**CORVALLIS**
**CITY COUNCIL AGENDA**

**January 5, 2009**
**12:00 pm and 7:00 pm**

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

## COUNCIL ACTION

## OATHS OF OFFICE

## 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 – December 15, 2008
   2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Planning Commission – September 24 and October 1, 2008

B. Announcement of Vacancy on Bicycle and Pedestrian Advisory Commission (Storer)

C. Announcement of Appointments to Boards, Commissions, and Committees (Bicycle and Pedestrian Advisory Commission - Herford; Budget Commission - French; Committee for Citizen Involvement - Wershow)

D. Schedule a public hearing for January 20, 2009 to consider an appeal of a Planning Commission decision (PLD08-00013, SUB08-00007 – Deer Run Park Subdivision)

E. Acknowledgment of receipt of 2008 updated Council Policies

F. Acknowledgment of 2009 City Manager employment agreement

G. Authorization to enter into and for the City Manager to sign an Intergovernmental Agreement with the City of Philomath for operation of Philomath Connection transit service

H. Authorization to enter into and for the City Manager to sign an Intergovernmental Agreement with the United States Geological Survey for maintenance of the Albany river gauge

I. Authorization to enter into and for the City Manager to sign an Assumption of Lease and Consent to Assign the Mediplane, Inc. dba REACH Air Medical Services lease to REACH SC LLC

## III. ITEMS REMOVED FROM CONSENT AGENDA

## IV. UNFINISHED BUSINESS

A. Deliberations of an appeal of a Planning Commission decision (PLD08-00009 – Western Station)

B. City Legislative Committee – December 17, 2008

## V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

1. Election of Council President and Vice President for 2009-2010 Term of Office
2. Standing Committee Appointments and Appointments of Council Liaisons to Boards, Commissions, and Committees (to be distributed on Monday)
3. Updated Boards, Commissions, and Committees directory (to be distributed on Monday)

B. Council Reports

C. Staff Reports

1. Council Request Follow-up Report – December 31, 2008
2. 2008 Citizen Survey Report
3. 2009-2010 Ward Meetings
4. 2009 Government Comment Corner

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

## VII. PUBLIC HEARINGS – 7:30 pm

A. A public hearing to consider a Land Use Board of Appeals remand order (PLD06-00018, SUB06-00006 – Brooklane Heights)

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

A. Human Services Committee – None.

B. Administrative Services Committee – December 18, 2008
1. Economic Development Allocations First Quarter Reports
2. First Quarter Operating Report
3. Funding Agreement Annual Report – Corvallis Environmental Center
4. Council Policy Review: CP 04-1.09, "Public Access Television"
5. Council Policy Review: CP 91-2.01, "Meeting Procedures"
6. Council Policy Review: CP 91-3.01, "Appointment of Acting City Manager"
7. Council Policy Review: CP 91-3.02, "City Compensation Policy"

C. Urban Services Committee – December 18, 2008
1. Industrial Wastewater Pretreatment Program: Sewer Use Ordinance Modifications
*ACTION:* *An ordinance amending Corvallis Municipal Code Chapter 4.03, "Sewer Regulations," as amended,* **to be read by the City Attorney**

D. Other Related Matters

1. *A resolution accepting a grant from Oregon Parks and Recreation Department ($28,463) for improving the Avery Park Rose Garden to Americans with Disabilities Act standards,* **to be read by the City Attorney**

## X. NEW BUSINESS

## 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

## JANUARY 1 - 17, 2009

THURSDAY, JANUARY 1

- City Holiday - all offices closed

SATURDAY, JANUARY 3

- No Government Comment Corner

MONDAY, JANUARY 5

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

TUESDAY, JANUARY 6

- Airport Commission - 7:00 am - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Human Services Committee - 12:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Downtown Parking Committee - 5:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

WEDNESDAY, JANUARY 7

- Planning Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

THURSDAY, JANUARY 8

- Citizens Advisory Commission on Civic Beautification and Urban Forestry - 8:00 am - Parks and Recreation Conference Room, 1310 SW Avery Park Drive
- Administrative Services Committee - 12:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Urban Services Committee - 4:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Committee for Citizen Involvement - 7:15 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

FRIDAY, JANUARY 9

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

SATURDAY, JANUARY 10

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

MONDAY, JANUARY 12

- City Council Orientation - 3:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

TUESDAY, JANUARY 13

- Commission for Martin Luther King, Jr. - 12:00 pm - City Hall Meeting Room A, 500 SW Madison Avenue
- Historic Resources Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard

WEDNESDAY, JANUARY 14

- Citizens Advisory Commission on Transit - 8:20 am - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Downtown Commission - 5:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

THURSDAY, JANUARY 15

- Parks, Natural Areas, and Recreation Board - 6:30 pm - Downtown Fire Station, 400 NW Harrison Boulevard

SATURDAY, JANUARY 17

- No Government Comment Corner

**CITY OF CORVALLIS**
**COUNCIL ACTION MINUTES**
**December 15, 2008**

**SUMMARY OF DISCUSSION**

| Agenda Item | Information Only | Held for Further Review | Decisions/Recommendations |
|---|---|---|---|
| **Consent Agenda**<br>Pages 652-653 | | | |
| **Unfinished Business**<br>1. Community Sustainability Plan<br>2. Walnut Professional Center Findings of Fact and Order<br>3. Willamette Landing Phase 10 Findings of Fact and Order<br>4. LDC Text Amendment Package 1 Findings<br>5. Council budget direction<br>Pages 653-659 | <br><br><br><br><br><br>Yes | | • Received and accepted Plan as meeting FY07-08 Sustainability Goal passed U<br>• Adopted Findings of Fact and Order passed U<br>• Adopted Findings of Fact and Order passed U<br>• ORDINANCE 2008-20 passed U |
| **Mayor Reports**<br>1. City Web survey<br>2. Wheel Chair Day<br>3. 2009 Teen Summit<br>4. Sustainability memberships<br>5. Recognition 2007-2008 Councilors<br>Pages 659-660 | <br>Yes<br>Yes<br><br>Yes<br>Yes | <br><br>Referred to ASC | |
| **Council Reports**<br>1. York and Wershow commendations (Daniels)<br>2. Book sale to Barack Obama (York)<br>3. Request to delay Brooklane Heights public hearing (York)<br>4. Urban Forestry Strategic Management Plan funding (Wershow)<br>5. Ward 2 tree planting (Daniels)<br>6. Winter's Eve (Raymond)<br>7. Arts Commission interest (Raymond)<br>8. Homeless Coalition update (Raymond)<br>Page 661 | <br>Yes<br><br>Yes<br>Yes<br><br>Yes<br>Yes<br>Yes<br>Yes | | |
| **Staff Reports**<br>1. Sanding streets<br>2. Development Services reductions<br>3. ICLEI-Local Government Sustainability grant<br>4. City Manager's Report – November 2008<br>5. Qwest settlement<br>6. Heartland Humane Society request<br>Pages 661-663 | <br>Yes<br>Yes<br><br>Yes<br><br>Yes<br><br> | <br><br><br><br><br><br>Referred to HSC | |

| Agenda Item | Information Only | Held for Further Review | Decisions/Recommendations |
|---|---|---|---|
| **ASC Meeting of December 4, 2008**<br>1. CAFR<br>2. Solid Waste Municipal Code Revision<br>3. Economic Development Policy Review<br>4. Economic Development Allocation Process and Calendar<br>Pages 663-664, 684-688 | | | • Accepted report passed U<br>• ORDINANCE 2008-21 passed U<br>• Allocated 4% TOT to fairs and festivals; 1 year review passed U<br>• Approved process; set calendar passed U |
| **USC Meeting of December 4, 2008**<br>1. Wednesday Farmer's Market location<br>Page 664 | | | • Approved location; directed staff to negotiate lease passed U |
| **Other Related Matters**<br>1. Second Reading – Chronic Nuisance Property<br>2. FEMA/DHS grant – aerial platform<br>3. Pro Tem Municipal Court Judges<br>4. OECDD grant – Hydo-Electric Study<br>5. FEMA/DHS grant – earthquake exercise<br>Pages 664-665 | | | • ORDINANCE 2008-22 passed 7-1<br>• RESOLUTION 2008-28 passed U<br>• RESOLUTION 2008-29 passed U<br>• RESOLUTION 2008-30 passed U<br>• RESOLUTION 2008-31 passed U |
| **New Business**<br>1. OAC Boiler Capital Improvement Project Funding Strategy<br>2. Reploeg Health Hazard Annexation<br>Pages 666-671 | | January 20, 2009 | • Redirected existing budget authority to complete project passed U |
| **Executive Session**<br>1. CAS pending litigation<br>Page 672 | Yes | | |
| **Visitors' Propositions**<br>1. Economic development allocations (vanDevelder, Spencer-Hadlock, Hope-Johnstone, Rusk)<br>Pages 672-674 | Yes | | |
| **Public Hearings**<br>1. Western Station Appeal<br>Pages 675-684 | | Deliberations January 5, 2009 | |

Glossary of Terms

| | | | |
|---|---|---|---|
| ASC | Administrative Services Committee | HSC | Human Services Committee |
| CAFR | Comprehensive Annual Financial Report | LDC | Land Development Code |
| CAS | Corvallis Aero Services | OAC | Osborn Aquatic Center |
| CSC | Corvallis Sustainability Coalition | OECDD | Oregon Economic & Development Department |
| DHS | Department of Homeland Security | PW | Public Works |
| FEMA | Federal Emergency Management Agency | TOT | Transient Occupancy Tax |
| FY | Fiscal Year | U | Unanimous |

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

**December 15, 2008**

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:00 pm on December 15, 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, Raymond, Brauner, Hervey, Wershow

ABSENT: Councilor Brown (excused)

II. CONSENT AGENDA

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

A. Reading of Minutes
   1. City Council Meeting – December 1, 2008
   2. City Council-Elect Work Session – December 3, 2008
   3. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
      a. Airport Commission – November 4, 2008
      b. Bicycle and Pedestrian Advisory Commission – November 7, 2008
      c. Citizens Advisory Commission on Transit – November 12, 2008
      d. Commission for Martin Luther King, Jr. – October 28, 2008
      e. Committee for Citizen Involvement – November 6, 2008
      f. Corvallis-Benton County Public Library Board – November 5, 2008
      g. Downtown Commission and Downtown Parking Committee – November 12, 2008
      h. Downtown Parking Committee – November 4, 2008
      i. Historic Resources Commission – November 12, 2008
      j. Housing and Community Development Commission – November 19, 2008
      k. Planning Commission – September 17, 2008
      l. Watershed Management Advisory Commission – October 15, 2008

B. Confirmation of Appointment to Airport Commission (Dean)

C. Announcement of Vacancy on Budget Commission (Kvidt)

D. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(h) (status of pending litigation or litigation likely to be filed)

The motion passed unanimously.

III. ITEMS REMOVED FROM CONSENT AGENDA – None.

IV. UNFINISHED BUSINESS

A. Corvallis Sustainability Coalition Community Sustainability Plan presentation

Coalition Co-Chairs, Betty Griffiths and Annette Mills, presented the Community Sustainability Plan with Jim Owens of Cogan Owens Cogan, LLC, project consulting firm. Ms. Griffiths said the Plan is the cumulation of work conducted during the last year by the Coalition Partnership, the City Council, other partner organizations, and community members. The Coalition requests Council accept the Plan as meeting the 2007-2008 Council Goal to "Enhance organizational sustainability efforts and begin to develop a community-wide sustainability initiative." The Plan is visionary and includes proposals from the 12 broad-ranging and far-reaching work groups. The goals in each of the 12 topic areas provide suggested direction for public policy and are a starting point for Council discussions.

Mr. Owens reported that the Coalition has provided Council with regular updates and held three Town Hall meetings in which more than 1,000 citizens participated. Hundreds of additional citizens participated in the work group process to finalize recommendations within the topic areas. Mr. Owens said the extraordinary community action in the development of this Plan was impressive and included thousands of volunteer hours. The energy and expertise have been inspiring and the consultant team believes this is the most broad-based, thoughtful, and visionary sustainability process of its kind; nationally, and most likely globally. He added that the Coalition and Council can take great pride in the efforts and product of this process.

Ms. Mills said the Coalition was formed to foster greater communication and collaboration among local organizations committed to creating a sustainable community. The Coalition currently has 135 partner organizations of varying sizes representing diverse interests. The partners include 65 businesses, 44 civic and non-profit organizations, seven faith communities, and 19 education and government-based entities. The City has been the Coalition's primary sponsor and partner throughout this community-wide process. During the past ten years, the City has moved toward a more sustainable community by adopting the Corvallis 2020 Vision Statement in 1998, a 2003 over-arching sustainability goal, and the sustainability policy in 2004. In 2005, Council adopted a goal for organizational sustainability and approved funding in 2006 to hire a sustainability coordinator to develop a sustainability management plan for City government. The Community Sustainability Plan builds on work already being conducted by the City and other community organizations and individuals. The Coalition looks forward to a continued successful partnership.

Ms. Mills said implementation of the Plan will be completed by Coalition Action Teams working in collaboration with partner organizations. During the past month, the Coalition Steering Committee has been recruiting leaders and team members organized around the topic areas. The Energy Action Team and Food Action Team were recently launched and the other teams will begin meeting in early 2009. In addition, the Coalition Steering Committee conducted a survey of the partner organizations to identify which strategies they

are working on or would like to work on to implement the Action Plan. As a result, 51 partner organizations are included in the Action Plan as key organizations committed to community sustainability.

Ms. Griffiths said the Coalition applauds the work begun by City staff to review the Plan with a goal of providing the 2009-2010 Council with information necessary to determine next steps. This includes identifying goals with policies, goals being developed, and goals for future work items. The Coalition wants to work closely with Council and City staff on implementation steps. Part of prioritizing strategies and actions will be a scientific survey conducted under a contract with the Oregon State University (OSU) Survey Research Center. The goal of the survey is to gauge support for a variety of key strategies and actions and to gather baseline data on current sustainability behaviors and actions in our community. The Plan includes an implementation pathway and the expectation that this is a living document with additional work, feedback, and interaction to come. This visionary document contains many proposals and, like any complex effort toward change, there are a number of items in the Plan to be analyzed, revised, coordinated, and refined. The Coalition understands this is a starting point for future prioritization and recognizes that many of the goals and strategies involve policy issues to be addressed by Council. The Coalition wants to work with Council on further analysis of this document and participate in a discussion on collective priorities that can be part of a new Council goal moving this effort forward. Accepting the Plan does not mean the Council agrees with all of the Plan recommendations.

On behalf of the Coalition, Ms. Mills thanked everyone involved in the process, recognized the Mayor, Council, and City Manager Nelson for support, and commended Councilor Brown for his significant efforts as Council Liaison. She noted that Councilor Daniels was also engaged as the alternate Council Liaison. Ms. Mills acknowledged Kirsten Green and the consulting team for providing the guiding hand and unwavering support necessary for this process. She thanked members of the Coalition Steering Committee, task groups, committees, work group facilitators, and hundreds of community members who collectively contributed thousands of hours to the process during the past year.

Mayor Tomlinson thanked the Coalition for their hard work and acknowledged the amount of work yet to be completed.

Councilor Raymond extended gratitude to the committee and said she was pleased with the cooperation between all of Corvallis, from youth to seniors, and educators to business people.

Councilor Brauner thanked Coalition members and others who worked on the Plan. He said there is a lot of work to do and noted that some of the recommendations conflict with others. He agrees that the Plan meets the Council Goal to begin working on a community-wide sustainability plan and he looks forward to future work on the Plan.

Councilors Brauner and Wershow, respectively, moved and seconded to receive and accept the Plan as meeting the 2007-2008 City Council Goal on Sustainability.

Councilor Daniels moved to amend the motion to accept the Plan as meeting the 2007-2008 City Council Goal on Sustainability.

In response to Councilor York's inquiry, Councilor Brauner confirmed that his motion is to receive and accept the Plan as meeting the Council Goal. He cannot accept the Plan as a full Plan, but accepts it as meeting the Council Goal to begin working on the Plan.

Councilor Raymond seconded the amended motion.

Councilor Daniels said "accepting" the Plan is more clear and recognizes it as a good thing versus the neutrality of recognizing receipt. Accepting the Plan does not imply Council is adopting the Plan without further review and development of public policy.

Councilor Raymond said the Council is not in agreement with all of the Plan's action items, specifically energy and land use; however, the goals are worthwhile and the details can be worked out later. The Plan is a living document that will develop and change.

Councilor Wershow inquired about the difference between "receive," "accept," and "adopt." The Plan has been presented to Council; therefore, it is part of the permanent record under State law. It is superfluous to state that Council "accept" and/or "receive" it because Council must accept and receive it as presented. He wants to avoid giving the impression to future Councils and City staff that this is a document adopted by Council without needing further work. The amended motion sounds like the Plan is being "adopted" and he will not support it.

Based on the following roll call vote, the amended motion failed three to five.
Ayes: Daniels, Beilstein, Raymond
Nays: York, Hamby, Brauner, Hervey, Wershow

Councilor Brauner said the main motion is not a rejection of work that has transpired. The motion responds to the request by the Coalition for Council to accept the Plan as meeting the 2007-2008 Council Goal to begin developing a community-wide sustainability initiative.

Councilor Beilstein said the report is not specific to Council, it is for all Coalition partners. The City provided the majority of funding for the process and other partners provided resources, time, and volunteers. Approximately half of the action items have City government involvement. He supported the amended motion because he wants it understood that Council takes the Plan and Coalition work very seriously. The Council will work hard toward implementation of the Plan. "Accepting" and/or "receiving" does not mean the Council is adopting the Plan, it means Council accepts it as good work completed by the community and partners. The Plan will be used as beginning framework for the City's sustainability goals. He concluded that Council has a strong commitment to making the sustainability process work, and the City is committed to the effort, even if Council disagrees with some action items.

Councilor Wershow said he supports sustainability and has always been a strong supporter of land use planning. One action item in the Plan opens the possibility for changing or weakening land use laws. He opined that Council would not be in favor of this. He does

not want the public to believe that accepting this Plan automatically means the action items will be done. Future Councils will do the best they can to support sustainability.

The main motion passed unanimously.

Mayor Tomlinson thanked Mses. Griffiths and Mills, and Mr. Owen for their efforts.

Councilor Daniels presented flower bouquets to Mses. Griffiths, Mills, and Schuster on behalf of Councilor Brown, who could not attend the meeting due to weather conditions. Councilor Brown asked Councilor Daniels to share his personal thanks to the leaders and individuals who volunteered hundreds of hours keeping this initiative moving forward to meet Council's deadline. Mses. Griffiths, Mills, and Schuster were those leaders.

Councilor Daniels expressed her appreciation for the Coalition's hard work and for providing a forum to share the energy, talents, innovation, and creativity from this diverse community.

Written testimony related to the Sustainability Plan was received from Dr. Rod Holland (Attachment A) and Dominic and Louanna Oliver (Attachment B).

B. Adoption of Findings of Fact and Order relating to an appeal of a Planning Commission decision (PLD08-00005, SUB08-00004 – Walnut Professional Center)

Councilors Hamby and York, respectively, moved and seconded to adopt the draft Formal Findings and Conclusions from the December 5, 2008 memorandum from the Community Development Director in support of Council's decision to deny the appeal and approve the Walnut Professional Center application (PLD08-00005 and SUB08-00004).

Councilor Hervey expressed concern with the language in Findings, Page 4, #5, sentences 5, 8, and 14. He said the underlying basis for much of the paragraph is in the phrase, "...until the Land Development Code (LDC) which fully implemented the Corvallis Comprehensive Plan (CCP) was adopted." The intent of the LDC is to implement the CCP as the guidance document. Council may find the LDC, as applied, does not meet the intent of the CCP. If so, it appears appropriate to vote in favor of the CCP intent until the LDC can be brought into alignment. Council's recent passing of the first of three revisions to the LDC reinforces this interpretation. Councilor Hervey opined that Council would seldom reverse a staff or Planning Commission recommendation based upon an interpretation that the LDC does not accurately implement the intent of the CCP.

Councilors Hervey and Beilstein, respectively, moved and seconded to amend Findings, Page 4, #5, sentence 5 to read:

> "If an application complies fully with the standards in the LDC, the Council finds that it will ***almost*** always be compatible with the purposes of the Planned Development chapter and will ***almost*** always be consistent with the policies of the CCP."

Findings, Page 4, #5, sentence 8 to read:

> "Accordingly, ***in the vast majority of cases***, except as specifically related to the discussion of a requested variance from the LDC standards, the City

Council finds that consistency with the LDC is by its nature consistent with the CCP."

Findings, Page 4, #5, sentence 14 to read:

"The ***intent of the*** LDC, ~~was developed~~ in part, ***is*** to resolve these apparent conflicts with a clear and objective set of standards."

Councilor Beiltstein said, although Council does not want inconsistency between the LDC and CCP, there are conflicts. To indicate that issues noted by an applicant or appellant, based on the CCP not supported by the LDC, are irrelevant, is not a solid decision. The amendments address a philosophical question and make the findings stronger.

Councilor Daniels said one reason for having Formal Findings after a land use decision is to make sure the decision is clear and will be upheld if appealed.

City Manager Nelson added that the Findings reflect staff's best foot forward representing Council's decision. The language in the Findings is very strong and is approached with the idea that it may be appealed.

City Attorney Fewel said he would need to further study the language before voicing an opinion. The language presented in the original motion was reviewed with staff and decided to be the most sustainable order if appealed to the Land Use Board of Appeals (LUBA).

Councilor Daniels said she disagreed with the suggested amendments for the eighth sentence.

Based on the following roll call vote, the amended motion failed two to six:
Ayes: Beilstein, Hervey
Nays: Daniels, York, Hamby, Raymond, Brauner, Wershow

The main motion passed unanimously.

Mayor Tomlinson announced that any participant not satisfied with Council's decision may appeal to the State Land Use Board of Appeals within 21 days of the date of Council's decision.

C. Adoption of Findings of Fact and Order relating to a Comprehensive Plan amendment and an appeal of a Planning Commission decision (CPA08-00002 – Willamette Landing Phase 10)

Councilors York and Beilstein, respectively, moved and seconded to approve the Findings of Fact included in the December 10, 2008 memorandum from Community Development Director Gibb, denying the requested Comprehensive Plan amendment, upholding the Planning Commission's decision to deny the Zone District change and Major Planned Development Modification, approving the Minor Replat; thereby overturning the Planning Commission's decision to deny the request. The motion passed unanimously.

Mayor Tomlinson announced that any participant not satisfied with Council's decision may appeal to the State Land Use Board of Appeals within 21 days of the date of Council's decision.

D. Adoption of Findings of Fact and Order relating to a Land Development Code text amendment on Council Initiated Package #1 (LDT08-00002)

Mr. Fewel read an ordinance amending the Corvallis Land Development Code, modifying Ordinance 93-20, as amended, and stating an effective date.

Councilor Daniels said when she reviewed the minutes of the public hearing, Council did not discuss of the change regarding the rounding of fractions. She stated agreement with the Planning Commission's decision to only round-up at the end of a process of numerical calculations and carrying-out the number two decimal positions.

ORDINANCE 2008-20 passed unanimously.

Mayor Tomlinson announced that any participant not satisfied with Council's decision may appeal to the State Land Use Board of Appeals within 21 days of the date of Council's decision.

E. City Council budget directions

Mr. Nelson said the staff report reflects the outcome of the November 18 Council work session on budget projections related to property tax, ending fund balance, budget capacity for new or enhanced programs or capital projects, trend lines, and Council requested budget enhancements.

The City's projected ending fund balance for property tax supported funds is $8.6 million. During the work session, Council requested staff use three months payroll to establish an appropriate fund balance followed by reviewing the budget capacity for program enhancement appropriations. The targeted fund balance, if the three-month payroll calculation is used, is $5.6 million, leaving a $3 million capacity value. During the work session, Council discussed using the $3 million over a five-year period of time. Using all of those factors, staff suggested $600,000 for Budget Commission consideration for program enhancements and new programs and services. Conceivably, some of the $600,000 could be a one-time expenditure for capital projects.

Councilor Beilstein referred to the list of Council proposed budget enhancements included with the staff report. He requested that the list and the Council preference voting document be forwarded to the Budget Commission.

Council concurred with the budget capacity and target budget strategy as listed in the staff report.

Mr. Nelson added that the financial projection, as presented, captures the historic norming adjustment (HNA) trend line.

Councilor Hamby noted that the HNA worst case trend line begins at Fiscal Year 2008-2009 while all other projections began earlier. Finance Director Brewer responded that the revised Fiscal Year 2008-2009 budget is treated with the expectation that all of the Fiscal Year 2008-2009 budget will be spent.

In response to Councilor Raymond's inquiry, Mr. Nelson clarified that the three-month payroll fund balance is a projection only and funds could be used in other areas.

Councilor Wershow cautioned that the numbers will be revised on a regular basis. He said this can be confusing to new Councilors and voters.

Mr. Nelson said staff is comfortable with giving the staff report documents to the Budget Commission, allowing the information to naturally evolve at the Budget Commission level, and/or taking forward any enhancements that may evolve from the Council goal setting discussions.

Councilor Brauner stated agreement to give the documents to the Budget Commission. Council will decide during the goal setting process which items need additional cost projections.

Councilor Daniels added that there has been tension or misunderstanding between citizen members of the Budget Commission and Council as some Council requested items have been discussed by the Council for months or longer. Providing the list of projected enhancements is a good way to communicate information before the process begins.

Councilor Daniels added that the proposed enhancements are projects or programs already being discussed, and some are "works in progress." Of all of the items on the list, only one is relatively new.

Councilor Hervey noted that each item on the list of proposed enhancements received two or three votes, except for support of community sustainability, which received nine votes.

## V. MAYOR, COUNCIL, AND STAFF REPORTS

Mayor Tomlinson announced that the City is requesting input from citizens about the City's Web site. The survey can be completed by visiting the City's Web site at: www.ci.corvallis.or.us.

Mayor Tomlinson referred to the Access Benton County meeting minutes topic about Wheel Chair Day. He previously participated in a Wheel Chair Day on the OSU campus with former Mayor Berg and found it very difficult to maneuver.

Mayor Tomlinson said the City received a request to support the 2009 Teen Summit. Last year Council supported the Summit with a $1,000 allocation.

Councilor York suggested the item be referred to the Administrative Services Committee (ASC) who reviewed the 2008 request. He noted that previous ASC discussions included determining where the funds would come from for this program.

Councilor Wershow stated support for review by the ASC. He noted that the Summit is a Benton County organization and inquired about their financial support.

Councilor Hamby said the recommendation in the minutes from the 2008 funding request state that future funding requests must be made through the social services funding process.

Council concurred that this request be referred to the ASC.

Mayor Tomlinson said because of the City's sustainability efforts, a number of organizations in the Northwest working on similar issues, including the Cascadia Livings Communities Coalition, are requesting the City become charter members. Councilor Beilstein requested a list of current cities participating in the Cascadia organization.

1. Recognition of 2007-2008 City Councilors

Mayor Tomlinson presented Councilors York and Wershow with commemorative plaques and recognized their service on the 2007-2008 Council.

Councilor York – "Over the past two years, Bill York has demonstrated his thoughtfulness and thoroughness in all of our deliberations. Bill understands Corvallis land use, having served on the Planning Commission and on City Council. He chaired the Administrative Services Committee during a particularly difficult time and chaired it well. Bill articulates his positions carefully and concisely, always staying focused on the issue, and not the person. He has demonstrated his interest in both the built environment and the natural environment. More than once, Bill has called me with a helpful suggestion, a perceptive question, or other guidance. I appreciate his spirit of team work and willingness to serve with the Council, Mayor, and City staff. Serving with Bill has been a rewarding experience and I believe the Council and community have been well served with his presence. Please join me in wishing Bill well in his future endeavors, especially from the 14th tee."

Councilor Wershow – "'When I served on the Council in 1989, we did....' Spanning almost two decades, this is the trademark of Stewart Wershow; Council parliamentarian and historian. Stewart has been a strong advocate for his Ward, talking to his neighbors about their issues through Ward meetings and calling on constituents. Criminal justice has always been one of Stewart's passions, serving on the Community Policing Forum. He is also a model Council liaison to his boards and commissions, bringing their future plans and concerns to the Council during Council Reports. Probably the best decision Stewart has made outside of Council business is marrying into one of Oregon's great land use families, the MacPhersons. As many of you know, Hector MacPherson helped author Senate Bill 100, Oregon's land use law. Please join me in wishing Stewart a long and productive post-Council time, although we will never know when and how Stewart will return to grace us with his presence."

B. Council Reports

Councilor Wershow concurred that the best decision he ever made was to marry Janet MacPherson.

Councilor Daniels noted that the Council is losing 16 years of accumulated experience between Councilors York and Wershow. She thanked them for their service to the City and community.

Councilor York reported that the Friends of the Library recently sold a four-book Carl Sandberg set about Abraham Lincoln to Barack Obama through the online book selling site, www.bentonbooks.com.

Councilor York said a constituent requested a delay on the Brooklane Heights public hearing, stating that the timing is not good due to the holidays. The constituent also questioned the long delay between the remand and final hearing.

Mr. Nelson said the hearing was extended beyond the 90 days to allow staff to work with the applicant on a clear direction for Council consideration. The hearing has been scheduled for January 5, 2009 and the required notices will be mailed today.

Councilor Wershow said he enjoys reviewing Councilor e-mail archives and noted that Councilor York received an interesting e-mail from Urban Forester Merja announcing the receipt of funds to draft the Corvallis Urban Forestry Strategic Management Plan.

Councilor Daniels reported that more than 20 trees were planted in Ward 2 on December 6. The project was a collaboration of the Oddfellows, Sierra Club, Downtown Corvallis Association, Commission for Civic Beautification and Urban Forestry, and Parks Division staff.

Councilor Raymond noted the following:

- Many Councilors and community members attended the Winter's Eve event in early December.
- Citizens have expressed interest in forming a new Arts Commission. Interested parties can contact Sally Duncan for additional information.
- She and Councilors Hamby and Daniels recently met with Homeless Coalition representatives. The Coalition is working on a ten-year plan to end homelessness and many people in the community are involved with different projects. The cold weather shelter is operating with volunteers from 16 organizations. Substitute volunteers are needed.

C. Staff Reports

Mr. Nelson said staff are sanding City streets and will continue to do so until the severe weather has passed.

Mr. Nelson announced that an update on the recent Development Services Division reductions will be provided after the first of the year.

Mr. Nelson referred to the materials from Councilor Brown related to a sustainability planning pilot project. The information relates to a request from Councilor Daniels about the ICLEI-Local Government Sustainability organization. The pilot project involves training and planning for local governments pursuing local sustainability plans. Grant applications are due December 19 and staff will continue working on the application for submission unless Council has concerns.

In response to Councilor Hervey's inquiry, Mr. Nelson said staff will further explore the potential for duplication of steps.

Councilor Daniels added that the City can withdraw the application if duplication is apparent in the process. She commended City staff for moving forward with the application.

1. City Manager's Report – November 2008

   Mr. Nelson requested Councilors call him if they have questions about the report.

2. Council Request Follow-up Report – December 11, 2008

   Mr. Nelson mentioned several items from the report:
   - Multi-family recycling – The issue will be brought back to Council through Committee following additional research on the responsibilities and implications to staff, if Council approves a change to the Municipal Code.
   - Radio Communications Tower – The Police Department provided an update.
   - Planning Division Work Items –
     - South Corvallis White Paper – additional information will be available in early 2009.
     - LDC Package #2 – staff is identifying items for potential approval by June 2009.
     - Planning Work Program – the 60 action items will be reviewed by citizens and the Planning Commission before Council review.

3. Qwest settlement

   Mr. Nelson reported that the City participated with the League of Oregon Cities in this lawsuit. The City's expenses totaled less than $10,000 and return on the investment was $48,000. He commended Ms. Brewer and Customer Services Manager Krieg for their work on this project.

4. Heartland Humane Society request

   Mr. Nelson said Heartland Human Society is requesting exemption from the living wage ordinance requirements. When the living wage ordinance was adopted, the Council increased the Heartland Humane Society's contract amount. Their request notes a compression in pay levels of technicians compared to professional positions. Mr. Nelson suggested this item be referred to the Human Services Committee

(HSC) for review. Committee review will include contract history and an opportunity to hear directly from Heartland Humane Society representatives.

Councilor Beilstein said he will support a review by the HSC, including alternative solutions such as increasing the contract amount. He will not be sympathetic to relieving a City contractor from obligations under the living wage ordinance and is not supportive of correcting salary compression by lowering the wages of individuals earning the lowest wage.

Councilor Wershow said more information is needed including the consequence of not contracting with Heartland Humane Society.

Mr. Nelson stated appreciation for the comments and confirmed that the issue will be scheduled for HSC discussion.

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

A. Human Services Committee – None.

B. Administrative Services Committee – December 4, 2008

1. Comprehensive Annual Financial Report (CAFR)

Councilor Raymond reported that the audit process went smoothly and there were no significant findings of internal control issues. The auditors made suggested improvements as noted in the ASC minutes.

Councilors Raymond and York, respectively, moved and seconded to accept the June 30, 2008 Comprehensive Annual Financial Report. The motion passed unanimously.

4. Solid Waste Municipal Code Revision

Councilor Raymond said the Committee discussed amendments to the Code to include a Public Responsibilities section, change "garbage" to "solid waste," and other housekeeping issues.

Mr. Fewel read an ordinance related to garbage, amending Municipal Code Chapter 4.01, Garbage Regulations, as amended.

ORDINANCE 2008-21 passed unanimously.

3. Economic Development Allocation Process and Calendar

Councilors Raymond and York, respectively, moved and seconded to approve the process and set the Economic Development Allocations calendar as recommended by staff.

Councilor York noted that the calendar assumes approval of the policy that is not scheduled for review until the evening meeting. If the policy is approved differently than Committee recommendation, the proposed calendar may not be manageable.

Councilors Raymond and York, respectively, withdrew the motion.

