could be addressed when detailed development specifics are submitted.

Commissioner Howell asked whether new Americans with Disabilities Act (ADA) standards, which would expand the 3-foot minimum sidewalk width to 4 feet, had been implemented yet. Manager Towne replied it was his understanding that the standards had not been implemented. Citing J-137 in the staff report, Planner Young added that the northwest corner of the property is the only section with the three-foot width sidewalks; the rest of the sidewalks are 5 feet wide. Staff believes that the pedestrian benefits outweighed the fact that this section does not meet ADA standards. Also, there is more than one way to get to destinations via a full-width sidewalk. Commissioner Bird asked if there was any way to include a 4-foot sidewalk. Mr. Young replied that it could not be included and still preserve a 5-foot separation between the unit on the southern end and the walkway. Manager Towne added that having the 5-foot separation preserves livability; the 3-foot limited-use sidewalk allows for connection while minimizing wetland encroachment.

Commissioner Saunders asked if the Planning Commission could condition planting of native plants and lawns. Planner Young replied that it was possible, though it is not clear whether that condition is agreeable to the applicant. Ms. Saunders asked whether there should be any safety concerns regarding the retaining wall. Mr. Young replied he was not sure whether a safety fence would be required for a 30-inch grade change, but one could probably be conditioned, though the extent of it would have to be specified. Mr. Towne added that if required by the Building Code, there could be a railing.

Commissioner Gervais asked for detail on a section of sidewalk placed to try to retain function of an area of wetland. Planner Young replied that a recent Capital Improvement Project (CIP) on Country Club Drive determined that there were significant wetlands in the roadside ditch in question; a number of measures were taken in the CIP to ensure that water continued to flow into that ditch to feed the wetland areas. The applicant's proposal places the sidewalk around that area.

Commissioner Trelstad asked what the reference to meandering sidewalk meant. Planner Young replied that there are a number of significant, though not inventoried, trees; rather than mandating a straight sidewalk, he believes allowing it to meander would save some trees, as long as they were at least 24 feet from the edge of the right-of-way.

Commissioner Howell asked whether stormwater filtering was to the normal standard or higher. Engineering Supervisor Turner replied that water quality facilities are geared towards removal of sediment, not chemicals. Trapped catch basins are an easy enhancement to that. However, with the use of pervious pavement, staff does not expect the need for catch basins, as the water then falls below the water quality threshold. The DEQ may or may not step in regarding the quality of water entering wetlands.

Commissioner Trelstad asked about the Control Structure in Attachment N of the staff report. Supervisor Turner replied that the Control Structure detains roof water runoff from the detention pipes to the pre-development rate. The runoff eventually is discharged into the wetlands.

Commissioner Reese asked about density calculations. Manager Towne replied that the City was directed by the State Land Conservation and Development Commission (LCDC), and the State in general, to try to get greater density where possible in order to extend the life of the Urban Growth Boundary. This is the reason the recent Land Development Code has minimum densities per acre in different zones.

Commissioner Saunders asked whether, if the building envelopes were approved as proposed, the applicant could come back and change the configuration; Manager Towne replied that because their access is off Country Club Drive through pedestrian use, the units must be rear-loaded through the alleys, and the pedestrian amenity to the front door must be provided. Planner Young added that the plat itself will lock in the location of the alleys, and the constraints of the envelope will require the development to be within the "box" that is being presented.

Commissioner Howell asked whether it would be possible for someone to get a building permit for just two of the three attached units, if they are separate properties. Planner Young replied that it is theoretically possible to build a single unit with a party wall, but that is not typically done, as it is not cost-effective. Manager Towne added that it would be very difficult to do without an agreement between two lot owners.

Commissioner Howell asked staff to later discuss how to guarantee subdivision compatibility, since the Planned Development process is meant to identify materials and most of the features ahead of time, and this application is less specific than that.

Commissioner Hann asked if there were a total of eight overflow parking spots for the entire development; Planner Young confirmed that. Mr. Hann asked how such a limited number of spots have worked in other similar developments; it could be difficult to have yard sales or parties. He expressed concern for how the integrity of the shared parking spaces would be maintained. Mr. Young replied that the HOA could do that or staff could review provisions of the CC&Rs.

Commissioner Saunders stated she would like staff to provide language that the applicants referenced regarding the conservation easement. Planner Young added that such language would be best incorporated as a condition of approval.

III. PLANNING COMMISSION MINUTES:

Commissioner Bird moved to approve the December 5, 2007, minutes as presented. Commissioner Hann seconded the motion and it **passed** unanimously.

IV. OLD BUSINESS:

Commissioner Howell recalled previous discussion on reviewing how previous applications turned out when built. He related that, as part of its POD, Appleby's Restaurant was allowed to run a public sidewalk away from the building; two benches were sited against the building and there was what was termed a plaza outside the entrance. He opined that the plaza feels as if it were simply a covered entrance and is not large enough to function as a public plaza. Due to a variance granted, the benches are covered by 4-foot-deep rather than 6-foot-deep awnings, so the north-facing

benches generally stay wet in winter. Also, perhaps due to lack of specificity, two bike parking hoops were installed oriented in such a way that all four bikes parked there will have uncovered seats.

Manager Towne related that the new Land Development Code has a provision regarding the definition of a plaza as a minimum of 300 square feet. He agreed that weather protection is an important element, so when some design components are reduced in size, there is a point at which they lose their function. He added that most downtown awnings are at least 6 feet deep.

V. NEW BUSINESS:

A. Planning Manager's Update

Planning Division Manager Fred Towne related that a number of appeals are still pending.

1) The Land Use Board of Appeals (LUBA) upheld the City Council's decision on the Witham Oaks Planned Development. The appellants are not likely to proceed to the next level, which would be the Court of Appeals.
2) Regarding the 7th Street Station project, LUBA remanded to the City Council the Director's decision to remove the Planned Development Overlay from the residential portion of the site, without linking it to the Council's decision to revert the zoning back to the previous Industrial zoning. LUBA also remanded the change in the Comprehensive Plan designation and zoning of the site to the City because the proper procedures were not followed. Manager Towne related that the Council determined there had been adequate public testimony at the appeal hearing, along with additional public testimony when the record was held open. Given the time constraints, the Council has decided to hold a public hearing on January 7, 2008, to address the remand of the two issues without taking additional public testimony.

   Commissioner Bird questioned how the January 7 Council meeting could be considered a public hearing if, in fact, there is no public testimony; Manager Towne suggested that the City Attorney could better respond.

3) Nothing has been heard yet regarding the Whiteside Theater appeal. When the appellants asked to be allowed to submit additional information for the record, they automatically granted LUBA an undefined amount of time to process the issue.
4) The LUBA records for the Brooklane Heights Planned Development and subdivision and the Cascade Crest Subdivision appeals are in the process of being finalized.

Manager Towne related that staff is working on a list of needed Land Development Code updates, based on direction from the City Council. Once the list is finalized, a package will come back to the Planning Commission. Many of the changes will likely have few policy concerns and can go quickly from the Commission to the

Council. Staff will ask that a commission ad hoc committee review and give direction on those issues that do involve policy changes.

Manager Towne related there will be a complete CIP presentation on January 2.

Commissioner Reese asked if there had been any changes on the Evanite Riverfront Trail land use case. Manager Towne replied that the City had received an application from Evanite asking that a trail be allowed within 40 feet of the bank of the river and asking that the Willamette River Greenway (WRG) boundary be moved 40 feet, also. State statutes require the WRG to be a minimum of 150 feet from mean high water; since the proposal is not consistent with state statutes, it would be difficult for the City to approve the request. As a result, staff had discussions with the LCDC, State Parks and Evanite representatives, and it became clear that the proposal would not go forward. Evanite will soon withdraw that application and resubmit another to be consistent with state statutes. When the application is re-submitted, staff expects several subsequent additional re-submittals, and the matter will probably come to the Planning Commission within a couple of months. The proposal will likely contain requests for a Comprehensive Plan Amendment, Land Development Code amendments, and associated Development in the WRG.

VI. ADJOURNMENT: The meeting was adjourned at 9:08 p.m.

Staff- Proposed Condition of Approval # 28

28. Subdivision contingent upon Detailed Development Plan - Final Plat approval is contingent upon the existence of, and consistency with, an active Detailed Development Plan.

ATTACHMENT A

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

Approved as corrected, February 6, 2008

CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
January 2, 2008

Present
David Graetz, *Chair*
Karyn Bird, *Vice Chair*
Jennifer Gervais
Frank Hann
Tony Howell
Steve Reese
Denise Saunders
Brandon Trelstad
Patricia Weber (Items III - VI)
Stewart Wershow,
Council Liaison

Staff
David Coulombe, Deputy City Attorney
Fred Towne, Planning Division Manager
Greg Gescher,
Public Works Engineering Supervisor
Keith Turner,
Development Review Engineering Supervisor
Kelly Schlesener, Senior Planner
Jackie Rochefort, Park Planner
Terry Nix, Recorder

Excused
Patricia Weber (Items I-II)

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions	X		
II.	Deliberations **Ashwood Preserve (PLD07-00009, SUB07-00003)**			Approve as conditioned.
III.	Public Hearing **Evaluation of Proposals for the FY 2009 - 2013 Capital Improvement Program**			Forward the proposed CIP to the City Council as presented in the staff report, including the addition/modification of assumptions and the conclusion of consistency with the criteria.
IV.	Old Business	X		
V.	New Business A. Planning Manager's Update	X		
VI.	Adjournment - 9:50 p.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. DELIBERATIONS - Ashwood Preserve (PLD07-00009, SUB07-00003):

Chair David Graetz welcomed citizens and stated that the Public Hearing on this item was held on December 19, 2007. By request, the record was held open for seven days for additional written public testimony. The applicant's final written comments were received on January 2, 2008. Planning Commissioners have received both the additional testimony and the applicant's final written comments. Tonight is the time for deliberations.

A. Staff Update:

Planning Division Manager Fred Towne called attention to the applicant's final written argument **(Attachment A)** in response to the testimony **(Attachment B)** submitted after the public hearing was closed on December 19, 2007, but before the record was closed on December 26, 2007. He reminded the Commission of staff's proposed Condition of Approval #28, as presented at the public hearing.

Manager Towne responded to the summary of issues presented in written testimony from Mark Knapp, as follows:

1. The Minimum Assured Development (MADA) provisions were adopted by the City Council as part of the Land Development Code (LDC) and have been reviewed by both the Land Use Board of Appeals (LUBA) and the Court of Appeals. The provisions do not violate state or local law; and in fact are local law.
2. The MADA provisions do not violate the requirements of due process for a zoning change because they are not a zoning change. They are a provision of the LDC;
3. Staff does not understand and does not agree with Mr. Knapp's statement that implementation of the MADA provisions in the current application would violate the MADA standards themselves;
4. The MADA provisions allow encroachment into certain areas based on calculations, and there is no required compensatory public benefit. Mitigation of impacts to wetlands will be required by the state and are not negated by the MADA provisions;
5. The wetlands delineation has been accepted by the Division of State Lands (DSL); and
6. As indicated in the staff report, the developer has the right to choose how density is calculated from among a number of different methods.

Manager Towne offered to answer additional questions or respond to other testimony upon request.

B. Discussion and Action by the Commission:

Questions from the Commission:

Commissioner Saunders requested additional information on why the MADA provisions allow for encroachment into wetlands. Manager Towne said the LDC was revised over a four-year period and included an inventory process, an evaluation process, and an LDC development process. There were about 70 public meetings before the Benton County Planning Commission and Board of Commissioners, and the City of Corvallis Planning Commission and City Council. All of these decision-making bodies recognized that there would be situations where so much of a parcel would be covered by natural features that limiting development as stipulated in the LDC would require the jurisdiction to purchase the property. Staff was directed to propose provisions that would allow development on these properties to the extent that regulations would not constitute a taking. Staff proposed that each property in a residential zone be allowed to develop to minimum density. This proposal was presented, modified through the process, and adopted by all four decision-making bodies. It was also accepted through LUBA and the Court of Appeals.

Commissioner Saunders said the conservation easement presented by the applicant prohibits biocides, and the proposed condition of approval presented by the applicant prohibits use of the top ten leachable ingredients as identified by state agencies. She requested information on the difference between these two proposals. Manager Towne said he cannot say precisely what a biocide is, but he assumes it is a spray that would kill any living organism. He clarified that the condition suggested in the applicant's final argument applies to the landscape of the homeowner area and the conservation easement applies to the easement area.

Commissioner Howell asked for additional information regarding the options provided to the developer related to density under the MADA provisions. Manager Towne said density can be calculated on the area that is unconstrained or it can be calculated on the entire site. If density is calculated on the area that is unconstrained, then the remaining area needs to be set aside as a separate tract, with no development allowed.

Commissioner Hann asked for additional response to Mr. Knapp's concern that due process is not being followed. Manager Towne said the LDC specifically identifies how to address natural features associated with a site. If a site contains enough significant natural features that the applicant is not guaranteed the minimum development potential for the site, then the MADA can be applied. This is not a matter of changing a zone or of changing a Comprehensive Plan designation. City Attorney Coulombe added that a Planned Development or MADA application does not effectuate a zone change and that due process is being satisfied by the standards themselves.

In response to inquiries from Commissioner Bird, Manager Towne reviewed minimum and maximum densities for RS-6 and RS-9 zones, and agreed that 19-20 units would be allowed under RS-6 minimum density.

Commissioner Bird said it has been indicated that the proposed 3-foot sidewalk would not be in a well-traveled area. She is concerned that it might be more traveled than expected, given that it will be a riparian view area. She asked if there is a way to get to the 5-foot standard without extending further into the protected area. Manager Towne noted that the applicant also expressed concern that expanding the sidewalk into the site may impact privacy issues for adjacent structures. He stated that this could be addressed through design of those structures, and that the Commission could require the sidewalk to meet the 5-foot standard.

Commissioner Howell asked for additional information regarding the grading plan which, he said, may address concerns about privacy conflicts. Manager Towne said the entire site slopes off toward the wetland, but it appears that the 30-inch retaining wall will be backfilled so that it is level with the sidewalk. He drew attention to the grading plan contained within Attachment J to the staff report.

Commissioner Howell referred to testimony suggesting that the ditch wetland is a lesser quality and should not be included in calculations. Manager Towne drew attention to the DSL-approved wetland delineation for the site. He said a variation is being requested to increase the setback of the sidewalk to minimize impacts to the wetland along the street. It is the Commission's task to determine if the applicant has met the burden of proof. The MADA provisions stipulate that, if infrastructure is required to go through a natural feature area, the applicant gets credit for the mitigation area that is required. Staff believed a simple way to address this situation was to allow the increased setback in order to avoid a sidewalk through a wetland and to get a known quantity of protection.

Commissioner Howell referred to previous questions about architectural compatibility and the applicant's response that CC&Rs will address those concerns. Manager Towne said staff believes the market will in some ways dictate compatibility, and that there are provisions in the LDC arguing that any use allowed outright is compatible. He said the CC&Rs do dictate a certain level of compatibility.

MOTION: Commissioner Hann moved to approve the proposed Conceptual and Detailed Development Plan (PLD07-00009) based upon the staff recommendation to the Planning Commission, and including staff- proposed Condition of Approval #28. Commissioner Howell seconded the motion.

Commissioner Bird asked for a staff response to Rana Foster's concerns about lighting encroaching into the riparian area. Manager Towne reviewed Condition of Approval #14 requiring a site-wide lighting plan that complies with LDC 4.2.80.

Commissioner Bird referred to Ms. Foster's concern regarding contaminates associated with automobiles in driveways, and Ms. Bird asked if there is any assurance those contaminates would be filtered out before reaching the riparian area. Development Engineering Supervisor Keith Turner said there could be soluble components of those fluids that would be able to migrate. The LDC is set up to require that pollution generating impervious surface gets water quality treatment predicated on solids removal. The City's program does not address soluble contaminates except as they might adhere to particles. There are biological actions that can decompose soluble contaminates over time and various filter systems that can address oils and greases, but Turner is not able to give a quantitative measure of how effective these measures would be. Any best management practices program would include education and awareness that residents are living in a sensitive area, and it is possible that something could be worked into the CC&Rs and enforced by the Homeowners Association (HOA). Brief discussion followed.

Commissioner Howell said he thinks a 5-foot sidewalk is needed to provide enough passing room and asked staff to craft a proposed condition to provide for a 5-foot sidewalk that encroaches on the landscaped area. This would reduce sidewalk conflicts such as a bicycle approaching a stroller and either riding into the landscaped area or going too close to the drop-off on the other side. Privacy could be increased with landscaping. Brief discussion followed.

Manager Towne suggested the following proposed condition: "The sidewalk along the western and northern edges of the development that provides access to the tot lot shall be constructed at a 5-foot width and shall gain the additional 2 feet of width by reducing the distance between the sidewalk and the dwellings."

MOTION TO AMEND: Commissioner Howell moved to add a new Condition #29 with the above wording. Commissioner Bird seconded the motion and it **passed** by a vote of 6 to 1, with Commissioner Hann voting no.

Commissioner Bird initiated discussion about a railing along the retaining wall. Manager Towne said the applicant is proposing to put in a railing if there is a drop of more than 30 inches, in accordance with the City Building Code. There was general agreement that no additional requirement is needed.

Commissioner Bird suggested that the Commission consider adding a condition to address the applicant's recommendation for additional protection related to landscape maintenance.

Manager Towne proposed the following language: "All landscape maintenance for the entire site shall be the responsibility of the Homeowners Association. The HOA shall hire a licensed commercial operator to apply any and all pesticides or herbicides on the site. The commercial operator shall be licensed by the State Department of Agriculture, with licenses in the categories of Ornamental and Turf Herbicide and Ornamental and Turf Insecticide-Fungicide, or other applicable categories, with the appropriate insurance for that license. The licensed commercial operator is to practice Integrated Pest Management as defined in Oregon Revised Statute 634.650. The use of any pesticide material containing any of the top ten leachable ingredients, as identified by Oregon Department of Agriculture, DEQ and/or USGS for Oregon is strictly prohibited. Individual home owners shall be prohibited from applying any pesticides, herbicides, or fertilizers to their property. Dumping of yard waste off the site into the adjacent conservation area is prohibited."

MOTION TO AMEND: Commissioner Bird moved to add a new Condition of Approval #30, as read by staff above. Commissioner Gervais seconded the motion.

Commissioner Gervais said pesticides include herbicides and fungicides. Following brief discussion, it was agreed to reword the last sentence of the above condition for clarification as follows: "Individual homeowners shall be prohibited from applying any pesticides, herbicides, fungicides, or fertilizers to their property." Manager Towne suggested that this be added to Condition #2 rather than be added as a new condition. Brief discussion followed.

The motion to amend was **withdrawn**.

MOTION TO AMEND: Commissioner Bird moved to revise Condition #2 to include the wording proposed by staff and revised during discussion. Commissioner Gervais seconded the motion and it **passed** unanimously.

Commissioner Howell initiated discussion about the applicant's suggestion related to standards for management of the conservation easement. Brief discussion followed. Staff agreed that it might be appropriate to address the management through a revision of Condition of Approval #2 which removes the reference to subsection f.

MOTION TO AMEND: Commissioner Howell moved to revise the second sentence of Condition of Approval #2 to read "The CC&Rs shall address maintenance obligations for Tract A that include the provisions of LDC 4.13.50." Commissioner Gervais seconded the motion and it **passed** unanimously.

Commissioner Bird said cats often carry a disease that is detrimental to young children and she would discourage the inclusion of a sandbox in the tot lot.

Commissioner Saunders said she found the maps submitted by Mr. Knapp to be disturbing, but the applicant does comply with the MADA requirements and she will vote in favor of the motion.

Commissioner Hann said he will also vote in favor of the motion; however, he appreciates the work done by Mr. Knapp and also found his maps to be of great concern.

Commissioner Howell said he will also vote in favor of the motion. He said the MADA was a community compromise of values which balances individual property rights with impacts on the full community.

Commissioner Bird agreed with the previous comments and said she will vote in favor of the motion. She said she appreciates the concise information presented which helped the Commission in conditioning this project to the public interest.

The amended main motion **passed** unanimously.

MOTION: Commissioner Bird moved to approve the proposed Tentative Subdivision Plat (SUB07-00003) based upon the staff recommendation to the Planning Commission. Commissioner Reese seconded the motion and it **passed** unanimously.

D. Appeal Period:

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

III. PUBLIC HEARING - Evaluation of Proposals for the 2009-2013 Capital Improvement Program:

A. Opening and Procedures:

The Chair opened the public hearing.

B. Staff Overview:

Public Works Engineering Supervisor Greg Gescher introduced himself and Park Planner Jackie Rochefort. He said the Planning Commission has received a copy of the five-year Capital Improvement Program (CIP). His presentation will focus on the new projects in the proposed 2009 update, as well as new elements of ongoing projects.

Supervisor Gescher reviewed the six new projects in this year's proposed update, as detailed in the CIP:

- Osborn Aquatic Center;
- Special Use Facilities;
- Country Club Drive Bike Lane;
- Fillmore and Lincoln Sidewalks;
- Madison Avenue/OSU Improvements; and
- Walnut Boulevard Medians.

Gescher also reviewed new elements of ongoing projects, as detailed in the CIP:
- City Hall Block;
- Municipal Buildings Rehabilitation;
- Park Development-New;
- Park Improvements-Existing;
- Riverfront Commemorative Park; and
- Traffic Signals.

Gescher then offered to answer any questions.

In response to inquiries from Commissioner Hann regarding the Country Club Drive Bike Lane project, Supervisor Gescher advised that the gravel shoulder on Country Club Drive is used for parking. There is a possibility that the bike lane can go in without restricting that parking, but there may be some impacts. The land for the bike lane is City-owned and it is not anticipated that additional right-of-way will need to be purchased. The City is responsible for maintaining bike lanes, and citizens may call the Public Works Department if blackberries or other vegetation encroach into any vehicle lane.

Commissioner Hann referred to previous testimony regarding the need for a neighborhood park in the Satinwood area, and he asked if that is in the five-year plan. Park Planner Rochefort said the five-year plan includes acquisition of land for a neighborhood park, but it is not yet known where that will be. She said staff is aware of the need for a park in the Satinwood area, as well as in other areas. Staff will consider needs as defined in the Park and Recreation Facilities Plan and match those needs with the area where land becomes available.

Commissioner Bird asked if the section of Madison Avenue where a one-way street is proposed would include two-way bike traffic. Supervisor Gescher said he would assume the one-way road would include one-way bike traffic, but that level of planning has not yet been done. Bird said two-way bike traffic would be preferable.

Commissioner Bird asked if there will be a coordinated design for the Walnut Boulevard medians. Supervisor Gescher said he expects there will be an overall strategy, but the actual implementation will likely be done in a phased approach due to budget limitations. Brief discussion followed.

Commissioner Saunders said she is the Planning Commission liaison to the CIP Commission. She referred to the Ninth and Circle Intersection Improvements on page 49 of the CIP, and said the intent is to acquire right-of-way from the Bi-Mart property owner to construct a right turn lane. Saunders said the indication was that the turn lane would not be built to LDC or Comprehensive Plan specifications, and she expressed concerns about safety, aesthetics, and fairness. She asked Supervisor Gescher to comment.

Gescher said that area of town has a lot of congestion and has had numerous accidents. The idea is to provide a right turn lane to address those safety concerns. A turn lane would

require additional right-of-way from the property that is occupied by the Bi-Mart Corporation. The property owner's primary concern is that the project not jeopardize her relationship with her tenant. Bi-Mart has concerns about impacts to customer parking. Mr. Gescher reviewed a graphic of the project, noting that the project as envisioned does not include a landscape strip because that would negatively impact the parking. Brief discussion followed.

In response to inquiries from Commissioner Howell, Park Planner Rochefort reviewed the area of the Riverfront Park South Gateway and advised that a conceptual plan for the area has not yet been done. She further responded that the location for the adult softball complex is still under consideration.

In response to further inquiries from Commissioner Howell, Supervisor Gescher provided additional information about the Country Club Drive Bike Lane and the Fillmore and Lincoln Sidewalks projects, noting that details are yet to be determined. He agreed to look into the status of the Goodnight right-of-way acquisition.

Commissioner Hann expressed concerns about parking and access related to the Fillmore and Lincoln Sidewalks projects, which were noted by Supervisor Gescher.

C. Public Testimony:

Susan Morre, 2775 SW Fairmont, referred to proposed improvements to the rose garden at Avery Park. She requested consideration be given to moving the chapel at the fairgrounds to the rose garden rather than lose that piece of Corvallis history. She noted that the current plan is to tear the chapel down in February. Chair Graetz suggested that Ms. Morre follow up with the Parks Department. Councilor Wershow suggested that Ms. Morre ask her City Councilor to follow up with the City Manager. In response to a suggestion from Commissioner Bird, Ms. Morre said she has already been in contact with BA Bierle.

David Livingston, 359 NE Rene Place, said he has been a member of the Madison Avenue Task Force (MATF) since 1974. He submitted and reviewed a flyer outlining the history and accomplishments of the MATF **(Attachment C)**, as well as a handout with information about the OSU and MATF Campus-Community Corridor Project **(Attachment D)**. He said the project area is from Ninth Street to Benton Hall. Key goals are:

- to create a visitor entry to OSU;
- to attract visitors to Central Park, ArtCentric and Downtown;
- to document and illustrate historical patterns, people and places; and
- to enhance pedestrian comfort and interest in the OSU-Downtown linkage.

Mr. Livingston distributed and reviewed a list of related Comprehensive Plan findings and policies and reviewed consistency with the City-approved OSU Campus Master Plan.

In response to inquiries, Mr. Livingston said the plan was presented to the Bicycle and Pedestrian Advisory Commission, which chose not to submit a letter of support due to the absence of a multi-modal path. He noted that the focus of the MATF is on pedestrians, who are the most vulnerable of those traversing the area and who would most enjoy the proposed features.

E. Staff Report:

Senior Planner Kelly Schlesener reviewed her memorandum re: Evaluation of Proposals for the 2009-2013 Capital Improvement Program. She said this evaluation focuses on:

- new projects added to the program with regard to consistency with the Comprehensive Plan and facility master plans;
- requirements of state and federal agencies;
- impact on public safety;
- continued maintenance of essential City services; and
- contribution to the City's economic growth.

Planner Schlesener reviewed staff-proposed assumptions for each of the projects, as detailed in the memorandum. In response to inquiries, staff advised that the assumptions are proposed in order to provide additional information and clarity. Brief discussion followed.

MOTION: Commissioner Bird moved to forward the proposed CIP to the City Council as presented in the staff report, including the addition/modification of assumptions and the conclusion of consistency with the criteria. Commissioner Trelstad seconded the motion. and it **passed** unanimously.

IV. OLD BUSINESS: None.

V. NEW BUSINESS:

A. Planning Manager's Update

The Planning Manager called attention to the new meeting schedule on the back of the agenda. There will be no Land Development Hearings Board meeting on January 23 and no Planning Commission meeting on January 16. The next meeting of the Planning Commission is scheduled for February 6, 2008, and will include a public hearing on the Brass Media Building Conversion.

VI. ADJOURNMENT: The meeting was adjourned at 9:50 p.m.

MEMORANDUM

From: Fred Towne, Planning Division Manager

To: Planning Commission

Date: January 2, 2008

Re: Applicant's Final Written Argument and Public Comment Submitted Since December 19, 2007

Attached are copies of the applicant's final written argument and public comments submitted since December 19, 2007. The latter were previously distributed to you.

ATTACHMENT A

DEVCO engineering inc.
245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

SCANNED
Date 01-03-08 By JAE

RECEIVED
JAN - 2 2008
Community Development
Planning Division

January 2, 2008

Mr. Fred Towne
Planning Division Manager
City of Corvallis
POB 1083
Corvallis, OR 97339

SUBJECT: Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003)
Final Written Response

Dear Fred:

Following is our final written comments concerning the application for Ashwood Preserve Subdivision, in response to concerns raised at the Public Hearing held on 19 December 2007, and subsequent written testimony received.

In response to concerns voiced about the details of the conservation easement to be placed on Tract "A", attached please find a sample conservation easement using language that would be similar to the easement used for this project.

In order to provide additional protection to the wetlands, beyond what is provided by the conservation easement, the applicant proposes that a Condition of Approval be placed that would require all landscape maintenance for the entire site to be the responsibility of the HOA. The HOA would be required to hire a Licensed Commercial Operator to apply any and all pesticides or herbicides on the site. The commercial operator would be required to be licensed by the Oregon Department of Agriculture, with licenses in the categories of Ornamental and Turf/Herbicide and Ornamental and Turf /Insecticide-Fungicide, or other applicable categories, with the appropriate insurance for that license. The Licensed Commercial Operator is to practice Integrated Pest Management as defined in Oregon Revised Statues 634.650. The use of any pesticide material that contains any of the top ten leachable ingredients, as identified by Oregon Dept. of Agriculture, DEQ, and/or USGS for Oregon is to be strictly prohibited. Individual home owners would be prohibited from applying any pesticides, herbicides, or fertilizers to their property.

In response to concerns raised about the possibility of architectural incompatibility within the units of the subdivision, the applicant proposes that a Condition of Approval be placed that would require the CC&Rs for the property contain provisions for required architectural compatibility. Attached is sample wording that could be used in the CC&Rs to accomplish this objective.

In response to general concerns about the project raised in public testimony we would like to offer the following comments:

The encroachment of development into the protected natural features areas is in accordance with LDC Chapter 4.11 Minimum Assured Development Area (MADA) and is entirely consistent with all LDC requirements for the underlying zone. No variances are being requested, and no zone change is implied by the implementation of the MADA. Furthermore, it should be noted that the development encroaching into the floodplain is entirely comprised of fill, with no structures being proposed in the floodplain. All encroachment is limited to the floodplain; no development whatsoever is proposed for the floodway. This complies with the requirements of LDC Chapter 4.5 Hazard/Hillside Development.

The area calculated for MADA encroachment includes credits allowed under LDC Section 4.11.40.03 c.1: The area of public right-of-way dedications resulting from a required width in excess of the width needed for a local street, provided the required street is identified in the Corvallis Transportation Plan. The re-routing of the sidewalk at the western end of the property to avoid the existing wetlands was done at the request of the City, in order to avoid destruction of the wetlands. As LDC Section 4.13.80.01-a2 allows a wetland delineation to be substituted for the City's Natural Features Map showing wetland locations, the wetlands that are located adjacent to the sidewalk are as viable for protection as the areas that have been encroached upon by development. The MADA calculation is in compliance with Chapter 4.11 and no variance is being requested.

The drainage into the wetland area will conform with the required Stormwater Management Plan (SMP) to be submitted to the DSL for the wetland fill permit. The SMP will be required to result in the restoration of historic flow rates and patterns. As the stormwater that is to drain into the wetlands is limited to roof drains, which are considered a non-polluting source, no water quality treatment is required. The use of pesticides and herbicides is proposed to be limited by a Condition of Approval as described above.

Lastly, it is important to note that the density requirements for the site are set by the Comprehensive Plan and the Land Development Code, not the applicant. The applicant has made a good faith effort to meet density requirements for the site, despite the heavy constraints presented by the presence of protected natural features. These efforts include but are not limited to: requested variances from the development standards to allow more efficient use of land, the inclusion of all attached housing units, even though detached housing is allowed in this zone, and the utilization of the allowances included in Chapter 4.11 - MADA.

The consequence of balancing these efforts against protection of the natural features and the desire for a highly livable, pedestrian-friendly environment, is the physical impossibility for the applicant to meet the minimum density required by the underlying zone, without requesting even more variances from LDC development standards. As it is, a variance from that standard is being requested, as noted in the application and the Staff Report. To further reduce the number of lots from the site would be acting in direct opposition to the requirements of the LDC, with respect to density development standards for the underlying zone.

We hope this is of assistance to the Planning Commission and look forward to hearing their deliberations this evening.

Sincerely,

Lyle E. Hutchens
Devco Engineering, Inc.

LEH/pjw
05-402 ftowne final comments 01-02-08.doc

Attachments: Sample Conservation Easement – Willowbrook Estates Subdivision
Annotated Sample Architectural CC&Rs

LINN COUNTY, OREGON
CCR-CCR
Cnt=1 Stn=1 COUNTER
$50.00 $11.00

2007-06074
03/12/2007 02:47:19 PM
$61.00

00043395200700060740100105

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk

RECORDATION REQUESTED BY:
Willowbrook Estates, LLC
Mr. Bill Boyd
189 Quincy Avenue
Long Beach, CA 90803

WHEN RECORDED MAIL TO:
Devco Engineering Inc.
P.O. Box 1211
Corvallis, OR 97339

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE ONLY

DECLARATION OF COVENANTS AND RESTRICTIONS FOR THE WILLOWBROOK ESTATES SUBDIVISION CONSERVATION EASEMENT

THIS DECLARATION made this 14TH day of ~~October~~ DEC 2006, by Willowbrook Estates, LLC ("Declarant").

RECITALS

1. WHEREAS, Declarant is the owner of the real property described in Exhibits "A" and "B" attached hereto and by this reference incorporated herein as the "Property", and desires to preserve thereon wetlands to be maintained in accordance with the Permit Number approved by the Oregon Department of State Lands ("Department");

2. WHEREAS, Declarant desires to provide for the preservation and enhancement of the wetland values of those portions of the property over which the Conservation Easement is placed and for the maintenance and management of those portions of the property over which the Conservation Easement is placed, and to this end desires to subject those portions of the property over which the Conservation Easement is placed to the covenants, restrictions, easements and other encumbrances hereinafter set forth, each and all of which is and are for the benefit of those portions of the property over which the Conservation Easement is placed.

NOW, THEREFORE, the Declarant declares that the Property shall be held, transferred, sold, conveyed and occupied subject to the covenants, restrictions, easements and other encumbrances hereinafter set forth in this Declaration.

ARTICLE 1
DEFINITIONS

"Declaration" shall mean the covenants, restrictions, and all other provisions set forth in the Declaration of Covenants and Restrictions.

"Declarant" shall mean and refer to Willowbrook Estates, LLC, its successors or assigns.

"Conservation Easement shall mean the area of real property subject to covenants, restrictions, and all other provisions set forth in the Declaration of Covenants and Restrictions.

"Removal fill permit" shall mean the final document approved by the Department that formally establishes the wetland mitigation and stipulates the terms and conditions of its construction, operation and long-term management.

"Property" shall mean and refer to all real property subject to this Declaration, as more particularly set forth in Exhibits "A" and "B".

ARTICLE 2
PROPERTY SUBJECT TO THIS DECLARATION

The real property which is and shall be held, transferred, sold, conveyed and occupied subject to this Declaration is located in Linn County, Oregon and is more particularly described in Exhibits "A" and "B".

ARTICLE 3
GENERAL PLAN OF DEVELOPMENT

Declarant currently manages the Conservation Easement area for the purpose of wetland mitigation. Current management is in accordance with Permit Number 33384-RF Modification.

ARTICLE 4
USE RESTRICTIONS AND MANAGEMENT RESPONSIBILITIES

The Conservation Easement area shall be used and managed for wetland mitigation purposes in accordance with Permit Number 33384-RF Modification. Declarant and all users of the Property are subject to any and all easements, covenants and restrictions of record affecting the Conservation Easement area.

1. There shall be no removal, destruction, cutting, trimming, mowing, alteration or spraying with biocides of any vegetation in the Conservation Easement area, nor any disturbance or change in the natural habitat of the Conservation Easement area.

2. There shall be no agricultural, commercial, or industrial activity undertaken or allowed in the Conservation Easement area; nor shall any right of passage across or upon the Conservation Easement area be allowed or granted if that right of passage is used in conjunction with agricultural, commercial or industrial activity.

3. There shall be no filling, excavating, dredging, mining or drilling; no removal of topsoil, sand, gravel, rock minerals or other materials, nor any dumping of ashes, trash, garbage, or of any other material, and no changing of the topography of the land of the Conservation Easement area in any manner.

4. There shall be no construction or placing of buildings, mobile homes, advertising signs, billboards, or other advertising material, or other structures on the Conservation Easement area.
5. There shall be no further division of the property included in the conservation easement area. This restriction is a condition of approval by the City of Albany for the Willow Brook Estates Subdivision, File: SD-07-04.

ARTICLE 5
RESOLUTION OF DOCUMENT CONFLICTS

In the event of any conflict between this Declaration and Permit Number 33384-RF Modification, the permit shall control.

IN WITNESS WHEREOF, the undersigned being Declarant herein, has executed this instrument this 14 day of ~~October,~~ Dec 2006.

Willowbrook Estates, LLC

By: Bill Boyd
Bill Boyd

Title: Member

STATE OF Washington)
) ss:
County of Pierce)

This instrument was acknowledged before me on December 14, 2006 (date) by Bill Boyd as member of Willowbrook Estates, LLC of Lynn County, Oregon (State).

Notary Public
State of Washington
GLORIA D STEWART
My Appointment Expires Sep 2, 2008

Gloria D. Stewart
Signature of Notarial Officer

My Commission Expires: 9-2-08

ASHWOOD PRESERVE SUBDIVISION
ANNOTATED SAMPLE ARCHITECTURAL CC&Rs

DEFINITIONS

(a) Approving Party. **"Approving Party" shall mean the party or parties designated from time to time to make certain decisions or give certain approvals or consents pursuant to the terms of this Declaration. The initial Approving Party under the terms of this Declaration shall be Declarant until and unless Declarant appoints in writing another party or parties to act as the Approving Party.**

The applicant proposes to be the Approving Party through the initial sale of all the lots.

ARCHITECTURAL CONTROL

(a) Plan Approval. **No Improvement, including any building or other structure, shall be erected, constructed, installed, placed, maintained or substantially altered on any Lot unless and until a site plan and schematic plans depicting the location of the Improvement, exterior elevations (including color and materials), building height and dimensions, and location and dimensions of building projections, shall have been approved by the Approving Party, which approval shall not be unreasonably withheld. Any such approval shall not constitute a warranty or guaranty of governmental approval and/or compliance. The Approving Party shall evidence its approval of the plans by endorsing such approval upon a copy of the plans.**

The applicant proposes the CCR's include and reference the following documents upon which the plan approval shall be based:

- *The Notice of Disposition for Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003), including Attachments J, K, L, M, N, O, P, Q, R, S, T, U, and V.*

- *LDC Section 4.10.60.04.b (attached hereto) with the exclusion of concrete (except as a foundation material) and logs as approved building materials.*

4.10.60.04 - Menus for Pedestrian Features and Design Variety

b. Design Variety Menu - Roof forms shall be at least a 4:12 pitch with at least a six-in. overhang. Mixed use buildings may provide flat roofs with a decorative cap, such as a parapet or cornice, that is a distinctive element from the main wall of the building. Additionally, each structure shall incorporate a minimum of four of the following eight building design features. The applicant shall indicate proposed options on plans submitted for building permits. While not all of the design features are required, the inclusion of as many as possible is strongly encouraged.

1. Trim - A minimum of 2.25-in. trim or recess around windows and doors that face the street. Although not required, wider trim is strongly encouraged.

2. Building and Roof Articulation - Exterior building elevations that incorporate design features such as off sets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces. Along the vertical face of a structure, such features shall be designed to occur on each floor and at a minimum of every 45 ft. To satisfy this requirement, at least two of the following three choices shall be incorporated into the development:

   a) Off-sets or breaks in roof elevation of three ft. or more in height, cornices two ft. or more in height, or at least two-ft. eaves;

   b) Recesses, such as decks, patios, courtyards, entrances, etc., with a minimum depth of two ft. and minimum length of four ft.; and/or

   Extensions/projections, such as floor area, porches, bay windows, decks, entrances, etc., that have a minimum depth of two ft. and minimum length of four ft.

3. Building Materials - Buildings shall have a minimum of two different types of building materials on facades facing streets, including but not limited to stucco and wood, brick and stone, etc. Alternatively, they shall have a minimum of two different patterns of the same building material, such as scalloped wood and lap siding, etc. on facades facing streets. These requirements are exclusive of foundations and roofs, and pertain only to the walls of a structure.

4. Increased Eaves Width - Eaves with a minimum 18-in. overhang.

5. Increased Windows - A minimum area of 20 percent windows and/or dwelling doors on facades facing streets, sidewalks, and multi-use paths. This provision includes garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 20 percent calculation.

6. Increased Roof Pitch - A minimum 6:12 roof pitch with at least a six-in. overhang.

7. Architectural Features - At least one architectural feature included on dwelling facades that face the street. Architectural features are defined as bay windows, oriels, covered porches greater than 60 sq. ft. in size, balconies above the first floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front

facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

8. Architectural Details - Architectural details used consistently on dwelling facades that face streets. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or true divided lights, or pergolas integrated into building facades. If a dwelling is oriented such that its front facade, which includes the front door, is oriented to a sidewalk and no facades of the dwelling face a street, then the architectural feature may be counted if it is located on the front facade.

RECEIVED

DEC 21 2007

Community Development
Planning Division

December 20, 2007

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

Dear Mayor and City Council:

I am writing in concern over the proposed 28 townhouse subdivision in southwest Corvallis on the Duncan Creek wetland. As I read in the Corvallis Gazette-Times the City deems the wetlands as a "highly significant natural feature". According to the newspaper article of Tuesday, December 19, 2007 the development would also be in the 100 year floodplain.

What is at issue is if development should be allowed on a landscape that is rare enough in the Corvallis area to be deemed "significant" by the City. As I understand the proposed development would fill in one-third of the wetland and would chip away remaining wetland habitat.

Also at question is if development should be allowed at all on a 100 year flood plain. The high cost of flood insurance is prohibitive for many property owners

ATTACHMENT B

to purchase. Most likely it would be tax payers to pay for flood damage cleanup.

I believe the bottom line is "no" to any amount of development on the Dunawi Creek wetlands

Sincerely,

Ms. Stacy Drake

Ms. Stacy Drake
2777 SW Wake Robin Place
Corvallis OR 97333

RECEIVED

DEC 26 2007

Community Development
Planning Division

December 26, 2007

Dear Planning Commissioners:

Enclosed are several comments I have about the proposed subdivision at Ashwood Preserve in southwest Corvallis. I strongly oppose this particular application, but I do not oppose reasonable development of the property. A reduction of the number of units from 28 to 21 would satisfy all of my concerns about natural features protection and neighborhood compatibility.

Summary

1. The development application is primarily based on the exercise of "minimum assured development" provisions (known as MADA) in the new Land Development Code that violate local and state law.

2. Even if the MADA provisions were to survive a legal challenge, their implementation in the current application would violate the requirements of due process for a zoning change.

3. The implementation of MADA provisions in the current application would violate the MADA standards themselves.

4. The implementation of MADA provisions would fail to provide compensatory public benefit to mitigate the loss of wetland.

5. The calculation of wetland impact is based on unrepresentative data, because the delineation was done during an unusually dry period.

6. The proposed net density of the development is too incompatible with the surrounding neighborhood.

1. MADA

Chapter 4.11 of the Corvallis Land Development Code adopts the same ideology that spawned Measure 37 in Oregon. The new concept of "Minimum Assured Development Area" gives housing developers a trump card over the protection of natural resources. In the strongest possible terms, I object to this attack against conservation and the public interest.

The property in the present land use case contains not just degraded wetland (having lost all ecological function) and not just Locally Significant Wetland. The City of Corvallis has rightly designated most of the site as Locally Significant Wetlands of *Special Concern* – deserving of the highest level of protection.

The applicant and the Planning Division propose to fill 0.38 acres (16,729 square feet) of this supposedly highly protected wetland (p. 23). Such wetland destruction is especially troubling in the wake of Corvallis having already lost or significantly degraded at least 80 percent of its historical wetlands – as shown on the maps I displayed during oral testimony on December 19.

The total area of the city is 9,000 acres,[1] and the total wetlands with at least some of their functional values still intact within the city in only 400 acres.[2] Another 800 acres exist in the remainder of the Urban Growth Boundary. Considering that water was the primary reason for the location of Corvallis, those statistics are cause for alarm.

Even though the current application is not as destructive as some others that have recently been approved, it promises to serve as a test case for the new MADA provisions. The developer could have easily avoided such a fight by simply reducing the scale of the development by a few units.

2. Surreptitious Zoning Change

Part of the Corvallis zoning system is natural features overlays. The Comprehensive Plan Designation for the Ashwood Preserve property has a Natural Features Overlay (with a highly protected riparian corridor and wetlands) that covers 72 percent of the site.

The premise of implementing the MADA provisions, which would trump the high-level protection, is that 0.38 acres of the Natural Features Overlay

---

[1] http://www.ci.corvallis.or.us/index.php?option=content&task=view&id=108&Itemid=70
[2] http://www.inforain.org/corvallis/Local-Wetlands.pdf (page 2)

suddenly disappears. LDC 4.11.30.a.2 allows a property to be subdivided only if every parcel contains land that has no natural features constraints or is a "Formerly Constrained Area." The Staff Report declares this new designation for the portion of wetland to be destroyed.

That change in status for part of the wetland constitutes a change in the Comprehensive Plan Designation. Such a change requires more due process than a declaration in a staff report to the Planning Commission. The procedures for amending the Comprehensive Plan are described in LDC 2.1.30. In the current case, the amendment would be initiated by the subdivision application, as noted in LDC 2.1.30.01.a.

The current development proposal would implement a Comprehensive Plan Amendment without the level of public participation required in the Land Development Code. In particular, it would violate LDC 2.1.30.04 – wherein "the Director shall schedule a public hearing to be held by the Planning Commission" to receive testimony about the proposed partial removal of the Natural Features Overlay.

3. Illegal Wetlands Swap

The current application is based on a MADA calculation that is a code violation. LDC 4.11.50.2.c describes the provisions by which a developer may increase the minimum assured development area. Page 20 the Staff Report examines the first such provision:

> In addition, wetlands have been identified within portions of the curbside drainageway along the north side of Country Club Drive, at the west end of the site.... A recent City project to improve portions of Country Club Drive was designed to preserve these wetlands. A standard planter strip and separated sidewalk along the north side of Country Club Drive in this area would obliterate the curbside wetlands. Therefore, ***the applicant has proposed*** additional ROW dedication in the area of the wetlands to allow construction of a separated sidewalk far enough to the north of the curbside wetlands to minimize impacts to the wetlands. Consequently, the total area of ROW dedication on the north side of Country Club Drive is 9,426 square feet. All of this ROW area is in excess of the width needed for a local street, and therefore qualifies as an additional MADA credit.... [emphasis added]

However, it is important to note the exact wording of the code in question:

LDC 4.11.02.50.c.1

> The Minimum Assured Development Area calculated in Section 4.11.50.02.a and Section 4.11.50.02.b may be increased above the base MADA by adding the areas determined by ... the area of public right-of-way dedications resulting from a ***required*** width in excess of the width needed for a local street, provided the required street is identified in the Corvallis Transportation Plan. [emphasis added]

The proposal by the applicant is to essentially swap the protection of "curbside drainageway" wetland for the destruction of Locally Significant Wetland of Special Concern. This proposal would be a violation of code and a violation of the public interest.

The code is clear. Only *required* right-of-way dedication qualifies for increasing the MADA. Protection of the curbside "wetland" is not required. Unlike the wetland proposed for destruction, the curbside wetland is not listed in the Local Wetlands Inventory and is not associated with a riparian area. Therefore, the part of the proposed MADA credit is invalid, and the final MADA calculation is incorrect.

Based on the drawing of Attachment J-136 of the Staff Report (Attachment M of the application), it appears that the proposed relocation of the sidewalk accounts for about half of the proposed MADA credit. Therefore, the total MADA is too generous by about 4,700 square feet, and the correct MADA would exceed the Unconstrained Area by about 13,300 square feet, not 17,985 square feet (as written on page 21 of the Staff Report).

Meanwhile, the application proposes to develop about 16,700 square feet of the Locally Protected Wetland of Special Concern. The proposed MADA exceeds the development area by more than 1,000 square feet, but a corrected MADA – complying with the code – falls short by about 3,400 square feet.

4. The Density Dance

Even though LDC 4.11.50.03.a would allow the applicant to build according to "development standards of the next most intensive residential zone" (which is also less restrictive), the application *still* fails to meet those RS-9 standards.

Six of the 28 proposed lots fail to meet the minimum lot size (2,500 square feet) required in LDC 3.4.30.c:

Lot 2	2175 sq. ft.
Lot 5	2110 sq. ft.
Lot 10	2110 sq. ft.
Lot 15	2109 sq. ft.
Lot 20	2109 sq. ft.
Lot 25	2175 sq. ft.

The proposed interior lots are so small that they wouldn't even conform to LDC 3.6.30.c – the RS-12 development standard of 2,200 square feet.

In addition, the end units of the attached houses would fail to comply with the standard for yard setbacks in LDC 3.4.30.e, and the interior units (listed above) would exceed the maximum depth-to-width ratio of 2.5 – as stipulated in LDC 4.4.20.03.a.

The applicant and the Planning Division argue that a variation from the code requirement is justified because there is a compensating benefit. They offer the same argument for all three issues. The summary of the Staff Report (page 4) explains:

> "The proposed development plan provides higher density and a more efficient use of land than would be achieved under the subject standard. A more compact development pattern minimizes encroachment into protected natural features and allows for the creation of common usable outdoor space."

A. Efficiency

The "efficient use of land" argument is illogical, because it offers the benefits of developing to a different standard without addressing the costs. The argument obscures the purpose for zoning in the first place.

Land is zoned for many reasons, and there are costs and benefits associated with each development zone. Density is the most important and even the defining characteristic separating the different development zones.

LDC 1.6 does not define "efficiency," so it is somewhat unclear why one would *necessarily* view it as a public benefit. Greater population density does lead to less energy use *per person,* as individuals live closer to various destinations. However, the effect of more people in a given area more than offsets the advantages. Higher population causes greater localized intensity of impact on natural resources. In the present case, it would lead to more human impact (e.g., light, noise, toxins) on the wildlife habitat of the property, especially in the riparian zone.

These are the kind of tradeoffs that occur among the different development zones. Presumably the land in question was zoned RS-6 with all of the tradeoffs in mind. To suggest (as the Applicant and the Planning Division do) that adopting the primary characteristic of a *different* zoning (i.e. greater density) is automatically a public benefit is facile and incorrect. And the frequency with which planners try to make that argument on behalf of developers does not make it a sound one.

Notwithstanding the goal of greater density in the Corvallis Comprehensive Plan, there are other competing goals in that same document, and the city continues to use a zoning system that values low density.

If greater density were such a clear public benefit, then Corvallis would presumably designate all residential areas as High Density (RS-20). But it obviously doesn't. If great density were so desirable, then most employees in the Planning Division and members of the City Council would live in such areas. But they don't.

Why would it be acceptable for people living with ample space and backyards to build cramped living spaces for others, while calling it good?

B. Scale

The argument for "minimizing encroachment" and maximizing outdoor space is also illogical, because it depends on a faulty premise – that the number of units in the application cannot be reduced.

Common sense and LDC 1.6.30 tell us that density is the "number of dwelling units per acre of land." Decreasing the density can be achieved by either decreasing the numerator (the number of lots) or increasing the denominator (the area of land). Increasing the density can be achieved by either increasing the numeration (the number of lots) or decreasing the denominator (the area of land).

When the Planning Division argues that increased density would ***necessarily*** decrease the land to be used (and thereby "minimize encroachment into protected natural features") it presumes that the number of lots is fixed quantity. That is simply not true.

Therefore, a more compact development pattern does not minimize encroachment. The stated benefit is an illusion created by a faulty premise.

5. Wetlands Delineation

Attachment G of the Staff Report describes the wetlands delineation that is used in the application. The data were collect in February 2005, which was an unusually dry period.

According to the Oregon Climate Service, the average rainfall for Corvallis in February is 9.65 inches.[3] However, the delineation data was collect in the wake of only 1.13 inches of rain in 17 days.

Based on that information, I assert that the wetlands delineation underestimates the extent of proposed wetlands incursion – which affects the consideration of necessary public benefits to offset the destruction of natural resources.

Based on the limited time for review and the holiday season, these comments are all that I could make. Thank you for reading.

Sincerely,

Mark Knapp

Mark Knapp

[3] http://www.ocs.orst.edu/pub_ftp/climate_data/mme2/mme1877.html
http://www.ocs.oregonstate.edu/page_links/climate_data_zones/climate_summaries/1971-2000/zone2mme2.html

RECEIVED

DEC 26 2007

Community Development
Planning Division

Ashwood Preserve
PLD 07-00009, Sub07-00003
Dec 26, 2007

Dear Corvallis Planning Commission,

I would like to see more information about drainage off this site from fill. How much drainage will go where and how are the outfall areas designed to except this volume over the life of the subdivision? Drainage to what will remain of the wetlands and floodplain of Dunawi Creek may not be compatible utility infrastructure and degrade the open space as well as the open space owned by the City and State of Oregon. LDC 2.5.40.04 2, 12, and 14.

Drainage from this site will I assume all be put to the north. So, how much drainage, how well is it treated before it is put off site into the wetlands and to Dunawi Creek and the Marys River? Draining road beds to the City Sanitary Sewer that goes to Taylor Treatment Plan would eliminate all sorts of toxins from outfalling into Dunawi Creek and the narrow wetland band that will separate the riparian corridor from the north fill line of this subdivision.

The ditch ROW on Country Club Drive east and west of this parcel has been upgraded to except a wider roadway. Ditch fill has reduced the area that the ditch originally encompassed. Fill is slumping into the north ditch area and so is displacing and burying the original ditch area. Putting a pathway into this ditch area to the south of the development will only add more fill to this ditch area and or displace that much more floodplain as this section of the parcel is on Waldo Soil, a bottomland alluvial deposited surface, subject to flooding.

For the sidewalk fill, is this calculated into the total fill volume? For the MADA has the sidewalk been added in to the calculation and or mitigation plan for loss of native wetland? Will crossings of

both drainage way be on fill with extension of the culvert further into Tract A?

There is no drainage information or wetland mitigation information to be able to consider before this goes as to the City Building Dept. So the public is left without this data. If this went to City Council for review would these missing documents as permits be included in the staff report to the public and CC? This is unexceptable to confirm this development without this information and may add to site degradement and long term water pollution source to Dunawi Creek.

With MADA being implemented and more developers calling for variations from the MADA or variations because of the MADA, will these variations be able to set precedent to be applied to the next development?

Loss of x square feet in the 100 year flood plain is a grave loss to the floodplain of Dunawi Creek, fill in this area may need to be walled up to reduce erosion as more square feet is paved over upstream of this location. Flood flow may be expected to rise at any location downstream of upstream development displacing floodplain and so property damage from flooding may increase.

Land use in the City parks in this area calls for seasonally specific use and the owners should share this with the buyers to alert them to these uses.

Lighting from this development may reach out into the Riparian area and into what remains of Tract A. Will the developer engineer lighting which can be less invasive to the surrounding open space? Section 4.2.20 General Provisions-Landscaping, buffering, screening and lighting.

Density increase here does not match the surrounding land use zoning, so how much more impacts will the increased density have on pedestrian use of Corvallis city parks, Country Club Drive and function of entrances to Ashwood Preserve from a 35 mph zone?

Is safety an issue with ped use of the sidewalk in the row and entrance and exiting from this development? Is there any blind spots to ped safety in the ROW on Country Club? How will the north ped access connect to Starker Arts access? Will this create a blind spot at this location for cars coming from the east or turning from the east north onto Starker/Old Mill access road?

Wetland area lost and flood plain area lost hopefully are correctly calculated. Loss of flood plain is development encroachment in my view. LDC 4.11.50.04 c, g, l for natural hazards due to flooding and creating more flooding on all downstream parcels due to upstream displacement of floodplain.

Planning to care for the open space in Tract A should be done before the subdivision is built as this may never be addressed and I assume, due to disconnect after sale out, that the owners of each attached unit could totally blindly, dump chemicals and or use poor judgement about where everything drains to while working in their yard.

Yard waste dumped into the openspace by commercial lawn care people should be restricted and use of invasive non native species as ground cover should be monitored to not be allowed to move off site and infest the entire area in Tract A as is seen on the Starker Arts Park bike path with Vinca and highly invasive buttercup. Reeds canary grass and a non native rush coats the floodplain of this site and these could be planned to be removed and replaced by native flood tolerant species.

Since I see not information about drainage and note the developer can just put the entire drainage amount ontop of the floodplain/wetland, I am very concerned about erosion here of

these outfall points and ongoing deposition of all sorts of pollutants to this areas soil bank and to the waters of Dunawi Creek and the Marys River.

Any plantings on site should use native flood tolerant species. LDC 4.13.50 d. 2-3.

Again I see no site evaluation for archeological resource.

Thank you very much,

Sincerely, R Foster

1415 SW Brooklane Drive Corvallis Oregon

DRAFT
Subject to review & approval by WMAC

Watershed Management Advisory Commission
MINUTES
January 16, 2008

Present
Michael Campana
Jennie Cramer
Matt Fehrenbacher
Paul Berg
Hal Brauner, City Council

Excused
Nicole Strong

Staff
Steve Rogers, Public Works
Tom Penpraze, Public Works
Mike Hinton, Public Works
Jon Boyd, Public Works

Visitors
Mark Barnes, IRM
Frank Davis, US Forest Service
Anthony Stumpo
Jeff McDonnel
John Berry

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Introductions	X		
II. Approval of December 12th Minutes			Approved
III. Staff Reports	X		
IV. Public Comment	X		
V. Commission Roles and Responsibilities	X		
VI. Review Watershed Stewardship Plan	X		
VII. Commission Reports/Requests	X		
VIII. Public Comment Period	X		

CONTENT OF DISCUSSION

I. Introductions

Note: The meeting was facilitated by Jennie Cramer as the chair was excused. Ms Cramer requested that election of a Vice Chair be scheduled for the next meeting.

II. Approval of December 12th Minutes. Minutes were approved as written.

III. Staff Reports.

Staff reported the following:

1. Review of the consultant RFP is complete and will be advertised prior to the end of January. The Commission asked that at the end of the consultant selection process staff provide a report on the process.
2. Garret Chrostek been working with Ms Nelson to assemble the necessary information to select a murrelet survey contractor**.** Following a meeting with Kim on Friday, it is expected that the selection will proceed and is expected to allow for the survey work to begin as scheduled this spring.
3. It was noted that Mr Chrosek has a class conflict this term and will not attend Commission meetings.
4. Staff will be submitting a request to the Budget Commission in January to fund a 0.25 FTE Natural resource Specialist dedicated to management of the watershed. The position would replace what has been provided by having Mr Chrostek as an intern on an ongoing basis. The Commission was asked for support of this request. The Commission discussed the request and noted that the position would use funds that could be applied to actions on the property. The Commission also noted the additional resource would help to move management activities forward. The Commission took no position.
5. The Oregon Watershed Enhancement Board (OWEB) technical review team visited the watershed to look at the culvert replacement projects that are requested for OWEB funding.

IV. Public Comment None

V. Commission Roles and Responsibilities

Mr Rogers lead a discussion that covered the following areas:

- Municipal Code direction that the Commission is an advisory body to the City Council**.**
- Since the City Council is a policy making body, Commission recommendations would include the planning work done to date and the implementing guideline work currently underway.
- It is expected that work activities and budget implementations would be brought to the Commission for their review and input.
- It is the responsibility of the Commission to take input and questions from citizens and either answer those questions or ask staff for the answers or request Commission discussion of the public input.

Staff will bring forward a document that summarizes the discussion and the roles and responsibilities of the Commission. This document could be useful for current and future

Commission members.

VI. Review Watershed Stewardship Plan

This agenda item was scheduled in recognition of a complete turn over of Commission members over the last three years. Staff reviewed the previous three years of the Commissions work including one year of process that resulted in the development of a vision statement and a set of guiding principles followed by one year of process to develop policies to support the vision statement and one year of work beginning implementation of the plan and the beginning of development of operation plan guidance for each of the policy areas.

VII. Commission Reports/Requests

The Commission requested an update on the current years planned and accomplished activities including a budget update. A review of the FY 08-09 budget for watershed activities was also requested.

VIII. Public Comments

Frank Davis, US Forest Service, discussed the review of the culvert replacement projects (south fork, middle fork and Stilson Creek) by the Oregon Watershed Enhancement Board (OWEB). He noted that OWEB was very supportive of the projects which should translate to funding opportunities for the projects.

NEXT MEETING: February 20th, 2007, 5:30 p.m., Madison Avenue Meeting Room

CITY ATTORNEY'S OFFICE
MEMORANDUM

To: Mayor and City Council

From: Jim Brewer, Deputy City Attorney

Date: February 13, 2008

Subject: Council authorization for City Manager to execute partial satisfaction of a trust deed for Cornerstone Enterprises, Inc.

Issue:

Cornerstone Enterprises, Inc., has asked the City Council to agree to a partial satisfaction of a trust deed. The partial satisfaction would allow Cornerstone to transfer part of its real property to Evanite, without requiring repayment of the $24,635.33 secured by the trust deed.

Background:

Cornerstone Enterprises, Inc., (formerly Open Door) is a not for profit corporation that offers services and employment to the developmentally disabled. Cornerstone has a loan from the City, with an outstanding balance of $24,635.33, secured by a trust deed against Cornerstone's property on Crystal Lake Drive. The loan was to pay for street improvements required by the City in 1984. The trust deed requires full repayment if any portion of the property is transferred. Cornerstone wants to transfer an unused portion of its property to Evanite. There is ample value in the property Cornerstone would still own after the transfer to secure the $24,635.33.

Discussion:

After discussing the matter, the City Council asked staff to place the matter on the consent agenda for the February 19, 2008 meeting. Approval of the consent agenda authorizes the City Manager to execute documents that release Cornerstone from an obligation to repay the $24,635.33 if it transfers the portion of property it has described to Evanite. A draft release and the letter from Cornerstone are attached.

Review and Concur:

Jon S. Mehr

City Manager

attachment:
2/1/08 Letter from Cornerstone Associates, Inc.
Draft release

After recording return to:
City Manager of Corvallis Oregon
501 SW Madison
PO Box 1083
Corvallis OR 97339

RELEASE OF PART OF MORTGAGED PREMISES

WHEREAS, Open Door Inc., now known as Cornerstone Inc. after a duly-completed corporate merger, (Mortgagor), by mortgage dated the 2nd day of July, 1984, and recorded in the deed records of the County of Benton, State of Oregon, recording reference No. M-60065-84, granted and conveyed unto the City of Corvallis, Oregon and assigns (Mortgagee), a mortgage for the premises therein particularly described, to secure the payment of the sum of $24,635.63 (the Mortgage);

WHEREAS, Mortgagor now desires to convey, by means of a lot line adjustment, a portion of the premises subject to the Mortgage, to the owner of adjacent property;

AND WHEREAS Mortgagor has requested the Mortgagee to release the premises hereinafter described, which is that parcel to be conveyed, being part of said mortgaged premises, from the lien and operation of the Mortgage;

NOW, THEREFORE, the Mortgagee does remise, release, quit-claim, exonerate and discharge from the lien and operation of the Mortgage, all that piece, parcel or tract of land, being a part of the premises conveyed by the Mortgage, to-wit:

(insert legal description or attach Exhibit.)

TO HAVE AND TO HOLD the same, with the appurtenances, unto the said Mortgagor and assigns, forever, freed, exonerated and discharged of and from the lien of said mortgage, and every part thereof, provided, always nevertheless, that nothing therein contained shall in anyway impair, alter or diminish the effect, lien or encumbrance of the aforesaid Mortgage on the remaining part of said mortgaged premises, not hereby released therefrom, or any of the rights and remedies of the holder hereof.

_____
City of Corvallis, Mortgagee
BY: Print Name and Title

STATE OF OREGON)
) ss.
County of Benton)

This Partial Release of Mortgage is acknowledged before me this ___ day of February, 2008, by _____.

_____
Notary Public of Oregon

Cornerstone Associates, Inc.

February 1, 2008

RECEIVED
FEB 0 1 2008
CITY MANAGERS
OFFICE

Corvallis City Council
501 SW Madison Avenue
Corvallis OR 97330

Dear Council Members:

Cornerstone Associates, Inc. and its next door neighbor Evanite Corporation are presently engaged in negotiations to complete a lot line adjustment (LLA) between their properties which would result in the transfer of approximately two acres from the six-acre Cornerstone property, to Evanite. In addition to the LLA, the parties propose that Cornerstone grant a traffic easement across a portion of the Cornerstone parent parcel that will be retained by Cornerstone. The LLA application is currently pending with the Corvallis Planning Department.

The Cornerstone property is subject to a mortgage held by the City of Corvallis which secures a promissory note in the amount of $24,635.63. This obligation arose in 1984 as the result of street assessments in connection with improvements made to Crystal Lake Drive at the time.

The mortgage and note both provide that the debt will not become due and payable unless and until either 1) Cornerstone "transfers" the property to a third party, or 2) Cornerstone no longer uses the property for its non-profit purpose of providing employment opportunities to disabled workers in the community.

Cornerstone continues to use the property for its non-profit purpose, and intends to do so for the indefinite future. However, the transfer of property to Evanite under the LLA, and the grant of the easement, are both technically "transfers" of property interests, even though only partial, which could trigger the provisions in the note and mortgage making the debt due and payable. The purpose of this letter is to request that the City of Corvallis 1) grant permission for these transactions to proceed without accelerating the debt, and 2) grant a release of the mortgage as it applies to the property being transferred to Evanite (it will of course remain attached to the parent parcel retained by Cornerstone).

It is important to note that the LLA transfer involves essentially what is for practical purposes a strip of unimproved land along the shared boundary with Evanite (there are some unused derelict structures on the parcel, but they are of no value and will in all likelihood be eventually demolished, regardless of who owns the property). The parent parcel that will be retained by Cornerstone includes all of the improvements of value, including the main office building, the wood shop, and the new building (nearing completion) that replaces the structure destroyed by fire in 2006. The proposed easement encompasses the already-existing driveway, and so will not result in any changes on the ground.

P.O. Box 973 • Corvallis, OR 97339-0973 • (541) 752-9724 • Fax: (541) 752-7853

The City's mortgage will remain attached to the Cornerstone parent parcel after the LLA and easement grant. The City will thus remain fully secured as to the debt, with all provisions of the 1984 mortgage remaining in effect. It is our belief that the restriction on transfers was probably meant to only apply to a complete disposition of the property, and not to a partial transfer, after which Cornerstone will continue to pursue its non-profit mission on a highly valuable piece of property. Nevertheless Cornerstone wishes to fully apprise the City of the situation, to seek its waiver of the debt-acceleration provisions of the mortgage and note, and to request the release of the mortgage as it applies to the parcel to be transferred to Evanite..

Thank you very much for your consideration of this request.

Nancy Maxwell

Nancy Maxwell
Executive Director

cc. Mayor Charlie Tomlinson
City Manager Jon Nelson
City Recorder

MEMORANDUM

TO: **Mayor and City Council**

FROM: **Kevin Young, Senior Planner**
Keith Turner, Engineering Supervisor

DATE: **February 15, 2008**

RE: **Response to City Council Questions regarding the appeal of the Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003)**

At the February 4, 2008, City Council hearing regarding the appeal of the Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003), the City Council honored a request that the record be held open, and scheduled deliberations on the appeal for the February 19, 2008, City Council meeting (to be held at noon). The City Council asked that City Staff be prepared to respond to a number of questions at the February 19, 2008, City Council meeting. The questions, and Staff responses, are contained in this memorandum. Also attached to this document is a brief summary of the development of the Minimum Assured Development Area provisions within the 2006 Land Development Code.

1. **(Councilor York) Please clarify the issue of the right-of-way (ROW) dedication on Country Club Drive. Why is the ROW dedication necessary? How does the ROW impact the MADA calculation?**

The applicant has proposed to dedicate ROW on the north side of SW Country Club Drive along the development site. SW Country Drive is classified as a Collector Street in the Corvallis Transportation Plan. Standard Collector Streets require a 68 ft wide Right-Of-Way. The standard ROW width accommodates the sidewalk, landscape strips, bike and travel lanes associated with Collector Streets. Based on the applicant's Tentative Plat and staff's experience with surveying records in this area, four additional feet of ROW are necessary to establish the standard northern SW Country Club Drive ROW line along the development site.

A recent City Capital Improvement Program project improved SW Country Club Drive in the area that abuts the development site. That project was designed to avoid impacts to sections of roadside ditch that abut the southwest portion of the site, because the ditches reportedly contained wetlands. Sidewalk was only installed on the south side of SW Country Club Drive

However, the need for pedestrian connectivity on both sides of SW Country Club Drive through this area remains. Noting that the area to the north of the roadside wetlands is an

upland (non-wetland) area, Staff recommended that the sidewalk be routed to the north, away from the roadside wetlands, at an approximate separation of twelve feet from the ditch, in order to provide pedestrian connectivity through the site and to avoid impacts to the roadside wetlands. This additional area, which is necessary to accommodate the sidewalk, is part of the applicant's proposed ROW dedication.

As Planning Staff were preparing the Planning Commission Staff Report, they were informed by City Staff working on the SW Country Club Drive project that the roadside ditch was a "delineated wetland" and that impacts to these wetlands should be avoided if at all possible. Planning Staff have since learned that a wetland determination (not delineation) was completed for the roadside wetlands that would be affected by the road project. The wetland determination found it likely that portions of the roadside ditch abutting the southwest corner of the Ashwood Preserve site were jurisdictional wetlands, which, if impacted by the road project, would require review by the Oregon Department of State Lands (DSL) and the US Army Corps of Engineers (COE). The decision was made to design the road project to avoid impacts to the roadside ditch in this area so that permits from DSL and the COE would not be necessary.

Planning Staff then reviewed the DSL letter of concurrence that approved the wetland delineation submitted by the Ashwood Preserve development regarding wetlands on, and adjacent to, the development site (see pages III-90 and III-91 of the January 25, 2008, Memorandum from Ken Gibb to the Mayor and City Council). The letter states that, "Squaw Creek, the ditches discharging through the parcel to the creek, and the wetland area as mapped are subject to permit requirements of the state Removal-Fill Law." Planning Staff then contacted Janet Morlan, the DSL staff member who wrote the concurrence letter to clarify the question of the roadside ditch. Ms. Morlan stated that, although no delineation had been completed for the roadside ditch, she is certain that portions of the roadside ditch do contain jurisdictional wetlands that would require a DSL permit, if impacted. Ms. Morlan also noted that, due to recent rule changes, it would be hard to say how much of the roadside ditches would constitute protected wetlands. She stated that she was also certain that portions of the roadside ditch in this area would not be considered wetlands.

The area of ROW dedication impacts the MADA because of the provisions of LDC 4.11.50.02.c.1, which allow the Minimum Assured Development Area to be increased for,

> "The area of public right-of-way dedications resulting from a required width in excess of the width needed for a local street, provided the required street is identified in the Corvallis Transportation Plan;"

As noted, SW Country Club Drive is classified as a collector street in the City's Transportation Plan, which requires a width in excess of a local street width. Consequently, the applicant has added 9,426 square feet of street dedication area to the base MADA allowed for the site. The figures are as follows:

Base MADA	=	123,760 sq. ft.

Area Credits for ROW dedication	=	9,426 sq. ft.
Total MADA allowed for the site	=	133,186 sq. ft.
Portion of the Development Site unencumbered by natural features	=	115,201 sq. ft.
Allowed Encroachment Area	=	133,186 - 115,201 = 17,985 sq. ft.
Proposed Encroachment Area	=	16,620 sq. ft.

From these figures it can be seen that the allowed encroachment into the resource areas established by the base MADA is approximately 8,500 square feet, while approximately 9,400 square feet comprise the additional area credits for ROW dedication. The ROW dedication consists of two portions: 1) the additional four feet along the site's entire frontage that is needed to improve SW Country Club Drive to a collector standard, and 2) the additional ROW needed to accommodate a separated sidewalk in the southwest portion of the site that avoids impacts to roadside wetlands. It should be noted that, based on Staff's conversations with Janet Morlan of DSL, if the sidewalk were constructed in a traditional manner, impacts to roadside wetlands would require a fill permit from DSL, which typically requires wetland mitigation. LDC Section 4.11.50.02.c.2 allows wetland mitigation area necessary to accommodate required infrastructure in wetland areas to count towards the MADA. The extent of roadside wetlands is not known at this time, nor is the area of wetland mitigation that would be required due to impacts to the roadside wetlands. DSL typically requires wetland mitigation at ratios between 1 to 1 and 3 to 1 (e.i. 3 acres of new wetland for every 1 acre that is impacted). Because of these uncertainties, it is not possible at this time to calculate the MADA credits that would be allowed if a standard street improvement were constructed in the southwest corner of the site, but it is likely that some credits would be allowed.

It should also be noted that the upland portions of the site that are not proposed for development (the areas in the southwestern portion of the site that do not contain wetlands, or significant natural features) have been counted as "developed area" for the purposes of the MADA. In other words, although development has not been proposed in those areas, and the areas would be included in the preserved area of Tract A, the areas were counted as part of the applicant's 133,186 square-foot development area, as required by the MADA provisions.

2. (Councilor Hamby) Please explain how density has been calculated for this development.

Density calculations for the proposed development are shown on pages III-27 and III-28 of the January 25, 2008, Memorandum from Ken Gibb to the Mayor and City Council. As noted, the Land Development Code allows the developer to choose whether to include the

proposed Tract A (the approximately 6.5-acre portion of the site that would be covered by a conservation easement to preclude any future development on the tract) in the density calculations for the site. Density calculations, with and without Tract A, are as follows:

Density with Tract A	Density without Tract A
28 units / 9.52 acres	28 units / 3.03 acres
2.9 dwelling units / acre	9.24 dwelling units / acre

As noted in the Planning Commission Staff Report, using either calculation, the density of the proposed development does not comply with the density range of the RS-6 Zoning District, which is between 4 and 6 units per acre. At 2.9 dwelling units per acre, the density as computed with Tract A is below the minimum required density. At 9.24 dwelling units per acre, the density as computed without Tract A is above the maximum allowed density of six units per acre. The applicant has requested to vary from the 4-6 dwelling unit/acre density range of the RS-6 zone, noting that the density of 2.9 dwelling units per acre is within the 2-6 dwelling unit/acre range mandated for Low Density Residential development by the Comprehensive Plan. Staff support the requested variation to the density requirement, noting that it serves to reduce the intensity of development on the developable portion of the site. If the 4-6 dwelling unit/acre standard were required for this site, the resulting density range would be as follows:

Density with Tract A	Density without Tract A
Minimum Density: 4 units/acre X 9.52 acres = 38 dwelling units	Minimum Density: 4 units/acre X 3.03 acres = 12 dwelling units
Maximum Density: 6 units/acre X 9.52 acres = 57 dwelling units	Maximum Density: 6 units/acre X 3.03 acres = 18 dwelling units

The reason the Land Development Code allows development density to be calculated with or without preserved open space tracts is to promote a time-honored development concept known as "clustering." When development is "clustered," the density that would typically occupy the entire development site is concentrated on a portion of the development site, thereby allowing for the preservation of portions of the site that may be significant for aesthetic, environmental, or other reasons.

3. (Councilor Hamby) Please respond to concerns raised regarding solid waste disposal service and fire vehicle access to the proposed development. How will such service be provided if trucks are not able to turn around?