C. Urban Services Committee – December 4, 2008

1. Wednesday Farmer's Market Location

Councilor Hamby reported that the Corvallis-Albany Farmers' Market has been exploring an alternative location for the Wednesday Market. The Downtown Commission conducted public outreach and recommended the market be relocated to the City-owned parking lot at the intersection of 2nd Street and B Avenue. The Downtown Commission prefers the Market be held in the afternoon and early evening hours. If Council approves the relocation, staff will begin the process of lease negotiations.

Councilors Hamby and Daniels, respectively, moved and seconded to approve the Wednesday Farmer's Market location to the City-owned parking lot at 2nd Street and B Avenue and direct staff to negotiate a lease with the Corvallis-Albany Farmers' Market. The motion passed unanimously.

D. Other Related Matters

1. Mr. Fewel read, for the second time, an ordinance creating a new Corvallis Municipal Code Chapter 5.07, "Chronic Nuisance Property," providing civil penalties, providing remedies for the adverse effect on properties, and promoting and protecting the public health, welfare, and safety of the community.

ORDINANCE 2008-22 passed seven to one with Councilor Hervey opposing.

2. Mr. Fewel read a resolution accepting a grant from the Federal Emergency Management Agency/Department of Homeland Security in the amount of $341,760 for purchase of a replacement aerial platform, and authorizing the City Manager to sign grant documents.

Councilors Hamby and Brauner, respectively, moved and seconded to approve the resolution.

Councilor York noted that the current equipment cannot be sold because it does not comply with United States regulations. In response to his inquiry about selling the equipment overseas, Mr. Nelson said it is most likely not desirable to have the equipment in circulation; however, staff will explore the suggestion further. Councilor Beilstein added that if the City cannot sell the equipment outside of the United States, it might be possible to donate it to another country.

RESOLUTION 2008-28 passed unanimously.

3. Mr. Fewel read a resolution relating to appointment of pro tem Municipal Court Judges.

Mr. Fewel explained that Council appoints the Municipal Court Judge and the resolution names seven individuals as pro tems available at the Judge's needs.

Councilors Daniels and Hamby, respectively, moved and seconded to approve the resolution.

Councilor Beilstein added that the resolution also includes any active Municipal Court Judge from any other Oregon city.

RESOLUTION 2008-29 passed unanimously.

4. Mr. Fewel read a resolution accepting a grant from the Oregon Economic and Community Development Department in the amount of $18,500 for the Rock Creek Hydro-Electric Study, and authorizing the City Manager to sign grant documents.

Councilors Hamby and Beilstein, respectively, moved and seconded to approve the resolution.

In response to Councilor Raymond's inquiry about environmental aspects, Public Works Director Rogers said the intent is to determine if there is enough energy in the raw water pipeline water to produce electricity. He does not believe there would be any environmental impacts as the water is not released or dumped, and in fact, the water used to make electricity would also be used for drinking water.

In response to Councilor Daniels' inquiry, Mr. Rogers confirmed that if it is determined feasible to produce electricity, the project would qualify as a mini-hydro project.

Councilor Daniels said "mini-hydro" possibilities are frequently referred to in the Energy Trust pilot project and energy aspects of the Corvallis Sustainability Coalition's work.

RESOLUTION 2008-30 passed unanimously.

5. Mr. Fewel read a resolution accepting a grant from the Federal Emergency Management Agency/Department of Homeland Security in the amount of $9,190 for participation in an Urban Search and Rescue earthquake exercise, and authorizing the City Manager to sign grant documents.

Councilors Hamby and Beilstein, respectively, moved and seconded to approve the resolution.

RESOLUTION 2008-31 passed unanimously.

## X. NEW BUSINESS

### A. Osborn Aquatic Center Boiler Capital Improvement Project Funding Strategy

Mr. Nelson said when bids come in differently than proposed, the City typically rebids the project. If the bid is more than 25 percent over the expected expenditures, Council must approve moving forward with the project.

Mr. Nelson explained that the project was originally budgeted at $174,000. More than $100,000 was expected from property tax supported funds with the balance coming from Corvallis School District 509J, Osborn Aquatic Center Building Fund, Swim Club, and Business Energy Tax Credits (BETC). The bid came in higher than expected and if the boiler fails before the improvement, the BETC are voided. Staff recommend amending the bid and proceeding with an additional cost of $78,000. The additional funds will come from the Townsend Shelter carry-over, left-over Sunset Lights appropriations, and by postponing the Crystal Lake irrigation project for one-year.

Councilor Beilstein surmised that in the current economic climate, companies may be more willing to lower their bids. In response to his inquiry about placing the project out to bid again, Parks and Recreation Director Emery said the bid was received in Fall 2008 and she doubted there would be any change by placing a new bid this quickly. She added that it would take several months to coordinate a new bid procedure. Several companies bid the project and the recommendation is for the lowest bid. The project is only eligible for the projected $43,000 BETC if the project is completed before the end of the boiler's expected 35 year life span. The boiler is approximately 34 years old. Ms. Emery added that the facility will close if the boilers fail before the project is completed.

Mr. Nelson concurred that staff would move forward with rebidding the project if they thought there was a benefit to do so.

In response to Councilor Hervey's inquiry, Ms. Emery explained that the heat exchangers were removed from this project and will be replaced in the future. One of the exchangers has had repair issues; however, Public Works staff felt it worth the risk to postpone the replacement. The other heat exchanger is running well.

Councilor Raymond said the Osborn Aquatic Center is well used and an important part of City recreation. She will support the proposal.

In response to Councilor Wershow's inquiry about resubmitting the BETC application, Ms. Emery explained that the City was required to resubmit the application when the project changed from two to three boilers, and because of the increased cost.

Councilors York and Daniels, respectively, moved and seconded to approve redirecting existing budget authority to complete the Osborn Aquatic Center boiler project. The motion passed unanimously.

B. A resolution requesting an exemption from voter approval of an annexation to address a health hazard (ANN08-00006 – Reploeg Health Hazard Annexation)

Senior Planner Schlesener explained that the Benton County Health Department (BCHD) Environmental Health Division documented a health hazard of a contaminated well at 1599 NW Bonney Drive. The property is served by a private well that is going dry and has been contaminated with Coliform Bacteria. City water services are available nearby.

The subject property is contiguous to City Limits and within the Urban Growth Boundary. It has a Comprehensive Plan Map land use designation of Low Density Residential with both Natural Hazards and Natural Resources Overlays. The property is located west of NW13th Street, north of Bonney Drive, and south of the Highland Dell Drive cul-de-sac. The current Benton County zoning is UR-5.

Ms. Schlesener said State law and proximity to existing City water facilities make annexation and connection to City water the appropriate method for alleviating the documented health hazard. The City has approached sewer failures in a similar fashion by exempting them from the voter annexation process; however, this is the first time the Environmental Health Division has presented a water-related health hazard. City Planning staff worked closely on this issue with County staff, the City Attorney's Office, and the City's Public Works Department.

Ms. Schlesener added that the property owner is not considering connecting to City sewer service due to the distance to the City sewer lines. The property owner will pay for all costs associated with connecting to City services.

Councilor Wershow noted that Oregon Revised Statute (ORS) 222 requires a formal hearing at the State level after the City is notified of a health hazard and passes a resolution approving annexation.

Mr. Fewel responded that the process identified in ORS 222 is used when the property owner does not provide consent of annexation. City Charter states that the City cannot annex without a vote of the people unless mandated by State law. The City considers it mandated by State law when the County, as an agent of the State, tells the City that an annexation is necessary for health purposes. The proposed resolution acknowledges that the State, through the County, declared a health hazard and the City is exempting it from the Charter requirement to request voter approval. The Planning Commission will hold a hearing regarding the land use designation with follow-up Council hearings to process the annexation and withdrawal from the Rural Fire Protection District.

Mayor Tomlinson recessed Council from 1:59 until 2:10 pm.

In response to Councilor York's inquiry about potential density if the subject property is zoned RS-6, if annexed, Ms. Schlesener said it would depend on the LDC requirements. Density requirements for this site allow for two to six dwelling units per acre. There is no guarantee that a property owner is allowed maximum density, and before the property could be developed further, compliance for all of Corvallis' LDC criteria (infrastructure, utilities,

setbacks) would need to be demonstrated. In theory, up to 30 units could be developed, but challenges on the site would make that almost impossible.

Councilor York noted that the 120-foot deep well on the subject property is shallow compared to nearby wells that range from 300 to 500 feet deep. The well is also unlined, making is susceptible to near-surface contamination.

In response to Councilor York's inquiry about the property owner's obligation to remedy the issue through other means, BCHD Environmental Health Specialist Turkisher said Oregon Water Resources staff confirmed that the well met State construction codes and was drilled by a licensed well driller. The property owner has the option to drill another well; however, it has been difficult to locate water in the subdivision and the property owner would risk drilling a dry or low-flow well. When the current well was drilled, it was low-flow, but met the Code for low-flow with storage facility (1,500 gallon potable tank and separate 1,500 gallon irrigation tank). The property owner installed a two-gallon per minute flow restricter valve. A consultant determined that an ultraviolet (UV) filter would only be a short-term solution. Another water source needs to be found by drilling another well or by hooking up to City services after annexation.

Councilor York expressed concern about the County's role in a long-term solution, and fear that the City will eventually annex the subdivision one lot at a time due to a history of water shortages in the subdivision. Mr. Turkisher said Benton County Planning Director Verret and/or Public Works Director Irvin would need to respond to that concern. Not all of the subdivision lots are having water issues and the City's annexation requirement is to be contiguous to City Limits. At this point, not all of the 32 lots are contiguous to City Limits. Septic contamination is different in that Benton County will not allow a repair permit if sewer is legally and physically available (within 300 feet). City code defines physically available at 150 feet.

In response to Councilor Hamby's inquiry, Ms. Schlesener confirmed that the owner is not required to connect to the City's sewer system because the septic system is not failing and the connection distance is beyond 1,000 feet. If the distance was less than 150 feet, the property owner would be mandated to connect to City sewer.

In response to Councilor Raymond's inquiry, Ms. Schlesener said the owner petitioned for the annexation, paid the annexation fee, and will be required to pay for all costs associated with connecting to City water.

In response to Councilor Brauner's inquiry about mandating a health hazard annexation, Mr. Turkisher said the County has declared a health hazard and is bringing the issue forward for Council discussion on alternatives or allowance of the annexation. If the annexation is not approved, the property owner will need to develop an alternate solution such as drilling an additional well. Although the current well was drilled to Code by a licensed well driller, on-site review revealed that the well was drilled in a natural drainage area making it more susceptible to surface water contamination. The well could be further investigated to see if the seal failed or something else occurred to cause the contamination.

Mr. Turkisher said when the septic system was approved for the subject five-acre parcel, the City and the County made conflicting pre-easements causing many septic systems to be moved due to road location and construction. For example, when the roadway was built, the spoil piles from the construction were placed on top of the septic approval associated with this property. New site evaluations were completed and the septic system location was moved.

Councilor Brauner noted that another alternative would be to submit it for an annexation vote. This would limit the owner's expenses and risk of drilling another well. Until all of the options are explored, it is difficult to understand why it is being considered for health hazard annexation since the County and/or State has not mandated annexation. Once mandated, the City would be required to annex the property. Mr. Turkisher responded that his evaluation determined a low-flow well with Coliform that is correctable with a UV disinfecting filter for a short-term solution. His declaration is that the well is a health hazard.

Councilor Brauner added that the subject property is part of an area that was not approved for annexation by a vote of the people, and subsequently developed with five-acre standards. Any action taken by Council should be due to a mandated health hazard annexation or processed through the City Charter for a vote.

Councilor Daniels said she is hesitant to approve this annexation request without further information. She is not comfortable with the proposed zoning and future development of the property if it is annexed without further review of options such as determining the contamination source, drilling a deeper well, and/or installing a well encasement. She recalled voting against placing the previous request for annexation on the ballot due to the water issues in this area.

Mr. Fewel said when the Charter provision was written, the intent of "unless mandated by State law" was for health hazard annexations. The discussions may have been that the State holds the hearing and mandates when the owners are not consenting to the annexation; however, the language has always been treated by the City that annexation is mandated upon the health hazard declaration of the County health experts. This has alleviated time consuming and expensive procedures for failing septic systems. Mr. Fewel added that this is the first time he recalls "mandated" being discussed.

Mr. Fewel announced that Council has the ability to reject the resolution and the property owner can initiate an annexation process through a vote. If the resolution is adopted, Council is stating agreement that the County, as a representative of the State, is mandating the health hazard and the finding is made for the purposes of not sending the annexation to the voters.

In response to Councilor Beilstein's inquiry about extending services outside of the City without an annexation, Mr. Fewel said the Charter is clear that any City service(s) extended outside of City Limits is processed through annexation procedures.

Councilor Beilstein expressed concern of the possibility that the health hazard was developed by the owners with the intent to achieve annexation without going to the voters.

Accepting the resolution means accepting the County's report that annexation is the solution to the current health hazard.

Mr. Turkisher opined that the intent was not to cause a health hazard to allow annexation. There is no State criteria that requires a specific number of samples taken or a specific number of alternatives to be reviewed to declare a health hazard. Mr. Turkisher said he uses the State definition of "health hazard" to make his declaration.

Councilor Brauner said the issue is what annexation process is appropriate under the City Charter, not to find an alternative. He reiterated that if the County, representing the State, mandates a health hazard annexation to solve the issue, then the City does not have a choice. If the County does not mandate a health hazard, then the only other way to annex the property is through a vote of the people.

Mr. Turkisher said when a septic failure occurs, the County determines whether a repair permit can be issued. It is not clear whether this is a mandated health hazard. Following discussions with County and City staff, including the City Attorney's Office, it is not clear whether declaring a health hazard mandates an annexation in this case.

Mr. Fewel said the discussion with County Counsel included this issue going to the State after adoption of the resolution. The State would then hold a public hearing to determine whether to mandate the health hazard. Mr. Fewel reiterated that the City has always accepted the statement from the County that a health hazard annexation is required.

In response to Councilor Hamby's inquiry about bypassing the resolution and forwarding the issue to the State, Mr. Fewel said the State requires a resolution from the City stating that the County has declared the property to be a health hazard, the solution is by annexation, and the City agrees it meets the requirement. As outlined in the ORS, the State requires two certified copies of the resolution and Mr. Turkisher's letter before they will initiate a hearing. The ORS also states that this process is used when there is no consent by the property owner. In this case, the City has property owner permission.

Councilor Daniels said the immediate issue is that the property owners have a failing well and need access to drinking water. There is also a procedural issue related to the process of annexation and whether annexation is the answer to the property owner's problem. She is not opposed to annexing this property at some point in the future, but is not convinced Council has enough information to make that decision. If it is determined that a deeper, fully-encased well would still not provide enough drinking water, then she would vote for immediate annexation. It is a good faith measure with the voters that Council is not approving an annexation until other options have been fully explored.

Mr. Turkisher inquired what the next step would be if, for example, the property owner drilled another well to 400 feet and it was dry. Without criteria, this process could result in a large investment for the property owner only to eventually have the property annexed.

Councilor Brauner responded that the determination of whether there are other options is the responsibility of BCHD. If the property owner does not want to go to the expense of drilling another well, they can request annexation through voter approval. If the County

believes the best and most reasonable solution is annexation, then the County should declare a mandated annexation.

Mr. Fewel suggested that Council table the decision for 30 days to allow the property owner to bring in experts to testify about the reasons for not drilling another well, making the current well deeper, or pursuing other alternatives. In the meantime, he suggested the County address what is mandated by the State.

Councilors Daniels and Brauner, respectively, moved and seconded to refer this issue to the January 20 Council meeting scheduled for 12:00 pm. The motion passed unanimously.

Councilor York suggested that the County begin developing quantitative standards for wells compatible for the standards currently in place for septic systems.

Mr. Turkisher explained that the County building permit process requires water quantity and quality standards for wells. Wells with more than three connections are considered public and oversight is costly and time consuming. Standards are not in place for private wells (less than three connections) and it is doubtful standards can be developed within 30 days.

Councilor York said he is only suggesting the County begin developing standards. There will be questions in the future about the depth of wells, when liners are required, and other similar standards.

In response to Councilor Beilstein's inquiry, Mr. Turkisher explained that the County would not typically hear about water quality issues on private wells. The limited standards are reviewed at the time of building permit only.

Councilor Wershow opined that future Councils will want to know the cause of the contamination.

In response to Councilor Hervey's inquiry about postponing the resolution, Ms. Schlesener clarified that if Council decides not to pass a resolution and the property owner decides to pursue voter annexation, they would need to submit an application in March for the November election.

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

Mr. Fewel reported that Councilors-elect O'Brien and Hirsch requested permission to stay for the Executive Session as long as they abide by the above requirements. Council agreed by consensus.

*The Council entered Executive Session at 2:46 pm.*

Mr. Fewel and Mr. Rogers briefed Council on pending litigation with Corvallis Aero Services.

Mayor Tomlinson recessed the Council at 2:51 pm and reconvened the Council at 7:02 pm in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon.

I. ROLL CALL

PRESENT: Mayor Tomlinson, Councilors Daniels, York, Hamby, Beilstein, Raymond, Brauner, Hervey, Wershow

ABSENT: Councilor Brown (excused)

VI. VISITORS' PROPOSITIONS

Brenda vanDevelder, daVinci Days Executive Director, said she met with the Fall Festival, Corvallis Tourism, and the Red, White, and Blues Festival Directors to develop a fair festival funding proposal. The proposal is for dedicated festival funding at a set 4.5 percent for marketing and promotional activities.

In response to Councilor Wershow's inquiry, Ms. vanDevelder confirmed that the proposal includes Fall Festival, daVinci Days, and the Red, White, and Blues Festival.

In response to Councilor York's inquiry, Ms. vanDevelder said Council should determine where the funds come from. Currently, funds are allocated through economic development.

In response to Councilor Wershow's inquiry, Ms. vanDevelder said the festivals support Corvallis Tourism's continued program funding. She reiterated that Council must decide whether the 4.5 percent comes from the General Fund, reserves, economic development allocations, or other sources. She clarified that the concern is for dedicated funding, not lowering the 30 percent economic development funds Corvallis Tourism receives. She confirmed that festival directors believe the festivals are a tourism related activity.

In response to Councilor Beilstein's inquiry about future tourism, Corvallis Tourism Executive Director Hope-Johnstone said the Transient Occupancy Tax (TOT) is expected to decrease 15 percent by 2010.

Councilor Beilstein said if the support is set at a percentage of TOT and the TOT is 15 percent less in 2010, the dedicated festival monies would decrease 15 percent.

Ms. vanDevelder explained that over the last ten years, total dollars for festivals has remained flat. When the TOT is growing, festivals should not be penalized by continuing at the same allocation. Similarity when the TOT decreases, festivals would be subject to a lower level of funding. Festival directors understand they drive some of the hotel/motel taxes. The goal is to have an incentive to bring people to Corvallis for festivals and lodging.

Ms. vanDevelder confirmed that 4.5 percent equals approximately $45,000; a slight increase over recent allocations.

Councilor Hamby said the increase is approximately $10,000 for three festivals. Ms. vanDevelder explained that the increase will return the festivals to the level of past funding. The daVinci Days Film Festival is a separate event and the increase will help with marketing efforts. For several years, the festivals have been denied a requested higher level of funding.

In response to Councilor Hamby's inquiry, Ms. vanDevelder said a ten year review of funding allocations provides a more accurate view of the previous funding levels.

Cynthia Spencer-Hadlock, Fall Festival Executive Director, said a ten year funding graph was included in the Council materials. Prior to the 2003 Corvallis Tourism funding changes, Fall Festival and daVinci Days received a higher level of funding.

Ms. vanDevelder said festival directors agreed that a fair split of the 4.5 percent allocation to be 2 percent for daVinci Days, 1.5 percent for the Red, White, and Blues Festival, and 1 percent to Fall Festival.

Mysty Rusk, Corvallis-Benton Chamber Coalition (CBCC) Executive Director, requested Council postpone the Economic Development Policy Review. She opined that the review was not thorough and did not include whether criteria used to measure economic development is correct or appropriate. Criteria could be divided into direct and indirect benefits and weighed accordingly. There has been no discussion of the how the Prosperity That Fits (PTF) Plan findings and intended outcomes could be incorporated in the City's Economic Development Policy. She opined that items related to the PTF Plan should receive priority funding and she does not believe festivals should be included in the economic development allocations, as it is too difficult to determine the value of festivals.

In 2002, due to economic conditions, the City instituted budget reductions and the economic development allocations decreased from 65 to 50 percent of the TOT. In 2003, State law required 30 percent of the total TOT be dedicated to Corvallis Tourism for tourism activities, leaving 20 percent TOT available for economic development allocations. The City has since reinstated prior program reductions except for economic development allocations; therefore, further review of this policy is warranted. A 4.5 percent reinstatement from the General Fund to economic development allocations is not an unreasonable request.

Ms. Rusk said there are too many organizations providing business support services and tourism activities for the City to support during tough economic conditions. Not including benefits, the top six business support organizations and festivals dedicate more than $300,000 to executive director salaries each year, for a total of $1 million invested by the community. With City leadership, this process could be changed and additional collaborations or consolidations could be developed to better serve the community. Requiring consolidation or prioritizing funding for organizations that voluntarily work together is a better use of public funds to attain the goals outlined in the City's Economic Development Policy, PTF Economic Development Strategic Plan, and the City's 2020 Vision Statement.

In response to Councilor Beilstein's inquiry, Ms. Rusk confirmed that the $300,000 in annual salaries is for the directors of the CBCC, Business Enterprise Center, Corvallis Tourism, daVinci Days, Fall Festival, and the Downtown Corvallis Association. Councilor Beilstein noted that daVinci Days and Fall Festival Executive Directors salaries come from the total festival budget, not City support. Ms. Rusk agreed and added that a review of each organization's budget identifies local control of approximately $1 million annually to be used for tourism and economic development activities.

Councilor Brauner opined that the $300,000 spent for director salaries might be better utilized by having City staff responsible and not contracting with organizations. He opined that it could result in a more coordinated and productive way of conducting economic development.

Ms. Rusk said her experience has been for every City staff person hired, she can hire two. Funds can be stretched further because she does not have to deal with unions, living wage ordinance, or other items that can be better managed in the private sector.

Ms. Rusk provided a copy of a 2005 memorandum related to measurable metrics (Attachment C) and Economic Indicators/Measures of Success from June 2001 (Attachment D). She recognized that some of the indicators, such as population, are not viable measurements. Ms. Rusk added that this is an interesting opportunity the City has provided by allowing organizations to establish goals, priorities, and success metrics around organizational values and not traditional economic development values.

Councilor Wershow said the Business License Program (BLP) was meant to fund the PTF Plan and the business community withdrew support. He inquired why the City should continue to pursue the Plan if the businesses are not willing to pay for it.

Ms. Rusk said she spent approximately 300 hours on the BLP proposal. A reasonable plan was presented that the business community supported until items were changed that no longer reflected equity. Politically and partnership-wise, a lot of damage resulted between the City and business relationships. The business community is willing to pay fair-share based on the $500,000 match from private and community support for economic development activities.

Councilor Wershow commented that any proposal taking money from the General Fund, takes money away from basic services, such as police and fire.

Councilor Brauner acknowledged that Ms. Rusk worked hard to bring a reasonable BLP forward. In response to his inquiry about whether the business community would support the originally proposed BLP, Ms. Rusk said she would need to start over due to current global economic conditions and the loss of trust. She is willing to tackle the issue again.

Councilor Daniels noted that funding was not reinstated for all programs. The select few reinstated did not receive anywhere near the $2 million reduction. She agreed that trust has been lost between the City and the business community and it would take a lot for her to be interested in working through the process again.

## VII. PUBLIC HEARINGS

A. A public hearing to consider an appeal of a Planning Commission decision (PLD08-00009 – Western Station)

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

*Declaration of Conflicts of Interest* – None.

*Declaration of Ex Parte Contacts*

Councilor Raymond said, as Council liaison to the Planning Commission, she has heard testimony related to this hearing. She opined that she could make a fair and impartial decision.

*Rebuttal to Conflicts of Interest and Ex Parte Contacts* – None.

*Declaration of Site Visits*

Councilors Daniels and Raymond acknowledged making site visits.

*Objections on Jurisdictional Grounds* – None.

*Staff Overview*

Senior Planner Young provided copies of additional written testimony received and information on a new condition proposed by the Applicant to address garbage service issues (Attachment E). The new condition relocates the on-site trash and recycling containers. Staff recommends holding the record open for one week to allow testimony related to the new condition. Holding the record open will not delay the 120-day final decision time line.

Mr. Fewel confirmed that the record should be held open for seven additional days, based upon receipt of new information.

Mr. Young announced that Allied Waste expressed concern about the original location of the trash and recycling containers at the southeast corner of the property. The applicant is willing to relocate the containers to an enclosed area at the northwest corner. Storm water detention and water quality system will be revised accordingly. A revised diagram has been included in Attachment E.

Staff reviewed the proposal to relocate the waste facility and have no concerns with the revised location. Mr. Young noted that the relocation would allow one additional parking space to be provided on-site, bringing the total number of on-site parking spaces to 19.

The applicant requests approval of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review to construct four attached units containing commercial space on the first floor and mezzanine level, with residential units above. The associated four-lot subdivision allows each commercial/residential unit to be located on an

individual lot. Plan Compatibility Review approval is required due to the square footage of non-commercial uses exceeding the square footage of commercial uses within the development.

Mr. Young reviewed the Vicinity Map and noted that the subject site is triangular with rail lines on the east and west sides, with proposed property access from Western Boulevard. The property's Comprehensive Plan Designation is Mixed Use Commercial (MUC) with Medium-High Density Residential to the south and High Density Residential to the west. To the north and northwest, the designations are MUC and General Industrial (GI) with a mixture of MUC, GI, and Medium and Medium-High Density Residential to the east.

The property is zoned MUC with a Planned Development Overlay. Property to the south is zoned Medium-High Density Residential, High Density Residential to the west, and Mixed Use Commercial Shopping to the north. The switching yard to the east is zoned GI. Further east, the properties are within the Avery-Helms Historic District and are zoned Minor Neighborhood Center, Medium Density Residential, and Medium-High Density Residential.

Mr. Young said there are no Natural Features located on the property.

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. 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 and project consultant, provided Councilors with a revised Plan Map with the proposed relocated trash enclosure (Attachment F). Mr. Hutchens said the intent for trash and recyclables was to use the residential style carts and require the unit owners to transport the carts to curbside for pickup. The trash enclosure in the southern corner would have been storage area for the carts. Allied Waste stated preference for a trash enclosure at the western corner of the property. Moving the trash enclosure will require a deviation from standards; however, the offset is one additional parking space. Attachment F includes a diagram of how a garbage truck would maneuver on the property when collecting trash and recyclables from the proposed trash enclosure. Mr. Hutchens confirmed that the applicant is in agreement with the conditions approved by the Planning Commission. The applicant requests that the appeal be denied and the application, including the new proposed condition related to trash pickup, be approved.

*Questions of Applicant* – None.

*Staff Report*

Mr. Young addressed the three issues raised on appeal:

*Approval allows variations to Code requirements without "meaningful compensation."* – The Planning Commission and staff find that adequate compensating benefits are provided to offset proposed variations per LDC 2.5.40.04.a.1, as noted in the Planning Commission Staff Report.

*There is no public need for additional residential housing in this area.* – Although "Public Need" is a decision criteria for a Comprehensive Plan Amendment, it is not a criterion for review of Planned Development, Subdivision, or Plan Compatibility, which are the issues under consideration. Residential uses are permitted uses within the MUC Zoning District.

*Consistency with certain Comprehensive Plan Policies has not been addressed.* – The adoption of the 2006 LDC fully implements the Comprehensive Plan; therefore, Comprehensive Plan Policies do not need to be specifically addressed in an analysis of compliance with applicable decision criteria. Where variations have been requested, Comprehensive Plan Policy direction has been considered, as noted in the Planning Commission Staff Report.

Mr. Young highlighted the applicant's requested variations from LDC requirements:

- Driveway access width narrowed from 24 feet to 20 feet in one area.
- Reduce minimum internal sidewalk width from 5 feet to 4 feet, 6 inches in one area.
- Reduce width of fenced and landscaped buffer between site and industrial land to the east from 20 feet to 9 feet.
- Allow access to arterial street (Western Boulevard) within 150 feet of intersection with 7th Street.
- Reduce the amount of building located within maximum setback along the site's street frontage from 50 percent to 41 percent.
- Allow two of the proposed lots to have street frontage less than the required 25 feet.

Mr. Young explained that all six of the requested variations result from the unusual configuration and constrained street frontage of the site. There is 213 feet of street frontage on Western Boulevard with a 15-foot railway easement to the west that does not allow any construction. The Western Boulevard access is the only allowable access regardless of any development on the property. A suggestion was made to move the driveway to the middle of the proposed building and split the lots. That suggestion would place an intersection within 150 feet of the eastern rail crossing. Mr. Young demonstrated the variations on an enlarged Subdivision Plat. Staff believe the variations requested are reasonable and allow for reasonable development of the property.

The proposed site design will accommodate all necessary improvements on the site in a safe and functional manner. The proposed building design is within the 45-foot height limit in the MUC District, and the separation of the building from any nearby development will ensure the height and scale of the structure are not incompatible with adjacent development. The allowed building height in the nearby RS-12 area is 35-feet and 65-feet within the RS-20 zone to the west. Current existing buildings in that area are not at that height, but it is

allowable. The building will incorporate elements to provide adequate visual interest, design variety, and building articulation.

A concern about noise was discussed by the Planning Commission. Condition 7 requires acoustical buffering to be incorporated into the east wall of the building to mitigate noise impacts from the adjacent railroad tracks. No unusual noises, odors, or emissions are anticipated from the development itself.

Staff concur with the Trip Generation Study provided by the applicant that found no significant traffic impacts. Condition 8 ensures that commercial uses within the development will only be those with a parking requirement of one space per 400 square feet (sf) or less.

Mr. Young reviewed a Vehicle Parking Requirement Table establishing that all parking requirements are met by the proposal:

| **Proposed Uses** | **LDC Standard** | **Resulting Parking Requirement** |
|---|---|---|
| Four 1,387 sf commercial spaces (5,548 total sf.) | 1 space per 400 sf | 14 parking spaces |
| Four 2-bedroom single family attached dwellings | 1.5 spaces per 2-bedroom single family attached dwelling | 6 parking spaces |
| **Subtotal** – Parking Requirement | | 20 parking spaces |
| Less 10 percent for transit stop within 300 feet of site | | -2 spaces |
| **Total** Parking Requirement (after allowed reduction) | | 18 parking spaces |

Mr. Young noted that the proposed garbage enclosure change will increase the total parking spaces to 19.

The proposed subdivision plat complies with applicable zoning district and platting requirements, with the exception of the 25-foot minimum lot width standard for which the applicant requested a variance for two of the four lots. Staff recommend support for the requested variation due to the shared vehicular access and development parking.

The proposed development is consistent with the purposes of a Plan Compatibility Review. Neighboring property owners and residents will be protected from negative development impacts by the physical separation of the site, and by LDC requirements and conditions pertaining to building design, site layout, lighting, landscape buffering, and other requirements. The development will not adversely affect traffic, parking, access, or any significant natural features.

Mr. Young recommended approval of the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review, as conditioned. (Attachment G-Presentation Slides.)

*Appellant Presentation*

Sam Hoskinson reviewed his slide presentation (Attachment H) beginning with a 3-D scale drawing of the proposed site. He said the proposal is an expanded version of The Palazzo application that Council denied due to incompatibility with the community and neighborhood, and because it stressed residential over commercial users.

The applicant's claims of many new features in this project are untrue. Council has already reviewed the "great room" proposal and the one-space per 400 sf parking proposal. There has never been more than two residential stories proposed. Mr. Hoskinson opined that the only new item is a poorly designed half-floor of questionably usable space called commercial. The second story is joined to the first story through a common, public stairway limiting its use as commercial property.

Developments constructed within the LDC standards naturally protect the neighborhood from negative consequences. This property cannot be developed without violating the 150-foot street access standard, and the City is not meeting LDC 2.5.20.g and h. According to the staff report, residential is not required in this area. The appeal is specific to the Comprehensive Plan Policies that need to be addressed. Mr. Hoskinson noted that the Comprehensive Plan policies listed in the appeal may be incorrect as they came directly from The Palazzo hearing notice and may have since been changed or deleted.

The purpose of the Planned Development Overlay is an alternate development process providing an avenue for a developer to request variations from development standards while maintaining the purposes of LDC 2.5.20 and meeting the review criteria of LDC 2.5.40.04. Requesting variances means the LDC is no longer working and diminishes the protections of the neighborhood. For every variance to the LDC, a developer is required to provide a compensating benefit within the development standard. Therefore, a parking issue is compensated with a parking benefit. A Planned Development Overlay is to provide greater compatibility with surrounding land uses than what would otherwise be provided under conventional land development procedures.

Mr. Hoskinson opined that staff is not reviewing conventional land development procedures. During the Planning Commission hearing, Mr. Young said he did not know if a smaller building could minimize the variances because a smaller building was not being proposed. He further stated that he could not identify a design solution to comply with all LDC requirements. Staff does not make any effort to determine what can be built under conventional land development standards. LDC 2.5.20.g requires a comparison to provide the greatest compatibility. The decider (Council) must determine that what is being proposed provides greater compatibility than the conventional procedure. If there is nothing available for comparison, a decision cannot be made.

The original Dickerhoof development was presented as a two-story, fairly compatible, commercial-only project fitting compatibility requirements. The Palazzo development was

denied for scale and design incompatibility with surroundings. It violated LDC 2.13.20.e, 2.13.30.05.a, 2.13.20.c, and it did not adequately protect neighboring property owners from negative impacts. The applicants response to the compatibility issues is to place more intensive usage onsite. A half unit was added and called a mezzanine, which does not require an additional parking space. The stairway severely limits the commercial utility of the mezzanine and does not meet the intent of the floor area ratio (FAR). LDC 3.20.50.0 requires a gradual roof elevation step-down so the height of the proposed structure does not exceed the height of adjacent residential structures by more than one story.

Mr. Hoskinson said the applicant has simply increased the size of an already large building. He opined that the Western Station proposal is worse than The Palazzo proposal. The project has safety issues due to the access variation, the trash enclosure has been moved to an unsafe and unsightly area, and the parking lot cannot accommodate commercial vehicles. He said this project clearly violates LDC 2.5.20.g and h.

*Questions of Appellant* – None.

*Public Testimony – Support* – None.

*Public Testimony – Opposition*

Alan Bakalinsky read his prepared statement (Attachment I).

Councilor Wershow left the meeting at 8:10 pm and returned to the meeting at 8:12 pm.

Leslie Bishop provided a list of LDC and Comprehensive Plan requirements to be considered in this public hearing (Attachment J). Ms. Bishop said placing the trash receptacles on Western Boulevard is not compatible with her neighborhood. She showed Council a picture of a similar trash and recycling enclosure located at 10th Street and A Avenue. The proposed trash enclosure is not a safe location as it obstructs the view of vehicles exiting from the proposed site.

Ms. Bishop identified several issues related to the parking area:

- Vehicles entering the parking lot have no view of available spaces in the first row (closest to the building) until turning into the travel lane. If the row is filled to capacity, there is no place to turn around to travel to the next row due to the one-way travel lane on the eastern side of the lot.
- The lot is not designed for commercial delivery trucks. If the first row of parking is filled, the trucks will be required to park in the travel lanes leading to the parking spaces.
- The Fire Department will not bring emergency equipment into the parking structure.
- It is difficult for a vehicle to park in compact parking spaces 1 and 13 due to the sharp turn from the travel lane.

Ms. Bishop suggested removing parking spaces 9 and 15, and moving the adjacent buffer into the space 9 location to allow for turn-around space for private and commercial vehicles. Her suggestions, without counting the handicap space, would result in 16 parking spaces.

Matthew Bolduc stated that his employment with the City has no impact on his testimony related to Western Station. He requested Council deny approval of the Western Station application, based on the grounds that insufficient automobile parking has been proposed and the proposed residential use is disproportionate to commercial use resulting in unnecessary compatibility conflicts with existing surrounding uses. Mr. Bolduc read from his prepared testimony and provided visual aids (Attachment K).

Dale Hubbard read from written testimony prepared by himself and Nancy Hagood and presented copies of pictures related to the site (Attachment L).

Ruby Moon has lived near this site for 20 years. She said the proposal includes a reduced FAR with challenges to parking and safety issues. She has several rentals in Corvallis including a live/work location and she is familiar with other live/work units in the State. Her experience is that the residential units are occupied by individuals not utilizing the commercial space. Typically, artists rent the commercial units and occasionally end up living in their commercial unit.

The original live/work proposal for this site was two stories and three units. This current proposal is four stories with one stair access. The plan appears to have more commercial space, except the mezzanine has no tie to the first floor space and could easily be considered an additional bedroom. She questioned the requirement for inward swinging commercial doors and identified potential security issues with the mezzanine level.

Ms. Moon said a business looks for usable floor space, and at 478-feet of usable space, retail and food businesses would not be viable for this location. She opined that the mezzanine would not be used. The proposed units are too small for yoga, dance, exercise classes, and are not conveniently located near the courthouse, hospital, downtown, or other needed locations. The commercial units might be viable for artists but it is doubtful one would be willing to rent or buy a unit. Art galleries, wine stores, and restaurants have all failed in this area.

Ms. Moon added that parking is key for businesses and Statewide Planning Goal 9 states that cities consider economic development when reviewing land use applications. Providing unusable commercial space erodes the inventory of available commercial land. Commercial inventory is currently high and by January, it will be higher. There is no way to protect this commercial space from becoming residential. Other issues include access for delivery vehicles and access visibility. She took, but did not develop, pictures establishing the lack of visibility and other safety issues near this location. She agreed that the 6th Street railway is not busy; but disagreed with the description of the curve of Western Boulevard. She said access to the proposed site would be safer if moved east.

In response to Councilor Raymond's inquiry, Ms. Moon said she would like the property developed with two or three bigger spaces that include space for classes and community events.

Karl Hartzell submitted written testimony (Attachment M).

In response to Councilor York's inquiry, Mr. Hartzell said staff formulated an amendment at the last hearing to allow an eating establishment to utilize any of the commercial spaces. The Planning Commission approved the amendment.

Hugh White said he has owned the property on the southeast corner of Western Boulevard and 6th Street for the last 19 years. In five years of working with the Avery-Helm Historic District, the Historic Resources Commission, and with Planning Division staff, he obtained approval to construct two homes in the Historic District. The homes are 2.5 stories tall and one-half story below grade. The homes include 14 bedrooms among six units. There are 13 parking spaces, and at no time during the two-year rental history have there been more than 13 vehicles owned by the residents of the property. He asked for two lot development variations – reduce the setback of the southern home from ten feet to five feet, and reduce the travel lane in the interior of the parking lot by six inches.

Mr. White said the project was well received by the neighborhood and no one testified against the requested variances. The project did not negatively impact the neighborhood, provided all parking required, and is compatible with the neighborhood. The homes were designed to be compatible with historic homes to the south and the Janis House to the east.

Mr. White opined that it is possible to develop a parcel in that area with a viable urban use, all required parking, and not negatively impact the surrounding neighborhood.

*Public Testimony – Neutral* – None.

*Applicant Rebuttal*

Mr. Hutchens said Condition #8 responds to Councilor York's inquiry about allowing eating establishments. He quoted the Condition and said he was not aware of any eating establishment that could meet the parking requirement.

Councilor Raymond clarified that the Planning Commission discussed commercial take-out food service, such as a small coffee shop. Mr. Hutchens said the applicant does not anticipate that type of business due to the lack of sufficient seating. The vision is for office space.

*Questions of Applicant*

In response to Councilor Raymond's inquiry, Mr. Hutchens said the intent of the proposal is for live/work units, leaving other possibilities open within LDC standards.

*Appellant Rebuttal*

Mr. Hoskinson said the applicant's original plan restricted eating establishments from this project. The Planning Commission discussed the possibility of including a take-out eating establishment. A take-out establishment would cause short-term parking issues. Since the Planning Commission did not include a condition restricting that type of business, a take-out eating establishment could be located in the commercial space.

*Questions of Appellant* – None.

*Applicant Sur-Rebuttal*

Mr. Bolduc referred to Condition 8 and said the Planning Commission changed the parking requirement from one space per 400 sf to no more than 3.5 spaces per commercial unit. This change allows for a fixed-seating food establishment and might allow for a take-out establishment.

Mayor Tomlinson recessed Council from 8:55 until 9:05 pm.

*Appellant Sur-Rebuttal* – None.

*Questions of Staff*

Councilor Beilstein:

- The project was deemed compatible on the basis of allowed heights in the adjacent properties, not existing heights. Should the standard be based on adjacent allowable heights as opposed to actual heights?
- It would be helpful to see a comparison of this plan to The Palazzo application with justification as to how or why this plan is different.

Councilor Daniels:

- An analysis of the usability of the mezzanine as part of commercial property would be helpful.

In response to Councilor Daniels' inquiry, Ms. Moon agreed to submit her photographs for the record.

Councilor Hamby:

- Is there a mechanism to restrict residential use of the mezzanine?
- Is there a way to limit the number of residents per unit?

Councilor Raymond:

- What is the goal of the applicant and staff in designating this property residential and commercial.
- If the property is zoned commercial, how can the City enforce that the units are used for commercial purposes only?

Councilor Hervey:

- Staff referred to the compensating benefits as listed on pages 43-49 of the staff report. Are there separate staff reports for the Council and Planning Commission?
  *Community Development Director Gibb* – The cover memo includes an attachment of the full Planning Commission Staff Report.
  *Mr. Young* – The compensating benefits are pages 43-49 of Attachment III of the Planning Commission Staff Report.
- Condition 7 is related to modifying the building to reduce noise levels. Frequently, sound levels are quantified with lab measurements. On-site measurements can

result in different levels. Is there a way to follow-up after construction to ensure the modifications truly impact sound levels?

- Does Council have any authority to direct road changes at Western Boulevard and 7th Street, and/or the railroad tracks associated with this project (such as smoothing the curve to make it safer).

Mayor Tomlinson closed the public hearing.

*Request to Hold Record Open*

Mayor Tomlinson announced that the record will be held open for additional testimony until 5:00 pm on December 22, 2008.

*Right to Submit Additional Written Argument*

Mr. Hutchens said he will submit his written argument by 5:00 pm on December 29, 2008.

*Deliberations*

Mayor Tomlinson announced that Council will deliberate at 12:00 pm on January 5, 2009.

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

B. Administrative Services Committee – December 4, 2008 (continued)

2. Economic Development Policy Review

Councilor Raymond said the Committee heard testimony and held a lengthy discussion about a fair and festival allocation of 3.5 percent of the Transient Occupancy Tax (TOT). The Committee did not reach a unanimous decision during the meeting and a request has now been received for a 4.5 fair and festival allocation. Councilor Raymond said Councilor Brown requested full Council discussion, specifically related to where the funds will come from.

Councilors Raymond and York, respectively, moved and seconded to allocate 3.5 percent of Transient Occupancy Tax to fairs and festivals, with 2 percent from the General Fund's 50 percent share and 1.5 percent from the non-dedicated 20 percent share; and, add to the goals section of Council Policy 96-6.03, "Economic Development Policies," linkage to the Prosperity That Fits Plan.

Councilor York said 3.5 percent was the number discussed at the Committee level based on a five-year fair and festival allocation range of 3.1 to 3.5 percent. The testimony received was related to a dedicated revenue stream. Percent increases were not discussed during the Committee meeting. Councilor York prepared a spreadsheet (included in the materials) after the Committee meeting, identifying TOT allocation distribution after 2007 and how distribution could be altered using the proposal in the motion.

Councilor Daniels said the ten-year allocation history is important because as more organizations request funding, allocations become smaller. She is willing to consider a dedicated allocation of 4.0 or 4.5 percent for fairs and festivals.

In response to Councilor Beilstein's inquiry, Councilor Raymond confirmed that adding the link of the Prosperity That Fits (PTF) Plan to the Economic Development Policy goals means the PTF Plan is an included factor, but not the sole criteria for determining allocations. She added that the Committee also understood that other linkages would come forward, such as the Sustainability That Fits Plan.

Councilor Beilstein said he approves of the concept of a dedicated amount for fairs and festivals and removing them from the competition for economic development allocations. Although fairs and festivals promote economic activity, they also serve as cultural and livability functions.

Mr. Nelson referred Council to page three of the proposed Economic Development Policy amendments for PTF linkage language:

> Section 6.03.022 Goals **l. Support activities that are identified in the October 2006 Corvallis-Benton Economic Vitality partnership "Prosperity That Fits" Action Plan Matrix.**

Councilor Brauner said there are three issues embedded in this motion. The first issue is the allocation percentage for fairs and festivals. The second is whether the allocation for fairs and festivals should be dedicated, removing fairs and festivals from the allocation competition. The third issue is where the dedicated funding will come from, if approved.

Councilor Brauner opined that fairs and festivals are a tourist attraction that generate room tax revenues. He supports, at the least, a dedicated 3.5 percent allocation for fairs and festivals. The motion divides the funding between the General Fund and Economic development funds generated from the TOT. Councilor Brauner said, although he does not want to reduce any of the funds, fairs and festivals are tourist related and room tax should be used for at least part of the funding. He supports the Committee's recommendation as a temporary solution, but will request Council revisit the funding issue over the next two years.

Councilor Hamby referred to the options recommended in the staff report and noted that all three options leave Corvallis Tourism funding as is. He requested clarification about the history of the 30/20 percentage split and why none of the recommendations include altering the Corvallis Tourism funding levels.

Mr. Nelson explained that, for many years, the City had a 65/35 percent economic development allocation split; 65 percent dedicated economic development funds and 35 percent General Fund. Following the failure of the 2002-2003 levy, the City was faced with $2.5 million in reductions. One of the packages endorsed for reduction by the Budget Commission and Council was changing the split to 50 percent economic development and 50 percent General Fund allocations. During

this same time period, the Oregon Lodging Association (OLA) was successful in passing legislation for a fixed amount for tourism type activities. The legislation also declared future increases in the TOT be dedicated to tourism. Increasing the TOT could result in less funding for the General Fund. If money is taken from the General Fund, not allocated through the economic development allocation, and given to Corvallis Tourism to allocate, that money would then stay in the tourism fund and could never be brought back into the General Fund.

In response to Councilor Hamby's inquiry about State law requiring 30 percent allocated to tourism, Mr. Nelson explained that when the law became effective, the 30 percent became a fixed amount for the tourism supported entity.

Mr. Fewel clarified that the 30 percent is dedicated to tourism and Corvallis Tourism's use of the 30 percent satisfies the City's statutory obligation. The City cannot reduce the 30 percent allocation. Allocating 4.5 percent from the 30 percent would require stringent accounting to ensure expenditures fall within the definition for marketing tourism beyond local.

Mr. Nelson added that he and Mayor Tomlinson met with representatives from the OLA who made strong statements about protecting the legislation and administering the Statute State-wide.

Councilor Daniels said the legislation states that 30 percent of the room tax proceeds must be used for tourism and the definition for tourism related activities includes festivals. She questioned why the OLA would care if the City spent most of the 30 percent for Corvallis Tourism and 1.5 percent for another tourism related activity, as defined in the law they drafted.

Mr. Fewel said the 30 percent is not set by Statute. The City was committed to 30 percent when the legislation was enacted so the amount became fixed. If the City decides to allocate 34.5 percent with 4.5 percent dedicated to fairs and festivals, the City would then be committed to 34.5 percent forever or until the ORS is amended. Meeting the definition of marketing and advertising, the City would need to establish that the funds are not used for administration and/or overhead, and the marketing would need to be beyond the local area. If the City can place those accounting requirements on the allocation, then the 30 percent can be changed.

Councilor Hamby inquired whether the dedicated allocation for fairs and festivals would be awarded on a competitive bases. Mr. Gibb said staff assumed Council would allocate a specific amount for fair and festival activity and the allocation process would be competitive. In the past, other festivals and the Benton County Fair have also received funding.

Councilor York confirmed that the motion assumes a competitive process conducted by the Economic Development Allocations Committee at the same time other allocations are decided.

Councilor Hervey inquired why this discussion was occurring outside of the General Fund discussion with the Budget Commission. Councilor Brauner said changing an allocation amount is a policy issue set by Council. The Budget Commission implements the policy after the General Fund amount has been determined.

In response to Councilor Daniels' inquiry, Councilor York said the Committee's proposed split was not even between the General Fund and the Economic development allocation fund simply because he does not like quarter percentage splits.

Councilors York and Raymond, respectively, moved and seconded to amend the motion to allocate 4 percent of Transient Occupancy Tax to fairs and festivals, with 2 percent from the General Fund and 2 percent from unspecified economic development allocations.

In response to Councilor Daniels' inquiry, Mr. Gibb said the policy is scheduled for review every five years.

Councilors York and Raymond, respectively, accepted Councilor Daniels' friendly amendment to include a one-year review.

Councilor Beilstein said the policy represents a 10 percent increase from the TOT to economic development. Two percent will come from the TOT that would have gone to the General Fund. Increasing the economic development expenditures decreases the General Fund. He further explained that currently, 20 percent is dedicated to economic development with a portion of that percentage going toward festivals. The motion will increase the economic development to 22 percent, including festivals and events.

In response to Councilor Daniels' comments about the split funding, Councilor Brauner confirmed that the motion is 2 percent from economic development and 2 percent from the General Fund, except that festivals are proposed to be funded from the 20 percent, so the increase to the combined economic development for festivals is 10 percent.

Councilor York said this proposal will increase funds for economic development, including fairs and festivals, by approximately $45,000, which is more than a 10 percent increase.

Councilor Wershow said the motion recommends a one year review. Council should consider what the legislature is doing at that time. He expressed concern that the State might pass legislation similar to the OLA language that would force the City to dedicate the economic development funds at the same percent as currently promised.

Councilor Brauner said he will support the motion due to the addition of a one-year review. He considered making a motion to approve a 4 percent allocation from the

General Fund for fairs and festivals. He said if the General Fund becomes an issue, the City will be forced to review other alternatives to fund economic development.

The amendment to the motion passed unanimously.

Councilor Brauner acknowledged the concerns expressed by Ms. Rusk. He said the policy probably needs a more frequent review; however, having a one-year review on the proposed changes provides an opportunity to move on with the next allocation process.

The main motion passed unanimously.

3. Economic Development Allocation Process and Calendar (continued)

Councilors Raymond and York, respectively, moved and seconded to approve the process and set the Economic Development Allocations calendar as recommended by staff. The motion passed unanimously.

## XI. ADJOURNMENT

The meeting adjourned at 9:50 pm.

APPROVED:

_____

MAYOR

ATTEST:

_____

CITY RECORDER

**Mullens, Carrie**

**From:** Dr. Rod Holland [rodney.holland@
**Sent:** Saturday, December 13, 2008 10:15 PM
**To:** City Manager
**Subject:** <web>Sustainability

**Importance:** Low

This is an inquiry e-mail via %s from: Dr. Rod Holland (rodney.holland@

Dear City Manager and City Council,

I am distressed that the Corvallis City Council will be seriously considering the goals of the Corvallis Sustainability Coalition. I served our country for 10 years during Viet Nam and started a business in Corvallis 30 years ago. Since that time I have watched our freedoms gradually erode. At every corner, someone is hocking their agenda. Some of their agendas are well meaning. However, one group's agenda generally restricts another's rights. Our nation was built on freedom. Please don't be a part of the machine that wants to take our freedoms away.

Respectfully,

Dr. Rodney V. Holland, D.C.

## Louie, Kathy

**From:** Charles C. Tomlinson [mayor@council.ci.corvallis.or.us]
**Sent:** Sunday, December 14, 2008 10:26 PM
**To:** Louie, Kathy
**Subject:** [Fwd: <web>Sustainability]

---

Hi Kathy,

For the Council.

Charlie

---------- Original Message ----------
Subject: <web>Sustainability
From: "Dominic & Louanna Oliver"
Date: Sat, December 13, 2008 7:46 pm
To: mayor@council.ci.corvallis.or.us
---

This is an inquiry e-mail via %s from: Dominic & Louanna Oliver

*Mr Mayor and Corvallis City Council:*

I have spent most of my life in the Corvallis area and have always been proud to call Corvallis Oregon home. I attended school here and joined the military here and returned here after Service in Viet Nam.

However, I am now very distressed to find out you are contemplating following an agenda formed by Corvallis Sustainability. I have looked their agenda over carefully and it is nothing short of socialism, which is too close to communism for my liking.

Don't get me wrong. I am all for clean air, water and recycling and protecting our environment but we do not need to have our lives controlled by the "system". To indroctrinate our children in the schools that "Mom and Dad have ruined this earth because they were stupid and you have to teach them how to take care of it properly" is utter nonsense. To tell me what mode of transportation I can use because you want something else or telling me what I can buy to eat at the store or where I have to live, are all examples of herding sheep and not the liberties or the pursuit of happiness that is guarenteed in our Constitution.

I fought for the freedoms of this great country and I will not sit idly by whilst you tear it down, all in the name of some fictional character called "Mother Earth". I also will not be herded into a pen and told that "it is for my own good" by some person who thinks they have the right to because someone else told them so.

I am, therefore, asking you to reject this obsurd proposal and continue to take the steps to protect our environment and do as your constituents have directed you to do. That is to carry out the will of the people and not your own agenda, no matter how you may feel about it.

Sincerely,
Dominic Oliver
Precinct 14 Committeeperson
Secretary - ABATE of Oregon, Inc.
Development Director - BikePAC of Oregon, Inc.

Mrs. Louanna Oliver
Wife
Mother
Grandmother
Homemaker

Date: November 4, 2005

To: Mysty Rusk

From: Matt Johnen

Re: Metrics for Consideration

I recommend you consider 3 tiers of metrics:

Tier 1 – High Level Benton County Economic Vitality
Tier 2 – Enablers for Tier 1
Tier 3 – One Time Enablers for Tier 2

Good practice indicates metrics need to be measurable and achievable. Goals and associated due dates need to be realistic. If the goal is long term then intermediate (i.e. quarterly) measurements and projections would be helpful to gage progress. Metrics should be set in concrete but even concrete can be modified when warranted by events.

Tier 1 Metrics

Tier 1 metrics are those deemed critical to the economic vitality of Benton County. Good practice says Tier 1 metrics need to be high level ultimate goals. The quantity of metrics should be kept to a minimum to ensure focus and avoid excessive conflicts or trade offs between metrics.

An attribute of Tier 1 metrics is that no one actually has a direct influence on them. Tier 2 and 3 metrics are directly actionable and in support of Tier 1.

Some examples of Tier 1 metrics to consider:

1) County Population, because residents, including those retired, are the source of revenues.
2) Unemployment ratio, which is indicative of commercial vitality.
3) The percentage of people living below the poverty level or on public assistance, which is an objective quality-of-life indicator.
4) The percentage of people graduating from high school / the percentage of people with advanced degrees, because education is the basis of economic advancement including attracting dollars from outside the county.
5) The percentage of people with health care coverage, similar to item 3.
6) The average net worth or income of citizens, similar to item 3.

Tier 2 Metrics

Tier 2 metrics are generally enablers of Tier 1. Tier 2 metrics are based on the expertise of the people developing the metrics. It is assumed achievement of Tier 2 will help accomplish Tier 1 although a direct relationship is hard to quantify. Another attribute of Tier 2 is that they are intermediate quantifiable goals that require continuous effort and progress to meet. Tier 2s are usually not one-time events.

Some suggestions to consider for Tier 2 (mostly from your Annual report):

1) Conducting X industry tours with government officials. Annual Report goal is 30 by 6/30/06.
2) Meeting with X growth companies. Annual Report goal is 10 by 6/30/06.
3) Meeting with X remote companies who are considering or may benefit from relocation. A suggested goal might be 5 by 6/30/06.
4) Recruiting X new firms. Annual Report goal is 100 by 6/30/06.
5) Facilitation of X Development Impact Team meetings. Annual Report goal is 5 by 6/30/06.

Tier 3 Metrics

Tier 3 metrics are for the most part tactical and usually one-time events. Some suggestions to consider for Tier 3 metrics are:

1) Development of a Strategic Plan. Annual report goal is 3/31/06.
2) Development of a process to facilitate commercialization of local ideas. Suggested goal by 6/30/06.
3) Development of a growth tool for use by startups, expanding and relocating businesses. Tool includes support relative to acquiring capital, working through government regulations, setting up a business, etc. This might already be completed.
4) Development of an advertising campaign to entice people (entrepreneurs, companies and retirees) to move here. Suggested goal by 4/30/06.
5) Completion of Cluster Enhancement study with recommendations. Annual report goal is 3/31/06.
6) Acquisition of EDP funding necessary to accomplish required tasks. This one should have quarterly or monthly goals consistent with spending targets.

I look forward to your comments on the above including next steps.

Corvallis-Benton County
Economic Development Partnership, Inc.
420 N.W. Second Street, Corvallis, Oregon 97330
(541) 757-1507 E-mail: mrusk@corvallisedp.com
FAX (541) 766-2996 www.corvallisedp.com

## ECONOMIC INDICATORS/MEASURES OF ECONOMIC SUCCESS

The following is a listing of Economic Indicators and Measures of Success to determine the economic health and stability of the Corvallis/Benton County area. These criteria are developed to be used as a guideline for both the Public and Private sector agencies that are engaged in the economic development arena.

The focus in establishing measurable economic development objectives is identifying statements that serve as a guide for action. Measurable objectives have the following additional characteristics:

1. They can be achieved.
2. The time of their achievement can be determined.
3. Progress toward their achievement can be measured.

In this regard, and to begin a process by which the Indicators/Measures can be identified, there is a listing, in no given order, from which the designated committee can develop a final list of objectives.

**Indicators:**

1. Business Starts
2. Business longevity
3. Payroll Taxes
4. Transfer payments
5. Unemployment rates – compared to state and national
6. Non-agricultural jobs
7. Vacancy rates – commercial and residential
8. Population statistics history – County and cities
9. OSU and LBCC FTE Students – actual and projected
10. Median home sale prices – average days on market – historical perspective
11. Bank deposits – growth
12. County wide assessed tax values
13. Corvallis average property tax per $1000
14. Water/sewer usage
15. Electric consumption
16. Natural gas consumption
17. DMV records – new licenses issued
18. Building permits issued
19. New business incorporations
20. CPI for Benton County – compared to state and nation

Corvallis-Benton County
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FAX (541) 766-2996 www.corvallisedp.com

**Measures of Success**

1. Quality of jobs created or retained
2. Increase in flow of capital into the community
3. Capital leakage decrease – stimulated multiplier effect
4. Expansion of productive assets
5. Increased in skilled labor force and productivity
6. Identifying barriers to employment and the elimination of the barriers
7. Increase in self sufficiency of residents

**Attributes to an Ideal Economy**

1. Economic Vitality:
   - ✓ Full productive use of human and physical resources by the local economy
   - ✓ Good jobs
   - ✓ Provides needed goods and services
   - ✓ Productive activities are adaptable and innovative

2. Economic Equity:
   - ✓ No great income disparities between age, gender, race, etc.
   - ✓ Fair income for work performed
   - ✓ All residents have access to the basic necessities

3. Economic Security:
   - ✓ Jobs that can be counted on
   - ✓ Assistance in finding other employment as needed

4. Economic Quality:
   - ✓ Good jobs doing challenging work
   - ✓ Safe working conditions
   - ✓ Needed goods and services are produced locally

5. Economic Empowerment:
   - ✓ A participatory planning process
   - ✓ Local economy controlled by those affected

# Testimony and New Condition Proposed by the Applicant to Address Garbage Service Issue For Western Station (PLD08-00009, SUB08-00005, PCR08-00004)

## Young, Kevin

**From:** sam

**Sent:** Thursday, December 11, 2008 10:59 AM

**To:** Young, Kevin

**Cc:** Ward 1; Ward 2; Ward 3; Ward 4; Ward 5; Ward 6; Ward 8; Ward 9; Mayor

**Subject:** Western Station parking lot design flaws will prevent recycling service to the residents

Kevin,

I have recently uncovered some serious problems about the parking lot design of Western Station that I feel should be shared. Please note that I have copied this email to City Council members since there will probably not be time to include this in their packet.

On Tuesday (12/9) I talked with Marc Wibbens, the route supervisor at Allied Waste Company concerning the ability to provide waste and recycling service to the Western Station project. At his request, I emailed him the site layout drawings provided by the applicant. His response was troubling.

First off, he said that neither the applicant nor the city had shown him this proposal beforehand for comment. When discussing the parking lot design from the perspective of truck traffic he stated that "this plan is probably the worst he has ever seen", because it "makes no consideration for customer service needs or capabilities of their trucks." As far as his company's ability to service the lot, he said that the only way it MIGHT be possible to get his smallest truck into the lot would require removing parking space 15 & the adjacent parking bumper (eliminating 2 parking spaces). And even after this change, recycling service would not be available because he must use his larger front loading truck for recycling. And he said that even with these improvements, he would actually "never want his trucks to enter the parking lot because it is a guaranteed liability because of the angles....something would get damaged."

It seems incredible to me that a flawed design which prevents safe truck access to commercial units has made it this far through the planning process. After learning this, I called Neil Hall at the Fire Station. He also agreed and stated that any fire truck or ambulance service would be provided from Western Blvd rather than trying to negotiate this parking lot.

I understand that Mr. Wibbens planned to call you about the problem, and that you will contact the applicant. What I would like to suggest is that any new changes proposed by the applicant should fix the design flaws of the parking lot to make it accessible to trucks. Simply moving the dumpster location will not fix the underlying problem. This MUC property is supposed to be primarily commercial, and viable commercial property requires trucks to get close to the loading doors for deliveries. Normal commercial delivery activities from new developments should not cause safety and compatibility problems by blocking traffic and bicycle lanes on arterial streets like Western Blvd.

Thank you for your consideration,

Sam Hoskinson

## Young, Kevin

**From:** Trish Weber [Trish@devcoengineering.com]
**Sent:** Friday, December 12, 2008 11:30 AM
**To:** Young, Kevin
**Cc:** Lyle Hutchens
**Subject:** FW: Western Station - Revised Trash Enclosure Location

Kevin, following is an email from Allied Waste confirming that the new location for the trash enclosure will suit their needs. The size of the enclosure is actually 10' x 16', but we've confirmed with them via telephone that that is sufficient. Please pass this on to the City Council at the hearing.

Thanks, let us know if you have any questions or comments.

Trish

-----Original Message-----
From: Marc Wibbens [mailto:Marc.Wibbens@awin.com]
Sent: Friday, December 12, 2008 9:32 AM
To: Trish Weber
Subject: Re: Western Station - Revised Trash Enclosure Location

Hi Trish, This new placement for the trash enclosure will work much better. The 10' X 20' dimension will accommodate any of the containers that we have on wheels. Please be sure to specify that the gate openings are at least 5' and can be pegged into the ground in both the fully open and closed position to keep them from blowing around in adverse weather.Thanks

Marc Wibbens
Operations Supervisor
Allied Waste of Corvallis
(541) 936-0477

>>> "Trish Weber" <Trish@devcoengineering.com> 12/10/2008 11:47 AM >>>

Marc,

Attached is the revised landscape plan, showing the new trash enclosure location. Please review and confirm that this will meet your needs.
Thanks, please let us know if you have any questions.

Trish

DEVCO engineering inc.
245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

December 11, 2008

Mr. Kevin Young
Senior Planner
Planning Department
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339

SUBJECT: Western Station
PLD08-00009, SUB08-00005, PCR08-00004

Dear Mr. Young:

The applicant is proposing a minor change to the detailed development plan layout for the above project. The location of the trash enclosure is proposed to be moved from the southeast corner of the site to the west side of the access drive, as indicated on the attached revised Landscape Plan. The purpose of this change is to more easily accommodate the trucks to be used for garbage and recycling pickup service. The change was developed with consultation with Allied Waste Services, and the revised plan has been submitted to them for their review and approval.

This change will require a variance to LDC Section 4.10.60.05a, as follows:

> **Service Areas** – When provided, service areas such as trash receptacles shall be located to provide truck access and shall not be placed within any required setback area.

The trash enclosure location will be within 10' of the railroad easement, which can be considered the required setback of the property line. The negative impacts of this variance are negligible, as the setback involved is for the railroad property, which will be used solely for that purpose for the foreseeable future. The passing railroad freight trains will not be affected by the location of the trash enclosure being closer than the LDC requirement dictates. The compensating benefit of this variance is an increase in the ease of the garbage/recycling pickup service in serving the site.

The change in location of the parking enclosure will result in an additional parking space provided, for a total of 19 spaces. This exceeds the minimum of 18 required by LDC 4.1.30, and is below the maximum of 23 spaces. The open space will be reduced by a total of 204 sq. ft., which will result in a total of 7460 sq. ft. of open space, or 34% of the gross area. This exceeds the minimum of 20% required by LDC 3.20.40.04.

The change in trash enclosure location also results in a revision to the site utility plan, as the conflict between the new location and a proposed storm water swale necessitates the inclusion of a

detention pond at the southern end of the property. All necessary detention and water quality functions will continue to be met with the revised utility layout.

The applicant is proposing an additional Condition of Approval that will facilitate this change, as follows:

15. **Trash Enclosure Location** – The trash enclosure is to be located as indicated on the revised Landscape Plan dated 9 December 2008, in lieu of the location shown on the original plan set. The storm water detention and water quality system is to be revised accordingly, as indicated on the revised Utility Plan dated 9 December 2008. The trash enclosure is to be screened and buffered per LDC Section 4.10.60.05a and the requirements outlined in LDC Chapter 4.2.