As noted in the Planning Commission Staff Report, the proposed access drives serving the development will comply with Fire Department access requirements. Condition of approval # 11 will require that the access lanes be posted "Fire Lane - No Parking" on both sides of

the access drives. Larger fire apparatus serving the development will need to back out after responding to a fire, which is generally acceptable for distances of up to 150 feet. The access drives are slightly longer than that, but Fire Department Staff have determined that the provision of automatic fire sprinkler systems in all homes built within the development (as required by condition of approval # 12), will compensate for the lack of standard turnarounds for fire apparatus within the development (see discussion on pages III-45 and III-46 of the Planning Commission Staff Report).

The applicant has provided a subdivision site plan to Allied Waste Service for review and comment. Per discussions with the Allied Waste Service representative, franchise services for waste disposal will be handled as follows:

- Garbage pickup will be performed in the private alleys, with each unit placing a garbage cart at the end of their respective driveways. Allied Waste trucks will drive up the alleys to pick up the garbage carts.
- No yard debris pickup will be required, as all landscaping maintenance is to be performed by a licensed landscaping contractor hired by the HOA, per the Conditions of Approval imposed by the Planning Condition.
- Recycling pickup will have to be performed along Country Club Drive, as the Allied Waste Recycle trucks are too large to negotiate the alleys. The applicant suggests that the HOA be responsible for coordinating a consolidation plan, where a number of units would share recycling carts. This would greatly reduce the number of carts that would be placed along Country Club Drive.

4. (Councilor Beilstein) Does the City keep track of the incremental effects of small development projects that do not, of themselves, create significant traffic impacts?

Cumulative impacts due to incremental development are tracked either with larger development application traffic impact analyses or through the City's ongoing Capital Improvement Program (CIP). Under the CIP, staff and citizens recommend infrastructure projects, including transportation projects, for implementation. All development contributes dollars towards these CIP projects through Systems Development Charges (SDC). Incremental projects such as Ashwood Preserve pay street SDCs which are used to pay for extra capacity transportation improvements such as turn lanes and traffic signals as identified through the CIP.

5. (Councilor Beilstein) What is the City's experience with pervious pavement? Does it work?

The City of Corvallis has limited direct experience with pervious pavements. There is one application of pervious asphalt associated with a small development's shared driveway off SW West Hills Road, just east of SW 53rd Street. Outside the City of Corvallis, pervious pavements have been used for over 20 years. It is accepted as an

EPA National Pollutant Discharge Elimination System Best Management Practice. Implementation of stormwater infiltration, reduction of impervious area, and use of pervious surfaces are priorities of the City's Stormwater Master Plan (Policies QN-4, QN-8, QN-10, and QN-18) and the Comprehensive Plan (Policy 7.7.5). Staff routinely encourage developers to consider its use.

Pervious pavement can work. A challenge for us is that the City of Corvallis area is known to have relatively poorly draining soils. However, a goal of stormwater management is to maintain post-development runoff rates to pre-development levels. Therefore, allowing stormwater to have contact with an equivalent area of equivalent soil achieves that goal. Systems can be designed with stormwater storage above the soil to enhance infiltration quantities by extending the time of contact.

6. (Councilor Brown) How long will pervious pavement last? What is the remedy when it fails to function properly?

Pervious pavement can last indefinitely. Studies have been performed on pervious concrete systems up to 13 years old. Properly installed and maintained systems showed little clogging. Even when the pavement did clog, the percolation rate was still similar to adjacent grass. New pervious pavements have percolation rates many times higher than most soils. The system can tolerate some pavement clogging and still function well.

Maintenance is important for pervious pavement. The pavement should be kept clean. Construction activity can be particularly damaging. Two commonly accepted maintenance methods are pressure washing and power vacuuming. Commercially available vacuum pavement cleaners can maintain and restore permeability.

7. (Councilor Brown) Is a 30-inch tall retaining wall a structure?

A 30-inch tall retaining wall is a structure. You may be responding to a comment from Planning Staff regarding construction in the floodplain. LDC Section 4.5.50.07.b.8 allows limited development within 100-year floodplain areas, in accordance with MADA provisions. However, LDC 4.5.50.07.b stipulates that such construction must comply with the mandatory construction standards in LDC 4.5.50.08.c. These standards (specifically LDC 4.5.50.08.c.3.a) state that any residential structure constructed within the 100-year floodplain must be elevated one foot above the base flood elevation, which is the assumed elevation of floodwaters in a 100-year flooding event. Therefore, it is not possible to construct a habitable, residential structure within the 100-year floodplain, and no such structures are proposed within the 100-year floodplain. The portion of the development that would be within the 100-year floodplain is a 30-inch tall retaining wall that would be backfilled to raise the finished grade of the development site above the floodplain level.

8. Councilor Daniels also asked questions regarding the City's notice process, which were answered at the February 4, 2008, City Council meeting.

Background Information regarding the development of Minimum Assured Development Area (MADA) Provisions

- During the process of inventorying natural features and determining protections (the complete Goal 5 process), the concern was raised by participants that owners should not have their properties completely precluded from development (equity, protection from "takings," and adequate land available for housing and economic development). It was determined that there should be "hardship" provisions developed to address such situations, in order to:

  - Provide equity so that a limited number of property owners would not be required to provide open space amenities for the entire community,
  - Ensure that areas in the UGB were developed efficiently, thus minimizing the need to expand into County resource land, and
  - Minimize cost implications for the community based on the potential for "takings" claims.

- To complete the full Goal 5 review of natural resources, which allows a jurisdiction to design its own protection program, the City was required to complete an ESEE Analysis. This means that the City must balance the economic, social, environmental, and energy conservation (ESEE) consequences of alternative courses of action before a decision is made regarding the level of protection appropriate for significant natural resource sites. The various protection levels and locations and the MADA provisions were the result of this balancing effort.

- A response to these issues was developed by staff, and the memo entitled *"Agenda Item #7 Basic ESEE Analysis and Discussion of Hardship Conflicting Uses Concepts"* was presented to a December 11, 2003, joint meeting of the Benton County Board of Commissioners and Planning Commission and the Corvallis City Council and Planning Commission. Comments were taken and wrapped into the initial concept at that meeting and at a number of the subsequent meetings between 12/11/03 and the first public hearing on the draft Land Development Code (9/9/04).

- Following the completion of the inventory and during the development of the Land Development Code provisions, the City regularly sent notices of upcoming meetings to more than 3,500 people.

- Between 12/11/2003, when the provisions were first presented, and the first public hearing before the Corvallis Planning Commission on 9/9/2004, there were 24 meetings of the City and/or County decision makers at which public comment was taken. Staff also made presentations to the Open Space Advisory Committee, the Parks and Recreation Advisory Board, and the Civic Beautification

and Urban Forestry Advisory Board. At a number of these, the "hardship" provisions (later to be MADA) were specific agenda items.

- For the final adoption process (Phase III of the Land Development Code Update), the Planning Commission conducted a public hearing on September 9, 2004, and deliberated on the 14th, 16th, 23rd, and 30th.

- For the final adoption process (Phase III of the Land Development Code Update), the City Council held a public hearing on November 4th, 8th, and 9th, and deliberated on the 9th, 15th, and 22nd.

- Because the adopted provisions were part of the ESEE analysis required for the complete Goal 5 process that resulted in the City's current protections for wetlands, riparian areas, and significant vegetation, significant changes to these provisions would require the City to rework the ESEE analysis to ensure the appropriate balance of resource protection and available land inventory is maintained.

- Phase III of the Land Development Code Update was approved by the Division of Land Conservation and Development, and approved on appeal by the Land Conservation and Development Commission. This decision was affirmed on appeal by the Court of Appeals.

DEVCO engineering inc. 245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

RECEIVED

FEB 15 2008

Community Development
Planning Division

February 14, 2008

Mr. Fred Towne
Planning Division Manager
City of Corvallis
POB 1083
Corvallis, OR 97339

SUBJECT: Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003)
Final Written Response

Dear Fred:

Following is our final written comments concerning the application for Ashwood Preserve Subdivision, in response to general concerns raised at the City Council Meeting held on 4 February 2008, and subsequent written testimony received.

FLOODPLAIN AND WETLAND ENCROACHMENT

The encroachment of development into the protected natural features areas is in accordance with LDC Chapter 4.11 Minimum Assured Development Area (MADA) and is entirely consistent with all LDC requirements for the underlying zone. No variances are being requested, and no zone change is implied by the implementation of the MADA.

Furthermore, it should be noted that the 991 square feet of development encroaching into the floodplain is entirely comprised of fill, with no structures being proposed in the floodplain. All encroachment is limited to the floodplain; no development whatsoever is proposed for the floodway. This complies with the requirements of LDC Chapter 4.5 Hazard/Hillside Development.

Lastly, the applicant wishes to reiterate that all wetlands that are encroached upon by development will be mitigated on-site, per the applicant's mitigation plan, and per DSL requirements. The net change in overall total wetland area will be zero, and the result will likely be a larger area of integral and self-sustaining wetland than currently exists. The applicant's mitigation plan was recently submitted with the joint permit application.

MINIMUM ASSURED DEVELOPMENT AREA (MADA)

The area calculated for MADA encroachment includes credits allowed under LDC Section 4.11.40.03 c.1: The area of public right-of-way dedications resulting from a required width in excess of the width needed for a local street, provided the required street is identified in the Corvallis Transportation Plan. The re-routing of the sidewalk at the western end of the property to avoid the existing wetlands was done at the request of the City, in order to avoid destruction of the wetlands.

Concern has been raised about the accuracy of the delineation of the wetlands adjacent to the sidewalk. In response to this, the following should be noted:

- The delineation performed by Henderson Land Services which indicate the presence of wetlands in this area is the only delineation that has DSL concurrence. Further, Henderson Land Services is the only investigator to dig a test pit in this ditch. In it all three wetland criteria were met, and the plot and much of the remaining ditch was determined to be wetland
- Although subsequent reports were not as conclusive, they did not preclude the likelihood of wetlands being present; on the other hand, no test pits were dug either. As a result, the City's Department of Public Works made a deliberate decision to avoid developing that area during its CIP improvement of Country Club Drive.
- The location of the sidewalk that is proposed by the applicant, at the request of the City, is entirely consistent with the previous actions of the Department of Public Works with respect to Country Club Drive.

As LDC Section 4.13.80.01-a2 allows a wetland delineation to be substituted for the City's Natural Features Map showing wetland locations, the wetlands that are located adjacent to the sidewalk are as viable for protection as the areas that have been encroached upon by development.

Please see enclosed Figures 3-7 for further detailed discussion of the MADA Area Calculation.

STORMWATER FLOW CONTROL AND WATER QUALITY

The applicant has proposed the use of permeable pavement as a flow control Best Management Practice (BMP) and an aid in facilitating groundwater recharge. As a flow control BMP the permeable pavement will be designed to meet the standards of the King County Surface Water Design Manual. The applicant understands that ground water recharge in the past has been of particular interest to the Planning Commission and City Council. Attached hereto please find a sample of the documentation that is available which discusses the positive qualities and serviceability of pervious pavement.

The overriding standard for flow control and water quality is the City's Storm Water Master Plan, which includes reference to the standards of the King County Surface Water Design Manual and the LDC. The applicant proposes to comply with all these standards with or without the use of permeable pavement. If the Council prefers that permeable pavement not be used, flow control structures and water quality structures selected from the available options in the referenced standards will be provided by the applicant.

Under the King County Standards all flow control and water quality facilities are required to have a maintenance plan. This maintenance plan is included in the CCR's as part of the responsibilities of the Homeowners' Association, and is recorded as a title exception against each lot in the Subdivision. Pervious pavement would fall under this requirement also and the regular maintenance requirements for pervious pavement would be included in the maintenance plan.

GARBAGE & RECYCLE PICKUP

The applicant has provided a subdivision site plan to Allied Waste Service for review and comment. Per discussions with the Allied Waste Service representative, franchise services for waste disposal will be handled as follows:

- Garbage pickup will be performed in the private alleys, with each unit placing a garbage cart at the end of their respective driveways. Allied Waste trucks will drive up the alleys to pick up the garbage carts.

- No yard debris pickup will be required, as all landscaping maintenance is to be performed by a licensed landscaping contractor hired by the HOA, per the Conditions of Approval imposed by the Planning Condition.
- Recycling pickup will have to be performed along Country Club Drive, as the Allied Waste Recycle trucks are too large to negotiate the alleys. The applicant suggests that the HOA be responsible for coordinating a consolidation plan, where a number of units would share recycling carts. This would greatly reduce the number of carts that would be placed along Country Club Drive.

DENSITY & TRAFFIC

Concerns were also raised over the presence of "high-density" development and the ensuing traffic generated. It is a misnomer to refer to this development as high-density; a more accurate term would be clustered development. The Comp Plan Designation for the site is Residential – Low Density and the proposed development is in compliance with that designation. The zoning designation is RS-6, and it should be noted that the development does not even meet the minimum density requirements for the RS-6 zone. Attached housing is an outright approved type of housing in the RS-6 zone, and there is nothing inherently "high-density" about it. This site is so heavily constrained by natural features that the only way to approach minimum density for the site is to implement attached housing, without requesting even more variances to development standards than the applicant is already requesting. Clustering the attached housing at the corner of the site allows for the protection of the wetlands and riparian corridors while moving to achieve the density goals set forth by the Land Development Code. Furthermore, without the protections afforded the site by LDC Chapter 4.13 – Riparian Corridors and Wetlands, this 9.52-acre parcel could conceivably be developed with up to 57 units, more than twice the number of units proposed.

The traffic report generated was performed in strict accordance with the ITE manual for townhouse units, which is the standard adopted by the City of Corvallis for traffic evaluation. No variation is being requested from City Standards in this respect.

CONCLUDING COMMENTS ON THE LAND DEVELOPMENT CODE

This proposal has been represented as test case for the new LDC which allows developers to encroach into protected natural features. This representation is misleading, because it fails to note that the new LDC is the legal document that provides for the protection of the natural features in the first place. The development of this portion of the new LDC, which includes protection provisions for Significant Natural Features such as vegetation, wetlands, riparian corridors, floodplains, and hillsides, as well as the MADA provisions which allow for select development within those areas under certain heavily proscribed circumstances, occurred over several years with the participation of the City, the County, and the public. The inclusion of the MADA provisions, which have become so controversial at this time, was an effort to circumvent the possibility of takings lawsuits being filed against the City where parcels are so heavily constrained as to preclude development to minimum proscribed densities.

This issue was discussed in great detail in the years leading up to the approval of the Land Development Code, with the agreement from all governing parties involved that it accomplished an acceptable compromise between the community's desire to protect natural features and the established legal right of property owners to develop their property. Attached please find a letter submitted by the Corvallis Economic Vitality Partnership at the time of deliberations on the new Code, in support of the adoption of the standards contained within. This letter exemplifies the broad-based coalition of government entities, activist groups, and individual citizens who came

together to develop this innovative and progressive approach to protecting our community's natural features. Please honor the work that was performed over many years by members of this community and uphold the provisions contained within the new LDC.

We hope this is of assistance to the City Council and look forward to hearing their deliberations next week.

Sincerely,

Lyle E. Hutchens
Devco Engineering, Inc.

LEH/pjw
05-402 ftowne final comments 02-14-08.doc

Attachments: Figures 3-7, MADA Calculation Explanatory Graphics
Letter from Mysty Rusk, Corvallis-Benton Chamber Coalition President

CORVALLIS-BENTON
CHAMBER
COALITION

Thank you to our Platinum Star Members

Alphagraphics
ATS Systems Oregon, Inc.
The Ball Studio/Photography
Blackledge Furniture
CH2M HILL
Cardinal Point Properties, LLC
The Corvallis Clinic
Debra J. Ringold, Ph.D., Inc.
Evanite Fiber Corporation
Hewlett-Packard
Jeanne Smith & Associates, PC
Key Bank
OSU Federal Credit Union
Pacific Power
Peak Internet
R3 Engraving & Signs
Samaritan Health Services
Starker Forests, Inc.
Stover Neyhart & Co., PC
Town & Country Realty

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

February 14, 2008

Kevin Young
Community Development Department, Planning Division
City of Corvallis
PO Box 1083
Corvallis, OR 97339

RE: Ashwood Preserve Subdivision

To Whom It May Concern:

We understand the appellant's written testimony raises concerns about the Minimum Assured Development Area provisions of the Land Development Code and have asked the applicant to include this letter with their written response to that testimony.

In October 2004, the Economic Vitality Partnership submitted the attached letter in regard to our collective support of the Natural Features Inventory and its incorporation of Corvallis' Land Development Code ensuring minimum development areas to prevent sprawl and keep future developments in designated urban areas while protecting natural features such as wetlands and mature oak groves. The natural features scoping project took four years and hundreds of public meetings, input from special interest groups, environmental and professional development consultants and significant analysis of environmental, economic and social impacts on the community looking decades into the future.

Eleven organizations voiced our concerns and support for the project.

The City's actions, to protect significant natural features while allowing for minimum assured development gives us collectively the ability to preserve open space and natural features while ensuring that development can occur in designated areas. Doing so allows us to have high population and development density in urban areas and protects our counties and state from rural degradation and sprawl. It also gives us the ability to create affordable housing, close to neighborhood centers and makes the most efficient use of water, wastewater, street and utilities lowering our overall burden on the infrastructure and environment for the future.

The Ashwood Preserve Subdivision is our first opportunity to implement these provisions and we ask the City Council to respect and embrace the significant process and effort that went into the creation of the Land Development Code. Your decision on this development will set a precedent for the future. Will it be a precedent to embrace the process that engages the community for the public good or will it be a precedent that tells the community you will react to a vocal minority and disregard public process?

We appreciate Oregon's vision and consequent actions to protect open space and natural features and to prevent sprawl, loss of open space, degradation of significant natural resources. We appreciate the State's view on land use and the decades of planning, enforcement, process an input that create appropriate areas for urban development. We further appreciate Corvallis' actions over the years to provide high density areas and management of growth while protecting significant species, particularly trees and wetlands.

Please consider the attached letter and uphold the Comprehensive Plan and Land Development Code we all worked together to create.

Sincerely,

M. Rusk

Mysty Rusk
President

encl: EVP Letter regarding Natural Features Scoping Project

RECEIVED

OCT 26 2004

CITY MANAGERS OFFICE

October 1, 2004

FROM: The organizations of the Economic Vitality Partnership
TO: Corvallis City Council

The members of the Economic Vitality Partnership are pleased to endorse the Natural Features Inventory process to date. We appreciate the complexity of the project, the effort expended toward the project by City staff and officials, and the need for the City to stay mindful of a wide variety of community interests. We applaud the level of outreach pursued by city staff to ensure that all interested and effected parties are informed and are given an opportunity for input.

The city's efforts to strike a balance in terms of community livability, development needs, and the need to protect natural features are also greatly appreciated. Balance in all areas is important to the region's major employers, too. We are striving for a healthy community, and understand that balance and certainty are an important component of successful economic development.

Few people truly recognize the significance of this work toward the future growth potential of our economy. We encourage the City to take further steps toward clear and objective standards in all areas of development. These standards will help create certainty for those that seek to do development in our community.

As State Senator Frank Morse noted in his June talk at the Annual Chamber Meeting, developers and business people, as a rule, have to work through fairly narrow windows of economic opportunity. When projects are delayed time and again, it is not uncommon for those windows to close.

Toward this goal, we encourage the City Council to:

- Eliminate discretionary review of projects in regard to Natural Features, except by request of property owner.
- Approve clear and objective standards for earthwork and cut/fill as proposed in LDC Chapter 4.5, Natural Hazards and Hillside development.
- Develop incentives for protection of Natural Features.
- Use the Economic, Social, Energy and Environment (ESEE) analysis to insure an adequate supply of buildable lands will exist. Allow adequate time for decision makers and the community to work through the ESEE analysis with consideration toward potential added costs to new, local housing.

- Insure a reasonable definition of "some protection." Defining this will be critical to avoiding discretionary review of development projects.

Again, the EVP wishes to reiterate its appreciation to the County Commissioners for their efforts to date and trusts the end results will attain the aforementioned goals.

Thank you for your time and consideration.

THE ECONOMIC VITALITY PARTNERSHIP

Business Enterprise Center

Corvallis Neighborhood Housing Services

Business Advocacy Committee

Corvallis Tourism

Corporate Round Table

Downtown Corvallis Association

Corvallis Chamber of Commerce

Economic Development Partnership

Corvallis Independent Business Assoc.

Linn-Benton Community College

Corvallis Natural Step

Oregon State University

Initial MADA Calculation Table

FROM ATTACHMENT "M"

For Staff Use Only

MADA #_____ Date MADA Certified _____

RECEIVED

FEB 15 2008

Community Development
Planning Division

Name of Project Ashwood Preserve Subdivision

Property Owner/Main Contact_____JimBoeder
Address 2022 SW 45th Street _____

E-mail _____Phone 541-754-9826

Property Address /Location of the Site
SW Country Club Drive

Map and Tax Numbers of Each Parcel Within the Site Map 12-5-09A

Total Acres of Site FIGURE 3		9.52 Acres	414,691 sq. ft.

Natural Features Coverage

Have you received DSL approval of a wetland delineation that you are using to calculate the resource coverage on your site? Yes___X___ No _____ Delineation #__05-0366_____

Or are you using the Corvallis Wetlands Inventory to establish the size and location of your wetland?
Yes_____ No ___X_____

	Sq. Feet	Acres	% of site
Highly Protected Natural Features FIGURE 4	245,078 54,412	6.88	
Net Area of Partially Protected Natural Features	N/A		
Total Protected Natural Features	299,490	6.88	
Net Areas that are Inaccessible Due to the Location of the Protected Resources	N/A		
Net Total Constrained Areas Due to Natural Features	299,490	6.88	72.22
Convert Net Total Constrained Areas Acres to sq. ft.		299,490	sq. ft.

Remaining Areas Available for Development Calculation

Total Acres on the Site	414,691	9.52	100
Net Constrained Areas Due to Natural Features	299,490	6.88	72.22
Remaining Areas Available for Development	115, 201	2.64	27.78

FIGURE 5

Convert Remaining Areas Acres Available for Development to sq. ft.			115, 201 sq. ft.		
MADA Calculation (fill in only those zones that apply to your site)					
Zone	Acres	Base MADA per Zone	Total Base	Area Credits	Total MADA
RS - 1		9,500 sq. ft.		sq. ft.	sq. ft.
RS-3.5		17,500 sq. ft.		sq. ft.	sq. ft.
RS - 5		15,250 sq. ft.		sq. ft.	sq. ft.
RS - 6	9.52	13,000 sq. ft.	123,760	9,426 sq. ft.	133,186 sq. ft.
RS - 9		21,800 sq. ft.		sq. ft.	sq. ft.
RS - 9U		21,800 sq. ft.		sq. ft.	sq. ft.
RS - 12		21,800 sq. ft.		sq. ft.	sq. ft.
RS - 12U		21,800 sq. ft.		sq. ft.	sq. ft.
RS - 20		24,000 sq. ft.		sq. ft.	sq. ft.
P-AO		19,600 sq. ft.		sq. ft.	sq. ft.
SA		19,600 sq. ft.		sq. ft.	sq. ft.
SA(U)		19,600 sq. ft.		sq. ft.	sq. ft.
CS		23,950 sq. ft.		sq. ft.	sq. ft.
LC		19,600 sq. ft.		sq. ft.	sq. ft.
CBD		34,850 sq. ft.		sq. ft.	sq. ft.
CBF		23,950 sq. ft.		sq. ft.	sq. ft.
SSD		19,600 sq. ft.		sq. ft.	sq. ft.
MUC		26,150 sq. ft.		sq. ft.	sq. ft.
LI		26,150 sq. ft.		sq. ft.	sq. ft.
MUE		23,950 sq. ft.		sq. ft.	sq. ft.
GI		28,300 sq. ft.		sq. ft.	sq. ft.
II		28,300 sq. ft.		sq. ft.	sq. ft.
RTC		26, 150 sq. ft.		sq. ft.	sq. ft.
OSU		NA (see LDC Chapter 3.36)			
A - OS		4,350 sq. ft.		sq. ft.	sq. ft.
C - OS[1]		2,200 sq. ft.*		sq. ft.	sq. ft.
Total MADA		133,186 sq. ft.		133,186 sq. ft.	sq. ft.

FIGURE 6

Total MADA as Percentage of the Site	32.12 %

Area Credits are allowed as per Section 4.11.40.03 c. The area credit is based upon the total of the applicable allowances listed below:

1. The area of public right-of-way dedications resulting from a required width in excess of the width needed for a local street, provided the required street is identified in the Corvallis Transportation Plan;

2. The area of wetland mitigation that is required by the Department of State Lands and/or the U.S. Army Corps of Engineers when infrastructure must be extended through a wetland. The area credited shall be based upon the written requirements of the associated permit approval of the Department of State Lands and/or the U.S. Army Corps of Engineers, whichever is greater;

3. Above-ground storm water detention facilities designed and constructed consistent with the Corvallis Design Criteria Manual; and

4. Trails required by the Corvallis Transportation Plan or the City of Corvallis Park and Recreation Facilities Plan, or necessary to provide public access to or through designated open space.

* MADA determined for Conservation-Open Space (C-OS) areas may only be applied to improvements consistent with the actual C-OS property.

Determining if MADA Encroachments Are Available for Your Site

If the Remaining Areas Available for Development are more than the MADA, no MADA encroachments are available. Encroachments are only available if the Remaining Areas Available for Development are less than the MADA.

Total MADA	133,186 sq. ft.
Total Developed Areas and Remaining Areas Available for Development	115,201 sq. ft.
Total MADA Encroachments Available	17,985 sq. ft.
MADA Encroachments limited to the C-OS areas	0 sq. ft.
MADA Encroachments available to the non C-OS areas FIGURE 7	17,985 sq. ft.

Notes:

1. Allowance to develop within otherwise protected natural resource or hazardous areas does not remove the necessity that development comply with other standards of the Land Development Code.

2. Variations from development and design standards may be allowed through the Planned Development and Lot Development Option processes outlined in Chapters 2.5 and 2.12 of the Land Development Code, respectively, except that in no case, shall an increase in the Minimum Assured Development Area (MADA) be permitted.

Proposed Encroachments**	Encroachment Area	Remaining Resource Area
Encroachments for Access (must Meet Standards in Section 4.11.40.05a)	sq. ft.	sq. ft.
Partially Protected Significant Vegetation (In Addition to That Already Allowed via Chapter 4.12)	0 sq. ft.	0 sq. ft.
Highly Protected Significant Vegetation	0 sq. ft.	0 sq. ft.
Highly Protected 100-yr. Floodway Fringe Areas	0 sq. ft.	All sq. ft.
Proximate Wetlands	0 sq. ft.	0 sq. ft.
Protected Locally Significant Wetland	0 sq. ft.	0 sq. ft.
Protected Locally Sig. Wetlands of Special Concern	17,985 sq. ft.	185,969 sq. ft.
Riparian Corridors of the Marys & Willamette Rivers	0 sq. ft.	0 sq. ft.
Riparian Corridors of Local Streams with a Corridor Width of 100 Feet	0 sq. ft.	All sq. ft.
Riparian Corridors of Local Streams with a Corridor Width of 75	0 sq. ft.	109,811 sq. ft.
Riparian Corridors of Local Streams with a Corridor Width of 50 Feet	0 sq. ft.	0 sq. ft.
The 25-ft. Buffer Within Partially Protected Riparian Corridors	0 sq. ft.	0 sq. ft.
Areas with Existing Landslides	0 sq. ft.	0 sq. ft.
Total MADA Encroachments Available	17,985 sq. ft.	sq. ft.
Total Net Cumulative Area of the Proposed Encroachments	17,985 sq. ft.	sq. ft.
Total Remaining MADA Encroachments Available (Must be ≥0)	0 sq. ft.	sq. ft.

** Prohibited Encroachments – Encroachments in excess of the available MADA and encroachments proposed in High/Risk/ Impact Natural Resources are prohibited. These latter are:

1) Slopes of 35 percent or greater;
2) Landslide Debris Runout Areas (unless allowed by Section 4.5.70);
3) 0.2-ft. 100-yr. floodway; and
4) Less than fifteen (15) feet from the top-of-bank in Riparian Corridors.

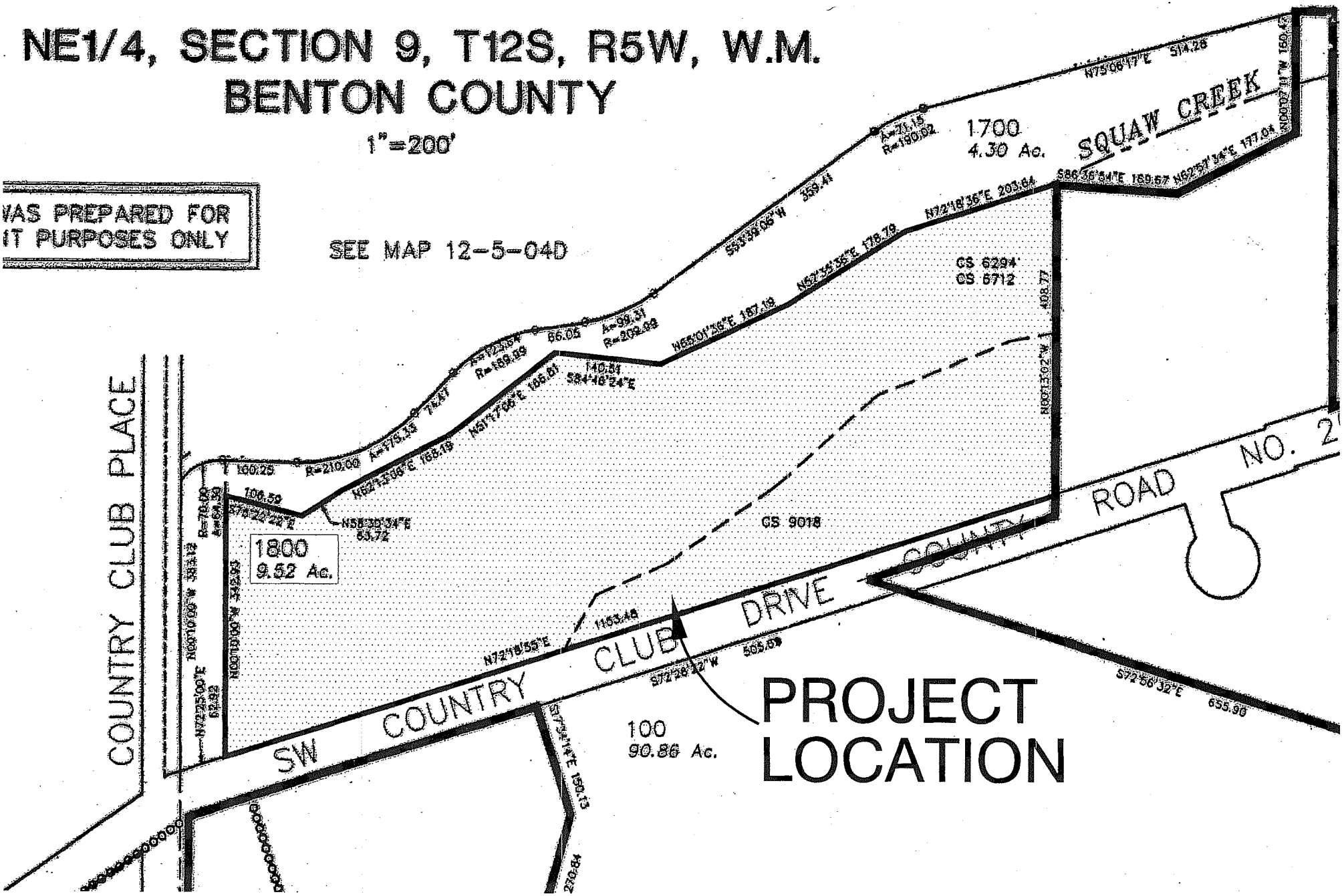
Min. Density for Site units	38	57	Max. Density for Site units

Proposed Number of Residential Units	28
Maximum Gross Square Footage of Non-Residential Uses	0 sq. ft.
Proposed Gross Square Footage of Non-Residential Uses	0 sq. ft.

Remaining Potential ____0___ Residential Units _____0____Sq. Ft. Non-Res. Uses

NE1/4, SECTION 9, T12S, R5W, W.M.
BENTON COUNTY

1"=200'

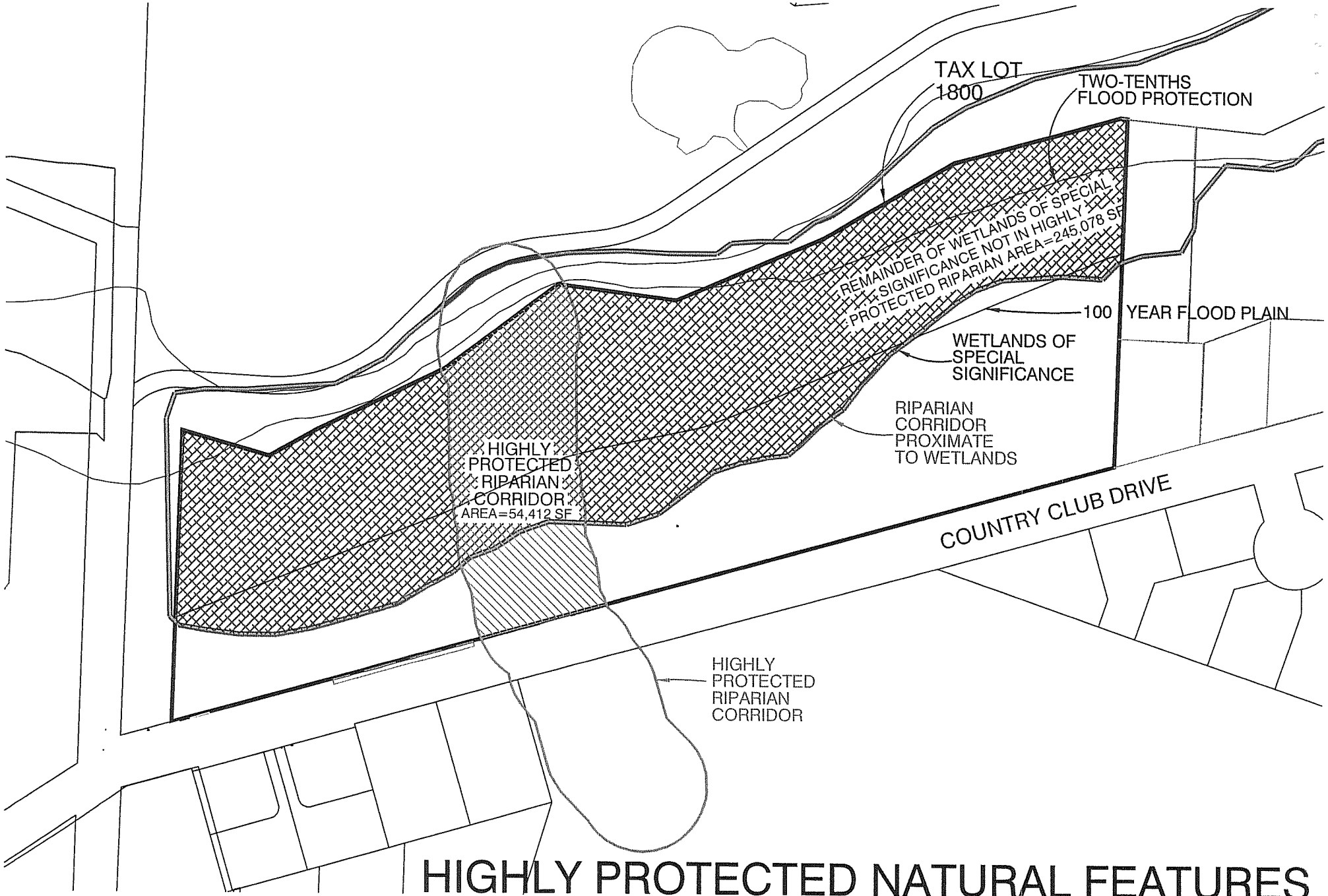


DEVCO engineering inc.

Corvallis
Oregon
(541) 757-8991

TAX MAP 12-5-09A
ASHWOOD PRESERVESUBDIVISION
Figure 3
February 14, 2008

FILE No. INLDT2006 Projects\05-402_BOEDER SUBDIVISION\dwg\2a Land Use Application_Revised\05-402_APPEAL GRAPHICS-SAP.dwg [FIG 3_TAX MAP] 02/15/08 07:26 - scott



HIGHLY PROTECTED NATURAL FEATURES BASED UPON LDC INVENTORIES

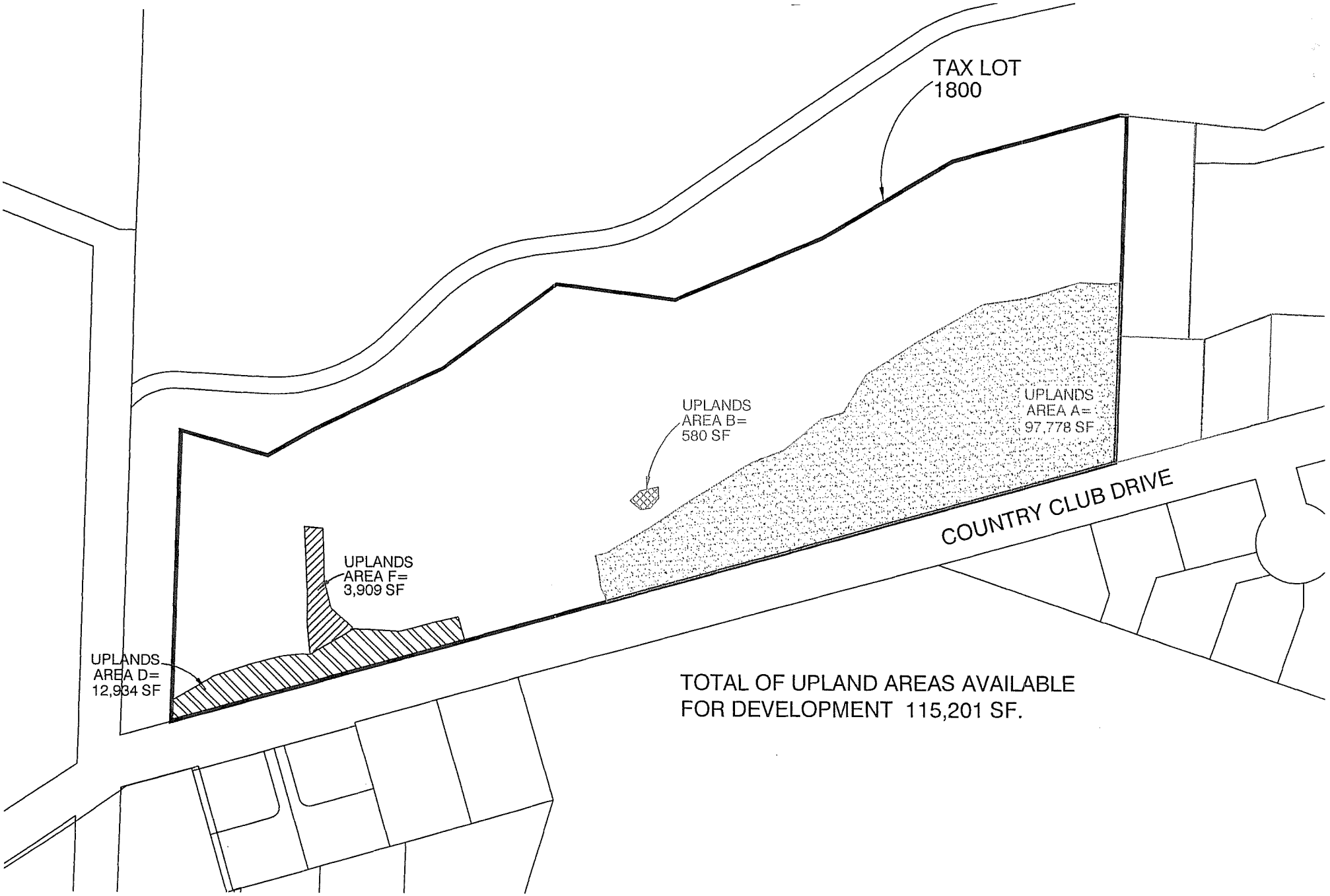
ASHWOOD PRESERVE SUBDIVISION

Figure 4

February 14, 2008

DEVCO engineering inc.
Corvallis
Oregon
(541) 757-8991

FILE No. I:\LDT2006 Projects\05-402_BOEKER SUBDIVISION\dwg\2a Land Use Application_Revised\05-402_APPEAL GRAPHICS.dwg [FIG B_HIGHLY PROTECTED NATURAL FEATURES(4:3) 02/14/08 1632 - scott



REMAINING AREAS AVAILABLE FOR DEVELOPMENT

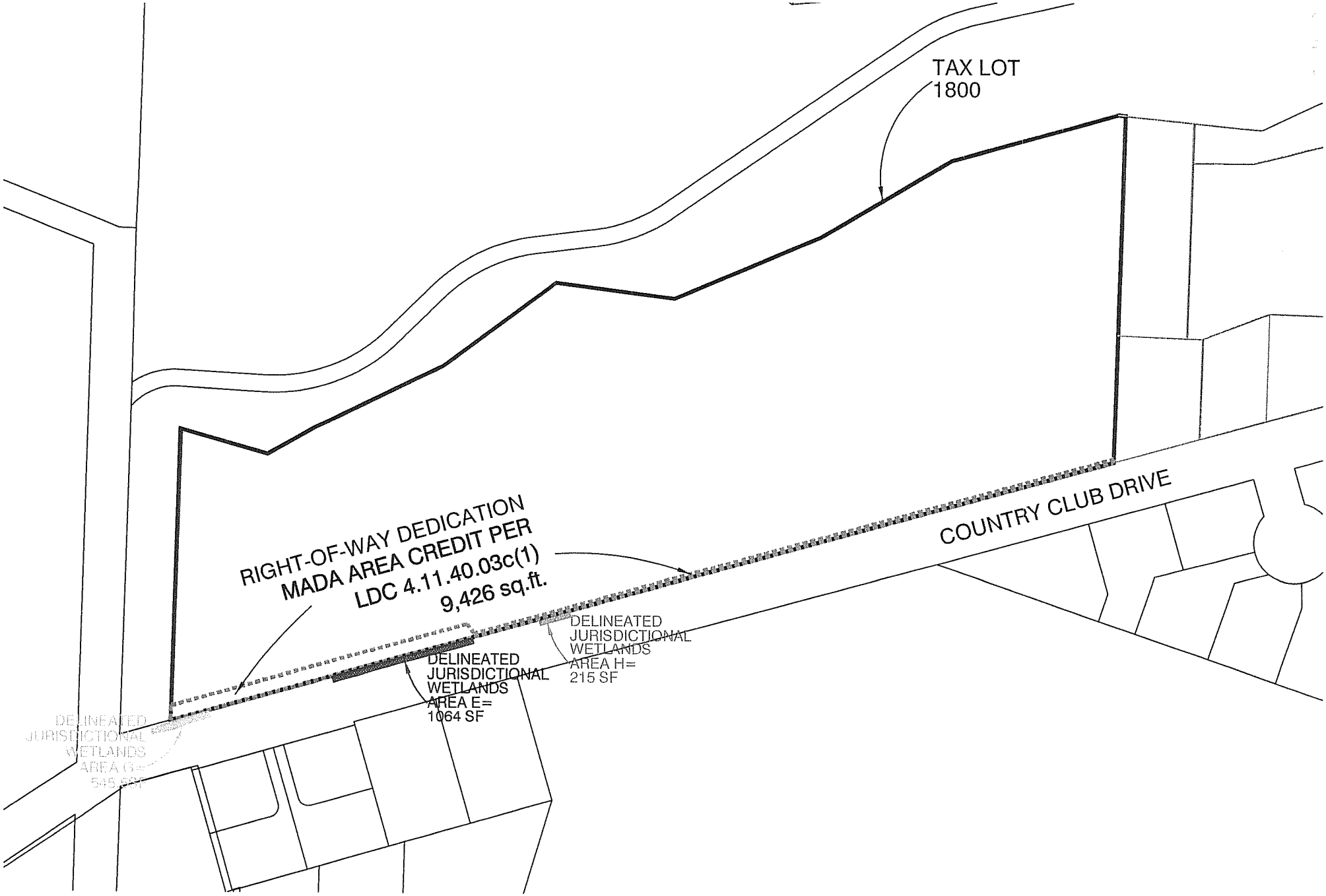
ASHWOOD PRESERVE SUBDIVISION

Figure 5

February 14, 2008

DEVCO engineering inc.
Corvallis
Oregon
(541) 757-8991

FILE No. I:\LDT2006 Projects\05-402_BIEDER SUBDIVISION\dwg\2a Land Use Application_Revised\05-402_APPEAL GRAPHICS-SAP.dwg [FIG 5_REMAINING DEV AREAS] 02/15/08 0719 - scott



DEVCO engineering inc.
Corvallis
Oregon
(541) 757-8991

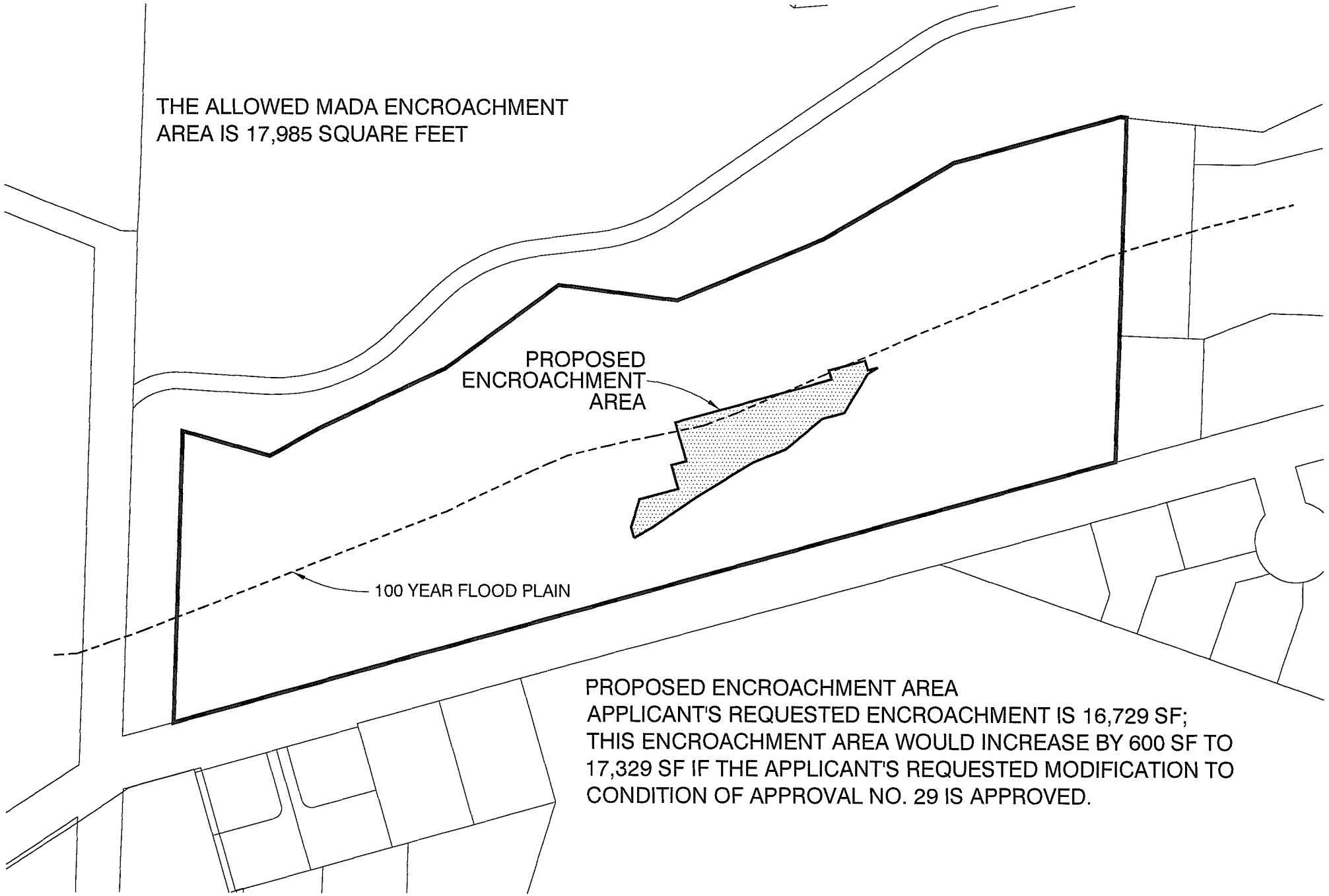
MADA AREA CREDIT

ASHWOOD PRESERVE SUBDIVISION

Figure 6

February 14, 2008

FILE No. I:\LDT2006 Projects\05-402_BEEDER SUBDIVISION\dwg\2a Land Use Application_Revised\05-402_APPEAL GRAPHICS.dwg [FIG 6_MADA] 02/14/08 17:01 - scott



MADA ENCROACHMENTS AVAILABLE ON NON C-OS AREAS

ASHWOOD PRESERVE SUBDIVISION

Figure 7

February 14, 2008

DEVCO engineering inc.
Corvallis
Oregon
(541) 757-8991

FILE No. I:\LDT2006 Projects\05-402_BOEDER SUBDIVISION\dwg\2a Land Use Application_Revised\05-402_APPEAL GRAPHICS-SAP.dwg [FIG 7_MADA ENCROACHMENTS] 02/15/08 13:24 - linda

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

MEMORANDUM

DATE: February 12, 2008

TO: Mayor and City Council

FROM: Kevin Young, Senior Planner

SUBJECT: Correspondence received regarding the appeal of the Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003) after the February 4, 2008, City Council Public Hearing, but prior to close of the record at 5 p.m. on February 11, 2008

The attached correspondence has been received since the February 4, 2008, City Council public hearing regarding the Ashwood Preserve Subdivision. For ease of review, the correspondence has been numbered as follows:

	Date Received	Correspondent
1	Feb. 6	Ray Chesbrough
2	Feb. 7	Helen Chesbrough
3	Feb. 7	Kerry McFall
4	Feb. 7	Ray Chesbrough
5	Feb. 7	Gerald and Carol Rooney
6	Feb. 8	Ray Chesbrough
7	Feb. 8	Anita Balleby
8	Feb. 9	Walter F. Domka
9	Feb. 10	Jean Kliewer
10	Feb. 10	Maxine Eckes

11	Feb. 10	Don and Sandy Kuhns
12	Feb. 10	Chuck and Kay Zaback
13	Feb. 11	David Hagen
14	Feb. 11	Timothy Sullivan
15	Feb. 11	Gregg Lomnicky
16	Feb. 11	Carroll English
17	Feb. 11	Ray Chesbrough
18	Feb. 11	Tom Walmsley and Ilene Kleinsorge
19	Feb. 11	Barbara Ross, on behalf of the League of Women Voters of Corvallis
20	Feb. 11	Dick Gallagher
21	Feb. 11	Steven K. Esbensen
22	Feb. 11	Marilyn Koenitzer
23	Feb. 11	Mark Knapp
24	Feb. 11	Rana Foster
25	Feb. 11	Bob Frenkel

RECEIVED

FEB - 6 2008

Community Development
Planning Division

2/6/08

Comments, Impressions, Suggestions and Concerns about "Ashwood Preserve"

I attended the Public Hearing for Ashwood Preserve Appeal, Monday Feb 4, 2008. I must disclose that I have not been to a City Council Meeting in a long time. My impressions: fix your audio visual presentation equipment. Fumbling with tech gear and then not being able to see information on the screen makes me wonder if the money spent on this facility was worth it. All major public hearings occur here and the equipment does not measure up. We could not see what was presented by indivuals attempting to do so. Screens are made of reflective material, all lights impact them, maybe the solution is to turn off all lights so people can see the information presented and speak into the microphone..

The room was packed with people ,only one citizen favored the project all others opposed it.

"Ashwood Preserve" is being appealed by citizens who are concerned about many problems associated with this development. Things like high density,(three story attached homes 28 of them), built among single family homes. Building in the floodplain and destroying it. Huge traffic increases, safety issues for children at Adams School, and older folks crossing the street at Stoneybrook, and most shocking for me was to learn that this development will be the first test of a new City provision allowing developers the right to build on properties encumbered by natural features. Just think about this, Corvallis the center of the State, OSU considered the Science University of the State and the "Greenest City" in the United States, starting a new policy to allow developers the right to destroy natural features. Why did this policy pass the City's Planning Commission? Why was the public not informed about this major shift in envirnomental policy? Who is behind this policy shift that could explode statewide and even further. Would Corvallis be the proud Founder of this new dangerous policy? The creator of the destruction of natural features?

I was almost killed by a speeding motorist who rounded the corner just west of my property, (3800 SW Country Club Drive), as I was backing down my driveway, he was going at least 60 plus miles and hour. and just missed me, as he raced away he gave me the finger, the speed limit is 25 mph. You get very serious about land use issues when you are almost get killed backing out of your own driveway.

Alan Berg was one of our greatest mayors he was very courteous and really listened to Corvallis's citizens's concerns. Montgomery Brothers's proposal to

screw up the corner of Country Club Drive and 35th nearly 30 years ago with high density apartments. We citizens stopped it, and we were lead by Dr. Richard Fredrickson, (Soil Scienctist with US Forest Service). Alan Berg (mayor) and concerned Council Members and Concerned Citizens of Southwest Corvallis stopped this development. In fact Dick and Alan we close friends and fellow scienctists. Dick lived across the street from me and was a fine man, who also taught me how to steelhead fish. (I miss them both). We have the same thing happening today with the proposed "Ashwood Preserve" just west of me across the street from the Corvallis Golf Course, but it is much more serious development because of new policy changes.

Ashwood Preserve is not just another development like those we have seen before. This development starts a new policy to legally destroy natural features? Good for the Sierra Club and active community scientists for uncovering this dangerous policy. The GT wrote a story before the public hearing about this new policy. I only discovered it before the Feb 4, 2008 Public Hearing. Not only should this policy change, this development needs to be stopped. How did the Planning Commision pass on this policy and development?

I felt honored having hand delievered over 150 flyers with my letter, appeal notice, site map, and visual of the proposed development. I felt I was doing the City's job. I was not alone, others did the same and I look forward to knowing these fine people better. I really enjoyed meeting so many of my neighbors thru this effort. I feel strongly that the one huge lesson we should all learn here is how uninformed citizens are over important land use issue that we all care about. (Liveability of Corvallis).

I was shocked to hear, Senior Planner Kevin Young state that there would only be 15 additional vehicle trips a day durning rush hour because of this development no problem - bogus. He needs to seat with the school kids in the morning 7:30AM in front of Mr. William Maier home 1725 SW Whiteside an get educated about traffic. Mr. Maier sent the city a very accurate letter describing the traffic situation on Country Club Drive I hardly ever see police on Country Club drive anymore. I am worried about getting killed pulling out of my driveway. The City could raise huge sums of money fining speeders on Country Club - 25mph. This is a "Duck Pond" as described by the Police Officier who was seating at the corner of Country Club Drive and Country Club Place last summer with radar gun drawn and aimed. It would be more accurate to call it a"Beaver Pond".

This development is planned between a elementary school and an old folks home.

Why can't the planning commissioners see the stupidity of that. Patricia Daniels brought up a very good point we have , "no money, to pay for mailings and educating the public about developments". This is a catch 22, if you don't educate them and they learn about it only when the bulldozers wake them up, building more ticky tacky boxes next to them, then you have created very anger citizens who will vote down all money requests from the city. People are fed up with this kind of decision. Education is vitial here. There is a very easy solution to this problem. Require the developers to pay for mailings, installing large signs, etc., of their developments to all affected citizens and most surely the neighbors within a mile of the development. People hate ugly developments city wide. I hate to see neighborhoods destroyed because of bad planning. Theses 28 units could become rentals long term. The city can not stop that from happening.

Home Owner Associations were discussed by the Engineer from Devco. Home Owner Associations fail long term and owners will not maintain semipermiable pavers, landscaping, etc. Renters and landlords do not have a sterling record here. Go look at my old apartment on the corner of 14th and Monroe to see what I mean I sold it two years ago, drive around campus and see the many slumlords who own rentals surrounding campus. Home Owner Association also fail long term for a number of reasons mainly people get lazy and do not like confronting a neighbor about a violation. I am a member in one and I can tell you about others around town that aren't doing so hot protecting homeowners's rights, not all but maybe the majority. I was Realtor in Corvallis for twenty years before retiring.

Let me end on a positive note. We all love our "Sweet Little Corvallis", especially you folks who have given much more then the rest of us, (Mayor. City Council and City Planning Commisioners). This we all have in common. Thanks for your service and I hope you reject this application for all the many reasons mentioned from all of us. Like I said before , I would be cheering the developer on if he would build similiar homes to the surrounding homes and possibly build them all handicap accessible and stay out of the flood plain.

Finally I request that this letter and all other protesting letters be sent to the Mayor, City Manager and City council members and especially Corvallis's planning commision members. This "Ashwood Preserve" Development is exactly how communities degrade over time.

Pay attention to Nancy Waldon's letter, she hit the nail straight on its head. We have only ~~one week~~ to notify the City of Corvallis in writing about our disapproval of this folly. Again I recommend the Council reject this appilaction until 5 PM Monday Feb 11, 2008

and start again with a better plan.

Sincerely,

Ray Chesbrough
3800 SW Country Club Drive
Corvallis, Oregon 97333
(541) 753-8383

RECEIVED
FEB - 6 2008
Community Development
Planning Division

Young, Kevin

From: Day, Emely
Sent: Thursday, February 07, 2008 10:39 AM
To: Young, Kevin
Subject: FW: Testimony for Ashwood Preserve

From: Chesbrough, Helen [mailto:helen.chesbrough@oregonstate.edu]
Sent: Thursday, February 07, 2008 10:37 AM
To: Day, Emely
Subject: Testimony for Ashwood Preserve

Regarding "Ashwood Preserve" proposed development, it is my understanding that the City erred in including the "ditch area" on the western end of the development area as belonging to the developer, whereas this area actually belongs to the city. Following this error, the City allowed the developer to trade this area (which is designated as wetland) for credit, by which he moved his proposed buildings further into the wetland north. Please do the right thing and recalculate the allowable development area. There is developer-owned area still left that is upland and could be considered for building (perhaps a duplex or triplex). It's hard for me to believe that Corvallis, one of the most appealing, livable cities in the nation, and home of Oregon State University, would not feel the moral obligation, especially during these times of heightened awareness of climate change, to be a protector of wetlands.

P.S. At Monday's hearing, a City representative informed the public that there were not enough funds to cover mailings notifying neighbors (a significant number of them) about the proposed development. Yet I understand that the City is considering hiring a new person to communicate such proposed plans to the public – really?? It would seem much wiser to spend a little more on mailings, newspaper notifications and visual displays at property sites than to spend a huge amount for a new employee.

Thanks for your consideration.

Sincerely, Helen Chesbrough
3800 SW Country Club Drive
Corvallis, OR 97333

Young, Kevin

From: Gibb, Ken
Sent: Thursday, February 07, 2008 11:56 AM
To: 'kmcfall@gallerynouveau.biz'
Cc: Young, Kevin
Subject: RE: <web>Written comment on proposed Dunawi Creek developement

Thank you for your input. We will include this information in the written record that the City Council will received prior to making a decision on this application.

-----Original Message-----
From: Kerry McFall [mailto:kmcfall@gallerynouveau.biz]
Sent: Thursday, February 07, 2008 11:47 AM
To: Gibb, Ken
Subject: <web>Written comment on proposed Dunawi Creek developement
Importance: Low

This is an inquiry e-mail via %s from: Kerry McFall (kmcfall@gallerynouveau.biz)

Would the developers consider re-structuring gravity? Or perhaps re-setting average annual rainfall? That's what it will take if they think they can fill in a wetland and not pay a huge price eventually. If you will take the time to read the argument below, you will see that there is local precedent which can only reach one conclusion – don't mess with Mother Nature. Leave the few remaining wetlands where they are.

My basement in Corvallis flooded – twice - in 1996, thanks to someone's misinformed decision in the late 40's that it made sense to build houses with basements at zero elevation, houses located barely a quarter mile from a fairly major stream, in fairly swampy ground.

That almost worked, until the surrounding hills developed and were paved, and the rain had nowhere to soak into. Long story short, gravity took the rain on the easiest route, which followed the storm drains back into my basement. Sure, I can pump it out – as long as I have an independent source of electricity. And it stays pumped out for about 30 seconds before the water rushes back in because it has literally nowhere to go, and up is not a valid option given our current definition of gravity.

In the 40's and 50's mere mortals were convinced that the powers of man were beyond nature, we could bend it to our will. And in the 40's and 50's we didn't fully understand the function of wetlands.

I walk along the wetland trails beside Dunawi Creek quite frequently because I work in a nearby Research Parkway office. When it rains, water stands everywhere that isn't paved. When it pours, like it does in "100 year" flood events, water runs in rivulets across the trails, across Country Club, across Research Parkway. Where will that water go when the subdivision is "filled in"? It has to go somewhere, and it won't be pretty when it does. I can show you the insurance claim photos of my basement.

Wetlands exist because the stream drainages in this valley require them. We as mortals are not able to restructure the geology of this valley, we can't redefine gravity, we can't set the rainfall.

Don't mess with Mother Nature – leave the few remaining wetlands where they are.

Young, Kevin

From: Day, Emely
Sent: Thursday, February 07, 2008 1:28 PM
To: Young, Kevin
Subject: FW: Testimony for Ashwood Preserve

From: Raymond Chesbrough [mailto:ray.chesbrough@gmail.com]
Sent: Thursday, February 07, 2008 1:26 PM
To: Day, Emely
Subject: Testimony for Ashwood Preserve

Feb 6, 2008

I attended the Public Hearing for the Ashwood Preserve Appeal, Monday Feb 4, 2008; you received my written testimony January 27. I would like to add a few comments and suggestions regarding the meeting.

1. Does Corvallis, home of Oregon State University (the science university of the State), and the "Greenest City" in the United States, want to be known for starting a new policy to allow developers the right to destroy natural features?

2. This development is planned between an elementary school and an old folks home. The area already has huge traffic safety issues with regard to both the children at Adams School and older folks crossing the street at Stoneybrook. I was shocked to hear Senior Planner Kevin Young state that there would only be 15 additional vehicle trips a day during rush hour because of this development. That is bogus! He needs to be in front of Mr. William Maier's home at 1725 SW Whiteside and get educated about traffic. Mr. Maier sent the city a very accurate letter describing the traffic situation on Country Club Drive.

A few months ago, I was almost killed by a speeding motorist who rounded the corner just west of my property, (3800 SW Country Club Drive), as I was backing down my driveway; he must have been going 60 miles an hour and just missed me. You get very serious about land use issues when you are almost killed backing out of your own driveway.

3. Patricia Daniels brought up the point that the City has no money to pay for mailings and educating the public about developments. This is a catch 22. If you don't educate the people, and they learn about developments only when the bulldozers wake them up, building more ticky tacky boxes next to them, then you have created very angry citizens who will vote down all money requests in the future. A solution would be to require the developers to pay for mailings, installing large signs, etc., of their developments to all affected citizens and to all neighbors within a mile of the development.

4. Home Owner Associations were discussed by the Engineer from Devco representing the developer. Home Owner Associations fail long term. Renters and landlords do not have a sterling record here. I doubt that homeowners would maintain semipermeable pavers, landscaping, etc. long-term, mainly because people get lazy and do not like confronting neighbors about violations.

5. A historical note: Alan Berg was one of our greatest mayors; he was very courteous and really listened to citizen concerns. Montgomery Brothers' proposal to put up high density apartments at the corner of Country Club Drive and 35th (across from Adams School) nearly 30 years ago was defeated, thanks to the lead taken by Alan Berg, Dr. Richard Fredrickson (Soil Scientist with US Forest Service), and concerned Council Members and citizens.

6. Those attending the meeting to appeal Ashwood Preserve on February 4th had a difficult time seeing the City's presentation. I suggest that the City fix its audio visual presentation equipment. Major public hearings occur here and the equipment does not measure up.

Let me end on a positive note. We all love Corvallis, especially you folks who have given much more than the rest of us (Mayor. City Council and City Planning Commissioners). This we all have in common. Thanks for your service. I hope you reject this application. As I've said before, I would be cheering the developer on if he would build homes similar to the surrounding ones, and not encroach upon wetlands.

Thank You.

Ray Chesbrough - citizen
3800 SW Country Club Drive
Corvallis, Oregon 97333
(541) 753-8383

RECEIVED

FEB - 7 2008

Community Development
Planning Division

Date: February 7, 2008
To: Kevin Young, Senior Planner
From: Gerald Rooney, Carol J. Rooney, Corvallis residents
Re: Ashwood Preserve Subdivision

My wife and I live at 544 NW 12th in Corvallis. Collectively we have lived in Corvallis for 60 years. We have seen many changes over the years – some good, some not so good. Yet we generally accept development as inevitable. It's the impact on the environment that we look at when we judge the efficacy of it.

We have looked at and read the proposal for the development in the Ashwood Preserve area, and feel compelled to voice our objection to its going forward.

First, this community should guard its wetlands. As we know wetlands are an integral part of a healthy ecosystem. Wetlands in this area and across the US have been destroyed at an alarming rate.

Secondly the impact on residents already living in the area can be measured by a few minutes' time observing the traffic patterns in that area. Coupled with the fact that on either end of the proposed development there is a school and a high density elder residential area. It is imperative that planners and council members try to imagine being an established resident of the area, and how such a development would affect, perhaps even imperil those residents.

Finally, city officials need to be conscious of maintaining communication with its citizens. We have been informed that notification of this proposal was not adequate, sufficient nor timely to those residents who will be most affected by such a development.

Corvallis is a city of good neighbors. Has always been, and must continue to be. Let our first considerations always be to those who have established their residency here. Let us be ever considerate of them. It is their contributions to the health of the community that we must value over all.

Subject: Testimony for Ashwood Preserve

Feb 6, 2008

I attended the Public Hearing for the Ashwood Preserve Appeal, Monday Feb 4, 2008; you received my written testimony January 27. I would like to add a few comments and suggestions regarding the meeting.

1. Does Corvallis, home of Oregon State University (the science university of the State), and the "Greenest City" in the United States, want to be known for starting a new policy to allow developers the right to destroy natural features?

2. This development is planned between an elementary school and an old folks home. The area already has huge traffic safety issues with regard to both the children at Adams School and older folks crossing the street at Stoneybrook. I was shocked to hear Senior Planner Kevin Young state that there would only be 15 additional vehicle trips a day during rush hour because of this development. That is bogus! He needs to be in front of Mr. William Maier's home at 1725 SW Whiteside and get educated about traffic. Mr. Maier sent the city a very accurate letter describing the traffic situation on Country Club Drive.

A few months ago, I was almost killed by a speeding motorist who rounded the corner just west of my property, (3800 SW Country Club Drive), as I was backing down my driveway; he must have been going 60 miles an hour and just missed me. You get very serious about land use issues when you are almost killed backing out of your own driveway.

3. Patricia Daniels brought up the point that the City has no money to pay for mailings and educating the public about developments. This is a catch 22. If you don't educate the people, and they learn about developments only when the bulldozers wake them up, building more ticky tacky boxes next to them, then you have created very angry citizens who will vote down all money requests in the future. A solution would be to require the developers to pay for mailings, installing large signs, etc., of their developments to all affected citizens and to all neighbors within a mile of the development.

4. Home Owner Associations were discussed by the Engineer from Devco representing the developer. Home Owner Associations fail long term. Renters and landlords do not have a sterling record here. I doubt that homeowners would maintain semipermeable pavers, landscaping, etc. long-term, mainly because people get lazy and do not like confronting neighbors about violations.

5. A historical note: Alan Berg was one of our greatest mayors; he was very courteous and really listened to citizen concerns. Montgomery Brothers' proposal to put up high density apartments at the corner of Country Club Drive and 35th (across from Adams School) nearly 30 years ago was defeated, thanks to the lead taken by Alan Berg, Dr. Richard Fredrickson (Soil Scientist with US Forest Service), and concerned Council Members and citizens.

6. Those attending the meeting to appeal Ashwood Preserve on February 4th had a difficult time seeing the City's presentation. I suggest that the City fix its audio visual presentation equipment. Major public hearings occur here and the equipment does not measure up.

Let me end on a positive note. We all love Corvallis, especially you folks who have given much more than the rest of us (Mayor. City Council and City Planning Commissioners). This we all have in common. Thanks for your service. I hope you reject this application. As I've said before, I would be cheering the developer on if he would build homes similar to the surrounding ones, and not encroach upon wetlands.

Thank You.

Ray Chesbrough

Ray Chesbrough - citizen
3800 SW Country Club Drive
Corvallis, Oregon 97333
(541) 753-8383

RECEIVED
FEB - 8 2008
Community Development
Planning Division

6-1

Friends – this is a note about "Ashwood Preserve," a proposal (practically a done deal) for 28 attached three story condos 2/10 of a mile west of our house on Country Club Drive, part of which is to be built over wetlands. The City has decided on it – but due to an appeal, it is still possible to send an email message of protest, up until 5:00 on Monday. We hope that you might want to do so.

Here's a little history:

Mark Knapp, the sole person who was aware of the original public hearing and showed up there, was able to file an appeal, and Ray and Marilyn Koenitzer were able to find neighbors to contribute the necessary $250.00 for Mark to make it happen.

The most disturbing thing about this development is that it is the first application of new regulations (MADA – Minimum Assured Development Area) the City passed recently, allowing developers to build over natural features such as wetlands.

Also disturbing is that Mark Knapp discovered the city made several mistakes in calculating the amount of developable land available, giving the developer too much – if these miscalculations had not been made, the developer would probably not have enough land to proceed – however – Mark has just (within the last day or so) filed the details of his appeal and people do not know about this. Marilyn would like to encourage people to send emails requesting a recalculation of developable property.

Other important issues are density (28 three story attached condos), traffic, process (according to Marilyn and all the folks Ray has talked to – nobody was aware of this development, MADA, or the high density zoning of this land).

If you would by chance like to send an email to the city about this – please do so by 5 p.m. Monday, and send it to the city manager secretary at: emely.day@ci.corvallis.or.us . Be sure to include in subject line, "Testimony for Ashwood Preserve."

I've attached appeals from Jerry Rooney, Ray and me in case you would like to look at them. I think Greg is writing one too.

Ray Chesbrough

RECEIVED

FEB - 8 2008

Community Development
Planning Division

01-31-08 JKE

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

MEMORANDUM

DATE: January 31, 2008

TO: Mayor and City Council

FROM: Kevin Young, Senior Planner

SUBJECT: Additional correspondence regarding the appeal of the Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003)

Since the release of the January 25, 2008, Memorandum from Community Development Director, Ken Gibb, the attached correspondence has been received regarding the appeal of the Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003), which is scheduled to be considered by the City Council on February 4, 2008.

Feb 4, 2008

Opposing "Ashwood Preserve"

My name is Ray Chesbrough; I live at 3800 SW Country Club Drive, two tenths of a mile from "Ashwood Preserve." Let me start by thanking the Mayor and City Council for their service to the citizens of Corvallis. My concerns about Ashwood Preserve are (1) floodplain, (2) density, (3) traffic problems and (4) process.

(1) Ashwood Preserve is not just another development like those we've seen before in Corvallis. This development sets a precedent, enacting for the first time the City's new policy of allowing developers to build on properties encumbered by natural features. The proposed development destroys floodplain. Ash trees love their feet in the water. I believe we should respect Mother Nature and not build where Ash trees grow. I own a townhouse at 1678 SW Country Club Place, three-tenths of a mile downstream from the proposed development. During the 1996 flood, I was surprised to discover I owned waterfront property.

(2) The proposed development is high density, and not compatible with existing surrounding homes. Having worked in real estate in Corvallis for over twenty years, I believe that what Corvallis needs is single level, totally handicap-accessible homes. Most of us will need handicap-accessible housing eventually. But instead, city planners are focused on infill and maximizing density, with a resulting lack of properties that serve the long term needs of home owners.

(3) Regarding traffic, it is already difficult to pull out of my driveway during rush hours, due to all the recent development west of my property. Though the speed limit is 25 mph, many drivers use Country Club Drive as a thoroughfare and drive much faster. More high density housing will only exacerbate traffic problems.

(4) About process - I did not find about this development until the day before the deadline for filing an appeal. After walking the neighborhood and visiting with people, I found out I was not alone. A great many citizens expressed anger when I explained what was planned for the property. Many feel left out of the decision making process. No-one knew about zoning changes for the area.

I have not had time to research an important concern. Who is on the Planning Commission for the City? Is it a fair representation of the general public and developers, or is it solely people who have economic gains to make from Planning Commission decisions?

Thank you for hearing these concerns.

Sincerely,

Ray Chesbrough
3800 SW Country Club Drive
Corvallis, Oregon 97333
753-8383
c: Corvallis Police and Fire Departments

RECEIVED

FEB - 1 2008

Community Development
Planning Division

31 January 2008

City Council
Corvallis OR 97330

Ladies and Gentlemen:

Re: Protest to the Ashwood Preserve development

My name is Bill Maier, a resident and owner of the house at 1725 SW Whiteside, here in Corvallis since 1975. Our home is located at the end of Country Club Drive where it intersects with 35th St. Since that time we have seen more than 350 dwellings built along Country Club drive between 35th and 53rd streets, not counting Stoneybrook. The area is flooded with houses and apartments, and the automobile's associated with those houses and apartments come down Country Club Drive towards 35th Street.

During this time (since 1975) we have seen the traffic increase to gigantic proportions. At times, during the 8:00am morning rush, from my kitchen window I can see cars backed up beyond the top of the rise in the road, which is about 100 yards, waiting to enter the 35th/Whiteside traffic.

Starting at 7:15am (it is still dark) children are waiting on the corner of 35th/Whiteside and Knollbrook for the school bus. Again at 8:30 another group of children are waiting for the bus to take them to school. Cars come zipping by with little regard for the 15 or so children waiting on the corner. Those coming off of Country Club Drive, making a left hand turns, want to squeeze in between the cars coming down the hill on Whiteside. It is scary.

More apartments in the natural wetland area where these apartments are being proposed will only increase the demand on an already over stressed intersection. **This is crazy**. I ask that you please stop this madness and consider this as a formal protest to the proposed development of the Ashwood Preserve. Ashwood Preserve?? What is being preserved?

More houses will mean more taxes to increase revenues to the city coffers, but I'll bet it will not reduce my tax burden.

Respectfully Submitted

William D. Maier

William D. Maier
1725 SW Whiteside
Corvallis, OR 97333-1502

6-5

Young, Kevin

From: joliecharles@juno.com
Sent: Saturday, January 26, 2008 7:58 PM
To: Young, Kevin
Subject: Ashwood Preserve Subdivision

My husband and I live on 1646 SW Country Club Place. We have watched our area grow and grow. We've not complained about any of the new building, but this new subdivision is not a good idea. This area constantly floods and Country Club Drive is extrememly crowded from the building that has already gone on. I can't even imagine what it would be like with even more new building on that road.