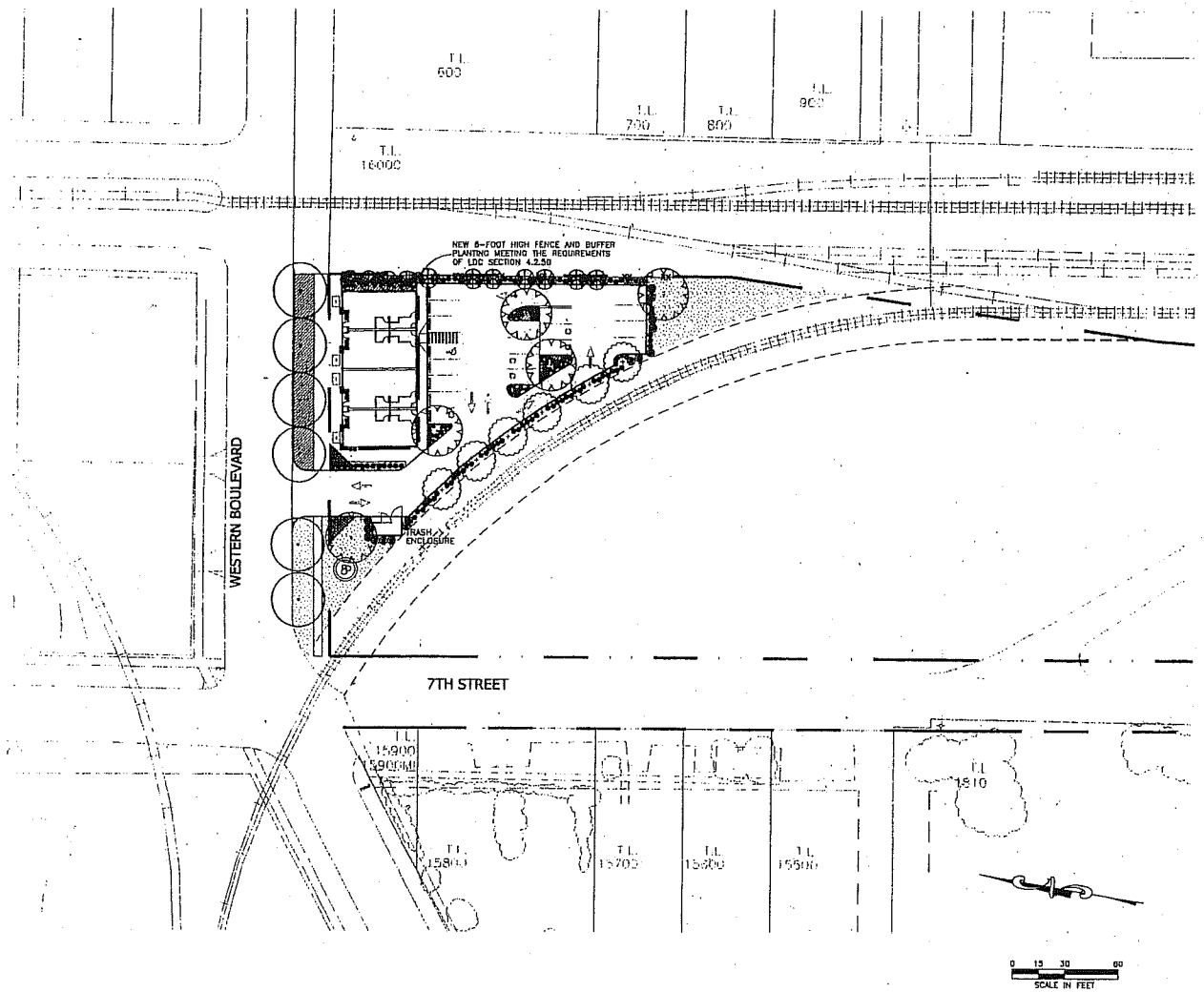
Thank you for your attention to this matter. If you have any questions, please do not hesitate to call me.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/pjw
04-433 kyoung 10-24-2008.doc

Attachments: Utility Plan, Attachment "Q"
Landscape Plan, Attachment "S"




## LANDSCAPE LEGEND

### EXISTING VEGETATION

| SYMBOL | DESCRIPTION |
|---|---|
| | EXISTING DECIDUOUS OR EVERGREEN VEGETATION (OUT OF PROJECT AREA) |

### CONCEPTUAL VEGETATION

| SYMBOL | CHARACTERISTICS |
|---|---|
| | TILIA AMERICANA 'BOULEVARD' |
| | CARPINUS BETULUS FASTIGATA |
| | ACER RUBRUM 'ARMSTRONG' |
| | ACER. SACCHARUM 'ENDOWMENT' |
| | EVERGREEN SCREENING SHRUB |
| | SHRUB BEDDING PLANT |
| | SIDEWALK PLANTERS |
| | HARDSCAPE LANDSCAPE FEATURE |
| | LAWN TURF |
| | GROUND COVER |
| | VISION CLEARANCE AREA |

ATTACHMENT "S

| No. | REVISION: | DATE: |
|---|---|---|
| 1 | PER REVIEW (TRASH ENCLOSURE) | 12/09/08 |

DEVCO ENGINEERING INC.
Corvallis Oregon
345 NW CONCORD, P.O. BOX 771
CORVALLIS, OR. 97339
(541) 757-1085
WWW.DEVCOENGINEERINGINC.COM

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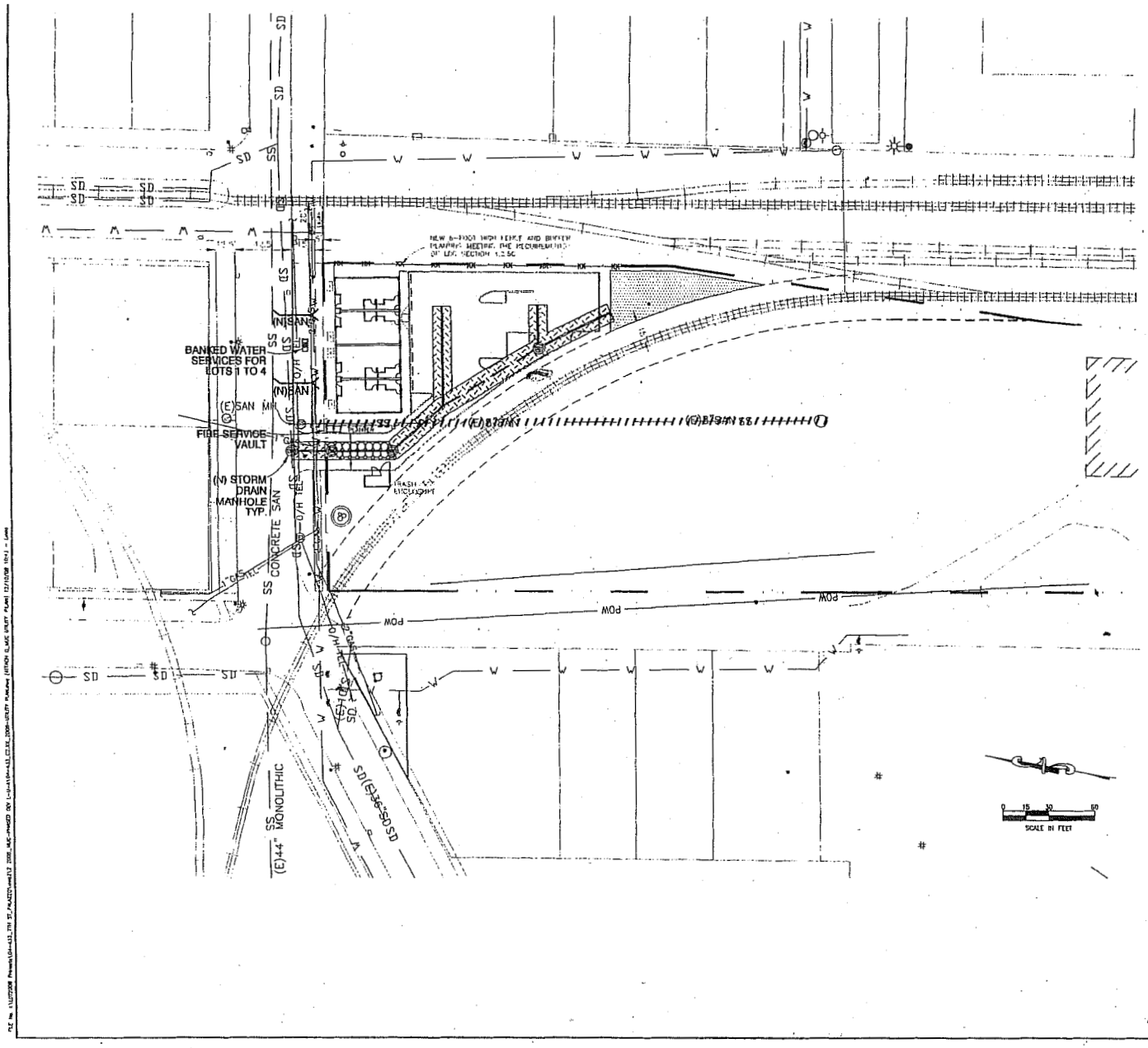
PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: CONCEPTUAL LANDSCAPE PLAN

| | |
|---|---|
| JOB NO. | 04-433 |
| ISSUED: | 09/04/08 |
| DRAWN BY: | DEVCO |




**UTILITIES LEGEND**

- SS — EXISTING SEWER LINE
- W — EXISTING WATER LINE
- SD — EXISTING STORM DRAIN LINE
- UTILITY LINE TO BE ABANDONED
- NEW STORM DRAIN LINE
- NEW SANITATY LINE

**LEGEND**
**STORM WATER QUALITY MEASURES**

- STORM WATER CONVEYANCE
- STORM WATER CONVEYANCE AND DETENTION SWALE
- STORM WATER CONVEYANCE AND DETENTION

| No. | REVISION: | DATE: |
|---|---|---|
| 1 | PER REVIEW (TRASH ENCLOSURE, PARKING AND STORM WATER) | 12/09/08 |


devco engineering inc.
Corvallis Oregon (541) 757-7840
345 NW CONCORD AVE., SUITE 205
CORVALLIS, OREGON 97330
WWW.DEVCOENGINEERING.COM



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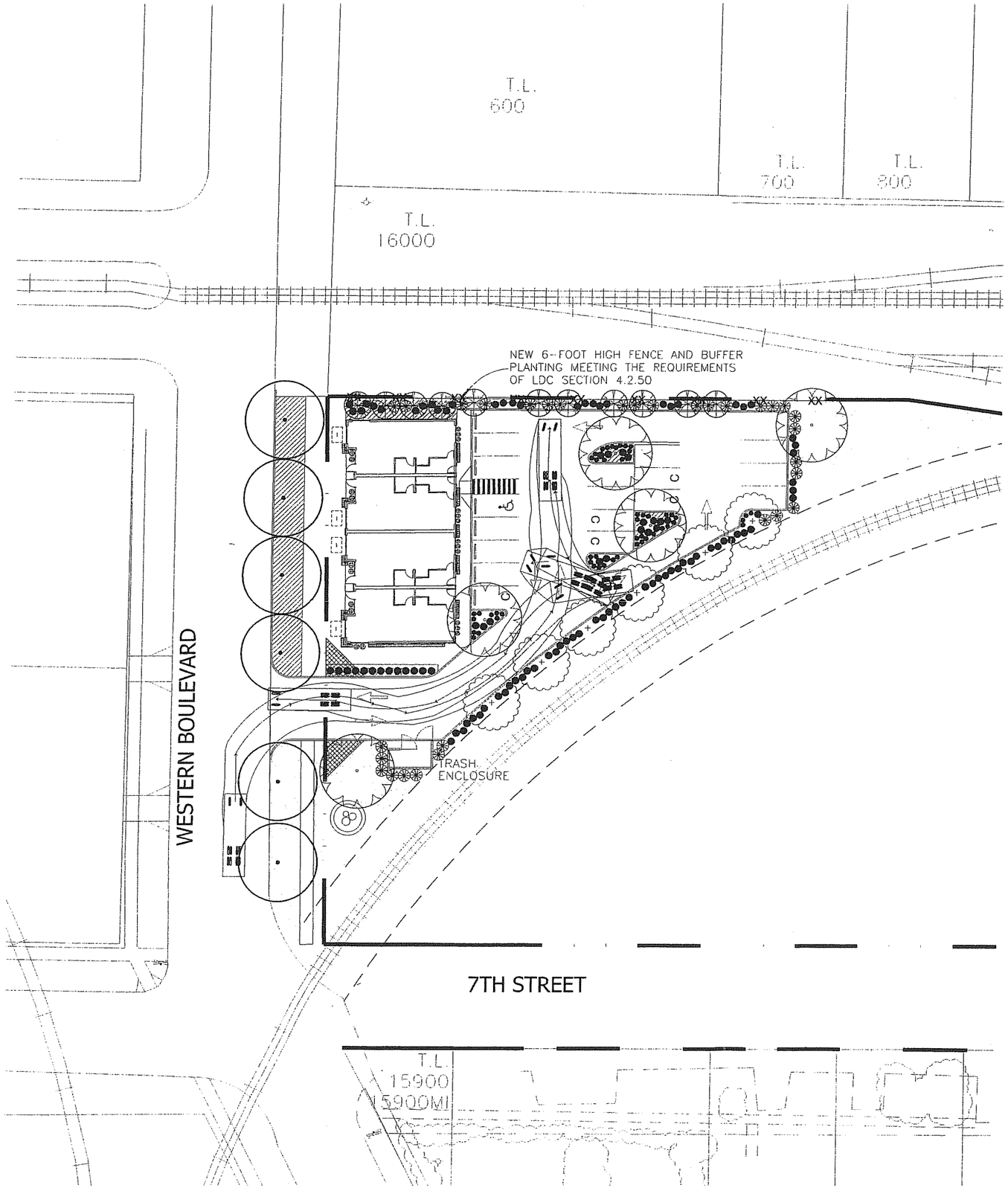
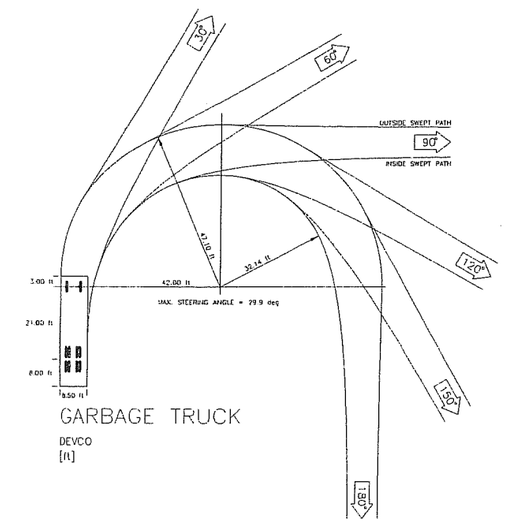
PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: SITE UTILITY PLAN

JOB NO: 04-453
ISSUED: 09/04/08
DRAWN BY: DEVCO

# ATTACHMENT "Q"


T.L.
600
T.L.
700
T.L.
800
T.L.
16000
NEW 6-FOOT HIGH FENCE AND BUFFER
PLANTING MEETING THE REQUIREMENTS
OF LDC SECTION 4.2.50
TRASH
ENCLOSURE
WESTERN BOULEVARD
7TH STREET
T.L.
15900
15900MI


OUTSIDE SWEPT PATH
INSIDE SWEPT PATH
42.00 ft
MAX. STEERING ANGLE = 29.9 deg
GARBAGE TRUCK
DEVCO
[ft]

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

# Western Station

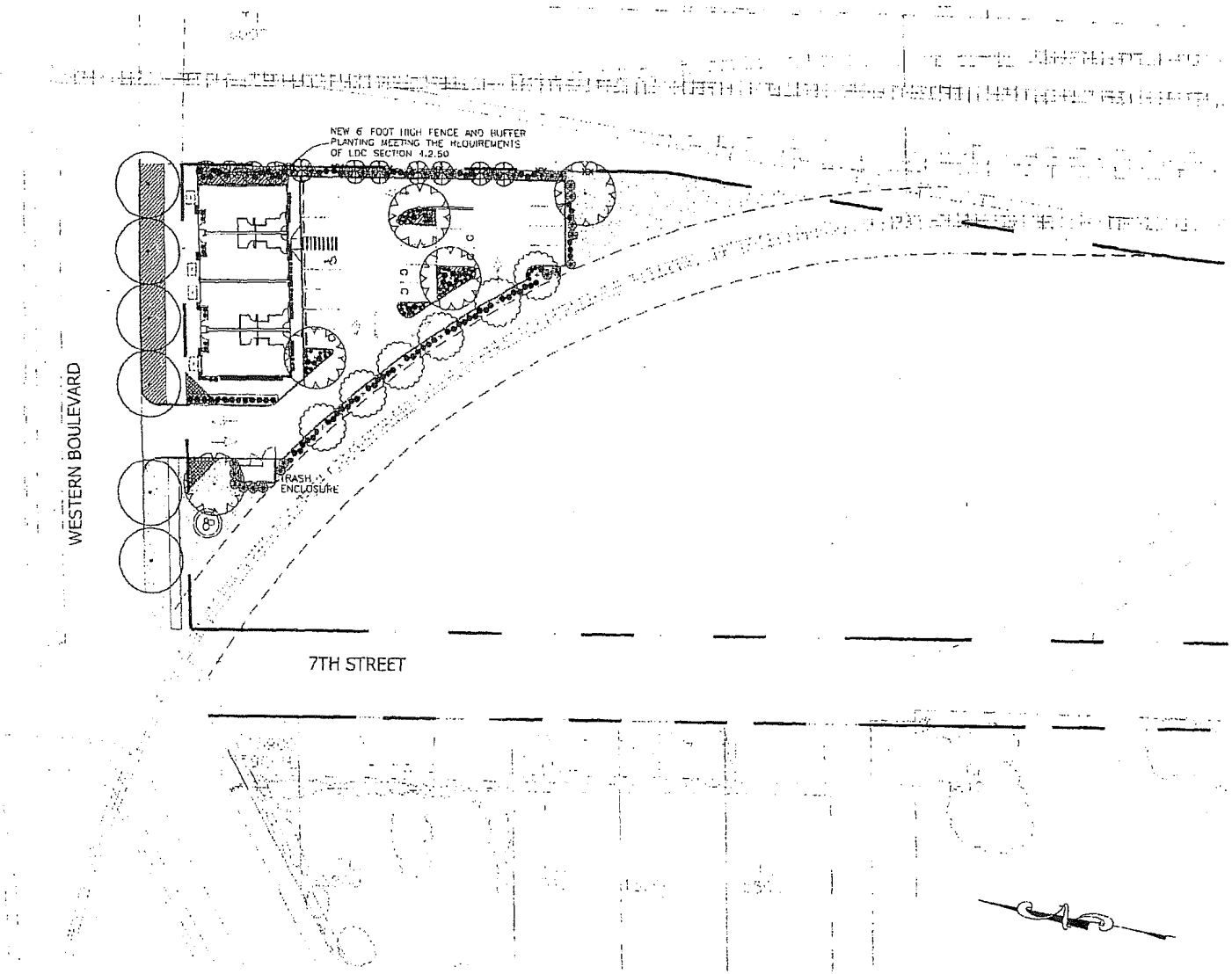
## Appeal of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review (PLD08-00009, SUB08-00005, PCR08-00002)

December 15, 2008

City Council Public Hearing

# Possible New Information

- The applicant has submitted a proposed new condition regarding the relocation of trash receptacles on the site, to address concerns that have been raised. This could be considered new information. To address this potential issue, staff recommend that you hold the record open for one week to allow testimony on that issue, whether requested or not.


NEW 6 FOOT HIGH FENCE AND BUFFER PLANTING MEETING THE REQUIREMENTS OF LDC SECTION 4.2.50
WESTERN BOULEVARD
TRASH ENCLOSURE
7TH STREET
0 15 30 60
SCALE IN FEET

- Request - approval of a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review to construct four attached units containing commercial space on the first floor and mezzanine level, with residential units above. The associated four-lot subdivision would allow each commercial/residential unit to be located on an individual lot. Plan Compatibility Review approval is required because the square footage of non-commercial uses exceeds the square footage of commercial uses within the development.

# Vicinity Map

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333

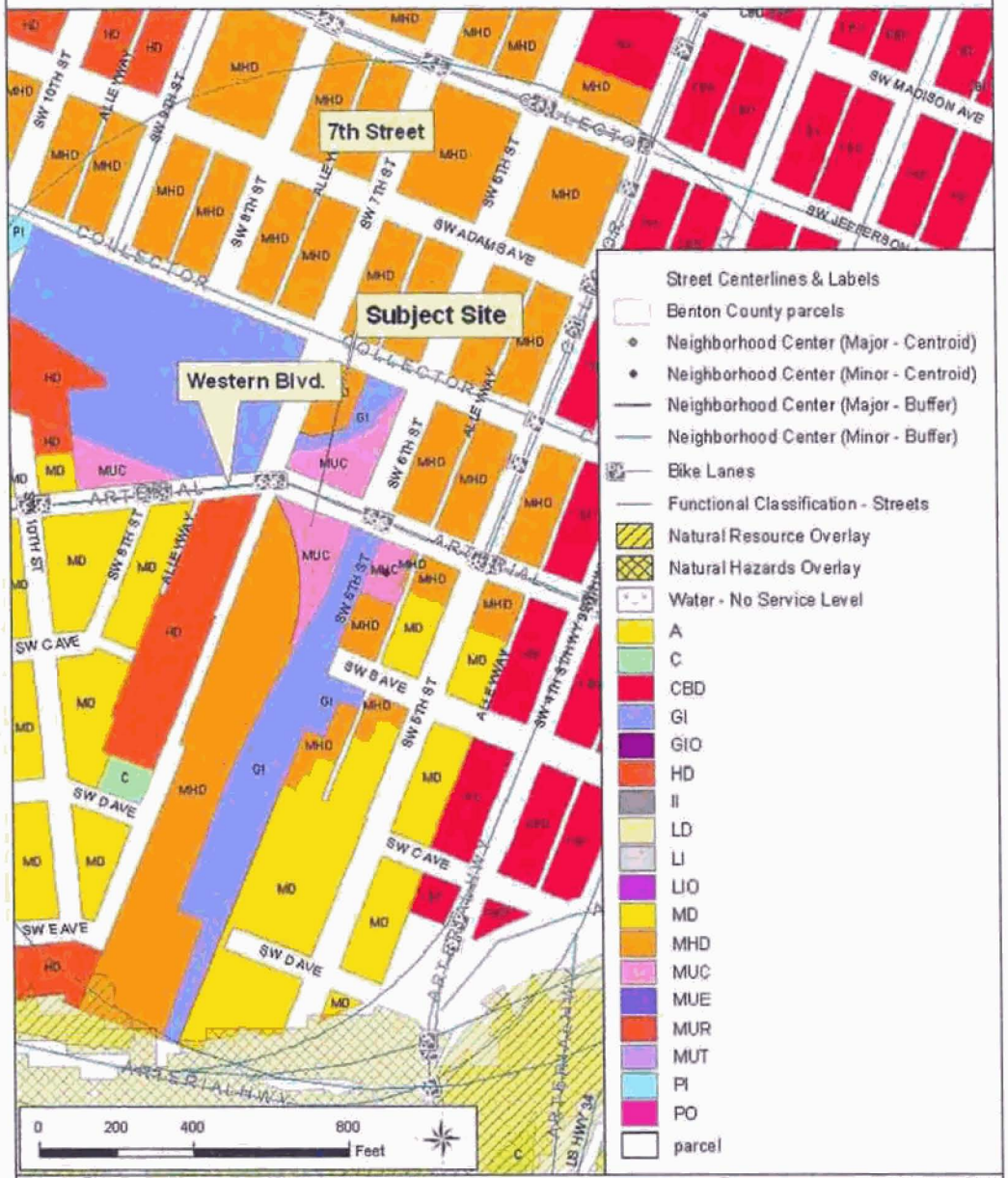
541.766.6908
Planning@ci.corvallis.or.us

PROJECT NAME

CPAxx-xxxxx

ATTACHMENT X

# Comprehensive Plan Map




Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333

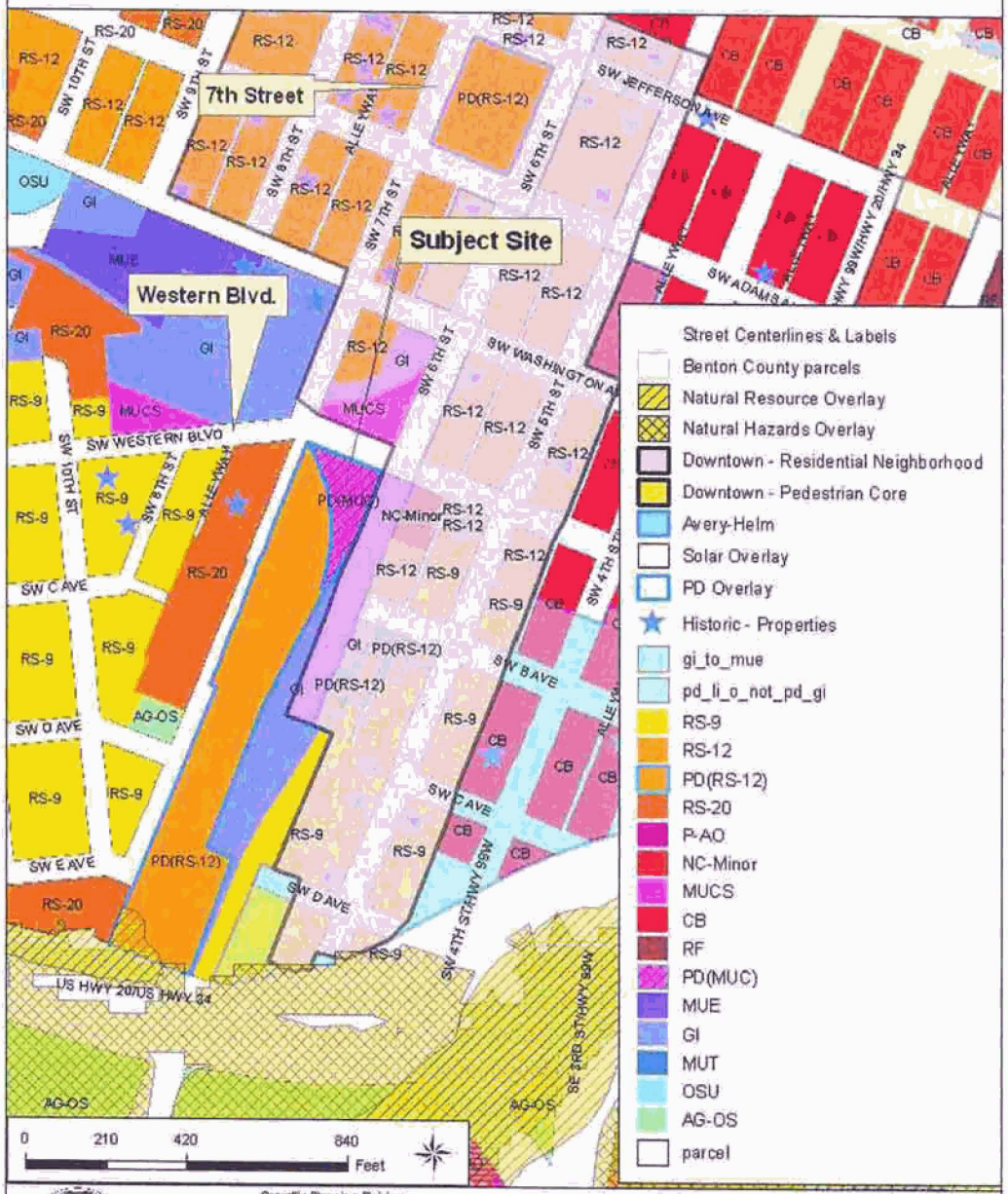
541.766.6908
Planning@ci.corvallis.or.us

PROJECT NAME

CPAxx-xxxxx

ATTACHMENT X

# Zoning Map




CORVALLIS

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333

541.766.6908
Planning@ci.corvallis.or.us

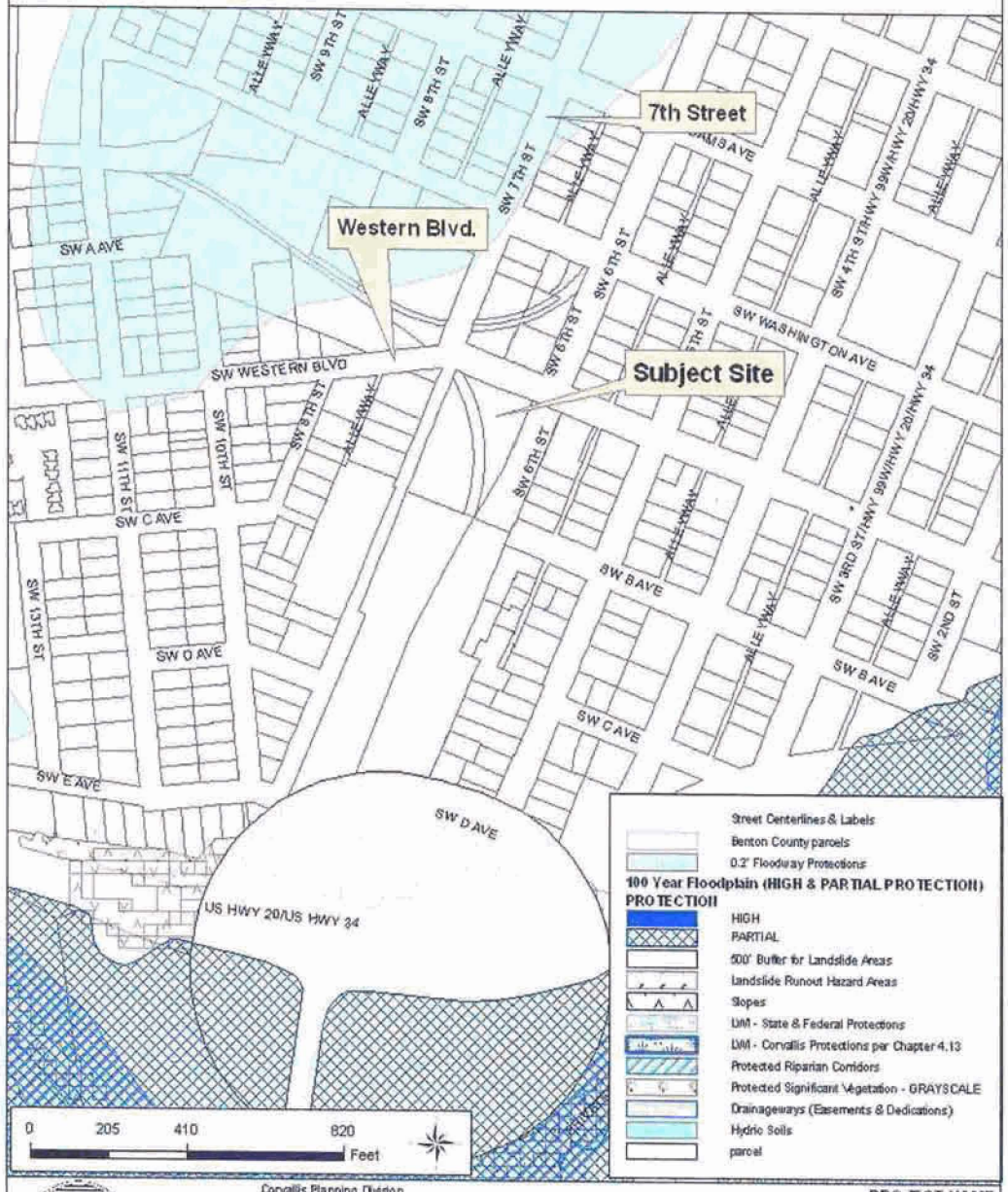
PROJECT NAME

CPAxx-xxxxx

ATTACHMENT X

CORVALLIS

# Natural Features Map




CORVALLIS

Corvallis Planning Division
501 SW Madison Ave
Corvallis, OR 97333

541.766.6908
Planning@ci.corvallis.or.us

PROJECT NAME

CPAxx-xxxxx

ATTACHMENT X

CORVALLIS

# Appeal Issues

- *Approval allows variations to Code requirements without "meaningful compensation"*

  The Planning Commission and Staff find adequate compensating benefits will be provided to offset proposed variations, per LDC 2.5.40.04.a.1. This is discussed in detail on pages 43 – 49 of the Staff Report to the Planning Commission.

- *There is no public need for additional residential housing in this area.*

  "Public Need," although a decision criteria for a Comprehensive Plan Amendment, is not a criterion for review of a Planned Development, Subdivision, or Plan Compatibility Review, which are the applications under consideration at the present time. Residential uses are permitted uses within the MUC Zoning District.

- *Consistency with certain Comprehensive Plan Policies has not been addressed.*

  As noted on page 9 of the Staff Report to the Planning Commission, the adoption of the 2006 Land Development Code fully implements the Comprehensive Plan, and therefore, Comprehensive Plan Policies do not need to be specifically addressed in an analysis of compliance with applicable decision criteria. Where variations have been requested, Comprehensive Plan Policy direction has been considered, as discussed on pages 43 – 49 of the Staff Report to the Planning Commission.

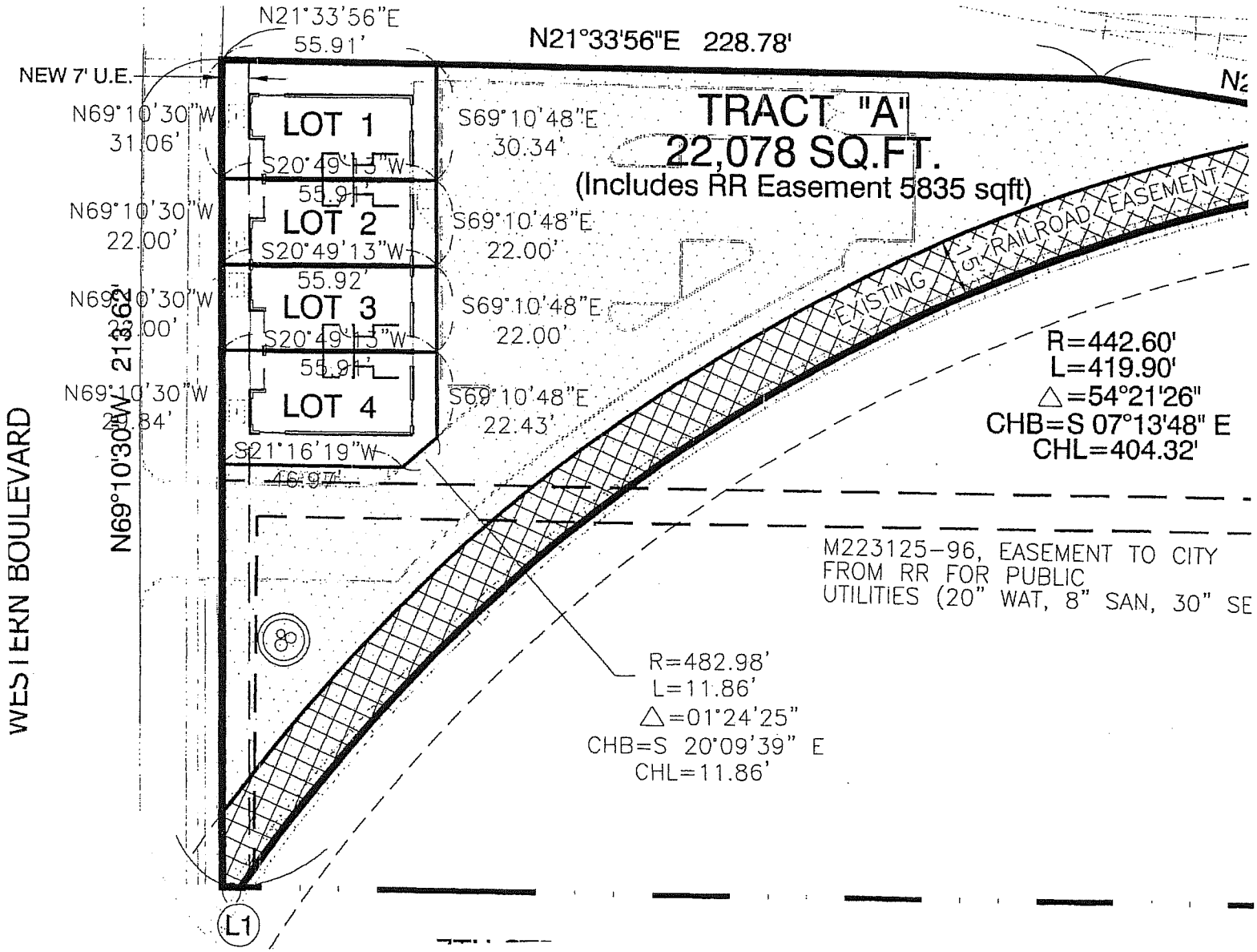
# Conceptual and Detailed Development Plan

CORVALLIS

# Compatibility – Variations

- The applicant has requested the following variations to Land Development Code requirements, as allowed through the Planned Development process:
  - Driveway access width narrowed from 24 ft. to 20 ft. in one area
  - Reduce minimum internal sidewalk width from 5 ft. to 4 ft., 6 in. in one area
  - Reduce width of fenced and landscaped buffer between site and industrial land to the east from 20 ft. to 9 ft.
  - Allow access to arterial street (Western Blvd.) within 150 ft. of intersection with 7th Street
  - Reduce amount of building located within maximum setback along the site's street frontage from 50% to 41%
  - Allow two of the proposed lots to have street frontage less than the required 25 feet

- All of the six requested variations result from the unusual configuration and constrained street frontage of the site.