Both my husband and I are teachers. We both have second jobs in the evening, so going to community meetings isn't really an option for us. Hopefully, an email complaint will suffice.

Thanks,

Les and Jolie Charles

Click for information on obtaining a VA loan.

Young, Kevin

From: NAWWEW@aol.com

Sent: Monday, February 04, 2008 1:02 PM

To: Young, Kevin

Subject: Ashwood Preserve (PLD07-00009-SUB07-00003) Subdivision

I strongly object to this subdivision. These types of subdivision were created all over the Los Angeles Metropolitan area. They created traffic problems and drew less desirable people to the neighborhood after an initial period of time because the "attached" homes concept fell out of favor and into disrepair. They do not fit in this neighborhood of mid to high price homes near the golf course.

These types of dwellings may be suitable in Southeast Corvallis, not Southwest Corvallis. Personally, I would not vote for them in the City of Corvallis.

Additionally, does Corvallis really want to have this image?

Is Applegate Development Group so greedy for money they have to cram that many units on the land?

Where are their values and where are Corvallis' values?

Blessings, Nancy Waldron, 2839 SW 45th Street, Corvallis, OR 97333, 541.758.2061

Who's never won? Biggest Grammy Award surprises of all time on AOL Music.

ɔung, Kevin

From: Louie, Kathy
Sent: Friday, February 01, 2008 1:41 PM
To: Young, Kevin
Subject: FW: [Fwd: <web>Protest Ashwood Preserve]

Kevin, here's one that will need to be copied (13) and I can hand it out Monday noon ... K

-----Original Message-----
From: Bill York [mailto:ward1@council.ci.corvallis.or.us]
Sent: Friday, February 01, 2008 1:20 PM
To: Louie, Kathy
Cc: ward1-web-archive@council.ci.corvallis.or.us
Subject: [Fwd: <web>Protest Ashwood Preserve]

For the record.

Regards,

Bill York
Councilor - Ward 1

---------- Original Message ----------
Subject: <web>Protest Ashwood Preserve
From: "Ardelle Merritt" <atmerritt30@msn.com>
Date: Fri, February 1, 2008 9:51 am
To: ward1@council.ci.corvallis.or.us

This is an inquiry e-mail via %s from: Ardelle Merritt (atmerritt30@msn.com) Due to a prior commitment I am unable to attend Monday's meeting. Please add my name to list of residents who protest this development. I oject to any building on this area of flood plain.
Further, the proposed project is too dense for this neighborhood and will result in major traffic congestion given the nearby schools and industry on Research Way. Further, the multable dwelling units are out of character for the neighborhood of single family dwellings. I live on Country Club Place: why were we who are close neighbors not informed sooner? I appreciate your attention to my concerns. Ardelle Merritt,1676 SW Country Club Place

6-8

..ıg, Kevin

From: Louie, Kathy
Sent: Wednesday, January 30, 2008 1:13 PM
To: Young, Kevin
Subject: FW: Ashwood Preserve

Kevin, here's one ....do you want me to continue to send to you and then copies can be made for Monday at noon?

-----Original Message-----
From: Bill York [mailto:ward1@council.ci.corvallis.or.us]
Sent: Wednesday, January 30, 2008 1:05 PM
To: Maxine Eckes
Cc: ward1-web-archive@council.ci.corvallis.or.us; Louie, Kathy
Subject: Re: Ashwood Preserve

Ms. Eckes,

I can't discuss this outside of the Public Hearing forum. I will forward your concerns to the other members of the Council and include it in the Public Record.

Regards,

Bill York
Councilor - Ward 1

> Dear Mr. York:
>
> I am very concerned about the new development called "Ashwood
> Preserve". It's location in a wetlands, its density, its design. As
> these three story townhouses are proliferating around town, I wonder
> if any other group has expressed disappointment in this kind of
> construction. It surely is changing the face of Corvallis. A number
> of people of mentioned to me that they have looked for one-story
> housing in new construction and there is very little. All new homes
> appear to be huge, two story buildings. Another concern is the
> increased traffic on Country Club Dr and 35th. We live just off 35th
> and experience the increase over the past few years.
>
> Putting up these structures in an area designated as wet lands is also
> of great concern to me. As our Ward 1 Councilor, is there anything
> that can be done about it, or is it a done deal? I am sad.
>
> Maxine Eckes
> 3581 SW Par Pl
> Corvallis
>

6-9

Date: February 7, 2008
To: Kevin Young, Senior Planner
From: Gerald Rooney, Carol J. Rooney, Corvallis residents
Re: Ashwood Preserve Subdivision

My wife and I live at 544 NW 12th in Corvallis. Collectively we have lived in Corvallis for 60 years. We have seen many changes over the years – some good, some not so good. Yet we generally accept development as inevitable. It's the impact on the environment that we look at when we judge the efficacy of it.

We have looked at and read the proposal for the development in the Ashwood Preserve area, and feel compelled to voice our objection to its going forward.

First, this community should guard its wetlands. As we know wetlands are an integral part of a healthy ecosystem. Wetlands in this area and across the US have been destroyed at an alarming rate.

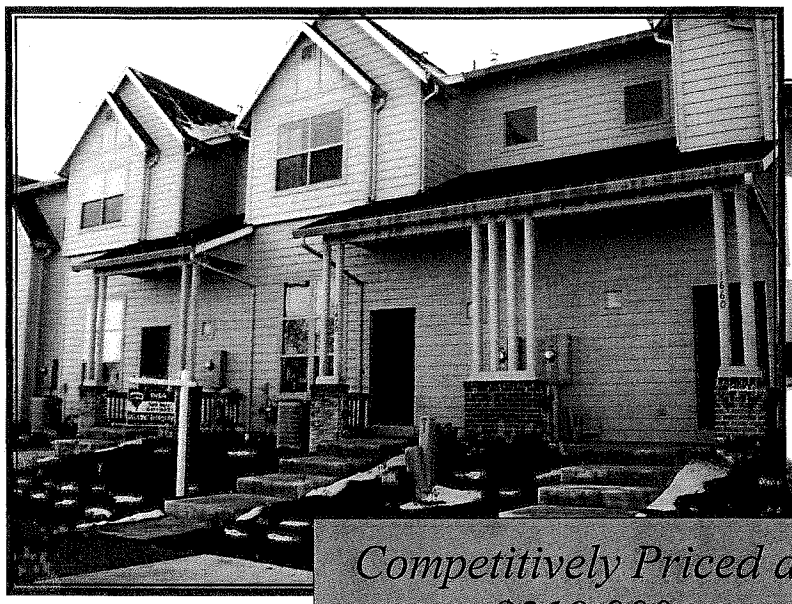
Secondly the impact on residents already living in the area can be measured by a few minutes' time observing the traffic patterns in that area. Coupled with the fact that on either end of the proposed development there is a school and a high density elder residential area. It is imperative that planners and council members try to imagine being an established resident of the area, and how such a development would affect, perhaps even imperil those residents.

Finally, city officials need to be conscious of maintaining communication with its citizens. We have been informed that notification of this proposal was not adequate, sufficient nor timely to those residents who will be most affected by such a development.

Corvallis is a city of good neighbors. Has always been, and must continue to be. Let our first considerations always be to those who have established their residency here. Let us be ever considerate of them. It is their contributions to the health of the community that we must value over all.

THE PERFECT FIT!

1670 SW 53rd
Corvallis, OR 97333



Competitively Priced at $219,900

- 3 bedroom/2.5 bath
- 1488 sq. ft.
- Perfect home for those who do not have time for yard work.
- Balcony off of the family room
- Tall Ceiling in Living Room
- Two Car garage
- Insulated Concrete block walls between units for extra quiet
- New in 2007
- Kitchen, Nook, Family Room form a grand room concept
- MLS 590247

For more information contact:
Marie Boyter, Broker
Direct (541) 918-5025
Office (541) 766-2000
Email MarieBoyter@remax.net

For more real estate and community Information, additional photos and Virtual tours of many of my listings visit my web site at:
www.BrentandMarieBoyter.com

RE/MAX® Integrity

REALTOR®

365 NW Harrison Blvd.
Corvallis, OR 97330

This information is deemed reliable, but not guaranteed.

6-11

Young, Kevin

From: Day, Emely
Sent: Friday, February 08, 2008 8:07 AM
To: Young, Kevin
Subject: FW: Testimony in Opposition of Ashwood Preserve Development on Country Club Dr and 45th

---

From: Anita Balleby [mailto:aballeby@msn.com]
Sent: Thursday, February 07, 2008 8:41 PM
To: Day, Emely
Subject: Testimony in Opposition of Ashwood Preserve Development on Country Club Dr and 45th

Re: Testimony in Opposition of Ashwood Preserve Development on Country Club Dr and 45th

My name is Anita Balleby and my family lives at 1520 SW Birdie Dr (ph# 541-754-6097). As the proposed Development has come to my attention, I realize what an impact this could have on our house as well as our neighbors. We get water clear up into our back yard and have in the past had water under our house. I feel quite concerned about a retaining wall and a large area of ground being compacted down and built on. If the water level comes up any higher than it currently does it will surely flood our house.

We experienced the same sort of problem when living in the City of Silverton when they made changes to a road that was ½ a mile away from us, but when the water didn't have it's normal place to disperse – it flooded our neighborhood. The City had to go back and make changes the following year to keep that from happening again.

Thanks for your time.

Anita Balleby

Young, Kevin

From: Day, Emely
Sent: Monday, February 11, 2008 8:08 AM
To: Young, Kevin
Subject: FW: Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003)

From: wdomka@comcast.net [mailto:wdomka@comcast.net]
Sent: Saturday, February 09, 2008 11:58 AM
To: Ward 1
Cc: Day, Emely
Subject: Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003)

Re: Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003)

Dear Councilor York:

I am writing to you to have my opposition to the proposed Ashwood Preserve Subdivision entered into the public record, since you are my representative on the Corvallis City Council.

I attended the public hearing on this proposed subdivision on Monday, February 4, 2008. I listened to the testimony and information presented by all parties and have since concluded that there are two major reasons for my opposition to the development as currently proposed. My reasons for opposing this are:

1. The calculation for the amount of wetland that is being claimed under the MADA regulation appears to be fatally flawed. I heard testimony regarding the claim of a drainage ditch as being wetland. I have lived in this neighborhood since 1983 and have walked along Country Club Drive many times so I personally know that the ditch is not wetlands. If the area occupied by the drainage ditch is taken out of the calculation then I don't believe the resulting MADA calculation would allow the applicant to claim as much wetland to be covered up during construction.

On a secondary level, I understand that the current MADA is the guideline that will be followed but I oppose the loss of any wetlands. Perhaps MADA should be done away with, but that is a topic for another time.

2. The density calculation that was performed by Mr. Kevin Young, of the City's Planning Department, is ludicrous. The reality is that 28 units are proposed to be placed on approximately three acres. Mr. Young went on to contrast the number of houses in an nearby residential area with the proposed Ashwood Preserve area. Mr. Young quoted the average density using the total area of the Ashwood Preserve including all wetland and glossed right over the real density of the proposed developed portion of the property.

28 divided by 3 will always begreater than 6. This brings to mind the quote generally attributed to Mark Twain - "There are lies, damn lies and statistics".

I oppose the placing of this number of housing units on this small piece of land. There was testimony presented at the public hearing on February 4, 2008 which pointed out a multitude of every day problems caused by the proposed housing density.

Respectfully submitted,

Walter F. Domka
1681 SW Country Club Place
Corvallis, OR

Young, Kevin

From: Day, Emely
Sent: Monday, February 11, 2008 8:09 AM
To: Young, Kevin
Subject: FW: Testimony for Ashwood Preserve

-----Original Message-----
From: Jean Kliewer [mailto:jeankliewer@cmug.com]
Sent: Sunday, February 10, 2008 12:31 PM
To: Day, Emely
Subject: Testimony for Ashwood Preserve

In regard to the testimony on Ashwood Preserve, I am in complete agreement with the findings of Mark Knapp and Liz and Bob Frankel and the testimony of Marilyn Koenitzer and the statement of the League of Women Voters regarding this matter.

Jean Kliewer
Ward 1
1549 SW Birdie Dr.
Corvallis, OR 97333

9-1

Young, Kevin

From: Day, Emely
Sent: Monday, February 11, 2008 8:09 AM
To: Young, Kevin
Subject: FW: Ashwood Preserve

-----Original Message-----
From: Maxine Eckes [mailto:m.eckes@comcast.net]
Sent: Sunday, February 10, 2008 11:03 AM
To: Day, Emely
Subject: Ashwood Preserve

Greetings.

I would like to add to my previous email the following point. At the hearing about the Ashwood Preserve on Feb. 4, we were told that the development would be managed by a homeowner's association after it is completed.

Because these units will inevitably become rental units, I think it is highly unlikely that the residents will care enough about the development to form and carry on a homeowner's group. They are NOT the homeowners and probably won't be living in the units for any length of time. Even at best, in neighborhoods where there are a considerable number of homeowners, it is difficult to get one started and maintained. Since our development (Birdie and Par Place off SW 35th St.) did not start one immediately, there have been several attempts to do so and all have failed. We can all imagine what it would take to make one go in a rental complex. It won't.

Just some more food for thought.

Maxine Eckes
3581 SW Par Pl

10-1

Young, Kevin

From: Day, Emely
Sent: Monday, February 11, 2008 8:09 AM
To: Young, Kevin
Subject: FW: Testimony for Ashwood Preserve

From: Don & Sandy Kuhns [mailto:dnskuhns@comcast.net]
Sent: Sunday, February 10, 2008 1:23 PM
To: Day, Emely
Cc: dnskuhns@comcast.net
Subject: Testimony for Ashwood Preserve

Date: February 10, 2008

To: Kevin Young, Senior Planner

From: Sandy & Don Kuhns, Corvallis residents

Re: Ashwood Preserve Subdivision

I strongly object to this new subdivision and urge you to reject it under its current design. My major objection is this development would take place on wetlands.

We live about .5 miles directly north of the wetlands where this development is proposed to take place. We are located at the end of the bike path which leads north from Starker Arts park. We walk and ride our bikes in this area several times each week. It is my experience, during most winters, the entire area around the Starker Arts park is saturated with water for a good part of the winter, sometimes completely flooding the bike/walk paths. Of course as I am sure you are aware, development on wetlands is counter intuitive to the value wetlands provide. Especially to Corvallis, which is synonymous with wet winters, wetlands are a very important resource for the city and our community. They provide valuable flood control to the city and particularly to the immediate areas surrounding the wetland. The cities wetlands also provide open space, valuable habitat for reptiles, birds and plants, and provide valuable natural areas for the community to enjoy.

Almost every winter I have water under my house (crawl space) which is caused by the water in the surrounding area to pool and the water table to rise and which than seeks out the low places (under my house). I am concerned any development on wetlands in the area will only increase the probability of drainage problems in the area. The Ashwood Preserve, regardless of the plans to mitigate the lose of wetlands, will most certainly negatively impact the surrounding areas. It will increase the potential for flooding in the area, degrade natural habitat negatively impacting the flora and fauna which depend on it, and reduce natural areas for the community to enjoy. For all these reasons, I urge you to reject this development as proposed.

Young, Kevin

From: Day, Emely
Sent: Monday, February 11, 2008 8:10 AM
To: Young, Kevin
Subject: FW: Ashwood Preserve

From: Kay Zaback [mailto:kmzaback@comcast.net]
Sent: Sunday, February 10, 2008 2:29 PM
To: Day, Emely
Subject: Ashwood Preserve

My husband and I have lived at 1650 SW Country Club Pl for 17 years. We are opposed to the Ashwood Preserve proposal because it would mean building on the wetlands which we always understood were supposed to be preserved. We are greatly concerned about the flooding issues. We have had water right up to our propery line and believe things could only get worse.

Please recalculate the amount of developable property and consider the effect on surrounding areas.

.Thank you,

Chuck and Kay Zaback

Young, Kevin

From: Hagen, David M (Corvallis R&D) [david.hagen@hp.com]
Sent: Monday, February 11, 2008 12:10 PM
To: Young, Kevin
Cc: David & Laura Hagen
Subject: Concerns about Ashwood Preserve development

Greetings,

My family and I have been residents on Country Club Pl for about four years. It has recently come to my attention about the plans to create a high density development in the neighborhood called "Ashwood Preserve". I think this is a mistake to develop this land into "high-density" housing.

Traffic is a big concern. I understand that the current plan calls for 28 units. My understanding is that this type of development is often attractive to college students especially since it is somewhat close to campus. With multiple students living in one unit you could end up with many more drivers per unit than a typical home. That being said I find it very hard to believe that this would only increase the number of peak hour trips by 15. This estimate of 15 peak hour trips should be rechecked by another party. Country Club Place with just 12 more units (but also with a very high percentage of retired people) generates much more than 15 peak hour trips.

Additionally traffic in the mornings during the school year is often already bad on the east end of country club drive and on 35th street.

Another concern is the speed people often drive on Country Club Dr. It is not uncommon at all to see people driving by Country Club Place at speeds well over 40 mph. Young drivers are often more likely to speed and bringing more young drivers to this neighborhood could make this problem even worse.

Flooding is another major concern. Many of the houses on Country Club Place are in or border the 100 year flood plain. These homes are all downstream of the proposed development. Without proper maintenance the proposed solutions to runoff will likely not work indefinitely and I see no way to enforce continued maintenance of the runoff solutions proposed. This will likely create a further flooding risk to people living downstream of the development.

Thank you,

David Hagen
1628 SW Country Club Pl
Corvallis, OR 97333

541-753-6761

13-1

Young, Kevin

From: Day, Emely
Sent: Monday, February 11, 2008 1:48 PM
To: Young, Kevin
Subject: FW: testimony for Ashwood Preserve

From: Timothy Sullivan [mailto:tim.sullivan@esenvironmental.com]
Sent: Monday, February 11, 2008 1:30 PM
To: Day, Emely
Subject: testimony for Ashwood Preserve

As a citizen of Corvallis since 1977, I would like to object to the proposed Ashwood Preserve on two grounds. First and foremost, it is irresponsible to build in the floodplain. As an environmental scientist, I have seen first-hand the results of poorly-planned floodplain development. Tillamook and New Orleans are prime examples. Corvallis does not need to build in the floodplain; doing so is a recipe for future problems. The floodplain serves a whole host of critical functions, including flood control, erosion control, summer water supply, and wildlife habitat. Building a high density residential property in the floodplain is irresponsible.

Second, it is not appropriate to site a high-density development in the middle of a low-density residential area. Local residents in the affected neighborhood have essentially lived "in the country" in that neighborhood, many for decades. If you feel that Corvallis needs such high-density housing, put it where it fits in with the existing neighborhood. Not only will this new development be a blight on an excellent neighborhood, it will also result in major traffic problems.

Thank you for considering these issues in your decision-making.

Timothy Sullivan
1983 NW Estaview Dr
Corvallis, OR 97330
758-4703

Young, Kevin

From: Day, Emely
Sent: Monday, February 11, 2008 4:24 PM
To: Young, Kevin
Subject: FW: Testimony for Ashwood Preserve

From: Gregg Lomnicky [mailto:glomnicky@comcast.net]
Sent: Monday, February 11, 2008 4:23 PM
To: Day, Emely
Subject: Testimony for Ashwood Preserve

Mayor, City Councilors, and City Planners,

Like many others, I am writing to express my concern regarding the planned development, as proposed, of the Ashwood Preserve Subdivision. I am an aquatic ecologist working at the Environmental Protection Agency for the Dynamac Corp. and live in the neighborhood of the project, just east of 35th St. For the past several years I have been actively researching the effects of human disturbance on our Nation's surface waters including streams, rivers and wetlands. One recent and relevant document is the Western Pilot Project Assessment (2005) produced by the local Corvallis Laboratory. This document highlights the changes in ecological condition of our waterways resulting from varied a nthrop ogenic disturbance including urban development.

Below I highlight concerns that I hope the City Council has or should consider prior to allowing or denying the development to occur as proposed and offer some suggestions.

Floodplain Constriction:
The proposed Retaining wall (30") will constrict floodplain, thus creating a loss of retention capacity. Floodplains attenuate large storm events decreasing the magnitude and periodicity of erosive flow events downstream. More recently due development upstream in the Dunawi watershed, local residents have noted the increased frequency with which Dunawi Cr. floods, most evident by downstream flooding on the bike path just upstream of Research Technology Loop. This water, which is now draining off increased impermeable surfaces including roofs, pavement and other compacted surfaces is quickly routed into the creek along with associated oils, fertilizers and other chemicals. The proposed retention wall will constrict the floodplain only a little more, but this area is one of the few remaining locatio ns in this tributary where The City can allow unrestricted flooding. Further floodplain constrictions will cause local peak flow conditions to be further exacerbated, potentially causing increased erosive force as the creek passes between homes downstream of 35th St.

Allowing this wetland function properly to clear the creek of silt and chemicals, and to attenuate localized flooding seems prudent. At a minimum, I would propose restricting the development footprint to the upland area so that no wetland or floodplain area is directly impacted.

Daylight/Shading, Compaction
Impacts occur beyond the direct footprint of the project. Three story buildings will shade portions of the

wetland immediately north of the proposed complex. This will likely affect the health of the nearby wetland, creating an impact to the recognized natural features beyond the actual footprint. Drainage to and through the wetland will be impaired by compaction and water collection and dispersal resulting from the project. The proposed pervious pavement will plug over time and, even when newly installed, will not stop surface flow which will be collected and point discharged into the wetland by the developers. The volume of water created by the point discharges will more quickly be routed to the creek without wetland filtering thus increasing conveyance of sediment and polluting chemicals to the stream. &nbs p;

Drainage Effects:
Change in drainage due to compaction and loss of pervious soils. The site sits on a sloping surface at the base of the small hill topped by the Country Club. Already increased overland flows will only be exacerbated by the increase in impervious surface and compaction of the proposed project. Ashwood Preserve is very high density when defined by counting units on the buildable portion of the site. An ecologically fair comparison was not made at the Appeal Meeting between the number of units per acre for Ashwood Preserve and the highlighted section of Stonybrook. The large percentage loss on site in true permeable surface will further increase immediate storm flows to the creek. I would urge the City Council to reconsider the design so that more open space can be retained on the buildable portion of the site.&n bsp; < /SPAN>At the appeal meeting on February 4th, I heard that a number of variances have already been allowed for the developer. Perhaps another would be to not hold the developer to the density requirement for the whole site so that a more environmentally friendly design with increased permeable surface can be created which is more closely tied to the buildable acres.

I am not suggesting that the area remain undeveloped though that would be my first choice were it an option. However, I do believe a smaller scale, less invasive project on the upland portion of the site would be more suited to this property. The site has been identified as having significant natural features, and is considered one of the best remaining wetlands, though fragmented, still existing in Corvallis. Please carefully reconsider your decision regarding the ultimate development of this property.

Communication:
Though I have checked with a number of local residents, I still have not spoken with a single person who received or knew of individuals who received the notice that The City said should have been mailed. Is it possible that this was an oversight in the process as happened recently in SE Corvallis? Whether the notice was sent or not, the entire audience at the meeting heard that funds are limited for contacting nearby residents regarding proposed projects. Why not require the developer or project owner to bear the cost of notification? The City can still come up with the list of those to be notified. Perhaps this could be tied to the permitting process. Mailing costs incrementally add up for the City with many development projects around town,

. . . just like cumulative effects born by the environment and ultimately by us all.

Sincerely,

Gregg Lomnicky, Ph.D.
Aquatic Ecologist
3350 SW Knollbrook Ave.
Corvallis, OR 97333
541.754.4472

Citation

Stoddard, J. L., D. V. Peck, S. G. Paulsen, J. Van Sickle, C. P. Hawkins, A. T. Herlihy, R. M. Hughes, P. R. Kaufmann, D. P. Larsen, G. Lomnicky, A. R. Olsen, S. A. Peterson, P. L. Ringold, and T. R. Whittier. 2005. *An Ecological Assessment of Western Streams and Rivers*. EPA 620/R-05/005, U.S. Environmental Protection Agency, Washington, DC.

Young, Kevin

From: Day, Emely
Sent: Monday, February 11, 2008 5:00 PM
To: Young, Kevin
Subject: FW: Testimony for Ashwood Preserve

From: Carroll English [mailto:carrollenglish2000@yahoo.com]
Sent: Monday, February 11, 2008 4:47 PM
To: Day, Emely
Subject: Testimony for Ashwood Preserve

My objections to the development of Ashwood Preserve.

1. Part of it will be built over wetlands, which are vital to our environmental health and to fighting global warming. This is not acceptable.

2. Lack of taking into account the much increased traffic in the neigborhood, which will adversely affect the current residents' safety and quality of life.

3. The highly inadequate advanced notice that the city gave to the current residents of the area about this proposed development. Corvallis can and must do much better in order to keep the confidence of its residents in its city government.

4. There appear to have been mistakes in the calculations of developable land, which gave the developer too much land, without which he would likely have been unable to proceed. Time must be taken to recalculate the land correctly.

Thank you,
Carroll English, 1097 NW Charlemagne Place, Corvallis, 97330
766-8177

Looking for last minute shopping deals? Find them fast with Yahoo! Search.

RECEIVED

FEB 11 2008

Community Development
Planning Division

Feb 11, 2008

Dear Mayor, City Manager, Council Members and Planning Commission Members:

Today is the deadline for the public to send you any letters protesting the "Ashwood Preserve."

I have hand delievered to the Planning Department copies of the ones I know about. I hope the Planning Department receives many more. This experience has made me proud to live in Corvallis. People love this town and do not want to see it destroyed; this we all have in common.

I honestly feel the city failed in its fiduciary duty to keep the public informed and, more importantly, to protect Corvallis from developments like "Ashwood Preserve." This lesson should have been learned from the hot debate over the development of our River Front. Debate is good - everyone wins in the long run. We now have a beautiful River front Park.

Thanks for your service to the citizens of Corvallis.

Sincerely:

Ray Chesbrough

Ray Chesbrough, Citizen
38000 SW Country Club Drive
Corvallis, Oregon 97333

Corvallis Councilors to hear project appeals

GAZETTE-TIMES

City Councilors will take on two land-use decisions Monday night, starting with Seventh Street Station.

The owner of Seven Street Station LLC wants to develop the 5-acre site into high-density residential units in a residential zone while neighbors in the vicinity want to keep it as an industrial zone to effectively block such development in the historic neighborhood.

The property is located near Western Boulevard and Seventh Street along the Willamette and Pacific Railroad tracks.

Councilors will later hear an appeal of a planning commission decision that approved the Ashwood Preserve subdivision Monday night.

On Jan. 3, planning commissioners approved Ashwood Preserve, a southwest Corvallis development that was the first test of city provisions allowing developers to build subdivision on the grounds that it on properties encumbered by natural features. would impact wetlands on the site, filed the appeal.

Mark Knapp, who opposed the Ashwood Preserve is a planned 28-townhouse subdivision on 9.5 acres north of Country Club Drive and east of 45th Place. The project is located just south of Dunawi Creek and, as planned, will cut into a portion of a wetland area deemed highly significant on the city's register of natural features.

City planners recommended approval on the project based on rules in the city's newest building code that give property owners the right to build on at least a portion of their land even if construction would impact significant natural features.

IF YOU GO

WHAT: Ashwood preserve subdivision appeal and discussion of Seventh Street Station rezoning

WHEN: Monday, 7 p.m.

WHERE: Downtown Fire Station, 400 N.W. Harrison Blvd.

AS I SEE IT

Ashwood project a despoiler

BY RAY CHESBROUGH

2/4/08

As a 32-year-resident of Country Club Drive in Corvallis, I am concerned about the proposed Ashwood Preserve development for four reasons: density, building into the floodplain, traffic and process in making land-use decisions.

Surrounding existing homes are single-family residential. The proposed development is high density, making Ashwood Preserve housing development an oxymoron, as is the The Gardens down the street, Grand Oaks, Timberhill and other developments throughout town that destroy the very natural features these developments are named after.

Is sweet little Corvallis, as recently portrayed in the new promotional movie celebrating our city's 150th birthday, becoming another boomtown?

Having worked in real estate in Corvallis for more than 20 years, I believe what our city really needs is more developments like Stoneybrook, with single-level, totally handicapped-accessible homes.

Far too many builders are putting up three-bedroom, two-and-a-half-bath homes, with bedrooms and main bath upstairs.

Most of us will need handicap-accessible housing eventually.

City planners are focused on infill and maximizing density, with a resulting lack of properties that serve the long-term needs of home-owners.

My second concern is that some of the proposed development is in the floodplain.

Historically, builders have tried to build for maximum profit rather than wise land use.

I remember when the city and Montgomery Brothers proposed building high-density apartments and attached housing on the corner of Country Club Drive and 35th Street. An engineer representing the developer, Montgomery Brothers, seriously proposed burying Dunawi Creek in a pipe all the way to the Willamette River and then building over it.

We must respect and protect our natural features. The proposed development destroys a floodplain.

Regarding traffic problems: It is already difficult to pull out of my driveway during rush hour, due to all the recent development west of my property.

Although the speed limit is 25 mph, many drivers use Country Club Drive as a thoroughfare and drive much faster.

More high-density housing will only exacerbate traffic problems.

As to process, though I live only two-tenths of a mile from the proposed development, the city did not notify me of it.

A small sign on the property and notice in the newspaper have been ineffective in notifying neighbors of this major land development decision.

To appeal it, citizens have had to pay $250.

The public hearing for this appeal will be tonight at 7:30 p.m. at the Fire Station Meeting Room, 400 N.W. Harrison Blvd.

Please attend, and keep the city from riding roughshod over citizen concerns. Let's try to prevent Corvallis from becoming just another boomtown.

Ray Chesbrough is a longtime Corvallis resident.

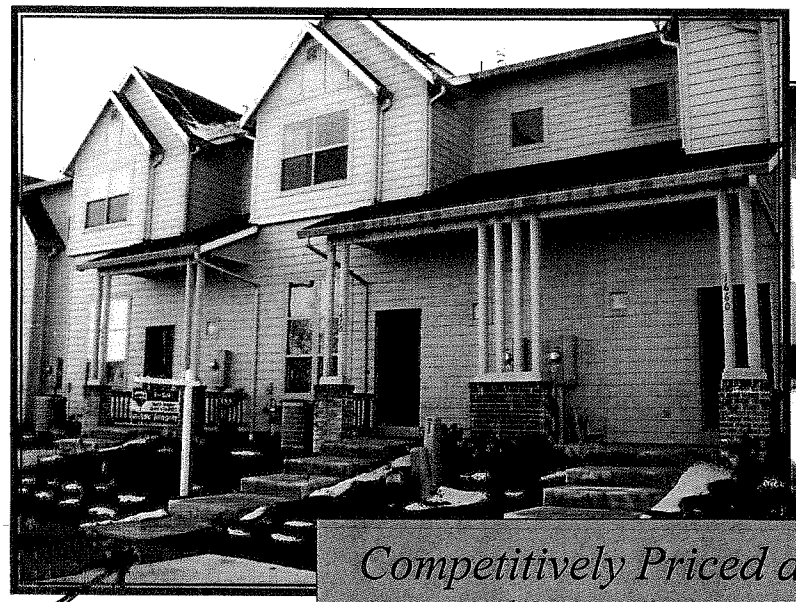
17-2

Similar to these units

THE PERFECT FIT!

1670 SW 53rd
Corvallis, OR 97333

really three stories



Competitively Priced at $219,900

no hardwood floors

- 3 bedroom/2.5 bath
- 1488 sq. ft.
- Perfect home for those who do not have time for yard work.
- Balcony off of the family room
- Tall Ceiling in Living Room
- Two Car garage (no side by side parking)
- Insulated Concrete block walls between units for extra quiet
- New in 2007
- Kitchen, Nook, Family Room form a grand room concept
- MLS 590247

For more information contact:
Marie Boyter, Broker
Direct (541) 918-5025
Office (541) 766-2000
Email MarieBoyter@remax.net

For more real estate and community Information, additional photos and Virtual tours of many of my listings visit my web site at:
www.BrentandMarieBoyter.com

RE/MAX Integrity

REALTOR®

365 NW Harrison Blvd.
Corvallis, OR 97330

This information is deemed reliable, but not guaranteed.

17-3

01-31-08 JLE

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

MEMORANDUM

DATE: January 31, 2008

TO: Mayor and City Council

FROM: Kevin Young, Senior Planner

SUBJECT: Additional correspondence regarding the appeal of the Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003)

Since the release of the January 25, 2008, Memorandum from Community Development Director, Ken Gibb, the attached correspondence has been received regarding the appeal of the Ashwood Preserve Subdivision (PLD07-00009, SUB07-00003), which is scheduled to be considered by the City Council on February 4, 2008.

Subject: Testimony for Ashwood Preserve

Feb 6, 2008

I attended the Public Hearing for the Ashwood Preserve Appeal, Monday Feb 4, 2008; you received my written testimony January 27. I would like to add a few comments and suggestions regarding the meeting.

1. Does Corvallis, home of Oregon State University (the science university of the State), and the "Greenest City" in the United States, want to be known for starting a new policy to allow developers the right to destroy natural features?

2. This development is planned between an elementary school and an old folks home. The area already has huge traffic safety issues with regard to both the children at Adams School and older folks crossing the street at Stoneybrook. I was shocked to hear Senior Planner Kevin Young state that there would only be 15 additional vehicle trips a day during rush hour because of this development. That is bogus! He needs to be in front of Mr. William Maier's home at 1725 SW Whiteside and get educated about traffic. Mr. Maier sent the city a very accurate letter describing the traffic situation on Country Club Drive.

A few months ago, I was almost killed by a speeding motorist who rounded the corner just west of my property, (3800 SW Country Club Drive), as I was backing down my driveway; he must have been going 60 miles an hour and just missed me. You get very serious about land use issues when you are almost killed backing out of your own driveway.

3. Patricia Daniels brought up the point that the City has no money to pay for mailings and educating the public about developments. This is a catch 22. If you don't educate the people, and they learn about developments only when the bulldozers wake them up, building more ticky tacky boxes next to them, then you have created very angry citizens who will vote down all money requests in the future. A solution would be to require the developers to pay for mailings, installing large signs, etc., of their developments to all affected citizens and to all neighbors within a mile of the development.

4. Home Owner Associations were discussed by the Engineer from Devco representing the developer. Home Owner Associations fail long term. Renters and landlords do not have a sterling record here. I doubt that homeowners would maintain semipermeable pavers, landscaping, etc. long-term, mainly because people get lazy and do not like confronting neighbors about violations.

5. A historical note: Alan Berg was one of our greatest mayors; he was very courteous and really listened to citizen concerns. Montgomery Brothers' proposal to put up high density apartments at the corner of Country Club Drive and 35th (across from Adams School) nearly 30 years ago was defeated, thanks to the lead taken by Alan Berg, Dr. Richard Fredrickson (Soil Scientist with US Forest Service), and concerned Council Members and citizens.

6. Those attending the meeting to appeal Ashwood Preserve on February 4th had a difficult time seeing the City's presentation. I suggest that the City fix its audio visual presentation equipment. Major public hearings occur here and the equipment does not measure up.

Let me end on a positive note. We all love Corvallis, especially you folks who have given much more than the rest of us (Mayor. City Council and City Planning Commissioners). This we all have in common. Thanks for your service. I hope you reject this application. As I've said before, I would be cheering the developer on if he would build homes similar to the surrounding ones, and not encroach upon wetlands.

Thank You.

Ray Chesbrough

Ray Chesbrough - citizen
3800 SW Country Club Drive
Corvallis, Oregon 97333
(541) 753-8383

My wife's editing of my version

17-5

My version DRAFT 2/4/08

Comments, Impressions, Suggestions and Concerns about "Ashwood Preserve"

I attended the Public Hearing for Ashwood Preserve Appeal, Monday Feb 4, 2008. I must disclose that I have not been to a City Council Meeting in a long time. My impressions: fix your audio visual presentation equipment. Fumbling with tech gear and then not being able to see information on the screen makes me wonder if the money spent on this facility was worth it. All major public hearings occur here and the equipment does not measure up. We could not see what was presented by indivuals attempting to do so. Screens are made of reflective material, all lights impact them, maybe the solution is to turn off all lights so people can see the information presented and speak into the microphone..

The room was packed with people ,only one citizen favored the project all others opposed it.

"Ashwood Preserve" is being appealed by citizens who are concerned about many problems associated with this development. Things like high density,(three story attached homes 28 of them), built among single family homes. Building in the floodplain and destroying it. Huge traffic increases, safety issues for children at Adams School, and older folks crossing the street at Stoneybrook, and most shocking for me was to learn that this development will be the first test of a new City provision allowing developers the right to build on properties encumbered by natural features. Just think about this, Corvallis the center of the State, OSU considered the Science University of the State and the "Greenest City" in the United States, starting a new policy to allow developers the right to destroy natural features. Why did this policy pass the City's Planning Commission? Why was the public not informed about this major shift in envirnomental policy? Who is behind this policy shift that could explode statewide and even further. Would Corvallis be the proud Founder of this new dangerous policy? The creator of the destruction of natural features?

I was almost killed by a speeding motorist who rounded the corner just west of my property, (3800 SW Country Club Drive), as I was backing down my driveway, he was going at least 60 plus miles and hour. and just missed me, as he raced away he gave me the finger, the speed limit is 25 mph. You get very serious about land use issues when you are almost get killed backing out of your own driveway.

Alan Berg was one of our greatest mayors he was very courteous and really listened to Corvallis's citizens's concerns. Montgomery Brothers's proposal to

screw up the corner of Country Club Drive and 35th nearly 30 years ago with high density apartments. We citizens stopped it, and we were lead by Dr. Richard Fredrickson, (Soil Scienctist with US Forest Service). Alan Berg (mayor) and concerned Council Members and Concerned Citizens of Southwest Corvallis stopped this development. In fact Dick and Alan we close friends and fellow scienctists. Dick lived across the street from me and was a fine man, who also taught me how to steelhead fish. (I miss them both). We have the same thing happening today with the proposed "Ashwood Preserve" just west of me across the street from the Corvallis Golf Course, but it is much more serious development because of new policy changes.

Ashwood Preserve is not just another development like those we have seen before. This development starts a new policy to legally destroy natural features? Good for the Sierra Club and active community scientists for uncovering this dangerous policy. The GT wrote a story before the public hearing about this new policy. I only discovered it before the Feb 4, 2008 Public Hearing. Not only should this policy change, this development needs to be stopped. How did the Planning Commision pass on this policy and development?

I felt honored having hand delievered over 150 flyers with my letter, appeal notice, site map, and visual of the proposed development. I felt I was doing the City's job. I was not alone, others did the same and I look forward to knowing these fine people better. I really enjoyed meeting so many of my neighbors thru this effort. I feel strongly that the one huge lesson we should all learn here is how uninformed citizens are over important land use issue that we all care about. (Liveability of Corvallis).

I was shocked to hear, Senior Planner Kevin Young state that there would only be 15 additional vehicle trips a day durning rush hour because of this development no problem - bogus. He needs to seat with the school kids in the morning 7:30AM in front of Mr. William Maier home 1725 SW Whiteside an get educated about traffic. Mr. Maier sent the city a very accurate letter describing the traffic situation on Country Club Drive I hardly ever see police on Country Club drive anymore. I am worried about getting killed pulling out of my driveway. The City could raise huge sums of money fining speeders on Country Club - 25mph. This is a "Duck Pond" as described by the Police Officier who was seating at the corner of Country Club Drive and Country Club Place last summer with radar gun drawn and aimed. It would be more accurate to call it a"Beaver Pond".

This development is planned between a elementary school and an old folks home.

Why can't the planning commissioners see the stupidity of that. Patricia Daniels brought up a very good point we have , "no money, to pay for mailings and educating the public about developments". This is a catch 22, if you don't educate them and they learn about it only when the bulldozers wake them up, building more ticky tacky boxes next to them, then you have created very anger citizens who will vote down all money requests from the city. People are fed up with this kind of decision. Education is vitial here. There is a very easy solution to this problem. Require the developers to pay for mailings, installing large signs, etc., of their developments to all affected citizens and most surely the neighbors within a mile of the development. People hate ugly developments city wide. I hate to see neighborhoods destroyed because of bad planning. Theses 28 units could become rentals long term. The city can not stop that from happening.

Home Owner Associations were discussed by the Engineer from Devco. Home Owner Associations fail long term and owners will not maintain semipermiable pavers, landscaping, etc. Renters and landlords do not have a sterling record here. Go look at my old apartment on the corner of 14th and Monroe to see what I mean I sold it two years ago, drive around campus and see the many slumlords who own rentals surrounding campus. Home Owner Association also fail long term for a number of reasons mainly people get lazy and do not like confronting a neighbor about a violation. I am a member in one and I can tell you about others around town that aren't doing so hot protecting homeowners's rights, not all but maybe the majority. I was Realtor in Corvallis for twenty years before retiring.

Let me end on a positive note. We all love our "Sweet Little Corvallis", especially you folks who have given much more then the rest of us, (Mayor. City Council and City Planning Commisioners). This we all have in common. Thanks for your service and I hope you reject this application for all the many reasons mentioned from all of us. Like I said before , I would be cheering the developer on if he would build similiar homes to the surrounding homes and possibly build them all handicap accessible and stay out of the flood plain.

Finally I request that this letter and all other protesting letters be sent to the Mayor, City Manager and City council members and especially Corvallis's planning commision members. This "Ashwood Preserve" Development is exactly how communities degrade over time.

Pay attention to Nancy Waldon's letter, she hit the nail straight on its head. We have only one week to notify the City of Corvallis in writing about our disapproval of this folly. Again I recommend the Council reject this appilaction

and start again with a better plan.

Sincerely,

Ray Chesbrough
3800 SW Country Club Drive
Corvallis, Oregon 97333
(541) 753-8383

Friends – this is a note about "Ashwood Preserve," a proposal (practically a done deal) for 28 attached three story condos 2/10 of a mile west of our house on Country Club Drive, part of which is to be built over wetlands. The City has decided on it – but due to an appeal, it is still possible to send an email message of protest, up until 5:00 on Monday. We hope that you might want to do so.

Here's a little history:

Mark Knapp, the sole person who was aware of the original public hearing and showed up there, was able to file an appeal, and Ray and Marilyn Koenitzer were able to find neighbors to contribute the necessary $250.00 for Mark to make it happen.

The most disturbing thing about this development is that it is the first application of new regulations (MADA – Minimum Assured Development Area) the City passed recently, allowing developers to build over natural features such as wetlands.

Also disturbing is that Mark Knapp discovered the city made several mistakes in calculating the amount of developable land available, giving the developer too much – if these miscalculations had not been made, the developer would probably not have enough land to proceed – however – Mark has just (within the last day or so) filed the details of his appeal and people do not know about this. Marilyn would like to encourage people to send emails requesting a recalculation of developable property.

Other important issues are density (28 three story attached condos), traffic, process (according to Marilyn and all the folks Ray has talked to – nobody was aware of this development, MADA, or the high density zoning of this land).

If you would by chance like to send an email to the city about this – please do so by 5 p.m. Monday, and send it to the city manager secretary at: emely.day@ci.corvallis.or.us . Be sure to include in subject line, "Testimony for Ashwood Preserve."

I've attached appeals from Jerry Rooney, Ray and me in case you would like to look at them. I think Greg is writing one too.

Ray Chesbrough

Written by Helen Chesbrough, my wife for almost 40 years. Currently secretary of Animal Science OSU.

17-10

Date: February 7, 2008

To: City Manager Secretary @ emely.day@ci.corvallis.or.us

From: Helen Chesbrough
3800 SW Country Club Drive
Corvallis, OR 97333

Helen Chesbrough

Re: Ashwood Preserve Subdivision

Regarding "Ashwood Preserve" proposed development, it is my understanding that the City erred in including the "ditch area" on the western end of the development area as belonging to the developer, whereas this area actually belongs to the city. Following this error, the City allowed the developer to trade this area (which is designated as wetland) for credit, by which he moved his proposed buildings further into the wetland north. Please do the right thing and recalculate the allowable development area. There is developer-owned area still left that is upland and could be considered for building (perhaps a duplex or triplex). It's hard for me to believe that Corvallis, one of the most appealing, livable cities in the nation, and home of Oregon State University, would not feel the moral obligation, especially during these times of heightened awareness of climate change, to be a protector of wetlands.

Thanks for your consideration.

Date: February 7, 2008
To: Kevin Young, Senior Planner
From: Gerald Rooney, Carol J. Rooney, Corvallis residents
Re: Ashwood Preserve Subdivision

My wife and I live at 544 NW 12th in Corvallis. Collectively we have lived in Corvallis for 60 years. We have seen many changes over the years – some good, some not so good. Yet we generally accept development as inevitable. It's the impact on the environment that we look at when we judge the efficacy of it.

We have looked at and read the proposal for the development in the Ashwood Preserve area, and feel compelled to voice our objection to its going forward.

First, this community should guard its wetlands. As we know wetlands are an integral part of a healthy ecosystem. Wetlands in this area and across the US have been destroyed at an alarming rate.

Secondly the impact on residents already living in the area can be measured by a few minutes' time observing the traffic patterns in that area. Coupled with the fact that on either end of the proposed development there is a school and a high density elder residential area. It is imperative that planners and council members try to imagine being an established resident of the area, and how such a development would affect, perhaps even imperil those residents.

Finally, city officials need to be conscious of maintaining communication with its citizens. We have been informed that notification of this proposal was not adequate, sufficient nor timely to those residents who will be most affected by such a development.

Corvallis is a city of good neighbors. Has always been, and must continue to be. Let our first considerations always be to those who have established their residency here. Let us be ever considerate of them. It is their contributions to the health of the community that we must value over all.

RECEIVED

FEB - 1 2008

Community Development
Planning Division

31 January 2008

City Council
Corvallis OR 97330

Ladies and Gentlemen:

Re: Protest to the Ashwood Preserve development

My name is Bill Maier, a resident and owner of the house at 1725 SW Whiteside, here in Corvallis since 1975. Our home is located at the end of Country Club Drive where it intersects with 35th St. Since that time we have seen more than 350 dwellings built along Country Club drive between 35th and 53rd streets, not counting Stoneybrook. The area is flooded with houses and apartments, and the automobile's associated with those houses and apartments come down Country Club Drive towards 35th Street.

During this time (since 1975) we have seen the traffic increase to gigantic proportions. At times, during the 8:00am morning rush, from my kitchen window I can see cars backed up beyond the top of the rise in the road, which is about 100 yards, waiting to enter the 35th/Whiteside traffic.

Starting at 7:15am (it is still dark) children are waiting on the corner of 35th/Whiteside and Knollbrook for the school bus. Again at 8:30 another group of children are waiting for the bus to take them to school. Cars come zipping by with little regard for the 15 or so children waiting on the corner. Those coming off of Country Club Drive, making a left hand turns, want to squeeze in between the cars coming down the hill on Whiteside. It is scary.

More apartments in the natural wetland area where these apartments are being proposed will only increase the demand on an already over stressed intersection. **This is crazy**. I ask that you please stop this madness and consider this as a formal protest to the proposed development of the Ashwood Preserve. Ashwood Preserve?? What is being preserved?

More houses will mean more taxes to increase revenues to the city coffers, but I'll bet it will not reduce my tax burden.

Respectfully Submitted

William D. Maier

William D. Maier
1725 SW Whiteside
Corvallis, OR 97333-1502

17-13

Date: February 10, 2008

To: Kevin Young, Senior Planner

From: Sandy & Don Kuhns, Corvallis residents

Re: Ashwood Preserve Subdivision

I strongly object to this new subdivision and urge you to reject it under its current design. My major objection is this development would take place on wetlands.

We live about .5 miles directly north of the wetlands where this development is proposed to take place. We are located at the end of the bike path which leads north from Starker Arts park. We walk and ride our bikes in this area several times each week. It is my experience, during most winters, the entire area around the Starker Arts park is saturated with water for a good part of the winter, sometimes completely flooding the bike/walk paths. Of course as I am sure you are aware, development on wetlands is counter intuitive to the value wetlands provide. Especially to Corvallis, which is synonymous with wet winters, wetlands are a very important resource for the city and our community. They provide valuable flood control to the city and particularly to the immediate areas surrounding the wetland. The cities wetlands also provide open space, valuable habitat for reptiles, birds and plants, and provide valuable natural areas for the community to enjoy.

Almost every winter I have water under my house (crawl space) which is caused by the water in the surrounding area to pool and the water table to rise and which than seeks out the low places (under my house). I am concerned any development on wetlands in the area will only increase the probability of drainage problems in the area. The Ashwood Preserve, regardless of the plans to mitigate the lose of wetlands, will most certainly negatively impact the surrounding areas. It will increase the potential for flooding in the area, degrade natural habitat negatively impacting the flora and fauna which depend on it, and reduce natural areas for the community to enjoy. For all these reasons, I urge you to reject this development as proposed

.ıg, Kevin

From: Louie, Kathy
Sent: Wednesday, January 30, 2008 1:13 PM
To: Young, Kevin
Subject: FW: Ashwood Preserve

Kevin, here's one ....do you want me to continue to send to you and then copies can be made for Monday at noon?

-----Original Message-----
From: Bill York [mailto:ward1@council.ci.corvallis.or.us]
Sent: Wednesday, January 30, 2008 1:05 PM
To: Maxine Eckes
Cc: ward1-web-archive@council.ci.corvallis.or.us; Louie, Kathy
Subject: Re: Ashwood Preserve

Ms. Eckes,

I can't discuss this outside of the Public Hearing forum. I will forward your concerns to the other members of the Council and include it in the Public Record.

Regards,

Bill York
Councilor - Ward 1

> Dear Mr. York:
>
> I am very concerned about the new development called "Ashwood
> Preserve". It's location in a wetlands, its density, its design. As
> these three story townhouses are proliferating around town, I wonder
> if any other group has expressed disappointment in this kind of
> construction. It surely is changing the face of Corvallis. A number
> of people of mentioned to me that they have looked for one-story
> housing in new construction and there is very little. All new homes
> appear to be huge, two story buildings. Another concern is the
> increased traffic on Country Club Dr and 35th. We live just off 35th
> and experience the increase over the past few years.
>
> Putting up these structures in an area designated as wet lands is also
> of great concern to me. As our Ward 1 Councilor, is there anything
> that can be done about it, or is it a done deal? I am sad.
>
> Maxine Eckes
> 3581 SW Par Pl
> Corvallis
>

17-15

Young, Kevin

From: joliecharles@juno.com
Sent: Saturday, January 26, 2008 7:58 PM
To: Young, Kevin
Subject: Ashwood Preserve Subdivision

My husband and I live on 1646 SW Country Club Place. We have watched our area grow and grow. We've not complained about any of the new building, but this new subdivision is not a good idea. This area constantly floods and Country Club Drive is extrememly crowded from the building that has already gone on. I can't even imagine what it would be like with even more new building on that road.

Both my husband and I are teachers. We both have second jobs in the evening, so going to community meetings isn't really an option for us. Hopefully, an email complaint will suffice.

Thanks,

Les and Jolie Charles

Click for information on obtaining a VA loan.

Young, Kevin

From: NAWWEW@aol.com

Sent: Monday, February 04, 2008 1:02 PM

To: Young, Kevin

Subject: Ashwood Preserve (PLD07-00009-SUB07-000O3) Subdivision

I strongly object to this subdivision. These types of subdivision were created all over the Los Angeles Metropolitan area. They created traffic problems and drew less desirable people to the neighborhood after an initial period of time because the "attached" homes concept fell out of favor and into disrepair. They do not fit in this neighborhood of mid to high price homes near the golf course.

These types of dwellings may be suitable in Southeast Corvallis, not Southwest Corvallis. Personally, I would not vote for them in the City of Corvallis.

Additionally, does Corvallis really want to have this image?

Is Applegate Development Group so greedy for money they have to cram that many units on the land?

Where are their values and where are Corvallis' values?

Blessings, Nancy Waldron, 2839 SW 45th Street, Corvallis, OR 97333, 541.758.2061

Who's never won? Biggest Grammy Award surprises of all time on AOL Music.

ɔung, Kevin

From: Louie, Kathy
Sent: Friday, February 01, 2008 1:41 PM
To: Young, Kevin
Subject: FW: [Fwd: <web>Protest Ashwood Preserve]

Kevin, here's one that will need to be copied (13) and I can hand it out Monday noon ... K

-----Original Message-----
From: Bill York [mailto:ward1@council.ci.corvallis.or.us]
Sent: Friday, February 01, 2008 1:20 PM
To: Louie, Kathy
Cc: ward1-web-archive@council.ci.corvallis.or.us
Subject: [Fwd: <web>Protest Ashwood Preserve]

For the record.

Regards,

Bill York
Councilor - Ward 1

---------- Original Message ----------
Subject: <web>Protest Ashwood Preserve
From: "Ardelle Merritt" <atmerritt30@msn.com>
Date: Fri, February 1, 2008 9:51 am
To: ward1@council.ci.corvallis.or.us

This is an inquiry e-mail via %s from: Ardelle Merritt (atmerritt30@msn.com) Due to a prior commitment I am unable to attend Monday's meeting. Please add my name to list of residents who protest this development. I oject to any building on this area of flood plain.
Further, the proposed project is too dense for this neighborhood and will result in major traffic congestion given the nearby schools and industry on Research Way. Further, the multable dwelling units are out of character for the neighborhood of single family dwellings. I live on Country Club Place: why were we who are close neighbors not informed sooner? I appreciate your attention to my concerns. Ardelle Merritt,1676 SW Country Club Place

17-18

Date: 30 January 2008
To: Corvallis City Council and Mayor
From: Marilyn Koenitzer, 4240 SW Fairhaven Drive 97333
Subject: Ashwood Preserve (PLD07-00009/SUB07-0003)

I have walked the three-mile loop from my home through the Ashwood Preserve area hundreds of times over the past 34 years. I have seen the area in flood stage. Many times the multi-use path is impassable due to high water. I am concerned about encroachment of housing into the floodplain and onto the wetlands. There is legal precedent that allows jurisdictions to restrict development in floodplains[1]. I do not believe the City has to allow encroachment into the floodplain.

I am convinced that the development proposal could be improved either by Council action or by remand to the Planning Commission and still allow reasonable development. I will address two serious obstacles to development, give one rose, give two solutions for change, and then present several inconsistencies and/or changes for your consideration.

Obstacles:

1. Buffer Requirements and Vegetation Maintenance: LDC Chapter 4.13.40.b (b) requires a 25' setback buffer around the upland edge of locally and non/locally protected wetlands. Additionally, the vegetation maintenance provision in the staff report (Ref: OFC 304.1.2) mandates a 25' fire buffer clear of vegetation. There is no buffer in the area encroaching into the wetland. I cannot determine from the maps and the staff report the amount of buffer in the other areas. Given the stated requirement, I would expect a 50' buffer adjacent to the wetland. If this cannot be accomplished the development should be denied.

2. Staff Condition 2 (page 76): Maintenance Obligations: I agree that no pesticides, herbicides, fertilizers, or other chemicals should be allowed to be used within the development or any of the Tracts. It is quite unlikely, however, that the proposed Homeowners' Association will be able to enforce this condition. Without a reasonable expectation of enforcement, the development should be denied.

Rose:

I applaud Applegate Development Group for proposing to use permeable paving throughout the development. I believe that permeable paving should be required in all new development in driveways and parking lots (and should have been used adjacent to this proposed development on the recently paved parking lot situated in the floodway at "The Gardens").

Background on Solution 1:

The staff report states: A requirement of LDC 4.11.50.04 states, "All unconstrained lands shall be used before encroachments can occur." The smaller upland areas on the west side of this property may be problematic, but deserve a second look.

Solution 1: Remove the condos from the floodplain and wetland areas and replace a triplex to the unconstrained upland piece immediately west of the last drawn duplex, adjacent to Country Club Drive. (See Attachment M within Attachment J.)

Background on Solution 2:
While reacquainting myself with the June 26, 2000 Comprehensive Plan and the new Land Development Code for this hearing, I am again reminded that the City is trying to protect urban streams and wetlands through many of its Findings, Policies and Codes listed below.

Floodplains and Flood Hazards: Findings 4.8.a to i, Policies 4.8.1, 4.8.3;
Water Resources: Findings 4.9.a to c., Policy 4.9.1;
Urban Streams and Other Drainageways: Findings 4.10.a to 4.10.o, Policies 4.10.1 to 4.10.12;
Wetlands: Findings 4.11.a to4.11.e, 4.11.g to 4.11.j, Policies 4.11.1 to 4.11.14.
Wetlands: LDC Chapter 4.13)

But other planning policies and MADA seem to thoroughly undermine protection of these environmentally critical areas. I recognize that one of the intents of the Comp. Plan and LDC is to balance preservation with development, and I further recognize that our standards are required to be "clear and objective," but since the MADA was adopted, and the City and Century Properties finalized the appeal of the LDC, this is a new era, not only because of new awareness of global warming and sustainability, but also because of the passage of Measure 49.

The MADA provisions are unique to Corvallis and Benton County. No other jurisdiction has adopted them. This is the first time the MADA calculations have been applied to a development. While the chart numbers are clear and objective, the source of the calculations is arbitrary. In Ordinance 2004-36, the MADA was adopted with a further revision: (Section 4.11.40.03.a Table 4.11.1) – "Change the Base MADA/Acre for the RS-1 District from 9,500 Sq. ft. to 10,000 sq. ft." This prior change demonstrates that the City Council can choose to adopt a text amendment revising the MADA calculations to reflect more protection for our natural resources.

Solution 2: In the Ashwood case, I believe that the MADA base calculation figures could and should be reduced to restrict encroachment into the 100-year floodplain and the wetland. This change could better protect stream and wetland integrity, water quality, flood control, and wetland drainage due to upland development.

Other Concerns:
Solar Access; MADA requirements for density exempt this parcel from solar requirements. Given the developer's willingness to use permeable paving, it might be possible to convince him to change the roof design to accommodate solar panels. This is a south-facing property with no current obstructions to sunlight. The State is now encouraging solar usage. If it is feasible for the developer to reorient his buildings or redo

the massive east/west facing roof structure, I encourage you to encourage him to do so. This change could also make the condos more salable.

Change in Hydrology, Storm Drainage: According to the Staff Report, encroachment into the wetland by MADA provision will cause hydrology to be changed. Even with the use of permeable paving, storm drainage will increase with the development, especially with more than 25,000 sq. ft. of roof area. There are no storm sewers in the older parts of town, and none are being built with new development. Because of changes in hydrology, drainage and hydrology continue to be problematic, even with detention facilities.

Homeowners Maintenance: Since Wetlands and the 100-year Floodplain are involved in this development, and since State and Federal permits are required, the maintenance of the conserved area (Tract A) should not be left up to the Homeowners' Association. Instead, maintenance should be assumed by the City.

Compatibility,Visual, and Basic Site Design: The staff report has conflicting statements regarding the building heights. I do not believe the height and the design of the condominiums are compatible with the adjacent, older single-family surrounding neighborhood.

Thank you for your attention to and consideration of my testimony. For the reasons listed above, I request that the proposal either be denied or remanded to the Planning Commission for changes that would disallow encroachment into the wetland and floodplain.

[1](Lucas vs. South Carolina Coastal Council).

The City went to considerable time and expense to hire consultants to map the Significant Natural Features, and to hold numerous public hearings to ensure that the public had a say in which features, including wetlands, would be preserved.

The public perceived all the work done to identify significant natural features as an attempt to preserve them, as a good thing.

The Planning Commissioners and City Councilors who adopted the Minimum Assured Development Area (MADA) code in 2004 must have thought that MADA would protect our Significant Natural Features. It must have looked good on paper.

But now, the Ashwood Preserve proposal is the first test of the MADA calculations. As you know, this is the first test statewide, since Corvallis is the only jurisdiction with this formula. Any program of this kind may look good on paper, but usually a regulation as far-reaching as this needs test and evaluation. I hope that you recognize that the MADA may have to be changed to reflect our goals of saving wetlands and other significant features.

The benefits of wetlands are incalculable. "Freshwater wetlands act as natural filters for our ground water supply, reducing the need for expensive investments in water purification. They also protect us from floods by absorbing water and releasing it slowly, which reduces the costs that we might otherwise pay for insurance and cleanup. They provide crucial habitat for migrating birds and a wide variety of other wildlife. Moreover, wetlands also serve as incubators supplying our sport and commercial fisheries. Sustaining our wetlands is an important way to protect both human settlements and natural habitat.[1]"

[1] http://njssi.impacthosting.net/goals_sub.asp?Level2ItemID=20&Level3ItemID=33

The reason for my concern is that even with wetlands mitigation, the U.S., including Oregon, is still losing wetlands. Oregon has lost 38% of its original wetlands. Oregon does, however, have a goal of net wetland gain. Corvallis should be the Oregon leader in preserving the wetlands we have and in trying to increase them. Now is the time for Corvallis to take positive action to be that leader in preserving our wetlands. Now is the time to not chip away at our existing wetlands. And now is the time to establish wider buffer zones than presently specified around our wetlands. We should adhere to the goals in our 20/20 Vision statement and the policies in Chapter 4.1.0, of the Comprehensive Plan, Wetlands. In doing so, we reduce the possibility of irreparable damage to our life support system.

Now is the time to schedule a review and revision of MADA. We no longer have to feel intimidated by Measure 7 or Measure 37. We have the power to enact more stringent regulations than the State of Federal laws. We are encouraged by the state that we can do so. Let's do it.

Abadi MT condensed

Lake Oswego has a Comprehensive Planning Policy that states: "Allow development density on parcels containing wetlands to be transferred to other portions of the development site when wetlands and the required buffer areas are permanently dedicated as open space." This Policy means to me that Lake Oswego only allows density transfer when the wetland area is permanently protected. We have some work to do to surpass Lake Oswego as the leader is natural resource protection.

[1] http://njssi.impacthosting.net/goals_sub.asp?Level2ItemID=20&Level3ItemID=33

[1] http://njssi.impacthosting.net/goals_sub.asp?Level2ItemID=20&Level3ItemID=33

For the sake of time and seriousness of the decision, I will not read this tonight. I will read my shorter version

Feb 4, 2008

Opposing "Ashwood Preserve" Ray Chesbrough

My name is Ray Chesbrough; I live at 3800 SW Country Club Drive, two tenths of a mile from "Ashwood Preserve." Let me start by thanking the Mayor and City Council for their service to the citizens of Corvallis. I thought about attending this meeting wearing my cowboy hat and six guns but I decided to wear my beret and pens in my front pocket instead, for surely "The pen is mightier than the sword"!

I am very concerned about process. I was not made aware of this development until the day before the deadline for filing an appeal. After walking the neighborhood and visiting with people, I found out I was not alone. A great many citizens expressed anger when I explained what was planned for the property. There is also a great deal of apathy. Many feel left out of the decision making process, disgusted with the City and developers, hopeless, and not willing to get involved. The City needs to require all developers to install a large 4 by 8 sign showing visual designs of proposed buildings. People need visuals!

If the developer of Ashwood Preserve would build homes that are compatible with surrounding homes, stay out of the flood plain, and build them all one story or at least handicap accessible, then I would be cheering him on. What is proposed now is not compatible with the existing homes and could easily become student rentals. Just visit the newly completed units on the corner of 53rd and Windflower (close to Bi-Mart) to get a visual of what could happen here. I have had thirty plus years experience as a landlord of student rentals. I know what it is like to deal with students, beer bottles, unpaid rent, loud parties, cramming more kids in apartments without permission, etc. Think about this possibility - the entire 28 units bought by an investor who rents it out to students, who double up in each bedroom and all own vehicles (6 per unit times x 28 units equals 169 vehicles). The City cannot restrict who buys what property in Corvallis. This is a very real possibility - just talk to your police and fire department about similar developments citywide or drive around campus and look.

There comes a time when we must say no to more of this type of development. When I was 15, my family moved to San Jose, California, to an area near Paul Masson Winery. Today all the natural features of this area are gone - no more orchards, no more Paul Masson, no more vineyards, just developments. You would not want to live there now. Our City is heading in the same direction and is to blame for such bad land use decisions as "Ashwood Preserve." The City changes

zoning on property without informing citizens. Our City governement is the villain here!

Following are additional concerns with the proposed development:

Traffic - this is a growing problem. A police officer has told me Country Club Drive is a "Duck Pond;" he said drivers regularly exceed the 25 mph speed zone and he caught one driving 62 mph rounding the corner near my home. This is a huge problem for folks living at Stoneybrook, we need better police coverage and the speed limit needs to be 25mph for the entire length of Country Club Drive. The proposed development will only exacerbate the traffic problem.

Floodplain - Ash trees love their feet in the water. Have respect for Mother Nature and don't build where Ash trees grow. I own a townhouse at 1678 SW Country Club Drive, three-tenths of a mile downstream from the proposed development. During the 1996 flood, I was surprised to discover I owned waterfront property. .

I pay taxes and I expect the city to hire planners who plan and protect Corvallis from such developments as "Ashwood Preserve." I am very unhappy with services rendered.
Corvallis recently showed at the Majestic Theatre a new documentary under development celebrating Corvallis's 150th birthday. The young woman commentator in it frequently refers to "our sweet Corvallis." My concern is that we are losing our sweetness, and fast approaching the sourness of cities such as San Jose.

Sincerely,

Ray Chesbrough

Ray Chesbrough
3800 SW Country Club Drive
Corvallis, Oregon 97333
753-8383

Copies to Corvallis's Police Department and Fire Department

Feb 4, 2008

Opposing "Ashwood Preserve"

My name is Ray Chesbrough; I live at 3800 SW Country Club Drive, two tenths of a mile from "Ashwood Preserve." Let me start by thanking the Mayor and City Council for their service to the citizens of Corvallis. My concerns about Ashwood Preserve are (1) floodplain, (2) density, (3) traffic problems and (4) process.

(1) Ashwood Preserve is not just another development like those we've seen before in Corvallis. This development sets a precedent, enacting for the first time the City's new policy of allowing developers to build on properties encumbered by natural features. The proposed development destroys floodplain. Ash trees love their feet in the water. I believe we should respect Mother Nature and not build where Ash trees grow. I own a townhouse at 1678 SW Country Club Place, three-tenths of a mile downstream from the proposed development. During the 1996 flood, I was surprised to discover I owned waterfront property.

(2) The proposed development is high density, and not compatible with existing surrounding homes. Having worked in real estate in Corvallis for over twenty years, I believe that what Corvallis needs is single level, totally handicap-accessible homes. Most of us will need handicap-accessible housing eventually. But instead, city planners are focused on infill and maximizing density, with a resulting lack of properties that serve the long term needs of home owners.

(3) Regarding traffic, it is already difficult to pull out of my driveway during rush hours, due to all the recent development west of my property. Though the speed limit is 25 mph, many drivers use Country Club Drive as a thoroughfare and drive much faster. More high density housing will only exacerbate traffic problems.

(4) About process - I did not find about this development until the day before the deadline for filing an appeal. After walking the neighborhood and visiting with people, I found out I was not alone. A great many citizens expressed anger when I explained what was planned for the property. Many feel left out of the decision making process. No-one knew about zoning changes for the area.

I have not had time to research an important concern. Who is on the Planning Commission for the City? Is it a fair representation of the general public and developers, or is it solely people who have economic gains to make from Planning Commission decisions?

Thank you for hearing these concerns.

Sincerely, Ray Chesbrough

Ray Chesbrough
3800 SW Country Club Drive
Corvallis, Oregon 97333
753-8383
c: Corvallis Police and Fire Departments

17-27

RECEIVED

FEB 11 2008

Community Development
Planning Division

To: City Council
Re: Ashwood Preserve Development
From: Tom Walmsley/Ilene Kleinsorge

Our home, 1744 SW Pinehurst Place, is located just south of the proposed development, and we have several concerns which we would like to have the City Council address. Please bear in mind that we are not opposed to any development of the property under question, but we are concerned about the type of development which was described at the City Council meeting on Monday evening, February 4th.

I

To give us some idea of what the development might look like and how consistent it will be to the neighborhood, we would like answers to the following questions.

1. What are the sizes of the smallest and the largest units to be built in the complex?
2. What are the sale prices likely to be for the least and most expensive units in the complex?
3. Is this complex designed to attract low, medium, or high income buyers?
4. Did the Planning Commission study the effect which the proposed development would have on the value of other homes in the immediate vicinity? If so, what would the proposed development do for the value of our homes?

II.

Of considerable concern is the justification for building so many units on a parcel of land that is roughly 3 acres. We lived for several years in a unit of the Hidden Creek Town Houses. This lovely town house neighborhood has twenty one units, but we are under the impression these units were distributed over a considerably larger area than the proposed Ashwood Development. According to the presentation by the proposed developers, the density of the buildings would be roughly the same as a comparable parcel of land in the Stoneybrook area. We find this very difficult to believe! Is there any chance that the regulations are written in such a manner that density means different things depending on your frame of reference and that the proposed developers were making a comparison in the shape of apples and oranges by manipulating the frame of reference?

III.

As the SW area of Corvallis develops, the amount of traffic on Country Club Drive can only increase. This is to be expected, and we are pleased with the improvements recently completely on the street. We expect more traffic in the coming years. What gives us concern, however, is the effect which the proposed development would have on the flow of traffic. We presume the Planning Commission addressed the

problems which so much concentrated traffic from the proposed development would have on the overall traffic of Country Club Drive. We think this is a legitimate neighborhood concern. And we would add to this concern the problem which trash pickups and emergency vehicles might have with such limited space. Is the Council thoroughly satisfied that these concerns have been adequately met?

IV.

Overshadowing all our concerns with the above is the problem which the proposed development might have on the wetlands of our area. It sounded to us from the presentations of the March 4th meeting that there are risks involved in this development, risks which could compromise the wetlands. While we respect the Council's authority to act on our behalf and while we have nothing but admiration for the leaders of our community, it is our absolute conviction that a risk taken in this case is not justified. There is no reason to forbid developing something on the area of the nine acres which poses no risk. We would welcome any development that did not compromise the value of our neighborhood. But we do not want the City to take part in risking what little wetland remains in the City.

With all due respect, we are

Tom Walmsley, Tom Walmsley
Ilene Kleinsorge, Ilene Kleinsorge

League of Women Voters of Corvallis
PO Box 1679
Corvallis, Oregon 97339

RECEIVED
FEB 11 2008
Community Development
Planning Division

8 February 2008

The Honorable Charles Tomlinson, Mayor and
Members of the Corvallis City Council
501 SW Madison Ave
Corvallis, Oregon 97333

Subject: Ashwood Preserve Appeal Testimony

Dear Mayor and Members of the Council,

The League of Women Voters has positions supporting the preservation of natural resources, including wetlands. Based on these positions, the League supported the protective policies of the *1998 Comprehensive Plan,* Chapter 4.11, Wetlands and the Goals of the *20/20 Vision Statement* (excerpt below).

> *Protecting our Environment: Our natural features: "hillsides, floodplains, streams, wetlands, and other natural areas are protected and treasured. . . . We value our rivers, streams, and watershed, carefully managing them to protect the purity of our water. 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."*

and

> *Protecting Against Pollution: "The community's water supply, along with its rivers and streams are clean and clear."*

The League has concerns about the basis for and application of the Minimum Assured Development Area (MADA) provision found in the *2006 Land Development Code (LDC), Chapter 4.11.* This new MADA code is being applied for the first time in the Ashwood Preserve Development proposal. Corvallis appears to be the only city in Oregon using the MADA calculation for determining the development area on properties containing significant natural features. Its application will set a precedent for future use.

According to the appellant's testimony, there are questions as to the amount of MADA credit allowed to the developer. The appellant claims that the developer should be allowed 4,000 square feet less area to build upon than the city allowed. Additionally, the application violates section 4.11.50.04.b of the land Development Code: "All unconstrained lands shall be used before encroachments can occur." Several parcels of unconstrained land remain that could be developed. One of the parcels might be more suitable in size and location than the others.

Furthermore, we are concerned that the calculations of the base MADA do not reflect the community's desire to preserve wetlands and other significant natural features. The MADA calculations allow encroachment into the wetland. We feel that this particular wetland merits more protection than it appears to receive with the MADA calculations as they have been applied in this case. Moreover, the last provision of the MADA chapter, 4.11.50.05.a. allows the protection we are speaking of:

> *"Some Natural Resources and Natural Hazards present such high risks to life and property, or are of such high importance to the protection of water quality, that encroachments are not appropriate for areas containing these Natural Resources and Natural Hazards, even to provide a MADA. Regardless of the area or percentage of a particular lot or parcel covered by the High Risk/Impact Natural Resources and Natural Hazards, no encroachments shall be permitted within them, except as provided in Chapter 4.5-Natural Hazards and Hillside Development Provisions."*

We urge you to carefully scrutinize the application of MADA in the Ashwood Proposal to prevent any inappropriate or inaccurate use of this precedent-setting provision of the Land Development Code.

Yours very truly,

Barbara Ross

Barbara Ross, President
League of Women Voters of Corvallis

RECEIVED

FEB 11 2008

Community Development
Planning Division

2/8/08

Testimony for Ashwood Preserve

I would like to offer my opinion of the proposed development on this piece of property.

My biggest concern is the damage to a significant wetland and the very real possibility that it could lead to increased flooding for those of us who live downstream along Dunaway Creek.

My house on Brooklane Dr. was completely surrounded by water in 1964 and 1974 and nearly so in 1996 so I would not look forward to ANY increase brought about by loss of natural wetland upstream.

We need every square inch of the wetlands we now have.

In my opinion the density of the proposed housing is a bit much for this neighborhood, not in keeping with the upscale homes across the street.

Growth is inevitable but let it be

less burdensome to our land and also to the folks who already live here. I believe Stonybrook and Camas Commons were very worthwhile additions to this neighborhood and I supported them from day one but I could not for one moment support Ashwood Preserve.

Thank you.

Yours for a better Corvallis and Benton County

Dick Gallagher
1635 S.W. Brooklane Dr.
Corvallis Or 97333

RECEIVED

FEB 11 2008

Community Development
Planning Division

11 February 2008

Kevin Young, Senior Planner
Community Development
City of Corvallis

Subject: Appeal of the Ashwood Preserve Subdivision (APS)

Dear Kevin,

My wife and I reside at 3925 NW Tillicum Pl in the Timberhill area of Corvallis. I am the President of the Orchard Down Homeowners Association (ODHA), but I am writing as a citizen, not in an official capacity. The proposed multi-unit Ashwood Preserve complex, as I understand it, is entirely inappropriate along that section of Country Club Drive and should not be permitted.

I do not believe that the APS developer should be permitted to build any part of a multi-unit complex in the floodplain on that property, or immediatly adjacent to wetlands bordering the property. When storms inevitably come, wetlands handle excess water without intervention. Emergency mitigation of flooding on developed land costs taxpayers, needlessly taking valuable city resources away from projects that benefit the entire community. Furthermore, natural streams and a considerable natural buffer on their banks should be protected from development as part of Corvallis open space policy. And certainly, no drainage into the wetlands from fertilized landscaping, parking lots or other pollution sources on the APS property should be permitted.

An APS homeowners association cannot be relied on to maintain developer installed improvements to protect streams and wetlands unless the City commits to providing the APS homeowners association with enforcement services. Homeowners have been encroaching into open space in ODHA common areas, and ODHA has received no City support in our attempts to protect this open space.

I know from personal experience that the bend in the road adjacent to Ray Chesbrough's property at 3800 SW Country Club Drive is extremely dangerous. Members of my family have nearly been struck by speeding vehicles on that bend numerous times. The City should not permit the APS multi-unit structure without traffic safety enhancements near the bend on Country Club Drive.

Best regards,

Steven K Esbensen
3925 NW Tillicum Pl
Corvallis, OR 97330-3325
phone 541-758-0036

RECEIVED

FEB 11 2008

Community Development
Planning Division

Date: 11 February 2008
To: Corvallis Mayor and Members of City Council
From: Marilyn Koenitzer, 4240 SW Fairhaven Drive 97333

Subject: Ashwood Preserve (PLD07-00009/SUB07-0003)

The Ashwood Preserve Development Proposal and Subdivision Plat should be denied on the basis of #1. below. Numbers 2 and 3 also qualify the Proposal and Plat for denial. The developer can reapply with a new, altered proposal after Council determination of the proper area to be given MADA credit.

1. The City assumed that the curbside drainageway along the north side of Country Club Drive at the west end of the site is a wetland, and the developer asked for and was given additional right of way dedication for MADA credit in order to preserve that wetland (page 20 of Staff Report). I have learned, however, that the curbside drainageway is not considered a wetland by the Department of State Lands. Therefore, the MADA credit of 4.900 square feet for that "ditch" area is invalid.

2. Mr. Knapp, the appellant, finds that an additional 4,600 square feet of MADA credit for right-of-ways and buffer zones is excessive. Please examine the excess area allotted by the City for MADA credit carefully. With the word, "may" in LDC 4.11.50.02.c.,[1] you have the discretionary duty to determine whether the excess MADA credit should be allowed for development, or whether protection of the wetland abutting Denawi Creek is more important.

3. Additionally, I recommend that you reconsider the unused unconstrained upland areas and decide for yourselves if one or more of the parcels could be used for development. The parcel immediately to the west of the plat appears to be large enough for a condominium unit, and would comply with LDC Section 4.11.50.04.[2]

4. I still have concerns about the ability of the Homeowners' Associations to do the duties the city should undertake, such as maintenance of streets and management of wetlands, including poisonous discharge.

5. After hearing the testimony about permeable paving, I am not as enamored with it as I was in my earlier written testimony.

While the State of Oregon currently requires cities to "densify", this proposal calls for a density which is out of character with the immediate neighborhood to the east. If the developer is allowed to build within the 127,000 square feet proposed by Mr. Knapp, there certainly should be economic gain available for Applegate Development Group, LLC, although I have no idea how much money that will be. City Council's decision should not be based upon the amount of economic value to be gained by the developer.

---

[1] "Additional Allowances for Determining the MADA of residential and non-residential sites – The MADA calculated in Section 4111.50.02a. and b. may be increased above the base MADA by adding the areas determined by the provisions below:"
[2] "All unconstrained lands shall be used before encroachments can occur."

Country Club Dr. Improvements
No. 657324

COPY

Received

MAR 20 2007

PUBLIC WORKS

PHS

PACIFIC HABITAT SERVICES, INC

9450 SW Commerce Circle, Suite 180
Wilsonville, OR 97070

(800) 871-9333 • (503) 570-0800 • Fax (503) 570-0855

RECEIVED

FEB 11 2008

Community Development
Planning Division

March 12, 2007

Michael Tasman
Public Works Department
City of Corvallis
PO Box 1083
Corvallis, OR 97339-1083

Re: Wetland determination for SW Country Club Drive Improvements
PHS Number: 3990

Dear Mr. Tasman:

On February 2, 2007, Pacific Habitat Services (PHS) reviewed site conditions within the right-of-way for the proposed SW Country Club Drive Improvements in Corvallis, Oregon (12S 5W 9BA Tax lot 100 and 12S 5W 9A) (Figure 1). The purpose of this site visit was to determine if there are wetlands or waterways within the project area. The proposed road improvements will be within the existing right of way as depicted on Figure 2. This letter documents our review of previously mapped information for the project area and a description of the site visit findings.

PREVIOUSLY MAPPED INFORMATION

Prior to the site visit, PHS reviewed previously mapped information to determine if the site is likely to contain wetlands or waterways. Figure 3 depicts the location of the site on the Benton County soil survey. The soils mapped on site consist of map units Amity silt loam (Am), Woodburn silt loam (WoA), Willamette silt loam (WeC) and Waldo silty clay loam (Wa). The Amity, Woodburn, and Willamette soil types are considered somewhat poorly drained, moderately well-drained, and well-drained, respectively. None of these soil types are considered hydric (wetland) soils by the Natural Resources Conservation Service, however, the Amity silt loam has inclusions of hydric soils and the Woodburn silt loam is known to contain wet spots. The Waldo silty clay loam is a poorly drained soil that is considered hydric soil by the NRCS.

The Corvallis Local Wetland Inventory indicates that there are wetlands adjacent to Dunawi Creek (formerly known as Squaw Creek) located north of the road. There is also a pond located south of the study area with an outlet that flows north under the road towards Dunawi Creek.

PHS also reviewed two wetland delineations that have been conducted on parcels north of the road. PHS conducted a wetland delineation for Sunset Park (Corps project #200500798) that identified a roadside ditch north of SW Country Club Drive and west of SW 45th Street. Henderson Land Services also conducted a wetland delineation north of SW Country Club Drive and east of 45th Place.

SITE VISIT FINDINGS

The north-south study area boundary is the road right of way with the exception of Tax lot 100 which is owned by the City of Corvallis. The north-south study area boundary is generally bounded by fences, telephone poles, and vegetated hedgerows so it was easily identified during the site visit. The east-west study area limits are defined by the limits of the proposed road improvements which extend approximately 700 feet west of 45th Place and 1,000 feet east of 45th Place (Figures 4).

PHS identified six roadside ditches, Ditches A-F, within the project area (Figure 4). Table 1 summarizes these ditches and data plots 1-7 characterize the conditions within the ditches. Figure 5 is an aerial photograph of the site conditions within project area.

Table 1. Summary of Roadside ditches

Ditch	Width (feet)	Size (square feet)	Data Plot	Photos	Flows into
A	7 - 9	3936	1	1, 2	Dunawi Creek via storm drain
B	2 - 4.5	1947	2, 3	3, 4	Ditch A
C	3 - 4.5	316	4	5, 6	Wetlands adjacent to Dunawi Creek north of SW Country Club Drive
D	2	111	5	7	Wetlands adjacent to Dunawi Creek north of SW Country Club Drive
E	3 - 5	1526	6, 7	8, 9	Wetlands adjacent to Dunawi Creek north of SW Country Club Drive
F	4 - 5	3251		10	Wetlands adjacent to Dunawi Creek north of SW Country Club Drive
Total	**11, 277 square feet (0.26 acres)**				

JURISDICTION

Dunawi Creek is a tributary to the Marys River approximately 1 mile east of the site. The Marys River flows into the Willamette River, thus any ditches that drain to Dunawi Creek have a hydrologic connection to the Willamette River and may be considered jurisdictional per the US Army Corps of Engineers. However, the Corps only regulates roadside ditches if they meet wetland criteria and/or if they have a defined channel through the vegetation in order to define the ordinary high water mark. Therefore, the western portion of Ditch B (approximately 350 feet and 853 square feet) and the eastern portion of Ditch E (approximately 325 feet and 1,230 square feet) are not likely jurisdictional per the Corps. The jurisdictional vs. non-jurisdictional areas are depicted separately on Figure 4.

DSL has already stated that they do not have jurisdiction over Ditch A in the wetland delineation concurrence letter for Sunset Park (DSL file # 2005-0618). Roadside ditches B-E would also meet the DSL criteria for the roadside ditch exemption. As defined in OAR 141-085-0015 (6), the ditch is less than 10 feet wide; it is artificially created; it is not adjacent to wetlands on-site; and it does not contain fish. Portions of Ditch F are adjacent to wetlands outside of the right-of-way, therefore, DSL may take jurisdiction over sections of Ditch F.

As required by Department of State Lands, the following statement must be included in all wetland delineations and determinations: This report documents the investigation, best professional judgment and conclusions of the investigator. It is correct and complete to the best of my knowledge. It should be considered a Preliminary Jurisdictional Determination of wetlands and other waters and used at your own risk unless it has been reviewed and approved in writing by the Oregon Department of State Lands in accordance with OAR 141-090-0005 through 141-090-0055.

The City of Corvallis has designed their road improvement project to avoid and minimize impacts so that this project does not require an authorization from the Corps. The City will avoid impacts to all of roadside ditch F and most of roadside ditch A. Thus, they have calculated that the total earthwork area is 0.05 acres of earthwork in jurisdictional ditches. Therefore, this project falls below the 0.10 acre threshold that requires notification to the Corps for a Nationwide permit for a linear transportation project.

Please feel free to contact me if you have any questions about site conditions or the content of this wetland determination.

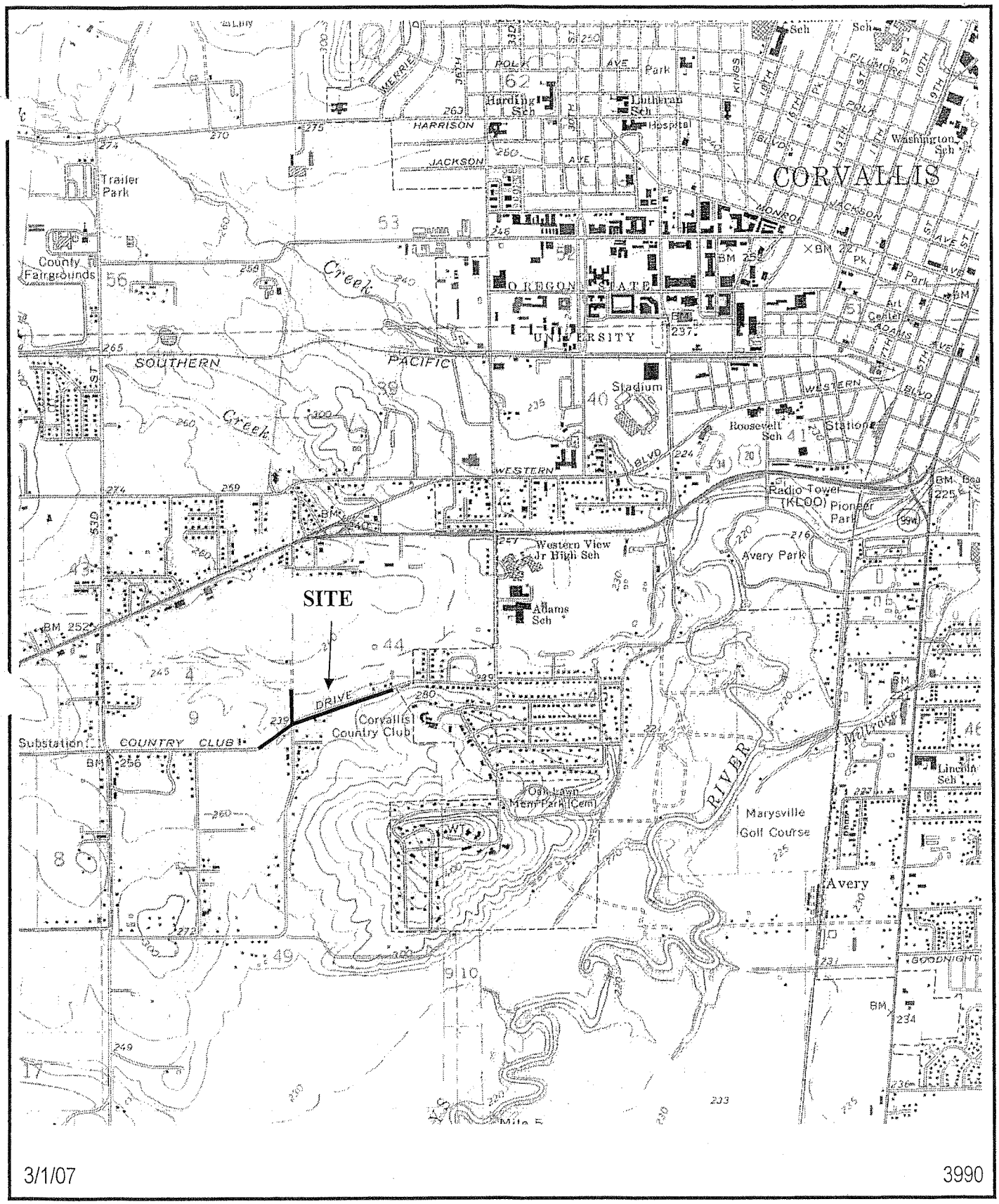
Sincerely,

Jennifer Goodridge

Jennifer Goodridge, Biologist
Pacific Habitat Services

Attachments:

Figure 1	USGS vicinity map
Figure 2	Tax lot map
Figure 3	Benton County Soil Survey
Figure 4	Existing conditions at SW Country Club Drive
Figure 5	Aerial Photograph
Photos 1-10	
Data plots 1-7	

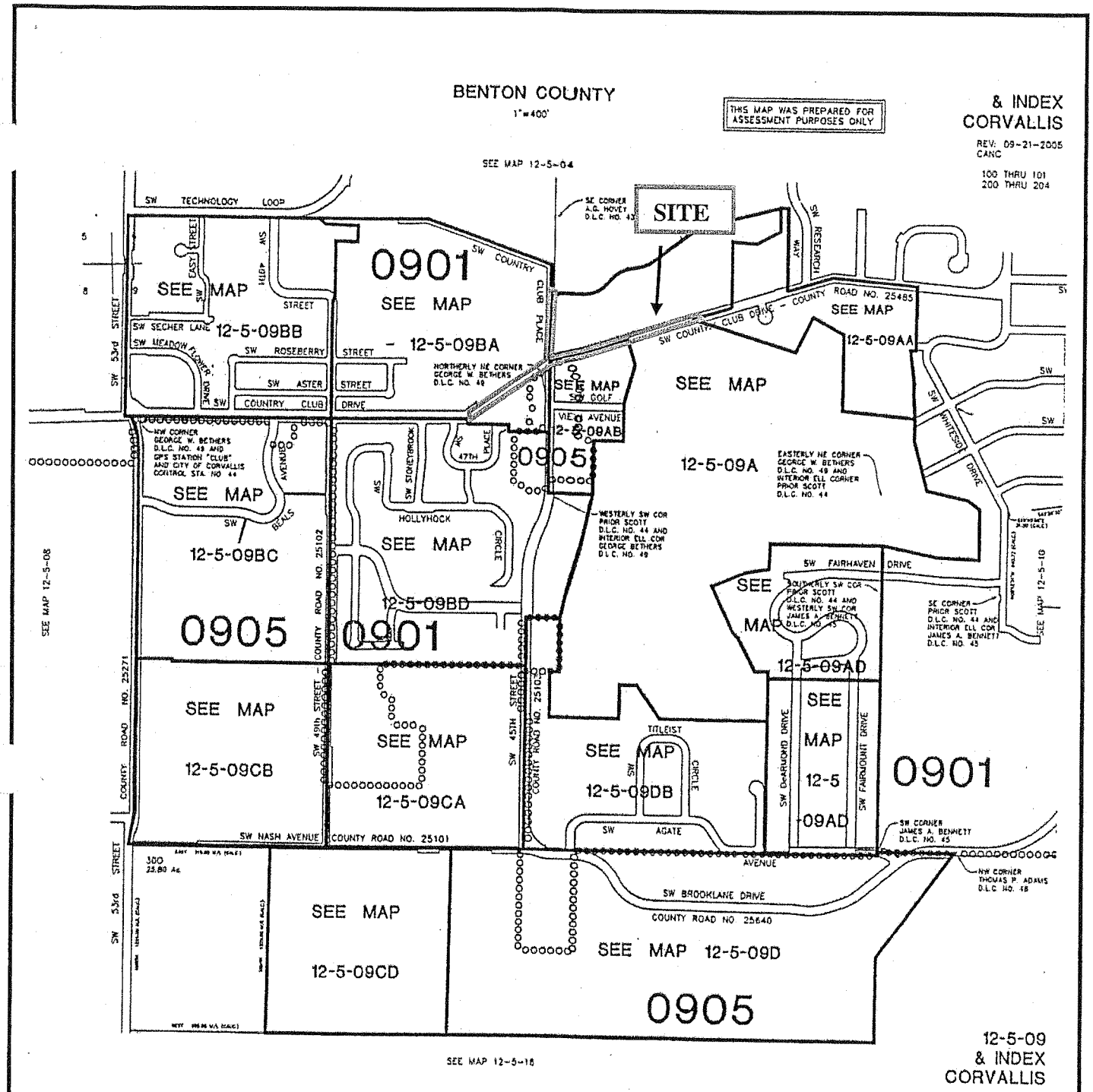


Location and general topography for SW Country Club Drive improvements in Corvallis, Oregon (USGS, Corvallis, Oregon quadrangle, 1969 photo revised 1986).

FIGURE 1

Pacific Habitat Services, Inc.

23-4

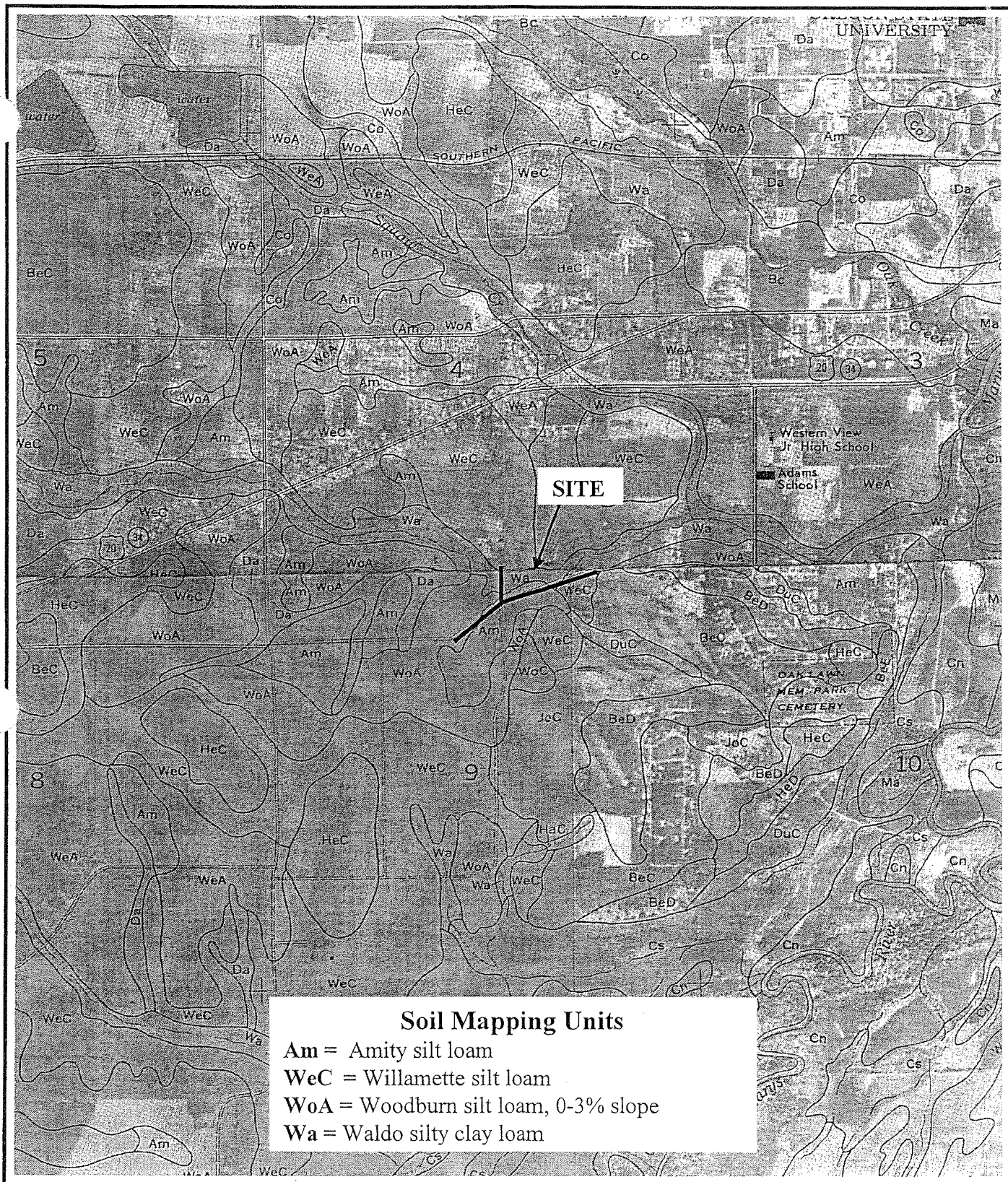


Tax lot map for the SW Country Club Drive Improvements in Corvallis, Oregon (Benton County Assessors ORMAP; 12E, 5W, Section 09; 2005).

FIGURE 2

Pacific Habitat Services, Inc.

23-5



3/1/2007

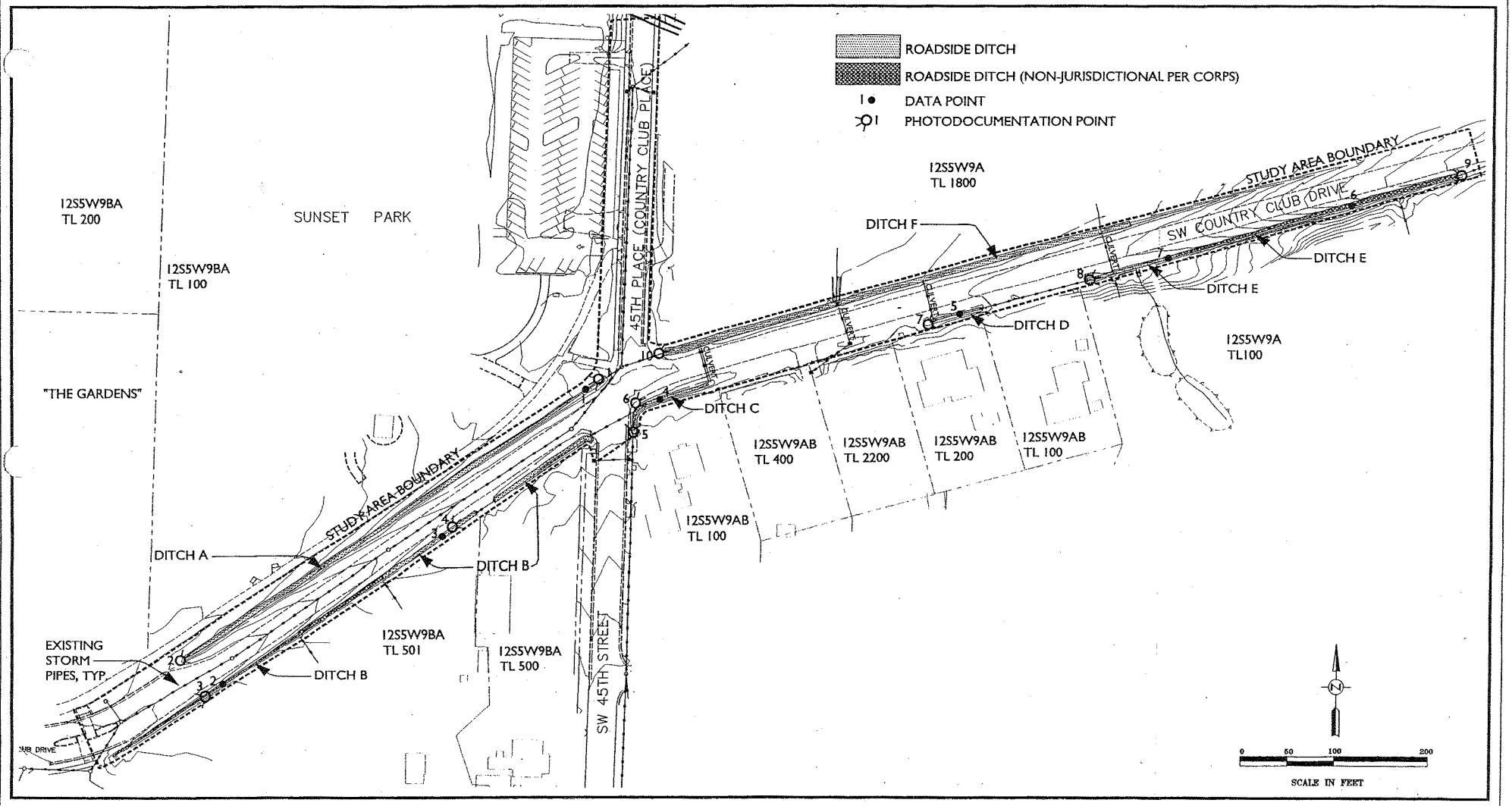
3990

Soil survey mapping for SW Country Club Drive improvements in Corvallis, Oregon (NRCS, Soil Survey of Benton County, Oregon; 1975, Sheets 21 and 26).

FIGURE 3

Pacific Habitat Services, Inc.

23-6



3990

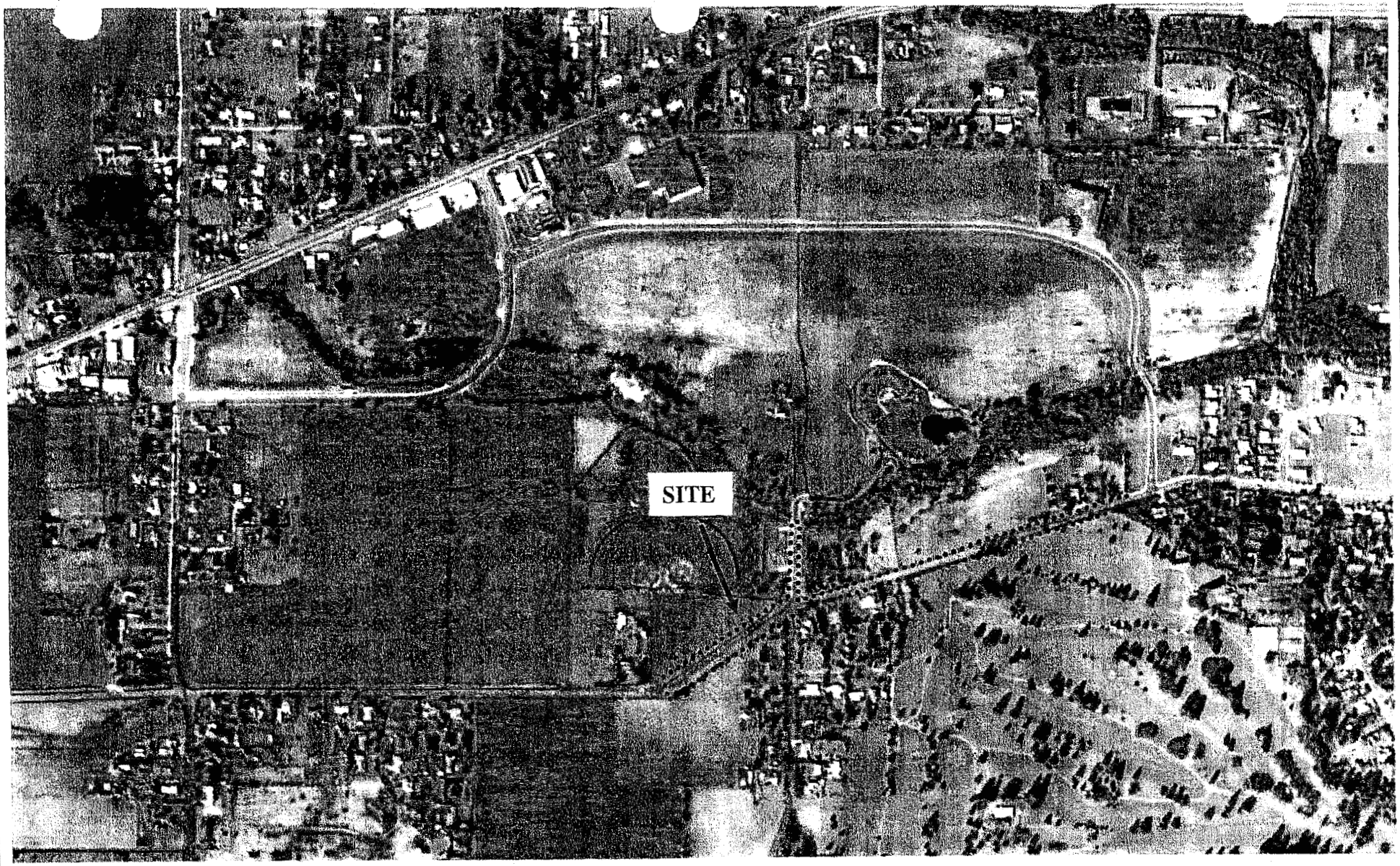
2/20/07

Existing conditions, data points, and photodocumentation points for the SW Country Club Drive improvements in Corvallis, Oregon. Base map provided by City of Corvallis, 2007. Map accuracy is +/− 1 foot.

FIGURE 4

Pacific Habitat Services, Inc.

23-7



3-1-2007

3990

FIGURE 5

Aerial photo depicting the SW country Club Drive Improvements in Corvallis, Oregon (Aerial photograph compliments of US Army Corps of Engineers; 1990).

Pacific Habitat Services, Inc.

23-8

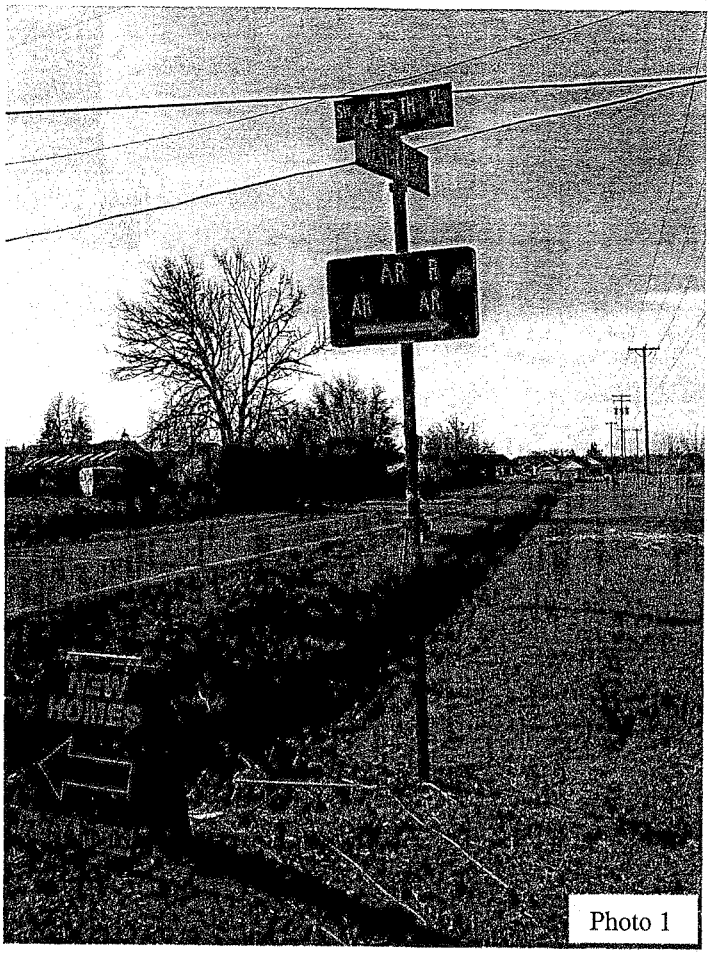


Photo 1

Photo 2

3/1/07

3990

Photos taken 2/2/2007 for the SW Country Club Drive improvements in Corvallis, Oregon. Photo 1 shows Ditch A looking west from 45th Place and Country Club Dr. Photo 2 depicts Ditch A looking east.

Pacific Habitat Services, Inc.

23-9

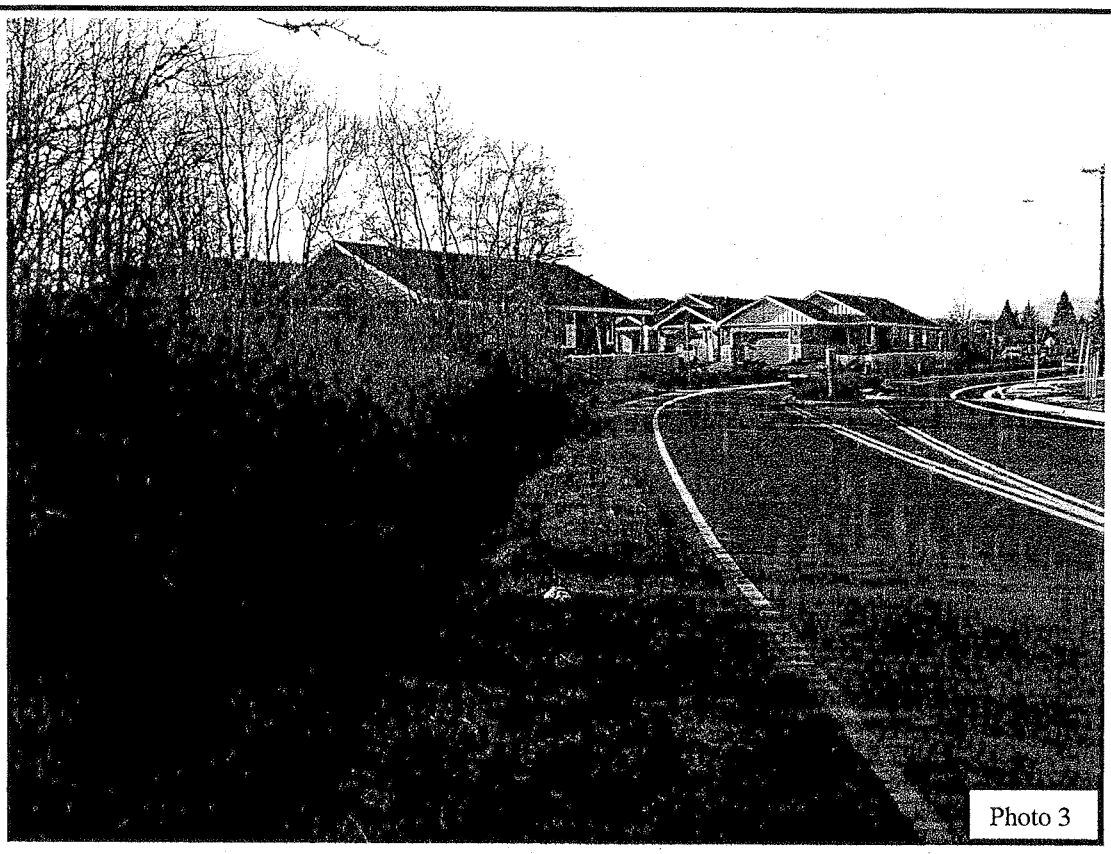


Photo 3

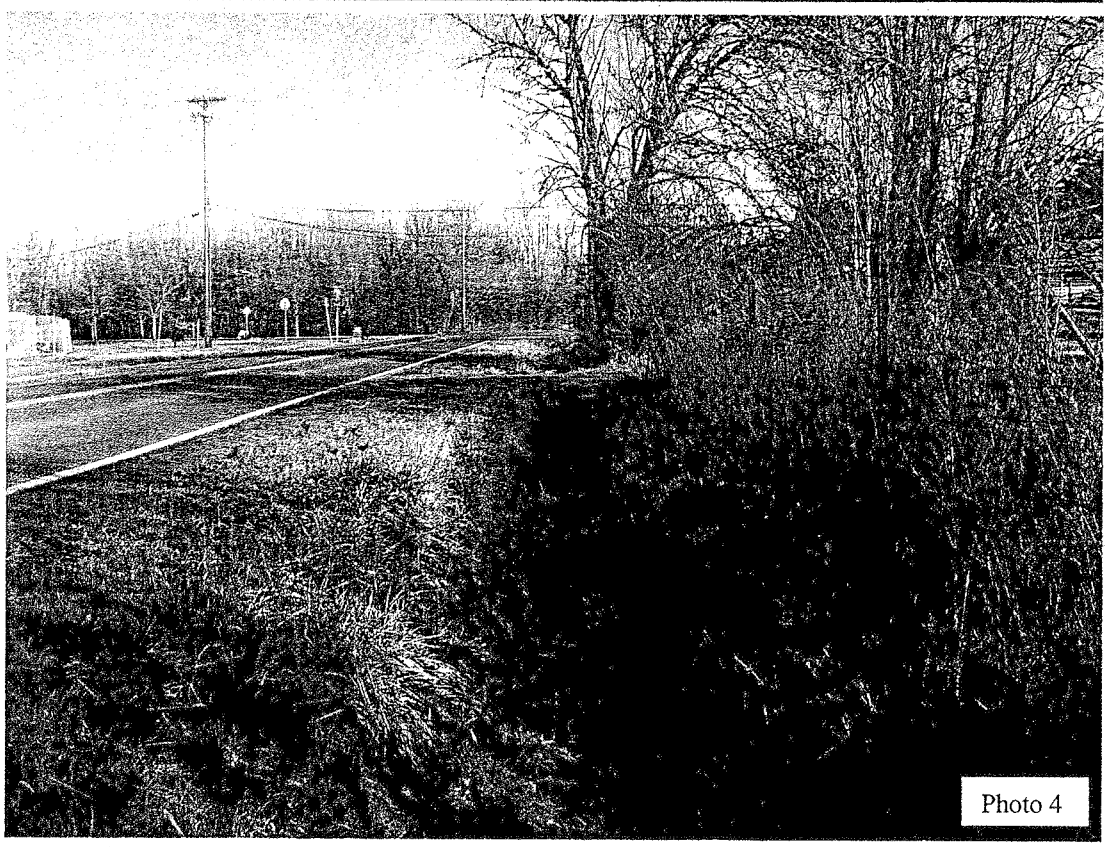


Photo 4

3/1/07

3990

Photos taken 2/2/2007 for the SW Country Club Drive improvements in Corvallis, Oregon. Photo 3 shows Ditch B at the west end of the project area. Photo 4 shows Ditch B looking east towards 45th Place.

PHS — Pacific Habitat Services, Inc.

23-10

Photo 5

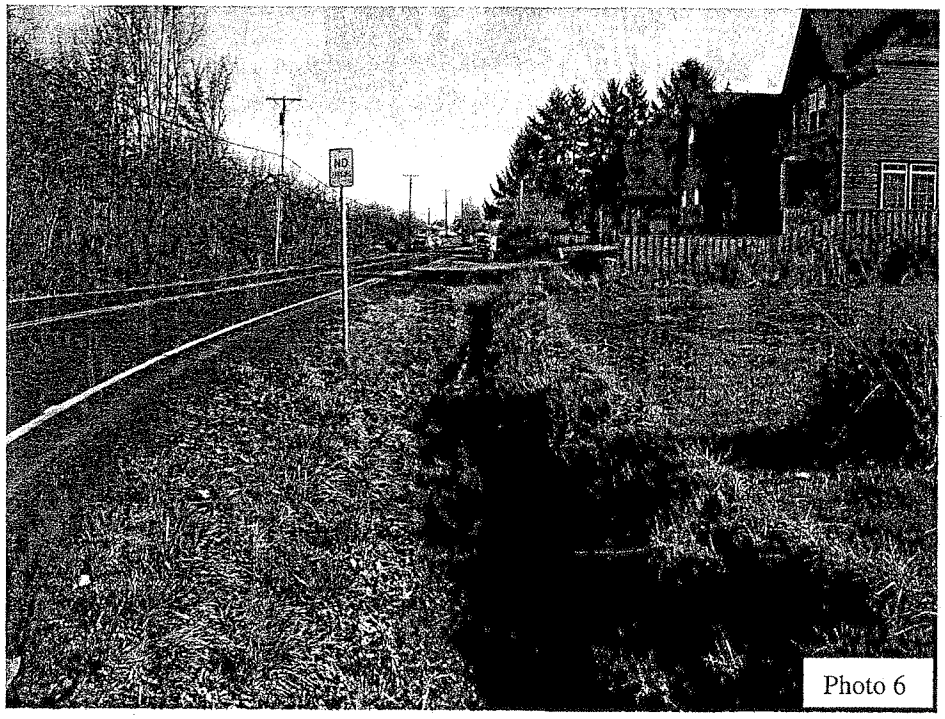


Photo 6

3/1/07

3990

Photos taken 2/2/2007 for the SW Country Club Drive improvements in Corvallis, Oregon. Photo 5 and Photo 6 depict Ditch C.

Pacific Habitat Services, Inc.

23-11

Photo 7

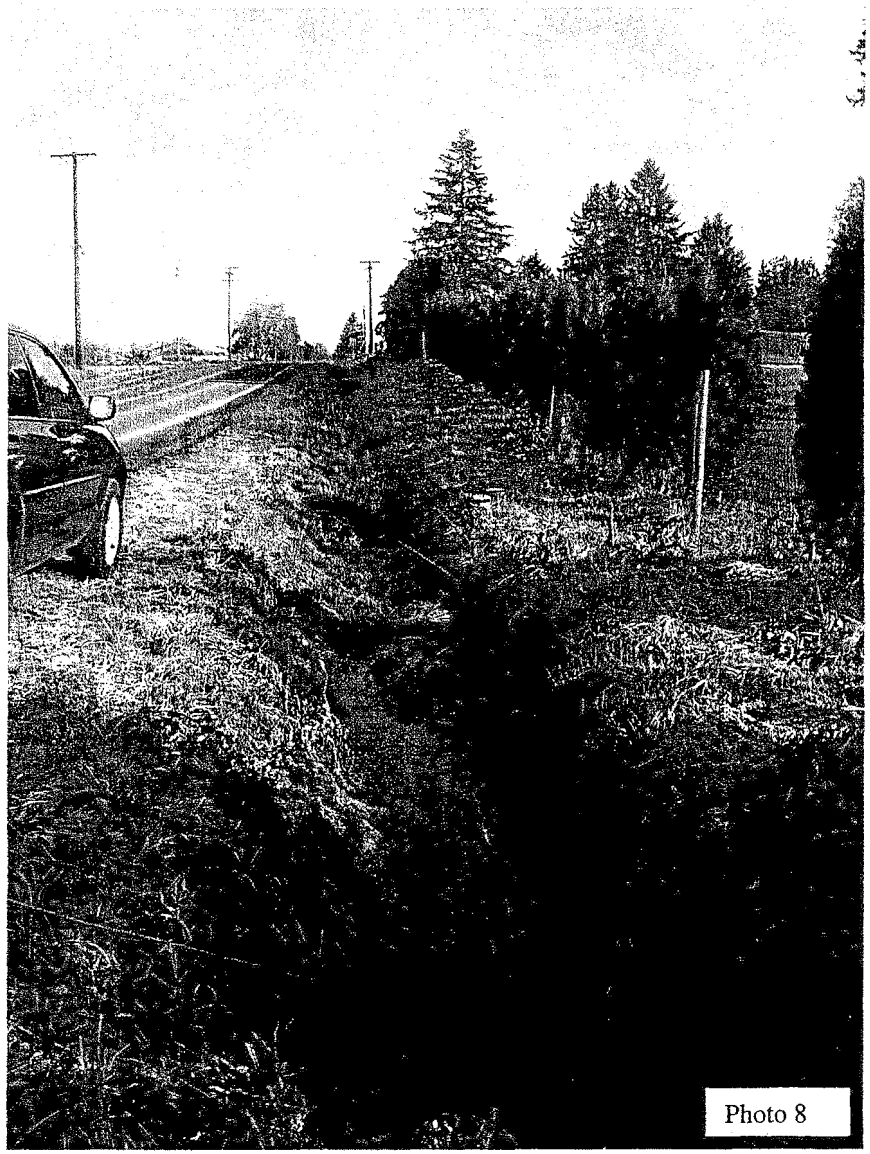


Photo 8

3/1/07

3990

Photos taken 2/2/2007 for the SW Country Club Drive improvements in Corvallis, Oregon. Photo 7 shows Ditch D. Photo 8 shows Ditch E.

23-22

Photo 9

Photo 10

3/1/07

3990

Photos taken 2/2/2007 for the SW Country Club Drive improvements in Corvallis, Oregon. Photo 9 shows Ditch E. Photo 10 shows Ditch F

23-13

Wetland Determination Data Form
Routine Onsite Method

Pacific Habitat Services, Inc.

Project:	Country Club Drive	Number:	3990	Sample Site:	1
Applicant:	City of Corvallis	County:	Benton	Date:	2/2/2007
Investigators:	JG	Township:	12S	Range: 5W	Section: 9

Do Normal Circumstances exist on this site? **Yes** Is the area a potential Problem Area? **No**

Is this an Atypical Situation? **No**

HYDROLOGY

			Primary Indicators		Secondary Indicators
			Inundated	Yes	Ox. rhizospheres
			Sat. in Upper 12"	Yes	H20-stained leaves
Depth of Surf. H2O	1	Inches	Water Marks		Local Soil Survey
Depth to Free H20	surface	Inches	Drift Lines		FAC Neutral Test
Depth to Saturation	surface	Inches	Sediment Deposits		Other _____
			Drainage patterns		Criteria Met: Yes

SOILS

Mapped Series: Woodburn silt loam **Hydric Soil?:** No

Classification: Aquultic Argixerolls **Drainage Class:** moderately well drained

Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations Color	Redox Concentrations abundance/size/contrast	Other Hydric Soil Field Indicators	Comments
0-4	10YR 3/1	CL	10YR 3/3	common, medium, distinct		with cobbles
4-10	10YR 4/2	CL	10YR 4/3	many, coarse, fine		with cobbles
10-16	10YR 4/1	CL	10YR 4/3	many, coarse, distinct		with cobbles

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met: Yes

VEGETATION

Tree Stratum (0%)	Status	% Cover

Shrub Stratum (0%)	Status	% Cover

Herbaceous Stratum (50%)	Status	% Cover
*Festuca arundinacea**	FAC-	30
*Juncus effusus**	FACW	30
Holcus lanatus	FAC	10
*Veronica americana**	OBL	20
Epilobium ciliatum	FACW-	10

Woody Vine Stratum (0%)	Status	% Cover

*Percent of dominant species FAC, FACW, or OBL: 67% Criteria Met: Yes

Comments: Ponding represents 50% coverage at this plot.

Determination: Wetland

23-14

Wetland Determination Data Form
Routine Onsite Method

Pacific Habitat Services, Inc.

Project:	Country Club Drive	Number:	3990	Sample Site:	2
Applicant:	City of Corvallis	County:	Benton	Date:	2/2/2007
Investigators:	JG	Township:	12S	Range: 5W	Section: 9

Do Normal Circumstances exist on this site? **Yes** Is the area a potential Problem Area? **No**

Is this an Atypical Situation? **No**

HYDROLOGY

			Primary Indicators	Secondary Indicators
			Inundated	Ox. rhizospheres
			Sat. in Upper 12"	H20-stained leaves
Depth of Surf. H2O		Inches	Water Marks	Local Soil Survey
Depth to Free H20	>12	Inches	Drift Lines	FAC Neutral Test
Depth to Saturation	>12	Inches	Sediment Deposits	Other _____
			Drainage patterns	Criteria Met: No

SOILS

Mapped Series: Woodburn silt loam **Hydric Soil?:** No

Classification: Aquultic Argixerolls **Drainage Class:** moderately well drained

Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations Color	Redox Concentrations abundance/size/contrast	Other Hydric Soil Field Indicators	Comments
0-3	10YR 2/2	SL				with cobbles
3-12	10YR 4/3	SCL				

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met: No

VEGETATION

Tree Stratum (0%)	Status	% Cover

Shrub Stratum (5%)	Status	% Cover
*Rubus discolor**	FACU	50
*Rhus diversiloba**	UPL	50

Herbaceous Stratum (95%)	Status	% Cover
Daucus carota	UPL	5
*Festuca arundinacea**	FAC-	40
Polystichum munitum	FACU	10
*Agrostis tenuis**	FAC	45

Woody Vine Stratum (0%)	Status	% Cover

*Percent of dominant species FAC, FACW, or OBL: 25% Criteria Met: No

Comments:

Determination: Upland

23-15

Wetland Determination Data Form
Routine Onsite Method

Pacific Habitat Services, Inc.

Project:	Country Club Drive	Number:	3990	Sample Site:	3
Applicant:	City of Corvallis	County:	Benton	Date:	2/2/2007
Investigators:	JG	Township:	12S	Range: 5W	Section: 9

Do Normal Circumstances exist on this site? **Yes** Is the area a potential Problem Area? **No**

Is this an Atypical Situation? **No**

HYDROLOGY

			Primary Indicators		Secondary Indicators
			Inundated		Ox. rhizospheres
			Sat. in Upper 12"	Yes	H20-stained leaves
Depth of Surf. H2O		Inches	Water Marks		Local Soil Survey
Depth to Free H20	>16	Inches	Drift Lines		FAC Neutral Test
Depth to Saturation	8	Inches	Sediment Deposits		Other _____
			Drainage patterns	Yes	Criteria Met: Yes

SOILS

Mapped Series: Amity silt loam **Hydric Soil?:** No

Classification: Argiaquic Xeric Argialbolls **Drainage Class:** somewhat poorly drained

Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations Color	Redox Concentrations abundance/size/contrast	Other Hydric Soil Field Indicators	Comments
0-4	10YR 2/2	SL				
4-8	7.5YR 3/1	SCL				
6	10YR 4/1	SCL	10YR 4/4	common, medium, distinct		all depths with cobbles

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met: Yes

VEGETATION

Tree Stratum (0%)	Status	% Cover

Shrub Stratum (0%)	Status	% Cover

Herbaceous Stratum (100%)	Status	% Cover
*Festuca arundinacea**	FAC-	40
*Equisetum arvense**	FAC	20
*Holcus lanatus**	FAC	20
Cirsium arvense	FACU+	5
*Agrostis tenuis**	FAC	20

Woody Vine Stratum (0%)	Status	% Cover

*Percent of dominant species FAC, FACW, or OBL: 75% Criteria Met: Yes

Comments:

Determination: Wetland

23-16

Wetland Determination Data Form
Routine Onsite Method

Pacific Habitat Services, Inc.

Project:	Country Club Drive	Number:	3990	Sample Site:	4
Applicant:	City of Corvallis	County:	Benton	Date:	2/2/2007
Investigators:	JG	Township:	12S	Range: 5W	Section: 9

Do Normal Circumstances exist on this site? **Yes** Is the area a potential Problem Area? **No**

Is this an Atypical Situation? **No**

HYDROLOGY

			Primary Indicators		Secondary Indicators
			Inundated	Yes	Ox. rhizospheres
			Sat. in Upper 12"	Yes	H20-stained leaves
Depth of Surf. H2O	2	Inches	Water Marks		Local Soil Survey
Depth to Free H20	surface	Inches	Drift Lines		FAC Neutral Test
Depth to Saturation	surface	Inches	Sediment Deposits		Other _____
			Drainage patterns		Criteria Met: Yes

SOILS

Mapped Series: Amity silt loam **Hydric Soil?:** No

Classification: Argiaquic Xeric Argialbolls **Drainage Class:** somewhat poorly drained

Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations Color	Redox Concentrations abundance/size/contrast	Other Hydric Soil Field Indicators	Comments
0-4	10YR 2/2	SL				
~4					refusal due to gravel compaction	

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met: No

VEGETATION

Tree Stratum (0%)	Status	% Cover	Herbaceous Stratum (60%)	Status	% Cover
			*Rorippa sp.**	FAC-OBL	50
			*Festuca arundinacea**	FAC-	50
Shrub Stratum (0%)	**Status**	**% Cover**			
			Woody Vine Stratum (0%)	**Status**	**% Cover**

*Percent of dominant species FAC, FACW, or OBL: 100% Criteria Met: Yes

Comments: Ponding represents 40% coverage at this plot. This portion of Ditch C does not meet wetland criteria, however, vegetation defines the bed/bank of the channel. Determination: Upland

23-17

Wetland Determination Data Form
Routine Onsite Method

Pacific Habitat Services, Inc.

Project:	Country Club Drive	Number:	3990	Sample Site:	5
Applicant:	City of Corvallis	County:	Benton	Date:	2/2/2007
Investigators:	JG	Township:	12S	Range: 5W	Section: 9

Do Normal Circumstances exist on this site? **Yes** Is the area a potential Problem Area? **No**

Is this an Atypical Situation? **No**

HYDROLOGY

			Primary Indicators		Secondary Indicators	
			Inundated	Yes	Ox. rhizospheres	Yes
			Sat. in Upper 12"	Yes	H20-stained leaves	
Depth of Surf. H2O	2	Inches	Water Marks		Local Soil Survey	
Depth to Free H20	surface	Inches	Drift Lines		FAC Neutral Test	
Depth to Saturation	surface	Inches	Sediment Deposits		Other ____ Sulfidic odor	
			Drainage patterns		Criteria Met:	Yes

SOILS

Mapped Series: Amity silt loam **Hydric Soil?:** No

Classification: Argiaquic Xeric Argialbolls **Drainage Class:** somewhat poorly drained

Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations Color	Redox Concentrations abundance/size/contrast	Other Hydric Soil Field Indicators	Comments
0-4	10YR 2/1	SL	10YR 3/4	common, medium, distinct		
4-8	10YR 3/1	SL				
8-14	2.5Y 5/1	CL	10YR 5/6	common, medium, prominent		

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met: Yes

VEGETATION

Tree Stratum (0%)	Status	% Cover

Shrub Stratum (0%)	Status	% Cover

Herbaceous Stratum (50%)	Status	% Cover
*Festuca arundinacea**	FAC-	20
*Ranunculus repens**	FACW	80

Woody Vine Stratum (0%)	Status	% Cover

*Percent of dominant species FAC, FACW, or OBL: 50% Criteria Met: Yes

Comments: Ponding represents 50% coverage at this plot.

Determination: Wetland

23-18

Wetland Determination Data Form
Routine Onsite Method

Pacific Habitat Services, Inc.

Project:	Country Club Drive	Number:	3990	Sample Site:	6
Applicant:	City of Corvallis	County:	Benton	Date:	2/2/2007
Investigators:	JG	Township:	12S	Range: 5W	Section: 9

Do Normal Circumstances exist on this site? **Yes** Is the area a potential Problem Area? **No**

Is this an Atypical Situation? **No**

HYDROLOGY

			Primary Indicators	Secondary Indicators
			Inundated	Ox. rhizospheres
			Sat. in Upper 12"	H20-stained leaves
Depth of Surf. H2O		Inches	Water Marks	Local Soil Survey
Depth to Free H20	>12	Inches	Drift Lines	FAC Neutral Test
Depth to Saturation	>12	Inches	Sediment Deposits	Other _____
			Drainage patterns	Criteria Met: No

SOILS

Mapped Series: Willamette silt loam **Hydric Soil?:** No

Classification: Pachic Ultic Argixerolls **Drainage Class:** well drained

Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations Color	Redox Concentrations abundance/size/contrast	Other Hydric Soil Field Indicators	Comments
0-12	10YR 4/3	SL				

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met: No

VEGETATION

Tree Stratum (0%)	Status	% Cover

Shrub Stratum (50%)	Status	% Cover
*Rubus discolor**	FACU	100

Herbaceous Stratum (50%)	Status	% Cover
*Festuca arundinacea**	FAC-	50
*Holcus lanatus**	FAC	50

Woody Vine Stratum (0%)	Status	% Cover

*Percent of dominant species FAC, FACW, or OBL: 33% Criteria Met: No

Comments:

Determination: Upland

23-19

Wetland Determination Data Form
Routine Onsite Method

Pacific Habitat Services, Inc.

Project:	Country Club Drive	Number:	3990	Sample Site:	7
Applicant:	City of Corvallis	County:	Benton	Date:	2/2/2007
Investigators:	JG	Township:	12S	Range: 5W	Section: 9

Do Normal Circumstances exist on this site? **Yes** Is the area a potential Problem Area? **No**

Is this an Atypical Situation? **No**

HYDROLOGY

			Primary Indicators		Secondary Indicators
			Inundated		Ox. rhizospheres
			Sat. in Upper 12"	Yes	H20-stained leaves
Depth of Surf. H2O		Inches	Water Marks		Local Soil Survey
Depth to Free H20	>14	Inches	Drift Lines		FAC Neutral Test
Depth to Saturation	5	Inches	Sediment Deposits		Other _____
			Drainage patterns		Criteria Met: Yes

SOILS

Mapped Series: Willamette silt loam **Hydric Soil?:** No

Classification: Pachic Ultic Argixerolls **Drainage Class:** well drained

Depth (Inches)	Matrix Color	Soil Texture*	Redox Concentrations Color	Redox Concentrations abundance/size/contrast	Other Hydric Soil Field Indicators	Comments
0-3	10YR 3/3	CL				
3-14	2.5Y 4/1	CL	10YR 4/3	common, medium, prominent		

*SD=Sand, SDL=Sandy Loam, L=Loam, SDCL=Sandy Clay Loam, S=Silt, SL=Silt Loam, SCL=Silty Clay Loam, CL=Clay Loam, C=Clay

Criteria Met: Yes

VEGETATION

Tree Stratum (0%)	Status	% Cover

Shrub Stratum (0%)	Status	% Cover

Herbaceous Stratum (100%)	Status	% Cover
*Festuca arundinacea**	FAC-	20
*Juncus effusus**	FACW	25
*Holcus lanatus**	FAC	25
*Alopecurus pratensis**	FACW	30

Woody Vine Stratum (0%)	Status	% Cover

*Percent of dominant species FAC, FACW, or OBL: 75% Criteria Met: Yes

Comments:

Determination: Wetland

23-20

RECEIVED

FEB 11 2008

Community Development
Planning Division

Corvallis City Council
Ashwood Preserve Subdivision (PLD07-00009. SUB07-00003)
Feb 11, 2008

Dear CC,

For traffic studies, do these consider future traffic input to the same study area? LOS may degrade quickly with the next near-term build out and annexation by: osu nano tech center Brooklane, church offices on 35th/ highway 20/34, Brooklane Drive's three subdivisions in the same year, continuing annexation and build out by Legend Homes to the SW of this site, Old Mill Center upgrade/expansion in 2007-8, full build out of Research Way.

Is the posted street traffic speed a safety factor in this stretch of Country Club Drive with cars having to make three very slow turns from a 35 mph roadway or onto a 35 mph street?

Does the traffic study show where the nearest bus pick up area is and will this stop need a shelter with that many more users? I assume crossing Country Club Drive to get to bus stop on the south side will be no problem with expected and future traffic volume.

For pervious pavement the Staff Report states on page 52 first paragraph, details that two cars can park on the access roadway by drive ways. Will these areas: drive ways, and road way where two vehicles per house park and sit, have plans to be engineering to capture and filter this drainage space?

Run off directed from all roadway may drain to a common catchment trench/French drain and before reaching a drain trench will go into a thin earth cap and then flow in these rock trench drain lines to Tract A at three or more outfall which may have PVC pipe stands at their ends.

Technical Memorandum No 3 and No 4 Oct 19, 2000, Stormwater Management Plan page 4 - U3 Infiltration U4 Porous Pavement and Concrete Grid/Modular Pavement.

Street drains in this development may have to be labeled to say they drain to a creek.

If the development area is smaller/granted under MADA calculation then is required in LDC for detention retention facility to be conditioned, but the detention retention facility is Tract A, how are the LDC addressing conservation of places like Tract A as a detention retention area?

MADA should show how drainage outfall areas will be maintained and conserved by the HOA at least, otherwise this is moot, no one will care about the future outfall areas or what the condition of drainage is that will for the life of the development be outfalling to them.

Currently water, and it's quality and quantity is more and more critically important to everyone and everything on the planet.

The LDC has no detail about what/how to develop a management plan for this open space as no man's land/conserved easement. HOA care and upkeep of these openspace sites in Corvallis may show historically and clearly that these tracts are in decline ecologically due to no specific mg. plan and or no funds to address development of a mg. plan or upkeep by a HOA.

Tract A may end up to be a hazard zone in some ways due to no management of outfall, failure of the engineered French drains/pavement interface, to Tract A in a environmentally sound manor as would be outlined in a site mg. plan for Tract A.

Pervious pavers and soil will only capture sediment and maybe organics and chemicals and oils may pass into Tract A as this system is functioning normally for an undetermined time period.

Tract A hydric, or wetland soil if present at the outfall areas may capture and work to filter these outfall volume and filter and break down man made chemicals transported in water.

Tract A should be managed at least to provide/enhance filtration of this outfall into what remains of Tract A below the north retaining wall. Future projections of erosion of outfall areas into Tract A may not be providing the best infiltration potential for these hydric/wetland soils as they will have all eroded I speculate from site outfall and if flood flows reach these nick points/eroded outfall trenches in Tract A these may deepen as water moves east west over them.

Property damage to Dunawi Creek from eroded areas may result from more movement of sediments into Dunawi Creek at high flow where creek and local water tables are high and merge.

Can the City require that runoff as a utility have a defined drainage plan/storm water plan, to be reviewed by ODEQ?

LDC 4.5 c. Construction Standards within the 100 year floodplain
"a) All necessary permits shall be obtained from those governmental agencies from which approval is required by federal and state law, including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C 134..."

This drainage plan/storm water plan would have to address who manages all outfall areas to Tract A and the east ditch and who manages as a unit, at one time the entire drainage engineering so that it is working optimally and does not fail and damage all the homes on the fill and put all drainage, unfiltered from this site into Tract A and then to Dunawi Creek and the Marys River. Storm water plan should state who takes care of what easement overtop

of this site. Ditch way may have historic easements that need to be maintained.

Fill may retain moisture should the French drains not work, or high levels of clay will allow seep into these three drains as noted Feb. 04 putting new water into home areas lots and damaging foundations and creating mold issues in crawl spaces. The 1993 Wetland delineation cites springs in these upland gentle v shaped areas upslope in the fill area.

So these spring area or areas will continue to transport water from someplace upslope perhaps if the original topography is not deeply dug out and filled with crushed rock perhaps.

From the staff report Devco Engineering notes on page 40 first paragraph that this development will not trigger a review by ODEQ due to the use of interior water storage and processing engineering. This is MADA formula conditioned.

Staff notes on page 7 in Review Critiera # 12. "Effects on air and water quality(note: a DEQ permit is not sufficient to meet this criterion)". Is this due to MADA? Who is looking at storm drain mg. engineering and long term upkeep as Tract A is the storm drain utility which could be dedicated eventually to the City Parks/Public Works department as drainage mg. areas and arbitrary conservation easements?

HOA are historically unable to care for these open space tracts and the engineered structures that drain entire development area drainage into these opens spaces as drainage detention and retention structures, from a development envelop and the storm detention/retention facility required under LDC for the various sizes of development.

MADA process may be able to factor in who will manage drainage areas as retention detention areas into its calculation process. City will have to try to acquire HOA funds to manage this facility when they are given to the City. I call Tract A a drainage

facility and openspace tracts with engineered drainage facility are doing the same job and both will be given to the City.

In Feb 04, 2008 City Council Hearing Devco Engineering consultant noted that ODEQ will review drainage plan/storm water plan.

There may be a need to condition this to occur and to note that long term specific upkeep interior to the development and exterior to it in Tract A, will occur here to protect as much as practicable, of what remains of Tract A and upkeep over the long term of best management practices for high environmental standards water quality in Dunawi Creek. How the interior site drainage works over the long term is important to understand and guarantee that it functions with Best Mg. Practice with Tract A and then drains as higher quality run off to Dunawi Creek.

We do not see/ and will not see the engineering defined in the staff report for public review and we have concerns about the function of French drains, and engineering pervious surfaces here due to the fact this drains directly to ground in Tract A. With added expansion of fill and retaining wall to the north, revised condition 29, as proposed on Feb 04, I assume subtracts that much more square feet of Tract A.

This added square feet takes more fill and flood wall/fill retention wall into the sw overtop the identified 100 year flood plain.

That much more square feet of the 100 year flood plain elevation for Dunawi Creek will be displaced/eliminated from the total loss amount of 100 year flood plain in this basin. Flood attenuation areas or inflation areas such are at 53rd shopping plaza are essential to create and conserve was more build out occurs in floodplains of these small drainages which drain very large watershed areas.

With the north right of way(ROW) ditch being filled on Country Club Drive, that much more drainage/draining area is displaced for that side of the road drainage routing from Country Club Drive. I had tried to describe concerns about where this water will then be sent in testimony, Feb. 04.

I assume the asphalt crown on Country Club will take this historic flow and then send it downslope on the north road curve, to outfall to the east ditch line. So this water may not get a chance to filter into a ditch but outfall as run off from the entire part of Country Club Drive on that side of the crowned street surface.

Is there a way to allow this street runoff to be put in part of the Right of way ditch before it reaches the North south water baring ditch? This drainage area should be part of the storm water mg. plan for this site.

Who has historic deeds or covenants to maintain the east and west ditches? The 1993 Wetland Delineation showed less upland as current 2007 delineation so these ditch are being maintained by someone.

How often will the City need to work in their easement for the sewer line? Does the power company brush out the power line periodically, leaving a great gap swath of nothing under it and across Dunawi Creek?

Site soil compaction may be unavoidable, thus reducing the way these soils function if they are to filter and work to retain dissolved man made chemicals within Tract A prior to outfalling to Dunawi Creek.

Section 4.13.70.02 Easements, Easement Restrictions, Dedications, and Easement Widths.

Thanks, R. Foster 1415 SW Brooklane Dr. Corvallis, OR 97333.

TO: Corvallis City Council

FROM: Bob Frenkel
4954 SW Hollyhock Circle
Corvallis, 97333
(541) 754-6790
frenkelr@geo.oregonstate.edu

Bob Frenkel

RECEIVED

FEB 11 2008

Community Development
Planning Division

AMMENDED AND ANNOTATED TESTIMONY OF FEBRUARY 4th, 2008

February 10, 2008

RE: Ashwood Preserve Plan Development (PLD07-00009) & Subdivision (SUB07-0003)

As a Corvallis resident for 47 years, I have participated in and become familiar with the city's planning process. I have taught wetland science for over 30 years at OSU, advised the USFS and DSL in this area, and I am a specialist in wetland resources. I and have reviewed with care many documents related to the Ashwood Proposal. I address one issue – wetlands.

Corvallis' 2005 Local Wetland Inventory concludes that within the UGB the city lost about 90% of its original wetlands. The City determined this loss by assuming NRCS mapped hydric soils were coincident with historic wetlands, a reasonable but somewhat overestimated assessment of a difficult item to measure. This loss is not surprising for a city.

Inventories

I reviewed three on-site delineations/determinations for the Ashwood site.

1994 by Loverna Wilson (on file Corvallis Assessors' Office.)
2005 by Henderson Land Services' (HLS) (Applicant's submittal)
2003 Corvallis City Local Wetland Inventory (LWI)

DSL concurred with the Henderson delineation for State removal/fill purposes only (letter April 27, 2006 to Applegate LLC). No request for concurrence was made for the Wilson delineation. With the exception of ditches, all three delineations substantially agree as to wetland boundaries but not area. Delineations reflect

presence of independent defining parameters: wetland vegetation, hydric soils, and hydrology. The 1994 and 2005 delineations followed DSL and Army Corps standards. They do not evaluate wetland quality. Area calculations are difficult to compare since total reported property area was not the same (Wilson 9.05 ac *vs.* HLS 9.52 ac). Areas in Wilson's study were surveyed by a registered surveyor. Both surveys used the centerline of Squaw Cr. (now Dunawi Cr.) which appears from the mapping not to have changed from 1994 to 2005. The City 2005 LWI conducted a superficial local inventory by off-site and limited on-site methods that roughly agree with the above more rigorous surveys. However the City LWI, an extension of the Natural Features Inventory (NFI), follows a DSL protocol for estimating wetland **quality** called Oregon Freshwater Wetland Assessment Method (OFWAM).

Drainage Ditches

Wilson's delineation identified 2 artificial ditches. Neither was mapped as wetland. HLS identified 3 ditches and mapped some of these ditches as wetland with little plot data backup. Subsequently, the applicant employed unverified wetland ditch area in MADA calculations of "unconstrained" area.

Treating artificial ditches as "wetlands" is problematic. The important consideration is that a ditch has principally one function – water conveyance. Whether a ditch is determined to be a "wetland" or an "upland waterway" is decided by DSL together with the Army Corps of Engineers. Usually, if a ditch is clearly in an area of hydric soils it will qualify as a wetland. Without hydric soils, it will likely be rejected as a wetland.

In a document prepared in 2007 by Pacific Habitat Services (PHS) for City Public Works, PHS conducted a "wetland determination for SW Country Club Drive Improvements PHS Number: 3990 (PHS 2007). Field data were collected from ditches in the vicinity of the Ashwood proposed development. Of particular interest is "Ditch F" which extends on the north side of Country Club Way encompassing all of the Ashwood Frontage. For the Ashwood frontage ditch, the report states "Portions of Ditch F are adjacent to wetlands outside of the right-of-way, therefore DSL may take jurisdiction over parts of sections of Ditch F." (p 3 of PHS 3690). The section cited fronts the SW Ashwood wetland proposed for an easement. The majority of Ditch F is adjacent to delineated upland and in all

probability does not qualify as wetland. This also accorded with my observation on 1/9/2008. For clarity on Ditch F refer to the detailed map attached to the PHS 2007 report

From my examination of the delineation and reported field data and maps, most of the ditch area does not qualify as wetland and there is insufficient data for a determination. According to the Comprehensive Plan, before an area (ditch) is certified as a wetland, the applicant must gain a permit from DSL (***Comp Plan 4.11.14***), But there has been, to my knowledge, no application for a DSL or Corps. Permit to date. DSL, the City, and the State adhere to the national definition of a wetland based on the presence of three parameters: hyrdophytic vegetation, hydric soils, and hydrology. **The prudent applicant would not assume that any ditches were wetland and make MADA calculations accordingly.** This has not been done in the present application. Although the HLS' delineation/determination was concurred with by DSL, The Department did not assess the wetland status of ditches.

Water Quality

Of the many ecological functions benefiting society wetlands are especially good in providing improved down stream water quality (***Corv. Comp Plan 4.11.a; LWI 2003, p. 4, p. 7, NFI 2005)***. This important benefit is particularly true of forested wetlands that have been shown to provide vital denitrification roles, as well as nutrient uptake, sequestration, and sediment trapping. Much of the Corvallis Country Club Golf Course drainage is discharged directly into Dunawi Creek by ditches traversing the Ashwood property. None-the-less, forested and other wetlands have an important role to play in improving water quality down stream (Mitsch, W.J., J.G. Gosselink. 2000. *Wetlands*, 3rd Ed., Wiley).

Within the Corvallis UGB, 122 wetland units occupy about 2,600 ac. or 15% of city land, the majority of which is farmland. The OFWAM system allows the city to qualitatively compare 122 wetlands using properties such as wildlife habitat, water quality, flood control, education, recreation, etc. Forty eight Corvallis wetlands were rated "significant", occupying 1,250 ac., most were judged "not significant".

Of 122 the wetland units, 12 qualitatively rated as **Wetlands of Special Interest for Protection**. The Ashwood wetland unit (WC- SQU-W3) is among the units rated highest. Why is it so valuable? In addition to the high OFWAM assessment, the Ashwood wetland forms a rare cluster of protected wetlands at Starker Arts Park to the north and Sunset Park to the west. Undeveloped, it provides a wild core to a more recreationally developed area. Such a cluster presents a rare opportunity for wetland preservation in our urban area.

Conclusion

The Ashwood property contains an outstanding wetland. The unique nature of this very special wetland is not given adequate weight in the MADA application.

Regardless of development precautions and due diligence by the Home Owners Association, the wetland will suffer further degradation through on site and offsite disturbances. I have seen this kind of irreparable damage at Jackson Frazier Wetland where I have served as volunteer for Benton County for 15 years. A retaining wall will destroy the wetland by interfering with up slope and down slope inputs of nutrients and water.

Based on the lack of definitive knowledge of the constraining acreage of wetland (which affects the applicability of MADA) (**LDC 4,11**; Wilson LWI and PHS Ditch Survey above), and the uniqueness of location of this wetland, I recommend denial of this application.

Thank you for your attention and please make my testimony part of the official record.

MEMORANDUM

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

To: Mayor and City Council
From: Julee M. Conway, Director
Date: January 31, 2008
Subject: 2008 Bond Measure Update-Senior & Community Center/Chintimini Park & Recreational Facilities

---

Issue: The City Council approved the placement of a bond measure on the November 4, 2008 ballot to fund recreational facilities improvements. An update is provided regarding the process.

Background: The Senior Center-Chintimini Park (SC/CP) improvement project began in the late 1990's with the development of a master plan for the site. In Fall 2004, City Council adopted the master plan for the building and site improvements. The conceptual building renovation plan has been designed to a Leadership in Energy and Environmental Design (LEED) Silver Standard level (green building rating system), according to the City Council's sustainability policy. Pursuant to past Council direction, staff have refined the capital improvement cost estimates, evaluated operating costs, identified and analyzed project funding alternatives, and developed a project implementation schedule.

At the August 17th and October 19, 2006 meetings of the Parks and Recreation Advisory Board, the Board discussed and consequently recommended including playground improvements throughout the City's system in the bond measure funding request, which was affirmed by City Council. At its September 10, 2007 City Council work session, the Council endorsed moving forward with the project and subsequently approved the November 4, 2008 schedule at its November 5, 2007 meeting.

Discussion: The following is an update to the process since the November 2007 City Council's decision to proceed with the project:

1. The City Recorder has prepared the timeline for the election, which is attached. The necessary public hearings and related notices will be scheduled, as required.
2.. The City Attorney's Office has been engaged to review and approve of all public outreach materials related to the election. In addition, all information will also be forwarded to the State Elections Division prior to distribution.
3. Working with the project consultant, staff is updating the SC/CP project cost estimates to assure the estimates are projected as accurately as possible for a 2009-2010 bidding and construction timeline. Maintenance and operation costs will also be re-evaluated. The final project cost estimates will be brought back to City Council for final review and approval. In addition, the playground replacement cost estimates are also being updated.
4. A citizen advocate support group has contacted the City stating they have formed and are in the process of filing the necessary documents with the State Elections Office. A representative of the group has acknowledged the benefits of broadening the

description of the bond measure to identify the facility as a community-wide 'center'; provided the word 'senior' is not excluded from the name.

5. As was outlined in prior City Council reports, an adult softball complex with 3 to 4 fields is needed in the community; two due to the Senior Center renovation and one to replace the field removed at Sunset Park, as part of the wetland protection project. Consolidation of the fields in one location will be most cost effective, both in construction and ongoing management. When the Senior Center master plan was completed in 2004, the removal of the softball fields was endorsed by the softball users as the existing fields are of inadequate size to safely accommodate adult softball use. Staff is working on completion of a plan for replacement of the adult softball fields, which is precipitated due to the expansion of the Senior Center parking lot, where a softball field currently exists and the conversion of the Chintimini Park north field to youth play.