# Compatibility – Noise

- Condition 7 will require acoustical buffering to be incorporated into the east wall of the building to mitigate noise impacts from the adjacent railroad tracks.
- No unusual noises, odors, or emissions are anticipated from the development itself.

# Compatibility – Site Design and Visual Elements

- The proposed site design will accommodate all necessary improvements on the site in a safe and functional manner.
- The proposed building design is within the 45-foot height limit in the MUC District. The separation of the building from any nearby development will ensure that the height and scale of the structure are not incompatible with adjacent development. The allowed building height in nearby RS-12 Zoned areas is 35 feet and within the RS-20 Zone to the west it is 65-feet, or 5 stories.
- The building will incorporate elements that provide adequate visual interest, design variety, and building articulation.

# Compatibility – Traffic and Parking

- The Trip Generation Study found no significant traffic impacts. Staff concur.
- Condition 8 will ensure that commercial uses within the development will only be those with a parking requirement of 1 space per 400 sq. ft. or less.
- Vehicle parking requirements are met, as shown in the following table:

# Compatibility – Vehicle Parking Requirements

| Proposed Uses | LDC Standard | Resulting Parking Requirement |
|---|---|---|
| Four 1,387 square foot commercial spaces (5,548 total square feet) | 1 space / 400 sq. ft. | 14 parking spaces |
| Four 2 - Bedroom Single Family Attached Dwellings | 1.5 spaces / 2 Bedroom Single Family Attached Dwelling | 6 parking spaces |
| Subtotal – Parking Requirement | | 20 Parking Spaces |
| Less 10% for transit stop w/in 300 ft. of site | | -2 spaces |
| Total Parking Requirement (after allowed reduction) | | 18 parking spaces |

# Subdivision

- The proposed subdivision plat complies with applicable zoning district and platting requirements, with the exception of the 25-ft. minimum lot width standard, which the applicant has requested to vary from for two of the four lots. Because vehicular access and parking for the development will be shared, staff recommend support for the requested variation.

# Plan Compatibility Review

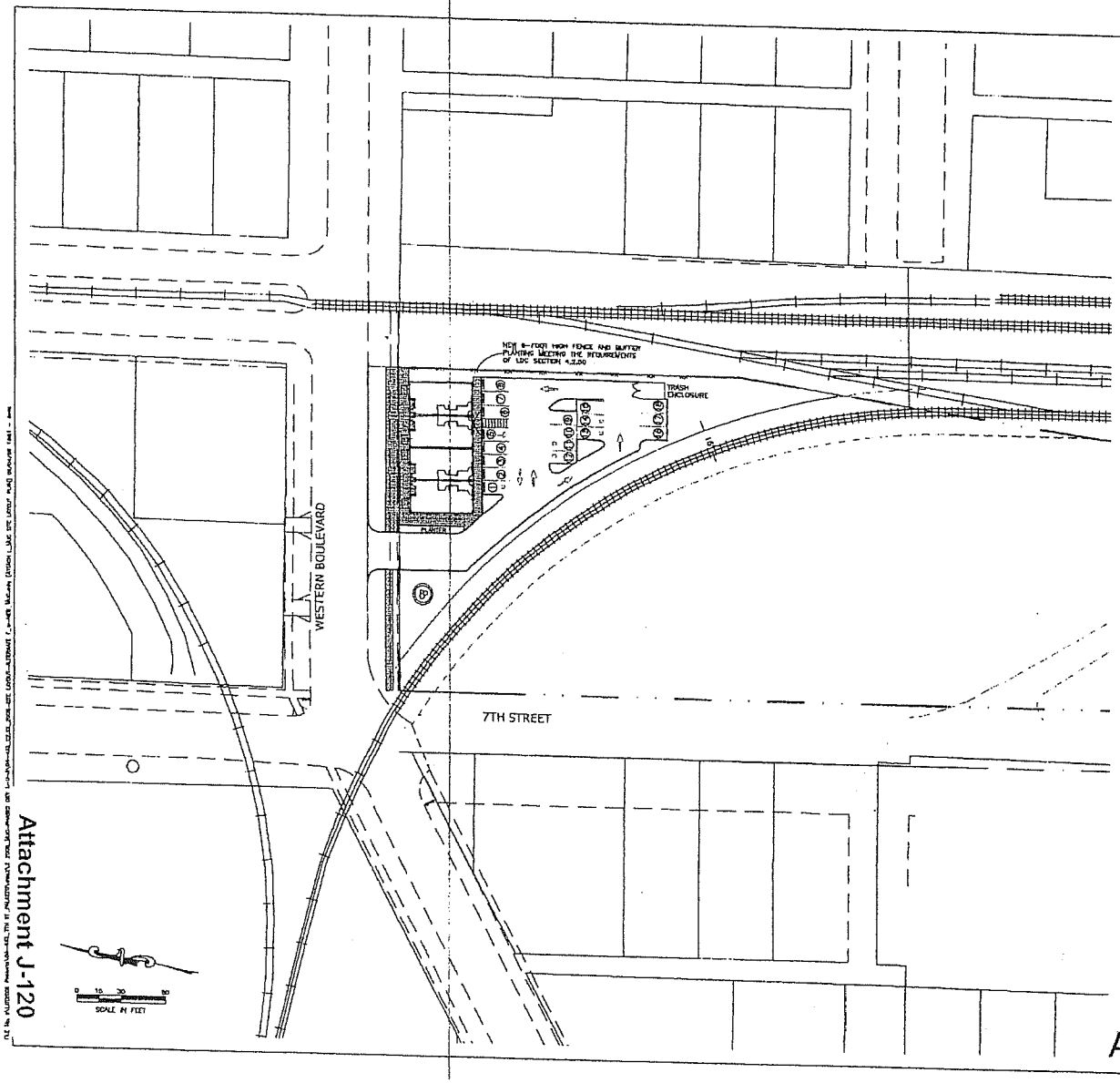
- The proposed development is consistent with the purposes for a PCR review.
- Neighboring property owners and residents will be protected from negative development impacts by the physical separation of the site from nearby residents, and by LDC requirements and conditions pertaining to building design, site layout, lighting, landscape buffering and other requirements.

# Plan Compatibility Review (Continued)

- The proposed development will not adversely affect traffic, parking, and access.
- The proposed development will not adversely impact any significant natural features.

# Recommendations

- The Planning Commission and staff recommend approval of the Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review, as conditioned.




MUC:

GROSS LAND AREA: 22,056 SQ.FT.
(0.51 ACRES)
(RR Easement not included in area above)

TOTAL DWELLING UNITS: 4 LIVE/WORK

DENSITY: 4 UNITS / 0.51 ACRES = 8 UNITS/ACRE

GREEN SPACE

| | |
|---|---|
| 1) Ground Level (undeveloped area in RR Easement not included in area above) | 7,664 sq.ft. |
| 2) Decks None Included | |
| TOTAL GREEN SPACE AREA (Excluding undeveloped area in railroad easement) | 7,664 sq.ft. |
| Green Space as percentage to Gross Area | 35% |
| LOT COVERAGE OF BUILDING AND STRUCTURES | 3,605 sq.ft. 16.3 % of Gross Land Area |
| COMMERCIAL USE | |
| GROUND FLOOR | 3,440 sq.ft. |
| MEZZANINE | 2,108 sq.ft. |
| Commercial use as percentage to Gross Area | 25% |

| No. | REVISION: | DATE |
|---|---|---|
| | | |

DEVCO DEVELOPMENT INC.
Corvallis, Oregon
PH: 541-757-8944
FAX: 541-757-8946
36 7TH CORVALLIS, OR 97333
WWW.DEVCODEVELOPMENT.COM
CONTRACTOR: DEVCO DEVELOPMENT INC.
ATT: ROBERT SCHWARTZ

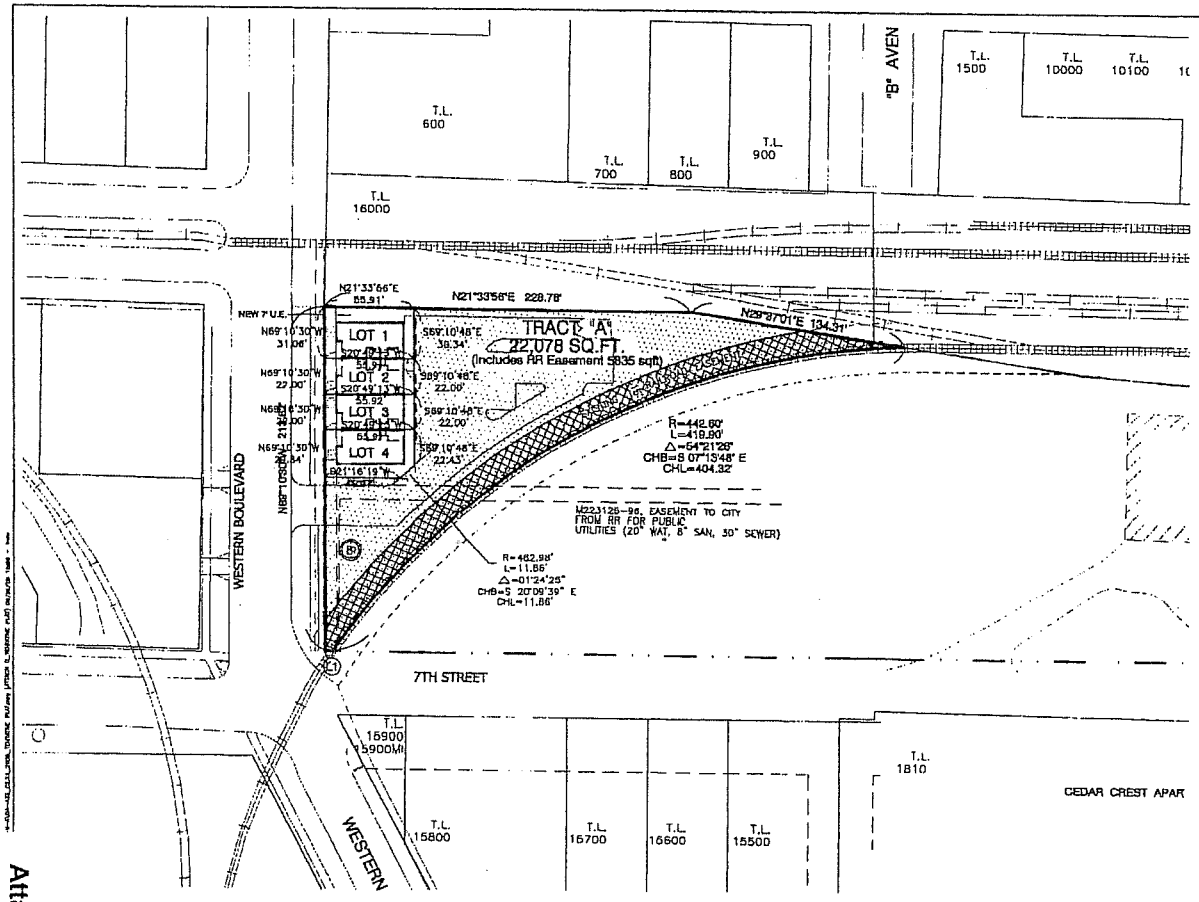
PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: DETAILED DEVELOPMENT PLAN

JOB NO 04-433
ISSUED 09/04/06
DRAWN BY DEVCO

ATTACHMENT "L"

Attachment J-120




| LINE TABLE | | | LOT AREA TABLE | |
|---|---|---|---|---|
| LINE NO. | LENGTH | BEARING | LOT NO. | AREA |
| L1 | 4.68' | S 21°16'52" W | 1 | 1716.45 SQ.FT. |
| | | | 2 | 1230.06 SQ.FT. |
| | | | 3 | 1230.06 SQ.FT. |
| | | | 4 | 1642.63 SQ.FT. |
| | | | TRACT "A" | 22,072 SQ.FT. (INCLUDES RR ROW) |

FAR CALCULATION

| | |
|---|---|
| TOTAL AREA | 27,891 SQ.FT. |
| RAILROAD EASEMENT | 5,835 SQ.FT. |
| DEVELOPABLE AREA | 22,056 SQ.FT. |
| COMMERCIAL AREA | 5,548 SQ.FT. |
| FAR | 0.25 |

OWNER:
7th Street Station, LLC
1900 Front Street NE
Salem, Oregon 97303

ATTACHMENT "O"

DATE
REVISION
No.

DEVCO Engineering Inc.
30 SW Monroe Ave.
Corvallis, OR 97333
www.devcoengineering.com

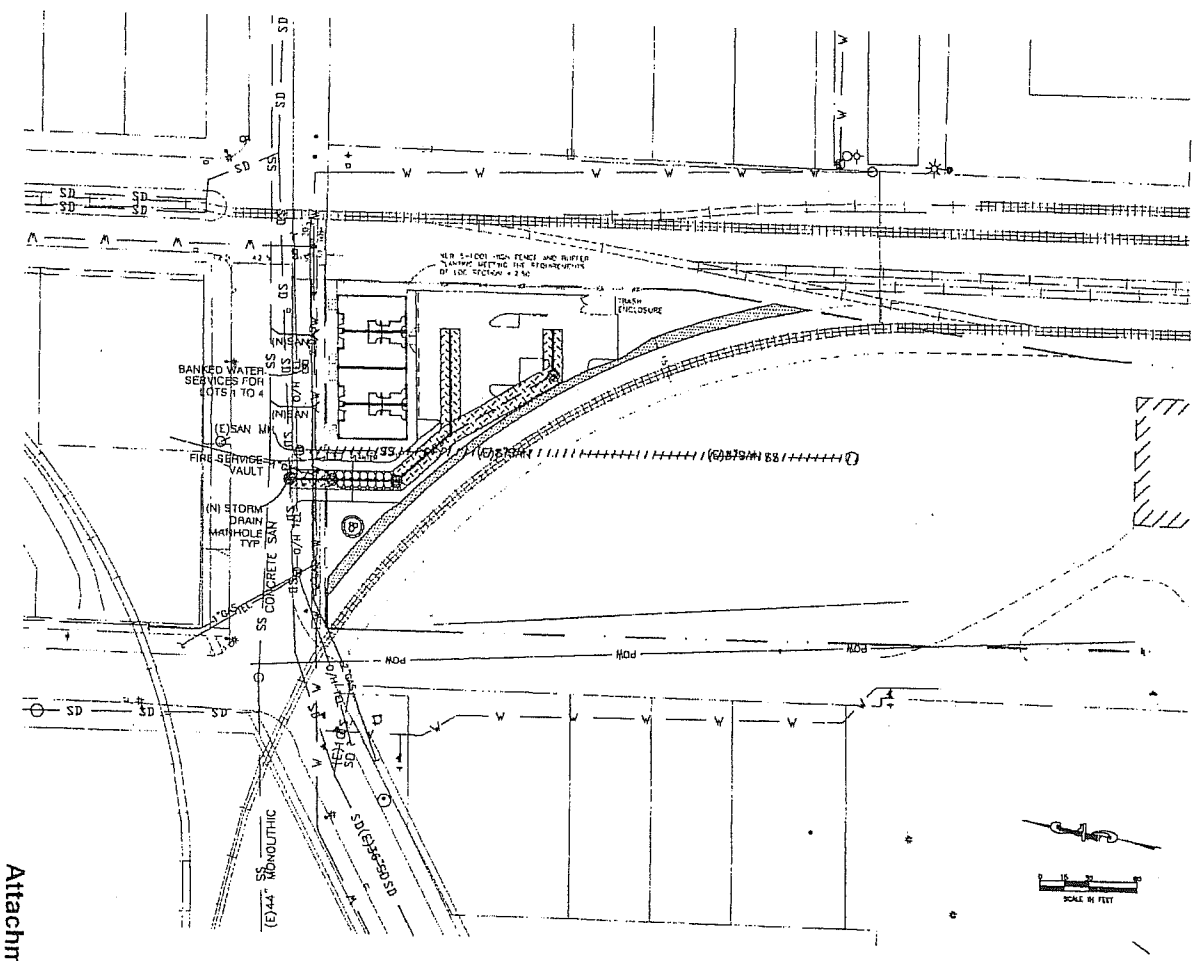
PROPRIETARY AND CONFIDENTIAL
THIS DOCUMENT IS THE PROPERTY OF DEVCO ENGINEERING INC.

PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
CLIENT: 7th STREET STATION, LLC

SHEET TITLE: TENTATIVE PLAT

JOB NO: 01-433
ISSUED: 09/04/08
DRAWN BY: DEVCO

Attachment J-123




UTILITIES LEGEND

- EXISTING SEWER LINE
- EXISTING WATER LINE
- EXISTING STORM DRAIN LINE
- UTILITY LINE TO BE ABANDONED
- NEW STORM DRAIN LINE
- NEW SANITARY LINE

LEGEND
STORM WATER QUALITY MEASURES

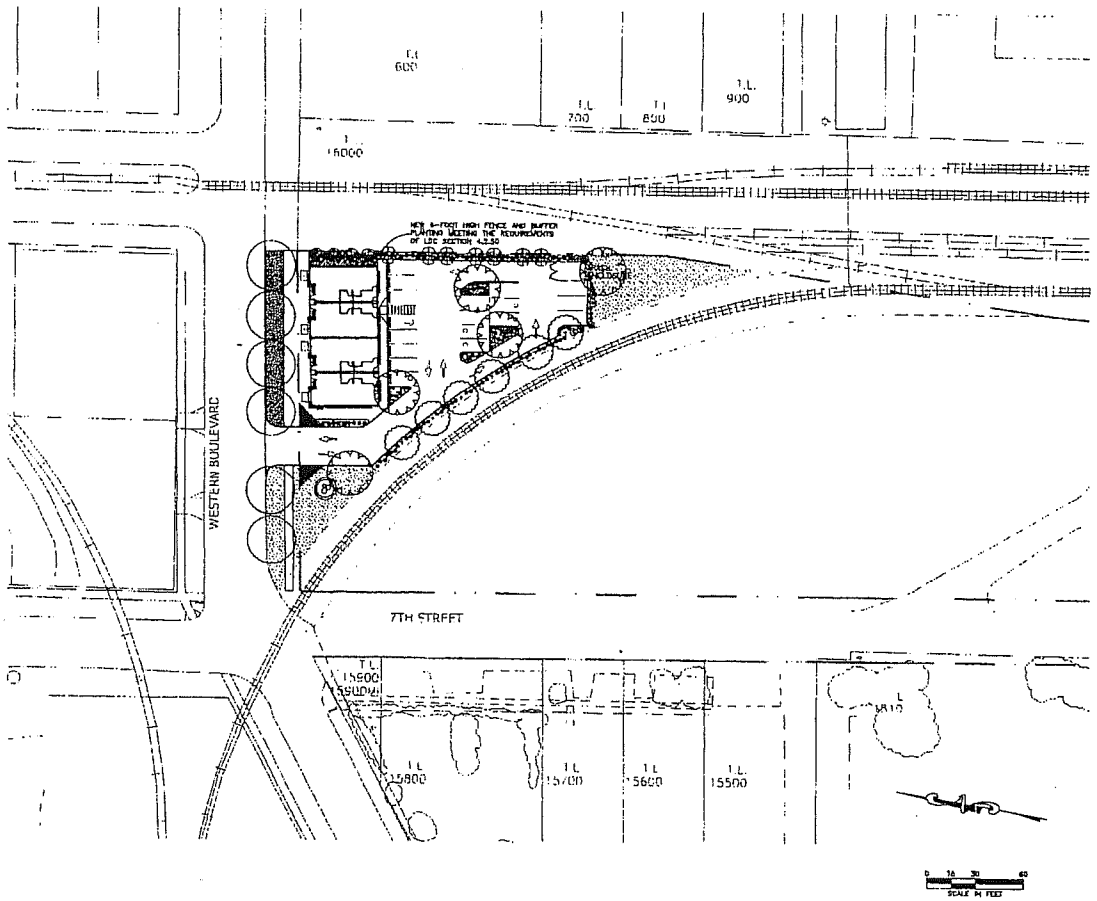
- STORM WATER CONVEYANCE
- STORM WATER CONVEYANCE AND DETENTION SWALE
- STORM WATER CONVEYANCE AND DETENTION

ATTACHMENT "Q"

| NO. | REVISION: | DATE |
|---|---|---|
| | | |

Devco Engineering Inc.
PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
SUBJECT: 7th STREET STATION, LTC
SHEET TITLE: SITE UTILITY PLAN
JOB NO 04-433
ISSUED: 00/04/06
DRAWN BY: DEVCO

Attachment J-125




| LANDSCAPE LEGEND | |
|---|---|
| EXISTING VEGETATION | |
| SYMBOL | DESCRIPTION |
| | EXISTING DECIDUOUS OR EVERGREEN VEGETATION (OUT OF PROJECT AREA) |
| CONCEPTUAL VEGETATION | |
| SYMBOL | CHARACTERISTICS |
| | TILIA AMERICANA 'BOULEVARD' |
| | CARPINUS BETULUS 'FASTIGIATA' |
| | ACER RUBRUM 'ARMSTRONG' |
| | ACER SACCHARUM 'LEGACY' |
| | EVERGREEN SCREENING SHRUB |
| | SHRUB BEDDING PLANT |
| | SIDEWALK PLANTERS |
| | LANDSCAPE FEATURE |
| | LAWN TURF |
| | GROUND COVER |
| | VISION CLEARANCE AREA |

ATTACHMENT "S"

| No. | REVISION | DATE |
|---|---|---|
| | | |

DEVCO
DEVELOPMENT CO.
DEVELOPMENT, INC.
ALL RIGHTS RESERVED.

PROJECT: WESTERN STATION
PROJECT LOCATION: CORVALLIS, OREGON
SUBNE: 7th STREET STATION, LLC

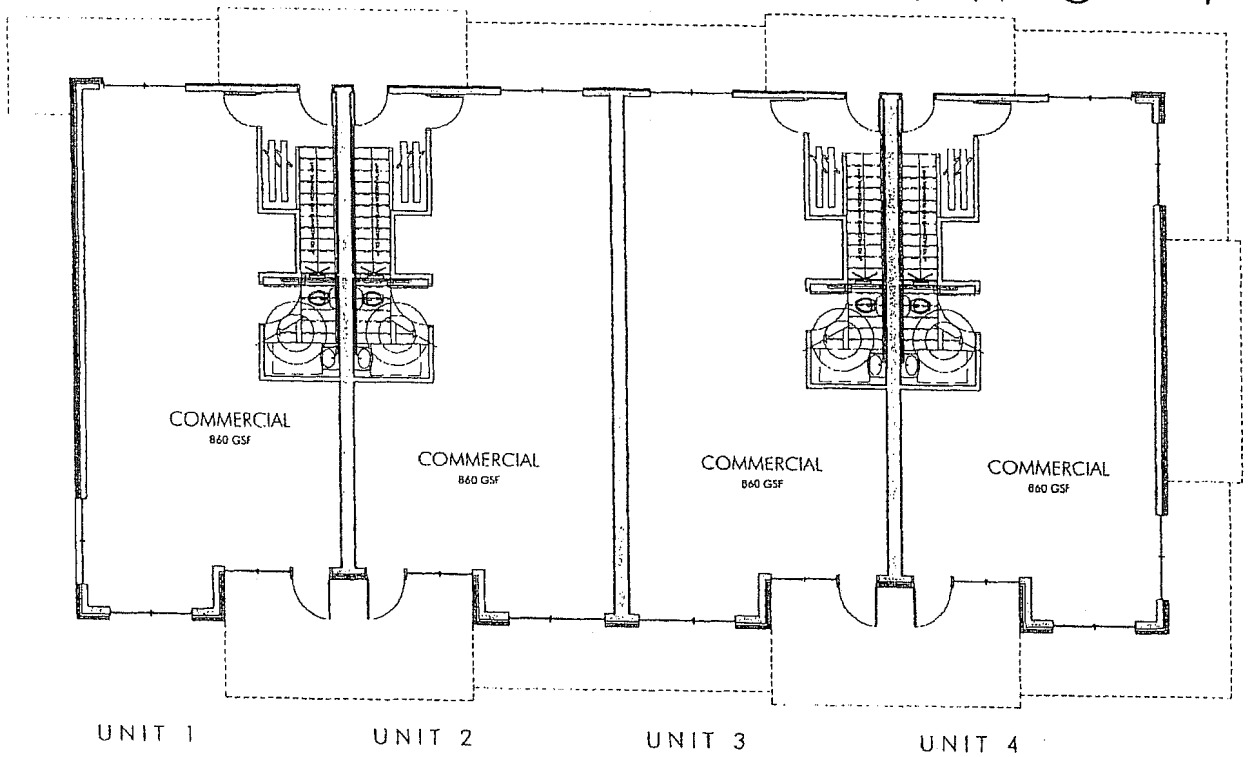
SHEET TITLE: CONCEPTUAL LANDSCAPE PLAN

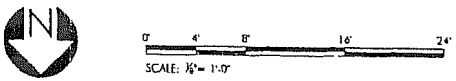
JOB NO. 04-433
ISSUED: 06/04/08
DRAWN BY DEVCO

Attachment J-127

# WESTERN STATION

## LIVE/WORK BUILDING POD




## GROUND FLOOR PLAN

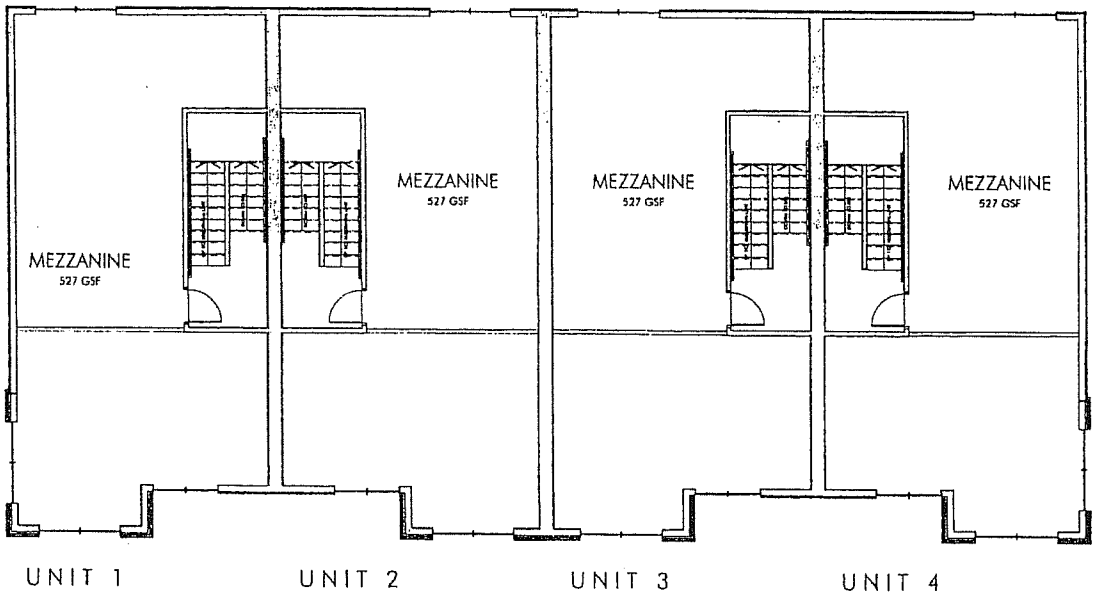
1/8" = 1'-0"

2 SEPTEMBER 2008

ATTACHMENT **T**

# WESTERN STATION

## LIVE/WORK BUILDING POD




MEZZANINE FLOOR PLAN

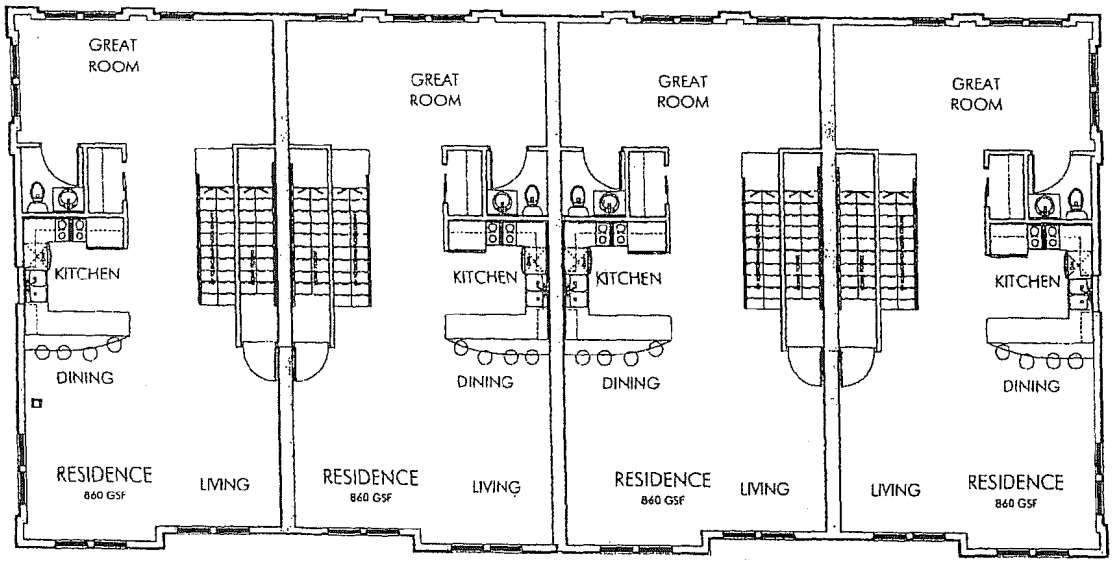
$\frac{1}{8}$" = 1'-0"

21 APRIL 2008

ATTACHMENT **U**

# WESTERN STATION

## LIVE/WORK BUILDING POD




UNIT 1 UNIT 2 UNIT 3 UNIT 4

## FIRST FLOOR PLAN

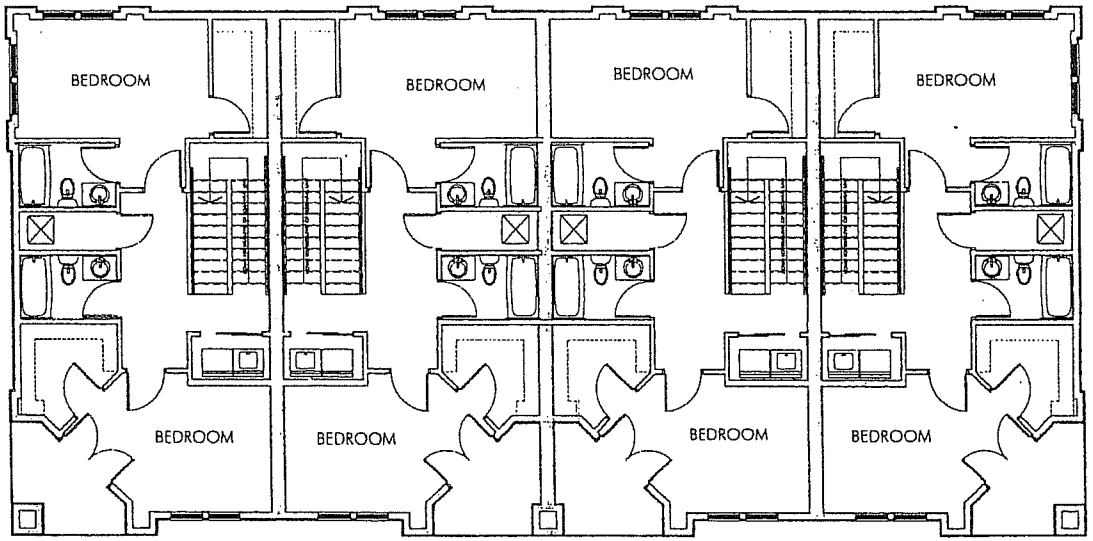
$\frac{1}{8}$" = 1'-0"

21 APRIL 2008

ATTACHMENT V

# WESTERN STATION

## LIVE/WORK BUILDING POD




UNIT 1 UNIT 2 UNIT 3 UNIT 4

## SECOND FLOOR PLAN

$\frac{1}{8}$" = 1'-0"

21 APRIL 2008

ATTACHMENT **W**

# WESTERN STATION

## LIVE/WORK BUILDING POD

FRONT ELEVATION

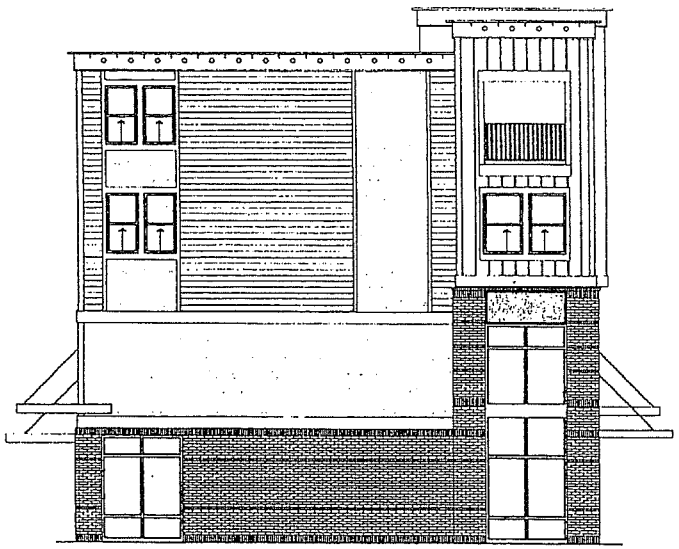
$\frac{1}{8}$" = 1'-0"

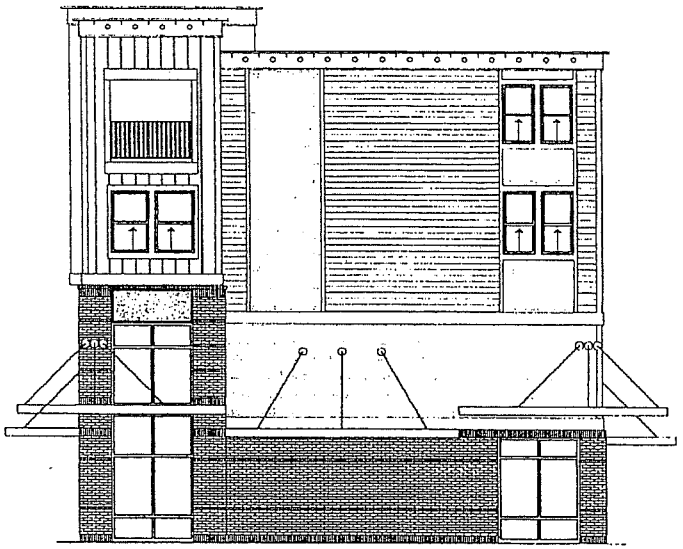
2 SEPTEMBER 2008

ATTACHMENT X

# WESTERN STATION

## LIVE/WORK BUILDING POD





SIDE ELEVATIONS

$\frac{1}{8}$" = 1'-0"

2 SEPTEMBER 2008

TTACHMENT **Y**

# WESTERN STATION

## LIVE/WORK BUILDING POD

REAR ELEVATION

$\frac{1}{8}$" = 1'-0"

2 SEPTEMBER 2008

ATTACHMENT Z

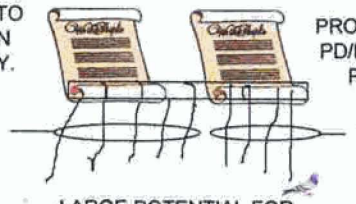
| Item | | Code Sectio | Code Standard | Proposed Standard |
|---|---|---|---|---|
| VARIANCES | VARIANCE REQUESTED | | | |
| Commercial Access DriveWidth | y | 4.1.40 | Minimum 24' wide | 20' wide |
| Access to arterial street | y | 4.1.40.a(2) | Minimum 150-feet from intersection | Minimum 100-feet from intersection |
| Tree perimeter | y | 4.2.40 | 10' around all trees | 5' around all trees |
| Fencing and landscaping screening for MUC Residential Uses adjaccent to industrial Districts | y | 3.20.50.09.b | Fencing required and 20-foot landscape screen | Fencing and 9-foot landscape screen |
| Percentage of building Frontage for Attached Residential Buildings | n | 3.20.60.01.b | | |
| Roof eslevation shall gradually step down so that the height of the proposed structure does not exceed the height of adjacent residential sstructures by more than one 1 story This provision applies to that portion ofthe structure that is closest 20 feet minimum to the adjacent residential structures | n | 3.20.50.09a-2 | | |
| Minimum Width for sidewalk around building wall | y | 4.10.70.03.2 | Minumum 5' width | 5' width except 4'-6" at southwest corner of building |
| "Where new commercial or residential development is constructed adjacent to street sidewalks or pedestrian plazas, a 6-ft wide, weather-protected area (e.g. awnings or canopies) shall be provided along the portion of the building(s) adjacent to the sidewalks and/or plazas." | n | 3.20.50.04.a | Code language requires continuous weather protection. Plan provides awning along 86% of the building fontage (page 27 of part I of application). | |
| Requires lots to abut a street for at least 25-ft unless specific criteria are met. This project does not meet exemptions. | n | 4.4.20.03.b | | |
| "Sidewalks along Arterial, Collector, and Neighborhood Collector Streets shall be separated from curbs by a planted area. The planted area shall be a minimum of 12 ft. wide and landscaped with trees and plant materials approved by the City. " | n | 4.0.30.a.2 | The proposal is to place cement pavers between tree wells. If ground is covered with pavers, then it cannot be a "planted area." | |
| Commercial Property must be "preserved" (Statewide Goal 9) LDC 1993 3.20.40.01 Preservation of Commercial Land Supply - a. A minimum floor area ratio (FAR) of 0.25 of commercial use is required for all property with a commercial Comprehensive Plan Map designation. This requirement is to ensure that commercial land is preserved for primarily commercial purposes. | n | 3.20.40.01 | Staff stated that they could find no instance where RR easements were elimanated in calc, and if that is problem a variance could solve it. | |
| c. Where the square footage of the non-commercial use(s) exceeds the square footage of the commercial use(s), the development site shall be subject to a Plan Compatibility Review (PCR) process. Rationale: This provision is intended to protect the City's inventory of commercial land, in conformance with Statewide Goal 9 (Economic Development) and the Comprehensive Plan. By preserving a minimum amount of land in the MUC district which must be used for commercial purposes, the City can ensure compliance with Goal 9. | n | 3.20.40.01-c | Residential uses make up more than 50% of the uses in this "commercial" project | |

COMPREHENSIVE PLAN

DISTRICT ZONING MAP MUC

PERMANENT CHANGES TO COMPREHENSIVE PLAN BASED ON PD OVERLAY.

PROPERTY ZONING CHANGED TO PD/MUC, INCLUDING PERMANENT PD OVERLAY PROTECTION.



COMP PLAN POLICIES NOT YET RESOLVED, BUT TO BE ADDRESSED IN FINAL DEVELOPMENT PLAN.

ZONING POLICIES NOT YET RESOLVED, BUT TO BE ADDRESSED IN FINAL DEVELOPMENT PLAN.

FROM DICKERHOOF CC HEARING....Comp plan..."policies that cannot be fully evaluated at this time"
3.2.4, 5.2.4, 5.6.16, 7.4.2, 7.5.5, 8.10.9, 8.14.3, 9.2.1, 9.2.2, 11.2., 11.2.9, 11.4.7, 11.8.2, 12.2.3, 13.10.1.

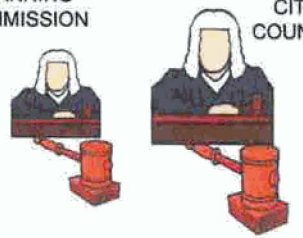
LARGE POTENTIAL FOR NEGATIVE CONSEQUENCES DUE TO NEW DEVELOPMENT

CITY COUNCIL HAS THE DUTY AND POWER TO ACT TO ENSURE ALL COMPREHENSIVE PLAN POLICIES ARE FOLLOWED.

THE LDC REQUIRED COMPENSATION UMBRELLA

PLANNING COMMISSION

CITY COUNCIL



CORVALLIS LDC REQUIRES OWNER'S REQUESTING VARIANCES TO DESIGN "CUSTOM" PROTECTIONS FOR THE SPECIFIC PROPERTY TO COMPENSATE THE CITY AND NEIGHBORHOOD FOR THE WEAKENING THE LDC PROTECTIONS. THEN THE PLANNING COMMISSION AND CITY COUNCIL MAKE SURE THE "INTENT OF THE DEVELOPMENT STANDARDS" (COMP PLAN AND LDC) ARE NOT VIOLATED.

THE LDC REQUIRES VARIANCE & COMPENSATION COMBINATIONS TO MEET THE FOLLOWING PURPOSES:

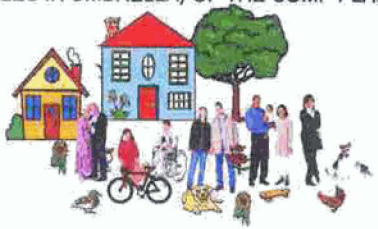
*"Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures"* (LDC 2.5.20-g.)

AND

Provide benefits "*within the development site* that *compensate* for the variations from development standards such that the *intent of the development standards* is still met." (LDC 2.5.20-h.)

THE DAMAGED LDC UMBRELLA
(HOLES REPRESENT VARIANCES/LOSS OF CORVALLIS LDC PROTECTIONS)

DEVELOPMENT STANDARDS ALONE CAN'T PROTECT NEIGHBORHOODS BECAUSE THE VARIANCES ALLOW WEAKENING (HOLES IN UMBRELLA) OF THE COMP PLAN AND LDC PROTECTIONS.



PD OVERLAY
Section 2.5.30 - GENERAL PROVISIONS
Planned Development is an alternative development process that provides an avenue for a developer to request variations from development standards while maintaining the purposes stated in Section 2.5.20 and meeting the review criteria outlined in Section 2.5.40.04.

2.5.40.04 - Review Criteria
Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this Chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable...

a. Compatibility Factors
2.5.40.04a-1 Compensating benefits for the variations being requested
2.5.40.04a-3 Visual elements (scale, structural

COMPREHENSIVE PLAN

DISTRICT ZONING MAP MUC

PERMANENT CHANGES ARE MADE BECAUSE PD OVERLAY IS INCLUDED.

PERMANENTLY CHANGED WITH PD OVERLAY ATTACHED.

COMP PLAN POLICIES NOT YET RESOLVED, BUT TO BE ADDRESSED IN FINAL DEVELOPMENT PLAN.

ZONING POLICIES NOT YET RESOLVED, BUT TO BE ADDRESSED IN FINAL DEVELOPMENT PLAN.

DEVELOPMENT STANDARDS ALONE CAN'T PROTECT NEIGHBORHOODS BECAUSE THE VARIANCES ALLOW WEAKENING (HOLES IN UMBRELLA) OF THE COMP PLAN AND LDC PROTECTIONS.

LARGE POTENTIAL FOR NEGATIVE CONSEQUENCES DUE TO NEW DEVELOPMENT

IF LDC REQUIRED COMPENSATIONS ARE NOT PROVIDED, THE NEIGHBORHOOD AND CITY WILL SUFFER NEGATIVE CONSEQUENCES FROM THE NEW DEVELOPMENT.

PLANNING COMMISSION

CITY COUNCIL

CITY COUNCIL HAS THE POWER TO ENSURE ALL COMPREHENSIVE PLAN AND LDC POLICIES ARE FOLLOWED. ACCORDING TO THE LDC. VARIANCES SHOULD ONLY BE GRANTED WHEN THE OWNER SHOWS COMPENSATIONS THAT WILL:

*Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures.* (LDC 2.5.20-g.)

AND

Provide benefits *within the development site* that *compensate* for the variations from development standards such that the *intent of the development standards* is still met. (LDC 2.5.20-h.)

LEGAL OPINION - 2.5.20g compels the decider to determine what can be done under conventional land devlopment procedures because the decider must decide that what is being proposed provides greater cocmpatilbility than the conventional proceduere.

SO...THE DECIDER (STAFF, PLANNING COMMISSION, CITY COUNCIL) MUST EVALUATE EACH VARIED LDC OR COMP PLAN STANDARD TO DETERMINE WHAT CAN BE DONE WITHOUT THE VARIANCE. THEN THEY MUST DETERMINE THAT THE PROPOSED COCMPENSATION WILL PROVIDE GREATER COMPATIBILITY THAN THE CONVENTIONAL PROCEDURE.

FAILURE DETERMINE WHAT CAN BE DONE "UNDER CONVENTIONAL LAND DEVELOPMENT PROCEDURES" GIVES THE DECIDER NOTHING BASE HIS DECISION ON, RESULTS IN A FAILURE TO ENFORCE THIS STANDARD AND VIOLATES THE LETTER AND INTENT OF THE LDC.

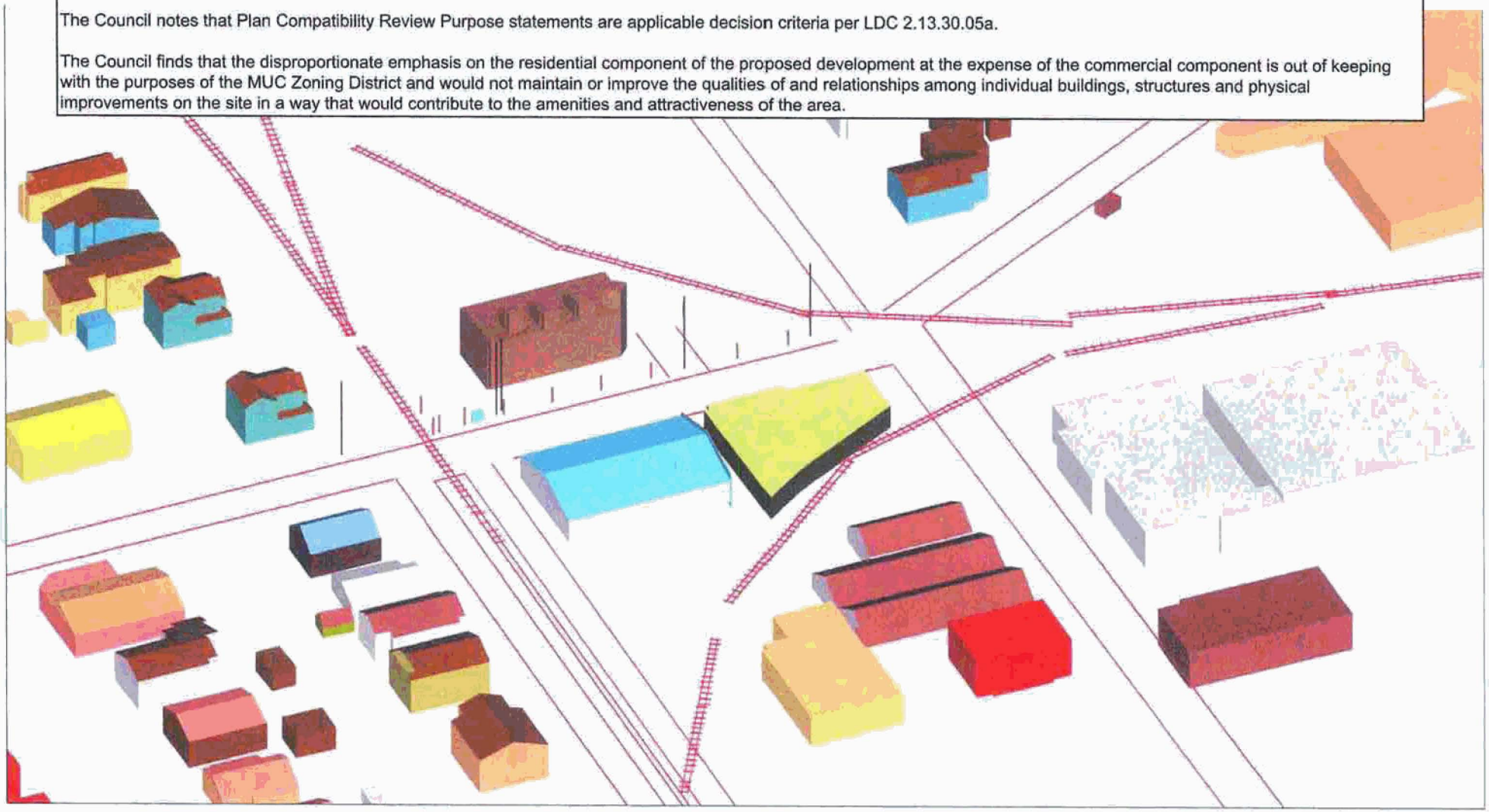
FINDINGS AND CONCLUSIONS RELATING TO THE APPEAL OF THE PALAZZO CONCEPTUAL AND DETAILED DEVELOPMENT PLAN (PLD07-00004) TENTATIVE SUBDIVISION PLAT (SUB07-00001) AND PLAN COMPATIBILITY REVIEW (PCR07-00003)

Reasons for Denial of Tentative subdivision Plat

5. ...Specifically the Council finds that the proposed development is inconsistent with Purpose statement 2.13.20e which states that a PCR must maintain and improve the qualities of and relationships among individual buildings structures and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area.

The Council notes that Plan Compatibility Review Purpose statements are applicable decision criteria per LDC 2.13.30.05a.

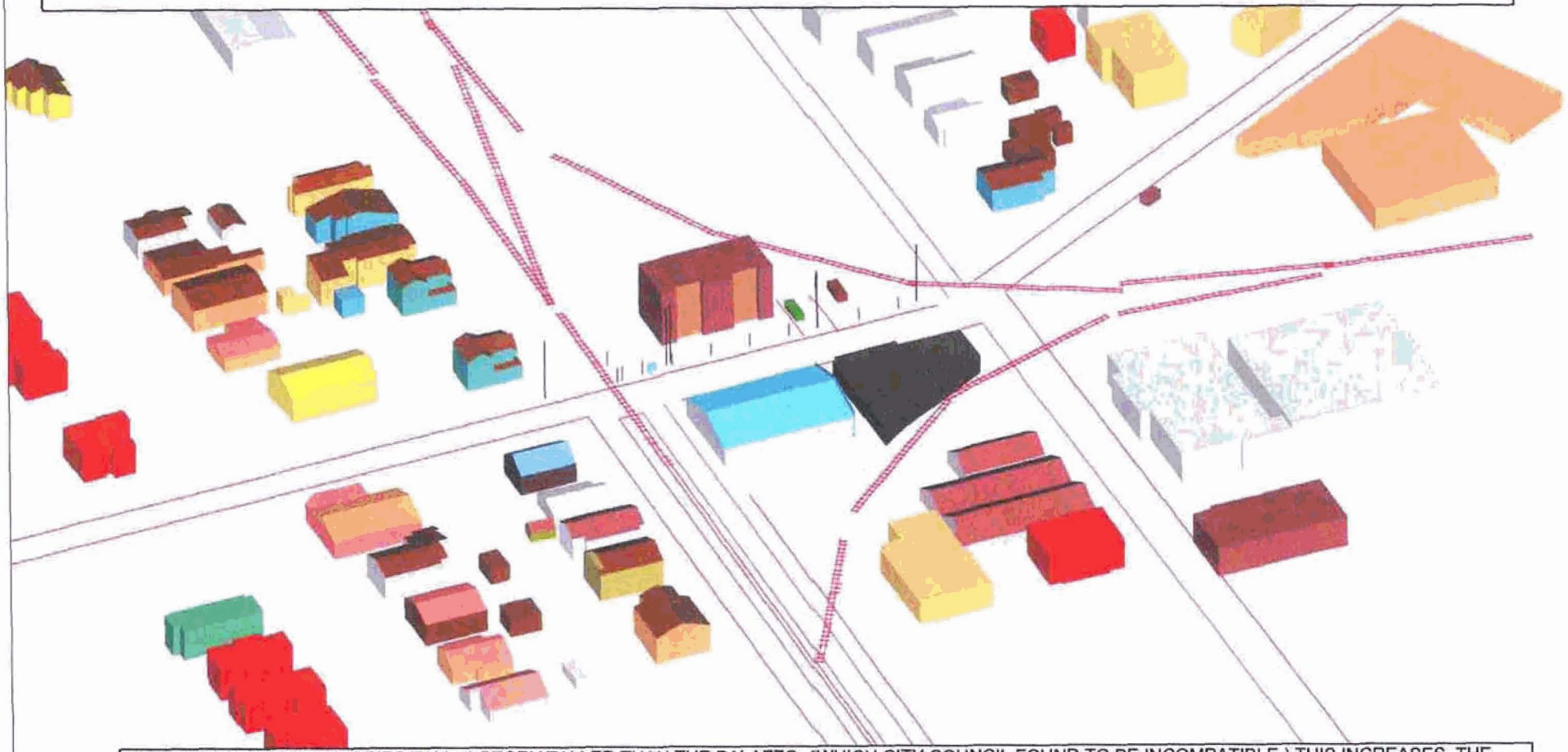
The Council finds that the disproportionate emphasis on the residential component of the proposed development at the expense of the commercial component is out of keeping with the purposes of the MUC Zoning District and would not maintain or improve the qualities of and relationships among individual buildings, structures and physical improvements on the site in a way that would contribute to the amenities and attractiveness of the area.



6. ...The Council finds the scale and design of the proposed development to be inconsistent with the scale and design of existing development in the area. Therefore the Council finds the scale and design of the proposed development to be inconsistent with Plan Compatibility Review Purpose Statement 2.13.20c which states in part that structures are to be compatible with existing development.

7 The Council finds that the proposed development does not adequately protect neighboring property owners and residents from negative impacts that would result from the large residential component of the development The Council finds that the proposed development would result in inadequate sight buffers and visual impacts resulting from the proposed design of the development and is therefore inconsistent with criterion 2.13.30.05b above.

Planning Commissioner Gervaris- "... I'm very concerned with the parking on this particular development. Because although on the surface it meets all of the standard requirements, providing only 2 BR actually get used and they really only have 1.5 cars per family. But I think the reality is this will end up being a rental, I think there will be horrific parking problems that are going to severely restrict the businesses and cause a lot of spill over problems in neighborhoods that are already completely parked out by too many rental buildings...I want to say that I'm really uncomfortable with this math, because on the surface the numbers work, but I think that our experience with these kinds of developments is that they don't work. and that In this case, with a busy arterial street with no parking on one side, a central district that already has it's own parking problems, and then restricted access on the other 2 neighborhoods because...density of high bedroom rental properties, I am just concerned that this development is going to cause a lot of problems for the neighborhood and potentially some real safety problems as people are crossing Western, jaywalking, .to get to back and forth to their cars ... their businesses and residences.....I don't see anything I can say to that to condition this, because as Commissioner x pointed out, We can't exactly say that if you work here, you have to live here. and I don't think that's a good idea anyway...the idea is to make this usable commercial space.....and to enhance that, and so...I also am just.really frustrated that the FAR is the only way you can defend this commercial space. Because I think this development does not meet the intent of the FAR. because I don't think the way that this is designed, particularly with the parking issue, is going to be viable commercial space...and .in the end it is going to create a determent to that part of the city instead of a benefit, so anyway, If anyone has any ideas how to address that, I'd love hear it"



WESTEN STATION IS 4 STORIES TALL; 1 STORY TALLER THAN THE PALAZZO (WHICH CITY COUNCIL FOUND TO BE INCOMPATIBLE.) THIS INCREASES THE COMPATIBILITY PROBLEMS BETWEEN THE NEW USE AND THE EXISTING STRUCTURES AND VIOLATES THE FOLLOWING MUC GUIDELINES AND STANDARDS. THE ADJACENT RESIDENTIAL STRUCTURES TO THE EAST ARE 2.5 STORIES TALL.

Neighborhood Compatibility 3.20.50.09 Design Guidelines and Standards 3.20.50.00

3.20.50.09a-2 Roof elevation shall gradually step down so that the height of the proposed structure does not exceed the height of adjacent residential structures by more than one 1 story. This provision applies to that portion of the structure that is closest … to the adjacent residential structures

CITY COUNCIL FOUND THE PALAZZO PROPOSAL TO BE A "RESIDENTIAL DEVELOPMENT MASQUERADING AS COMMERCIAL." AND NOTED THAT IT WAS NOT COMPATIBLE WITH EXISTING DEVELOPMENT. THE NEW DESIGN MAKES NO ATTEMPT TO REMEDY THESE PROBLEMS, BUT INSTEAD WILL MAKE THEM WORSE WITH THE ADDITION OF AN EXTRA STORY TO INCORPORATE THE NEW MEZZANINE.

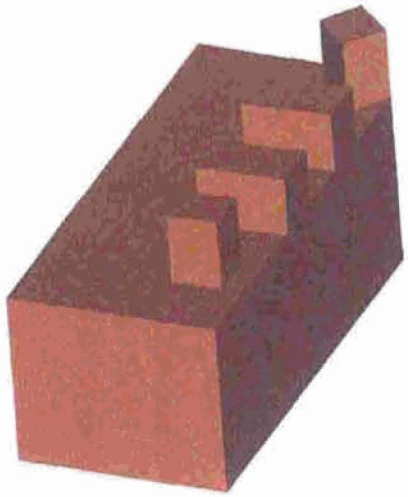
FINDINGS AND CONCLUSIONS RELATING TO THE APPEAL OF THE PALAZZO CONCEPTUAL AND DETAILED DEVELOPMENT PLAN (PLD07-00004) TENTATIVE SUBDIVISION PLAT (SUB07-00001) AND PLAN COMPATIBILITY REVIEW (PCR07-00003)

Reasons for Denial of Tentative subdivision Plat

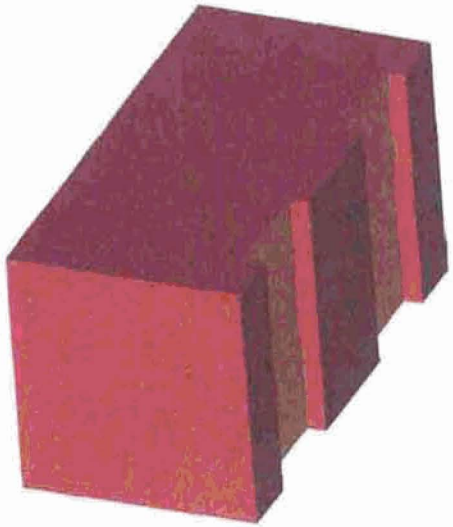
5. ...Specifically the Council finds that the proposed development is inconsistent with Purpose statement 2.13.20e which states that a PCR must Maintain and improve the qualities of and relationships among individual buildings structures and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area.

The Council notes that Plan Compatibility Review Purpose statements are applicable decision criteria per LDC 2.13.30.05a.

The Council finds that the disproportionate emphasis on the residential component of the proposed development at the expense of the commercial component is out of keeping with the purposes of the MUC Zoning District and would not maintain or improve the qualities of and relationships among individual buildings, structures and physical improvements on the site in a way that would contribute to the amenities and attractiveness of the area.



PALAZZO



WESTERN STATION

6. ...The Council finds the scale and design of the proposed development to be inconsistent with the scale and design of existing development in the area. Therefore the Council finds the scale and design of the proposed development to be inconsistent with Plan Compatibility Review Purpose Statement 2.13.20c which states in part that structures are to be compatible with existing development.

7 The Council finds that the proposed development does not adequately protect neighboring property owners and residents from negative impacts that would result from the large residential component of the development The Council finds that the proposed development would result in inadequate sight buffers and visual impacts resulting from the proposed design of the development and is therefore inconsistent with criterion 2.13.30.05b above.

**THE HEARING PROCESS / OPTIONS FOR PROVIDING COMMENT:**

- At the hearing, the Planning Commission receives public testimony, deliberates, and typically makes its decision before adjourning the meeting.
- The Planning Commission 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 Planning Commission.
- The Chairperson 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 Planning Commission 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 makers 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 Planning Commission decision on this matter will be final unless the case is appealed to the City Council. Appeals may be filed within 12 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 Planning Commission 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, and parking and pedestrian accessibility.

- **Comprehensive Plan policies:**
  3.2.1, 3.2.3, 5.3.1, 7.55, 8.2.1, 8.10.4, 8.10.7, 8.10.9, 8.10.10, 9.2.1, 9.2.2, 9.2.5, 9.3.2, 10.2.9, 10.2.11, 10.2.12, 11.2.2, 11.3.4, 11.3.8, 11.3.9, 11.4.3, 11.4.5, 11.4.7, 11.5.12, 11.6.6, 11.6.12, 12.2.5, and 12.2.7

- **Land Development Code Chapters (from 2006 Land Development Code):**
  1.2, 1.6, 2.0, 2.4, 2.5, 2.13, 3.0, 4.0, 4.1, 4.3, 4.4, and 4.10

- **Land Development Code Chapters (from 1993 Land Development Code, as amended):**

  9.20

**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.**

Mail: June 26, 2007

15 Dec 2008

To: Corvallis City Council
From: Alan Bakalinsky,
RE: Western Station, (PLD08-00009, SUB08-00005, PCR08-00002)

My name is Alan Bakalinsky and I am a resident of , located at Avenue, just west and south of the proposed development site. While I strongly support the mixed-used commercial zoning designation for the Western Station property and believe the neighborhood would benefit from the commercial space, **I speak in opposition to this specific application on the grounds that the development is inconsistent with standards in LDC 3.20.40.01 (1993 Land Development Code, as amended) regarding preservation of commercial land. While this development appears superficially to preserve commercial land, it is so poorly designed that it is very unlikely to support successful businesses.**

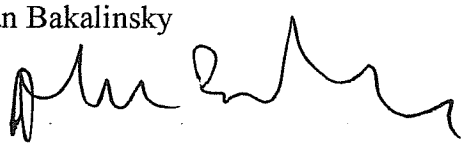
I **paraphrase below testimony given by Planning Commissioner Jennifer Gervais** during the Planning Commission hearing on the Western Station development held October 15, 2008.

**Planning Commissioner J. Gervais:** ***I am very concerned with the parking on this particular development...On the surface, it meets all of the standard requirements, providing only 2 bedrooms actually get used and there are really only 1.5 cars per family. But I think in reality the living units will end up being rentals. I think there will be horrific parking problems that are going to severely restrict the businesses and cause a lot of spill-over problems in neighborhoods that are already completely parked out by too many rental buildings...I want to say that I'm really uncomfortable with this math, because on the surface the numbers work, but I think that our experience with these kinds of developments is that they don't work. And in this case, with a busy arterial street with no parking on one side, a central district that already has its own parking problems, and then restricted access in the other 2 neighborhoods because...of the density of ...existing rental properties, I am just concerned that this development is going to cause a lot of problems for the neighborhood and potentially some real safety problems as people are crossing Western, jaywalking...to get back and forth to their cars, businesses and residences...***

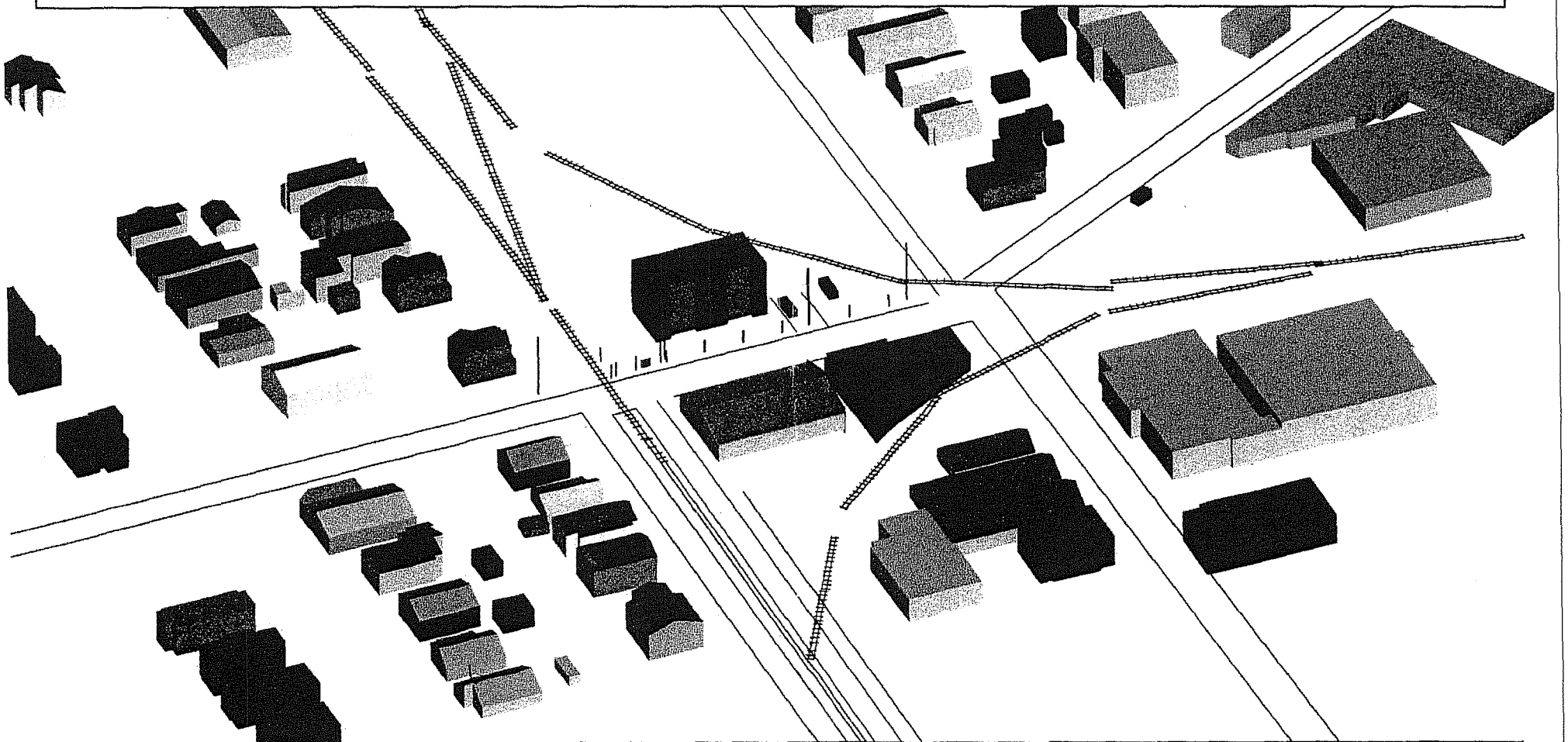
***I don't see anything I can say to condition this, because as another commissioner pointed out, we can't exactly say that if you work here, you have to live here. And I don't think that's a good idea anyway...The idea is to make this usable commercial space...and to enhance that and so...I also am just really frustrated that the commercial FAR is the only way you can defend this commercial space. Because I don't think this development meets the intent of the FAR. The way this development is designed, particularly the parking, is not going to produce a viable commercial space. And in the end, it is going to create a detriment in this part of the city instead of a benefit. If anyone has ideas on how to address this, I'd love to hear them.***

I urge the Planning Commission to deny this application.