The capital construction costs have been estimated at $10 million-$11.5 million for SC/CP improvements, which includes the parking lot expansion. An additional $1.2 million was estimated for system-wide city-owned playground area improvements. Estimates for maintenance and operation costs were previously $150,000. When reevaluated, this estimate will be modified based on the realistic projection of actual start date for occupancy. In addition, potential locations for siting the softball field facility will be forwarded to the Parks, Natural Areas and Recreation Board for its review and recommendation. Staff will return to City Council with an update to the items discussed above and to seek final approval of the items on the ballot and the funding amount.

Recommendation: To approve the Election Timeline schedule for the November 4, 2008 election to fund the Senior Center-Chintimini Park enhancements and recreational facilities.

Review & Concur:

Jon S. Nelson, City Manager

Attachment: November 4, 2008 Election Timeline

SENIOR & COMMUNITY CENTER & PARK FACILITIES BOND MEASURE

NOVEMBER 4, 2008 ELECTION TIMELINE

Date	Event
November '07	City Council approved Senior Center bond measure for November 3, 2008 election
February 19	City Council receives update on Senior Center/Chintimini Park project
Feb - Nov	Forward any public outreach materials (FAQs, Q&As, fliers, newsletter articles, web site information) to State Elections Division for advocacy review (at least two weeks notice to State)
June 2	City Council public hearing to consider Budget Commission recommendations on FY 2008-2009 proposed budget
June 5	Administrative Services Committee (ASC) reviews draft ballot title language
June 16	City Council considers ASC recommendations and approves Ballot Title
June 23	Assistant to City Manager/City Recorder publishes "Notice of Receipt of Ballot Title"
July 2	Deadline to file dissatisfaction of ballot title with Circuit Court
July 7 -11	Circuit Court holds hearing; decides on ballot title
July 7 - 21	Forward Explanatory Statement and other public outreach materials to State Elections Division for advocacy review
August 4	City Council adopts resolution forwarding the measure to the voters on the November 4, 2008 ballot, and directing Assistant to City Manager/City Recorder to publish notice of municipal election
August 7	ASC reviews Explanatory Statement
August 18	City Council considers/approves Explanatory Statement
September 4	Last day for Assistant to City Manager/City Recorder to file Notice of Measure and Voters' Pamphlet with County Elections
September 26	Explanatory Statement (Voters' Pamphlet) published in "*the City*"
Mid-October	Ballots in mailboxes
October 18 & 25	Assistant to City Manager/City Recorder publishes "Notice of Municipal Election" and post in four locations
November 4	Election
December 1	Assistant to City Manager/City Recorder prepares Abstract of Votes and Canvass of Votes to City Council

* * * MEMORANDUM * * *

FEBRUARY 13, 2008

TO: **MAYOR AND CITY COUNCIL**

FROM: **JON S. NELSON, CITY MANAGER**

SUBJECT: **FEBRUARY 13, 2008, CITY LEGISLATIVE COMMITTEE WORKING NOTES**

1. Call to Order

Mayor Tomlinson called the meeting to order at 8:30 am, with Councilors Hamby, Wershow, and York in attendance. Also in attendance were City Manager Nelson, Utilities Division Manager Penpraze, and Housing Division Manager Weiss.

2. Review of Pending Legislative Proposals

a. Senate Bill 1069

Mr. Penpraze reviewed the stakeholders and the Bill's purpose to investigate water storage, recharge, and re-use projects. He noted that grants may assist Corvallis on its wastewater re-use project options. The lottery-backed funding source has been reduced to $3 million (from $10 million) and, after passing the Senate Environment and Natural Resources Committee, is headed to Joint Ways and Means.

The Committee unanimously recommends that City Council support Senate Bill 1069 and authorize Mayor Tomlinson to communicate this support as appropriate.

3. Other

a. Senate Bill 1073

The Committee discussed the Senate Bill 1073 material in the packet, noting that the $2.75 million general fund-backed proposal is dedicated for a revolving loan fund to finance purchase of existing rent-subsidized housing and promotion of local solutions to homelessness. Mr. Weiss indicated that if this Housing Alliance package is not successful during the 2008 interim session, support could be built on for the 2009 regular session. During the discussion, Councilor York noted that affordable housing is a Council goal, and Councilor Wershow noted that the funds requested compete for other general fund-supported programs, including agriculture and education.

The Committee unanimously recommends that City Council support Senate Bill 1073 and authorize Mayor Tomlinson to communicate this support as appropriate.

b. Mr. Penpraze provided background regarding House Bill 3611 requiring dentists to have amalgam separators in place by 2011 in order to keep mercury and other metals from entering the waste stream and contaminating the environment. Corvallis work

on this issue began three years ago, and almost all local dentists have separators as part of their best management practices. Everyone agreed that the Corvallis efforts would be a good City newsletter article.

c. Councilor York asked that the State budget/economic forecast be provided; the Legislative Bulletin containing the article is attached.

4. Schedule Next Meeting

The Committee will meet with Representative Gelser on April 2, 2008. A special meeting may be called earlier, if necessary.

5. Adjournment

The meeting adjourned at 9:00 am.

Council consideration of the motions outlined in the working notes is requested.

Attachments: Committee Report
Supplemental Information
February 8, 2008, Legislative Bulletin

1015

MEMORANDUM
January 29, 2008

TO: City Council Legislative Committee

FROM: Steve Rogers, Public Works Director

SUBJECT: Senate Bill 1069

I. Introduction

Senate Bill 1069 (attached in its Legislative Concept form) is proposed to be introduced at the Oregon Legislative session in February, 2008. This draft legislation pertains to water resources and has a potential impact on the City of Corvallis.

II. Discussion

Senate Bill 1069 (SB1069) directs the Oregon Water Resources Department to:

1) provide grants or direct services to municipalities (and others) to evaluate the feasibility (hydrological, environmental, fiscal, and public benefits) of water conservation, reuse, or storage projects.

2) provide for an assessment of the feasibility of recharging groundwater in the Umatilla Basin from the Columbia River for subsequent use by farm interests and others.

Funding is provided for both programs either from the state General Fund or from selling Lottery Bonds.

The sections of SB1069 pertaining to municipalities (Sections 1-5) could be a funding source for the City of Corvallis wastewater reuse project. Grants can be provided up to $500,000 per project with a 1:1 match. Discussions with the League of Oregon Cities (LOC) staff indicate that the Corvallis/Greenberry Irrigation District reuse project is on a short list of projects that several key legislators have in mind for these funds. Should this be the case, then funding would be available to answer the City Council's request of staff to evaluate the environmental and fiscal implications of the proposed project. Funding could also be requested to evaluate other wastewater reuse alternatives as well.

III. Recommendation

Staff has been in discussion with LOC staff on SB1069. They believe it would be in the City's best interest to support it. Based on what staff knows about SB1069 at this time, and the recommendation from LOC, staff recommends that the City Council support SB1069.

Review and concur:

Jon S. Nelson
City Manager

Attachment

SB 1069

LC 50
1/16/08
(DLT/JMB/ps/ss/c)

DRAFT

SUMMARY

Directs Water Resources Department to provide grants and direct services payments for specified studies related to water conservation, reuse and storage. Establishes Water Conservation, Reuse and Storage Investment Fund. Continuously appropriates moneys in fund to department for grants and direct services payments. Authorizes State Treasurer to issue lottery bonds to fund grants and provision of direct services.

Directs Water Resources Department to conduct Umatilla Basin regional aquifer recovery assessment and establish mitigation bank. Directs department to make certain requests to Bureau of Reclamation of United States Department of the Interior. Appropriates moneys from General Fund to department to pay costs of assessment and to establish mitigation bank. Sunsets assessment and mitigation bank on January 2, 2014.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to water supply; appropriating money; and declaring an emergency.

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

WATER CONSERVATION, REUSE AND STORAGE GRANTS

SECTION 1. Grant program. (1) The Water Resources Department shall establish a grant program to pay the qualifying costs of planning studies performed to evaluate the feasibility of developing a water conservation, reuse or storage project, as described in section 2 of this 2008 Act. A grant under this section may be made to a local government as defined in ORS 174.116, to an Indian tribe as defined in ORS 391.802 or to a person.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

(2) In lieu of grants, the department may pay the cost of providing direct services, including but not limited to technical planning services, for a planning study that is eligible for a grant under this section.

(3) A grant or the cost of direct services provided under this section may not exceed $500,000 per project. A grant or payment for direct services may be provided only if the amount of the grant or the cost of the direct services is matched by funding from another source that is not less than a dollar-for-dollar match of the amount or cost.

(4) Grants and the cost of direct services provided under this section must be paid for from moneys available in the Water Conservation, Reuse and Storage Investment Fund.

(5)(a) In evaluating above ground storage projects for awards of grants or payments for direct services under this section, the department shall give priority to projects that include provisions for using stored water to augment in-stream flows to conserve, maintain and enhance aquatic life, fish life or other ecological values.

(b) In evaluating all other eligible projects, the department shall give priority to projects identified by the department in a statewide water assessment and inventory for the award of grants or provision of payment for direct services under this section.

SECTION 2. Eligible studies. (1) A planning study receiving a grant or payment for direct services under section 1 of this 2008 Act may include, but is not limited to:

(a) Analyses of hydrological refill capacity;

(b) Water needs analyses;

(c) Refined hydrological analyses;

(d) Engineering and financial feasibility studies;

(e) Geologic analyses;

(f) Water exchange studies;

(g) Analyses of by-pass, optimum peak, flushing and other ecologi-

cal flows of the affected stream and the impact of a proposed water conservation, reuse or storage project on those flows;

(h) Comparative analyses of alternative means of supplying water, including but not limited to the costs and benefits of conservation and efficiency alternatives and the extent to which long-term water supply needs may be met using those alternatives;

(i) Analyses of environmental harm or impacts from a proposed water conservation, reuse or storage project;

(j) Analyses of public benefits accruing from a proposed water conservation, reuse or storage project;

(k) Fiscal analyses of a proposed water conservation, reuse or storage project, including estimated project costs, financing for the project and projected financial returns from the project;

(L) Hydrological analyses of a proposed water conservation, reuse or storage project, including the anticipated effects of climate change on hydrological refill capacity; and

(m) Analyses of potential water quality impacts of the project.

(2) If a planning study concerns a proposed storage project that would impound surface water on a perennial stream, divert water from a stream that supports sensitive, threatened or endangered fish or divert more than 500 acre-feet of surface water annually, a grant or direct services payment may be provided only if the study contains:

(a) Analyses of by-pass, optimum peak, flushing and other ecological flows of the affected stream and the impact of the storage project on those flows;

(b) Comparative analyses of alternative means of supplying water, including but not limited to the costs and benefits of conservation and efficiency alternatives and the extent to which long-term water supply needs may be met using those alternatives;

(c) Analyses of environmental harm or impacts from the proposed storage project;

(d) Evaluation of the need for and feasibility of using stored water to augment in-stream flows to conserve, maintain and enhance aquatic life, fish life and any other ecological values; and

(e) For a proposed storage project that is for municipal use, analysis of local and regional water demand and the proposed storage project's relationship to existing and planned water supply projects.

SECTION 3. Water Conservation, Reuse and Storage Investment Fund. (1) The Water Conservation, Reuse and Storage Investment Fund is established in the State Treasury, separate and distinct from the General Fund. Interest earned by the Water Conservation, Reuse and Storage Investment Fund shall be credited to the fund. Moneys in the Water Conservation, Reuse and Storage Investment Fund are continuously appropriated to the Water Resources Department to carry out the provisions of sections 1 to 4 of this 2008 Act.

(2) The Water Conservation, Reuse and Storage Investment Fund shall consist of:

(a) Moneys appropriated to the fund by the Legislative Assembly;

(b) Any moneys that may be transferred to the fund by the federal government, a state agency or a local government; and

(c) Interest earnings of the fund and grant repayments, if any.

(3) Moneys in the Water Conservation, Reuse and Storage Investment Fund may be used only:

(a) To award grants and to pay the cost of direct services provided under section 1 of this 2008 Act; and

(b) To pay the direct and indirect costs of the Water Resources Department and the Water Resources Commission in administering sections 1 to 4 of this 2008 Act.

SECTION 4. Rules. The Water Resources Commission shall adopt rules necessary to administer sections 1 to 4 of this 2008 Act, including rules that:

(1) Establish reporting requirements for grants awarded under sec-

tion 1 of this 2008 Act;

(2) Provide for public comment before the award of grants and payment for direct services under section 1 of this 2008 Act; and

(3) Implement the priorities required by section 1 of this 2008 Act.

SECTION 5. Lottery bonds. (1) For the biennium beginning July 1, 2007, pursuant to ORS 286A.560 to 286A.585, the State Treasurer may issue lottery bonds to fund the grants and the provision of direct services under section 1 of this 2008 Act.

(2) The use of lottery bond proceeds pursuant to this section is authorized based on the following findings:

(a) There is an urgent need to improve and expand water storage sites, conserve water and promote the reuse of water in this state while protecting existing watersheds.

(b) Local governments, Indian tribes and private sector businesses often lack access to sufficient capital and the technical capacity to undertake water storage projects.

(c) Public investments in water storage, water conservation and water reuse projects create jobs and further economic growth while ensuring the continued protection of watersheds.

(3) The aggregate principal amount of lottery bonds issued pursuant to this section may not exceed $10 million plus an additional amount established by the State Treasurer to pay bond-related costs.

(4) The net proceeds of lottery bonds issued pursuant to this section shall be deposited in the Water Conservation, Reuse and Storage Investment Fund established in section 3 of this 2008 Act.

A.G. INTERPRETS SECTION 6-9

UMATILLA BASIN REGIONAL AQUIFER RECOVERY ASSESSMENT AND MITIGATION BANK

SECTION 6. The Water Resources Department shall:

(1) Conduct a regional aquifer recovery assessment for the Umatilla

1 **Basin; and**

2 **(2) Establish a mitigation bank to facilitate the creation of miti-**
3 **gation credits that may be used to offset the use of surface water from**
4 **the Columbia River and the Umatilla River.**

5 **SECTION 7. (1) The Umatilla Basin regional aquifer recovery as-**
6 **sessment conducted pursuant to section 6 of this 2008 Act must:**

7 **(a) Include an engineering and hydrogeologic study that evaluates**
8 **the cost and feasibility of designing, constructing and expanding fa-**
9 **cilities to extract surface water during times that would avoid impacts**
10 **on state or federally listed endangered or threatened fish species and**
11 **on existing water rights.**

12 **(b) Evaluate the feasibility of:**

13 **(A) Recharging ground water pursuant to ORS 537.135 in the Ord-**
14 **nance and Echo Meadows aquifers; and**

15 **(B) Injecting water into the Ordnance, Butter Creek and Stage**
16 **Gulch basalt aquifers pursuant to ORS 537.531, 537.532 and 537.534.**

17 **(2) The feasibility study required under this section must identify:**

18 **(a) Monitoring requirements to aid in the evaluation of potential**
19 **impacts to stream flows, ground water quality and surface water**
20 **quality.**

21 **(b) Options for the treatment of ground water and surface water**
22 **that meet requirements under ORS 537.135, 537.531, 537.532 and 537.534.**

23 **(c) Potential permitting and other jurisdictional issues under ORS**
24 **537.135, 537.531, 537.532 and 537.534.**

25 **(d) Opportunities to protect fish and fish habitat, and to improve**
26 **streamflows, in the Lower Umatilla River based on existing informa-**
27 **tion.**

28 **SECTION 8. In completing the Umatilla Basin regional aquifer re-**
29 **covery assessment required by sections 6 and 7 of this 2008 Act, the**
30 **Water Resources Department shall request that the Bureau of Recla-**
31 **mation of the United States Department of the Interior:**

(1) Consider the feasibility of using infrastructure from the bureau's Umatilla Basin Project Phase II to deliver surface water from the Columbia River to the Stage Gulch critical ground water area; and

(2) Coordinate the Bureau of Reclamation study of the water supply in the Umatilla Basin with the department's Umatilla Basin regional aquifer recovery assessment and determine whether the bureau may assist with the temporary or permanent replacement of water for designated critical ground water areas in the Umatilla Basin.

SECTION 9. There are appropriated to the Water Resources Department, for the biennium beginning July 1, 2007, out of the General Fund, the following amounts:

(1) $750,000 for the purpose of conducting the Umatilla Basin regional aquifer recovery assessment pursuant to section 6 of this 2008 Act; and

(2) $500,000 for the purpose of establishing the mitigation bank described in section 6 of this 2008 Act.

MISCELLANEOUS

SECTION 10. Sections 6, 7 and 8 of this 2008 Act are repealed on January 2, 2014.

SECTION 11. The unit and section captions used in this 2008 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2008 Act.

SECTION 12. This 2008 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect on its passage.

SB 1073 to Leg Com

about us

ALERTS
LEGISLATIVE AGENDA
UPDATES
ABOUT US
JOIN US!
TELLING OUR STORY

Housing Alliance
c/o The Neighborhood
Partnership Fund
1020 SW Taylor Suite 680
Portland, OR 97205

Janet Byrd
503-226-3001 ext. 103
Email

About the Housing Alliance

In early 2003, housing advocates in Oregon came together to discuss a new approach to housing advocacy at the state level. We envisioned a coalition or alliance that would bring together the many voices and constituencies concerned with the lack of affordable housing and the devastating impact of that shortage on Oregon families and individuals.

The Housing Alliance brings together advocates, local governments, housing authorities, community development corporations, environmentalists, service providers, business interests and all others dedicated to increasing the resources available to meet our housing needs to support a common statewide legislative and policy agenda.

Our Legislative and Policy Agenda

Increased resources for affordable housing is the primary item on the Alliance agenda. All ideas, strategies and proposals will be considered as theHousing Alliance moves forward.

The membership will consider support for legislative agenda items that impact housing affordability or our key constituents. We will use a modified consensus decision making model in all our deliberations.

Member Organizations

about us

ALERTS
LEGISLATIVE AGENDA
UPDATES
ABOUT US
JOIN US!
TELLING OUR STORY

Housing Alliance
c/o
Neighborhood Partnership Fund
1020 SW Taylor Suite 680
Portland, OR 97205

Janet Byrd
503-226-3001 ext. 103
jbyrd@nnpf.org

Member Organizations

- 1000 Friends
- AFSCME Local 3267
- Association of Oregon Community Development Organizations
- Association of Oregon Housing Authorities
- CASA of Oregon
- Central City Concern
- City Club of Portland
- City of Ashland
- City of Beaverton
- City of Eugene
- City of Gresham
- City of Medford Housing and Community Development Commission
- City of Portland
- City of Talent
- City of Wilsonville
- Clackamas Community Land Trust
- Clackamas Housing Action Network
- Coalition for a Livable Future
- Community Action Directors of Oregon
- Community Action Team, Inc.
- Community Alliance of Tenants
- Community Development Network
- Community Housing Fund
- Community Partners for Affordable Housing
- Ecumenical Ministries of Oregon
- Enterprise Community Partners, Inc.
- Habitat for Humanity of Oregon
- Hacienda CDC
- Homeless Families Coalition
- HOST Development, Inc.
- Housing Advocates Group of Washington County
- Housing Development Center
- Interfaith Committee on Homelessness
- Jackson County Housing Coalition
- Lane County Legal Aid and Advocacy Center
- League of Women Voters of Oregon
- Lincoln County
- Manufactured Home Owners of Oregon, Inc.
- METRO
- Multnomah County
- Neighborhood Economic Development Corporation (NEDCO)
- Neighborhood Partnership Fund
- Network for Oregon Affordable Housing
- Northwest Community Land Trust Coalition
- Northwest Housing Alternatives
- Oregon Action
- Oregon Council on Developmental Disabilities
- Oregon Coalition on Housing and Homelessness
- Oregon Food Bank
- Oregon Manufactured Homeowners United
- Portland Community Land Trust
- Portland Community Reinvestment Initiatives, Inc.
- Portland Impact

- REACH CDC
- Rogue Valley CDC
- ROSE Community Development
- St. Vincent de Paul of Lane County, Inc.
- ShelterCare
- Sisters of the Road
- Umpqua CDC
- Washington County
- Willamette Neighborhood Housing Services

« back

The Housing Alliance

opening doors to opportunity

welcome

ALERTS

LEGISLATIVE AGENDA

UPDATES

ABOUT US

JOIN US!

TELLING OUR STORY

Housing Alliance
c/o The Neighborhood
Partnership Fund
1020 SW Taylor Suite 680
Portland, OR 97205

Janet Byrd
503-226-3001 ext. 103
Email

2008 Legislative Strategy

During the February 2008 Legislative session, the Housing Alliance will be working to pass SB 1073, introduced on our behalf by Senator Betsy Johnson.

SB 1073 appropriates $2.75 million in the February 2008 legislative session:

- **$2 million** to seed a revolving loan fund to help preserve existing rent-subsidized affordable housing, and
- **$750,000** to support development and implementation of local strategies to end homelessness.

Download details on SB 1073.
Download details on the "Housing Acquisition Fund."
Download details on building strategies to end homelessness.

Members of the Housing Alliance believe that hard-working people should be able to afford housing and still have money left for food and basic necessities.

This isn't the case today.

We know that one in five people in Oregon can't afford the cost of their housing. People are going hungry and doing without medicine for themselves and their kids in order to keep a roof over their heads.

Let's give all Oregonians the opportunity to build better lives. To succeed, we all need a place to call home.

Our Goal:

We must take significant steps towards meeting housing needs in the State of Oregon. To begin addressing these needs, the Legislature can act in two ways.

1. Substantially Increase Funding for Housing Development and Support Programs, with a long-term goal of increasing to $100 million per biennium. Current expenditures are approximately $20 million per biennium.

2. Use Policy Tools to increase housing availability or stability.

2007 Legislative Successes: Housing Alliance Wins More Than $26 Million in New Money for Housing!

Housing Alliance
Opening Doors to Opportunity

Application for Membership

Membership in the Housing Alliance is open to all who endorse our goals and agree to our operating principles. There are two categories of membership. Members include non-profit organizations, government entities, and housing authorities. For-profit entities and individuals are invited to support the Housing Alliance as Associate Members (non-voting).

Yes! We'd like to join as a / an

- ❑ Member
- ❑ Associate member (non-voting)

Dues structure:

Non-Profit Partner Organizations

Operating Budgets under $200,000: $50 to $250
Operating Budgets over $200,000: $250 to $20,000

Trade Associations and Membership Organizations: $1,000 - $5,000

Large Political Jurisdictions: $2,500 to $20,000

Small Political Jurisdictions: $500 to $2,500

For-Profit Associate Members, organizations (non-voting): $500 to $10,000

Associate Members, Individual: $35 to $250

Dues Category and amount: _____

_____
Organization Name

_____
Address

_____
City, State, Zip

_____ _____
Telephone E-mail

_____
Contact person

Please submit form with payment to:
Housing Alliance, c/o Neighborhood Partnership Fund
1020 SW Taylor Suite 680
Portland, OR 97205

Questions? Call Janet Byrd at 503-226-3001 ext. 103 or e-mail at jbyrd@tnpf.org

* * * **M E M O R A N D U M** * * *

FEBRUARY 8, 2008

TO: **CITY LEGISLATIVE COMMITTEE**

FROM: **JON S. NELSON, CITY MANAGER** Jon

SUBJECT: **ADDITIONAL MATERIAL FOR FEBRUARY 13, 2008, MEETING**

Attached or your review prior to Wednesday are additional information pieces on Senate Bill 1069 (water studies) and Senate Bill 1073 (affordable housing).

SB 1073 will be reviewed under item 3 "Other" in the agenda.

Thank you.

Attachments:

- February 7, 2008, *Oregonian* article on SB 1069
- SB 1073
- E-mail on SB 1073 referred from Councilor Wershow
- E-mail from League of Oregon Cities Linda Ludwig with attachments provided by Kent Weiss from the Housing Alliance; SB 1073

1012

Oregonian 2-7-2008

Farmers float aquifer idea to quench their thirst

Water | A coalition backs winter draws from the Columbia River to replenish Umatilla basin aquifers

By **ERIC MORTENSON**
THE OREGONIAN

Water is life in dry eastern Oregon, and farmers in the Umatilla basin have been getting by on progressively smaller sips since the 1970s. Faced with water levels that have dropped 500 feet in some parts of underground aquifers, the state has gradually curtailed how much farmers can pump from some wells and shut off others.

Choosing not to wait and wither, farmers and a broad coalition of supporters are pushing a plan to draw water from the Columbia River, whose massive flows are dammed for electricity generation and, in spring and fall, metered closely for salmon migration.

Their solution is a novel plan to recharge the aquifers by drawing as much as 80,000 acre-feet of water from the Columbia during the winter, when it runs high with excess water. Using irrigation pumps, pipes and ditches now in place, farmers would saturate the ground and allow the water to percolate to a shallow alluvial aquifer. From there, some of that water would be pumped out and injected into deeper basalt aquifers, recharging them for use during the dry months.

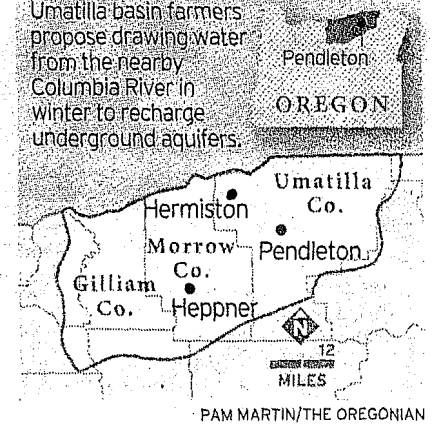
It's a bold step. Drawing more irrigation water from the river in the summer and fall, when it would help crops, is a political and environmental dead end. It's needed then for endangered salmon runs. But even environmentalists concede the Columbia's winter flow can be tapped without harming fish runs.

"It's a little tough for us to swallow, watching that river go by," said Kent Madison, an Echo farmer. "We can sit here and complain about our situation

Please see **COLUMBIA,** Page B2

Farmers seek river water

Faced with declining water supplies, Umatilla basin farmers propose drawing water from the nearby Columbia River in winter to recharge underground aquifers.



PAM MARTIN/THE OREGONIAN

Columbia: East Oregon could see rise in crop values

Continued from Page B1

or decide to solve our problem. We within the Umatilla basin have chosen to solve our problem."

An acre-foot is enough water to cover an acre of land 1 foot deep. The target of 80,000 acre-feet is roughly equivalent to 26 billion gallons. For comparison, the Portland Water Bureau produces about 38 billion gallons annually from its Bull Run reservoir and Columbia wellfield systems.

Senate Bill 1069, introduced this week in the Legislature, would provide $750,000 to complete a feasibility study. The bill also allocates $500,000 to establish a water mitigation "bank" that would rent or sell unused water rights to Umatilla basin farmers who need water. Also, it provides $10 million in lottery money grants for water storage and conservation projects statewide.

The latter provision has helped attract a broad range of supporters, but it's clear that the Umatilla basin is at the heart of the issue. The state has designated four stretches of the basin, covering 650 square miles, as "critical groundwater" areas, meaning water use is curtailed.

Because of shortages, irrigation districts, communities and farms in the Umatilla basin last year drew only 30 percent of the water allocated to them on paper under the state's water rights permit system. Although groundwater permits exist to irrigate 57,000 acres in the basin, less than half of that received any water at all last year. No other part of the state has had such extensive shortages, according to an assessment by the Oregon Water Resources Department.

The state has estimated that restoring full water rights could increase the value of crops raised in the basin by $30 million annually.

Lloyd Piercy of Echo, who grows grass seed, vegetables, wine grapes and grain, has water rights to about 6,800 acre-feet. In 2007 he was allowed to irrigate with 669 acre-feet, less than 10 percent of what he expected, and devastating because he'd already planted and fertilized when he learned he wouldn't have enough water to sustain the crop to harvest. This year he's been allocated 3,000 acre-feet.

"Last year they cut us so severely, they pretty much cut us off," Piercy said. "The uncertainty is what gets you."

Farmers have been forced to juggle crop planning based on water projections. A basin farmer, Chet Prior, said some farmers would be able to "double crop" some acreage — plant beans on ground that yielded peas or corn after blue grass — if water were available later in the season.

"You'd have a lot of opportunities if you got the full water right available to you," Prior said. "The driving force behind almost all the agriculture we do on this farm is the water supply."

Senate Bill 1069 is supported by the governor's office, the League of Oregon Cities, irrigation and water districts, the Oregon Farm Bureau and the Confederated Tribes of the Umatilla Indian Reservation, among others. WaterWatch, a Portland conservation group, is neutral on the bill, a stand that supporters count as victory.

"We've said all along that there are months when water is available from the Columbia," WaterWatch Director John DeVoe said. "We also got assurances that this Umatilla study would not look at taking water from the Columbia or its tributaries during the summer."

•

Eric Mortenson; 503-294-7636; ericmortenson@news.oregonian.com
For environment news, go to http://blog.oregonlive.com/pdxgreen

Senate Bill 1073

Sponsored by Senator JOHNSON (at the request of Housing Alliance) (Presession filed.)

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.**

Appropriates moneys from General Fund to Housing and Community Services Department for specified purposes. Requires that some of appropriated moneys be transferred into continuously appropriated account.

Declares emergency, effective on passage.

A BILL FOR AN ACT

Relating to financial administration of the Housing and Community Services Department; appropriating money; and declaring an emergency.

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

SECTION 1. In addition to and not in lieu of any other appropriation, there is appropriated to the Housing and Community Services Department, for the biennium ending June 30, 2009, out of the General Fund, the amount of $_____. The department shall transfer the moneys appropriated under this section into the Housing Development Account for expenditure to provide loans and payments under the statutes identified in section 5 (3), chapter 757, Oregon Laws 2007, for the purpose of preserving the state's existing supply of affordable housing units.

SECTION 2. In addition to and not in lieu of any other appropriation, there is appropriated to the Housing and Community Services Department, for the biennium ending June 30, 2009, out of the General Fund, the amount of $750,000, which may be expended for the purpose of providing resources and support to counties to reduce or end homelessness.

SECTION 3. This 2008 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2008 Act takes effect on its passage.

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.

Louie, Kathy

To: Nelson, Jon
Subject: RE: [Fwd: Oppose Bush Cuts to Rural Oregon Communities]

-----Original Message-----
From: stewart wershow [mailto:ward6@council.ci.corvallis.or.us]
Sent: Wednesday, February 06, 2008 4:35 PM
To: Nelson, Jon
Cc: ward6-web-archive@council.ci.corvallis.or.us
Subject: [Fwd: Oppose Bush Cuts to Rural Oregon Communities]

Jon,
Do you want to add this email to the material at the next Legislative committee.
Stewart

---------- Original Message ----------
Subject: Oppose Bush Cuts to Rural Oregon Communities
From: "The Team at Onward Oregon" <the_team@onwardoregon.org>
Date: Wed, February 6, 2008 4:00 pm
To: "Stewart Wershow" <ward6@council.ci.corvallis.or.us>

Oppose Bush Cuts to Rural Oregon Communities The Issue:
Thanks to short-sighted Federal affordable housing financing programs begun during the Reagan era, Oregon is facing a crisis.
Over 7,000 affordable apartments across the state are at risk of being lost to the private market; apartments that are currently home to seniors, people with disabilities and families relying on low wage jobs. Many of these apartments are in rural areas where there are few, if any, comparable affordable places to live.
The Housing Alliance is calling on the State Legislature to create a Housing Acquisition Fund to help stop the displacement of thousands of our vulnerable neighbors. In these days of sub-prime mortgage collapse and repossessions, we need to support Oregonians who are not able to pay for
reasonable housing. What Can Be Done?
SB 1073 seeks $2 million from the state General Fund to seed the Housing Acquisition Fund â€" a revolving loan fund that will provide interim financing to maintain existing rent-subsidized
housing. Saving this housing will: Prevent
displacement of very low income seniors, people with disabilities, and families with children from homes in communities which have no other housing available at a similar cost. Maintain federal rent subsidies for these
properties â€" worth millions of federal support per year for Oregon. Interim financing through the proposed Housing Acquisition Fund will allow for timely sales that can be structured to maintain all possible federal subsidies.
Please help ensure that these Oregonians can still obtain affordable
housing! Click here for more information, or to take action >>
www.OnwardOregon.org/AffordableHousing/

The All-Volunteer Team at Onward Oregon
www.OnwardOregon.org

Remove yourself from this mailing.

Remove yourself from all mailings from Onward Oregon.

Nelson, Jon

From: Linda Ludwig [LLudwig@orcities.org]
Sent: Thursday, February 07, 2008 12:09 PM
To: Nelson, Jon
Subject: RE: SB 1073

Attachments: 20080207105223948.pdf

200802071052
:3948.pdf (2 MB

Jon,

The information attached below is what was passed out at the one invited testimony informational hearing that the Joint Committee on Ways and Means has held to date. The committee discussed 2 concepts- 1 which was SB 1073 (which actually has two funding requests) and 1 which was increasing the cap on the allowed income tax credit for affordable housing (no particular bill yet associated).

My take right now is that SB 1073 will be heard by W & M only, and no hearings/referrals to policy committees.

In terms of W & M's process: there are two budget appropriation scenarios- one is for if the fiscal forecast (out tomorrow morning) is static (+/- $25 million) and another if the fiscal forecast is down (>$25 and <$125).

There is only an allocation for affordable housing (either SB 1073 or tax credit cap increase) in the scenario if the forecast is static ($2 million); no allocation for affordable housing if the forecast is down.

Ways and Means co-chairs were very clear in the hearing- at best (if forecast static), there was only $2 million for both or either of the two affordable housing concepts, and asked the panel which concept was their preference - SB 1073 or income tax credit. They received a very non-answer answer (folks wanted both concepts and more than $2 million- this answer was clearly not helpful to the co-chairs.)

This is a preview of an article I wrote for tomorrow's Legislative Bulletin:

"Bill Would Support Affordable Housing
The Joint Committee on Ways and Means, co-chaired by Senator Kurt Schrader (D-Canby) and Representative Mary Nolan (D-Portland) held an informational hearing this week on several strategies to provide additional funds to support affordable housing and end homelessness.

SB 1073 would provide approximately $2 million to seed a revolving loan fund to help preserve existing rent-subsidized affordable housing and support the development and implementation of local strategies to end homelessness. Additionally, testimony was heard from affordable housing advocates, asking the committee to support an increased limit on the income tax credits available for affordable housing. Committee co-chairs have indicated that SB 1073 will likely receive additional consideration during the next several weeks.

According to housing advocates, there are more than 7,000 rent subsidized apartments in more than 250 properties across Oregon that will be at risk of being lost without this legislation. Properties threatened by the end of existing subsidy agreements were developed over the past 40 years with support from the U.S.Department of Housing and Urban Development, and with state bond financing - coupled with federal rent subsidies. Existing contracts that keep this housing affordable are expiring over the next seven years.

The Housing Acquisition Fund, initiated by SB 1073, would help preserve the housing stock by facilitating sales to new owners who will maintain current rent levels. The program would be administered by the Network for Oregon Affordable Housing, and utilize financing

tools through the Oregon Housing and Community Services Department. The homelessness component of the bill, requesting $750,000, would provide capacity grants and technical assistance to assist county efforts in developing local plans to end homelessness."

Let me know if you have any questions,
Linda

--

Linda C. Ludwig
Deputy Legislative Director
League of Oregon Cities
503-588-6550

>>> On 2/7/2008 at 10:27 AM, <Jon.Nelson@ci.corvallis.or.us> wrote:
> Thanks Linda
>
> -----Original Message-----
> From: lludwig@orcities.org [mailto:lludwig@orcities.org]
> Sent: Thursday, February 07, 2008 10:24 AM
> To: Nelson, Jon
> Subject: Re: SB 1073
>
> Jon, I'll email you some information and a recap of the first meeting
> when I return to the office from the Cap. -L.
> -----Original Message-----
> From: "Nelson, Jon" <Jon.Nelson@ci.corvallis.or.us>
>
> Date: Thu, 7 Feb 2008 09:21:55
> To:"Weiss, Kent"
> <Kent.Weiss@ci.corvallis.or.us>,<lludwig@orcities.org>
> Cc:"Gibb, Ken"
> <Ken.Gibb@ci.corvallis.or.us>,<Jim.Moorefield@w-nhs.org>
> Subject: SB 1073
>
>
> Hi Kent & Linda,
> Housing question for you, please. Willamette Neighborhood Housing
> Services Exec Director Jim Moorefield mentioned SB1073 at last
> Monday's City Council meeting. The Mayor assigned it to our
> Legislative Committee for discussion on 2/13. Could you please share
> with me whether the LOC is going to take a position on the bill and
> any other info that will be helpful to the committee.
> Thanks.
> Jon

Member Organizations

1000 Friends
AFSCME Local 3267
Association of Oregon Community Development Organizations
Association of Oregon Housing Authorities
CASA of Oregon
Central City Concern
City Club of Portland
City of Ashland
City of Beaverton
City of Eugene
City of Gresham
City of Medford Housing & Community Development Commission
City of Portland
City of Talent
City of Wilsonville
Clackamas Community Land Trust
Clackamas Housing Action Network
Coalition for a Livable Future
Community Action Directors of Oregon
Community Action Team, Inc.
Community Alliance of Tenants
Community Development Network
Community Housing Fund
Community Partners for Affordable Housing
Ecumenical Ministries of Oregon
Enterprise Community Partners, Inc.
Habitat for Humanity of Oregon
Hacienda CDC
HOST Development, Inc.
Homeless Families Coalition
Housing Advocacy Group of Washington Co.
Housing Development Center
Interfaith Committee on Homelessness
Jackson County Housing Coalition
Lane County Legal Aid and Advocacy Center
League of Women Voters of Oregon
Lincoln County
Manufactured Home Owners of Oregon, Inc.
Metro
Multnomah County
Neighborhood Economic Development Corp.
Neighborhood Partnership Fund
Network for Oregon Affordable Housing
Northwest Community Land Trust Coalition
Northwest Housing Alternatives
Oregon Action
Oregon Council on Developmental Disabilities
Oregon Coalition on Housing & Homelessness
Oregon Food Bank
Oregon Manufactured Homeowners United
Portland Community Land Trust
Portland Community Reinvestment Initiatives, Inc.
Portland Impact
REACH CDC
Rogue Valley CDC
Rose CDC
St. Vincent DePaul of Lane County
Shelter Care
Sisters of the Road
Umpqua CDC
Washington County

Contact us:

Public Affairs Counsel
Mark Nelson, Erica Hagedorn
PO Box 12945 · Salem, OR 97309
(503) 363-7084

www.oregonhousingalliance.org

February 2008 Legislative Session "Housing Acquisition Fund" Proposal SB 1073

SB 1073 seeks $2 million of state General Fund to seed a "Housing Acquisition Fund" — a revolving loan fund to provide interim financing to maintain existing rent-subsidized housing as affordable.

More than 7,000 rent subsidized apartments in more than 250 properties across Oregon are at risk of loss beginning immediately. Properties threatened by the end of existing subsidy agreements were developed over the past 40 years with support from the federal Department of Housing and Urban Development, from the Rural Development program of the Department of Agriculture (formerly known as "Farmers Home"), and with State of Oregon bond financing coupled with federal rent subsidies. The properties are located in all corners of the state.

Existing contracts that keep these apartments affordable are expiring in the next one to seven years. Many of the private owners of these properties are interested in selling and would prefer to see the housing remain affordable. The Housing Acquisition Fund is a crucial tool to save these affordable units.

In its first year, the state's General Fund investment into the "Housing Acquisition Fund" will leverage an additional $26 to $46 million in private, philanthropic, and local public funds. Over six years we estimate that the total leverage would exceed $150 million. It would also *protect* millions of dollars in federal rent subsidy payments from the Section 8 and Rural Development programs by facilitating the preservation of an estimated 2,700 apartments.

The fund will help preserve this stock of housing by facilitating sales to new owners who will maintain current rent levels. Preservation of existing housing is much less expensive than replacing it — replacement cost of these units would easily exceed $250 million.

In addition, saving this housing will:

- Prevent displacement of very low income seniors, people with disabilities, and families with children from homes in communities which have no other housing available at a similar cost
- Maintain federal rent subsidies for these properties — worth millions of federal support per year for Oregon

Interim financing through this "Housing Acquisition Fund" will allow for timely sales that can be structured to maintain all possible federal subsidy. This

interim financing is an essential tool to make preservation efforts successful, and a minimal State investment promises to have a significant impact on this effort by leveraging private funds.

The Fund will be administered by the Network for Oregon Affordable Housing, and managed by a steering committee of local experts, business leaders, and investors. Meyer Memorial Trust has pledged significant support for the Fund if State funds are committed and has made a grant to support the administrative costs to launch this effort. Other local funders have committed support as well if the Fund is seeded, and a grant proposal is in process to the MacArthur Foundation. Banks and local jurisdictions have indicated a willingness to invest in the Fund once it is established.

The table below illustrates the anticipated impact of the "Housing Acquisition Fund."

	Capital Investment	Bank Leverage	Total Fund	# Units	# Projects	Rental Assistance Preserved	TOTAL LEVERAGE
General Fund	$2,000,000	$6,000,000	$8,000,000				
Foundations / Other	$13,000,000	$29,000,000	$42,000,000				
TOTAL over 2 years:	$15,000,000	$35,000,000	$50,000,000	909	26	$4,189,091	$52,189,091
TOTAL over 6 years			**$150,000,000**	**2,727**	**78**	**$12,567,273**	**$160,567,273**

Interim financing through this "Housing Acquisition Fund" complements permanent financing tools that Housing and Community Services has available, including permanent financing approved during the 2007 session of $8.1 million and the Oregon Affordable Housing Tax Credit, which was expanded during the 2007 session for this purpose. Current allocations of the OAHTC are committed, and all funds for long-term preservation appropriated in 2007 will be exhausted by pending deals.

Many millions in state funds will continue to be needed over the next five to ten years to ensure the permanent preservation of this housing. Depending on the assumptions made about federal rent levels and availability of the Oregon Affordable Housing Tax Credit, state funds needed to permanently finance just the 2,700 units passing through the Housing Acquisition Fund could range from $11 million to $150 million over the next eight to ten years.

Member Organizations

1000 Friends
AFSCME Local 3267
Association of Oregon Community Development Organizations
Association of Oregon Housing Authorities
CASA of Oregon
Central City Concern
City Club of Portland
City of Ashland
City of Beaverton
City of Eugene
City of Gresham
City of Medford Housing & Community Development Commission
City of Portland
City of Talent
City of Wilsonville
Clackamas Community Land Trust
Clackamas Housing Action Network
Coalition for a Livable Future
Community Action Directors of Oregon
Community Action Team, Inc.
Community Alliance of Tenants
Community Development Network
Community Housing Fund
Community Partners for Affordable Housing
Ecumenical Ministries of Oregon
Enterprise Community Partners, Inc.
Habitat for Humanity of Oregon
Hacienda CDC
HOST Development, Inc.
Homeless Families Coalition
Housing Advocacy Group of Washington Co.
Housing Development Center
Interfaith Committee on Homelessness
Jackson County Housing Coalition
Lane County Legal Aid and Advocacy Center
League of Women Voters of Oregon
Lincoln County
Manufactured Home Owners of Oregon, Inc.
Metro
Multnomah County
Neighborhood Economic Development Corp.
Neighborhood Partnership Fund
Network for Oregon Affordable Housing
Northwest Community Land Trust Coalition
Northwest Housing Alternatives
Oregon Action
Oregon Council on Developmental Disabilities
Oregon Coalition on Housing & Homelessness
Oregon Food Bank
Oregon Manufactured Homeowners United
Portland Community Land Trust
Portland Community Reinvestment Initiatives, Inc.
Portland Impact
REACH CDC
Rogue Valley CDC
Rose CDC
St. Vincent DePaul of Lane County
Shelter Care
Sisters of the Road
Umpqua CDC
Washington County

Contact us:

Public Affairs Counsel
Mark Nelson, Erica Hagedorn
PO Box 12945 · Salem, OR 97309
(503) 363-7084

www.oregonhousingalliance.org

February 2008 Legislative Session

SB 1073

The Housing Alliance is requesting $2.75 million in the February 2008 legislative session:

- **$2 million** to seed a revolving loan fund to help preserve existing rent-subsidized affordable housing, and
- **$750,000** to support development and implementation of local strategies to end homelessness.

PRESERVE EXISTING RENT-SUBSIDIZED HOUSING: $2 million of state General Fund into a "Housing Acquisition Fund" — a revolving loan fund to provide interim financing to save these affordable homes.

More than 7,000 rent subsidized apartments in more than 250 properties across Oregon are at risk of loss beginning immediately. Properties threatened by the end of existing subsidy agreements were developed over the past 40 years with support from the federal Department of Housing and Urban Development, from the Rural Development program of the Department of Agriculture (formerly known as "Farmers Home"), and with State of Oregon bond financing coupled with federal rent subsidies. The properties are located in all corners of the state.

Existing contracts that keep these apartments affordable are expiring in the next one to seven years. Many of the private owners of these properties are interested in selling and would prefer to see the housing remain affordable. The Housing Acquisition Fund is a crucial tool to save these affordable units.

In its first year, the state's General Fund investment into the "Housing Acquisition Fund" will leverage an additional $26 to $46 million in private, philanthropic, and local public funds. Over six years we estimate that the total leverage would exceed $150 million. It would also *protect* millions of dollars in federal rent subsidy payments from the Section 8 and Rural Development programs. We estimate the Fund will finance the short term preservation of at least 2,700 apartments.

The fund will help preserve this stock of housing by facilitating sales to new owners who will maintain current rent levels. Preservation of existing housing is much less expensive than replacing it — replacement cost of these units would easily exceed $250 million. In addition, saving this housing will:

- Prevent displacement of very low income seniors, people with disabilities, and families with children from homes in communities which have no other housing available at a similar cost
- Maintain federal rent subsidies for these properties — worth millions of federal support per year for Oregon

Interim financing through this "Housing Acquisition Fund" will allow for timely sales that can be structured to maintain all possible federal subsidy. This interim financing is an essential tool to make preservation efforts successful.

Interim financing complements permanent financing tools that Housing and Community Services has available, including permanent financing approved during the 2007 session of $8.1 million and the Oregon Affordable Housing Tax Credit, which was expanded during the 2007 session for this purpose. Tens to hundreds of millions will continue to be needed over the next five to ten years to ensure the permanent preservation of this housing, depending upon federal decisions and market conditions.

The Fund will be administered by the Network for Oregon Affordable Housing, and managed by a steering committee of local experts, business leaders, and investors. Meyer Memorial Trust has pledged significant support for the Fund if State funds are committed, and has made a grant to support the administrative costs to launch this effort. Other local funders have committed support as well if the Fund is seeded, and a grant proposal is in process to the MacArthur Foundation. Banks and local jurisdictions have indicated a willingness to invest in the Fund once it is established.

The table below illustrates the anticipated impact of the "Housing Acquisition Fund."

	Capital Investment	Bank Leverage	Total Fund	# Units	# Projects	Annual Rental Assistance Preserved	TOTAL LEVERAGE
General Fund	$2,000,000	$6,000,000	$8,000,000				
Foundations / Other	$13,000,000	$29,000,000	$42,000,000				
TOTAL over 2 years:	$15,000,000	$35,000,000	$50,000,000	909	26	$4,189,091	$52,189,091
TOTAL over 6 years:			**$150,000,000**	**2,727**	**78**	**$12,567,273**	**$160,567,273**

HOMELESSNESS: $750,000 would support strategies and development of local solutions to homelessness. Counties and local jurisdictions need support as they work to re-align their systems to better serve the growing numbers of displaced households and homeless families and individuals. In 2006, Oregon formed an Inter-agency Ending Homelessness Advisory Council by Executive Order. That group will announce in early 2008 the first steps in a statewide plan to end homelessness. However, state level action and coordination is not enough. We need to engage and support local communities as they do the hard work of assessing local conditions and re-aligning local systems.

Nine counties in Oregon have already made great progress in addressing the growing problem of homelessness in our state by developing or initiating coordinated planning processes. We want to provide support, training, and capacity to these communities as they take their next step and to the 27 other counties who have not yet begun this process.

HOUSING ALLIANCE

SB 1073

Local Solutions to Homelessness

Promoting Local Solutions to Homelessness: $750,000 to support development and implementation of community-based solutions to homelessness.

- **$576,000 for capacity grants to assist local community efforts to design and implement 10-Year Plans to End Homelessness.**
- **$174,000 for technical assistance to support the local plans.**

Each year more Oregonians become homeless. On any given night, **13,020 individuals are provided emergency shelter** across the state, while an estimated 4,655 Oregonians are left to the streets, forest roads and public right of ways. Moreover, the face of homelessness is changing. ***Families and children now comprise 72% of those being turned away from shelters due to lack of space.***

And it's getting worse. Over 15,000 school children were homeless during the 2006-2007 school year - an 18% increase over the previous year. Children and families deserve an opportunity to succeed in school and life, which is tied to having a stable home.

To end this disturbing trend and successfully combat the challenges presented by homelessness, we must encourage all partners in the homeless system to work together locally to design innovative, efficient and comprehensive solutions.

Recognizing the need to build a strong network of providers to look holistically at homelessness, addiction, mental illness, hunger and other causes and conditions of poverty, Governor Kulongoski created the Ending Homelessness Advisory Council (EHAC). This was a significant first step but it's not enough. Now is the time to build on this strategy and strengthen local efforts to end homelessness.

Creating Local Incentives - $576,000 in capacity grants will assist local community efforts to design and implement 10-Year Plans to End Homelessness throughout Oregon. This one-time funding will allow Oregon Housing and Community Services (OHCS) to establish an incentive-based program to help communities create and implement a local homeless strategy.

Each participating community will be eligible to apply for up to $16,000 in grant funding to support local efforts with the collection of data, organization, planning and implementation of a homeless strategy. As opportunities emerge, it is possible for participating communities to join together and use resources collectively to develop multi-county strategies to end homelessness.

Our success in defeating homelessness depends on our ability to create a strong coordinated statewide approach tailored to individual communities. Investing in local efforts with the creation of capacity grants will help:

- ☐ Showcase best practices and successful solutions being implemented locally

Member Organizations

1000 Friends
AFSCME Local 3267
Association of Oregon Community Development Organizations
Association of Oregon Housing Authorities
CASA of Oregon
Central City Concern
City Club of Portland
City of Ashland
City of Beaverton
City of Eugene
City of Gresham
City of Medford Housing & Community Development Commission
City of Portland
City of Talent
City of Wilsonville
Clackamas Community Land Trust
Clackamas Housing Action Network
Coalition for a Livable Future
Community Action Directors of Oregon
Community Action Team, Inc.
Community Alliance of Tenants
Community Development Network
Community Housing Fund
Community Partners for Affordable Housing
Ecumenical Ministries of Oregon
Enterprise Community Partners, Inc.
Habitat for Humanity of Oregon
Hacienda CDC
Homeless Families Coalition
HOST Development, Inc.
Housing Advocacy Group of Washington Co.
Housing Development Center
Interfaith Committee on Homelessness
Jackson County Housing Coalition
Lane County Legal Aid and Advocacy Center
League of Women Voters of Oregon
Lincoln County
Manufactured Home Owners of Oregon, Inc.
Metro
Multnomah County
Neighborhood Economic Development Corp.
Neighborhood Partnership Fund
Network for Oregon Affordable Housing
Northwest Community Land Trust Coalition
Northwest Housing Alternatives
Oregon Action
Oregon Council on Developmental Disabilities
Oregon Coalition on Housing & Homelessness
Oregon Food Bank
Oregon Manufactured Homeowners United
Portland Community Land Trust
Portland Community Reinvestment Initiatives, Inc.
Portland Impact
REACH CDC
Rogue Valley CDC
Rose CDC
St. Vincent DePaul of Lane County
Shelter Care
Sisters of the Road
Umpqua CDC
Washington County
Willamette Neighborhood Housing Services

Contact us:

Public Affairs Counsel
Mark Nelson, Erica Hagedorn
PO Box 12945 · Salem, OR 97309
(503) 363-7084

- Strengthen capacity in rural communities currently lacking the resources to design and
- implement local homeless strategies;
- Create a strong, local network of providers;
- Complement Governor Kulongski's statewide strategy;
- Build strong local networks among service providers; and
- Identify opportunities within communities to leverage private, local and federal resources to maximize Oregon's investment in homelessness. In 2006, $6.4 million generated more than $13 million in local communities through matching or leveraging a combination of state, federal, local and private resources.

Statewide Technical Assistance – To ensure a coordinated approach, OHCS and EHAC will set criteria for funding technical assistance for local communities. The one-time allocation of $174,000 will allow OHCS to contract a consultant to facilitate regional workshops and offer individualized technical assistance to help local communities with the development of 10-Year Plans to End Homelessness.

Specifically, OHCS will provide the following technical assistance to local communities:

- Travel to counties and work with local planners in their communities;
- Ensure that all plans are outcome driven;
- Share successful national best practices and proven local models;
- Provide guidance to ensure local plans do not conflict;
- Provide information about state initiatives that may impact local plans; and
- Provide guidance so that local plans can capture information/data needed statewide.

In summary, the Housing Alliance is requesting $750,000 in capacity grants and technical assistance to create incentives and to support local communities with the development of 10-Year Plans to End Homelessness.

2007 Status of 10-Year Plans to End Homelessness in Oregon

* From the US Interagency Council on Homelessness

Counties with completed plans or in development	Counties considering developing a plan	All other Oregon counties	
Coos	Benton	Baker	Malheur
Clackamas	Clatsop	Columbia	Morrow
Multnomah	Crook	Curry	Sherman
Marion	Deschutes	Douglas	Tillamook
Jackson	Jefferson	Gilliam	Umatilla
Washington	Josephine	Grant	Union
Lincoln	Linn	Harney	Wallowa
Lane	Polk	Hood River	Wasco
Yamhill		Klamath	Wheeler
		Lake	

Legislative Bulletin

February 8, 2008

LEAGUE of Oregon CITIES

A League of Oregon Cities publication

Number 1

2008 Special Legislative Session Begins!

By Linda Ludwig, Deputy Legislative Director

The Oregon Legislature began its special session Monday, with a heated floor debate by House Republicans regarding proposed changes to the chamber's rules governing consideration of minority reports. While the amended rules eventually were approved by a 31-27 vote, the debate signaled the likelihood of continued lengthy floor discussions by House members throughout the month-long special session.

As extensive renovations occur at the Capitol, the Legislature will consider approximately 100 bills, with less than half expected to receive final approval. Two noteworthy bills under consideration this session of particular interest to cities include:

- SB 1069- The Agriculture and Community Water Act, and
- SB 5556- Reauthorization of funding for the "Big Look" committee.

HB 1069, introduced by the Senate Environment and Natural Resources Committee, chaired by Senator Brad Avakian (D-Portland/Beaverton), comes on the heels of the League's work in the 2007 session and would establish a fund for water conservation and storage projects.

SB 5556, the state agency budget reconciliation bill, is under consideration by the Joint Committee on Ways and Means, co-chaired by Senator Kurt Schrader (D-Canby) and Representative Mary Nolan (D-Portland), and contains funding that would continue the work of the "Big Look" committee. This land use review committee has completed only a portion of the work directed by legislation passed in 2005.

(continued on page 3)

State Budget Forecast Down Sharply

By Andy Shaw, Associate, Governmental Relations

The Oregon Office of Economic Analysis (OEA) predicts that state general fund revenues will drop from previously-forecast levels by more than $150 million over the prediction at the start of the 2007-09 biennium. With the downturn in revenue being significantly greater than either of the alternative budget scenarios being contemplated by Ways and Means Committee members, the effect the new information will have on this special session's budget process remains uncertain.

Presenting the March 2008 Revenue Forecast Friday to a joint meeting of the Senate Finance and Revenue Committee, chaired by Senator Ginny Burdick (D-Portland), and the House Revenue Committee, chaired by Representative Phil Barnhart (D-Eugene), the OEA reported that three factors have led to the revised forecast:

- Sizeable corporate income tax refunds in the past few months reflect lower than expected corporate earning;

(continued on page 4)

In This Issue

ACWA Water Bill.....2
Big Look.....2
Mercury Bill.....3
LOC Advocacy Team.....3
Disaster Assistance.....4
Liquor Agent Incentive.....4
Affordable Housing.....5
Legislative Calendar.....5
Roadway Solicitation.....6
LOC Board of Directors...6
Senate & House Committee Assignments..... 7-8
Senate & House Committee Schedules.....7
Selected Bill Summaries.....9
Hearing Schedule..... 11

Senate Committee Passes ACWA Bill

By Willie Tiffany, Senior Associate, Governmental Relations

On Thursday, the Senate Committee on the Environment and Natural Resources, chaired by Senator Brad Avakian (D-Beaverton), passed SB 1069, which combines two concepts to address water issues in Oregon that did not pass in 2007. The first incorporates the provisions of HB 3203, the Smart Water Planning Fund, which would have established a statewide grant fund for local entities to conduct feasibility analyses for water supply, conservation, and reuse projects.

SB 1069 also includes provisions to fund a feasibility analysis for an underground injection project and a mitigation bank in the Umatilla Basin. Last session the Legislature considered, but failed to pass, a very contentious proposal to divert live flows out of the Columbia River for direct application to agricultural land. SB 1069 resolves that issue by funding the underground injection feasibility analysis and the mitigation bank.

The League has been working with a broad coalition to bring these concepts forward in SB 1069, also known as the Agriculture and Community Water Act (ACWA). In its public hearing the bill received no opposition; however, the appropriation of funds for the bill is still unclear. As passed by the committee, the bill would appropriate $750,000 for the Umatilla feasibility analysis, $500,000 for the mitigation bank and $10 million for the statewide fund. The co-chairs of the Ways and Means Committee have issued a placeholder for the bill at $3 million, contingent on the February fiscal forecast.

Funding for "Big Look" Committee

Members of the Joint Committee on Ways and Means, co-chaired by Senator Kurt Schrader (D-Canby) and Representative Mary Nolan (D-Portland), heard a detailed request for funding this week from Steve Clark, a member of the Oregon Task Force on Land Use Planning ("Big Look" Committee), and Richard Whitman, the new executive director of the Oregon Department of Land Conservation and Development (DLCD). Ways and Means Committee members have indicated that some amount of new funding is likely, but will largely be determined by the result of the state's fiscal forecast. An amount ranging from $350,000 to $426,000 is currently earmarked.

Last fall, the League of Oregon Cities and the Oregon Mayors Association adopted resolutions at their annual business meetings in support of re-authorizing funding for the committee, citing the following:

- The broad reach of Oregon's land use system—affecting local and state economic opportunities, the state's transportations systems, environmental and agricultural protections, the provision of urban services, and the development of livable communities and citizens' quality of life.
- Significant changes have occurred in the state's population and economic base since the implementation of the state's land use planning program, furthering the need for review.
- Periodic review and updating of the land use planning program may diminish support for future action by voter—approved initiatives.
- SB 82 (2005) set forth several important objectives for the review and implementation of land use planning policies in Oregon, including: recommendations for resolving land use issues specific to area inside and outside urban growth boundaries; the interface between areas inside and outside urban growth boundaries; and the respective roles and responsibilities of state and local governments in land use planning.
- The "Big Look" Committee has made substantial commitments of time and effort to fulfill the work assigned to them, and their discussions and preliminary documents have been illustrative and insightful and worthy of continued investment by the Oregon Legislature.

The 2005 Legislature adopted SB 82, creating the Oregon Task Force on Land Use Planning ("Big Look" Committee) to review and make recommendations on Oregon's land use planning system. The measure required the submission of a progress report to the 2007 Legislature, and a final report to the 2009 Legislature. An appropriation of $400,000 for ongoing committee work was cut from DLCD's budget during the final days of the 2007 session.

SESSION BEGINS *(continued from page 1)*

At hearings this week of the Joint Committee on Ways and Means, co-chairs continue to indicate that they will be holding the state's purse strings tight—and not appropriating much in new spending. To that end, the co-chairs have developed two alternate budget spending scenarios, with the winner being determined by whether or not the February fiscal forecast remains static (+/- $25 million) or experiences a significant downturn (> $25 million and < $125 million). The extent of the funding available for allocation for the above-mentioned bills will be significantly impacted by the fiscal forecast.

Oregon is one of six states in which the Legislature meets every two years. This month's special session stems from recommendations from the Oregon Commission on the Legislature to transition Oregon from a biennial to an annual legislative session. Regular annual sessions would require a constitutional change, which requires a majority vote of the electorate statewide.

HB 3611 Sails Through House Committee

On Tuesday, the House Committee on Energy and the Environment, chaired by Representative Jackie Dingfelder (D-Portland), passed HB 3611. The bill makes technical adjustments to SB 704 from the 2007 session, which required all dentists to install mercury amalgam separators by January 1, 2009. SB 704 allowed a waiver of this requirement until January 1, 2011 if the dentist conducted a best management practices program certified by a special district that treats wastewater. Dental offices are one of the largest contributors of mercury to municipal wastewater system.

In an oversight, SB 704 left out cities that operate wastewater treatment plants as eligible entities to certify dentists. HB 3611 reverses the oversight and includes cities as eligible entities to certify dentists. The bill also allows dentists until September 1, 2008 to become certified and rolls back the date to install separators to January 1, 2010.

LOC Advocacy Team

Mike McCauley
Executive Director
mmccauley@orcities.org

Linda Ludwig
Deputy Legislative Director
Advocacy Issues: Land Use, Housing, Eminent Domain, Annexation, Incorporation
lludwig@orcities.org

Andrea Fogue
Hometown Voices Program Manager/Sr. Associate, Governmental Relations
Advocacy Issues: Telecom
afogue@orcities.org

Willie Tiffany
Sr. Associate, Governmental Relations
Advocacy Issues: Water, Eco. Devo., Public Contracting, Prevail. Wage, Building Codes
wtiffany@orcities.org

Andy Shaw
Associate, Governmental Relations
Advocacy Issues: Finance & Taxation, Transportation, Urban Renewal
ashaw@orcities.org

Scott Winkels
Associate, Governmental Relations
Advocacy Issues: Energy, Public Safety, Elections, Ethics, Personnel, Collective Bargaining, PERS
swinkels@orcities.org

The *Legislative Bulletin* is published weekly by the League of Oregon Cities.

LOC Information
(503) 588-6550; (800) 452-0338 toll-free
Fax (503) 399-4863; E-mail: *loc@orcities.org*

Oregon Legislature
Info: (503) 986-1000
Internet: *www.leg.state.or.us*
Bill Information: (503) 986-1187
(800) 332-2313 toll-free

- A national recession is likely to bring job losses, particularly in the financial, insurance, and real estate sectors, reducing personal income tax receipts; and
- The actual ending year balance for the 2005-07 biennium was lower than predicted.

While the OEA had expected a slowdown in Oregon, the sharp deterioration of the national economy will likely further impact the state's economic health. However, State Economist Tom Potiowsky remained optimistic about the state's chance of avoiding recession. He noted that:

- Oregon's foreclosure-filing rate is 43rd in the nation, and far below the national average;
- Home price appreciation remains positive, and the state housing sector has less adjustment to make than other regions; and
- Job growth in Oregon remains fairly strong at 2.4 percent, even though some sectors will experience job losses.

Potiowsky also contended that any downturn in Oregon is liable to be shallow, and more like the 1990-91 slump than the deep recession of 2001. This is because the underlying causes of economic softening appear to be consumer-led rather than investment-led. Reduced consumer spending will have less of an impact in Oregon, Potiowsky argued, as income taxes will be less significantly affected than other forms of taxation, such as sales taxes.

April will provide the next significant chance to get a handle on state revenues, as personal income tax (PIT) returns are filed and actual PIT revenues can be assessed. OEA testified that an "April surprise" experienced in past years, in which taxes due were sharply lower than expected, is unlikely due to strong growth in income tax withholding during 2007. Finally, OEA noted that the potential deviation in revenues for the June forecast is as great as +/- $400 million, given past trends in forecasting.

Bill Would Create Local Government Disaster Assistance Fund

Legislation to establish a fund to assist local governments recovering from a disaster was heard Tuesday by the House Committee on Workforce and Economic Development, chaired by Representative Brad Witt (D-Clatskanie). HB 3607 creates the "Oregon Declared Emergency Recovery Fund," which will provide grants and loans to local governments to allow them to meet federal disaster assistance match requirements and direct assistance to governments and individuals.

Introduced by the Workforce and Economic Development Committee, HB 3607 was drafted after communities on the north Oregon Coast were decimated by wind and floods in December and were unable to access financial aid from the Federal Emergency Management Agency because a 25 percent match was required.

Liquor Agent Incentive Payments Proposed

Legislation to provide "incentive" payments to liquor agents met stiff resistance this week in the House Business and Labor Committee, chaired by Rep. Mike Schaufler (D-Happy Valley). HB 3636, which proposes to reward liquor store operators for increased liquor sales, received criticism from legislators for failing to make any connection between investments on the part of liquor agents and increased sales. In testimony before the committee, the League argued that due to normal growth in liquor sales ranging from 8 to 13 percent annually, most liquor agents would receive an automatic payment if they did nothing. In addition, the bill would cost cities $1.36 million in the 2009-11 biennium in lost state shared revenue that cities use to fund public safety services.
HB 3636 was brought forth by the Associated Liquor Stores of Oregon to create incentives for achieving growth in sales. The incentive payments would be on top of the normal commissions liquor agents currently receive, and would range from 5 percent to as high as 20 percent of increased sales.

HB 3636 is scheduled to be heard again on Friday (Feb. 8) after the *Bulletin's* print deadline.

Bill Would Support Affordable Housing

The Joint Committee on Ways and Means, co-chaired by Senator Kurt Schrader (D-Canby) and Representative Mary Nolan (D-Portland), held an informational hearing this week on several strategies to provide additional funds to support affordable housing and end homelessness.

SB 1073 would provide approximately $2 million to seed a revolving loan fund to help preserve existing rent-subsidized affordable housing and support the development and implementation of local strategies to end homelessness. Additionally, testimony was heard from affordable housing advocates, asking the committee to support an increased limit on the income tax credits available for affordable housing. Committee co-chairs have indicated that SB 1073 will likely receive additional consideration during the next several weeks.

According to housing advocates, there are more than 7,000 rent subsidized apartments in more than 250 properties across Oregon that will be at risk of being lost without this legislation. Properties threatened by the end of existing subsidy agreements were developed over the past 40 years with support from the U.S. Department of Housing and Urban Development, and with state bond financing—coupled with federal rent subsidies. Existing contracts that keep this housing affordable are expiring over the next seven years.

The Housing Acquisition Fund, initiated by SB 1073, would help preserve the housing stock by facilitating sales to new owners who will maintain current rent levels. The program would be administered by the Network for Oregon Affordable Housing, and utilize financing tools through the Oregon Housing and Community Services Department. The homelessness component of the bill, requesting $750,000, would provide capacity grants and technical assistance to assist county efforts in developing local plans to end homelessness.

Legislative Deadlines February 2008

Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
				1	2
4 First Day of Session Adoption of Rules Name Committees Introduce Bills Refer Bills Meeting Notices Out	5	6 Deadline for 1st Chamber Bills to Be Posted on a Committee Agenda (both chambers) - Exception of Rules, Revenue, and W&M.	7	8 Revenue Forecast Released	9
11	12 **Last Day for Policy Committees to Hold Work Sessions on 1st Chamber Bills– exception of Rules, Revenue, and W&M.**	13	14	15	16
18	19 Deadline for 2nd Chamber Bills to Be Posted on a Committee Agenda (both chambers) - exception of Rules, Revenue, and W&M.	20	21 **Last Day for Committee Action on Bills in Every Committee**	22	23
25	26	27	28	29	

Solicitation in the Roadway

Free speech rights and local control clashed with non-profit fundraising efforts for children with muscular dystrophy this week as a bill to allow firefighters to operate their "Fill the Boot" campaign was heard. The Senate Transportation Committee, chaired by Sen. Rick Metsger (D-Welches), took up SB 1084, which proposes to allow organizations conducting fundraising drives to be exempt from the law that prohibits pedestrians from standing in a road or highway. As drafted, the bill allows the Oregon Department of Transportation (ODOT) to issue permits to groups that carry at least $1 million in liability insurance and that post ODOT-approved warning signs to enter a roadway and solicit money from motorists.

The American Civil Liberties Union (ACLU) testified in opposition to the bill, arguing that it unconstitutionally limits free speech. The ACLU asserted that only allowing groups that are fundraising into the street infringes on other free speech rights by selecting who can occupy the street based on the content of their speech. They argue that the law has to either allow nobody or anybody to conduct free speech activities.

City representatives took quite divergent positions on the bill. Salem City Councilor Dan Clem urged the committee to do whatever was necessary, even preempting local ordinances, to ensure the "Fill the Boot" campaign could continue. The city of Medford, on the other hand, argued strongly against the preemptive nature of the bill. The bill would override Medford's recently-enacted anti-panhandling ordinance prohibiting any form of solicitation in intersections with stop lights. Other cities have been working to ensure that if the bill moves forward, any type of solicitation would require a permit from the city.

SB 1084 is scheduled to be heard again in Committee on Friday (Feb. 8) after the *Bulletin's* print deadline.

2008 LOC Board of Directors

OFFICERS

President
Tom Hughes, Mayor, Hillsboro

Vice President
Shirley Kalkhoven, Mayor, Nehalem

Treasurer
John McArdle, Mayor, Independence

Immediate Past President
Bob Austin, Mayor, Estacada

DIRECTORS

John Anderson, City Administrator, Troutdale
John Brenne, Councilor, Pendleton
Gino Grimaldi, City Manager, Springfield
Bud Hart, Councilor, Klamath Falls
Jim Lewis, Mayor, Jacksonville
Dennis Ross, Mayor, Maupin
Dan Saltzman, Commissioner, Portland
Ross Schultz, City Manager, Sherwood
Carly Strauss, Mayor, Turner
Janet Taylor, Mayor, Salem
Mike Wendel, Mayor, Prineville
Gary Williams, Mayor, Cottage Grove

Senate Committees

Commerce and Labor
(Mon., Wed. & Fri., 10:00 a.m., HR B)
Sen. Ben Westlund, Chair
Sen. Gary George, Vice-Chair
Sen. Richard Devlin
Sen. Floyd Prozanski
Sen. Jackie Winters

Sub-Committee on Health Care Reform
(Tues., 1:00 p.m., HR A)
Sen. Frank Morse, Chair
Sen. Alan Bates
Sen. Ben Westlund

Education and General Government
(Tues. & Thurs., 8:30 a.m., HR B)
Sen. Vicki Walker, Chair
Sen. Jeff Kruse, Vice-Chair
Sen. Mark Hass
Sen. Rick Metsger
Sen. Frank Morse

Elections and Ethics
(Tues., Wed., & Thurs., 3:30 p.m., HR B)
Sen. Kate Brown, Chair
Sen. Ted Ferrioli, Vice-Chair
Sen. Laurie Monnes Anderson

Environment and Natural Resources
(Mon. & Wed., 1:00 p.m., HR B)
Sen. Brad Avakian, Chair
Sen. Fred Girod, Vice-Chair
Sen. Alan Bates
Sen. David Nelson
Sen. Floyd Prozanski

Finance and Revenue
(Mon., & Wed., 1:00 p.m., HR A)
Sen. Ginny Burdick, Chair
Sen. Frank Morse, Vice-Chair
Sen. Jason Atkinson
Sen. Mark Hass
Sen. Rod Monroe
Sen. Bruce Starr
Sen. Ben Westlund

Health and Human Services
(Mon., Wed., & Friday, 10:00 a.m., HR A)
Sen. Laurie Monnes Anderson, Chair
Sen. Avel Gordly, Vice-Chair
Sen. Margaret Carter
Sen. Jeff Kruse
Sen. Bill Morrisette

Judiciary
(Tues., Thurs., & Fri., 1:00 p.m., HR B)
Sen. Floyd Prozanski, Chair
Sen. Doug Whitsett, Vice-Chair
Sen. Ginny Burdick
Sen. Vicki Walker

Rules and Executive Appointments
(Tues., 10:00 a.m., Thurs., 1:00 p.m., HR A)
Sen. Richard Devlin, Chair
Sen. Ted Ferrioli, Vice-Chair
Sen. Jason Atkinson
Sen. Brad Avakian
Sen. Kate Brown

Services to Seniors and People with Disabilities
(Tues. & Thurs., 10:00 a.m., HR B, Fri., 1:00 p.m., HR A)
Sen. Bill Morrisette, Chair
Sen. Jeff Kruse, Vice-Chair
Sen. Peter Courtney

Transportation
(Tues., Thurs. & Fri., 1:00 p.m., HR C)
Sen. Rick Metsger, Chair
Sen. Bruce Starr, Vice-Chair
Sen. Gary George
Sen. Larry George
Sen. Betsy Johnson
Sen. Rod Monroe
Sen Joanne Verger

Joint Committee

Joint Ways and Means
(Mon. - Thurs., 3:30 p.m., HR F)
Sen. Kurt Schrader, Co-Chair
Rep. Mary Nolan, Co-Chair
Sen. Margaret Carter, Vice-Chair
Rep. Nancy Nathanson, Vice-Chair
Sen. Alan Bates
Sen. Avel Gordly
Sen. Betsy Johnson
Sen. Rod Monroe
Sen. David Nelson
Sen. Joanne Verger
Sen. Doug Whitsett
Sen. Jackie Winters
Rep. David Edwards
Rep Larry Galizio
Rep. Bruce Hanna
Rep. Bob Jenson
Rep. Susan Morgan
Rep. Chip Shields
Rep. Patti Smith

House Committee Meeting Schedule

Committee	Days	Time	Room
Agriculture & Natural Resources	M-F	8:00 a.m.	HR C
Business & Labor	M-F	3:30 p.m.	HR C
Consumer Protection	M-F	1:00 p.m.	HR D
Education	M-F	1:00 p.m.	HR E
Elections, Ethics & Rules	M-F	8:00 a.m.	HR F
Energy and the Environment	M-F	1:00 p.m.	HR F
Government Acct. & Info Technology	M-F	10:00 a.m.	HR E
Health Care	M-F	3:00 p.m.	HR D
Human Services & Women's Well.	M-F	8:00 a.m.	HR E
Judiciary	M-F	10:00 a.m.	HR C
Emergency Prep. & Ocean Policy	M-F	10:00 a.m.	HR D
Rural Policy	M-F	5:00 p.m.	HR D
Revenue	M-F	10:00 a.m.	HR F
Transportation	M-F	3:00 p.m.	HR E
Veterans' Affairs	M-F	5:00 p.m.	HR E
Workforce & Eco. Development	M-F	8:00 a.m.	HR D

Senate Committee Meeting Schedule

Committee	Days	Time	Room
Commerce & Labor	M,W,F	10:00 a.m.	HR B
Sub Health Care Reform	T	1:00 p.m.	HR A
Education & Gen. Government	T&Th	8:30 a.m.	HR B
Elections & Ethics	T,W,Th	3:30 p.m.	HR B
Environment & Nat. Resources	M,W	1:00 p.m.	HR B
	F	3:30 p.m.	HR B
Finance & Revenue	M,W	1:00 p.m.	HR A
	F	3:30 p.m.	HR A
Heath & Human Services	M,W,F	10:00 a.m.	HR A
Judiciary	T,Th,F	1:00 p.m.	HR B
Rules & Ex. Appointments	T	10:00 a.m.	HR A
	Th	1:00 p.m.	HR A
Serv. Seniors & People w/Disabilities	T,Th	10:00 a.m.	HR B
	F	1:00 a.m.	HR A
Transportation	T,Th,F	1:00 p.m.	HR C

Joint Committee Meeting Schedule

Committee	Days	Time	Room
Joint Ways & Means	M-Th	3:30 p.m.	HR F

House Committees

Agriculture and Natural Resources
(Mon. – Fri., 8:00 a.m., HR C)
Rep. Arnie Roblan, Chair
Rep. Brian Clem, Vice-Chair
Rep. Brian Boquist, Vice-Chair
Rep. Jackie Dingfelder
Rep. Bill Garrard
Rep. Greg Macpherson
Rep. Karen Minnis

Business and Labor
(Mon. – Fri., 3:30 p.m., HR C)
Rep. Mike Schaufler, Chair
Rep. Sal Esquivel, Vice-Chair
Rep. Paul Holvey, Vice-Chair
Rep. Chuck Burley
Rep. Kevin Cameron
Rep. Chris Edwards
Rep. Diane Rosenbaum

Consumer Protection
(Mon. – Fri., 1:00 p.m., HR D)
Rep. Paul Holvey, Chair
Rep. Suzanne Bonamici, Vice-Chair
Rep. Donna Nelson, Vice-Chair
Rep. Larry Galizio
Rep. Vic Gilliam
Rep. Chuck Riley
Rep. Sherrie Sprenger

Education
(Mon. – Fri., 1:00 p.m., HR E)
Rep. Peter Buckley, Chair
Rep. Gene Whisnant, Vice-Chair
Rep. Betty Komp, Vice-Chair
Rep. Brian Clem
Rep. Mitch Greenlick
Rep. John Huffman
Rep. Jerry Krummel
Rep. John Lim
Rep. Arnie Roblan

Elections, Ethics and Rules
(Mon. – Fri., 8:00 a.m., HR F)
Rep. Diane Rosenbaum, Chair
Rep. Vicki Berger, Vice-Chair
Rep. Peter Buckley, Vice-Chair
Rep. Sal Esquivel
Rep. Dave Hunt
Rep. Chip Shields
Rep. Kim Thatcher

Emergency Preparedness and Ocean Policy
(Mon. – Fri., 10:00 a.m., HR D)
Rep. Deborah Boone, Chair
Rep. Jean Cowan, Vice-Chair
Rep. Donna Nelson, Vice-Chair
Rep. Wayne Krieger
Rep. Mike Schaufler

Energy and the Environment
(Mon. – Fri., 1:00 p.m., HR F)
Rep. Jackie Dingfelder, Chair
Rep. Chuck Burley, Vice-Chair
Rep. Ben Cannon, Vice-Chair
Rep. E. Terry Beyer
Rep. Bill Garrard
Rep. Tobias Read
Rep. Greg Smith

Government Accountability and Information Technology
(Mon. – Fri., 10:00 a.m., HR E)
Rep. Chuck Riley, Chair
Rep. Chris Edwards, Vice-Chair
Rep. Dennis Richardson, Vice-Chair
Rep. E. Terry Beyer
Rep. Kim Thatcher

Health Care
(Mon. – Fri., 3:00 p.m., HR D)
Rep. Mitch Greenlick, Chair
Rep. Tina Kotek, Vice-Chair
Rep. Dennis Richardson, Vice-Chair
Rep. Suzanne Bonamici
Rep. Scott Brunn
Rep. Ben Cannon
Rep. Linda Flores
Rep. Sara Gelser
Rep. Ron Maurer

Human Services and Women's Wellness
(Mon. – Fri., 8:00 a.m., HR E)
Rep. Carolyn Tomei, Chair
Rep. Sara Gelser, Vice-Chair
Rep. Andy Olson, Vice-Chair
Rep. Jean Cowan
Rep. Vic Gilliam
Rep. Tina Kotek
Rep. Ron Maurer

Judiciary
(Mon. – Fri., 10:00 a.m., HR C)
Rep. Greg Macpherson, Chair
Rep. Jeff Barker, Vice-Chair
Rep. Gene Whisnant, Vice-Chair
Rep. Suzanne Bonamici
Rep. Kevin Cameron
Rep. Linda Flores
Rep. Betty Komp
Rep. Wayne Krieger
Rep. Chip Shields

Revenue
(Mon. – Fri., 10:00 a.m., HR F)
Rep. Phil Barnhart, Chair
Rep. Tobias Read, Vice-Chair
Rep. Vicki Berger
Rep. Scott Brunn
Rep. Sara Gelser
Rep. Andy Olsen
Rep. Dianne Rosenbaum
Rep. Brad Witt

Rural Policy
(Mon. – Fri., 5:00 p.m., HR D)
Rep. Arnie Roblan, Chair
Rep. Jean Cowan, Vice-Chair
Rep. George Gilman, Vice-Chair
Rep. Phil Barnhart
Rep. Vic Gilliam

Transportation
(Mon. – Fri., 3:00 p.m., HR E)
Rep. E. Terry Beyer, Chair
Rep. George Gilman, Vice-Chair
Rep. Carolyn Tomei, Vice-Chair
Rep. Cliff Bentz
Rep. Peter Buckley
Rep. Tobias Read
Rep. Greg Smith

Veterans' Affairs
(Mon. – Fri., 5:00 p.m., HR E)
Rep. Jeff Barker, Chair
Rep. Mike Schaufler, Vice-Chair
Rep. Wayne Scott, Vice-Chair
Rep. Brian Boquist
Rep. Deborah Boone

Workforce and Economic Development
(Mon. – Fri., 8:00 a.m., HR D)
Rep. Brad Witt, Chair
Rep. John Lim, Vice-Chair
Rep. Chuck Riley, Vice-Chair
Rep. Phil Barnhart
Rep. Paul Holvey
Rep. John Huffman
Rep. Sherrie Sprenger

LOC Web site:
www.orcities.org

For a wealth of city-related legislative information, go to the LOC home page and click on "Legislative."

The legislative page gives quick access to the summaries, text and status of all of the bills of interest to cities. Other page features include:

- ✓ Legislative Alerts
- ✓ Legislative Bulletin
- ✓ List of legislators by city
- ✓ All cities in a legislative district
- ✓ Legislator contact information
- ✓ District maps

Selected Bill Summaries

The following are bills of city interest. Summaries are included weekly to outline the issues that may be discussed in hearings during the session.

The bills are categorized by city concern, using the League's standing and issue committee titles. The bill's number is followed by an identifying title and a summary of the salient features.

Budget Bills

SB 5555 Capital Construction Omnibus Bill: Authorizes additional capital construction projects funding during special session. (By Joint Committee on Ways and Means)

SB 5556 State Agency Budget Reconciliation Bill: Adjusts limitations on expenditures by various agencies. (By Joint Committee on Ways and Means)

Elections

SB 1083 Voter Challenge Process: Prohibits voter challenge based on list compiled through mail sent by political party. (By Senator Vicki Walker)

Emergency Management

HB 3607 Emergency Recovery Fund: Establishes Oregon Declared Emergency Recovery Fund. (By House Interim Committee On Workforce Development and Economic Development)

Employment

HB 3635 Medical THC Reform: Eliminates duty of employer to accommodate medical use of certain legal medications in workplace by employees in occupations requiring performance of hazardous duties. (By House Interim Committee on Business and Labor)

Environmental Quality

SB 1091 Environmental Tax Credit: Creates environmental investment tax credit. (By Senator Burdick)

Finance & Tax: State Shared Revenues

HB 3636 Liquor Agent Incentive Program: Establishes an incentive program for increased consumer sales of distilled liquors by agents operating state liquor stores. Provides an automatic incentive payment for growth in sales that increases as sales levels increase. (By Committee on Elections, Ethics and Rules)

SB 1084 Fundraising in Roadways: Makes an exception to the rule that prohibits pedestrians from standing in or proceeding along a roadway by allowing organizations to solicit contributions from motorists. To qualify for the exception, an organization would need to post advance warning signs, have liability insurance in excess of $1 million, and obtain a permit from Department of Transportation. (By Senator Devlin)

Housing

SB 1073 Affordable Housing Funding: Appropriates moneys from General Fund to Housing and Community Services Department for the establishment of a revolving loan fund to provde interim financing to maintain existing rent-subsidized housing as affordable and to fund capacity grants to assist counties to design and implement 10-year plans to end homelessness. (By Senator Johnson for the Housing Alliance)

Land Use

HB 3629 Lot Line Adjustments : Authorizes county to approve certain property line adjustments in which one or both affected properties continue to be smaller than applicable minimum tract size. (By House Committee on Elections, Ethics and Rules)

Natural Resources

HB 3609 Marine Reserves: Defines "marine reserve" and "marine protected area." Provides that marine reserves and marine protected areas may be established only by amendment to the Oregon Ocean Resources Management Plan. (By House Committee on Elections, Ethics, and Rules)

Public Safety

SB 1094 Driving While Suspended Reform: Directs police officer to confiscate registration card and to mark registration plate with sticker if driver is arrested for or issued citation for driving while suspended or revoked. (By Senator Winters)

SB 1095 Minimum Bail For Meth Offenders: Requires court to impose minimum $500,000 security release amount for persons charged with manufacture, delivery or possession of methamphetamine under certain circumstances. (By Senator Whitsett)

SB 1086 Protecting Police Officer Personal Information: Allows public safety officer, district attorney, deputy district attorney or assistant attorney general to prevent disclosure of home address and home telephone number contained in any public record, not just voter registration records. (By Senate Interim Committee on Judiciary)

Transportation Funding

HJR 101 Transportation Funding- Timber-Dependent Counties: Urges communication about transportation funding issues among all levels of government and stakeholders. (By Committee on Elections, Ethics and Rules)

HJM 100 County Timber Payments: Expresses support for all rural Oregonians and urges support for reauthorization and extension of Secure Rural Schools and Community Self-Determination Act of 2000. (By Committee on Elections, Ethics and Rules)

Water

SB 1069 Agriculture and Community Water Act: Directs Water Resources Department to provide grants and direct services payments for specified studies related to water conservation, reuse and storage. (By Senate Committee on Environment and Natural Resources)

Water Quality

HB 3611 Mercury Separators: Temporarily exempts certain dentists from requirements for management of mercury in dental wastewater. (By House Committee on Energy and the Environment)

Hearing Schedule

All hearings are held at the Capitol unless otherwise noted.

Friday, February 8, 2008

RE: SB 1084, Fundraising in Roadways
Where: HR C – Senate Transportation
When: 3:30 p.m.

RE: SB 1086, Protecting Police Officer Personal Information
Where: HR B – Senate Judiciary
When: 1:00 p.m.

RE: SB 1094, Driving While Suspended Reform
Where: HR B – Senate Judiciary
When: 1:00 p.m

RE: SB 1095, Minimum Bail for Meth Offenders
Where: HR B – Senate Judiciary
When: 1:00 p.m.

RE: HB 3609, Marine Reserves
Where: HR D – House Emergency Preparedness/ Ocean Policy
When: 10:00 a.m.

RE: HB 3636, Liquor Agent Incentive Program
Where: HR C – House Business and Labor
When: 3:30 p.m.

Monday, February 11, 2008

RE: SB 1091, Environmental Tax Credit
Where: HR A – Senate Finance and Revenue
When: 1:00 p.m.

RE: SB 5556, Agency Budget Reconciliation Bill
Where: HR F – Joint Committee on Ways and Means
When: 3:30 p.m.

RE: HB 3607, Emergency Recovery Fund
Where: HR D – House Workforce and Economic Development
When: 8:00 a.m.

RE: HB 3609, Marine Reserves
Where: HR D – House Emergency Preparedness/ Ocean Policy
When: 10:00 a.m.

Tuesday, February 12, 2008

RE: SB 1083, Voter Challenge Process
Where: HR B – Senate Election and Ethics
When: 3:30 p.m.

RE: HB 3609, Marine Reserves
Where: HR D – House Emergency Preparedness/ Ocean Policy
When: 10:00 a.m.

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

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

February 13, 2008

The Honorable Darlene Hooley
2430 Rayburn House Office Building
Washington, DC 20515

The Honorable Darlene Hooley
315 Mission Street,SE, Suite 101
Salem, OR 97302

Dear Representative Hooley:

Thank you for the invitation to submit special projects for potential Federal funding. Corvallis appreciates the thoroughness you and your staff provide in representing our interests.

Enclosed is a Fire Department project from 2007 that continues to present funding challenges. The attached Fire training tower is a strategic public/private partnership for equipping firefighters and others to be properly prepared for emergencies within our community.

Thanks so much for your continued support!

Sincerely,

Charles C. Tomlinson

Charles C. Tomlinson
Mayor

Enclosure

1018

CORVALLIS 150
Celebrating Past ✦ Future

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

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

February 11, 2008

The Honorable Peter DeFazio
2134 Rayburn House Office Building
Washington, DC 20515-3704

The Honorable Peter DeFazio
Attention: Karmen Fore
405 East Eighth Street, Suite 2030
Eugene, OR 97401

Dear Representative DeFazio:

Thank you for the invitation to submit special projects for potential Federal funding. Corvallis appreciates the thoroughness you and your staff provide in representing our interests.

Enclosed is a Fire Department project from 2007 that continues to present funding challenges. The attached Fire training tower is a strategic public/private partnership for equipping firefighters and others to be properly prepared for emergencies within our community.

Thanks so much for your continued support!

Sincerely,

Charles C. Tomlinson

Charles C. Tomlinson
Mayor

Enclosure

1016

CORVALLIS 150
Celebrating Past ✦ Present ✦ Future

A Community That Honors Diversity

OREGON HOUSE DELEGATION
APPROPRIATIONS REQUEST FORM
FISCAL YEAR 2009

Washington, D.C. Appropriations Contact for Rep. Peter DeFazio: Travis Joseph, 202-225-6416
Oregon Appropriations Contact for Rep. Peter DeFazio: Karmen Fore, 541-465-6732
Deadline for Submitting Requests is Friday, February 15, 2008

Project Title (e.g. Interstate 5 Trade Corridor):

Windowless, unoccupied Training Tower

Grant recipient name and address (if the project is to be carried out in a location that is different from the grantee address, please provide that city and state):

City of Corvallis Fire Department
400 NW Harrison Blvd.
Corvallis, OR 97330

Contact name, phone number, and e-mail:

Roy Emery, Fire Chief		Lesly Shaha
541-766-6931	OR	541-766-6923
Roy.Emery@ci.corvallis.or.us		Lesly.Shaha@ci.corvallis.or.us

Describe the organization's main activities, and whether it is a public, private non-profit, or private for-profit entity:

A public agency that provides Fire / EMS / Rescue / Hazardous Materials / Conflagration / Urban Search &RescueResponse servicesd as well as fire prevention and purlic education to the City of Corvallis, Corvallis Rural Fire Protection District, Benton County Ambulance Service Area, Oregon State University, Corvallis School District 509J.

Briefly describe the activity or project for which funding is requested (please keep to 250 words or less, subcommittee online submission will not accept more):

Corvallis Fire currently has a three-story training tower and accessory props that are more than 40 years old. A new training tower and props will need to be built in a different location, as the current property is slated to be used by City Public Works in the next few years to meet the EPA Wastewater standards. The City leadership is contemplating how to best use the limited funds available.

The Fire Department is currently seeking property that is appropriate to locate the various props needed for training in fire, EMS, and rescue situations. While Corvallis Fire is the predominant user, we also have shared and intend to continue to share the props with regional fire agencies, the National Guard, ROTC, law enforcement, Corvallis School District, Oregon State University as they have need. Corvallis Fire is a participant on the State of Oregon Urban Search and Rescue team and on one of the State's regional Hazardous Materials teams. The various props at the training site allow our agency and the others mentioned to train to meet demands that are potentially devastating to our community and the environment.

This appropriations request is seeking any possible funds for property acquisition or for funding the construction of the props necessary to meet the ever increasing training demands to

appropriately prepare emergency responders in the Corvallis community and surrounding communities.

Is this a new project?:

No. It has been in the planning process for some time, but financial constraints have prevented its completion. However, it is becoming more critical as we must relocate this activity to enable compliance with EPA standards

Description of project's legal authorization (e.g. Transportation Bill, Energy Bill, etc.):
**** Not all projects are legally authorized and authorization is not a prerequisite for funding***

EPA requirements for wastewater, as well as OSHA / National Fire Protection Association / Insurance Services Office requirements and standards for training / drills to maintain / improve readiness and safety.

Federal agency and account from which funds are requested (Please be specific –e.g. Department of Housing and Urban Development, Economic Development Initiatives account):

Environmental Protection Agency
Department of Homeland Security

What is the national significance of the project, and what specific federal responsibility does the funding of this project or activity advance?:

Compliance with Federal requirements for wastewater treatment (relative to the relocation of the tower to enable expansion of the wastewater treatment facility), Homeland Security, training for public safety (Fire, EMS, law enforcement) personnel in an area with localized incidents of eco-terrorism, as well as elevated hazards in terms of a nuclear reactor (at OSU) and a facility where bio-specific agents are researched and stored (relative to the need for the tower).

Will funding also be sought by another Congressional Member? If so, who?:

No.

Funding Details

I. Total project cost:

$949,000

II. FY 2009 federal request:

$749.000

III. Amounts of requests and funding in previous years (please specify if funding was requested from a different account/agency than the current request):

$749,000 was requested from the same agencies but was not funded

IV. Amounts expected to be requested in future years:

$0.00 expected if successful

V. Breakdown/budget of the amount you are requesting for this project in FY 2009. (e.g. salary $40,000; computer $3,000):

VI.

Land acquisition (1.5 to 3 acres):	$400,000
Design	$ 41,000
Engineering / Project Mgt.	$ 40,000
Contractor	$408,000
Contingencies	$ 60,000

VII. Description of local, regional and/or state financial support (i.e. funding commitments to match federal dollars (Please provide specific dollar amount or percentage)):

Local dollars - $200,000

VIII. Please list public or private organizations that have supported/endorsed this project:

City of Corvallis Public Works (wastewater treatment)
Georgia Pacific
ROTC
Benton County Law Enforcement
Philomath Fire Department
Benton County Emergency Management
Corvallis School District 509J

IX. Is this project scalable? (i.e. if partial funding is awarded, will the recipient organization be able to use the funds in FY 2009?):

Yes.

Please email completed forms and supporting rmaterials to travis. joseph@mail.house.gov by February 15, 2008.

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

****

CITY MANAGER'S REPORT

FEBRUARY 14, 2008

****

2008-01

REPORTING PERIOD: JANUARY 2008

I. ORGANIZATIONAL HIGHLIGHTS

- Council approved a May 20th election to fill the Ward 7 Councilor vacancy resulting from the December passing of Councilor Zimbrick.

II. MAYOR'S DIARY

The Mayor met with Council leadership and with County leadership. On January 11th, I delivered the State of the City address to the Rotary Club of Greater Corvallis and then videotaped the address for broadcast on cable television channels. I represented the City at the Focus the Nation events on the Oregon State University (OSU) campus and in Portland. These events helped raise awareness for global warming. I also spoke to the Life-Long Learning Academy to present a brief overview of the City and then broke the class into small groups, which reported out future directions and suggestions. I met with the Spring Creek Project for a panel on private property rights and with Gail Achterman to discuss global warming. I represented the community at the Martin Luther King, Jr., Celebration and hosted the Corvallis Montessori School celebration of Dr. King's birthday. I also represented the City at the celebration of the life of Mahatma Gandhi, who died 50 years ago January 30th. I spoke to the Rotary After Five Club about economic vitality. Lastly, the Mayor's Celebration of Music, Literature, and Art was held January 25th.

III. CITY MANAGER'S OFFICE

A. Department Highlights

- Received one Notice of Tort Claim; information is available for review in the Assistant to City Manager/City Recorder's office.
- Began the election process to fill the Ward 7 Councilor position during the May primary, including advertising the election process, meeting with

prospective candidates, and providing nomination and information packets to persons interested in the election.

- Conducted Fifth Tuesday training for supervisors and lead workers on hiring skills and interviewing (diversity).
- Began negotiations with American Federation of State, County, and Municipal Employees (AFSCME) for a new labor contract.
- Hired two new employees: Liz Hill (Risk/Human Resources Coordinator) and Kristi Kirkpatrick (Benefits Officer).
- Held Martin Luther King, Jr., Day celebrations and activities.
- Partnered to conduct Power and Privilege training.
- Began "New Voices" film discussion sessions in partnership with OSU Office of Community and Diversity and Benton County, with sessions at noon for employees and during the evening for community members. A different film will be presented each month through 2008.
- Presented Citizen Attitude Survey results to the Council and published the survey summary in *"the City"* newsletter insert.

IV. COMMUNITY DEVELOPMENT

A. Department Highlights

- The Housing Division received 52 Rental Housing Program-related contacts outlining 97 separate issues, with 38 related to habitability and 59 of a non-habitability nature. Twenty-four of the habitability issues reported are or may be subject to the Rental Housing Code; those making contact are being advised of the process to follow to pursue resolution.
- One Rental Housing Code violation that was not remedied within stipulated timeframes following delivery of a Notice and Order to Repair has resulted in a citation to the property owner. The first appearance in Municipal Court occurred during December, another occurred during January, and a third was scheduled for February. Resolution of the complaint is pending completion of the court process.
- Willamette Neighborhood Housing Services acquired three properties totaling just under two acres in South Corvallis. The site will be redeveloped as a rental housing development for those with low-incomes and as supportive housing for survivors of domestic violence.
- One Neighborhood Improvement Program amortized housing rehabilitation loan in the amount of $4,782 was approved and closed.
- Worked with the Committee for Citizen Involvement on preparation of an outline for public involvement in the Evanite Land Use public hearings.
- Planning Commission completed deliberations on the Ashwood Preserve development proposal, and staff completed tasks associated with the filed appeal to the Council.

- Completed evaluation and preparation of the staff report to the Planning Commission regarding the Brass Media Conditional Development application.
- Continued work on the Evanite, Rite Aid, Seventh Street Station, and Ponderosa Heights development proposals.
- Completed the recruitment for an Assistant Planner and hired Brian Latta, who is scheduled to start in late-February.
- Continued coordination with the City Attorney's Office regarding several Land Use Board of Appeals cases.
- Development Services staff processed 12 residential and 28 non-residential plan reviews for proposed construction projects and conducted 1,417 inspections during January.
- Processed and issued 20 Mechanical and Electrical permits online.
- Created 37 new Code Enforcement Program cases as a result of citizen complaints received during January.
- Hired Land Use Inspector Mike Wolfson, who began work January 4th.
- Continued installation work on new Interactive Voice Response (IVR) System, an automated 24-hour inspection request and results system. System installation will be completed during February.
- Inspection and Plan Review staff completed continuing education and code change classes at a week-long institute held in Salem, Oregon. Training included courses on project management, public outreach, mechanical code changes, Americans with Disabilities Act accessibility, structural design, water distribution, and considering alternate materials and methods of construction.
- Presented Extreme Makeover presentation (from the Building Department's perspective) to approximately 80 members/jurisdictions of the Oregon Building Officials' Association.
- Staff testified at a public hearing at Building Codes Division to consider consistent fees, forms, and methodologies state-wide.
- Began work on adopting state-wide outreach in Corvallis and launch of www.ThinkPermit.com.

V. FINANCE

A. Department Highlights

- Utility Billing staff attended initial training on the telephone Alert Notification System. Once fully implemented, the Alert Notification System will notify utility services customers by telephone of a delinquency on their utility account. In addition, the Alert Notification System could also be used to notify residents in specific areas of any type of emergency.

- MIS staff implemented the technical aspect of an Interactive Voice Recognition (IVR) system that will allow the public and developers to both apply for permits and receive notification of the outcome on the telephone. The system can also be used as a reverse 9-1-1.
- The Municipal Court Judge and Court staff implemented new procedures for the new Minor In Possession of Alcohol Suspension law effective January 1st.

VI. FIRE

A. Department Highlights

Operational

Response Activity - January 2008	City	Non-City	Total
Fires	12	1	13
Overpressure/Rupture	0	0	0
Requests for Ambulance	304	68	372
Rescue (Quick Response Team)	95	14	109
Hazardous Condition	5	1	6
Service Requests	33	5	38
Good Intent	31	27	58
False Calls	39	2	41
Other	0	0	0
TOTAL RESPONSES OVERALL	**519**	**118**	**637**

- Dan Quick was promoted to Lieutenant, filing the vacancy created by Douglas Baily's promotion to Plans and Administration Division Chief.
- Training Division Chief Hunt continues the search for a location for the drill facility.

VII. LIBRARY

A. Department Highlights

- A workshop, "Don't Bet Your Life on Google," featuring health resources on the Internet, was attended by 40 participants. This program was offered in partnership with Good Samaritan Hospital Murray Library. Two hands-on sessions were also held.
- Three Library Board members visited the Philomath branch to talk to patrons about what they like and do not like about the Library. Comments were overwhelmingly positive. Deputy Library Director Teresa Landers joined them to answer specific operational questions.

- Monroe Community Library had two well-attended teen game nights. There was an interesting phenomenon at the second game night: Librarian Andrew Cherbas set up the Wii in the Library, instead of in the Council Chambers, where the other video games were set up. As the kids were playing the different games on the Wii, patrons stopped and watched; and they even started cheering on the kids! Several commented on how wonderful it was that the Library was doing this for the kids in Monroe.
- Diane Davis from OSU and Youth Services Manager Curtis Kiefer hosted the first in a series of monthly public "New Voices" programs. The topic for January and February is "I am a ...," with OSU students, staff, and faculty discussing the different ways they identify and why. This series is also being presented as a brown-bag lunchtime program for City and County staff as an Employers Partnership for Diversity training opportunity.
- Teresa Landers and Senior Administrative Specialist Erin Kahle attended a training session at the State Library concerning required recordkeeping for the Library Science and Technology Act grant that was received; Corvallis will serve as the fiscal agent for the Oregon Digital Library Consortium. Contracts are expected in early-March, with plans to have downloadable video and downloadable children's and teen's materials added by the end of March.
- Teresa Landers attended a meeting to review the China Horner Fellow Exchange program to recommend improvements in how it works and to discuss what worked well. She is planning a presentation for staff and other interested parties in March and will also be presenting at the Oregon Library Association Conference in April.

B. Other

- The "Gearing Up for Gardening" noon lecture series attracted standing-room-only crowds. These programs are co-sponsored by Benton County Master Gardeners, Linn-Benton Community College Benton Center, and the Library.
- Jacque Schreck, long-time Library volunteer and supporter, was named Corvallis First Citizen in recognition of her many community volunteer activities.

VIII. PARKS AND RECREATION

A. Department Highlights

Administration/Planning

- Working on final Fiscal Year 2008-2009 budget preparations.
- Supporting final Spring/Summer Activity Guide production.

Aquatic Center

- Participation Statistics:
  - 350 citizens participated in 20 facility rentals.
  - 100 middle school children from Salem-Keizer School District experienced the underwater world of SCUBA diving.
  - 155 participants kicked off the new year at the Polar Bear Swim.
  - More than 200 spectators watched the OSU swim team compete against University of Washington.
  - 1,000 children and spectators attended the Corvallis Aquatic Team swim meets.
  - 25 citizens participated in the American Red Cross cardiopulmonary resuscitation and First Aid classes.

Parks

- Investigating the possibility of hiring a parks intern for assistance with urban forestry and natural area projects.
- Performing pruning in Avery Rose Garden.
- Working on improving the shelter lighting in Avery Park.
- Staff is working with vendors on disposal of outdated chemicals.

Recreation

- Co-sponsored the Storytelling Festival, which began January 31st.
- The Youth Basketball program is in full swing with 59 teams.

Senior Center

- The Senior Health Insurance Benefits Assistance (SHIBA) program saw an increase in interest since November 2007, due to changes in Medicare re-enrollment at the Federal level and an increase in retiring "Baby Boomers."
- The American Association of Retired Persons (AARP) Tax Aide program is underway in Corvallis. All appointments are scheduled through the Tax Aide telephone line (766-6704, Monday through Friday, from 9:30 am until 3:30 pm). Last year the program served more than 2,400 Corvallis-area citizens. The program is free and run by trained Tax Aide volunteers.
- There were exciting trips offered to the Riverdance show in Portland, Oregon, January 23rd and to Yachts, Oregon, for the annual Crab Feed January 26th. A total of 78 seniors enjoyed these trips.
- The Senior Center Line Dance class has seen a 45-percent increase in attendance this Winter, with a total of 29 dancers attending each week. This fun program assists older adults by promoting movement with an opportunity to socialize and combat isolation.

IX. POLICE

A. Department Highlights

Officers investigated 1,736 incidents this month. Following are the highlights:

- Street Crimes Detectives assisted Officers investigating a bank robbery on NW Circle Boulevard. The suspect, a white male adult, got away with an undisclosed amount of cash. A 43-year-old man was later arrested and charged with two counts each of Robbery, Menacing, Coercion, and Theft. A search warrant was later executed at a Waldport residence by Corvallis Police Detectives and Lincoln County Sheriff's Deputies. Investigation is continuing.
- A 27-year-old woman was involved in a traffic collision on NE Conifer Boulevard. The suspect drove away and then abandoned her vehicle when it broke down a short distance away. The suspect was located by an Officer and struggled with the Officer to try to get away. She had been arrested for Driving Under the Influence of Intoxicants (DUII) three times and refused a breath test. She was charged with Hit and Run (Felony), DUII, and Interfering with Police.
- Detectives arrested a 24-year-old man on a charge of Abuse of a Venerated Object (the Benton County Courthouse) and five counts of Offensive Littering. The suspect was posting flyers around the Law Enforcement Building, Corvallis High School, the Courthouse, and various businesses throughout the City; the flyers contained photographs of Brooke Wilberger and images of a female from the pornopgraphy industry.
- Officers responded to a residence on a report of a suicidal woman. Officers had to force entry when she would not answer the door. She was located in the bathroom with a handgun pointed at her head. After Officers negotiated for 15 to 20 minutes, she agreed to put down the gun and emerged.
- Detectives arrested a 42-year-old man on a charge of Theft in the Second Degree by Deception. The suspect unlawfully solicited donations from local area businesses in the amount of $530 for Little League activities and advertisements. He had conducted similar scams throughout the Pacific Northwest. A multi-jurisdictional investigation is ongoing.
- Officers and Animal Control applied for a search warrant to seize a dangerous animal within the City Limits. The dangerous animal was an alligator about three feet in length. The alligator was seized and taken to the Portland Zoo.
- Officers responded to a report of a male suspect breaking into a parked car and established a perimeter allowing K-9 Officer Harvey and Xar to conduct a search for the suspect. The suspect was eventually located inside a residence where Xar had lost the track. The suspect was charged with

Theft, Unauthorized Entry of a Motor Vehicle, and Criminal Mischief. Most of the stolen property was recovered.

- Investigations Division personnel continued to work with investigators from Oregon State Police, the Benton County District Attorney's Office, the Benton County Sheriff's Office, the Federal Bureau of Investigation, and the National Center for Missing and Exploited Children on the Brooke Wilberger missing-person case.

Tactical Action Plans (TAP)

- TAP 14 – This TAP addresses traffic related concerns in the Downtown core, specifically on NW Harrison Boulevard, and will assist the Department in meeting two annual performance measures: reduce top-ten crash locations by ten percent and maintain vehicle injuries and fatalities of less than five per 1,000 population.

9-1-1 Center Calls for Service

- The Corvallis Regional Communications Center dispatched 2,873 calls for police, fire, and medical assistance this month as follows:

POLICE		FIRE AND MEDICAL	
Corvallis Police	1,736	Corvallis Fire/Ambulance	532
Benton County Sheriff	458	Other Fire/Medical	56
Philomath Police	91		
TOTAL	2,285	**TOTAL**	588

B. Other

- Officers Zulyevic and McGowan resigned from the Department.
- Officer Sapp and Roxy earned their drug detection certification.
- Officer Hurley attended an 80-hour Police Training Officer Instructor Course.
- Officer Rehnberg attended a 40-hour Instructor Development Course.
- Sergeant Mann attended an eight-hour course about the April 2007 shooting incident at Virginia Polytechnic Institute and State University (Virginia Tech).
- Lieutenants Wood and Henslee and Sergeant Marr met with the Director and Deputy Director of the Oregon Liquor Control Commission for an informational exchange of ideas to address local concerns.
- Investigations Division and Patrol personnel received Oleo Capsicum and Baton Training at the Law Enforcement Building.
- Detectives Wells, Shimanek, Glass, Poole, and Posler attended the Ninth Annual Major Crimes Conference. The four-day conference was held in Canyonville, Oregon, and was sponsored by the Oregon Peace Officers Association, the Douglas County Sheriff's Office, and the Federal Bureau of Investigation.

- Chief Boldizsar, Captain Sassaman, and Lieutenant Keefer attended the three-day Executive Leadership Training Seminar in Seaside, Oregon, which was sponsored by the Oregon Association of Chiefs of Police.
- Investigations Division personnel conducted Crime Scene Processor Training at the Law Enforcement Building for all sworn Police Officers.
- K-9 officer Harvey and Xar completed 21 hours of training this month, including training with the Springfield K-9 unit.

X. PUBLIC WORKS

A. Department Highlights

Administration Division

- The Sustainability Supervisor facilitated training for Fire Department staff on sustainability concepts.
- Prepared budget 'slide show' for the Budget Commission, Web site, and government-access cable television channel and finalized department budget enhancement requests.
- The Sustainability Supervisor participated, as a member of the Corvallis Sustainability Coalition Steering Committee, in the interviews for a consultant to lead the community initiative effort.

Engineering Division

- Construction is in progress for the Taylor Water Treatment Plant Filter Modification and Media Replacement (April completion).
- Design is in progress for the following projects: 2008-2009 Street Reconstruction - Phase II (NW Walnut Boulevard from NW Rolling Green Drive to NW Kings Boulevard), Townsend Shelter, Storm Drain Replacement, Airport Facility Improvements, 2008-2009 Sanitary Sewer Rehabilitation, Baldy Reservoir Cover Replacement, Storm Water Master Plan project, and Rock Creek Backwash Tank Replacement.

Transportation Division

- The Multi-Hazard Mitigation Plan that was submitted to Oregon Emergency Management and the Federal Emergency Management Agency (FEMA) in November was approved.
- Submitted the FEMA pre-disaster mitigation grant application for City Hall seismic retrofit. Result is expected in May or June.
- Submitted letters of intent to Oregon Department of Transportation (ODOT) for two Transportation Enhancement grant applications: Monroe Avenue Improvements between 14th and 26th Streets and SW Madison Avenue between SW Ninth and SW 14th/15th Streets.

- ODOT awarded two Safe Routes to Schools grants to Benton County to install a pedestrian-activated crossing at Adams Elementary School, a paved walkway connecting the school to a public sidewalk at Lincoln Elementary School, and covered bicycle parking at both schools. City and County staff led the effort to secure these grants, in cooperation with the Corvallis Police Deptartment and Corvallis School District 509J staff.
- Corvallis Transit System set another ridership record in January, providing 57,208 rides. This is almost 15 percent higher than January 2007 and the tenth consecutive month of ridership records.
- Beaver Bus service resumed with a kick-off celebration in front of the Library, staffed by the City and Associated Students of OSU, with a special appearance by Benny Beaver. The Beaver Bus provided 658 rides in January, a 75-percent increase compared to January 2007.
- Began implementation of the parking rate increase January 28th
- Represented the City at a state-wide Oregon Bicycle Tourism meeting in Portland, Oregon, to continue planning ways to make Oregon a premier bicycle touring destination for the nation.

B. Other

- Traffic Order 08-01 was signed, authorizing staff to install two "stop" signs on NW Greeley Avenue at the intersection with NW 14th Street.

XI. MISCELLANEOUS

- Attached is the City Attorney's Office Report to the City Council for January 2008.

Jon Nelson
City Manager

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

CORVALLIS CITY ATTORNEY
456 SW Monroe, #101
Corvallis, OR 97333
Telephone: (541) 766-6906
Fax: (541) 752-7532

CITY ATTORNEY'S OFFICE
REPORT TO CITY COUNCIL: HIGHLIGHTS

January 2008

The following are highlights of the City Attorney's Office activities during January 2008.

1. Memorandum opinion to Council regarding labor contract dispute policies for public transit workers.

2. Appearance at motion hearing in *McElroy v. Carlson*.

3. Assistance to City staff in preparation and settling of record in *Boucot v. City* (Brooklane Heights LUBA Appeal) and *Soares v. City* (Cascade Crest LUBA Appeal).

4. Work on new case filed by Ian McElroy to set aside his Municipal Court convictions from 1998.

5 Meetings regarding Alberti matter.

6. Meeting with Public Works Department regarding employee complaint.

7. Meeting with Councillor regarding Municipal Court.

8. Assistance to Development Services Department, including Memorandum Opinion, regarding hookah shop.

Ongoing/Future Matters:

1. Representation of the City before Oregon Court of Appeals re: *McElroy v. March (*nka *McElroy v. Carlson* - Mandamus Appeal), *McElroy v. City & Building Codes Structures Board;* and before the Land Use Board of Appeals re: *Boucot v. City* (Brooklane Heights Appeal) and *Soares v. City* (Cascade Crest Appeal).

2. Enforcement actions regarding code violations (building, sidewalk, land development code, etc.).

3. Continued work on discrimination complaints.

4. Continued work on public records requests.

5. Continued work on the Alberti property condemnation issues.

6. Continued monitoring of recovery of City costs due to the Timberhill Shopping Center retaining wall failure issue.

****

COUNCIL REQUESTS

FOLLOW-UP REPORT

FEBRUARY 14, 2008

****

1. Traffic Calming Device Request/Speed Changes – NW Circle Boulevard (Tomlinson)

NW Circle Boulevard (Circle) is an arterial street from United States Highway 20 to NW Kings Boulevard (Kings), a collector street from Kings to NW 29th Street (29th), and a neighborhood collector street from 29th to NW Witham Hill Drive. The Oregon Department of Transportation (ODOT) has responsibility for establishing speed zones on all highways, arterial streets, and collector streets in Oregon. There is an existing ODOT Speed Zone Order No. J80, dated December 4, 2000, designating 45 miles per hour (MPH) from Highway 20 to 150 feet west of NE Conser Street (Conser) and 35 MPH from 150 feet west of Conser to 50 feet west of NW Dogwood Drive (Dogwood).

Several residents have requested the Public Works Department to reduce the designated speed along Circle between Dogwood and NW 27th Street. This section of Circle encompasses several residential neighborhoods and Jefferson Elementary School. The request was intended to provide a better transition between the 35-MPH zone and the 25-MPH zone, resulting in better compliance with the 25-MPH zone. The citizen request was forwarded to ODOT for consideration.

ODOT conducted an investigations using procedures in accordance with nationally accepted traffic engineering standards. Factors taken into consideration are 85th percentile speed, accident history, roadside culture, traffic volumes, roadway alignment, width, and surface.

ODOT's investigation concluded that the appropriate speed zone should be 30 MPH (reduced from 35 MPH) along Circle from 50 feet west of Kings to 50 feet west of Dogwood. City staff reviewed the speed zone investigation report and found no errors. Therefore, Speed Zone Order No. J8061, issued November 27, 2007, replaces Speed Zone Order No. J80.

2. Sidewalk Safety Program and Associated Fees (Brauner)

Councilor Brauner received a letter from Mike Wolf, 654 NW Stewart Place, asking about the consistency of identifying repairs as a part of the Sidewalk Safety Program and the reason for the associated $10 fee (copy attached).

In his letter, Mr. Wolf agrees that the needed repairs as marked meet the safety hazard criteria, but he questions the $10 administration fee that the City would charge if he elects to participate in the City's sidewalk repair contract this Spring. He also questioned the consistency in the markings for needed repairs, particularly at the corner of NW Satinwood and NW Maxine Avenues, where a sidewalk hazard was not marked.

The $10 administrative fee the City charges property owners who elect to participate in the City's contract is the same amount as the permit fee to do the sidewalk repairs for property owners who elect to do their own repairs. This fee is used to recover a portion of the City's administrative costs for doing the initial inspections, the property owner notifications, and contract administration and inspection.

The "worst tripping hazard" Mr. Wolf noted was not marked like the others because this particular repair is the City's responsibility (at an intersection), and we only mark out the repairs that are the responsibility of a property owner. The City has noted the needed repair and will take care of it as a part of the sidewalk repair contract. We mark the others so that the property owner can clearly see the issues we have identified to assist them in their decision-making process.

Public Works received a letter from Jim Russell, 1691 SW Reed Place, also raising two issues: first, that the City should not enforce the Municipal Code regulations on sidewalk safety, since he believes mailboxes in the sidewalk present a safety hazard that is not addressed; and second, that the sidewalks in his neighborhood may not have been constructed in accordance with the City's Standard Construction Specifications, so the City should not require the property owner make the repairs to these sidewalks due to "poor City Project Management and poor City Inspection practices." Copies of this letter and the letter to Mr. Russell are attached.

New and existing mailbox installations are reviewed and approved by the United States Postal Service in cooperation with the Community Development Department per an established procedure (http://www.ci.corvallis.or.us/downloads/cd/devservprocedures/pro3002.pdf). The permitting and inspection of new sidewalk construction is managed by the Community Development Department when the sidewalk is constructed with improvements on the property or when a permit is issued for private construction or repairs to the sidewalk. When Community Development Department inspectors inspect the sidewalk construction, they

inspect, among other things, the base rock and the concrete forming. These inspections are intended to assure adequate base and concrete thickness.

The Municipal Code makes no exception for sidewalk failures due to poor materials or methods of construction. If, during the life of the sidewalk, the sidewalk is determined to be unsafe, the City is required to issue a repair order, per Municipal Code Section 2.15.090. Unsafe sidewalks are discovered on a complaint basis and through inspections as a part of the annual Sidewalk Safety Program administered by Public Works.

Since this Program has annually created questions and issues, including funding issues, from residents, staff suggests that the City Council consider a review of the Program by Urban Services Committee.

3. Material Event Disclosure for Corvallis Bonds (Nelson)

The attached information from Finance Director Brewer explains circumstances and responses regarding Moody's re-rating of XL Capital, which affected the City's Sewer Revenue Bond Refunding Bonds. Questions regarding this issue should be directed to Ms. Brewer.

Jon Nelson
City Manager

Bruce Moser PW

COPY COPY

RECEIVED
JAN 11 2008
CITY MANAGERS OFFICE

Received
JAN 11 2008
PUBLIC WORKS

9 January 2008

Mr. Hal Brauner, Ward 9
P.O.Box 1083
Corvallis, OR 97339

Dear Mr. Brauner:

This letter addresses the Corvallis Sidewalk Safety Program. On 12/29/07, I received a letter notifying me that the sidewalk in front of my property has an unsafe condition requiring correction. It noted that there was a vertical separation between ½" and 1" at the joining of two panels. Upon examination, I determined that there is such a condition, marked for grinding, at one side of the walk extending for about 5" of the 42" wide sidewalk.

The notice went on to estimate that the repair at an estimated $11.50/lineal ft. would cost an estimated $34.50 plus $10.00 **contract administration fee.** It appeared questionable to me that this 5" borderline discrepancy should require a $44.50 correction.

With that in mind, I took a walk around the block to see what other marks had been made by the inspector. This block is somewhat unusual, for it extends a distance of 1.2mi. Over that distance, I encountered 14 properties showing grind marks and 13 properties with panel replacement marks. Some appeared reasonable, some did not. Additionally, there were--in my opinion--6 properties whose sidewalk should have been marked for grinding, but weren't. The worst tripping hazard--by far--was unmarked at the corner of Satinwood and Maxine.

I reported these findings to Bruce Moser and opined that I thought the city's inspection results were arbitrary. He assured me that he would revue my observations, personally check on the discrepancy noted on my sidewalk, and let me know his conclusions. On the subject of the $10 fee (a total of $270 from the property owners on this block), he explained that no tax money was available to cover the inspections and subsequent paperwork,etc. In no uncertain terms, I suggested that the property owner should not be required to pay a fee for services connected with a mandated repair that benefits the public. It should be sufficient that the property owner pays for the repair. He countered by noting that this is a matter for the City Council to consider. Please do!

Very truly yours,

Mike Wolf, 654 NW Stewart Pl.,Corvallis,OR 97330; (541) 752-0228

SWD08-000157

SWD08-00066

January 3, 2008

Received
JAN 08 2008
PUBLIC

City of Corvallis
Public Works Department
1245 NE 3rd Street
PO Box 1083
Corvallis OR 97339

Attention: Mr Bruce Moser, P.E.
Transportation Services Supervisor

RE: Sidewalk Safety Program

Dear Mr. Moser,

I received my request from the City of Corvallis to pay approximately $700.00 into the "Sidewalk Safety Program" to pay for repairs to 81 sq. ft. of concrete sidewalk panels that border my residence at 1691 SW Reed Place. I understand that under Chapter 2.15 of the City Municipal Code that property owners are responsible for maintaining public sidewalks along their property. However, I do not feel it is appropriate for the City to enforce the municipal code on my residence for the following reasons:

(1.) If the City is sincerely interested in "Sidewalk Safety" then they should remove the many mailbox posts that are currently allowed in the sidewalk right-of-way. The posts are in front of every residence along Knollbrook Ave. and can be found in front of residences in the surrounding neighborhoods. There are dozens of existing posts with mailboxes standing in the way of pedestrians walking down the sidewalk. These mailboxes and posts are a very serious safety hazard. I know this to be true because I have personally seen people accidently walk and run into them. Any money the City collects for the "Sidewalk Safety Program" could be better spent on removing these sidewalk obstructions before forcing property owners to pay for repairing some harmless cracks in the concrete.

(2.) The sidewalks in my neighborhood were never constructed in accordance with the City's Standard Construction Specifications to begin with. I have witnessed construction activities in my neighborhood several times that included removing or replacing sidewalks. I know for a fact that the existing sidewalk thickness is not a "minimum of 4 inches of concrete on a minimum of 2 inches of crushed aggregate base." If these sidewalks were constructed to the City's Standards to begin with they would not be settling and cracking to the degree they are now. You should not be forcing property owners to pay for sidewalk deterioration that was caused by poor City Project Management and poor City Inspection practices.

I respectively request that you not enforce the referenced City Municipal Code on my property.

Jim Russell

Jim Russell
1691 SW Reed Pl
Corvallis, OR 97333

cc: Mr. Bill York, Ward #1

Jon Louis Dorbolo
417 SW 7th
Corvallis, OR 97333
(541)737-3811
Jon.Dorbolo@oregonstate.edu

January 29, 2008

RECEIVED
FEB 04 2008
CITY MANAGERS OFFICE

2-7-08
Jon D.
OK to share w/ CC.
Jon

Jon Nelson, City Manager
P.O. Box 1083, Corvallis, Oregon 97339
(541) 766-6901

Mr. Nelson,

I have been contacting Corvallis Public Works for over four weeks to report and ask for advice concerning a hazard on the sidewalk in from of my home. Each week I call and am forwarded to a voice mail at which I leave a detailed message. I've not yet received a response. Today, however, I did hear back from the City Attorney's office.

I rent the house at 417 SW 7th. I make an effort to keep sidewalks clear of debris. A few months ago numbers and arrows appeared on my sidewalk. I assumed that these came from the City Public Works, though I had no knowledge or notice of what they are for. Four week ago a white doughy substance, maybe clay or plaster, appeared in the cracks of the sidewalk. This substance melts and spreads over the entire sidewalk making it very slick and increasing likelihood of falls by pedestrians. I do not know what it is or where it came from. My neighbors are equally puzzled. I myself did fall on this substance the first evening that it appeared. I was not injured, but fell in the grass and mud.

I called Public Works the next morning to report this hazard and ask for advice. People in Public Works told me that the City would not use such a substance. I accept that and requested that someone from Pubic Works take a look in order to determine what it is and how I may remove it safely. Thus, I have end up recording voice mails every week since.

Today I called again and was called back by someone in the City Attorney office. He told me that the sidewalk in front of my home has a known problem that has been relayed to the landlord. That seems ok with me, but this slippery substance is a new problem and creates a new hazard. The City Attorney office told me that the City has done all it can and that if I seek to correct the problem, I should call my landlord.

Mr. Nelson. I understand how the City position makes bureaucratic sense. It does not, however, make common-sense or make anyone safer. If the landlord is ignoring orders from the City, then my complaint is not likely to carry much weight. I was simply asking for help in keeping someone from falling and getting hurt. I fear that if I start digging around in the sidewalk without knowledge of what I am doing, I may set myself up for a liability or make things worse. Thus, I look to City management to provide expert advise. I suggested at least putting some hazard barriers to warn people. I don't have any such on hand and I am not sure it is even legal for me to do so.

I am trying to do the right and sensible thing, Mr. Nelson. I am not involved in legal claims or statutory interpretations. I'm not asking the City to accept responsibility. I just want some practical advice that I may follow with confidence; *"Call your landlord"* does not help here. It is just me as a citizen pointing out a danger and hoping that the City will take some interest. I end this with some degree of pessimism that this will be the case.

I emphasize that no one from the City has ever been rude or in any way inappropriate to me. I have no complaint about any City employee. I know that these are good people doing a job as they best see fit. I understand that folks are busy and cannot prioritize an issue that belongs in someone else's department or is already in process. They are dutifully following the rules which you administer.

Nonetheless, gravity and friction continue to function in the universe. Someone is going to slip on the mess on the sidewalk in front of my house and get hurt. I do not know what to do to prevent it. I cannot find anyone who is willing to help me try. Do you have any suggestions?

In good spirit,

Jon Louis Dorbolo

Jon Dorbolo

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

Public Works Department
1245 NE 3rd Street
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 766-6916
FAX: (541) 766-6920
TTY: (541) 766-6477
E-MAIL: public.works@ci.corvallis.or.us

February 4, 2008

Jim Russell
1691 SW Reed Pl
Corvallis, OR 97333

RE: Sidewalk Safety Program Case No. SWD08-00066, Location 1691 SW Reed Pl

Dear Mr. Russell:

This letter responds to items in your letter dated January 3, 2008.

1) Mailbox locations: Thank you for bringing the location of the mailboxes to our attention. While the mailbox locations are an important part of the safe use of sidewalks, the Sidewalk Safety program only addresses items that have been identified as per Council Policy CP 91-7.08 Sidewalk Policy.

2) As defined by the City's Municipal Code, a property owner is responsible for repair and replacement of the sidewalk adjacent to their property. There is no distinction in the Code for the previous thickness of the sidewalk. The current thickness requirement of 4 inches has been established to ensure a quality product that meets the intended goals of the City's Municipal Code.

There are no provisions in the City's Municipal Code that would allow the Code to not be enforced for the reasons stated in your letter. You are still required to let the City know your preferences regarding the resolution of the identified sidewalk deficiencies. Please send in the yellow post card that was included in the original letter from the City to inform City staff of the method you will choose to repair the sidewalk adjacent to your property.

You do have the option to appeal the sidewalk repair requirements through the City's Sidewalk Safety appeal process. Section 2.15.130 of the Municipal Code states:

1) An appeal shall be filed in writing with the City Manager within 10 days of service of notice of an order or cost determination.

2) The appeal shall include a copy of the notice, and shall state the specific reasons for the owner's objection to the order or cost determination.

3) The appeal shall be accompanied by a $50.00, nonrefundable appeal fee.

If you have additional questions regarding this information, you may call me at 766-6916.

Sincerely,

Bruce Moser
Transportation Services Supervisor

Material Event Disclosure for Corvallis Bonds (Nelson)

The City has experienced an event that requires a Material Event Disclosure by the Securities and Exchange Commission.

Background

The City issues bonds to fund certain capital projects. In recent times, many municipalities, including Corvallis, have purchased insurance when they sell bonds. The insurance guarantees the principal and interest payments will be made if the City defaults. By purchasing insurance, the bonds are rated as AAA when they are sold, decreasing the cost of the bonds and savings the City considerably more in debt service costs than the cost of the insurance.

Until recently, the four (FGIC, AMBAC, MBIA, and XLCapital) primary insurance companies for municipal bonds were well capitalized businesses which secured "AAA" ratings from all three ratings agencies (Fitch, Moody's, and Standard and Poors). In the last several years, these companies also began to insure mortgage backed securities that in the last year have lost considerable value as the sub-prime markets have taken a nosedive.

The City's 2006A series, Sewer Revenue Bond Refunding Bonds were insured by XLCapital; the City also has issues insured by AMBAC and MBIA. On February 7, 2008, Moody's downgraded XL Capital from "AAA" to "A3". Since Moody's also rates the City of Corvallis, this downgrade has resulted in a material event which SEC Rule 15c2-12 requires the City to disclose. Moody's has placed AMBAC and MBIA on Creditwatch which means that they may also be down graded. If that happens, the City will have material events to disclose for each bond issue insured by the affected agency. MBIA insured the 2000A Sewer Revenue bonds and the 2001A Open Space Bonds. AMBAC insured the City's two pension obligation bonds.

Action Taken

The City met the disclosure requirements by posting the attached notice at DisclosureUSA.Com, which is the nationally recognized depository for such disclosures. Other municipalities have made, or shortly will make similar disclosures for bonds insured by XL.

Financial Impact

There is no financial impact to the City of Corvallis. There is no financial impact to a bondholder with a City of Corvallis Series 2006A bond who holds the bonds to maturity – all principal and interest payments will be made as scheduled. For entities holding the City's Series 2006A bonds which wish to sell those bonds, the bonds are likely to sell at a lower price than the current bondholder paid, which would result in a capital loss. For example, a bond with a coupon of 4% may have sold at a premium at 101% or $5,050.

That bond may now sell at par ($5,000) resulting in a $50 capital loss. The coupon on the bond is still 4%, and the City will still pay $5,000 when the bond matures.

Long-Term Impact

It is hard to tell what the long-term impact will be on financial markets. The industry is currently rife with ideas, including the likelihood that municipalities will be less likely to secure insurance. There has also been talk that Berkshire Hathaway would open a municipal bond insurance business that would return the security to the muni market only.

NOTICE OF MATERIAL EVENT
FOR CONTINUING DISCLOSURE REQUIREMENTS
OF SEC RULE 15c2-12

February 12, 2008

This Notice is being provided by the City of Corvallis, Oregon (the "Issuer"), in reference to the Sewer System Senior Lien Revenue Bonds, Series A 2006 (the "Bonds") pursuant to the requirements of Rule 15c2-12 (the "Rule") of the Securities and Exchange Commission, as notification of occurrence of the following material event as defined in paragraph (b)(5)(i)(C) of the Rule.

> As disclosed in the Official Statement used in connection with the original issuance and sale of the Bonds, the payment when due of the principal of and interest on the Bonds is guaranteed by XL Capital Assurance under a municipal bond insurance policy. On February 7, 2008, Moody's Investor Services ("Moody's") downgraded the Insured Financial Strength of XL Capital Assurance from "AAA" to "A3." As a result, the insured rating on the Bonds has been downgraded by Moody's from "AAA" to "A3"
>
> The Issuer's underlying rating is "A1" by Moody's Investor Services.

CITY OF CORVALLIS – COUNCIL REQUESTS – TRACKING REPORT
PENDING REQUESTS

Council Request Item	Requested By	Date of Request	CM Report Due Date	Assigned to	Response in CM Rpt No.	Comments
Sidewalk Safety Program and Associated Fees	Brauner	01-22-08	02-12-08	Rogers	CCR 02-14-08	
Iovino's Sidewalk Café Occupying Full Sidewalk Width	York	01-22-08	02-26-08	Gibb		
Traffic Calming Device Request/Speed Changes – NW Circle Boulevard	Tomlin son	01-28-08	02-12-08	Rogers	CCR 02-14-08	
Material Event Disclosure for Corvallis Bonds	Nelson		02-12-08	Brewer	CCR 02-14-08	

ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS

February 14, 2008

MEETING DATE	AGENDA ITEM
February 21	• Potential Revenue Alternatives
March 6	• Oregon Economic and Community Development Department loan for Airport Industrial Park wetlands mitigation • Second Quarter Operating Report • Fund Balance Financial Policy Review
March 20	• Ambulance Rate Review • Land Use Application Fee Review
April 10	• Allied Waste Services Annual Report • Economic Development Allocations Second Quarter Reports • daVinci Days Loan Agreement Status Annual Report
April 24	
May 8	• Council Policy Review: CP 95-4.10, "Public Library Gifts and Donations Policy" • Economic Development Allocations Orientation
May 13 (special)	• Economic Development Allocations Presentations
May 15 (special)	• Economic Development Allocations Deliberations
May 22	
June 5	• Third Quarter Operating Report
June 19	• Funding Agreement Annual Report – Corvallis Multi-Cultural Literacy Center
July 10	• Economic Development Allocations Third Quarter Reports
July 24	
August 7	
August 21	• Solid Waste Franchise
September 4	• Fourth Quarter Operating Report
September 18	

October 9	• Council Policy Reviews:
	  • CP 04-1.09, "Public Access Television"
	  • CP 91-2.01, "Meeting Procedures"
	  • CP 91-2.03, "Expense Reimbursement"

MEETING DATE	AGENDA ITEM

October 23	• Council Policy Reviews:
	  • CP 91-3.01, "Appointment of Acting City Manager"
	  • CP 91-3.02, "City Compensation Policy"
	• Economic Development Allocations Fourth Quarter Reports

November 6	• Utility Rate Annual Review • Economic Development Application Process and Calendar • Funding Agreement Annual Report – Corvallis Environmental Center
November 20	• Comprehensive Annual Financial Report (CAFR)
December 4	
December 18	• Economic Development Allocations First Quarter Reports • First Quarter Operating Report

ASC PENDING ITEMS

- Council Policy Reviews: CP 10.01 through 10.08, "Financial Policies" — Finance
- Economic Development Process Review — Community Development

Regular Meeting Date and Location:

Thursday following Council, 12:00 pm – Madison Avenue Meeting Room

HUMAN SERVICES COMMITTEE
SCHEDULED ITEMS

February 14, 2008

MEETING DATE	AGENDA ITEM
February 20	• Social Services Semi-Annual Report • Deadly Physical Force Policy
March 4	
March 18	• Anti-Smoking Ordinance
April 8	• Willamette Neighborhood Housing Services Second Quarter Report
April 22	• Majestic Theatre Annual Report • Boys and Girls Club Annual Report
May 6	• Council Policy Reviews: CP 99-4.13, "Internet Access Policy for Corvallis-Benton County Public Library" • Liquor License Annual Renewals
May 20	• Corvallis Fall Festival Annual Report

June 3	• Boards and Commissions Sunset Review:
	  • Housing and Community Development Commission
	  • Public Art Selection Commission
	• Corvallis Farmers' Markets Annual Report

June 17	• Social Services Allocations – Fiscal Year 2008-2009
July 8	
July 22	• Willamette Neighborhood Housing Services Third Quarter Report
August 5	• Parks and Recreation Annual Fee Review
August 19	• Social Services Semi-Annual Report
September 3	
September 16	• Rental Housing Program Annual Report

October 7	• Council Policy Reviews:
	  • CP 91-1.02, "Liquor License Approval Procedures"
	  • CP 91-1.03, "Naming of Public Facilities and Land"
	  • CP 91-4.01, "Guidelines for Selling in Parks"

October 21	• Council Policy Reviews:
	  • CP 93-4.11, "Public Library Policy for Selecting and Discarding Materials"
	  • CP 99-4.14, "Use of City Hall Plaza and Kiosk"
	  • CP 95-1.07, "Policy Regarding the City Flag"

November 4	• Willamette Neighborhood Housing Services Fourth Quarter Report
November 18	

MEETING DATE	AGENDA ITEM
December 2	
December 16	

HSC PENDING ITEMS

- Noise Ordinance Review — Police
- Tobacco Licensing — Finance

Regular Meeting Date and Location:
Tuesday following Council, 12:00 pm – Madison Avenue Meeting Room

URBAN SERVICES COMMITTEE
SCHEDULED ITEMS

February 14, 2008

MEETING DATE	AGENDA ITEM
February 21	• Clearance Clarification – Sidewalk Cafés
March 6	• Systems Development Charge Annual Review
March 20	
April 10	
April 24	
May 8	• Council Policy Review: CP 95-7.12, "Integrated Vegetation Pest Management (IVPM) Program"
May 22	
June 5	• Boards and Commissions Sunset Review: Watershed Management Advisory Commission
June 19	
July 10	
July 24	
August 7	
August 21	
September 4	
September 18	
October 9	• Council Policy Reviews: • CP 04-1.08, "Sustainability" • CP 91-7.05, "Capital Improvement Program" • CP 91-7.06, "Engineering and Administrative Costs for Assessment Projects"
October 23	• Council Policy Reviews: • CP 91-7.04, "Building Permits" • Council Policy Review: CP 91-7.08, "Sidewalk Policy"
November 6	
November 20	
December 4	
December 18	

USC PENDING ITEMS

• Building Code Amendment	Community Development
• Fire Protection Services in Health Hazard Residential Areas	Fire
• Rivergreen Drive/Hwy 99 Intersection Improvements	Public Works
• Street Tree Maintenance in the Right-of-Way	Parks & Recreation

Regular Meeting Date and Location:

Thursday following Council, 4:00 pm – Madison Avenue Meeting Room

UPCOMING MEETINGS OF INTEREST

City of Corvallis

FEBRUARY - JULY 2008
(Updated February 14, 2008)

FEBRUARY 2008

Date	Time	Group	Location	Subject/Note
16		No Government Comment Corner		
18		City Holiday – all offices closed		
19	**12:00 pm**	**City Council**	**Downtown Fire Station**	
19	5:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	proposal presentations
19	**5:30 pm**	**City Council/Planning Cmsn**	**Downtown Fire Station**	**joint work session**
~~**19**~~	~~**7:00 pm**~~	~~**City Council**~~	~~**Downtown Fire Station**~~	
20	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
20	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
~~20~~	~~7:00 pm~~	~~Planning Commission~~	~~Downtown Fire Station~~	
21	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
21	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
21	5:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	proposal presentations
21	6:30 pm	Parks, Nat'l Areas, and Rec Bd	Downtown Fire Station	
22	*10:15 am*	*Community Policing Forum*	*Corvallis High School*	*community meeting*
23	10:00 am	Government Comment Corner	Library Lobby - Bill York	
26	11:30 am	Cmsn for Martin Luther King, Jr.	*City Hall Meeting Room A*	
27	5:00 pm	Downtown Parking Commission	Madison Avenue Mtg Rm	

MARCH 2008

Date	Time	Group	Location	Subject/Note
1	10:00 am	Government Comment Corner	Library Lobby - TBD	
3	**12:00 pm**	**City Council**	**Downtown Fire Station**	
3	**7:00 pm**	**City Council**	**Downtown Fire Station**	
4	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
4	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
4	7:00 pm	Ward 8 (Hamby) meeting	Hoover Elementary School Library	
5	7:00 pm	Planning Commission	Downtown Fire Station	
5	7:30 pm	Library Board	Library Board Room	
6	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
6	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
6	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
7	7:00 am	Bicycle and Pedestrian Adv Cmsn	Madison Avenue Mtg Rm	
8	10:00 am	Government Comment Corner	Library Lobby - Hal Brauner	
10	***5:30* pm**	**Mayor/City Council/City Manager Quarterly Work Session**	**Downtown Fire Station**	
10	***7:30 pm***	***City Council***	***Downtown Fire Station***	***tentative Enterprise Zone public meeting***
11	7:00 pm	Historic Resources Commission	Downtown Fire Station	
12	8:15 am	Citizens Adv Cmsn on Transit	Madison Avenue Mtg Rm	
12	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	

Date	Time	Group	Location	Subject/Note
13	8:00 am	Citizens Adv Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
15	10:00 am	Government Comment Corner	Library Lobby - Mike Beilstein	
17	**12:00 pm**	**City Council**	**Downtown Fire Station**	
17	**7:00 pm**	**City Council**	**Downtown Fire Station**	
18	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
19	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm	
19	7:00 pm	Planning Commission	Downtown Fire Station	
20	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
20	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
20	6:30 pm	Parks, Nat'l Areas, and Rec Bd	Downtown Fire Station	
22	10:00 am	Government Comment Corner	Library Lobby - *Anne Schuster*	
25	11:30 am	Cmsn for Martin Luther King, Jr.	*City Hall Meeting Room A*	
26	5:00 pm	Downtown Parking Commission	Madison Avenue Mtg Rm	
29	10:00 am	Government Comment Corner	Library Lobby - Bill York	

APRIL 2008

Date	Time	Group	Location	Subject/Note
2	7:00 pm	Planning Commission	Downtown Fire Station	
2	7:30 pm	Library Board	Library Board Room	
3	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
5	10:00 am	Government Comment Corner	Library Lobby - George Grosch	
7	**12:00 pm**	**City Council**	**Downtown Fire Station**	
7	**7:00 pm**	**City Council**	**Downtown Fire Station**	
8	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
8	7:00 pm	Historic Resources Commission	Downtown Fire Station	
8	7:00 pm	Ward 9 (Brauner) meeting	Osborn Aquatic Center Meeting Room	City sponsored
10	8:00 am	Citizens Adv Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
10	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
10	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
12	10:00 am	Government Comment Corner	Library Lobby - David Hamby	
16	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
16	7:00 pm	Planning Commission	Downtown Fire Station	
17	6:30 pm	Parks, Nat'l Areas, and Rec Bd	Downtown Fire Station	
19	10:00 am	Government Comment Corner	Library Lobby - Patricia Daniels	
21	**12:00 pm**	**City Council**	**Downtown Fire Station**	
21	**7:00 pm**	**City Council**	**Downtown Fire Station**	
22	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
22	12:00 pm	Cmsn for Martin Luther King, Jr.	*City Hall Meeting Room A*	
24	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
24	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
26	10:00 am	Government Comment Corner	Library Lobby - Charles Tomlinson	

MAY 2008

Date	Time	Group	Location	Subject/Note
1	7:00 pm	Budget Commission	Downtown Fire Station	receive proposed budget
1	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
3	10:00 am	Government Comment Corner	Library Lobby - TBD	
5	**12:00 pm**	**City Council**	**Downtown Fire Station**	
5	**7:00 pm**	**City Council**	**Downtown Fire Station**	
6	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
6	7:00 pm	Budget Commission	Downtown Fire Station	public hearing on proposed budget, deliberations
7	7:00 pm	Planning Commission	Downtown Fire Station	
7	7:30 pm	Library Board	Library Board Room	
8	8:00 am	Citizens Adv Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
8	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
8	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
10	10:00 am	Government Comment Corner	Library Lobby - *Lisa Corrigan*	
13	5:30 pm	Econ Dev Allocations Committee	Madison Avenue Mtg Rm	presentations
13	7:00 pm	Historic Resources Commission	Downtown Fire Station	
13	7:00 pm	Ward 4 (Brown) meeting	TBD	City sponsored
15	4:30 pm	Econ Dev Allocations Committee	Madison Avenue Mtg Rm	deliberations
15	6:30 pm	Parks, Nat'l Areas, and Rec Bd	Downtown Fire Station	
17	10:00 am	Government Comment Corner	Library Lobby - Mike Beilstein	
19	**12:00 pm**	**City Council**	**Downtown Fire Station**	
19	**7:00 pm**	**City Council**	**Downtown Fire Station**	
20	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
21	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
21	7:00 pm	Planning Commission	Downtown Fire Station	
22	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
22	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
24		No Government Comment Corner		
26		City Holiday – all offices closed		
27	11:30 am	Cmsn for Martin Luther King, Jr.	*City Hall Meeting Room A*	
31	10:00 am	Government Comment Corner	Library Lobby - Dan Brown	

JUNE 2008

Date	Time	Group	Location	Subject/Note
2	**12:00 pm**	**City Council**	**Downtown Fire Station**	
2	**7:00 pm**	**City Council**	**Downtown Fire Station**	
3	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
3	*5:30 pm*	*City Council*	*Madison Avenue Mtg Rm*	*tentative Plng Cmsn/ Historic Res Cmsn interviews*
4	*5:30 pm*	*City Council*	*Madison Avenue Mtg Rm*	*tentative Plng Cmsn/ Historic Res Cmsn interviews*
4	*7:00 pm*	*Planning Commission*	*Downtown Fire Station*	
4	7:30 pm	Library Board	Library Board Room	
5	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
5	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	

Date	Time	Group	Location	Subject/Note
5	*7:15 pm*	*Committee for Citizen Involvement*	*Madison Avenue Mtg Rm*	
7	10:00 am	Government Comment Corner	Library Lobby - Patricia Daniels	
10	*7:00 pm*	*Historic Resources Commission*	*Downtown Fire Station*	
12	8:00 am	Citizens Adv Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
14	10:00 am	Government Comment Corner	Library Lobby - Charles Tomlinson	
16	**12:00 pm**	**City Council**	**Downtown Fire Station**	
16	**7:00 pm**	**City Council**	**Downtown Fire Station**	
17	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
18	*12:00 pm*	*Housing and Community Dev Cmsn*	*Madison Avenue Mtg Rm*	
18	*7:00 pm*	*Planning Commission*	*Downtown Fire Station*	
19	12:00 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
19	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
19	6:30 pm	Parks, Nat'l Areas, and Rec Bd	Downtown Fire Station	
21	10:00 am	Government Comment Corner	Library Lobby - TBD	
24	11:30 am	Cmsn for Martin Luther King, Jr.	*City Hall Meeting Room A*	
28	10:00 am	Government Comment Corner	Library Lobby - TBD	

JULY 2008

Date	Time	Group	Location	Subject/Note
2	*7:00 pm*	*Planning Commission*	*Downtown Fire Station*	
2	*7:30 pm*	*Library Board*	*Library Board Room*	
4		*City Holiday – all offices closed*		
5		*No Government Comment Corner*		
7	***12:00 pm***	***City Council***	***Downtown Fire Station***	
7	***7:00 pm***	***City Council***	***Downtown Fire Station***	
8	*12:00 pm*	*Human Services Committee*	*Madison Avenue Mtg Rm*	
8	*7:00 pm*	*Historic Resources Commission*	*Downtown Fire Station*	
10	*8:00 am*	*Citizens Advisory Cmsn on Civic Beautification and Urban Forestry*	*Parks and Rec Conf Room*	
10	*12:00 pm*	*Administrative Services Committee*	*Madison Avenue Mtg Rm*	
10	*4:00 pm*	*Urban Services Committee*	*Madison Avenue Mtg Rm*	
12	*10:00 am*	*Government Comment Corner*	*Library Lobby - George Grosch*	
16	*7:00 pm*	*Planning Commission*	*Downtown Fire Station*	
17	*6:30 pm*	*Parks, Nat'l Areas, and Rec Bd*	*Downtown Fire Station*	
19	*10:00 am*	*Government Comment Corner*	*Library Lobby -*	
21	***12:00 pm***	***City Council***	***Downtown Fire Station***	
21	***7:00 pm***	***City Council***	***Downtown Fire Station***	
22	*12:00 pm*	*Human Services Committee*	*Madison Avenue Mtg Rm*	
22	*11:30 am*	*Cmsn for Martin Luther King, Jr.*	*City Hall Meeting Room A*	
24	*12:00 pm*	*Administrative Services Committee*	*Madison Avenue Mtg Rm*	
24	*4:00 pm*	*Urban Services Committee*	*Madison Avenue Mtg Rm*	
26	*10:00 am*	*Government Comment Corner*	*Library Lobby -*	

Bold type – involves the Council ~~Strikeout~~ type – meeting canceled *Italics* type – new meeting

TBD To be Determined

HUMAN SERVICES COMMITTEE
MINUTES
February 5, 2008

Present
Councilor Stewart Wershow, Chair
Councilor Hal Brauner
Councilor Mike Beilstein

Staff
Jon Nelson, City Manager
Julee Conway, Parks and Recreation Director
Karen Emery, Parks Division Manager
Carrie Mullens, City Manager's Office

Visitors
Sara Swanberg, The Arts Center
Hester Coucke, Public Art Selection Commission

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. The Arts Center Annual Report			Accept The Arts Center annual report for Fiscal Year 2006-2007
II. Public Art Selection Commission Annual Report			Accept the Public Arts Selection Commission annual report for Fiscal Year 2006-2007
III. Other Business	***		

Chair Wershow called the meeting to order at 12:00 pm.

CONTENT OF DISCUSSION

I. The Arts Center Annual Report (Attachment)

Parks Division Manager Emery announced that ArtCentric is changing their name to The Arts Center to improve identity and marketing efforts. Ms. Emery highlighted Fiscal Year 2006-2007 activities as listed in the staff report.

The Arts Center Executive Director Swanberg said Fiscal Year 2006-2007 stirred community interest with existing and new partners. The community was better served with expanded programs, such as the Globetrotters Arts and Culture Camp, Artists in Residency program, and the ArtsCare program. Ms. Swanberg said the Globetrotters program is so successful that a new day-trip program has been initiated for no-school days. The Arts Center staffing has also increased to better serve the community.

Ms. Swanberg reported that the "Chocolate Fantasy" fund-raiser and art auction was extremely successful with a 25% net increase. Grant revenues increased by more than $10,000 and that figure has more than doubled for the current year. The ArtsCare endowment fund doubled in FY06-07 and a new $50,000 endowment fund was gifted for the exhibits program.

Ms. Swanberg thanked the City for providing the financial foundation The Arts Center utilizes to leverage additional funds.

Councilor Beilstein spoke about the successes of The Arts Center. He commended them for serving the community well and leveraging the City's allocation for additional resources. Councilor Beilstein expressed a desire for the Majestic Theatre and Osborn Aquatic Center to be as successful.

Ms. Swanberg responded that The Arts Center has had financial dips and leaps, but is currently doing very well. Her grant writing experience has helped with resource knowledge and leverage. She noted that the types of grants she requests are quite different than what might be requested by the Majestic Theatre and/or Osborn Aquatic Center. She is hoping to partner with the Majestic Theatre this year.

Councilor Brauner commended Ms. Swanberg for The Arts Center's strong financial status and providing programs for school-aged children. He clarified that the City could expect something similar from Majestic Theatre, but Osborn Aquatic Center is financed completely different.

Parks and Recreation Director Conway added that the City owns and maintains the The Arts Center and Majestic Theatre buildings.

The Committee unanimously recommends that Council accept The Arts Center annual report for Fiscal Year 2006-2007.

II. Public Art Selection Commission Annual Report (Attachment)

Ms. Conway said the City is fortunate to work with Hester Coucke who staffs the Public Art Selection Commission (PASC) to oversee selection, acceptance, and placement of public art on behalf of the Council.

Ms. Conway highlighted three benefits of continuing the PASC relationship:

1. The City has a high level of communication with Ms. Coucke and PASC which is beneficial in accomplishing requests and projects.
2. Ms. Coucke applies a high level of expertise to PASC.
3. The relationship is built on trust and understanding of each other's interest of Council, the community, and The Arts Center.

Ms. Coucke reviewed Fiscal Year 2006-2007 activities as noted in the staff report. She said not all art work is accepted by PASC nor do all artists wish to participate once they learn the process.

Ms. Coucke said, due to many donations specific to the Library, PASC will help the Library draft policies or guidelines to limit and streamline acceptable donation types.

In response to Councilor Beilstein's inquiry, Ms. Coucke said the City has the right to relocate art without consulting the artist; however, the donated art must be accessible to the public. PASC has not refused any pieces due to a lack of space, but the City needs to begin thinking about other spaces for donated art. Ms. Coucke said PASC could work with City staff to determine available space and appropriate artwork location.