Alan Bakalinsky



Planning Commissioner Gervaris- "... I'm very concerned with the parking on this particular development. Because although on the surface it meets all of the standard requirements, providing only 2 BR actually get used and they really only have 1.5 cars per family. But I think the reality is this will end up being a rental, I think there will be horrific parking problems that are going to severely restrict the businesses and cause a lot of spill over problems in neighborhoods that are already completely parked out by too many rental buildings...I want to say that I'm really uncomfortable with this math, because on the surface the numbers work, but I think that our experience with these kinds of developments is that they don't work. and that In this case, with a busy arterial street with no parking on one side, a central district that already has it's own parking problems, and then restricted access on the other 2 neighborhoods because...density of high bedroom rental properties, I am just concerned that this development is going to cause a lot of problems for the neighborhood and potentially some real safety problems as people are crossing Western, jaywalking, .to get to back and forth to their cars ... their businesses and residences.....I don't see anything I can say to that to condition this, because as Commissioner x pointed out, We can't exactly say that if you work here, you have to live here. and I don't think that's a good idea anyway...the idea is to make this usable commercial space.....and to enhance that, and so...I also am just.really frustrated that the FAR is the only way you can defend this commercial space. Because I think this development does not meet the intent of the FAR. because I don't think the way that this is designed, particularly with the parking issue, is going to be viable commercial space...and .in the end it is going to create a determent to that part of the city instead of a benefit, so anyway, If anyone has any ideas how to address that, I'd love hear it"



WESTEN STATION IS 4 STORIES TALL; 1 STORY TALLER THAN THE PALAZZO (WHICH CITY COUNCIL FOUND TO BE INCOMPATIBLE.) THIS INCREASES THE COMPATIBILITY PROBLEMS BETWEEN THE NEW USE AND THE EXISTING STRUCTURES AND VIOLATES THE FOLLOWING MUC GUIDELINES AND STANDARDS. THE ADJACENT RESIDENTIAL STRUCTURES TO THE EAST ARE 2.5 STORIES TALL.

Neighborhood Compatibility 3.20.50.09 Design Guidelines and Standards 3.20.50.00

3.20.50.09a-2 Roof elevation shall gradually step down so that the height of the proposed structure does not exceed the height of adjacent residential structures by more than one 1 story. This provision applies to that portion of the structure that is closest … to the adjacent residential structures

Leslie Bishop

Western Station aka the Palazzo

LDC's and Comprehensive Plan requirements to be considered in proposed Western Station:

PD Overlay:
LDC2.5.40.04 Review Criteria
a. Compatibility factors
1. Compensating benefits for the variations being requested
LDC2.5.20h
Provide benefits within the development sit that compensate for the variations from development standards such that the intent of the development standard is met.

Live/Work Units:
LDC2.5.40.04 Review Criteria
a. Compatibility factors
2. Basic design
3. Visual elements

b. Preserve the City's natural beauty....

Comprehensive Plan, Article 3, Land Use Guidelines
3.2.e and 3.2.g

#41 Approval Criterion from Western Station narrative
c. Promote and encourage conservation of energy

Parking and Parking Lot at Western Station:
LDC4.1.20q Parking reduction

LDC4.1.30 Off Street Parking Requirements
c. Commercial use types
12. Eating/drinking establishments

LDC4.1.40 Standards for Off Street Parking and Access Standards
a. Access to arterial, collector and neighborhood collector streets
2. Location and design of all accesses...shall be located a minimum of 150 feet from any other access or street intersection
LDC4.1.40 Commercial Access drives shall be 24 feet wide (Table 1 of City's Off-Street Parking and Access Standards)

Comprehensive Plan 9.2.4
Neighborhoods shall be pedestrian-oriented. Neighborhood development patterns shall give priority consideration to pedestrian based uses, scales and experiences in determining the orientation, layout, and interaction of private and public areas.

**Testimony before the City of Corvallis City Council**
**Planning Case No. PLD08-00009, et al.**
**Matthew W Bolduc**

Good Evening.
My name is Matthew Bolduc; ~~I live at~~

I believe that by now you all know that I am employed by the City's Engineering Division. My work duties have no impact on this land use case.

I ask that you deny approval of the Western Station application, based on the grounds that insufficient automobile parking has been proposed **and** because the proposed residential use is disproportionate to the commercial use resulting in unnecessary compatibility conflicts with existing surrounding uses.

[Overhead 1]

The Staff Report to Planning Commission suggests allowing 10% reduction in parking. This suggestions is based upon LDC 4.1.20.q.1 [star on overhead] and a Land Development Code Administrative Decision dated April 25, 2008. The administrative decision allows this 10% reduction in parking for proximity to a transit stop, where attached residential units averaging three or fewer bedrooms are proposed and parking is allowed on one side.

Because this parking reduction is based upon an administrative decision, I believe that the City Council has the authority to override this decision in circumstances where the Council deems the reduction inappropriate.

It is my believe that the current development should not be granted the 10% reduction in parking for three reasons.

1) The transit stop is on the north side of Western Blvd and the shortest safe pedestrian route to the stop is over 1700 feet. This is the distance a pedestrian has to travel to use the closest marked crossing of Western Blvd at 4th St. This is about a 6 block round trip. ~~Western Blvd is a very busy street and continues to carry more traffic every year.~~ The City should not encourage pedestrians to cross a busy arterial street except at marked crosswalks. Thus, it is my belief that the development does not meet the criterion for reduction of parking because the safe travel distance to the transit stop is over 5 times the maximum distance of 300 feet.

2) The on-street parking discussed in the Staff Report is on the north side of Western Blvd. These parking spaces are already utilized by patrons of the businesses immediately adjacent to these spaces. The shortest safe pedestrian route from Western Station to the on-street parking is over 1300 feet. (Again this ~~distance~~ is calculated using a travel path that crosses Western Blvd at 4th Street.) People parking on the opposite side of Western Blvd will most likely not walk what amounts to a 4-plus block round trip to use a marked crossing. Thus, allowing this reduction would lead to unsafe behavior. It seems to me that this would be in conflict with Comp Plan policy 11.4.1 [star on overhead], which requires that the city "manage on-street parking to permit the safe and efficient operation of the transportation system."

3) There is very little existing on-street parking in the vicinity of the development site. There is no room for parking on the un-paved 7th St. south of Western Blvd., nor is there parking on the

south side of Western Blvd, and 6th St. south of Western Blvd. is private and should not be relied on for parking. What on-street parking there is in proximity to the development site is already heavily utilized due to older residences with lack of off-street parking and university parking. Thus, overflow parking will likely impact existing neighborhoods, violating the remaining Comp Plan policies and LDC sections shown on the overhead. [Star Comp Plan 11.4.2 and 11.4.3 and LDC 2.5.20.g, 2.5.40.04.a.1, and 2.13.30.05.c].

[Overhead 2]

The floor plans of residences in the current application are nearly identical to the floor plans shown by the applicant to City Council during the Palazzo hearing (land use case PLD07-00004). At this City Council hearing the applicant had suggested reducing the number of bedrooms from three to two and had done so by turning the bedroom on the first floor of each residence into a "great room." As you may have noticed, this "great room" concept has been repeated in the current application. Given the similarity between the floor plans, I believe the City Council finding shown on this overhead is still relevant [star on overhead]. To quote the finding:

> *The Council notes that a number of persons testifying at the September 17, 2007, City Council hearing stated that the reconfigured space where the third bedroom would be eliminated as proposed by the appellant would likely continue to be used as a bedroom, thereby generating a higher parking demand. The City Council finds that it is not persuaded that the proposed condition limiting the number of bedrooms in each unit would effectively reduce the parking demand of the proposed development.*

I believe that this logic still holds, and that 1.5 spaces per dwelling unit, with an additional 10% reduction, is too low a value and is again grounds for denial.

dropped due to time, will address in written testimony

~~Condition of Approval number 8 in the current staff report limits the commercial uses to those "with a parking requirement of 3.5 or fewer spaces." I believe this condition is short sighted, in that it could allow an eating or drinking establishment with fixed seating. It seems very silly to think that simply by attaching the seats to the floor a restaurant's parking could be reduced from 28 spaces required (using the 1 space per 50-square-feet area requirement) to 3.5 spaces (using the 1 space per four fixed seats requirement and assuming 14 fixed seats). Again, I ask that you deny the application, but if you must approve the application I ask that you do so only with a condition of approval similar to that recommended in the Staff Report to Planning Commission, which would limit commercial uses to those requiring 1 space per 400-square-feet or more.~~

I would also like to point out that most of the compatibility conflicts that result from this proposal are related to the attempt to cram 2-stories of residential space on top of a commercial building. I propose that a two story commercial building, with a full second floor of commercial space, and without any residences, would do away with a number of compatibility conflicts. A number of these conflicts were listed by City Council when denying the Palazzo case, so I have re-listed Council's finding in part [star on overhead]. As a reminder, the Palazzo applications was for a 3-story building with the same footprint. The current application has simply sandwiched a mezzanine level in between the previous first and second floors. Here is a list of issues that would be resolved by my proposal:

- Two of the requested variances go away. Specifically the 20-ft buffer and the requirement that 50% of site's street frontage to be occupied by buildings are no longer applicable because these requirements both pertain to residential development.
- The Floor Area Ration becomes a true 25%. The numbers game of not counting the railroad

easement in the lot area is no longer required to make the FAR appear to meet code.

- Assuming a restriction of uses to those with parking demands of 1 per 400-square-feet or more, the required parking count becomes 18. This is equal to the number of spaces provided and does away with the need for additional parking reductions.
- The need for the Plan Compatibility Review goes away, along with the compatibility conflict between the railroad switching yard and the residential uses. If you still think railroad switching noise is not a nuisance, I challenge you to stop by the site and see how loud an idling diesel engine is. There has been one idling out in the switching yard for over 24-hours now.
- Reducing the number of floors from four to two makes the scale of the structure much more compatible with surrounding commercial and residential buildings.
- The traffic and overflow parking from four townhouses goes away, making the development much more compatible with existing uses. The reduction in traffic seems like a fair trade off for the requested variance to the 150-ft spacing requirement between an intersection and the driveway.

pertaining to issues beyond the new trash receptacles

I request that the record ~~be held~~ remain open so that further written testimony may be submitted. Additionally I would like to thank you for all of the time you have spent considering the impact of developing ~~this site~~ this + previous on a vibrant existing neighborhood.

## COMPREHENSIVE PLAN CRITERIA (POLICIES)

**11.4.1** The City shall manage on-street parking to permit the safe and efficient operation of the transportation system.

**11.4.2** The City shall adopt and implement measures that discourage nonresidential vehicular parking on residential streets and in other adversely affected areas.

**11.4.3** All traffic generators shall provide adequate parking.

## LAND DEVELOPMENT CODE CRITERIA

**2.5.20 – PURPOSES** Planned Development review procedures are established in this Chapter for the following purposes:

**g.** Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures;

**2.5.40.04 - Review Criteria** Requests for the approval of a Conceptual Development Plan shall be reviewed to ensure consistency with the purposes of this Chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. The application shall demonstrate compatibility in the areas in "a," below, as applicable, and shall meet the Natural Resource and Natural Hazard criteria in "b," below:

**a. Compatibility Factors -**

1. Traffic and off-site parking impacts;

**2.13.30.05 - Review Criteria** Uses requiring Plan Compatibility Review shall be reviewed to ensure compatibility with existing and potential Uses on nearby lands. The following factors shall be considered:

**c.** The proposed development shall not adversely affect traffic, parking, and access;

**4.1.20.q. - Parking Reduction Allowed**

1. A reduction of up to 10 percent of required vehicle parking **may** be allowed if a transit stop, developed consistent with Corvallis Transit System guidelines and standards, is located on-site or within 300 ft. [*Emphasis added in* **bold**.]

## CITY COUNCI NOTICE OF DISPOSITION 2007-116, FORMAL FINDINGS

**Reasons for Denial of Conceptual and Detailed Development Plan,**

**Finding #3** ...The Council notes that a number of persons testifying at the September 17, 2007, City Council hearing stated that the reconfigured space where the third bedroom would be eliminated as proposed by the appellant would likely continue to be used as a bedroom thereby generating a higher parking demand. The City Council finds that it is not persuaded that the proposed condition limiting the number of bedrooms in each unit would effectively reduce the parking demand of the proposed development.

**Reasons for Denial of Plan Compatibility Review**

**Finding 5** ...The Council finds the extent of residential uses on the site to be disproportionate to the extent of commercial space on the site, which is inconsistent with the FAR requirements of LDC 3.20.40.01 (1993 LDC as amended) and with the Plan Compatibility Review (PCR) requirements of LDC 2.13.30.05. Specifically, the Council finds that the proposed development is inconsistent with Purpose statement 2.13.20.e, which states that a PCR must, "Maintain and improve the qualities of and relationships among individual buildings, structures, and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area." The Council notes that Plan Compatibility Review Purpose statements are applicable decision criteria, per LDC 2.13.30.05.a. The Council finds that the disproportionate emphasis on the residential component of the proposed development, at the expense of the commercial component, is out of keeping with the purposes of the MUC Zoning District and would not maintain or improve the qualities of and relationships among individual buildings, structures, and physical improvements on the site in a way that would contribute to the amenities and attractiveness of the area.

**Finding 6** The Council notes that written and oral testimony, as reflected in the minutes of the September 17, 2007, City Council hearing, as well as written and oral testimony as reflected in the minutes of the July 18, 2007, Planning Commission hearing, attests to the incompatible scale and design of the proposed development in relation to existing development in the area. The Council finds the scale and design of the proposed development to be inconsistent with the scale and design of existing development in the area. Therefore, the Council finds the scale and design of the proposed development to be inconsistent with Plan Compatibility Review Purpose Statement 2.13.20.c, which states, in part, that structures are to be compatible with existing development.

**Finding 7** The Council finds that the proposed development does not adequately protect neighboring property owners and residents from negative impacts that would result from the large residential component of the development. The Council finds that the proposed development would result in inadequate sight buffers and visual impacts resulting from the proposed design of the development and is therefore inconsistent with criterion 2.13.30.05.b above.

# Western Station (PL08-00009, SUB083-00005, PCR08-00002)

Written Testimony regarding design compatibility & safety for 12/15/08 Corvallis City Council hearing, by Nancy Hagood and Dale Hubbard, Avery Addition Neighborhood.

The scale and design of Western Station are not compatible with the neighborhoods surrounding the site. Its incompatibility is not just limited to aesthetic factors, this dysfunctional development brings with it serious safety concerns for the surrounding neighborhoods.

The Western Station site is bordered on two sides by functioning railroads and on its remaining side by Western Blvd. Western Blvd is a busy street, with traffic counts yielding as many as 700 – 900 vehicles per hour* traveling through the intersection of 7th & Western. Western Blvd undertakes a 30 degree turn as it intersects 7th. This turn poses problems with visual clearance and it also encourages a very high percentage (68% and 75% according to two recent neighborhood counts**) of eastbound drivers to swerve into the eastbound bike lane, consequently encouraging cyclists to ride on the sidewalk. There are no traffic control measures (other than a railroad crossing) from 15th street to 4th street along Western Blvd and as a result there are no safe places for pedestrians to cross. Keep in mind that this paragraph describes Western Blvd as it currently is, without a big development at 7th & Western.

The only entrance/exit from the Western Station development's site will be a driveway located slightly more than half of the minimum applicable distance, 150' [LDC 4.1.40.a(2)], from the intersection of 7th & Western Blvd, and less than 150 feet from the intersection of 6th & Western. This means that eastbound vehicles speeding through the intersection of 7th & Western and negotiating the 30 degree curve will have to contend with traffic entering & leaving Western station. This will back traffic up immediately and substantially. The tight parking lot (the developer has requested a variance to allow the driveway to be narrower than required by LDC 4.4.20.03.b) will likely encourage some service & utility vehicles to back out onto Western, which will similarly back up traffic. Drivers will not only have to negotiate the aforementioned obstacles, but will also have to deal with visual obstruction by trees, planters, diners, canopies, and bicycles

parked in front of the development, to say nothing of the visual obstruction provided by the massive 4 story building itself (with a mere 7' setback as per Western Station application attachment "P") or by the half dozen already existing utility poles, railroad crossing arms and signal equipment at 6th & Western.

The Western Station proposal is almost identical to the Palazzo application that City Council denied on October 16, 2007. In fact, the most substantial difference between the Palazzo and Western Station is the addition of a 4th story to the structure, which only allows the developer to manipulate FAR and does nothing to ameliorate Council's concerns with the development. The developers have asked for a number of variances against the land development code for Western Station, all supposedly in the interest of using the space more efficiently. However, the more densely this site is developed, the more traffic there will be, the more parking will be needed, and the more dangerous this site will become for pedestrians and bicyclists. Public safety should trump "efficient use of space" for the developer. LDC2.5.20.H mandates that the developer "*provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.*" However, there are no such on-site compensations being provided, therefore the intent of this regulation is not accommodated.

In Conclusion, Western Station is not in compliance with Land Development Codes established for our community. The developers are asking for many variances from the codes without offering any on-site compensations for them. City Council denied very similar application to this one just over a year ago; in light of the Council and the Neighborhood's input the developer decided to add another story to the structure and resubmit. I encourage City Council to deny this application too.

* December 2005, 910 vehicles per hour by Lancaster Engineering; February 2006, 772 vehicles per hour by Nancy Hagood.

** Traffic count eastbound at 7th & Western, 4:45-5:15pm, 11/25/08 by Karl Hartzell: 194 total vehicles, 62 (or 32%) outside of bike lane, 56 (29%) touching bike lane line, 76 (39%) over bike lane line (including UPS Trucks, City Bus, and fire truck). Traffic count eastbound at 7th & Western, 8:30-9:03am, 12/4/08 by Dale Hubbard: 91 total vehicles, 22 (25%) outside of bike lane, 34 (37%) touching bike lane line, 35 (38%) over bike lane line.

**Criteria: Compatibility to neighborhood**

*Land Development Code 2006*

2.4.20.d: Create residential living environments that foster a sense of neighborhood identity and that are protected from the adverse effects of heavy traffic and more intensive land uses.

2.4.30.04.b (2): (Review Criteria for Nonresidential Subdivisions) Visual elements (scale of potential development…

2.5.20.g: Provide greater compatibility with surrounding land uses than what may occur with a conventional project.

*2.5.20.h: Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met*

2.5.40.04a (1): Compensating benefits for the variations…

4.10.60.01 (b): …at least 50 percent of the site frontage width shall be occupied by buildings placed within the maximum setback established for the zone…

*Land Development Code 1993, as amended (MUC)*

3.20.50.09.a (1): Architectural compatibility between new developmental and adjacent residences (e.g. similar roof forms, windows, trim, and materials) is required…

*Corvallis Comprehensive Plan*

9.2.1: Land use decisions will protect and maintain neighborhood characteristics…

9.2.2: In new development, City land use actions shall promote neighborhood characteristics (as defined in 9.2.5) that are appropriate to the site and area.

9.2.5: Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas…

*The Corvallis 2020 Vision Statement, Where People Live*: "Corvallis in 2020 offers balanced and diverse neighborhoods, incorporating mixed-use, that is accessible to residents without driving, which form the building blocks that support a healthy social, economic, and civic life. Neighborhoods can be defined by the characteristics of neighborhood identity, pedestrian scale, diversity, and the public realm. These characteristics are protected and enhanced in existing neighborhoods and are included in the design of new neighborhoods."
A City of Neighborhoods: All development in Corvallis contributes to the creation of complete neighborhoods. Development standards have been created based on the characteristics of traditional Corvallis neighborhoods. These standards insure that development and redevelopment create, protect, and enhance neighborhood form while facilitating the community-wide needs to improve transportation choices, provide housing for a diverse population within safe attractive neighborhoods, and maintain resource lands, natural areas, and recreational open spaces

**Criteria: Safety and access to arterial street**
*Land Development Code 2006*
2.5.40.04.a(1) (Review Criteria—Compatibility Factors) Compensating benefits for variations being requested.
4.1.40a (2): …Accesses shall be located a minimum of 150 ft from any other access or street intersection...
4.1.40.c (1): …Vision Clearance Areas shall be provided at the intersections of all streets and at the intersections of driveways and alleys…
4.1.40.d For developments requiring four or more parking spaces, vehicular backing or maneuvering movements shall not occur across public sidewalks or within any public street other than an alley, except as approved by the City Engineer…
4.4.20.03.b: (Lot requirements- Access) Each lot shall abut a street other than an alley for a distance of at least 25 ft. unless…

*Corvallis Comprehensive Plan*
9.2.4: Neighborhoods shall be pedestrian-oriented. Neighborhood development…

#2

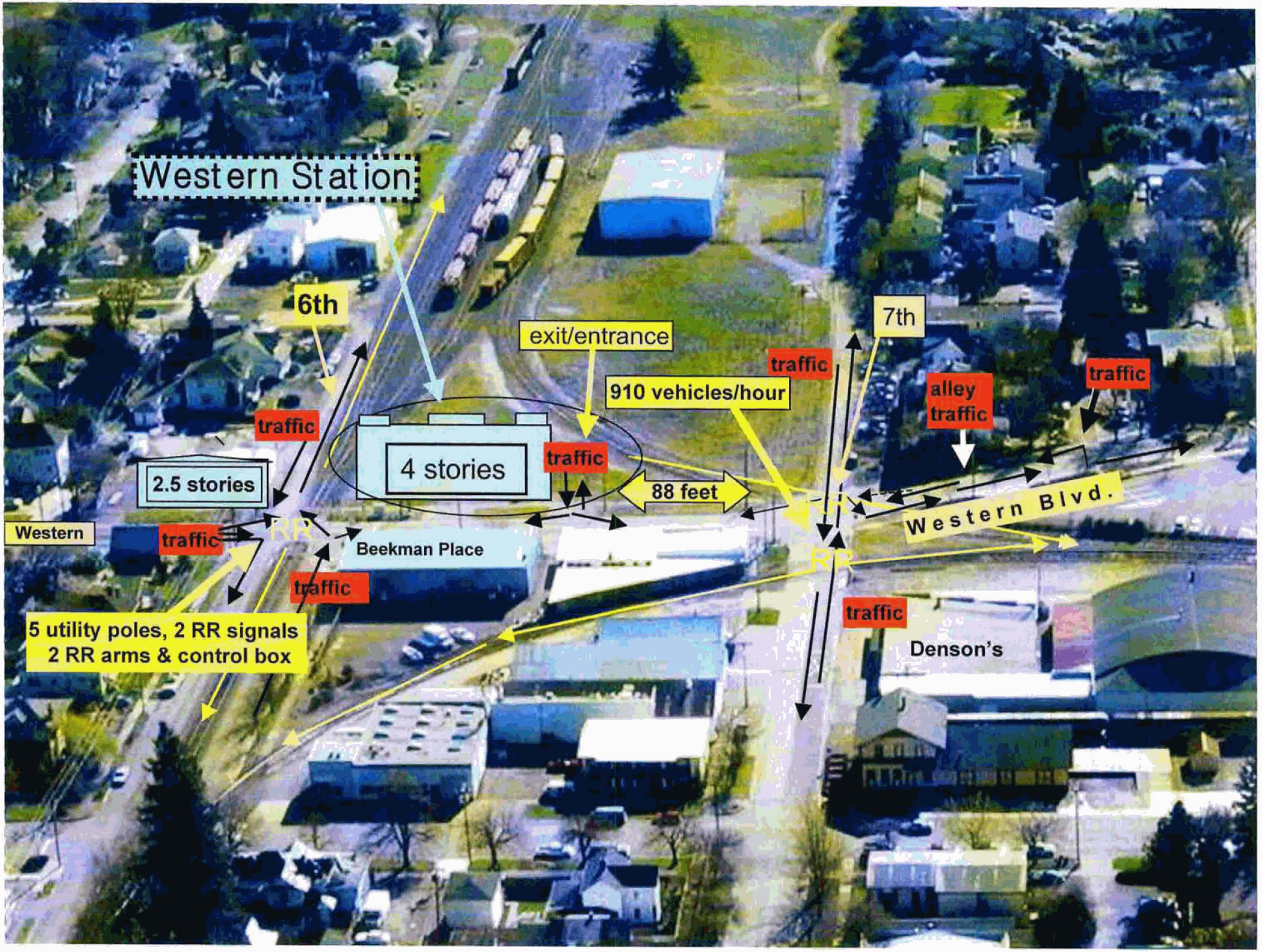
#2

Page 688-bs

#4

#5

#6


Western Station
6th
7th
exit/entrance
910 vehicles/hour
traffic
traffic
traffic
alley traffic
traffic
traffic
traffic
traffic
traffic
4 stories
2.5 stories
88 feet
Western
Beekman Place
Western Blvd.
Denson's
5 utility poles, 2 RR signals
2 RR arms & control box



#7

# WESTERN STATION

## LIVE/WORK BUILDING POD

## FRONT ELEVATION

$\frac{1}{8}$" = 1'-0"

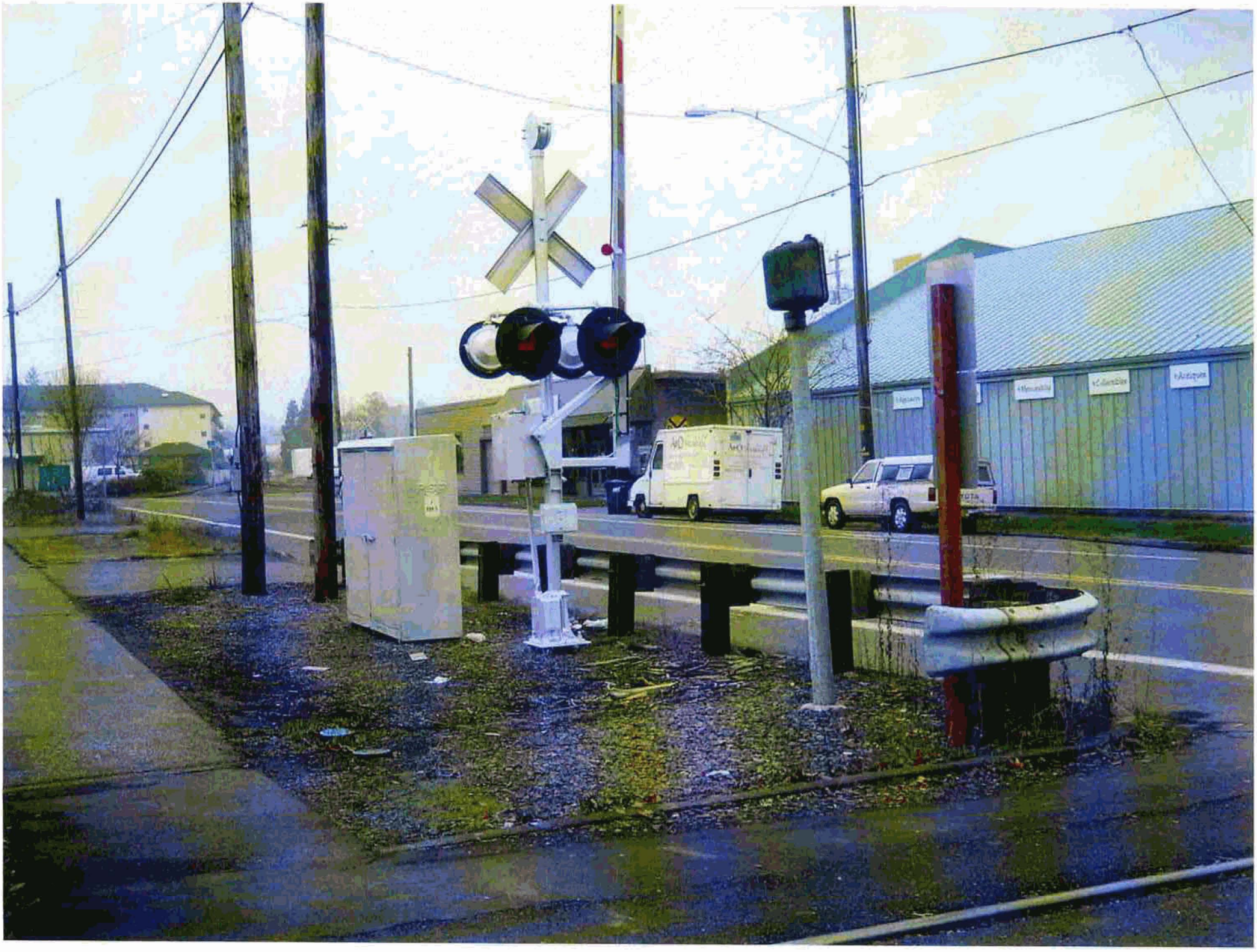
2 SEPTEMBER 2008

ATTACHMENT **X**



#8

#9



#11

# 11

## The City Council Notice of Disposition of 2207-116, Formal Findings: Reasons for Denial of the Plan Compatibility Review

- **Finding #6**

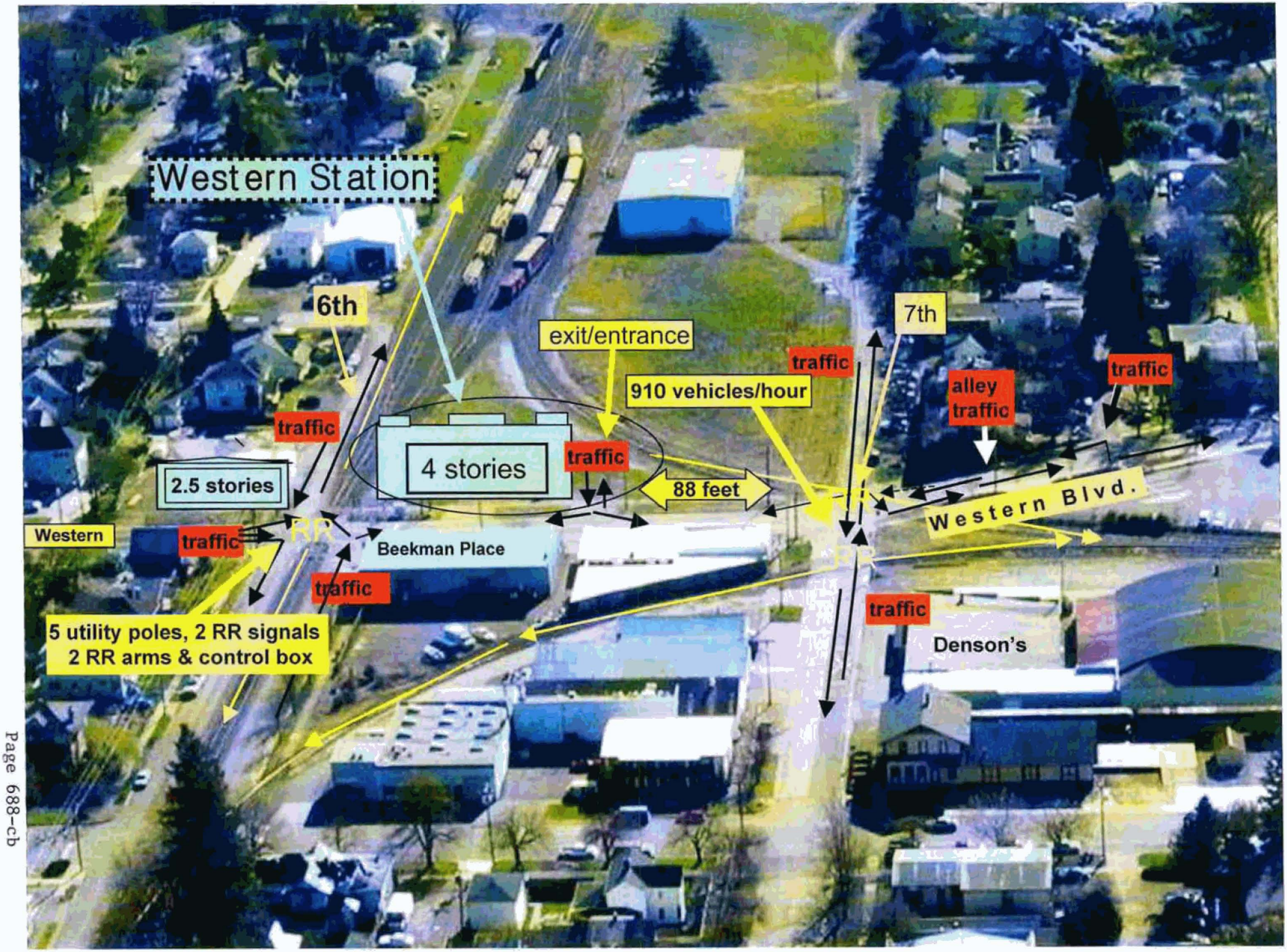
  *The Council notes that written and oral testimony, as reflected in the minutes of September 17, 2007, City Council hearing, as well as written and oral testimony as reflected in the minutes of the July 1, 2007, Planning Commission hearing, attests to the incompatible scale and design of the proposed development in relation to existing development in the area. The Council finds the scale and design of the proposed development to be inconsistent with the scale and design of existing development in the area. Therefore the Council finds the scale and design of the proposed development to be inconsistent with Plan Compatibility Review Purpose Statement 2.13.20.c., which states, in part, that structures are to be compatible with existing developments*

- **Finding #7**

  *The Council finds that the proposed development does not adequately protect neighboring property owners and residents from negative impacts that would result from the large residential component of the development. The Council finds that the proposed development would result in inadequate sight buffers and visual impacts resulting from the proposed design of the development, and is therefore inconsistent with criterion 2.13.30.05.b above*



#12


Western Station
6th
7th
exit/entrance
910 vehicles/hour
traffic
alley traffic
traffic
traffic
traffic
4 stories
2.5 stories
88 feet
Western Blvd.
Western
traffic
RR
Beekman Place
traffic
RR
traffic
Denson's
5 utility poles, 2 RR signals
2 RR arms & control box



#13

Dec. 15, 2008

Members of Corvallis City Council:

The proposed Western Station development plan is but a slightly changed and superficial makeover to its predecessor, the Palazzo, for which you denied approval just over a year ago, based on concerns regarding compatibility, inadequate parking, a FAR (floor area ratio) below a mandated 25%, and no compensating benefits to the neighborhood in exchange for requested variations to several LDC provisions.