Councilor Beilstein noted that the City allocates $5,000 annually to The Arts Center for PASC support and inquired about the indirect costs provided by the Parks and Recreation Department for staff support.

Ms. Conway responded that indirect costs are nominal compared to the value received. Ms. Coucke prepares the minutes from PASC meetings and staff help with the annual report. Art projects interface with various other departments and committees for installation and maintenance; e.g., Library, Madison Avenue Task Force, etc.

The Committee unanimously recommends that Council accept the Public Arts Selection Commission annual report for Fiscal Year 2006-2007.

III. Other Business

The next Human Services Committee meeting is scheduled for 12:00 pm on Wednesday, February 20, 2008 in the Madison Avenue Meeting Room.

Respectfully submitted,

Stewart Wershow, Chair

MEMORANDUM

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

To: Human Services Committee
From: Julee M. Conway, Director
Karen Emery, Recreation Division Manager
Date: January 10, 2008
Subject: ArtCentric Annual Report

Issue

The City Council allocates funds to ArtCentric for its operations through the annual appropriation of tax revenues ($77,930 in FY 07-08). As per the current agreement dated July 1, 2004, and amended September 7, 2007 between the City and ArtCentric, a report describing ArtCentric's effectiveness in organization and promotion is to be submitted on an annual basis. In addition, ArtCentric staffs the regional Linn-Benton Arts Council. This report is for FY 06-07.

Discussion

The ArtCentric Board of Directors recently agreed to change the name of ArtCentric to The Arts Center, effective, July 1, 2008. This decision was made to improve identity and marketing efforts.

ArtCentric offered fifty-three (53) on site classes, serving over 300 children. In addition, they refined many partnerships which include the following highlights:

- With Samaritan Health Services and Benton Hospice, continued the ArtsCare program which brings art and artists into the health-care and hospice environment.
- With the School District, the Artists in Residency program implemented fifty-one (51) weeks of residencies in Linn and Benton County, serving over 4,470 children.
- With the Multicultural Literacy Center, Oregon State University, the Public Library, and the Corvallis Environmental Center, offered Globetrotters Arts and Culture Camp
- With Corvallis Parks and Recreation, Corvallis School District, Corvallis Public Library, the Corvallis Environmental Center, FASIS (East Indian cultural organization, a regional home school group),

Corvallis Fall Festival and da Vinci days, offered a variety of programs.

In addition, ArtCentric's Exhibition Program offered ten (10) local, regional and national exhibitions in the Main Gallery and ten (10) exhibitions featuring the work of community art guilds and guest artists in the smaller gallery.

The community continues to demonstrate support by volunteering over 4,300 hours to support ArtCentric's programs. ArtCentric hosted the successful Chocolate Fantasy fundraising event, and continued the fundraising event entitled "Dine for the Arts" in partnership with local restaurants.

They have continued to maintain diverse revenue streams which include funding from the Oregon Arts Commission, grants, memberships, sponsorships, donations, class fees, Art shop and gallery sales.

Recommendation
Staff recommends that the Human Services Committee accept the ArtCentric Annual Report.

Review and Concur:

Jon S. Nelson, City Manager

Nancy Brewer, Finance Director

Attachments:
1. ArtCentric Annual Report
2. ArtCentric/City of Corvallis Agreement
3. Finance Department Financial Review Memo

ArtCentric

700 SW Madison Avenue
Corvallis, Oregon 97333

www.artcentric.org
541 • 754 • 1551

January 4, 2008

Human Services Committee
Karen Emery, Recreation Division Manager
Corvallis Parks & Recreation
1310 SW Avery Park Drive
Corvallis, OR 97333

Dear Karen and the Human Services Committee:

Thank you for your continued and generous support of ArtCentric. Without your interest and support, the organization could not serve the community at anywhere near its current level.

Securing additional funding offers ongoing challenges due to the economic climate and the needs of and competition with the many non-profits statewide, and particularly in Corvallis. At the same time, it is important to report that ArtCentric is developing exciting new partnerships, improving programming, and the organization has received three new grants while retaining the annual funding from the Oregon Arts Commission. I am confident that ArtCentric is moving into a position of leadership in the community with new partners, expanded programs and the design and development of a membership campaign.

Enclosed you will find the 2006-2007 Annual Report for ArtCentric as well as the financials just completed by Anderson's Accounting Firm. You will see that we have had a successful year with significant growth in programming and an increase in funding. We are engaging more people in the arts and improving our visibility.

The support granted to ArtCentric by the City of Corvallis is not only imperative for the operation of the organization, but it offers the valuable match funding often required to receive additional funds from foundations and trusts. Thank you again for your support of ArtCentric, the community art center for all ages.

Sincerely,

Sara Swanberg
Executive Director

ARTCENTRIC ANNUAL CITY REPORT 2006-2007
SUBMITTED BY EXECUTIVE DIRECTOR, SARA SWANBERG

This annual report provides highlights from ArtCentric's fiscal year, July 1, 2006 through June 30, 2007. Significant growth has taken place within the organization and important new partnerships have been developed as ArtCentric continues its strong commitment to the needs of the community. To improve visibility and strategic marketing potential, the name of the organization will return to The Arts Center in the next fiscal year.

FISCAL

ArtCentric is grateful for the support of the City of Corvallis and would not be able to operate at current levels without that support. The organization has continued to secure funding from the Oregon Arts Commission through granting programs for Community Arts Services and Arts Education. Funding levels have increased slightly as the OAC itself has secured additional state funding to grant to regional constituencies who submit worthy proposals. ArtCentric works to diversify revenue streams through grants, sponsorships, fundraisers, memberships, donations, partnerships, class and camp tuition, sales in the ArtShop and galleries, and admission to cultural events.

The Endowment Board of Directors continues oversight of four growing funds: a General Fund, the Howland Fund to support public art in Corvallis and awards for the Howland Community Open exhibition, the Elizabeth Starker Cameron Arts Education Fund, and the Bob & Kitty Bunn Fund for the new and growing ArtsCare program.

Over 4,300 volunteer hours were donated to ArtCentric with services ranging from daily front desk receptionist hours to office organization skills to consulting time to fundraising.

ArtCentric's new membership program entitled Making Friends—Building Community saw good results within this fiscal year due to well received new cultural events including lectures and an art film series, and excellent response to a much expanded children's summer camp program. Sponsorships as well as memberships are on the rise. A grant of $7,000 was received from The Collins Foundation for the Making Friends—Building Community program. A $17,000 challenge grant written to the Oregon Community Foundation in the fiscal year being reported was received in September and will appear in the next report year. The organization ended its year well in the black.

PROGRAMS & SERVICES

In this fiscal year the ArtCentric Exhibition Program offered to the general public at no cost 10 local, regional and national exhibitions in the Main Gallery, each with an opening event, and several with a complementary cultural event such as related music and gallery talks. An additional 10 exhibitions in the smaller galleries featured the work of local art guilds and guest artists and also featured ArtCentric staff work and children's art from the summer camp, Globetrotters.

Through Arts Education programming, ArtCentric offered 53 on site classes in ceramics, dance, painting and drawing serving over 300 children. This year the children's summer camp (Globetrotters Arts & Culture Camp) was greatly expanded

offering four full weeks of 8:30 a.m. to 5:15 p.m. programming. Additional camp classes were made possible by working with new partners (Multicultural Literacy Center, OSU, the Library, the Environmental Center). In the coming year ArtCentric plans to expand the camp further from 4 to 5 weeks. The Arts In Education program offered 51 weeks of residencies in schools in both Linn and Benton Counties serving 4,470 children. The STARS program was released to the Boys & Girls Club which now operates this without partners.

The ArtsCare program is growing with additional funding support from Samaritan Health Services. Ten local artists work with patient groups in cancer and dialysis treatment areas, as well as expanding into mental health units and Hospice situations. Additional artists worked with patient families staying short term at the Pastega House.

The ArtShop supports over 160 local and regional artists offering a professional venue to show and sell their work.

COLLABORATION AND LEADERSHIP

In an effort to serve the needs of our community and to effectively maximize community resources, ArtCentric collaborates with many individuals and organizations. We continue to be the fiscal sponsors for Tcha Tee Man Wi, a regional storytelling festival that promotes oral traditions, strengthens community and honors diversity. This year ArtCentric partnered with the Corvallis School District, Parks & Rec., the Corvallis Public Library, Leadership Corvallis, the Multicultural Literacy Center, the Environmental Center, FASIS (an East Indian cultural organization), a regional home-school group, Corvallis Fall Festival and daVinci Days Festival.

ArtCentric again hosted the April meeting of the Leadership Corvallis class. The Director takes part in monthly Regional Arts Council conferences, serves on the Boards of Corvallis Tourism, the OSU Art Department Advisory, Benton County Cultural Coalition and the regional ArtsCare Advisory. The Exhibits Coordinator serves on the Madison Avenue Task Force and the Public Art Selection Committee. The ArtsCare Coordinator serves on the Regional ArtsCare Advisory Board, and the Arts Education Coordinator attends Regional Arts Education conferences coordinated at the state level by the Oregon Arts Commission and the Oregon Alliance for Arts Education.

At the close of this fiscal year, ArtCentric began intensive work with City liaison Dan Brown on a lengthy strategic marketing plan for the organization.

For any questions concerning this report, please contact Sara Swanberg, Executive Director at The Arts Center, 754-1551.

MEMORANDUM

January 17, 2008

TO: Karen Emery, Recreation Division Manager

FROM: Cynthia Chavez, Accountant

SUBJECT: The Corvallis Arts Center, Inc. Annual Financial Review as of June 30, 2007.

This review consists of inquiries and analytical procedures and is limited in its nature. The Statement of Financial Position, Statement of Activities, Statement of Cash Flows, and the related Notes to the Financial Statements are unaudited financial reports that are the representation of the management of the Corvallis Arts Center, Inc. (CAC). The June 30, 2007 financial reports were complied by Anderson Group, CPAs, LLC. Anderson Group, CPAs, LLC has not audited or reviewed the financial statements and does not express an opinion or any other form of assurance on the financial statements.

CAC records transactions using the accrual basis of accounting. During the year ended June 30, 2007 CAC reported revenues of $395,895, an increase of 11% from the prior fiscal year. Included in the revenue total are property taxes of $77,930 turned over by the City to CAC. CAC has accounted for all the revenue received from the City. CAC reported fiscal year expenses of $364,612. Revenues are in excess of expenses resulting in an increase of net assets of $31,283. The net assets balance at June 30, 2007 is $63,392, as compared to $32,109 at June 30, 2006. This represents an increase in Net Assets of 97.43%. $9,248 or 14.58% of the June 30, 2007 Net Asset balance is restricted for various programs including the ArtsCare program, the Henderson Memorial, and the Co-Sponsored events.

During the fiscal year ended June 30, 2007 total assets increased by $22,694 to $64,156. Liabilities decreased by $8,589 to $764. The increase in assets is attributed mainly to an increase in cash. The decrease in liabilities is due to a decrease in loan balance, accrued wages and payroll taxes.

In connection with our review of CAC financial statements, nothing came to our attention that would be cause for further review or concern. Acceptance of the Corvallis Arts Center's annual report is recommended.

ARTCENTRIC ENDOWMENT, INC.

Compiled Financial Statements
Years Ended June 30, 2007 and 2006

ANDERSON GROUP
CERTIFIED PUBLIC ACCOUNTANTS, LLC
2165 NW Professional Drive, Suite 101
Corvallis, OR 97339
(541) 757-2070

ARTCENTRIC ENDOWMENT, INC.
Table of Contents

ACCOUNTANT'S REPORT 1

FINANCIAL STATEMENTS

Statement of Financial Position 2

Statement of Activities 3

Statement of Cash Flows 4

Notes to Financial Statements ..... 5 - 6

ANDERSON GROUP
CERTIFIED PUBLIC ACCOUNTANTS, LLC

Janet K. Magedanz, CPA
Kristen P. Gose, CPA
Jamie S. Hughes, CPA

Ted E. Anderson, CPA
James T. Searcy, CPA
Mary C. Vedaa, CPA
Anne H. White, CPA

To the Board of Directors
ArtCentric Endowment, Inc.
Corvallis, Oregon

We have compiled the accompanying statement of financial position of ArtCentric Endowment, Inc. (an Oregon nonprofit corporation) as of June 30, 2007 and 2006, and the related statements of activities and cash flows for the years then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Anderson Group, CPAs, LLC

January 3, 2007

ARTCENTRIC ENDOWMENT, INC.
Statement of Financial Position
As of June 30,

	2007	2006
ASSETS		
Assets		
Cash and cash equivalents	$ 4,920	$ 11,889
Investments	222,256	171,035
TOTAL ASSETS	$ 227,176	$ 182,924
LIABILITIES AND NET ASSETS		
Liabilities		
Due to Corvallis Arts Center	$ 236	-
Net Assets		
Unrestricted	160,615	139,599
Temporarily restricted	66,325	43,325
Total Net Assets	226,940	182,924
TOTAL LIABILITIES AND NET ASSETS	$ 227,176	$ 182,924

See accompanying notes and accountant's report.

ARTCENTRIC ENDOWMENT, INC.
Statement of Activities
For the Years Ended June 30,

	2007	2006
UNRESTRICTED NET ASSETS		
Unrestricted Revenues		
Contributions	$ 733	$ 9,570
Investment return	12,798	9,361
Total Unrestricted Revenues	13,531	18,931
Unrestricted Expenses		
Legal and accounting fees	500	566
Total Unrestricted Expenses	500	566
Other Unrestricted Income (Expenses)		
Net unrealized gains on investments	20,985	2,655
Transfers of funds to Corvallis Arts Center	(13,000)	(13,055)
Total Other Unrestricted (Income) Expenses	7,985	(10,400)
INCREASE IN UNRESTRICTED NET ASSETS	21,016	7,965
TEMPORARILY RESTRICTED NET ASSETS		
Temporarily Restricted Revenue (Expense)		
Contributions	35,000	18,325
Transfers to Corvallis Arts Center	(12,000)	(10,000)
INCREASE IN TEMPORARILY RESTRICTED ASSETS	23,000	8,325
INCREASE IN NET ASSETS	44,016	16,290
NET ASSETS AT BEGINNING OF YEAR	182,924	166,634
NET ASSETS AT END OF YEAR	$ 226,940	$ 182,924

See accompanying notes and accountant's report.

ARTCENTRIC ENDOWMENT, INC.
Statement of Cash Flows
For the Years Ended June 30,

	2007	2006
CASH FLOWS FROM OPERATING ACTIVITIES		
Increase in net assets	$ 44,016	$ 16,290
Adjustments to reconcile change in net assets to net cash provided by operating activities:		
Decrease in:		
Receivables	-	8,471
Contributions receivable	-	-
Increase in:		
Payables	236	
Net unrealized loss on investments	(20,985)	(2,655)
Net Cash Provided By Operating Activities	23,267	22,106
CASH FLOWS USED BY INVESTING ACTIVITIES		
Purchase of investments	(30,236)	(43,295)
Proceeds from sale of investments	-	20,000
Net Cash Used By Investing Activities	(30,236)	(23,295)
Net Decrease In Cash And Cash Equivalents	(6,969)	(1,189)
CASH AND CASH EQUIVALENTS AT BEGINNING OF YEAR	11,889	13,078
CASH AND CASH EQUIVALENTS AT END OF YEAR	$ 4,920	$ 11,889

See accompanying notes and accountant's report.

ARTCENTRIC ENDOWMENT, INC.
Notes to Financial Statements
For the Years Ended June 30, 2007 and 2006

NOTE 1 – NATURE OF ACTIVITIES AND SIGNIFICANT ACCOUNTING POLICIES

Nature of activities

ArtCentric Endowment, Inc. (the Organization) is a supporting organization created to benefit The Corvallis Arts Center, Inc. The Endowment Fund was formed in February 2001 upon the receipt of funds and investments transferred from The Corvallis Arts Center, Inc.

The Organization is a nonprofit organization as described in Section 501(c)(3) of the Internal Revenue Code and is exempt from federal and state income taxes.

Basis of Accounting

The Organization maintains its accounts on the accrual basis of accounting, which matches revenue against appropriate expenses.

Investments

Under SFAS No. 124, Accounting for Certain Investments Held by Not-for-Profit Organizations, investments in marketable securities with readily determinable fair values, unrealized gains and losses are included in the change in net assets.

Cash and Cash Equivalents

The Organization considers all highly liquid investments available for current use as cash equivalents.

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

Contributions

Under SFAS No. 116, Accounting for Contributions Received and Contributions Made, contributions received are recorded as unrestricted, temporarily restricted, or permanently restricted net assets depending on the absence or existence and nature of any donor restrictions.

NOTE 2 – TEMPORARILY RESTRICTED FUNDS

Donor restrictions on these funds required that these funds be spent on educational programs and activities. $5,000 and $0 of temporarily restricted funds were used during the years ended June 30, 2007 and 2006, respectively. The temporarily restricted balance for educational activities at June 30, 2007 and 2006 was $30,000 and $35,000, respectively.

NOTE 2 – TEMPORARILY RESTRICTED FUNDS (Continued)

The Organization received $35,000 and $18,325 in temporarily restricted funds for the years ended June 30, 2007 and 2006, respectively. These funds were provided to fund the ArtsCare program. Donor restrictions required that these funds be spent on the ArtsCare program and activities. $7,000 and $10,000 of temporarily restricted funds were used during the years ended June 30, 2007 and 2006, respectively. The temporarily restricted balance for ArtsCare at June 30, 2007 and 2006 was $36,325 and $8,325, respectively.

NOTE 3 – RELATED PARTY RECEIVABLES

During the fiscal year ended 6/30/01, ArtCentric Endowment, Inc. paid for part of The Arts Center, Inc.'s operating expenses with the agreement that the expense would be repaid. The balance of the receivable, $7,905, was forgiven during the fiscal year ended June 30, 2006.

THE CORVALLIS ARTS CENTER, INC.

Compiled Financial Statements
Years Ended June 30, 2007 and 2006

ANDERSON GROUP
CERTIFIED PUBLIC ACCOUNTANTS, LLC
2165 NW Professional Drive, Suite 101
Corvallis, Oregon 97330
(541) 757-2070

THE CORVALLIS ARTS CENTER, INC.
Table of Contents

ACCOUNTANT'S REPORT 1

FINANCIAL STATEMENTS

Statement of Financial Position 2

Statement of Activities ..... 3 - 5

Statement of Cash Flows 6

Notes to Financial Statements ..... 7 - 8

ANDERSON GROUP
CERTIFIED PUBLIC ACCOUNTANTS, LLC

Janet K. Magedanz, CPA
Kristen P. Gose, CPA
Jamie S. Hughes, CPA

Ted E. Anderson, CPA
James T. Searcy, CPA
Mary C. Vedaa, CPA
Anne H. White, CPA

To the Board of Directors
The Corvallis Arts Center, Inc.
Corvallis, Oregon

We have compiled the accompanying statement of financial position of The Corvallis Arts Center, Inc. (an Oregon nonprofit corporation) as of June 30, 2007 and 2006, and the related statements of activities and cash flows for the year then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Anderson Group, CPAs, LLC

January 3, 2008

THE CORVALLIS ARTS CENTER, INC
Statement of Financial Position
As of June 30,

	2007	2006
ASSETS		
Current Assets		
Cash	$ 46,331	$ 23,145
Accounts receivable	6,032	3,386
Inventory	1,556	1,407
Total Current Assets	53,919	27,938
Property and Equipment		
Equipment	68,189	68,189
Leasehold improvements	20,148	20,148
Accumulated depreciation	(78,100)	(74,813)
Net Property and Equipment	10,237	13,524
TOTAL ASSETS	$ 64,156	$ 41,462
LIABILITIES AND NET ASSETS		
Current Liabilities		
Accounts payable	$ 764	$ 926
Citizens Bank loan	-	2,035
Accrued wages and payroll taxes	-	6,348
Due to endowment fund	-	44
Total Current Liabilities	764	9,353
TOTAL LIABILITIES	764	9,353
Net Assets		
Unrestricted	54,144	24,199
Temporarily restricted	9,248	7,910
TOTAL NET ASSETS	63,392	32,109
TOTAL LIABILITIES AND NET ASSETS	$ 64,156	$ 41,462

See accompanying notes and accountant's report.

THE CORVALLIS ARTS CENTER, INC
Statement of Activities
For the Years Ended June 30,

	2007			2006
	Unrestricted	Temporarily Restricted	Total	(Summarized)
REVENUES				
Education and Programs				
Class tuition	$ 30,117	$ -	$ 30,117	$ 15,732
Stars partnership	5,069	-	5,069	7,896
ArtsCare	4,218	-	4,218	-
Other	192	-	192	1,171
Total Education and Programs	39,596	-	39,596	24,799
Gallery and Exhibit				
Gift shop and gallery sales	85,931	-	85,931	65,935
da Vinci Days partnership	1,711	-	1,711	1,720
Other	4,286	-	4,286	3,993
Total Gallery and Exhibit	91,928	-	91,928	71,648
Linn Benton Arts Council				
AIE school fees	17,895	-	17,895	33,766
Other	645	-	645	505
Total Linn Benton Arts Council	18,540	-	18,540	34,271
Grants				
Arts advocacy	16,500	-	16,500	9,500
Arts in education	-	7,500	7,500	7,000
ArtsCare	-	15,817	15,817	19,450
City of Corvallis	77,930	-	77,930	77,133
Public art selection committee	5,500	-	5,500	5,000
Other	5,450	-	5,450	4,215
Satisfaction of program restrictions	23,317	(23,317)	-	-
Total Grants	128,697	-	128,697	122,298
Membership and Contributions				
Contributions	6,452	379	6,831	22,054
Membership fees	27,289	-	27,289	19,485
Satisfaction of support restrictions	379	(379)	-	-
Total Membership and Contributions	34,120	-	34,120	41,539
Other Revenues				
Chocolate Fantasy	47,233	-	47,233	27,355
Endowment fund support	-	25,000	25,000	13,055
Other revenues	-	-	-	1,204
Story tellers	$ -	$ 7,285	$ 7,285	$ 14,592
Facility rental	3,269	-	3,269	4,416

See accompanying notes and accountant's report.

THE CORVALLIS ARTS CENTER, INC
Statement of Activities
For the Years Ended June 30,

	2007			2006
	Unrestricted	Temporarily Restricted	Total	(Summarized)
Other Revenues (Continued)				
Miscellaneous	227	-	227	5
Satisfaction of program restrictions	30,947	(30,947)	-	-
Total Other Revenues	81,676	1,338	83,014	60,627
TOTAL REVENUES	394,557	1,338	395,895	355,182
EXPENSES				
PROGRAM EXPENSES				
Education				
STARS partnership	5,300	-	5,300	8,089
DCF program	100	-	100	931
On site classes	1,049	-	1,049	777
Supplies	5,590	-	5,590	4,095
Total Education	12,039	-	12,039	13,892
Gallery and Exhibit				
Main gallery	2,627	-	2,627	3,094
Winterlight	29,437	-	29,437	21,343
Woodman gallery	17,391	-	17,391	17,595
Exhibition program	2,902	-	2,902	1,641
Total Gallery and Exhibit	52,357	-	52,357	43,673
Linn Benton Arts Council				
AIE payment to artists	26,859	-	26,859	32,141
ArtSpirit	1,011	-	1,011	1,286
Public art	-	-	-	16
Other	4,870	-	4,870	2,624
Total Linn Benton Arts Council	32,740	-	32,740	36,067
Other Program Expenses				
Story tellers	5,947	-	5,947	10,544
ArtsCare	26,647	-	26,647	22,729
Youth poetry awards	$ 225	$ -	$ 225	$ 225
Henderson memorial	-	-	-	667
Total Other Program Expenses	32,819	-	32,819	34,165
TOTAL PROGRAM EXPENSES	129,955	-	129,955	127,797

See accompanying notes and accountant's report.

THE CORVALLIS ARTS CENTER, INC
Statement of Activities
For the Years Ended June 30,

	2007			2006
	Unrestricted	Temporarily Restricted	Total	(Summarized)
FUNDRAISING				
Chocolate Fantasy	8,633	-	8,633	3,345
Other	2,282	-	2,282	2,559
TOTAL FUNDRAISING	10,915	-	10,915	5,904
GENERAL AND ADMINISTRATIVE				
Payroll, taxes and employee benefits	153,445	-	153,445	151,006
Contract services	23,445	-	23,445	5,991
Office expense	4,102	-	4,102	3,479
Advertising	3,654	-	3,654	2,046
Postage	4,625	-	4,625	4,095
Printing and copies	2,350	-	2,350	1,627
Utilities	15,293	-	15,293	13,553
Interest expense	4,100	-	4,100	3,575
Depreciation	3,287	-	3,287	3,297
Building maintenance	3,306	-	3,306	2,506
Insurance	3,785	-	3,785	2,817
Other	2,067	-	2,067	45
Taxes and licenses	283	-	283	317
TOTAL GENERAL AND ADMINISTRATIVE	223,742	-	223,742	194,354
TOTAL EXPENSES	364,612	-	364,612	328,055
INCREASE IN NET ASSETS	29,945	1,338	31,283	27,127
NET ASSETS AT BEGINNING OF YEAR	24,199	7,910	32,109	4,982
NET ASSETS AT END OF YEAR	$ 54,144	$ 9,248	$ 63,392	$ 32,109

See accompanying notes and accountant's report.

THE CORVALLIS ARTS CENTER, INC
Statement of Cash Flows
For the Years Ended June 30,

	2007	2006
CASH FLOWS FROM OPERATING ACTIVITIES		
Increase in net assets	$ 31,283	$ 27,127
Adjustments to reconcile change in assets to net cash provided by operating activities:		
Depreciation and amortization	3,287	3,296
Decrease (increase) in accounts receivable	(2,646)	6,389
Increase in inventories	(149)	(1,331)
Decrease in accounts payable	(162)	(8,443)
Decrease in accrued expenses	(6,348)	(5,819)
Increase (decrease) in Endowment payable	(44)	44
Net cash provided by operating activities	25,221	21,263
CASH FLOWS FROM INVESTING ACTIVITIES		
Net cash used in investing activities	-	-
CASH FLOWS FOR FINANCING ACTIVITIES		
Principal payments on Citizens Bank loan	(2,035)	(3,871)
Net cash used in financing activities	(2,035)	(3,871)
Net Increase in Cash	23,186	17,392
CASH AT BEGINNING OF YEAR	23,145	5,753
CASH AT END OF YEAR	$ 46,331	$ 23,145

See accompanying notes and accountant's report.

THE CORVALLIS ARTS CENTER, INC.
Notes to Financial Statements
For the Years Ended June 30, 2007 and 2006

NOTE 1 – NATURE OF ACTIVITIES AND SIGNIFICANT ACCOUNTING POLICIES

Nature of Activities

The Corvallis Arts Center is a non-profit organization with a mission "to nurture artistic expression and to serve the creative life of our community." This mission is carried out through such programs as exhibitions, on-site education classes, an extensive Artist in Residence program, innovative programs serving Youth at Risk, and the promotion and sale of artists' work through exhibitions, the Central Park Art Shop, and community performance events. Sources of income include a tax levy, grants, memberships, sponsorships, fees for events, and the sale of artwork.

Basis of Accounting

The Organization uses the accrual method of accounting to record transactions, which matches revenues against the appropriate expenses.

Property and Equipment

Property and equipment acquisitions are capitalized at purchase price or estimated fair market value if donated. Depreciation is computed using the straight-line method over lives varying from five to twenty years.

Inventory

Inventory consists of items purchased and held for resale and is valued at cost. A physical inventory is taken annually. Consigned goods are not included in inventory.

Income Taxes

The Corvallis Arts Center, Inc. is a not-for-profit organization exempt from income taxes under Section 501(c)(3) of the Internal Revenue Code. The Organization has minimal income from unrelated business activities, which creates an insignificant amount of income taxes, if any.

Financial Statement Presentation

Under Statement of Financial Accounting Standards (SFAS) No. 117, *Financial Statements of Not-for-Profit Organizations*, the Organization is required to report information regarding its financial position and activities according to three classes of net assets: unrestricted net assets, temporarily restricted net assets, and permanenty restricted net assets.

Contributions

Under SFAS No. 116, *Accounting for Contributions Received and Contributions Made*, contributions received are recorded as unrestricted, temporarily restricted, or permanently restricted net assets depending on the absence or existence and nature of any donor restrictions.

Use of Estimates

The preparation of financial statements in conformity with generally accepted accounting principles requires management to make estimates and assumptions that affect certain reported amounts and disclosures. Accordingly, actual results could differ from those estimates.

NOTE 2 – TEMPORARILY RESTRICTED FUNDS

The Organization received $7,500 in temporarily restricted funds for the year ended June 30, 2007. These funds were provided to fund educational activities. Donor restrictions required that these funds be spent on educational programs and activities. These requirements were met and restrictions were satisfied during the fiscal year.

NOTE 2 – TEMPORARILY RESTRICTED FUNDS (Continued)

The Organization received $23,196 in temporarily restricted funds for the year ended June 30, 2007. These funds were provided to fund the ArtsCare program. Donor restrictions required that these funds be spent on the ArtsCare programs and activities. These requirements were met and restrictions were satisfied during the fiscal year.

The Henderson Memorial funds are to be used for art work and memorial flags. During the year, funds were not spent, leaving a balance of temporarily restricted funds at June 30, 2007 of $528.

The Co-sponsored fund is used to account for unspent balances for events including the Story Tellers. These events have their own volunteers, purpose, and direction. The Corvallis Arts Center, Inc. maintains their accounting records and reports on their activities. If these groups were to dissolve, any unspent monies would remain with The Corvallis Arts Center, Inc. The Story Tellers temporarily restricted balance at June 30, 2007 was $8,720.

NOTE 3 – ECONOMIC DEPENDENCE

The City of Corvallis provided support totaling $77,930 for the year ended June 30, 2007. The amount of such support is determined annually within the City budget. Future support from the City is planned by the City but remains uncertain, depending on other budget considerations.

NOTE 4 – ENDOWMENT FUND

In February 2001 a separate supporting organization known as ArtCentric Endowment, Inc. was formed to separately manage the endowed funds. Net transfers of $136,593 were made from the Corvallis Arts Center, Inc. to ArtCentric Endowment, Inc at the time of separation. The ArtCentric Endowment provides fiscal support to the Corvallis Arts Center, Inc. During the fiscal year ended June 30, 2007, the organization received $25,000.

NOTE 5 – COMPARATIVE FINANCIAL INFORMATION

The financial statements include certain prior year summarized comparative information in total but not by net asset class. Such information does not include sufficient detail to constitute a presentation in conformity with generally accepted accounting principles. Accordingly, such information should be read in conjunction with the Organization's financial statements for the year ended June 30, 2006 from which the summarized information was derived.

CITY OF CORVALLIS AND ARTCENTRIC AGREEMENT

THIS AGREEMENT, is entered into this 1st day of July, 2004, by and between the CITY OF CORVALLIS, a municipal corporation of the State of Oregon, hereinafter referred to as the "CITY" and ArtCentric, a non-profit corporation, formerly known as the Art Center, hereinafter referred to as "ARTCENTRIC."

All notifications necessary under this contract shall be addressed to:

City of Corvallis	ArtCentric
Attention: Julee Conway	Attention: Victoria Fridley
1310 SW Avery Park Dr.	700 SW Madison
Corvallis, OR 97333	Corvallis, OR 97333
Telephone 541-766-6918	Telephone 541-754-1551

RECITALS

A. Voters, in May, 1995, approved the passage of a special levy to support the activities of the Arts Center in the amount of $65,000 per year. The CITY supports cultural arts in the community and serves as a pass through for revenue collected from the Arts Center levy.

B. In 1997, a citizen sponsored initiative changed property tax law statewide, and the Arts Center's levy was included in the City's total tax rate of $5.1067 per $1,000 of assessed value.

C. The City Council, in keeping with Corvallis voters' direction via approval of the Arts Center's levy in 1995, has allocated 0.45% of the City's total property tax levy for operations to the Arts Center; this allocation represents the Arts Center's 1997 proportion of the City's total levy.

NOW, THEREFORE, in consideration of the following promises, covenants, and conditions, the parties hereto agree as follows:

1. TERM

1.1 This agreement shall be effective from July 1, 2004 through June 30, 2009.

1.2 If this agreement crosses fiscal years, funding for future years is contingent upon the City Council adopting appropriations.

2. ARTCENTRIC AGREES TO:

2.1 Offer cultural arts programs including art exhibits, art classes, and other related art activities at ARTCENTRIC.

2.2 Maintain a listing of art organizations in the community.

2.3 Conduct an Arts-in-Education Program in the community.

2.4 Inform the public about the arts in the community.

2.5 Cooperate with the CITY in putting on events and activities which promote the use of the ARTCENTRIC facility and CITY facilities.

2.6 Publish a quarterly newsletter and calendar distributed to members of ARTCENTRIC and the media and available to citizens, informing them about the activities at ARTCENTRIC and CITY facilities.

2.7 All accounting records and evidence pertaining to all costs of ARTCENTRIC and all documents related to this agreement shall be kept available at the ARTCENTRIC office or place of business for the duration of the agreement and thereafter for three (3) years after completion of any audit. Records which relate to (a) complaints, claims, administrative proceedings or litigation arising out of the performance of this agreement, or (b) costs and expenses of this agreement to which the CITY or any other governmental agency takes exception, shall be retained beyond the three (3) years until resolution of disposition of such appeals, litigation, claims, or exceptions.

2.8 ARTCENTRIC shall provide for an independent financial and compliance audit or financial review annually for any fiscal year in which CITY funds are received under this Agreement. The results of the independent audit or financial review must be submitted to the CITY within thirty (30) days of completion. Within thirty (30) days of the submittal of such audit report, ARTCENTRIC shall provide a written response to all conditions or findings reported in such audit report. The response must discuss each condition or finding and set forth a proposed resolution, including a schedule for correcting any deficiency. All conditions or corrective actions shall take place within six (6) months after receipt of the audit report unless the City Manager or his/her designee authorizes an extension of time to complete such actions. Two copies of this review shall be forwarded to the CITY'S Parks and Recreation Director as part of the annual report.

In the event ARTCENTRIC does not make the above-referenced documents available to the CITY, ARTCENTRIC agrees to pay all necessary and reasonable expenses incurred by the CITY in conducting any audit at the location where said records and books of account are maintained.

2.9 Submit a report annually by October 31, to the City, documenting the revenues and expenditures, activities, problems, and achievements of ARTCENTRIC'S programs for the previous fiscal year ending June 30. The ARTCENTRIC annual report shall include, but not be limited to, a description of its effectiveness in the following program areas:

2.9.1 Organization: Progress the ARTCENTRIC has made to involve the arts and the public in its activities.

2.9.2 Promotion: Progress of ARTCENTRIC in promoting the Center as a community arts facility.

3. THE CITY AGREES TO:

3.1 Budget the City Council approved proportion of the CITY'S property tax levy to be paid to ARTCENTRIC each fiscal year that this agreement is in effect. The CITY will levy property taxes in compliance with Constitutional and statutory requirements each fiscal year during this agreement. The City Council determines, by policy, the proportion of the CITY'S total levy to be allocated to ARTCENTRIC each year. In the event that a reduction or the elimination of the appropriation for this agreement is being considered by the CITY'S Budget Commission or City Council during annual budget deliberations, the CITY shall provide notice to ARTCENTRIC on or before May 15 of such contemplated action. If the appropriation is eliminated ARTCENTRIC shall be relieved of all obligations described in this Agreement effective the beginning of the fiscal year in which the funds are not appropriated.

3.2 The CITY'S Finance Department will notify ARTCENTRIC'S Executive Director by April 1st each year of ARTCENTRIC'S portion of the CITY'S estimated property tax levy for the following fiscal year, beginning July 1.

3.3 The CITY'S Finance Department will provide ARTCENTRIC'S Executive Director with the actual revenue figure when the actual amount of taxes levied for the year is known (around mid-November).

3.4 Payments will be made to ARTCENTRIC on the tenth (10th) of each month for July through November in the amount of $5,200. The payment made on December 10th will be the net amount of total ARTCENTRIC property taxes as identified in Section 3.3, less the $26,000 paid to ARTCENTRIC prior to December 10th.

All appropriations are subject to recommendation by the City Budget Commission and approval by the City Council as a part of annual CITY budget process.

3.5 Include the ARTCENTRIC facility under the City's property and general liability policies.

4. LIABILITY

4.1 ARTCENTRIC shall indemnify, protect, defend, and hold CITY, its officers, agents, volunteers, and employees harmless against any actions, claim for injury or damage and all loss, liability, cost or expense, including court costs and attorneys fees, growing out of or resulting directly or indirectly from the performance of this contract, except for that resulting from the sole negligence of the CITY.

4.2 ARTCENTRIC shall purchase and maintain fire damage to property owned by ARTCENTRIC of $50,000 and General Liability insurance with a combined single limit, or the equivalent, of not less than $500,000 each claim, incident, or occurrence for Bodily Injury and Property Damage. It shall include contractual liability coverage for the indemnity provided under this contract, and shall be in a form at least as broad as Commercial General Liability ISO form CG 0001. It shall provide that City and its officers and employees are Additional Insureds, but only with respect to the Contractor's services to be provided under this contract

Each insurance endorsement shall state that coverage shall not be suspended, voided, or canceled by either party, reduced in coverage or in material limits except after thirty (30) days prior written notice by certified mail, return receipt requested, has been given to CITY.

ARTCENTRIC shall furnish acceptable insurance certificates to CITY with original endorsements for each insurance policy signed by a person authorized by that insurer to bind coverage on its behalf. The certificate shall specify the CITY and its officers, agents, employees and volunteers are Additional Insured in respect to the work under this agreement. Insuring companies or entities are subject to CITY acceptance.

5. Termination

5.1 The CITY may terminate this Agreement upon sixty (60) days written notice to ARTCENTRIC for failure of ARTCENTRIC to fulfill its obligations under this Agreement, if such violation remains uncured after 60 (60) days from ARTCENTRIC'S receipt of such written notice.

5.2 In the event that ARTCENTRIC, by majority vote of its members, decides to discontinue this Agreement, then its action, and this Agreement shall be deemed canceled sixty (60) days after the date of the notice is received by the CITY and each party shall be relieved of its obligations described herin. In no event shall ARTCENTRIC be obligated by this Agreement for any period of time for which the funds outlined in 3.1 and 3.2 above have not been disbursed to its account.

6. **Independence**

ARTCENTRIC is an independent organization and entity pursuant to this Agreement and shall not, in any way, be considered to be an affiliate, subsidiary, officer, agent or employee of the CITY. ARTCENTRIC agrees that the CITY shall not be liable or responsible for any benefits, including, but not limited to, worker's compensation, disability insurance, retirement benefits, life insurance, unemployment insurance, health insurance or any other benefits which ARTCENTRIC may be required by law or contract to provide to its employees, officers, agents, or contractors. ARTCENTRIC agrees that it shall not sue or file a claim, petition or application therefore against the CITY or any of their officers, employees, agents, representatives or sureties with respect to such benefits. ARTCENTRIC shall not have any authority to bind the CITY or to make any representations or warranties to accept service of process, to receive notice, or to perform any act or thing on behalf of the CITY except as authorized in writing by the CITY.

7. **Authority of Signatories**

ARTCENTRIC and ARTCENTRIC'S signators represent that the signators hold the positions set forth below their signatures and that the signators are authorized to execute this Agreement on behalf of ARTCENTRIC and to bind ARTCENTRIC hereto.

8. **Attorney's Fees**

If any action or proceeding is brought by either party against the other under this Agreement, the prevailing party shall be entitled to be reimbursed by the losing party for its reasonable attorney's fees and costs.

9. **Assignability**

If ARTCENTRIC attempts to assign or transfer any interest in this agreement, whether by assignment, delegation, or novation, without the prior written consent of the CITY, this agreement shall be void.

10. **Prevailing Law**

This agreement is to be governed by, and construed in accordance with, the laws of the State of Oregon.

11. **Venue**

Any disputes about the terms of this agreement will be brought before the Benton County Circuit Court.

12. Waiver

Waiver of any breach of any provision of this contract by either party shall not operate as a waiver of any subsequent breach of the same or any other provision of this contract. If any portion of this Agreement is held to be invalid under any applicable statute or rule of law, then such portion only shall be deemed invalid.

13. Compliance with federal and state laws

ARTCENTRIC shall have sole responsibility to comply with all applicable federal and state laws, rules and regulations concerning environmental issues in carrying out activities funded under this agreement. If any acts or omissions of ARTCENTRIC should lead to liability or government enforcement action against the CITY, ARTCENTRIC shall be required to defend such action and to indemnify the CITY for all costs incurred including without limitation any costs of required response actions and attorney fees. The CITY will not assume responsibility for compliance with federal or state environmental requirements relating to ARTCENTRIC performance under this contract, but will cooperate to the extent practical and consistent with City Council Policy.

14. Discrimination

The parties agree not to discriminate on the basis of race, religion, sex, color, national origin, family status, marital status, sexual orientation, age, source of income, or mental or physical disability in the performance of this contract.

15. Extent of Contract

This contract supersedes any prior or contemporaneous oral or written agreements or understandings entered into by the parties. No modification of this Agreement shall be valid unless set forth in writing and signed and dated by both of the parties to this Agreement.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed on the dates hereinafter respectively set forth.

AGREED:

CITY OF CORVALLIS

Jon S. Nelson, City Manger

Dated: 7/16/04

ARTCENTRIC

Victoria Fridley, Director

Dated: 08/17/04

APPROVED AS TO FORM:

City Attorney

AGREEMENT ADDENDUM No. 1

This contract addendum, dated September 7, 2007, amends the contract entered into on July 1, 2004 between the City of Corvallis, a municipal corporation of the State of Oregon, hereinafter called "CITY" and ArtCentric, a not for profit organization.

The ArtCentric representative for this contract is Sara Swanberg, Executive Director. Any reference in the original contract to Victoria Fridley should be read as applying fully to Sara Swanberg.

The City and ArtCentric agree to modify the original contract as follows:

3.4 Payment will be made to ARTCENTRIC in the amount of $32,000 by July 31 of each year. The payment made in December of each year will be the net amount of total ARTCENTRIC property taxes as identified in section 3.3, less the $32,000 paid to ARTCENTRIC in July of each year.

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:

Jon S. Nelson, City Manager

ArtCentric:

Sara Swanberg, Executive Director

Approved as to Form:

City Attorney

MEMORANDUM

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

To: Human Services Committee
From: Julee M. Conway, Director
Date: January 15, 2008
Subject: Public Arts Selection Commission Review

Issue: The Commission is scheduled for its annual review before the Human Services Committee.

Background: The Public Arts Selection Commission was established by Council in 1998 to oversee the selection, acceptance and placement of public art in the City of Corvallis consistent with Council policy. The Commission is comprised of 7 citizen voting members and Councilor Stewart Wershow as Council liaison. To facilitate the coordinated effort of the City's public artwork projects, the City contracts with The Arts Center to staff and oversee the Commission's meetings and activities. The Commission and its work is spearheaded by Hester Coucke, The Arts Center Assistant Director/Curator and staff of the Commission. The contractual amount given to The Arts Center to perform this work is $5,000 per year, which is funded and appropriated in the Parks and Recreation Department budget. The Parks and Recreation Department provides staff support to The Arts Center to coordinate projects within the City.

The Commission met five (5) times between July 2006 and June 2007 and continues to meet, at a minimum, on a quarterly basis. The last meeting was held on October 31, 2007. Draft minutes of the last two (2) meetings are attached. Cy Stadsvold is the current chair of the Commission.

The Commission has been involved with a number of projects this past year, including the relocation of the Heggen sculpture, review and acceptance of a painting donated to the Corvallis-Benton County Library, the mosaic donation by the Fall Festival installed at the Corvallis-Benton County Library and the addition to the dog sculpture on Madison Ave in front of Five Star Sports store. A brief overview of the Commission's activities is attached.

Discussion: Citizen volunteers of the Commission continue to provide invaluable expertise and oversight to forward the community's values supporting public art. Cooperatively, citizen volunteers and The Arts Center advocate the importance of public art. Representatives from The Arts Center will be present at the Human Services Committee to respond to questions from the Committee.

Recommendation:

Staff recommends the Human Services Committee endorse the continued assistance from the Public Art Selection Commission.

Review and Concur:

Jon Nelson, City Manager

Nancy Brewer, Finance Director

Attachments:

1. The Arts Center Annual Report
2. PASC minutes- 10/17/07 & 10/31/07

ArtCentric

700 SW Madison Avenue
Corvallis, Oregon 97333

www.artcentric.org
541 • 754 • 1551

1/12/08

Human Services Committee
Corvallis City Council
PO Box 1536
Corvallis OR 97339

Human Service Committee:

Enclosed you will find a report on the projects the Public Art Selection Commission worked on from July 1, 2006 to June 31, 2007.

I have been working with David Phillips from Parks and Recreation to reinstall the Heggen fountain by Clint Brown. Installation was completed in Grant Park, corner of 29th Street and Grant Avenue.

Students of Mark Allison donated one of his paintings to the Corvallis Benton County Library.

Fall Festival donated a mosaic mural to the Corvallis Benton County Library.

The dog sculpture in front of Five Stars Sports has been extended by a drinking bowl, donated by the Madison Avenue Task Force.

Sincerely,

Hester Coucke

Hester Coucke
City liaison Public Art Selection Commission
ArtCentric

Annual Report
Public Art Selection Commission, City of Corvallis
July 1, 2006 - June 31, 2007

The Public Art Selection Commission (PASC) met five times during July 1, 2006 - June 31, 2007.

- In that time a number of inquiries for donations or commissions were made; none of these projects came to fruition, but potential donors were informed on the process of art donations to the City.

- Leah Bolger requested a temporary display in Central Park of ***"The Names Memorial for Fallen Soldiers and Civilians in Iraq"***, which was granted but not yet installed in that location.

- Staff worked on the re-installment of the **Heggen sculpture** (previously fountain), with Corvallis Parks and Recreation staff member David Phillips. The new selected location on the west corner of Ninth Street and Madison Avenue fell through; a final location was found and approved: Grant Park, corner of Grant Avenue and 29th Street. Mike Riddle from Trillium Landscaping Inc. who maintains Grant Park was present for feedback in selecting the exact spot within the park.

- Staff received a request for guidance from Cynthia Spencer, director from Fall Festival, about a planned **mural** to be created by teens in **the parking garage of the Corvallis Benton County Public Library**. Fall Festival specifically approached the PASC for feedback before defining the project in detail. PASC approved the location and the idea of artwork by teens but preferred a competitive process to select the artist to lead the project. Fall Festival developed this project with ArtCentric into a larger one, including an exhibit of the design for the mural: ***"The Big One Five O"*** to mark the 35th anniversary of Fall Festival and the 150th of Corvallis.

- The PASC made a 1st and a 2nd choice (Kiko Denzer and Kathy Jederlinich) out of five submitting artists for the **mural project**. Both had to withdraw due to other engagements. Sam Bernardi was then selected as lead artist. Representatives of Fall Festival (Cynthia Spencer), the Library (Mary Norman, Andrew Cherbas) and the school district (Julia Lont, art teacher) were present at the selections.

- The ***"Big One Five O"*** mural design underwent several evaluations. During the half way review the PASC made some suggestions which were incorporated in the mural. In the final approval immediate after installation the Commissioners stressed, as they had done before, the importance of installing extra lighting for the mural. The *Big One Five O* mural was unveiled during Fall Festival 2007.

- The PASC approved the donation by his students of **Mark Allison's** watercolor ***"Red Cloud"***.

- The PASC approved a design submitted Sue McNeil Jacobsen for a **water bowl** which visiting dogs can drink from next to her sculpture of the dog ***"Cassie"***. The Madison Avenue Task Force had requested the artist to do so and will take on the project (The bowl was installed later in 2007.)

- Commissioners reviewed **Policy CP 98-4.12**.

- City Council member Charlie Tomlinson (now mayor) resigned from the Commission, Stewart Wershow replaced him. The terms of Susan Johnson (artist) and Emeritha Uwimana (at large) ended; they were replaced by E. Ross Parkerson (artist) and Christine Stillger (at large).

City of Corvallis
Public Art Selection Commission
Date: 10/17/2007

DRAFT

Attendance:
Sara Krainik
Ross E Parkerson
Candy Pierson-Charlton
Cy Stadsvold, chair
Christine Stillger
Stewart Wershow
Doug Russell

Absent:
Megha Shyam

Staff:
Hester Coucke

Visitors:
Curtis Kiefer, Library
Mary Norman, Library

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for further review	Action/ Recommendations
'I. Approval of Minutes	X		Accepted as submitted.
III. Visitors' Propositions			The Commissioners designated the two pillars on each side of the mosaic mural in the Library parking garage as the location for 4 handmade tiles that were created as part of the Big One Five O project,
IV. Staff Reports	X		Commissioners discussed CP 94-4.07. Although the Policy has been in place for a long time, even revised and affirmed, the Commissioners were unfamiliar with it. The Commissioners were concerned with paragraph 4.07.044, #4, which deals with monetary responsibility for maintenance of artwork.
V. New Business	X		
VI. Adjournments	X		The meeting was adjourned at 5:00 PM

CONTENT OF DISCUSSION

1. CALL TO ORDER
Called the meeting to order at 4:07

2. APPROVAL OF MINUTES
The minutes of the 8/24/07 meeting were approved as submitted.

3. VISITORS' PROPOSITIONS
The Big One Five O mosaic mural in the parking garage of the Corvallis Benton County Library (Library) still has some unfinished elements. A student from CVHS made 4 tiles, two depicting the Corvallis 150th Anniversary logo, one a wagon wheel and one a tree in the hills. Due to timing, style and scale they were not incorporated in the larger mural. The artist, Sam Bernardi would like to place the hand made tiles in pillars across from the mural, above the parking meters, due to the fact that style and scale are in his view not compatible with the mural.
The commissioners looked at the tiles in the parking garage to be able to form an idea
Commissioners Ross Parkerson, Candy Pierson-Charlton, Cy Stadsvold, Christine Stillger and Stewart Wershow do not share the artists' opinion, and want to see the tiles placed there. Doug Russell would like to respect the artist's wishes, and suggested another location in the garage. On recommendation of Mary Norman and Curtis Kiefer from the Library the Commissioners also looked at locations on the second floor of the Library. None of the alternative location made sense to the Commissioners, and there was a consensus to place the tiles next to the mural.
On the left side of the mural a logo tile is to be placed on the left pillar (south) above the existing plaque, and the tree below. The other logo and the wagon wheel tiles are to be placed on the right (north) pillar on a similar height.

4. STAFF REPORTS
Commissioners discussed the Policy 94-4.07 City Owned or Funded Art Objects on City or Private Property.
The Commissioners were concerned with paragraph 4.07.022 #4, which deals with the monetary responsibility for public artwork. One of the suggestions in the policy is to ask the property owner on whose property the art (owned by the City) resides to maintain the artwork.
The majority of Commissioners feel that putting the burden of maintenance or insurance on the property owner would be unfair and could result in property owners being reluctant or unwilling to have art on their buildings. Cy Stadsvold felt that asking a property owner to take a rider on existing insurance would be an option. Stewart Wershow brought up that the Policy has been in place for quite a number of years, and that there haven't seem to have been complaints and wonders if the policy has been followed.

The Commissioners are not aware of whether the city has insurance for public artwork, or in what fashion public art is covered. Doug Russell brought up that at some point in time the Commissioners stipulated creating a "maintenance fund" for public art installed. A percentage of the cost of each installed art work would be deposited in this fund. The Commissioners are not aware of the status of this fund or whether such a fund would be helpful for maintenance or repairs.
Placing artwork outside will always carry a certain risk, either through weather or vandalism or regular wear and tear. The intention of the fund was to be able to cover that risk. On the other hand it is also clear that the City should not have to be held responsible for damage that happens outside of the City's capability of prevention or maintenance. It may be a good idea to define the limits of responsibilities more clearly.
Stewart Wershow added that any added liabilities to the City would not be accepted by the City Council.

Another point of discussion was that the Commissioners did not recall having reviewed this policy before, as they have CP 98-4.12, Guidelines for Public Art Selection. Staff will check minutes from 2001 and 2004 to see if and what the Commissioners comments were at that time (there is no reference to the review in the 2001 and 2004 minutes.)
Stewart Wershow brought up that the Policy has been in place for quite a number of years, and that there didn't seem to have been complaints and wonders if the policy has been followed. Doug Russell brought up that the Heggen fountain was a casualty of lack of maintenance or repair in the fountain part.

Amendment on 10.31.07 meeting: The wording in the City Policy (4.07.022, #4) is "Cost control may be achieved through agreements", it doesn't say that it is a requirement.

5. New Business:
The Commissioners individually reviewed the placing of the Heggen sculpture by Clint Brown, and feel that it is placed well and looks good in the current location.
Candy Pierson asks if there is a City wide art inventory. Staff mentions that the Finance department keeps track of assets, in that context art is being inventoried as an asset. Stewart Wershow mentions that this addresses items above a certain value.
Candy Pierson asks if ever an "Art Crawl", a public art tour has been organized. Sra Krainik mentions that staff (Hester Coucke) has done tours on Madison Avenue on a regular basis, among others on Earth Day and August in Motion.

6. ADJOURNMENT
Meeting adjourned at 5:00 PM
Next meeting October 31, 4 PM, at the Arts Center, dance floor.

City of Corvallis
Public Art Selection Commission
Date: October 31, 2007

DRAFT

Attendance:
Ross E Parkerson
Candy Pierson-Charlton
Doug Russell
Cy Stadsvold, chair

Absent:
Christine Stillger, excused
Sara Krainik, excused
Megha Shyam
Stewart Wershow

Staff:
Hester Coucke

Visitors:
Corvallis Benton County Library staff:
Mary Finnegan
Mary Norman
Friends of the Library: Cheryl Maze

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for further review	Action/ Recommendations
II. Approval of Minutes	X		approved with small addition under staff reports
III. Visitors' Propositions			na
IV. Staff Reports	X		Two proposals were reviewed for quilts for the 2nd floor in the Library. To make a fair choice the Commissioners will ask one group to re submit their proposal in color.
V. Adjournments	X		The meeting was adjourned at 5PM

CONTENT OF DISCUSSION

1. CALL TO ORDER
Called the meeting to order at 4 PM, Arts Center dance floor.

2. APPROVAL OF MINUTES
The minutes of the October 17, 2007 meeting were approved with one addition to last paragraph of Staff reports: The wording in the City Policy (4.07.022, #4) is "Cost control may be achieved through agreements with [ ] art- or civic groups or property owners ." The Commissioners want to clarify and emphasize that they understand that in the current Policy text the word "may" means that those agreements are voluntary and not a requirement of the art- or civic groups or property owners.

3. VISITORS' PROPOSITIONS
NA

4. STAFF REPORTS
The Commissioners and Library staff received a packet of that included the text of a Request for Proposals and two proposals for quilt artwork to be displayed on the second floor of the Corvallis Benton County Library prior to the meeting. (See attached packet.)
Sara Krainik is excused from the discussion because she is a member one of the groups proposing artwork.
Candy Pierson-Charlton mentioned that she knows Liz Hoffman, a member of Loosely Bound one of the two submitting groups. She felt she would be able to give an unbiased opinion on the proposals: Commissioners accepted her statement.

Ross Parkerson opened the discussion by stating that he felt the selected location was not a good one for public art. He felt it was not a place one would walk up to, that the users of the computers below it would not be looking at the art, and it was especially not approachable for children. He suggested a blue wall downstairs, towards the children's library.
Mary Finnegan (Library staff) noted that this particular Request for Proposals for a quilt came from the desire to have more art, specifically of a soft nature on the second floor. Staff has felt a need for warm soft elements since the installation of new, additional equipment. The idea stems from the bi-annual Quilt County display, when quilts were hanging in that location and met with great appreciation.
Regarding Cy Stadsvold's inquiry, about whether a special location for fabric art was needed, Mary Norman (Library staff) responded that the current quilt behind the circulation desk needs to move because the lobby will be reconfigured in the near future. There is also a desire down the road to make a more marked entry to the children's library.
Doug Russell noted that if the location in the past has proven to be successful, one can assume it will be successful in the future.
Ross Parkerson concurred with that, but noted that lighting would have to be looked at.
Library staff assured the Commissioners that lighting would be installed Doug Russell advised to install basic stock lighting which would be easily maintained (parts replaced, standard spot light bulbs available, etc.)

The first submitted design by Loosely Bound has a representational historical character; the second design by an unnamed group, which we shall call "Friends", has an abstracted design with Oregon weather as its subject.
Ross Parkerson liked the clever display of two different designs in the Loosely Bound proposal. He felt that this design, with the historical reference, would appeal to more people, than the other, dealing with Oregon weather.
Doug Russell deemed the Loosely Bound design already dated, and the particular subject matter already executed in the mural in the parking garage, and felt that the abstracted design by the Friends is more lasting and universal, and could be appreciated more from a distance. The overly illustrative design of the Loosely Bound proposal was in his opinion less interesting, and could give weak and cliché representations about local landmarks (Mary's Peak, Courthouse, Saturday Market.)
Candy Pierson-Charlton felt that the Loosely Bound design is too busy and agreed with Doug Russell that the landmark subject matter is used adequately and definitively with the parking garage mural. She also was not enthusiastic about the Oregon weather theme in the Friends design: she felt the quilt will should have more of a connection with Corvallis, and that Oregon weather" is not unique enough.
Cy Stadsvold had no interest in the Loosely Bound proposal, but had questions about the Friends design and would like to see a color proposal. He appreciated that the middle panel serves as a tie between the left and right panels. He questioned the different sizes of the three panels, and wondered if the proportions are being compensated through use of color.
When looking at the individual quilts in the Friends group materials both Candy and Cy expressed appreciation for specific quilts by Sandy Fichtner, of which they recognize elements in the proposed design.

Commissioners decided to ask the Friends group to ask for a color design in order they will be able to compare the two proposals in greater depth and equality. Is request would be for watercolor or color pencil sketches, not yet require fabric choices.

The Friends of the Library can extended their budget to the next fiscal year to make the timeline possible. November and December are notoriously months during which to move these kinds of projects forward.

The proposal of Loosely Bound went over budget with $900 but states that they are willing to donate a portion of their efforts to the library and the community. The Friends stayed under budget with $200, and communicated with staff that they are willing to do this project for "any price." The Commissioners felt that a discussion on budget is not relevant at this point.

5. ADJOURNMENT
Meeting adjourned at 5.00 PM
Next meeting TBA

* * * M E M O R A N D U M * * *

JANUARY 30, 2008

TO: **MAYOR AND COUNCIL**

FROM: **JON S. NELSON, CITY MANAGER** Jon

SUBJECT: **CORVALLIS SUSTAINABILITY COALITION AGREEMENT**

BACKGROUND

Councilor Brown, Corvallis Sustainability Coalition representatives Betty Griffiths and Annette Mills, and I met January 28th to discuss the attached agreement between the City and the Coalition. The above-named parties recommend that the City Council and the Coalition approve the agreement.

REQUESTED ACTION

Staff recommends that Council approve the agreement with Corvallis Sustainability Coalition.

1010

CORVALLIS SUSTAINABILITY COALITION AGREEMENT

I. PARTIES

The Corvallis Sustainability Coalition (CSC) is a local grassroots organization with 77 partners operating under the auspices of the Oregon Natural Step Network (ONSN) which is a tax exempt 501(c) (3) organization. Their office is at 317 SW Alder, Suite 1050, Portland, OR 97204.

In 2007, the Corvallis City Council established a goal that includes "...begin to develop a community-wide sustainability initiative." The CSC has been identified as the group to partner with the city on implementation of this goal.

This agreement is entered into on the _____ day of _____2008, by the following organizations:

- Corvallis Sustainability Coalition
- City of Corvallis

II. RECITALS

The parties seek to establish a cooperative partnership for the purpose of achieving a more sustainable community as described in the Corvallis 2020 Vision Statement. This agreement provides a framework for this partnership to work towards a community wide sustainability initiative, acknowledges the partners' common ground, acknowledges the partners' differences and speaks to the relationship between partners that is necessary for Corvallis to achieve its vision of community sustainability.

III. PARTNER RELATIONSHIPS

The partners acknowledge that progress towards achieving a more sustainable community may only be achieved through collective and focused action. To best position Corvallis to begin implementing "*Vision 2020*", the partners will work together to develop a Sustainability Action Plan targeted for completion by December, 2008. The City will provide financial support from public funds which the CSC will utilize in the development of a Sustainability Action Plan. It is understood that good faith disagreements, balancing other stakeholder perspectives, changing circumstances and changing leadership will occur. The CSC will hire a professional consultant to assist them. The consultant will help in gathering baseline data, designing the public process, facilitating the process, and writing the final plan.

The partners will endeavor to ensure that any plan developed will be:

- consistent with City Council policy;
- data-based, using best available research, indicators, benchmarks, and baselines;
- representative of the community's needs and values;
- a balance of Economic, Social, and Environmental considerations; and
- focused and coordinated with clear priorities and measurable goals, including implementation strategies and responsibilities

The Community Sustainability Initiative public process will include a series of Town Hall meetings, citizen work groups, and community surveys including a scientific survey. The partners agree that the community process needs to be:

- transparent,
- representative, and
- data-based, using best available research, indicators, benchmarks, and baselines, and appropriate statistical techniques.

IV. COMMUNICATIONS

The CSC is guided by a 15 member Steering Committee whose members shall include an official representative of the city. In addition, a member of the City Council shall serve as a liaison between the CSC and the City Council. The liaison and alternate shall receive all communications of the CSC Steering Committee through the CSC list serve and shall provide verbal reports on a regular basis to the entire City Council on the activities of the CSC. In addition, the CSC shall provide the City Council with a written quarterly report of their activities and progress. It is understood that the CSC does not speak on behalf of the City.

V. DURATION AND MODIFICATION

This agreement shall be effective following signature by the participating partners. This agreement may be modified at any time by mutual consent of the partners.

_____

City of Corvallis, Charlie Tomlinson, Mayor

_____

Betty Griffiths, Co-Facilitator, Corvallis Sustainability Coalition

_____

Annette Mills, Co-Facilitator, Corvallis, Sustainability Coalition

* * * MEMORANDUM * * *

FEBRUARY 13, 2008

TO: **MAYOR AND CITY COUNCIL**

FROM: **KATHY LOUIE, ASSISTANT TO CITY MANAGER/CITY RECORDER**

SUBJECT: **CITY ATTORNEY EVALUATION FORMS**

Consistent with the City Attorney employment agreement concerning annual performance appraisals, the City Attorney's annual performance is scheduled for Executive Session on March 3, 2008.

Please review the attached evaluation form and I will finalize any changes you may have and return the forms to you at the evening Work Session. The evaluation forms will need to be returned to me no later than **noon on Wednesday, February 27**.

c: City Manager Nelson
City Attorney Fewel

Attachment

Mayor/Councilor Name _____ Date _____

CITY ATTORNEY EVALUATION

Consider each standard and express your rating by marking the appropriate column:

3 = Exceeds Council expectations
2 = Meets Council expectations
1 = Less than Council expectations – needs improvement
X = Not observed

APPROACH	1 Less Than	2 Meets	3 Exceeds	Not Observed
Supports Council policy objectives				
Presents options and advice in a positive fashion and with a practical outlook				
Works well with City executive staff				
Approaches role from a preventative rather than corrective view of legal services				
Has a "can do" attitude – provides Council and staff legal alternatives to accomplish policy objectives				

Comments –

•

ADMINISTRATION	1 Less Than	2 Meets	3 Exceeds	Not Observed
Provides periodic report of activities				
Accomplishes workload to meet Council and staff priorities				
Provides adequate assistance to Committees, Boards and Commissions				

Comments –

•

COMMUNICATION	1 Less Than	2 Meets	3 Exceeds	Not Observed
Responds to inquiries from Councilors, staff, and citizens in a timely and understandable manner				
Keeps Council and staff advised of significant development in municipal law that may impact City activities				
Communicates with City staff to provide necessary input at early stages of decision-making process				
Provides helpful and responsive advice during Council meetings				

Comments –

•

OFFICE ACTIVITIES	1 Less Than	2 Meets	3 Exceeds	Not Observed
Provides timely and effective representation of the City's interest in litigation				
Prosecutes Municipal Court matters effectively				
Assists staff in the implementation of policy by reviewing legal instruments, providing opinions, and other support				

Comments –

•

PROFESSIONALISM	1 Less Than	2 Meets	3 Exceeds	Not Observed
Opinions, legislation, briefs, and other work is of high quality				
Has respect of legal community and municipal law profession				
Actively involved in the community				
Keeps abreast of new legislation and case law developments				

Comments –

•

COUNCIL OBSERVATIONS

Actions the City Attorney does now that the Council would most like to continue include:

1.

2.

3.

Actions the City Attorney does now that the Council would most like to discontinue include:

1.

2.

3.

Two things that the City Attorney does not do now that the Council would like to see happen:

1.

2.

OVERALL ASSESSMENT

_____

_____

_____

_____

_____

MEMORANDUM

To: Benton County Commission
Corvallis City Council

From: Charles C. Tomlinson, Mayor

Date: February 6, 2008

Subject: Benton/Corvallis Enterprise Zone

This work session investigates the desire of the two governmental units to create an Enterprise Zone at the Airport Industrial Park. Art Fish, Enterprise Zone Manager for the Oregon Economic and Community Development Department, will be a resource for our meeting. The meeting packet contains:

- Draft Enterprise Zone application
- Comprehensive Plan Map for the subject site
- Aerial map of the site
- Model public meeting notice
- Model Resolution
- Timeline
- OECDD Enterprise Zone Overview

Background
During Prosperity That Fits meetings, the Sustainable Industry Traded Sector Cluster work group took on the task of investigating the benefit of an Enterprise Zone to attract or retain companies in the sustainable traded sector cluster. In November, the work group made a recommendation to pursue an Enterprise Zone that supported to growth of sustainable oriented businesses. This 'green enterprise zone' would be consistent with the Oregon Business Plan strategy to develop Oregon leadership in the sustainable traded sector cluster. Subsequent to this recommendation, public meetings were held with various organizations in the community in December and at a Ward 3 meeting in January.

Work Session Purpose
The purpose of this work session is to better understand enterprise zones, noting their benefits and objections. This evening, we will have an initial presentation about Enterprise Zones by Art

Fish followed by a question and answer session and discussion of next steps.

Timeline
Given the timeline, meeting notices for a public meeting of the Benton County Commission on March 4, 2008 for taxing jurisdictions would need to go out on February 12, 2008. The Commission could then adopt a resolution supporting the zone sometime after March 11. Meeting notices for the City Council could mail on February 20 with the Council public meeting on March 10, 2008. The resolution adoption meeting would occur on March 17, 2008. The application is due at OECDD on April 4, 2008.

Local Conditions
Should the Commission and Council proceed with an Enterprise Zone, the resolutions would contain any local conditions specific to the zone. The PTF work group suggested wording for the local conditions, most specifically providing for a zone that is oriented to the sustainable traded sector cluster.

Enterprise Zone Site Location
Note that the Enterprise Zone has been made coincident with the Airport Industrial Park and includes the 'shovel-ready' land. The zone could be larger, or smaller, that the area the map indicates, given certain OECDD constraints relating to zone size.

Economic Test
Census Tract 1, located in south Corvallis, provides the economic data to substantiate our request. The Corvallis Benton Chamber Coalition has developed this information from analysis of the 2000 census data.

OREGON
ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT

APPLICATION FOR ENTERPRISE ZONE DESIGNATION

(ORS 285C.050 TO 285C.250)

SUBMIT TO — Marketing & Finance Division, Economic & Community Development Department
State Lands Building Suite 200, 775 Summer Street NE, Salem OR 97301-1280
503-986-0123, Fax: 503-581-5115, 800-735-2900 (TTY),
http://econ.oregon.gov/ECDD/thezones/index.shtml http://www.oregon4biz.com/enterthezones

— PLEASE PROVIDE ALL MATERIALS IN A FORM THAT IS EASILY PHOTOCOPIED OR REPRODUCED —

PROPOSED ZONE BEING SOUGHT

☒ ☑–1. For designation of new Enterprise Zone—proposed name: Benton/Corvallis Enterprise Zone

☐ ☑–2. For re-designation of Enterprise Zone—proposed name: _____
If existing zone will terminate with conclusion of current round of designation, or if it terminated in past three years

- **Complete all sections (yellow or green) marked with '*' or '†' for submission postmarked by initial deadline ...**
- **Department must receive sections (pink) marked with '‡' about 30 days after initial deadline (department will announce this subsequent due date, if necessary) for competitive review of proposed zones (*responses are OPTIONAL and combinable*) ...**

... Including any supporting, associated information, documents, &c., as placed in lettered appendix/tab.

APPLICANT CONTACT INFORMATION*

NAME	Jon Nelson	TITLE	Corvallis City Manager
ORGANIZATION	City of Corvallis		
MAILING ADDRESS	PO Box 1083		
CITY	Corvallis	STATE OR	ZIP 97339 FAX (541) 766-6780
TELEPHONE	(541) 766-6901	EMAIL	jon.nelson@ci.corvallis.or.us

CITY/PORT/COUNTY SPONSORSHIP AND RESOLUTIONS*

◇ City Of Corvallis	☐
◇ Benton County	☐
◇	☐
◇	☐
◇	☐
◇	☐
◇	☐
◇	☐
◇	☐
◇	☐

☑ †–If city or county jurisdiction elects that hotel, motel or resort business firms would be eligible in the newly (re) designated enterprise zone.

Election for hotel/resort option—or for any contrary restriction within the jurisdiction, if other city/county cosponsor(s) take this option—must be adopted or revised/finalized by city/county resolution within six months of the enterprise zone's designation.

COPIES OF ADOPTED RESOLUTION (S)—IN LETTERED APPENDIX/TAB: A

CITY/PORT/COUNTY CONSENTING AND NOT SPONSORING ZONE*

◇	☐
◇	☐
◇	☐

☑–If adopted resolution consenting to enterprise zone inside jurisdiction is required and included

COPIES OF ADOPTED CONSENT RESOLUTION (S)—IN LETTERED APPENDIX/TAB: A

CONTACT AGENCY FOR Microsoft® Word 2000 FORM TO FILL OUT ELECTRONICALLY

CONSULTATION WITH LOCAL TAXING DISTRICTS*

Before making application for enterprise zone designation, the applicant must consult with all other local districts that levy property within the proposed zone area by giving ***21-day notice for a special public meeting, which occurs 7 days before adopting any resolution***—see OAR 123–065–1050 to 123–065–1080:

☒ ☑–That notice was sent to districts on date to right, inviting comments and participation at meeting with established time & place, preliminary agenda, and background and reasons for enterprise zone/application, contact information and plans for adoption of resolutions **Feb. 12, 08** DATE

☒ ☑–That copy of notice and district contact/mailing list was sent to "Government Affairs, S.D.A.O., PO Box 12613, Salem OR 97309" (in addition to being included in this application)

☒ ☑– That pursuant to notice, public meeting was held on date to right with competent applicant representatives, agenda, map of proposed zone, record-taking, and opportunity for dialogue about benefits and impacts of development and enterprise zone exemptions **Mar. 4, 08** DATE

Summary of other consultative efforts with local taxing districts, such as further meetings, surveys, or analyses of potential zone activity, tax revenue effects and so forth (include copy of meeting minutes, other materials, *etc.*)—

Previous meetings include meetings with the Taxing Jurisdictions, chaired by Benton County. Future meetings include monthly meetings with the Prosperity That Fits Committee, Corvallis Airport Commission Meetings, Taxing Jurisdiction Meetings and Airport Industrial Park meetings with the Corvallis Bentoon Chamber Coalition.

Summary of any agreed follow-up, actions or arrangements if zone is designated (include agreement copy, *etc.*)—

To Be Determined

MINUTES, COMMENTS, LIST OF DISTRICT CONTACTS, COPY OF NOTICE & OTHER DOCUMENTATION—IN LETTERED APPENDIX/TAB: **B**

SIZE & DIMENSIONS OF PROPOSED ZONE*

Estimated area of the enterprise zone: 0.3 SQUARE MILES (MAXIMUM – 12.0)

Greatest distance between any two points: 1.0 LINEAL MILES (MAXIMUM – 12, 20 OR 25 DEPENDING ON LOCATION)

Longest distance between nearest points of any two noncontiguous areas: 0.0 LINEAL MILES (MAXIMUM IS 5 OR 15)

☐ ☑–If waiver by department Director is requested for 20/25-mile or 15-mile limitations; some rural zones only (Request must be included in sponsor resolution(s) and rationale explained as part of submission)

MAP & LEGAL DESCRIPTION OF ZONE BOUNDARY AND OTHER INFORMATION – SEE OAR 123–065–1000—IN LETTERED APPENDIX/TAB: **C**

DECLARATION*

"I certify that to the best of my knowledge, all of the information contained in or provided in association with this application is true, complete and accurate."

CONTACT'S SIGNATURE DATE

X

SIGNIFICANT LAND FOR ENTERPRISE ZONE DEVELOPMENT†

For sites that are ...

1) Encompassed by proposed zone boundary,
2) Industrially zoned, vacant/improvable or otherwise suitable for use by eligible business firms, and
3) At least approach a degree of "project-readiness" relative to site certification by the state—development could commence in 180 days or less time (http://www.oregon4biz.com/sites.htm)—see OAR 123–065–1670:

243 Total Acres	1 Sites with 20 or more Acres	0 Sites with 10 or more Acres

Minimums: Urban / Rural zone — 60 / 30 total acres or two sites of 20 / 10 or more acres

Describe additional points about relevant acreage in the proposed zone—names of site(s), notable attributes of certain locations, extent that proposed enterprise zone land outside of urban growth or unincorporated community boundaries is only for industrial/commercial use, sufficiency of transportation capacity for development, and so forth:

Site Readiness

The Airport Industrial Park contains 49 acres of land that is on the Governor's Certified 'Shovel-Ready' List. All the land in the proposed Enterprise Zone is within the Corvallis Urban Growth Boundary although the AIP, and proposed Enterprise Zone, is outside of Corvallis city limits.

Infrastructure Services

The Airport Industrial Park has a City Council adopted Master Plan. City services, including water, wastewater, streets and stormwater have been extended to the Park. A rail line runs through the Park although service on the line was recently suspended by the Willamette-Pacific Railroad. Discussions to re-open the line are occurring. The Park is served by Oregon Route 99W. The Corvallis Municipal Airport is adjacent to the Park to the south; the airport is a non-controlled tower facility. Scheduled passenge service has been provided from the airport to Portland in the past. The Business Enterprise Center, the local business incubator, is located at the AIP.

Land-Use

The Park is zoned General Industrial. The Airport Industrial Park carries covenents from the FAA that no land can be sold. The City routinely leases land on long-term contract. Benton County and the City have joint agreements for land-use facilitation.

ZONING MAP (S), AERIALS ... WITH ZONE BOUNDARY SUPER-IMPOSED, AND OTHER INFORMATION—IN LETTERED APPENDIX OR TAB: **D**
(This section to be considered with competitive criterion #7 under CAPACITY TO SUCCEED IN INDUCING NEW INVESTMENT & JOB CREATION‡)

MEASURES OF ECONOMIC NEED & HARDSHIP†

CRITERION Annual ...	TYPE & SOURCE OF DATA	YEAR OF (ANNUAL) DATA	COMPARISON DATA —CHOOSE ONE— (SEE #6 BELOW)	ZONE-LEVEL DATA —CHOOSE ONE— (SEE #6 BELOW)	LETTERED APPENDIX/ TAB—WITH SOURCE, &C.	Y COMPARISON FIGURE	Z ZONE FIGURE	FORMULA	POINTS
1. Income per capita or household ($)	2000 Census Tract 1	2000	☒ MSA ☐ Statewide	☒ Zone-specific ☐ City/cities ☐ County ☐ MSA	E	$41,897	$36,612	(1-Z/Y) × 1,000 =	126
2. Unemployment Rate (%)		200_	☐ MSA ☐ Statewide	☐ Zone-specific ☐ City/cities ☐ County ☐ MSA	–			(Z–Y) × 100 =	0
3. Percentage below Poverty Level (%)	2000 Census Tract 1	2000	☐ MSA ☒ Statewide	☒ Zone-specific ☐ City/cities ☐ County ☐ MSA	F	11.61%	19.09%	(Z–Y) × 40 =	299
4. Ten-Year Change in Population (%)		199_ –200_	☐ MSA ☐ Statewide	"Enterprise Zone Population" – see OAR 123-065-1500	–			(Y–Z) × 13 1/3 =	0
5. Number of "Distressed Areas" as Determined by the Department that are either a Jurisdiction Sponsoring the Zone or Entirely Contained by Proposed Zone Boundary					–	NUMBER:		Z × 60 =	0

Notes: '**MSA**' = Metropolitan Statistical Area, as defined by the federal government for most recent decennial census.

(%) – For electronic entry, use decimal format ('0.05' to get 5.00%)

Mandatory that criterion #1, #2, #3, #4 or #5 above (at least one) equals or exceeds 200, unless sufficient need and hardship is demonstrated under #7 below (which is otherwise optional)

TOTAL: 425
[750: maximum]

6. Statistical Characteristics of the Proposed Zone—			**IMPLICATIONS FOR ABOVE TABLE (#1–4)** —see OAR 123–065–1600 to 123–065–1620
Is it located entirely within an MSA? (Metropolitan Statistical Area)	☒	☑–If "Yes"	May then use MSA economic data instead of statewide data as basis of comparison to the proposed enterprise zone
Do 75% of zone inhabitants reside inside of incorporated areas?	☐	☑–If "Yes"	May then aggregate and use citywide economic data for zone
Is it a 'Magnet' Enterprise Zone?	☐	☑–If "Yes"	May then use countywide economic data for zone [Rural zone—most populous city and 25% of population in county]
What type of Enterprise Zone?	☒	☑–If "Urban"	May then use MSA data for zone [Urban zones are located within "metropolitan/regional urban growth boundary"]

MEASURES OF ECONOMIC NEED & HARDSHIP†

7. Summary of Alternative Economic Statistics and Circumstances (*OPTIONAL*)—Please describe, as desired or appropriate *in addition to criteria addressed on the previous page*—other matters with respect to economic need & hardship, such as recent business closures, special designations, a combination of factors, *etc.*

None

ADDITIONAL INFORMATION, SUCH AS DATA, REPORTS, *ETC.*—IN LETTERED APPENDIX OR TAB: _

CAPACITY TO SUCCEED IN INDUCING NEW INVESTMENT & JOB CREATION‡

1. Summary of Education, Training, Counseling and Job Placement Opportunities—planned/available programs, relation to proposed zone, appeal to businesses, capability to enhance workforce quality, skill level & earnings capacity, and so forth

Corvallis/Benton County is the site of Oregon State University, the state's land, sun, sea and space grant university. OSU's research program is leading to commericalization efforts; especially small entreprenurial businesses. Forty-nine local businesses have spun out of OSU. Hewlett Packard's Ink Jet Division is located in Corvallis and has spun out thirty-four companies. Linn-Benton Community College has campuses in Albany and Corvallis and provides a broad of work-force development support. The area's creative index is high with the presence of these educational and high-technology organizations.

The area has consistently ranked high in workforce quality, especially acedemic, and with the growth of LBCC's efforts, we are providing highly skilled labor for the local market. In Corvallis, average wages have been high and average unemployment has been low. South Corvallis though, where the Enterprise Zone is proposed, has consistently lagged behind in wages and employment.

ADDITIONAL INFORMATION—IN LETTERED APPENDIX/TAB: _

2. Summary of Local Economic Development History and Activities—for example, past achievements
Preexisting enterprise zones should <u>not</u> respond here.

The Business Enterprise Center, our local business incubator, has a long history of growing companies and providing facilities and servies for start-ups. The BEC recently moved to the Airport Industrial Park. The first Signature Research Center, ONAMI, is located on the campus of Hewlett-Packard. The second and third SRCs, clean erergy and drug discovery, will have close affiliations with Oregon State University. The University is working on their Top 25 Engineering school target and student enrollment has reached high levels in recent years. Corvallis will continue to be the center of Oregon's creative economy, whether in high technology or green technology, although as mentioned above, south Corvallis has not participated fully in this activity.

ADDITIONAL INFORMATION—IN LETTERED APPENDIX/TAB: _

CAPACITY TO SUCCEED IN INDUCING NEW INVESTMENT & JOB CREATION‡

3. Summary of Recent and Programmed Enhancements to Public Infrastructure/Services—transportation, utilities, public safety and so forth that would generally further business development in proposed zone

The City continues to make improvements to the Airport Industrial Park. In the past year, 49 acres of land qualified for 'shovel-ready' status. In November, the voters of Benton County passed a health and safety levy to provide services to the County. The City contracts with the Corvallis-Benton Chamber Coalition to provide AIP services, including marketing the site and lease maintenance. The City staffs an Airport Manager and Transportation Manager.

ADDITIONAL INFORMATION—IN LETTERED APPENDIX/TAB: _

4. Summary of Local Incentives for Enterprise Zone Firms—address fiscal impact—see OAR 123–065–0240
Becomes obligatory/binding if zone is designated

None are comtemplated in addition to the three year tax abatement provision.

ADDITIONAL INFORMATION—IN LETTERED APPENDIX/TAB: _

5. Summary of Attributes and Plan for Marketing—for example, efforts to promote local business expansion, retention, startups or recruitments, and steps to enhance the value and local knowledge about using the enterprise zone

The City will extend its contract with the Corvallis-Benton Chamber Coalition for Enterprise Zone management.

ADDITIONAL INFORMATION—IN LETTERED APPENDIX/TAB: _

6. Summary of Relevant Strategic Planning—objectives, analyses, actions, measurement, *etc.*, to enhance/leverage resources, collaboration, social issues, local entrepreneurship, quality of life, community efforts and so forth—see OAR 123–065–1650

Corvallis/Benton County recently finished a two-year community public process that lead to the acceptance by the County Commission and City Council of the Prosperity That Fits Plan. This multi-year plan was set in motion in early 2007 and the community is on track with the forty-none action items in the plan. These action items cover the range of facilitating business development, retention and recruitment efforts, further University/community collaboration for local start-up companies, stronger business incubator services and creating a sustainable Corvallis economy. This application invisions an Enterprise Zone that fosters the development of primiarily 'green' companies, engaged in sustainable industries. The Prosperity That Fits Plan is oriented to the Oregon Business Plan and see the sustainability traded sector cluster as its focus.

ADDITIONAL INFORMATION—IN LETTERED APPENDIX/TAB: _

7. Further Information on Sites—especially acres/parcels in proposed zone that are available and generally ready for immediate/near-term business development in terms of regulations, infrastructure, *etc.*—see OAR 123–065–1670—as well as the quality/quantity of local industrial land, overall usability of zoning ordinances, real estate, SDC and other costs, and so forth

Permit fees and SDC charges are generally equivalent with peer Oregon comparitors. The Enterprise Zone is directly adjacent to the largest contiguous parcel of Generral Industrial land in the Willamette Valley - over five hundred acres of potential green field developable land. Special SDCs are in place for stormwater mitigation in this industrial land.

ADDITIONAL INFORMATION, INCLUDING BUT NOT LIMITED TO MAPS AND AERIALS—IN LETTERED APPENDIX/TAB: **D**

ADDITIONAL/MISCELLANEOUS COMPETITIVE CRITERIA‡

1. Summary of Management Plan for the Enterprise Zone—for example, name and/or position of local zone manager, or plans to appoint one and to see that s/he has adequate resources for assisting businesses and county assessor's office

As noted earlier, the Corvallis Benton Chamber Coalition, through John Sechrest, provides marketing services for the AIP. John is likely to be the Enterprise Zone manager. We met with the County Assessor once to brief the Assessor's Office about the Enterprise Zone and will continue to develop a working relationship with the Assessor.

ADDITIONAL INFORMATION—IN LETTERED APPENDIX/TAB: _

2. Summary of Local Coordination—for example, a 'zone association', if more than two cosponsors, or proposed arrangements with county assessor, port district, land-use/permitting agencies, local business groups or other relevant entities

ADDITIONAL INFORMATION—IN LETTERED APPENDIX/TAB: _

3. Summary of Public Awareness or Support for Enterprise Zone—public involvement records, comments from local organizations, media coverage, and so forth

For the past six months, elected officials have met with local constituents regarding the zone. Meetings with the Prosperity That Fits Task Group held meetings, the Prosperity That Fits Committee reviewed the recommendation of the Task Group in a public meeting, a meeting of local organizations was held in December and a meeting with neighbors was held in January Local newspaper coverage has occurred with stories and meeting notices..

LETTERS, ARTICLES, RESOLUTIONS AND OTHER INFORMATION—IN LETTERED APPENDIX/TAB: _

4. Distance to Nearest Existing Enterprise Zone—Respond only if applying for rural zone

Name of nearest designated, non-terminating enterprise zone: _____ Enterprise Zone

Shortest commuting distance over paved road from proposed zone to the one named above: _____ miles.

ADDITIONAL INFORMATION—IN LETTERED APPENDIX/TAB: _

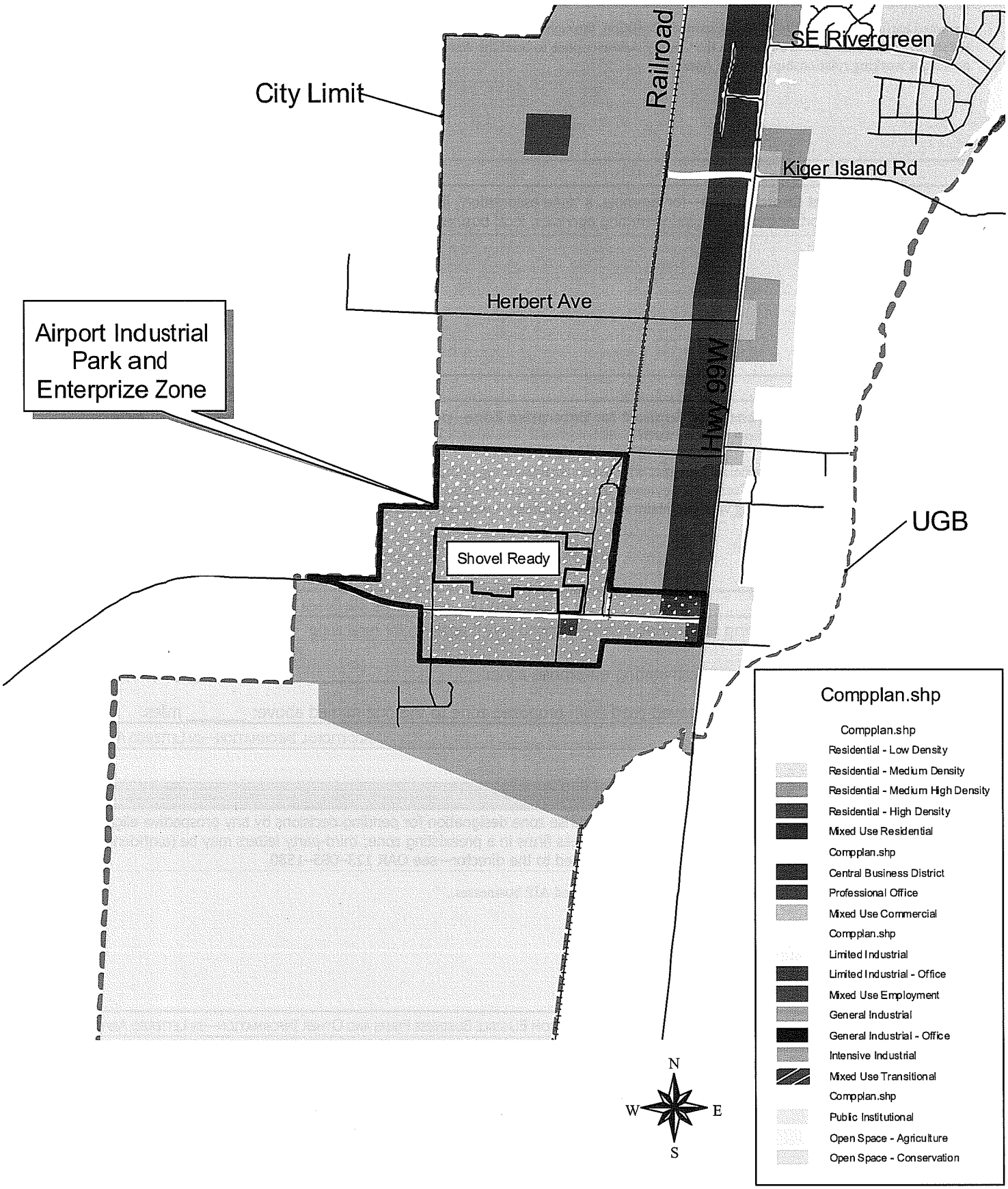
IMMEDIATE INVESTMENT OPPORTUNITIES‡

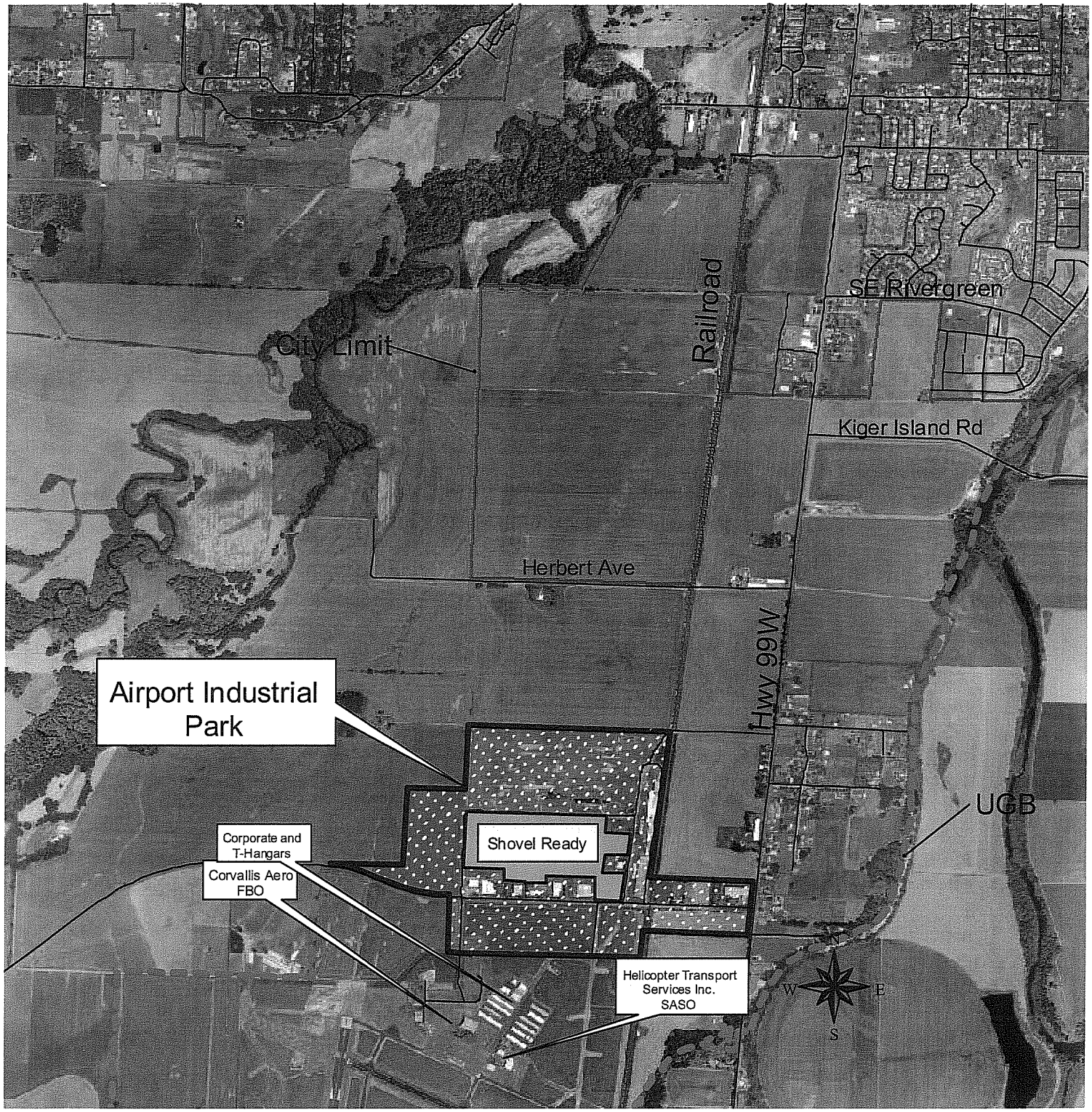
Discuss potential hires and the significance of enterprise zone designation for pending decisions by any prospective eligible business firm or investor, including authorized business firms in a preexisting zone; third-party letters may be (confidentially) sent directly to the department by the party, addressed to the director—see OAR 123-065-1580

Project Ark, continued OSU spinouts and expansion of BEC and AIP businesses..

LETTERS FROM ELIGIBLE BUSINESS FIRMS AND OTHER INFORMATION—IN LETTERED APPENDIX/TAB: _

Comprehensive Plan Designations




SE Rivergreen
Railroad
City Limit
Kiger Island Rd
Herbert Ave
Hwy 99W
Airport Industrial Park
UGB
Shovel Ready
Corporate and T-Hangars
Corvallis Aero FBO
Helicopter Transport Services Inc. SASO
N
W
E
S

MODEL NOTICE TO LOCAL TAXING DISTRICTS FOR PROPOSED ENTERPRISE ZONE DESIGNATION AND PUBLIC MEETING INVITATION

(*SEE* – OAR 123–065–1050 & 123–065–1080)

[DATE]

[Contact person,
District/agency
Address, etc.]

Subject: Designation of the _____ Enterprise Zone

Dear _____:

This letter is to inform you that the City/cities of _____ Port/ports of _____ /and/ _____ County [is/are] seeking [re] designation of the (to-be-named) _____ Enterprise Zone and would become the "zone sponsor."

The application deadline is _____200__. The Oregon Economic and Community Development Department will review the application for designation, and it may be subject to competitive consideration relative to other localities. More information is available below.

Notice and Invitation to Public Meeting

Your district is being notified of this application, because the enterprise zone as proposed would include all or parts of one or more tax code areas, in which your district levies taxes on property. In an enterprise zone, certain types of business firms that create new jobs may get limited-duration exemptions on certain new property that they invest in the zone.

In particular, we are asking yours and other local taxing districts to send one or more representatives to a special public meeting to discuss this application, address issues about the enterprise zone, and achieve better understanding. At the meeting, there will be a map of the proposed zone boundary and other information for presentation and review.

The meeting will be on _____, 20__, at _____
_____, from _____ to _____ p.m.
A preliminary agenda is enclosed.

Besides or in addition to sending participants to this meeting, your district is welcome to submit written comments. For submitting comments or questions, contact: _____
_____ _____ _____,
phone: _____

Resolutions

At least two weeks after this meeting, the sponsoring governments would adopt the requisite resolutions for seeking designation of the enterprise zone. The following are the anticipated times and dates for the consideration of these resolutions:

_____ City Council _____
_____
_____ County Board of County Commissioners, _____

An Enterprise Zone

Enterprise zones are discrete areas up to 12 square miles in size that are sponsored by one or more local governments. Various types are found throughout the world. Oregon's version has been in existence since the mid–1980s. Each zone designation lasts up to 11 years. State law permits up to 59 to exist now.

They are intended to offer tax and other incentives to induce additional investment and employment by non-retail businesses in areas meeting certain measures of economic hardship. They have proven to be Oregon's key offering in the pursuit of business growth and expansion. There effectiveness is due to a typically short-term but immediate benefit for the business project's cash flow.

{Other general program information, look on-line at http://www.oregon4biz.com/enterthezones}

The proposed subject zone would consist of about ___ square miles, with areas in _____, especially the [underutilized] industrial sites of _____

Exemptions from Property Taxes

An Oregon enterprise zone exempts only new property that an eligible business firm might build or install in the enterprise zone at some future time.

A qualifying investment entails the creation new full-time employment in the zone—greater of one new job or a 10-percent increase.

An enterprise zone exemption is temporary, usually lasting only three years, after which time the property induced by these incentives is available for assessment, possibly for decades.

An extension of the exemption period to four or five years in total (or even longer under very special circumstances) is possible in some cases, subject to the agreement of the local governments sponsoring the zone, higher compensation for new employees and possibly additional local requirements.

These property tax exemptions are not available to just any business. Most commercial or retail-type operations are ineligible. Rather, the primary beneficiaries of enterprise zone benefits

are manufacturing and other more industrially oriented facilities serving other businesses [, for which new investments have been increasingly rare around here.]

{More information}

Policy and Economic Reasons for Seeking Enterprise Zone

The sponsoring government have decided to apply for enterprise zone designation ....

{More/good explanation}

[Closing]

Encl.: Preliminary Agenda

C: Special Districts Association of Oregon
Economic and Community Development Department

PRELIMINARY AGENDA

Public Meeting Re Application for Designation of Proposed _____ Enterprise Zone

[DATE]
[PLACE/ADDRESS]
[TIME]

Welcome & Introduction

Review of Draft Map and Application

Questions and Answers for Local Taxing Districts

Recognition of Written Comments

Statements by Taxing District Representatives

Discussion of Major Issues

- ⋮

Next Steps, Follow-up

Consideration of Resolutions

Adjourn

MODEL RESOLUTION BY GOVERNING BOARD OF CITY, PORT OR COUNTY TO SPONSOR ENTERPRISE ZONE

(*SEE* – OAR 123-065-1540)

[RESOLUTION NO. & STANDARD HEADING WITH APPROPRIATE INDICATION OF PURPOSE]

[FINDINGS ("Whereas" clauses)]

The [City of _____][Port _____][_____ County] [(*CITY/PORT/COUNTY*)] is sponsoring an application for designation of an enterprise zone [with the City of _____, . . . and _____ County . . .].

The *CITY/PORT/COUNTY* IS interested in an enterprise zone to encourage new business investment, job creation, higher incomes for local residents, greater diversity of economic activity and . . .

The proposed enterprise zone has a total area of __._ square miles, and it meets other statutory limitations on size and configuration; it is depicted on the drawn-to-scale map (Exhibit __) and described in (Exhibit __). [If using city limit/UGB for zone boundary, say so here and in application]

The proposed enterprise zone contains significant land that is reserved for industrial use, as indicated by land use zoning map(s) with the application, consistent with Comprehensive Plan(s) acknowledged by the Land Conservation and Development Commission, such industrial sites are accessible, serviced or serviceable, and otherwise ready for use and further development.

The designation of an enterprise zone does not grant or imply permission to develop land within the Zone without complying with prevailing zoning, regulatory and permitting processes and restrictions for applicable jurisdictions; nor does it indicate any intent to modify those processes or restrictions, except as otherwise in accordance with Comprehensive Plans

The *CITY/PORT/COUNTY* appreciates the impacts that a designated enterprise zone would have and the property tax exemptions that eligible business firms might receive therein, as governed by Oregon Revised Statutes (ORS) Chapter 285C and other provisions of Oregon Law.

All of the other municipal corporations, school districts, special service districts and so forth, other than the sponsoring governments, that receive operating revenue through the levying of *ad valorem* taxes on real and personal property in any area of the proposed enterprise zone were sent notice and invited to a public meeting regarding this proposal, in order for these sponsoring governments to effectively consult with these other local taxing districts. Follow-up arrangements as agreed to with these consultations will be completed with affected districts within six months of the proposed enterprise zone's designation.

[Other findings (*e.g.*, public involvement and support; local incentives; local conditions; a former or current enterprise zone and circumstances of its original designation)]

[The availability of enterprise zone exemptions to business firms that operate hotels, motels or destination resorts would help diversify local economic activity, provide useful employment for some segments of the labor force, and facilitate the expansion of accommodations for visitors which in turn will spend time and money in the area for business, recreation or other purposes.]

[CONCLUSIONS ("Now Therefore . . . Be It .. Resolved . . .")]

The *CITY/PORT/COUNTY* proposes and applies for an Oregon enterprise zone to be named: The _____ Enterprise Zone, and requests that the director of the state Economic and Community Development Department order the designation of this enterprise zone.

[_____(Name/title)_____] is authorized to submit the enterprise zone application for the *CITY/PORT/COUNTY* [and to make any substantive or technical change to the application materials, as necessary, after adoption of this resolution].

The *CITY/PORT/COUNTY* will give priority to the use in the proposed enterprise zone, if designated, of any economic development or job training funds received from the federal government, consistent with ORS 285C.065(3)(d).

The *CITY/PORT/COUNTY* commits, upon designation, to appoint [(if there is more than one sponsoring government) to *jointly* appoint] a local enterprise zone manager within 90 days. {Appointment may be accomplished in this resolution.}

The *CITY/PORT/COUNTY* will [*jointly*] comply with the requirements and provisions of ORS 285C.105 and otherwise fulfill its duties under ORS 285C.050 to 285C.250.

The *CITY/PORT/COUNTY* [*jointly*] commits, within six months of designation, to implement and to confirm for the department its fulfillment of such duties, as specified in OAR 123-065-0210, including but not limited to preparation of a list or map of local lands and buildings owned by the state or by municipal corporations within the enterprise zone that are not being used or designated for a public purpose and that have appropriate land use zoning, and to efforts for making such real property available for lease or purchase by authorized business firms under ORS 285C.110.

RESOLUTION MAY INCLUDE THE FOLLOWING ("Be it so resolved . . ."):

The *CITY/PORT/COUNTY* [*jointly*] requests that the Director of the Oregon Economic and Community Development Department waive the distance maximum of [25 miles overall and/or of 15 miles between separate areas] within the proposed enterprise zone pursuant to this application for designation.
(Available only for rural zones entirely in sparsely populated county)

Local Incentives—

The *CITY/PORT/COUNTY* will provide the local incentives described in the application [or Exhibit __] (under ORS 285C.065(4) to (6) in accordance with OAR 123-065-0240) to any authorized business firm in the proposed enterprise zone for the length of the standard enterprise zone exemption, insofar as the firm's qualifying investments are also located inside of the *CITY/PORT/COUNTY*'s jurisdiction; the *CITY/PORT/COUNTY* has considered the impacts of these binding incentives.

> *(**NOTE:** In order to be credited/counted as part of the application, any local incentive that has not yet been implemented, must be incorporated into this or another resolution. Such implementation may be made effective upon and subject to designation, and local benefits requiring ordinance amendments should be made effective only after designation. All such local benefits must be implemented within six months of designation. All local benefits that were implemented or undertaken within the year preceding the application deadline will be credited/counted if so described in the application form.)*

Special Statuses—

The *CITY/COUNTY* as a sponsor of the proposed _____ Enterprise Zone exercises its option herewith under ORS 285C.070 that qualified property of and operated by a qualified business firm as a hotel, motel or destination resort may receive a property tax exemption in the Zone, and that such business firms are eligible for purposes of authorization upon the effective designation of the Zone [; this option does not apply within the following cosponsor(s): _____ / hotels, motels or destination resorts are not eligible business firms in the Zone within this *CITY/COUNTY*'s jurisdiction, notwithstanding such eligibility in the following cosponsor(s): _____]. (May be altered/done up to six months after designation)

[STANDARD CLOSING, ATTACHMENTS, LIST OF EXHIBITS, COPIES, APPROVALS]

OREGON ECONOMIC & COMMUNITY DEVELOPMENT DEPARTMENT
775 Summer St., NE, Suite 200
Salem, OR 97301-1280
503-986-0123
TTY: 1-800-735-2900
http://www.econ.state.or.us/
"Enterthezones" Web Page
http://www.econ.state.or.us/enterthezones/

Enterprise Zones

in Oregon

4th Edition; October 2003

Notes

Contents

Introduction 1

Summary of Benefits 1

Local Contacts 3

State Contacts 4

Timing, Process and Forms* 4

Property that is Exemptible* 7

Business Eligibility* 8

Statewide Map 10-11

Employment to Qualify* 12

Extended Abatement* 14

First-source Agreement* 15

Disqualification* 16

Long-term Rural Tax Incentives 17

Background on Existence of Zones 18

Rural Renewable Energy Development Zones 20

*For short–term exemption on new property.

Also See: Department of Revenue, Enterprise Zone Forms
http://www.dor.state.or.us/ptd-forms.html

Enterprise Zones in Oregon

Enterprise Zones in Oregon

Disclaimer

In preparing this booklet, the Oregon Economic and Community Development Department made every appropriate effort to present accurate and straightforward information, in complete accordance with current Oregon Revised Statutes (ORS) and Oregon Administrative Rules (OAR). Users of this document are advised that legal requirements and provisions are subject to change, and that they might consider seeking confirmation of any crucial fact presented herein.

Urban and nonurban

Oregon enterprise zones are categorized depending on whether they are located inside the regional urban growth boundary within a federal metropolitan statistical area. These categories do not usually affect business firms, except for the possibility of special additional conditions in an urban zone.

Reservation enterprise zones are nonurban zones designated by a tribal government in an Indian reservation that meets certain economic qualifications.

Zone termination

Either upon request of the local zone sponsor or for other reasons, an enterprise zone is permanently terminated. Otherwise, a zone terminates on June 30 less than eleven years after designation. The sponsor of a zone that "sunsets" in this way may reapply for designation. Ongoing exemptions are unaffected by termination of the enterprise zone.

For the short–term (three– to five–year) exemption, an approved authorization may remain valid for purposes of qualifying through the end of third full year following the effective date termination.

Moreover, such an authorized or qualified business firm may be authorized for additional investments for up to ten years after the date of termination—and receive an exemption—provided that construction commences before such a "grandfathered" firm's final exemption has concluded.

Rural Renewable Energy Development Zones (RREDZ)

This is a special designation of an entire city, county or contiguous counties. A RREDZ operates generally like an enterprise zone for purposes of the *short–term exemption*—but only on facilities related to the generation of electricity from a renewable energy resource, such as wind power.

Introduction

Cities and counties across Oregon have joined together, forming enterprise zones to foster employment opportunities, development and local competitiveness. Located in economically lagging areas, these zones offer tax relief for new private capital.

Since 1986, enterprise zones have benefited hundreds of investments, creating tens of thousands of new jobs, as well as the retention of existing employees and work for associated Oregon companies. Most businesses that utilize the tax abatement already exist in the zone, but many are new. They come in all sizes and represent diverse industries, services and stages of production.

For further assistance, please see:

(1) Local and statewide contacts (pages 3 and 4)

(2) Application or filing forms, and

(3) Oregon Revised Statutes (ORS) and Oregon Administrative Rules (Chapter 123, Div. 65 and Chapter 150, Div. 285),

... All of which, and more, can be found on line—http://www.econ.state.or.us/enterthezones/

Summary of benefits

Eligible business firms that invest, qualify and operate in an Oregon enterprise zone receive several kinds of advantages.

Short–term exemption on taxable property

- **Standard**—100 percent (total) exemption from the property taxes normally assessed on significant new plant and equipment. Exemption lasts for *three* years after the property has been placed in service.
- **Extended Abatement**—As explained below, the standard exemption can be lengthened to four or five consecutive years in total by the local government(s).
- **Work-in-Progress**—Before qualified property is placed in service, and the standard exemption can begin, property is exempt for up to two years, while construction, installations, and so forth are ongoing (as of January 1).
- **Local Incentives**—Many local sponsoring governments offer special benefits to enterprise zone businesses, such as fee waivers, credits or reductions, regulatory flexibility/priority or enhanced public services.
- **Publicly Owned Real Estate**—Enterprise zone firms have the right to lease or purchase land or buildings in the zone, owned by a state agency or municipality, and otherwise available, if promptly developed for the "authorized" use.

Long–term rural tax incentives

In most ***nonurban*** enterprise zones—inside counties with chronically high unemployment or low income—an entire qualifying facility is relieved of property taxes during construction and then for 7 to 15 years, subject to local agreement with the zone sponsor. Distinct from the short–term program (described above), this exemption is not as commonly used, and this booklet does not have as much detail. *See—page 17.*

Business income tax credits

Although oriented mostly around exemptions on new taxable property, enterprise zone investments also earn credits against business or corporate excise/income taxes levied by the state of Oregon in certain cases:

- **E-Commerce**—In four specially designated enterprise zones (see map) and the community of North Plains, a business qualifying for the short–term exemption and engaged in "electronic commerce" receives an income tax credit of up to 25 percent (or $2 million) of its annual *E-commerce* investment, with five years of deferral for each credit.
- **Long–term Rural**—Credits may be claimed against state corporate excise taxes relating to a facility that is receiving the 7– to 15–year exemption (noted above). Generated over 5 to 15 years, these credits for the corporate owner of the facility must be approved by the Governor.
- **Pollution Control**—This oft-used tax credit is computed at its higher rate, 35 percent of certified costs, if satisfying any one of several criteria, *including location in an enterprise zone.* (Project needs to be completed before 2008 under current law.) To learn more, go to the Oregon Department of Environmental Quality web site.
- **Tribal Taxes**—In a "reservation enterprise zone," most new business operations qualify for a credit equal to the annual taxes imposed by the tribal government.

Local business climate

A focus of public and private efforts to grow businesses and foster productivity, an enterprise zone generally entails tangible and intangible advantages for firms locating or expanding there.

Other relevant tax incentives in Oregon

- **Strategic Investment Program ("SIP")** serves exceptionally large capital investments by offering a 15–year partial property tax exemption on assessed value in excess of a cap starting at $25 million, or $100 million inside larger urban areas. Approval involves local government action. This program may not be combined with an enterprise zone.

Zone sponsor

The sponsor of the enterprise zone consists of the city/county governments that applied for the zone's designation, or that were brought in through boundary amendments. In general, the sponsor must comprise all jurisdictions in which there lies some area of the zone. *See—web site for special illustrations.*

Some zones have a single "sponsor," but any variety of multiple cosponsors is possible; two cities plus the county is common. Sponsors have a number of duties and opportunities, but all such sponsoring governments must act jointly in conducting zone business (possibly through an "association" of local representatives).

Zone designation

Since 1993, the director of Oregon Economic and Community Development has designated enterprise zones. Designation of a proposed zone hinges on a minimum level of local economic hardship, as well as local government resolutions, a map of the proposed zone boundary, and so forth. A surplus of applicants for available enterprise zones triggers competitive selection based on economic need, likelihood of success and other criteria. A designation round occurs (in anticipation of) whenever zones will automatically terminate or "sunset" (see below).

Zone area

Enterprise zones in Oregon come in many shapes and typically encompass all of the local land that an eligible business firm might use—if not the entire city. Only in metropolitan areas is a zone likely to be limited to just a section of town.

Twelve square miles is the maximum size. For most zones, the maximally permissible distance between any two points is 25 lineal miles, and no more than 15 lineal miles between separate areas. For an urban zone (or nonurban zone in a densely populated county), 12 miles and 5 miles are the respective maximum distances. *See—web site for special illustrations.*

The director of Oregon Economic and Community Development approves changes to zone boundaries pursuant to requests by the local zone sponsor. This has become increasingly common. (Special boundary change guidebook is available.)

Property tax exemption is strictly unavailable for any property already assessed by the county—or, already under construction, modification or installation—before the enterprise zone's designation takes effect. The same applies to the effective date for newly amending the property's location into an existing enterprise zone.

- Within three or five years of commencing operations, at least a certain minimum number of new, full–time employees are hired (10, 35, 50 or 75 jobs, again, depending on location), and maintained during the tax abatement period.

  {Minimum of 10 new hires also suffices in most relevant zones, if the investment exceeds $200 million.}

- Average annual compensation across all workers at the facility stays at or above 150 percent of county average annual wage, as first met and established within five years of starting operations.

Procedural/local steps

- Prior to commencing construction, a business firm must submit a certification application to the local enterprise zone manager and county assessor.
- The business firm and all local government sponsors of the enterprise zone enter into a written agreement.
- This local agreement determines the exemption period (7 to 15 years) and may specify additional requirements to be met by the business firm/facility.
- The county board of commissioners (and the city council if within city limits) adopts a resolution sanctioning the property tax exemption.
- The Governor of Oregon issues a one–time approval for the income tax credit and sets length of time to receive credits.

Special notes

- Sunset provisions for the Long–term Rural Enterprise Zone Tax Incentives do not affect any incentives certified and approved before the program's expiration.
- Other tax incentives are not affected if the Governor does not grant the tax credit. If it is granted, though, then 30 percent of corporate taxes collected by the state with respect to the facility are rebated to local taxing districts and potentially to the zone sponsor.

Background on existence of zones

Oregon has 49 enterprise zones. Statutory authority allows no more than this to exist at one time, except for enterprise zones corresponding to a future federal designation in Oregon, or for a "reservation enterprise zone" as anticipated for Warm Springs.

The 1985 Legislative Act creating the program provided for 30 zones—each to last ten years. Oregon's Governor designated these from 1986 to 1989. Seven additional "nonurban" zones were authorized in 1993, and ten more in 1999. Beginning in 2004, enterprise zones start terminating in groups by operation of law ("sunset"), again.

- **Cancellation of Assessment on Commercial Facilities under Construction** exempts structures being built or expanded, for up to two years, if not in use or occupancy on January 1. It is commonly called "C-i-P"—construction-in-process, which is also the unofficial caption in state law for the *enterprise zone 'work-in-progress' exemption.* The C-i-P program, though, is available anywhere in Oregon. Centrally assessed (utility) property is ineligible for either exemption. *See—application, which is filed on or before April 1 with the county assessor.*
- **Business Development Taxable Income Exemption** allows a company to subtract on its Oregon tax return the income arising from a new business operation during the first ten years. Eligibility depends on location in one of several counties, local government acceptance, and minimal hiring requirements. Application for preliminary and annual certification is made to the Economic and Community Development Department.
- **Also**, other exemptions and tax credits—based on certain expenses (e.g., dependent care for employees, energy/fuel savings, research, telecommunication facilities or new diesel truck engines)—can reduce state or local business taxes. *See—information circular,* Tax Credits for Corporations, *and other Department of Revenue resources.*

Local contacts

Described below are the local sources of help in using an enterprise zone and being approved for certain benefits. Specific information on reaching these people can be found at web site.

Local zone managers

Appointed by the sponsor of the enterprise zone, the local zone manager is a business firm's principal resource in seeking to invest in the zone. The zone manager assists with issues of the zone boundary, basic business eligibility, connecting with the Contact Agency, employment requirements and special sponsor approvals, as well as efforts to promote the enterprise zone.

County assessors

Usually elected, the assessor oversees property valuation for the imposition of annual *ad valorem* taxes, often serving as the county's tax collector, too. For the short-term exemption, the assessor's office performs critical duties, such as co-authorizing business firms (based on application submitted before project commences), specific property criteria and disqualification.

Contact agencies—First-source agreements

Local publicly funded job-training providers and local Oregon Employment Department offices have formed networks across the state. For the short–term exemption (and other economic development programs) a business must enter into a First-source Hiring Agreement with the "Contact Agency" that represents the regional network before hiring new employees. The agreement carries a mutually beneficial obligation to notify the Contact Agency of job openings and to consider referrals.

State contacts

Below is information to obtain assistance from state agency staff involved with enterprise zones.

Oregon Economic and Community Development Department

The primary contact for general assistance is the Regional Development Officer for the area where the project is located. They are part of the agency's Business Development Division, and can be reached through the numbers on the back cover of this publication, or by phoning 503–986–0198 (Salem), 503–229–5221 (Portland) or fax 503–581–5115. Alternatively, contact Arthur Fish, state Enterprise Zone Coordinator, at 503–986–0140.

Oregon Department of Revenue

(503–378–4988 or 1–800–356–4222—in Oregon only)

Program representation is with the Property Tax Division, Revenue Building, Room 256, 955 Center Street NE, PO Box 14380, Salem OR 97309–5075; fax 503–945–8737.

Oregon Tax Court

Judicial appeals regarding enterprise zone tax matters would go to the Oregon Tax Court, consisting of Magistrates and Regular Division, over which presides the state Tax Court Judge.

Timing, process and forms (short–term exemption)

The forms and steps for an enterprise zone exemption relate to legal provisions and normal procedures for property assessment, which is done on the calendar year; whereas, the "tax year," when property is technically exempt, runs from July 1 to June 30.

Long–term tax incentives

In 1997, the Oregon Legislature created a separate tax abatement program available in most (but not all) enterprise zones. Legislatures since have made this program more useable and extended it through 2006.

Any type of business activity is eligible, but these incentives depend on local approval and minimum levels for investment size, job creation and employee compensation.

The following only summarizes this program. For further information on these incentives, the current eligibility of certain counties, and investment/employment thresholds by zone, please contact the local zone manager or Oregon Economic and Community Development, or visit the department's web site.

Tax incentives

- Until the new facility is placed in service, it is not subject to the imposition of local property taxes.
- Seven to fifteen consecutive years of full relief from property taxes on the new facility, once placed in service.
- Credit equal to 62.5 percent of gross payroll to be used against state corporate excise/income tax liability relating to the facility, over and above an annual minimum payment of state taxes—with the Governor's approval.

  {Credits are received over a 5– to 15–year period, and each credit may be carried forward for five succeeding years.}

Where these tax incentives apply

- In a "nonurban" enterprise zone—one of more than 40 Oregon designations.
- Inside a county with longstanding annual unemployment rates or per capita income levels meeting defined levels, based on latest statistics.
- **Note:** The project must be in both an eligible county **and** nonurban enterprise zone when local agreement is signed.

Three criteria for qualifying project

- Total investment costs need to be greater than 0.5 percent or 1 percent of county's total assessed value by end of the year when operations begin. This floor amount varies from about $1 million up to $25 million, depending on the location.

Disqualification (short–term exemption)

A qualified business firm loses its short–term enterprise zone exemption (but not the work-in-progress abatement) if not adhering to requirements during the period of exemption.

Causes and implications

- General disqualification of all property and all years essentially relates to a firm ceasing operations, closing or "substantially curtailing" its employment.
- Locally established requirements may have the same effect.
- Requirements pertaining only to an extended abatement do not affect the standard (first) three years of exemption.
- Disqualification is limited only to the affected property in the case of property-specific noncompliance, such as ineligible usage or removal of exempt property from the enterprise zone.

Penalties and provisions

- No true penalty is normally assessed—in that back taxes on exempt property are simply imposed with the next tax roll, without even any interest.
- Such treatment, however, depends on the business firm (or property owner/ lessor) having timely ***notified*** the county assessor and zone sponsor by ***July 1*** after the year in which noncompliance occurred.
- Failure to give such timely notice is penalized by surcharging 20 percent on top of the back taxes that aredue.
- Only one year's tax savings may be forfeited—and "disqualification" avoided—for a **one–time** instance of substantial curtailment (or not satisfying a locally set additional requirement):
  - These special provisions also depend on timely notice (by July 1) as described above.
  - Payment equal to that year's tax savings is made directly to the zone sponsor to be used for the good of the zone.
  - If noncompliance continues into another year, or there is another such failure, then the business firm is disqualified, but back taxes are reduced by amount of prior payment.
- The exemption may continue on property sold or leased to another firm, if used for eligible activities without a net adverse impact on employment in the enterprise zone.

Notice to businesses:

- **Application for Authorization** is filled out and submitted to the local zone manager ***BEFORE*** beginning any project work at the investment site.

  {In this way, correct knowledge of the enterprise zone can have influenced the decision to invest. The zone sponsor may impose an authorization fee up to $200 or 1/10th of 1 percent (0.001) of the investment cost. To keep an unused authorization "active," a renewal statement is submitted by April 1 after every two years.}

- **First-Source Hiring Agreement** is entered into prior to new hiring and must cover the entire exemption period.
- **Work-in-Progress** refers to qualified property at the enterprise zone site on January 1 that is not yet placed in service. County assessor must receive a filing by April 1.

  {The **form for the generally available C-i-P program** (page 3) is simply used here, too. This enterprise zone-based exemption likewise lasts for not more than two years, but it fully comprises an authorized business's qualified property. Hotels/resorts and centrally assessed (utility) property, however, may not use it.}

- **Exemption Claim with Property Schedule** is filed with the county assessor and copied to the zone manager on or after January 1 but on or before April 1 of first year of exemption.

  {This first year of the exemption directly follows the year when qualified property is placed in service—in use or occupancy or otherwise ready for intended commercial operations. The greater of $200, or 1/10th of 1 percent (0.001) of real market value is charged for filings after April 1 but on or before June 1, or if the authorization is "inactive." Filing as late as April 1 of the next year is allowed by forgoing exemption in the first year.}

- **Exemption Claim** also is filed with the county assessor and copied to the zone manager on or after January 1 and on or before April 1 following each year of exemption.

  {Short form for annual compliance. Property schedule attached for new, additional qualified property pursuant to authorization.}

Representative Time Line

[Eligible Enterprise Zone Business Firm: construction spanning New Year, followed by standard exemption]

	Authorization Application—local zone manager
Project/site work may commence	Preauthorization Consultation [Extended abatement addressed] Manager & assessor approve—firm authorized • Construction underway
—January 1st— **April 1** New Hiring Begins	Partially completed project—property **not** in use **C-i-P form for work-in-progress—county assessor** —DEADLINE **First-source Agreement—contact agency** • Equipment installed • Hiring/training in full swing • Project completed/property in service
—January 1st— **April 1** July 1	First year of standard exemption* ✓**Enough new full-time jobs created** ✓**Claim Form w/Property Schedule†—both zone manager & county assessor** —DEADLINE Corresponding (first) tax year of exemption begins—Property must actually be in use/ occupancy by this point, too
—January 1st— **April 1** July 1	Second year of standard exemption* **Claim Form—manager & assessor** —DEADLINE Corresponding tax year begins
—January 1st— **April 1** July 1	Third year of standard exemption* **Claim Form—manager & assessor** —DEADLINE Corresponding tax year begins
—January 1st— **April 1** July 1	Conclusion of standard period of exemption **(Final) Claim Form—manager & assessor** —DEADLINE Tax year: Assessed value of qualified property now included with other assessed property

*Employment (annual average) and other requirements must be maintained based on each of these calendar/assessment years.
†Repeatable in subsequent year for additional property not yet placed in service, on January 1, but completed during first or second year of initial exemption. Such property then begins its own (three-year) period of exemption.

First-source agreement (short–term exemption)

As noted already, **all** authorized business firms are required to execute a First-source Hiring Agreement with the Contact Agency for local publicly funded job training providers.

Entering into first-source agreement

- Responsibility lies with the local zone manager to inform the Contact Agency of a newly authorized business firm and to direct firms to the Contact Agency.
- Execution of this agreement should occur immediately following authorization and *before* filling new jobs.
- By April 1 of the first year of exemption, the zone sponsor (or Contact Agency) shall inform the county assessor if an authorized business has not signed a first-source agreement.

First-source obligations

- Statutorily, there must be a first-source agreement that extends throughout the exemption period.
- The terms of the agreement do **not** stipulate that anyone in particular is hired.
- Rather, the firm notifies contact agency of job openings.
- The firm shall then consider referrals from the local publicly funded training providers.

  {The director of Economic and Community Development is allowed to waive this requirement, if it will serve no purpose for the business firm, and at times, has excused failure to timely execute the first-source agreement before hiring, if it is nevertheless done before the firm is granted the exemption.}

Special urban conditions

Something that might interact with the first-source agreement, but that needs to be addressed during authorization, is the imposition of additional local conditions, as allowed to the sponsor of an **urban** enterprise zone.

These conditions relate to employment and must be established by standards and policy previously adopted by the sponsor. If applicable, the manager of an urban zone will document the policy and what an eligible business firm must commit to do, in order to be authorized.

Extended tax abatement (short–term exemption)

To extend a short–term enterprise zone exemption to four or five consecutive years in total, there are two key elements, neither of which jeopardizes qualification for the first three years.

Compensation

- During each of the four or five years, average annual compensation for new employees must be at least 150 percent of the county average annual wage.

  {Not applicable for Portland metro area urban zones.}

- Among counties with relevant enterprise zones, the mean 2002 average annual wage was $26,557.
- Although a significant requirement, this annual compensation standard can be quite feasible to satisfy, because:
  - Wage level is set at authorization and will not vary.
  - "Compensation" includes not only wages and salary, but also overtime, bonuses, insurance, pensions and other financial benefits not mandated by law.
  - Average is across all normally covered "employees," for which the job/position is created after authorization but before July 1 of the second year of exemption.

Written agreement/local requirements

- An eligible business firm seeking an extended abatement must execute a written agreement with the zone sponsor.
- This agreement must be finalized ***before*** the business firm is approved for ***authorization.***
- This written agreement needs to confirm the above compensation requirement, and whether the extension is for one or two extra years.
- It may specify other reasonable requirements (jointly) requested by the sponsor.
- Such requirements could have broad reach and special consequences, but as with all such local requirements, they are *additional* to statutory compensation or employment levels, and they may neither lower nor raise the stringency of such levels, nor explicitly compel residency-based hiring.
- Requisite formal approval of written agreement by/for each city or county cosponsor may be accomplished through any number of suitable means depending on the city/county.

Change of plans and subsequent projects

- Project/property information entered on an authorization application is not strictly binding and may encompass very large, complex or extended projects.
- Descriptions and estimates should be amended as plans change, which is mandatory to include equipment in general or any major structure, if not already indicated in the application for authorization.
- Additional authorizations are allowed and required to qualify for exemptions on property:
  - At different sites in the enterprise zone
  - Beyond two/three years of continuous investment
  - Invested starting after completion of indicated project(s)

Building project but no eligible business firm?

A special law allows development of real estate to proceed (e.g., on speculation) without jeopardizing enterprise zone benefits. The eligible business that first leases or buys all or part of the building or structure may be authorized during or after new re/construction, additions or modifications. The executed lease or purchase document is then attached to the authorization application before approval, which must occur prior to use or occupancy. Naturally, the enterprise zone work-in-progress exemption will not work, but the regular C-i-P program might cover some of these situations.

Property that is exemptible (short–term exemption)

In Oregon, all non-inventory business property is assessed for taxation. Total local levy will generally not exceed 1.5 percent of assessed value. Three sets of issues determine what business property is "qualified" in the enterprise zone:

Fundamental factors

- Located inside the enterprise zone boundary
- Constructed, added to, modified or installed in the furtherance of the production of income
- Owned or leased by the authorized business firm
- Installed/located on property that the firm likewise owns or leases
- Contained in the property schedule of an exemption claim filed directly after the year when property is first placed in service
- Actually in use or occupancy before July 1 of first year of exemption, and not idle for more than 180 days at a time thereafter

Property needs to be new

- Not used/occupied ***inside zone*** more than one year before the first year (starting January 1) of exemption.
- Only the increase in assessed value attributable to additions or modifications is exempt in the case of real property already existing in the zone.
- Any machinery or equipment must be either newly acquired by firm, or (if already so owned/leased) newly transferred into the enterprise zone from outside of county.

  {Exception is an existing piece of "real property" machinery or equipment that has been idle for 18 months, and is refurbished, retrofitted, upgraded, etc., at a cost of at least $50,000.}

Particular characteristics of property

- Investment **cost** must be $50,000 or more, in total, for qualified "real property," which includes all of the following:
  - Newly constructed buildings or structures
  - New additions or modifications to existing building/structure
  - Heavy/affixed machinery and equipment
- For machinery or equipment that is "personal property"—i.e., readily movable and not affixed to real property—each individual item must **cost:**
  - $50,000 or more, or
  - $1,000 or more if used for electronic commerce in an *E-commerce* zone or *exclusively* for tangible production
- Land, non-inventory supplies, rolling stock, vehicles and motor-propelled devices do ***not*** qualify.

For any leased property—
The owner/lessor also co-signs the property schedule or otherwise formally acknowledges exemption.

The lease needs to be a net lease, such that property taxes are passed through to the qualified business firm/ lessee.

The lease must be executed before the respective tax exemption claim is filed, and a copy may be required with filing.

Business eligibility (business type—short-term exemption)

Enterprise zone policy focuses on "for-profit" business operations that do not compete significantly within the local economy, and that therefore will bring new income to the community. The crucial function of authorization is to ascertain such eligibility up front.

Local waiver of employment requirements

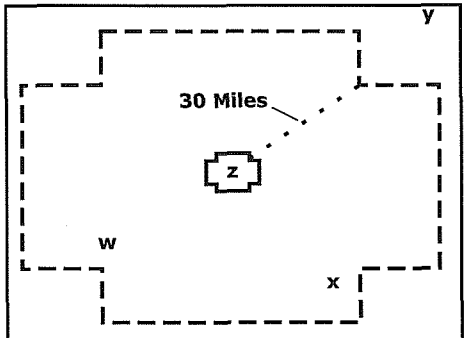
The city/county jurisdiction(s) that sponsor the enterprise zone may waive the required increase of existing in-zone employment by adopting resolution(s), establishing an alternative minimum employment level and possibly setting other conditions. This is allowed for two sets of circumstances:

- If total investment costs are $25 million or more, the eligible business firm's employment in the zone may even be permitted to decrease—(or)
- If all of the following are met:
  - Productivity at the facility increases by 10 percent, according to measures described in the resolution
  - Firm dedicates an amount equal to 25 percent of its property tax savings to workforce training
  - No net drop in the firm's enterprise zone employment

Relocating into the zone

Though rarely an issue, the statutes restrict qualification in one of two ways, as explained using the diagram below, for the case where in-state jobs relocate into an enterprise zone.

- **Beyond 30 miles**—If operations at site Y permanently close or curtail, and local jobs are reduced relative to the general workforce where site Y is located, then a firm (or commonly controlled firm) transferring operations from site Y to site Z does not qualify.
- **Within 30 miles**—If an authorized business firm moves operations from site X to site Z, then by April 1 and during the first year of exemption, the number of employees within the zone *plus* those at site X needs to equal or exceed 110 percent of the authorized annual average employment in the zone *and* at site X. (If employees also are transferred into the zone from site W, they too are added to both sums.)



Enterprise Zone Boundary—Solid Line

- **Headquarters**—administrative, design, engineering, research or other centralized facility serving company operations over a statewide or larger region

  {Zone manager formally attests to facility's local significance but non-local scope, and it must conform to authorized description.}

Employment to qualify (short–term exemption)

Oregon's enterprise zones are intended to create new jobs, for which there are two basic requirements that an authorized business firm must satisfy to receive the standard exemption on property.

{Work-in-progress exemption is unaffected, unless the inability to hire enough people is evident during construction period.}

Jobs that are covered

- Full–time employees—more than 32 hours per week—***not*** "FTE" (full–time equivalent)
- Permanent/year–round jobs—not employed temporarily, seasonally or solely to construct or install property
- Working mostly (anywhere) inside enterprise zone
- Engaged primarily in eligible operations/activities
- Do not need to be on the firm's actual payroll—i.e., such workers might be contracted for or leased by firm

1st—Increase with first year of initial exemption

- Firm must increase its employment within the enterprise zone by the ***greater of one person or ten percent*** **(10%).**
- This increase is compared to the annual average employment over the 12 months before authorization.
- Must be met after authorization but ***not later than April 1.***

2nd—Maintain increased employment level

- For each assessment (calendar) year of the exemption period, firm's annual average employment must be 110 percent or greater, compared to pre-existing, authorized annual average.
- As reported during the first quarter of each year of exemption—and after the last year of exemption—total firm employment may not fall by 85 percent (or by 50 percent with two successive claim forms) relative to the highest, previous level.
- Failure on either of the above two requirements constitutes **"substantial curtailment."**

Eligible business operations

Eligible business firms provide goods, products or services to other business operations or organizations. This includes not only conventional manufacturing and industrial activities, but also processing plants, distribution centers, maintenance facilities, warehouses and even operations that handle bulk clerical tasks or after-sale technical support.

Regardless of being performed for other businesses, the following and similar activities are ***ineligible:*** health care, entertainment, finance, professional services, childcare, housing, property management, construction and any retailing of goods or services.

Eligible activities apart from ineligible ones

A business firm engaged in ineligible activities (e.g., retail store) may nevertheless be eligible, if the eligible activities in which the firm will invest are *separate* from any ineligible activity (even if under the same roof).

Property and employees of eligible activities

Employees are counted only if they are engaged 50 percent or more of their time in eligible operations inside the enterprise zone, or if they are predominantly concerned with direct administration or support for such operations. Also, only property used solely in conjunction with eligible activities may qualify.

Affiliated business enterprises

Likewise, employees and qualified property of other corporations with common ownership are normally ignored. Corporations that share entirely the same ownership, however, may *choose* to be treated as one eligible business firm.

Outright exceptions for ineligibility

- **Hotel, motel and destination resorts** are allowed in some zones, including the associated property of ancillary operations, if used 50 percent or more by overnight guests.

  {See map (*) for where the enterprise zone sponsor has taken this option; only the regular C-i-P program might be used.}

- **Electronic commerce** operations, in which transactions are undertaken via the internet in an *E-commerce* zone.

  {Entails a special income tax credit, too}

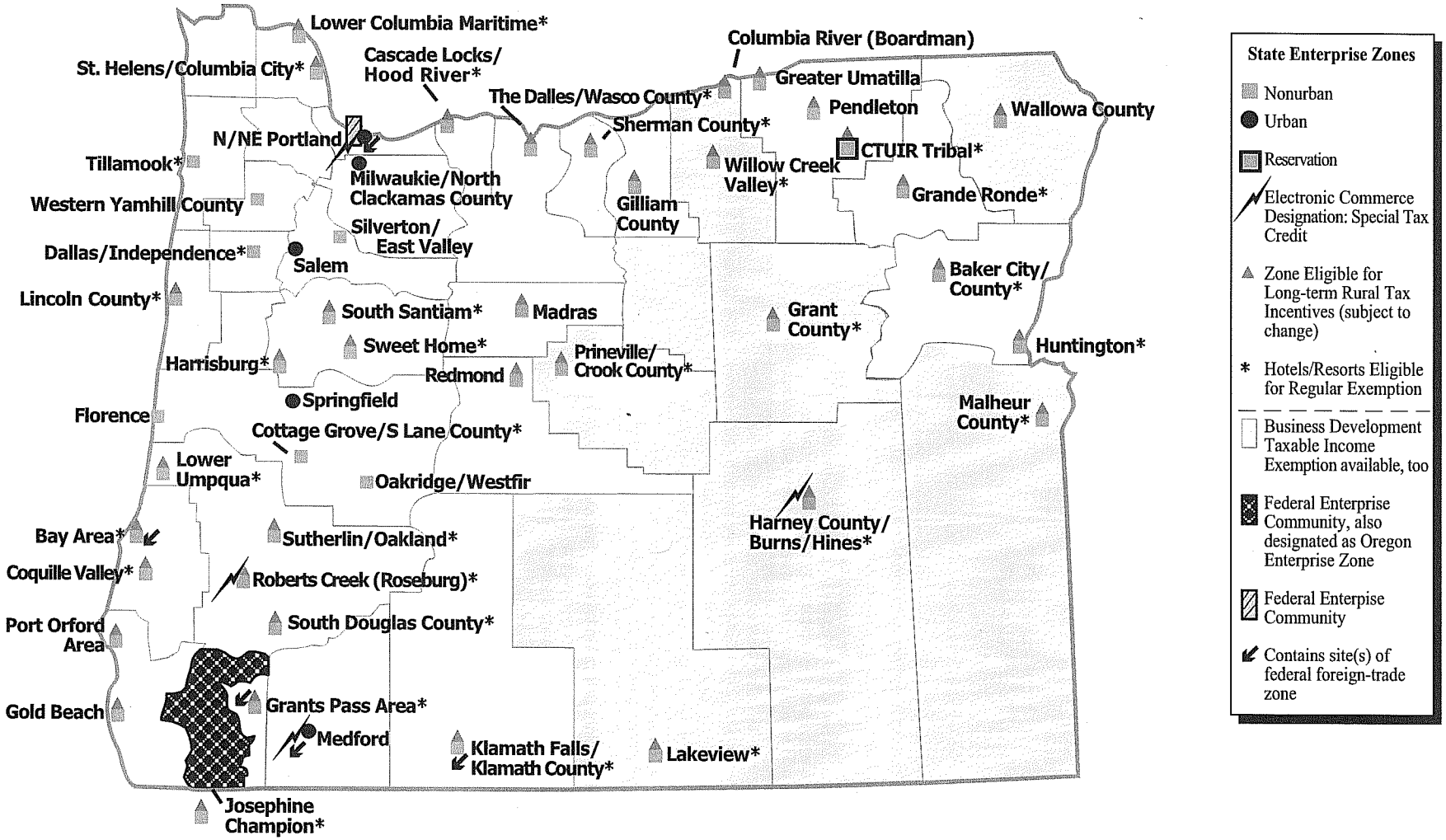
- **Retail/financial call centers** that receive orders and requests through telecommunication (including computers/internet).

  {Customer base in local calling area must be less than 10%.}

Enterprise Zones in Oregon

Oregon Enterprise Zones

September 2003



Illustrative Timeline for Enterprise Zone Designation Round in 2008

(Including to replace 11 existing zones)

Events/Requirements	S	M	T	W	T	F	S	MONTH
Launch round for 1–12 regular enterprise zones with web posting and other notices & announcements: January 7, 2008	6	7	8	9	10	11	12	JAN
	13	14	15	16	17	18	19	
Cities/Ports/Counties decide to sponsor or consent to an enterprise zone, define boundary, and identify all other affected taxing districts.	20	21	22	23	24	25	26	
	27	28	29	30	31	1	2	FEB
	3	4	5	6	7	8	9	
During or before shaded range: SEND NOTICE/INVITATION for consultation meeting to ALL non-sponsoring local taxing districts	10	11	12	13	14	15	16	
	17	18	19	20	21	22	23	
	24	25	26	27	28	29	1	MARCH
Hold public meeting with local taxing districts— no less than 21 days after mailing notice/invitation,	2	3	4	5	6	7	8	
	9	10	11	12	13	14	15	
... as well as other communications & outreach; consent resolutions adopted by any non-sponsoring county, port or city, and preparation of mandatory submissions	16	17	18	19	20	21	22	
Sponsoring city/port/county adopt resolutions, <u>at least SEVEN (7) DAYS after</u> actual date of consultation meeting. Also, finish mandatory application elements. April 4 — Due Date (postmark) for local application	23	24	25	26	27	28	29	
	30	31	1	2	3	4	5	APRIL
Department reviews applications for qualification; determines/announces if competitive selection needed	6	7	8	9	10	11	12	
Director might determine to order effective designation of one or more new enterprise zones allowed by 2005 law, relative to competition	13	14	15	16	17	18	19	
	20	21	22	23	24	25	26	
Shaded Range: Deadline, announced pursuant to qualification review, as necessary, for Department's actual **RECEIPT** of additional submissions for competitive criteria— 30+ days after initial due date	27	28	29	30	1	2	3	MAY
	4	5	6	7	8	9	10	
	11	12	13	14	15	16	17	
	18	19	20	21	22	23	24	
If Necessary to complete round: Review of applications for competitive criteria; score and rank proposed enterprise zones for advising Director.	25	26	27	28	29	30	31	
	1	2	3	4	5	6	7	JUNE
	8	9	10	11	12	13	14	
	15	16	17	18	19	20	21	
	22	23	24	25	26	27	28	
Eleven zones terminate ... and their replacement designations are ... effective midnight July 1, 2007	29	30	1	2	3	4	5	

Date: 11/19/07
From: PTF 12.2 Sustainable Business Cluster Committee
To: EVP Steering Committee

Re: Enterprise Zone and Sustainable Development

Per the request of the EVP steering committee, the 12.2 committee has investigated whether an enterprise zone would be a useful tool as part of a program to develop and support sustainable business clusters. The committee discussed and read about the enterprise zone concept, coming to an understanding that it is a good tool to promote economic development. After talking to Art Fish at OECDD and several people at other agencies, we have come to the conclusion that, technically and legally, criteria could be developed that would allow an enterprise zone to target sustainable business economic development. If we decide to use this tool, it will be critical that we develop criteria in a way that does not inadvertently discourage the use of the enterprise zone by a potentially 'sustainable' business. In addition it is important that the criteria for use of the zone be easily manageable, and that the criteria do not require extensive resources to ensure compliance.

In summary, the 12.2 committee has determined that an enterprise zone with the proper criteria (the definitions of a 'sustainable' business) would be a useful tool for the development of a sustainable business cluster in our region. We believe that the next step should be the development of the 'sustainable business' criteria and subsequent discussion of themit with stakeholders and the community.

The 12.2 committee has developed the list below of sustainable business cluster areas that have the potential to be expanded by growing existing companies and recruitment. The *"Sustainable Enterprise Zone"* is just one tool to help with this effort.

- Green Building
- Alternative Energy
- Local Food
- Recycled Products, Sustainable Replacement Products
- Green / Clean Tech

In addition the criteria below has been developed by the Oregon Natural Step Network to assist in accessing and understanding an organizations commitment to sustainability

<u>Oregon Natural Step Network criteria for a commitment to sustainability</u>

- Redefined success in line with sustainability
  - *Organization is publicly using triple bottom line*
- *Have made the cultural shift and see the world with new lenses*

    - *Organization has trained all or most personnel in all operations with the intent to integrate sustainability into all areas*
- *Have developed (management) systems to incorporate this new view into their practices*
    - *Incorporated sustainability within their business planning*
    - *Implemented a sustainability management system (SMS) or equivalent*
- *Are showing measurable results in their practices and products in moving toward The Natural Step systems conditions*
    - *Developed sustainability metrics aligned with TNS system conditions*
    - *Capturing data in SMS, EMS or equivalent*
- *Inspiring others locally and nationally*
    - *Case study has been written*
    - *Articles are appearing in the press*
    - *Organization is participating in sustainability events*

If you have any questions about our findings or recommendation please feel free to contact any of the committee members listed below. We look forward to taking the next steps to make a "Sustainable Enterprise Zone a reality.

Sincerely,

Bob Devine
Alan Fudge
Bruce Hecht
Larry Plotkin
John Sechrest

RECEIVED
FEB 14 2008
CITY MANAGERS
OFFICE

BOYS & GIRLS CLUB
OF CORVALLIS

1112 NW Circle Blvd
Corvallis, OR 97330
Tel 541-757-1909
Fax 541-757-7874
www.bgccorvallis.org

Tax ID #23-7153987

February 14th, 2008

Dear Mayor Tomlinson:

The Boys & Girls Club of Corvallis has been a long-standing community partner dedicated to providing a safe and positive place for our school age children year round. As our community has grown and more families in need have moved into south Corvallis, we have seen a growing need to explore a location in south Corvallis that would provide better access and a closer location for these families.

We currently deliver an after school program in partnership with Lincoln school. Today 120 children are served through this on site program between 2:30 and 5:30 on school days. This is a good step towards a solution for our families in South Corvallis, but lacks non-school day options, and does not provide a safe place for children over the summer.

It is our understanding that there are plans to explore the construction of buildings in the urban renewal district. Because part of the renewal district extends to the Evanite property south of the Mary's river it appears that a partnership between the City and the Boys & Girls Club would be mutually beneficial in serving youth in our community. We would appreciate the opportunity to take part in the planning process.

Sincerely,

Alan Lanker, President
Board President

Helen Z. Higgins
CEO

Officers
Alan Lanker
President

Patrice O'Brien
President Elect

Jamie Hughes
Treasurer

Board of Directors
Tom Ahlers
Rick Bennett
Beth Buglione
Todd Cleland
Bob Cook
Patrick L. Crook
John Croy
Joan Demarest
Kerry Dyer
Randy Huber
Doris R. Johnston
Stephanie Maxon
Bill Mercer
Susan Schmidt
Ryan Sparks
Barte Starker
Dawn Tarzian
Dick Thompson
Biff Traber
Todd Washington
Tim Weber
Curtis Wright

Executive Director
Helen Z. Higgins

North College Hill Neighborhood Association

NEIGHBORHOOD FOOD NETWORK
Survey #1

Members of our neighborhood association are establishing a "Neighborhood Food Network" in order to

1. Create greater food self-sufficiency,
2. Make the best use of available resources, and
3. Have fun getting to know each other!

Purpose of survey: To find out who is interested in being a part of this Neighborhood Food Network.

Please take a minute to respond to the questions below. **Return the survey to Anna Cates (nacates@gmail.com), 2311 NW Van Buren Ave.) by Friday, February 22, 2008**. Thanks for your participation.

1. Do you have a vegetable garden or fruit trees?

   ___ Yes
   ___ No
   ___ No, but I am interested in planting a vegetable garden or fruit trees in the future.

2. Would you be willing to share your excess garden produce with your neighbors in exchange for their extra produce?

   ___ Yes
   ___ No

3. Would you be willing to plant an extra row in your garden to share with low-income members of our community (e.g., food bank) through the Neighborhood Food Network?

   ___ Yes
   ___ No

4. Are you interested in being part of a "buying club" in which residents of our neighborhood place bulk orders from local farmers at a reduced price?

   ___ Yes
   ___ No

5. If you are not currently interested in participating in the activities listed in the preceding questions, would you be interested in:

   ___ Receiving more information
   ___ Sharing a plot of land in the neighborhood on which to grow food (e.g., because my yard is too shady, I am a renter, etc.)
   ___ Other (please explain) _____
   _____

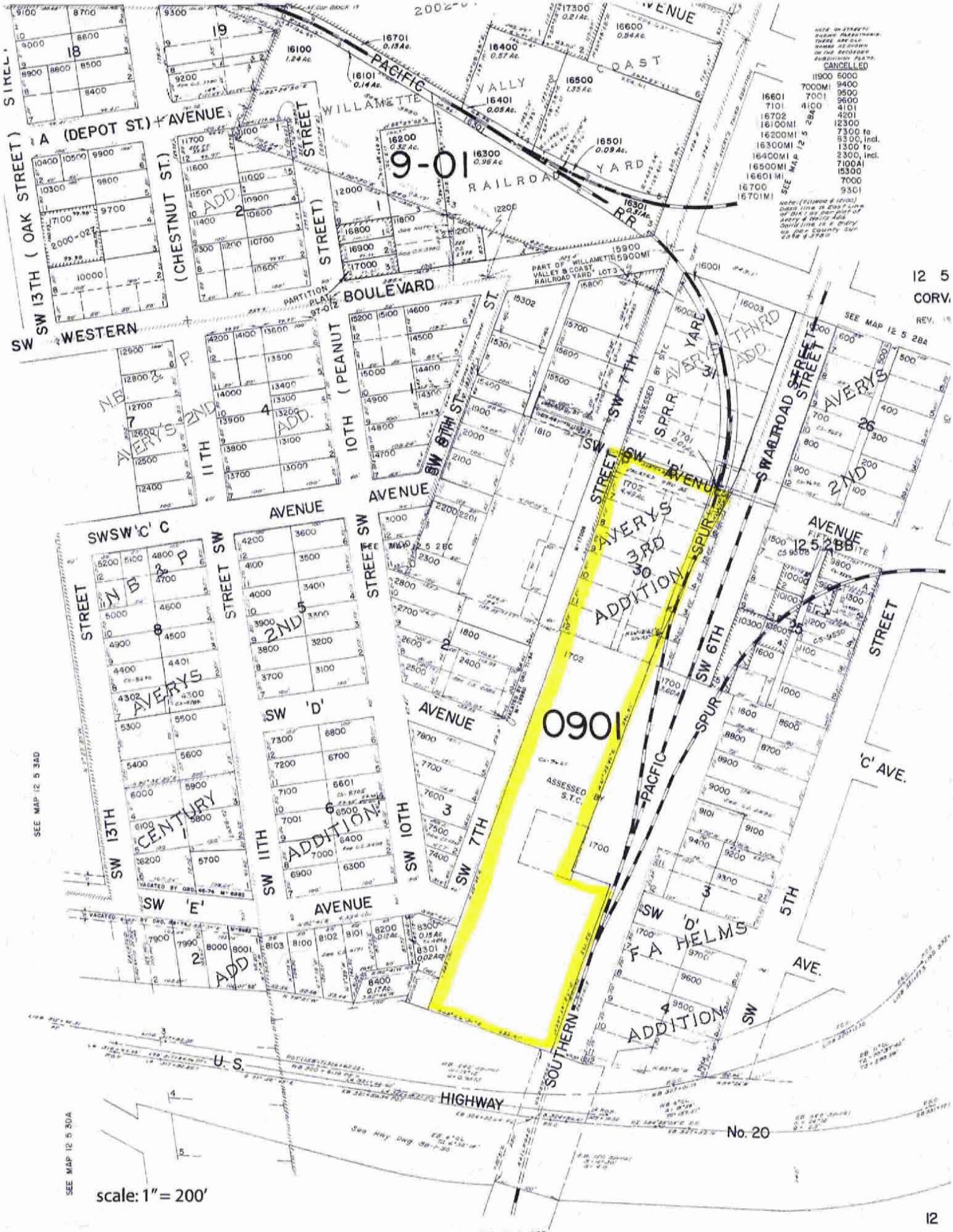
6. Would you like to remain on this list?

   ___ Yes
   ___ No

Please provide your contact information below so we can either follow up or take your name off our list:

Name _____
Address _____
Phone _____ Email address _____

WESTERN BOULEVARD
E. AVENUE


0901
9-01
SW 13TH (OAK STREET)
(CHESTNUT ST.)
(PEANUT STREET)
SW WESTERN BOULEVARD
SW 'A' (DEPOT ST.) AVENUE
WILLAMETTE VALLY COAST RAILROAD YARD
PACIFIC R.R.
AVERYS 2ND ADD.
AVERYS 3RD ADDITION
AVERYS THIRD ADD.
CENTURY ADDITION
SW 'C' AVENUE
SW 'D' AVENUE
SW 'E' AVENUE
SW 'B' AVENUE
SW 'C' AVE.
SW 11TH
SW 10TH
SW 7TH
SW 6TH
SW 5TH
SW 13TH
PACIFIC SPUR
SOUTHERN PACIFIC
U.S. HIGHWAY No. 20
SEE MAP 12 5 3AD
SEE MAP 12 5 30A
SEE MAP 12 5 28A
SEE MAP 12 5 28C
SEE MAP 12 5 28B
scale: 1" = 200'
12