In fact, in regard to addressing the reasons for denial of the Palazzo development, Western Station has improved upon its previous incarnation in only one respect: the FAR requirement has now been met, but at an additional price to the neighborhood and livability of this city. To get the commercial floor area needed to boost the FAR to 25%, a mezzanine level has been added, upping the stories to four instead of three as was planned with the Palazzo development. Now we have in Western Station virtually the same building footprint, the same residential floor area (with a potential for three bedrooms and thus one car per bedroom in a student rental situation) , increased commercial floor area, but the number of parking spaces remaining unchanged at 18. In addition, with four stories, the Western Station development now exceeds the tallest structures in the neighborhood, two residential buildings recently constructed on the SE corner of 6th St. and Western Blvd. (which the developer took through several design iterations in order to be compatible with the adjacent Avery Helms Historic District neighborhood) by 1.5 stories. I would also like to point out that these four stories (or 43' of building height) of Western Station would tower over and certainly shadow the one story commercial establishments found on the north side of Western Blvd. between 6th and 7th Streets.

A less egregious design incompatibility was address by Council when they wrote (in the Notice of Disposition, Order #2007-116) regarding denial of the Palazzo Plan Compatibility Review:

"Council finds the scale and design of the proposed development to be inconsistent with Plan Compatibility Review Purpose Statement 2.13.20.c, which states, in part, that structures are compatible with the existing development."

Certainly this stated reason for denial is just as apropos or more so for the Western Station development.

I would also like to address another issue of perceived incompatibility, that of insufficient parking. Now that the planning commission passed an amendment (formulated by planning staff) that would allow all four commercial spaces of Western Station to be eating and drinking establishments, there is little doubt that the 18 parking spaces allotted for this development are insufficient and that parking for these businesses would spill over to at least the north side of Western Blvd. and likely to nearby 6th and 7th Streets. Given how busy a major thoroughfare Western Blvd. is with both car and bicycle traffic, the additional congestion caused by cars slowing and stopping to park and their occupants opening doors and then jaywalking across Western Blvd., constitutes a further measure of incompatibility as well as a huge safety issue with the creation of danger zone wherein both pedestrians and bicyclists would be at risk.

This is yet another solid reason for denial of the Western Station Development. I urge the City Council to note that nearly all the same criteria considered for denial of the Palazzo development plan are applicable to Western Station and that with additional concerns raised by incompatible design and scale and insufficient parking, you overturn the Planning Commission's recent approval of the development plan for Western Station.

Sincerely,

Karl Hartzell

Corvallis 97333

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

Approved as corrected, December 3, 2008.

# CITY OF CORVALLIS
# PLANNING COMMISSION MINUTES
## September 24, 2008

**Present**
Karyn Bird, *Chair*
Frank Hann
Tony Howell
Steve Reese
Jim Ridlington
Denise Saunders
Jeanne Raymond, *Council Liaison*

**Staff**
David Coulombe, Deputy City Attorney
Fred Towne, Planning Division Manager
Ted Reese, Development Review Engineer
Jackie Rochefort, Parks Planner
Bob Richardson, Associate Planner
Claire Pate, Recorder

**Excused**
Patricia Weber
Jennifer Gervais

## SUMMARY OF DISCUSSION

| | Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|---|
| I. | Visitors' Propositions | | | |
| II. | Public Hearing<br>**Evanite Willamette River Greenway Setbacks (LDT08-00001)** | | | Record held open; deliberations scheduled for October 8, 2008 |
| III. | Deliberations<br>**Corvallis Station** | | | Set for October 1, 2008, at 5:30pm |
| IV. | New Business<br>A. Planning Manager's Update | | | |
| V. | Adjournment | 10:40pm | | |

## CONTENT OF DISCUSSION

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

**I. VISITOR'S PROPOSITIONS:** There were no propositions brought forward.

## II. PUBLIC HEARING - Evanite Willamette River Greenway Setbacks (LDT08-00001), continued from September 17, 2008:

A. Opening and Procedures:

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

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

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

The Chair opened the public hearing.

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

1. Conflicts of Interest: None
2. Ex Parte Contacts: None
3. Site Visits: Commissioners Ridlington and Howell declared site visits
4. Objections on Jurisdictional Grounds: None

C. Staff Overview:

Associate Planner Bob Richardson said the application is to request approval of two Land Development Code Text Amendments that would apply only to the subject site, which includes five parcels, totaling 29.5 acres, belonging to Evanite Fiber Corporation and Open Door Inc. The parcels are located along the Willamette River, north and west of the Crystal Lake sports fields, south of the Marys River, and east of Crystal Lake Drive. The area is developed primarily with industrial uses and is designated Mixed Use Transitional (MUT) with a Willamette River Greenway (WRG) Overlay. Planner Richardson reviewed uses in the surrounding areas, Comprehensive Plan designations, and zoning.

This application consists of two requests. The first request is to reduce the WRG building setback on site from 100 feet from the top of the bank to 32 feet for all non-industrial uses. The second request is to exempt development on site taking place further than 200

feet from the ordinary low water line from the need for WRG Conditional Development permit, unless required by the MUT zone. The MUT zone requires a Conditional Development Review for a number of uses.

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:

Dave Dodson, Willamette Valley Planning, introduced Dan Kellom, Evanite Plant Engineer. He explained the reason for this application. Three years ago, Evanite took down one of their glass fiber lines to perform maintenance. In looking at the existing conditions, they realized they had to add a new power supply, which included upgrading the utility drop and power compartment. The existing building could not accommodate it, so a small 10 x 10-foot building addition was proposed to be built adjacent to one of the metal buildings. It was located between two existing buildings and would not be seen from either the street or from the river. When Evanite went to the City with this minor change request they were told that, because it was in the WRG, a WRG Conditional Development Review and approval process was required and would take anywhere from two- to-three months. The need was immediate and Evanite could not wait that long, so they had to accommodate the upgrade within one of their existing buildings, at a cost of $250,000. This is why they are interested in getting an exemption.

Statewide Planning Goal (SPG) 15 specifies a minimum requirement for the WRG boundary to be at least 150 feet from the river's edge, or ordinary low water line. In the downtown area, the WRG boundary varies from 150 to 200 feet. The current WRG boundary through the Evanite/Open Door property is upwards of 900 feet. The WRG boundary, as it currently stands, extends across downtown, jumps across the river on SE 3rd Street, runs along SE Chapman Place, which is the old Crystal Lake alignment, then runs along SE Crystal Lake Drive and follows the road down to the boat launch, where it gets much closer to the river.

The proposed text amendment would essentially establish an exemption boundary 200 feet from the ordinary low water line. He showed a visual delineating the area which would still be subject to the WRG Conditional Development Review process, with public review and consideration by the Planning Commission **(Attachment A)**. The area behind the 200-foot boundary, shown in light green, would be exempt from the WRG Conditional Development Review process. This would have allowed the 10 x 10- foot building to be exempt from Planning Commission review and approval, though it would still be subject to WRG development standards.

The site has some natural features, the first of which is some land within the 100-year floodplain. The current building setback in the WRG zone is 100 feet from the top of the bank. In an area with a gradual bank, that distance is much farther away from the river's edge; where there is a steep bank, obviously it is less. The setback reduction to 32 feet from the top of the bank would be for non-industrial uses only, such as offices, condominiums, and restaurants. However, in the area of the highly-protected riparian corridor, the setback is 120 feet for all uses, regardless of other requirements. This would not change. All buildings and development within 200 feet would be subject to Planning Commission review and approval under this proposal.

Using some additional riverbank section comparisons, Mr. Dodson showed the difference between the proposed setback in the area of the Hardboard plant (32 feet from the top of the bank, and 57 feet from water's edge), at the Holiday Inn Express located north of town (setback of 24 feet from the top of the bank) and the Renaissance building downtown (59 feet from the top of the bank). It is interesting to note that in the downtown area, the City owns an 80 foot right-of-way along the riverfront, which actually extends into the river. This is not the case at the other locations.

The applicant concurs with staff recommendations, with one exception: they would like the 32-foot setback for non-industrial uses, as opposed to the 42 feet recommended by staff.

Commissioner Howell clarified that, though there is no public right-of-way, there is a public access easement by the Holiday Inn Express.

Commissioner Howell then brought up some of the areas where, for him, the application was less than persuasive. Comprehensive Plan policy 6.6.2 says that any development or intensification of use in the WRG shall be subject to a Conditional Development Review. This is a mandatory policy for a Conditional Development Review for any development within the WRG. He asked why the applicant had not asked for a Comprehensive Plan Amendment for this section at the same time. Mr. Dodson said that looking back ten years, when the City updated the Comprehensive Plan and subsequently updated the Land Development Code, there was a community-wide interest to look at establishing some zoning in this area to foster and encourage re-development of the Evanite property. The zoning put in place (MUT) is similar to that which is in the downtown area, in that it allows for a variety of uses. The applicant also looked at the 150- to 200-foot WRG boundary in the downtown area, and it seemed reasonable and equitable to have the same standard applied. In the Land Development Code chapter relating to the MUT zone, a number of the uses are still subject to Conditional Development Review regardless of the WRG boundary, because of compatibility concerns between existing industrial uses and new uses such as residential. Commissioner Howell said his question had not really been addressed in that the Comprehensive Plan policy 6.6.2 had mandatory language they were not proposing to change.

Additionally, Commissioner Howell said that SPG 15 has to be applied to the whole WRG area. This proposal would divide the area into two portions: one that would be subject to the WRG Conditional Development Review criteria and another that would only have certain uses subject to a Conditional Development Review, as required in the MUT zone. There is a big difference between how these review criteria address SPG 15 criteria. As an example, there is nothing in the regular Conditional Development Review about protection of riparian area or wildlife. Usually, to get rid of a review process, some clear

and objective standards must be established to take their place. This proposal would be leaving some fairly minor development standards that do not appear to fully implement SPG 15 and WRG requirements.

Mr. Dodson said that when the applicant started this process, they looked at moving the WRG boundary to the 200-foot line, which would have been a cleaner approach. However, in talking with the State, it became clear that when the provisions for SPG 15 were adopted, there were no clear and objective criteria established for modifying the WRG boundary. There was no precedent to follow. It boils down to the question of whether the Planning Commission believes that those elements of the WRG dealing with wildlife and habitat concerns, among others, are so critical 200 feet beyond the ordinary low water line. The applicant believes those concerns are not as critical outside the 200-foot area; hence, the reason the WRG boundary extends beyond 200 feet through the downtown area.

Commissioner Howell said he was also struggling with criteria dealing with noise, air and water quality. Though the Conditional Development Review process has some provisions for those issues, they are more directed at compatibility with the neighborhood rather than compatibility with fish and wildlife and the Willamette River. Another concern he has is the rationale for the WRG boundary. It appears to him that the boundary was set based on property lines, for the most part. Where there are large parcels - some of which, like Willamette Park, are City-owned - the boundaries are much greater. There are two reasons for setting the boundary along property lines. The first is that if one is reviewing access to the river, then it is easier to review access from the property line and the abutting street than from a property through another property. The second is to maximize distance of development from the river. The increased size in boundary allows for more capacity for establishing uses farther from the river than is possible downtown or north of downtown. The setback line was set somewhat in relation to the size of the property.

With this new proposal, a development that might be both in and out of the WRG Conditional Development Review boundary. The question would be how to evaluate for providing access to the river and establish maximizing distance of uses from the river. Mr. Dodson said that, in terms of access, the City has "to and through" access policies that essentially address connectivity. There is the rough proportionality issue that comes into play, but the issue of access is obviously critical to the residents on the west side of the Evanite property. It does not make sense to have a trail system along the river front that cannot be accessed by the residents to the west. So, when the properties along the river undergo a major redevelopment where rough proportionality and nexus can be established, access should be required as part of the development review process.

With regard to setbacks, the applicant's concern stems more from the properties by the Hardboard Plant, which they consider a pinch point. Though there might appear to be a lot of land for a redevelopment project, its width makes it difficult, given the constrictions of setbacks and having portions of it in the 100-year floodplain. At the time the setbacks were established, the fact that the property was zoned for industrial use probably led to setting the 100-foot setback. Now, with the potential for new uses in the new zone, the 32-foot boundary complies with the intent of the WRG provisions and setbacks and still provides sufficient protections, since the WRG Conditional Development Review is still required for land within the 200-foot boundary.

Commissioner Howell said his question, which he believes Mr. Dodson was trying to address, relates to how the inability to review development within the WRG but outside

the 200-foot line impacts the ability to maximize distance of uses from the river. The setback line is supposed to be a way of implementing that requirement. He wonders, given the sizes of the sites, how one can make the case that a setback of 100 feet does not give them adequate room in order to develop.

Mr. Kellom said that back in 1979, this property belonged to Corvallis Sand and Gravel. His research shows that it was policy at that time that industrial areas and sand and gravel operations were included within the WRG. One of the reasons was to specifically protect those properties for future operation. The City of Corvallis recommended a 150-foot WRG boundary. The State stuck with using the property line boundary. Now that this site has been rezoned as MUT, Evanite is trying to move away from industrial use, which is more in accordance with the 150 foot boundary. The 200-foot boundary is a compromise that they could work with. There has never been a satisfactory answer as to why the WRG boundary is 900 feet in some areas of this property, other than because of industrial use and/or to follow the property line. Mr. Dodson added that protection of the 100-year floodplain was also a consideration in establishing the WRG boundary.

Commissioner Reese asked what the applicant's objections are to staff's recommendation for a 42-foot setback. Mr. Kellom said that right now there is only a 5-foot setback, and they do not wish to give up more than the 27 feet they are losing with the 32-foot setback. They believe it is a reasonable compromise. Mr. Dodson said it is comparable to the setbacks in the area of Holiday Inn Express. The boundary is implemented differently in various parts of the State. There are situations where buildings are right on the water and in other areas buildings are set back 200 feet. It is not a science.

F. Staff Report:

Planner Richardson said that his presentation format will be in four parts: Clarifications and staff report corrections; physical and regulatory conditions; WRG building setback; and WRG Compatibility Review area.

First, he offered clarifications to the staff report and reviewed materials to be made a part of the record. The staff report incorrectly states that residential uses do not require Conditional Development Permits in an MUT zone, which they do. Additionally, there is an error on the very last page of the staff report where staff made a recommendation about the setback distances. The staff-recommended setback is 42 feet. The materials handed out last week at the opening of the public hearing should also be made a part of the record. Inclusively, the handouts were **(Attachment B)**:

- Additional testimony submitted since printing of the staff report:
  - With a cover memo dated September 10, 2008 **(B-1)**
  - With a cover memo dated September 17, 2008 **(B-2)**
  - With a cover memo dated September 24, 2008 **(B-3)**
- Information requested by Commissioner Howell, including:
  - drawings of Riverfront Park **(B-4)**
  - information regarding Flood Insurance Maps and the Mill Race **(B-5)**
  - data sheets for the Corvallis Natural Features Inventory **(B-6)**
  - Parks and Recreation Trail standards **(B-7)**

This application is separate from the WRG Conditional Development Permit application heard at the last Planning Commission meeting, and must be judged on its own merit. The Planning Commission will make a recommendation on these Land Development Code Text Amendment requests to the City Council, which will make the final decision.

Planner Richardson then explained some of the physical conditions and regulatory concerns related to the site. SPG 15 states its purpose: "To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway." By itself, the goal is not necessarily an environmental regulation or law, but it does require that development within the WRG be compatible with surrounding uses and with the Greenway. It allows existing uses to continue, including industrial uses. The subject site is industrial and mostly developed. The largest building is 650 feet long and is at a point closest to the river. SPG 15 says that local jurisdictions are given the responsibility and authority to create implementing measures to govern how development occurs in the WRG. The one exception is that any development within 150 feet of the WRG has to go through a public hearing process. One of the ways to do this is to require a Conditional Development Permit.

To summarize, within the WRG the local jurisdictions had to establish a "Compatibility Review Area," and at a minimum that area had to take in 150 feet from the ordinary low water line. There is no stipulation for the area to correspond with the WRG boundary. That is why the City can consider a request to establish a new "Compatibility Review Area," or, conversely, make certain areas further than 150 feet from the ordinary lower water line exempt from the need for Conditional Development Review.

In terms of natural features, which were already highlighted by the applicant, there are areas of partially-protected and highly-protected riparian corridors. In the partially-protected areas, the Land Development Code prohibits most development within 25 feet of the top of the bank. In the highly-protected area, it prohibits most development within 120 feet of the bank. The proposal to create a setback line of 32 feet would be outside of the 25-foot buffer so that all of those environmental protections associated with a riparian corridor would continue to apply. In the highly-protected area, the applicant is not proposing to reduce the setback. Planner Richardson showed some visuals illustrating the various areas and setbacks **(Attachment C)**.

Land Development Code section 1.2.80 states that, in order to amend the Land Development Code text, there has to be a public need. The amendment must further the community's general welfare and convenience. Staff found that this criteria was satisfied. One of the reasons is that the MUT zone represents a desired transition. The zone was established by the community to encourage redevelopment of this site from industrial to less-intensive uses - commercial, residential, and offices among others. Reducing the setback allows more of the land to be developed, which represents a more efficient use of land and encourages the types of development that are least intensive to be located closer to the river. It also frees up space for those types of less-intensive uses to go to this site. Staff has identified this as a need to be fulfilled.

The condition of the community and regulations have changed through the years. When the WRG was established, the entire site was exclusively industrial use. It likely made sense then to make sure any new buildings on site were at least 100 feet from the river. Now that the zone encourages a wider variety of uses and there are tougher environmental standards, it makes more sense to allow the less intensive uses closer to

the river. It makes sense to continue to ensure that industrial uses are located at least 100 feet from the river. The staff-recommended setback is 42 feet in order to provide space to enhance the vegetative fringe, which is called for in SPG 15 and WRG Review criteria. Also, it provides for greater protection in terms of visual compatibility. The standard maximum height in MUT zone is 45 feet, with up to 75 feet with Conditional Development approval. This amount of space would also provide enough room for large canopy trees, a multi-use path, and private outdoor areas like plazas and patios and pedestrian seating. Any development within the 200 feet has to be reviewed, and if a building were sited too close, it could be conditioned to be set back more than the 42 feet.

Planner Richardson showed a chart comparing regulations within the Compatibility Review Area (all area within 200 feet of the ordinary low water line) and the "exempt" area outside the 200 feet, which is exempt from a WRG Conditional Development Review. Within the Compatibility Review area and Exempt areas, the MUT and WRG overlay standards always apply. All applicable Land Development Code standards would apply throughout the entire site. The WRG review criteria would only apply to those areas within 200 feet of the ordinary low water line. The Conditional Development Review criteria would apply anywhere on the site where it was required by the MUT zone, and for all areas closer than 200 feet from the ordinary low water line. With that in mind, and looking at the applicable development standards, the MUT zone addresses things like building orientation, building design, and it has specific standards for pedestrian amenities and addressing compatibility near residential zones.

The WRG review standards apply throughout the whole parcel. Standards include protection for topographical features and bank stability, along with the natural hazards and natural features standards in Chapters 4.5 and 4.13, which would also apply throughout. Other standards that apply relate to the visual appearance of structures, location of signs, parking, and storage.

The Conditional Development criteria do not apply to the areas further than 200 feet from the ordinary low water line unless there is a use required through the MUT zone. Those types of uses include industrial, residential, restaurants, drive-throughs, automotive and equipment uses, and they would require Conditional Development Review.

In addressing the Public Necessity, Convenience and General Welfare criteria, there is a need for the MUT zone to work as intended. It is intended to facilitate the transition to less intensive uses. The zone specifically identifies uses that are permitted outright but, because they fall under the WRG review process, they cannot be permitted outright at this time, which impedes the desired transition. There are new conditions in place now with the MUT zone, and it is important for the Land Development Code to respond to those types of uses and changing conditions. Approving these text amendments would allow the transition to take place completely and as intended. It is fair to say that, if the uses are permitted outright by the zone and then are subjected to the WRG review, another layer of process is being added, which could impede the desired types of development on site. To do so would be detrimental.

Staff finds that the proposal, as modified by staff's recommendation for a setback of 42 feet, is consistent with SPG 15, applicable parts of the Comprehensive Plan policies and Land Development Code section 1.2.80.01.

Commissioner Howell asked for a clarification about the MUT standards. His understanding is that the MUT standards would not apply to general industrial and

intensive industrial uses in that the MUT provisions refer a reviewer to those specific use chapters. He would like an analysis of how the WRG protections would be implemented outside the 200-foot area if it is an intensive or general industrial use. Those two chapters did not get updated during the Land Development Code update.

Commissioner Saunders referred to page 12 of the staff report and asked if the City Council had initiated the process for requesting the Conditional Development Review text amendment as well as the one for the setbacks. Mr. Richardson said they had.

Commissioner Reese asked if pedestrian design standards in an MUT zone would apply to a condominium complex. Planner Richardson said that those standards do not apply in an MUT zone, though it has its own set of pedestrian design standards. Commissioner Reese said that this seems to be a situation where the owner wants to redraw the WRG boundary and not have it necessarily correspond with property lines. Planner Richardson said that probably the lines were originally drawn to incorporate the whole of the industrial use, which seems to be consistent with other industrial areas outside of Corvallis which were within the WRG. The intent of the MUT is to transition this site from industrial uses to less intensive uses.

Manager Towne suggested it might be helpful to look at the purpose statement of MUT: "The MUT zone provides a mechanism to permit the introduction of new, less-intensive uses while allowing general and intensive industrial uses to remain during an indefinite period of transition."

Commissioner Hann said the applicant referred to examples in the downtown area, and asked if it was fair to characterize the MUT zone as eventually being as urbanized as the core of the downtown area. Planner Richardson said the standards of the different zones are similar, though one could build more intensively in the downtown area than in the MUT zone. The types of uses permitted are quite similar and the sites are intended to remain as urban developed sites.

Commissioner Hann expressed concern that if the reduced setback were approved, it would be problematic to build a case for special conditions such as increasing a setback for a certain building, or changing a design facade. He was unsure that this was adequately covered.

Commissioner Hann's third question related to the unknown of what might be on the land in terms of hazardous materials or pollutants, and asked if the cleanup capability would be weakened by removing the WRG review for a portion of the property. Staff said that those kinds of regulations really come through the Department of Environmental Quality (DEQ). Additionally, it is possible for City Building Officials to get environmental assessments on properties through the Building permit process. If there are known areas where pollution has been identified, it is possible for the Building Official to get verification on whether there is any contamination.

Commissioner Howell said that the Land Development Code makes a point, in the regular Conditional Development Review criteria, that air and water quality effects need to be reviewed, and that a DEQ permit is not sufficient to meet this criterion. That was put in specifically by the City Council to allow this review for local conditions, because the DEQ does not necessarily look at site-specific issues. The WRG Conditional Development Review standard is even stronger, and states that the "quality of air, water and land resources in the Greenway shall be protected to the maximum extent practicable." It

seems very clear to Mr. Howell that someone could have a DEQ permit, or be applying for a new permit, but under these review criteria the City could say that particular emissions have impacts that which are not acceptable in this location. Staff said a Text Amendment could change that situation but, in a MUT zone, one of the statements says any existing industrial use that needs a new environmental permit has to go through a Conditional Development Review. The other types of uses that are permitted outright are not likely going to require discharge permits.

Commissioner Saunders asked what would happen if the application were approved and the applicant wanted to build something like a retail store that might be an outright permitted use. If it were over 200 feet away from the river, would a review be required? Planner Richardson said that as long as a retail use development met the development standards and was permitted outright in an MUT zone, it would be permitted to be built in that area outside the 200-foot limit without a public review process. The question would be if such a building or development really have any impacts on the river if it were over 200 feet away.

Commissioner Howell said that he is struggling with the fact that the MUT zone had been developed as a result of this site, but was made so it could also be applicable to other sites. Some of the other areas to which it was applied were industrial areas in North Corvallis along Hwy 99W. The Evanite site is different because it is by the river. In the same code revision process, the WRG code was strengthened to control industrial uses, of which there is primarily one - Evanite. So at the same time the MUT zone was being applied, the WRG regulation was being strengthened. Commissioner Howell said he struggles with the language that this is a change of condition over the Greenway standard, since both were changed at the same time, with definite thought in both of the sets of changes. Manager Towne said that Commissioner Howell gave a good analysis and it is respected by staff as coming from someone who was present during much of the discussion. Staff's analysis, which is based on SPG 15, has led to a different conclusion.

Commissioner Ridlington asked if there was a precedent with other industrial areas along the Willamette for the changes that are contemplated. Manager Towne said that this is somewhat precedent-setting. The Oregon Department of Land Conservation and Development (DLCD) says these kinds of changes are allowed by SPG 15, but there have been no changes or modifications to the boundary itself.

Commissioner Saunders asked if the City was going to look at the rest of the Greenway, given all of these changes. Manager Towne said that this review is the result of a specific land use application, and staff is not intending to look for further implementation of the changes because there are 65 other items on their work list.

G. Public Testimony in favor of the application:

**Tom Grigsby, 7775 Logston Road**, said he was an Evanite employee for a number of years and took part in the drafting of the MUT proposal, along with several other similar kinds of opportunities over the years. He stated that his comments should not be taken as an adjunct to the applicant's presentation; they are offered as his alone. He had helped to guide processes for several failed bicycle trail proposals. Though there was never a problem with intent, since everyone was supportive of having one, it was very difficult to find a way to build a trail through the property with the buildings in place. Jim Howland, for whom Mr. Grigsby would like to name any potential trail, was like a bull dog

over the process. What is different now is that, with both proposals under consideration, there would likely be a building out of the way, which would allow for a trail.

With the drafting of the MUT zone language and its final approval and application, he thought that they now had an ideal mechanism for enabling Evanite to make MUT zone "purpose" actions more easily, i.e. to transition over time to less-intensive uses. The purpose statement gave recognition to the fact that there were existing general- and intensive-industrial uses on the property, and that those uses would be allowed to continue. But it was also anticipated that an indefinite transition period would occur that would be fair and would preserve value and flexibility for the existing businesses on the property. To his knowledge, this is the first major test of the MUT zone provisions and opportunities. These proposals are a critical opportunity to change the nature of the land use, and will lead to a more attractive appearance and more compatible use of the land. He is aware that most of the testimony is in opposition, but he would ask, rhetorically, of those people just where to begin to address a transition in use of this property. He believes it makes sense to take advantage of this first significant opportunity to begin implementing the use of the MUT zone, to test the use of it and make changes as needed. He wonders how it can be explained to people of the community that they tried to use the concept of the MUT zone - that they gave it a shot, got bumped around and backed off. This land is too valuable to the community and they should maneuver themselves in a fashion to enable the community to use that land. He urged the Planning Commission to give their approval to the text amendments. There are many controls and regulations that exist and will continue to exist to manage the process.

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

**Marilyn Koenitzer, 4240 SW Fairhaven**, said she has listened with great interest to the Commissioners' questions. Her major question is why Evanite thinks it cannot do what it needs to do without this exemption. They received several gifts when they got the MUT zone. She had been the person to propose the MUT zone, but they intended it to be not applied until the industrial use ceased. They had wanted to see good development in that zone similar to the Bend mall when it took over the lumber mill, and in the Schnitzer Steel area where condominiums are going in with a cessation of steel production. That is the big difference between other places and here. The industrial use is still continuing and TCE is still being cleaned up. Commercial Associates in Corvallis is advertising the Submicro building for sale. She questions why Evanite is selling the Submicro building right now, since it is the one with the TCE problems and needs clean-up. She does not support the exemption and would be concerned if there were only a ministerial review of development in the exempted area. The public living in that neighborhood have a right to see what is going on with that land

Ms. Koenitzer referred to her 14 pages of testimony which she hopes the Commission will take into account. In it, she lists the differences between the Evanite property and downtown. Downtown does not have air pollution permits and does not have consent order agreements to clean up TCE. The developed part of downtown is not in the flood plain, except by the confluence of the Marys and the Willamette. Evanite property has a millrace. The two areas have very different topography, flood areas and uses. They are not comparable in that way, so she does not agree with staff's assertion that they should be treated the same. Lessening the requirement for a WRG Conditional Development Review would be a major problem for the whole community. She believes that Evanite should give the gift of the easement for a bike trail without any strings attached. She

agrees with Commissioner Hann that when a limit is set and then a 32-foot setback is allowed, it is hard to make the case to move buildings back more.

Commissioner Howell elaborated on Ms. Koenitzer's comments and served to clarify them by saying that it is more difficult for a review body to nix a current standard and say that the standard is not compatible. It would be hard to make case that if the standard is a 32-foot setback, a review body says it should be 50 feet in a particular instance. It is much more typical to have a more restrictive setback and ask for a variance to come closer.

In response to a question from Commissioner Hann, Ms. Koenitzer said she was most concerned about the conflict between new uses in the MUT zone which might be other than industrial, and the existing industrial uses. The MUT zone in the Land Development Code is written to protect the existing development from more intensive uses coming in. In this case, the concern is just the reverse. It does not protect the new uses such as new residential, offices or restaurants from the existing Glass Fiber Plant and the TCE contamination. She believes there is a gap in this particular Land Development Code application where we are going the wrong direction by allowing the new use prior to the cessation of the existing industrial uses. She said that it is pure speculation on her part, but it might be in the best interests of Evanite to even expand the Glass Fiber line as they look at consolidation of their facilities.

Commissioner Howell said the Submicro plant building that was put up for sale lies outside the WRG boundary but within the MUT zone. The WRG boundary ends at SE Chapman Place.

**Charles Goodrich, 2340 SE Crystal Lake Drive**, said he lives about 1/4 mile south of the Evanite properties and has lived there since 1984. He participated in the South Corvallis Area Refinement Plan (SCARP). He has a couple of specific concerns about compliance with the Comprehensive Plan and SPGs. The land at the confluence of Marys River with the Willamette River are the most culturally, ecologically, and economically significant lands in the City. There is now a chance to make a new downtown, and the City should make it the very best they can. It can be a jewel after redevelopment, and people in South Corvallis are excited, but there are concerns about the way it is being proposed.

Staff has said that the 32-foot or 42-foot setback would meet SPG 15, but the DLCD letter contained in the packet does not say that. Quoting from the letter, "It is the department's assessment that the proposed 32-foot setback line may not be sufficient to achieve the objectives of SPG 15, or the City's Comprehensive Plan policies adopted to implement that goal." Though the applicant has suggested that, in fairness, it needs this amount of land to do a good job of development, again the DLCD does not necessarily think so because structures other than buildings can be within the setback zone, such as decks and patios. Amanda Puntin, DCLD, states in the letter that " the flexibility within the Land Development Code suggests that the burden on the landowner of a wider setback line is less onerous than presented by the applicant."

Mr. Goodrich is concerned about staff's comparison with the downtown, with the Renaissance building and Holiday Inn Express both being at "pinch" points along the riverfront. He believes this is not something to look to as the prevailing standard. He does not have an objection for having some points with a closer setback, but to have a reduced setback for the entire frontage and then have to apply a greater standard later

on is a planning mistake. He believes It would be better to keep the 100-foot setback and grant variances so that some buildings could be closer.

Mr. Goodrich said that, as Marilyn Koenitzer mentioned, the concerns of the people in South Corvallis and those who took part in the SCARP were that, while industrial uses continued, there could be conflict between operations and new uses. The goal was to have new uses come in only when the industrial uses stopped. He believes that reducing opportunities for review under WRG Conditional Development Review would be a mistake. For the neighborhood, the real concern is that under its existing permit Evanite could expand operations significantly. It would be important to be able to have public input on that. Lastly, he pointed out that the applicants began their story about the utility room that they had trouble getting through the red tape. It is not this kind of project that is of concern for him; it would be the larger industrial building like a 40,000-square-foot Glass Fiber Plant. He encourages the Planning Commission to deny the 32-foot setback reduction and removal of the WRG Conditional Development Review process.

**Annette Mills, 2311 NW Van Buren Avenue**, testified on behalf of, and as the President of, the League of Women Voters (LWV) of Corvallis. She read the written testimony submitted on behalf of the LWV included in the September 24, 2008, testimony packet. They request that the Planning Commission deny the application. Their belief is that the application is in clear violation of SPGs 1 and 15, as well as in violation of Comprehensive Plan policies 1.2.3, 3.2.1 and 7.2.1.

**Mark Hommer, 4470 NW Apple Tree Place #4, requested that the record be held open.** He then showed a series of pictures on video of what the Evanite site looks like from the river **(Attachment D)**. He believes that the Planning Commission has an opportunity to correct the mistakes of the last land use decisions to allow industrial use right by rivers, decisions which were made out of ignorance. He said the State has recommended the proper setback of 100 feet. He asks that the Planning Commission not repeat the last errors by decreasing the setback and said the Planning Commission has no obligation to maximize the profits of this applicant. What the Commission does have is the obligation to protect the citizens and the continuing generations of people who will be using this river. He said the decision should be made on the side of conservation and err on the side of caution. He said the idea of a transition zone should be looked at from an environmental standpoint as well, but staff's recommendation is based on human-centric concerns.

**Susan Morre, 2775 SW Fairmont**, said she testified on the other Evanite proposal and she believes they are so intricately intertwined, and - as Evanite's attorney has stated - need to be approved together or denied together. Ms. Morre referenced the letter from Evanite's attorney (Attachment N in the packet) and further said it states that if conditions they do not like are attached to the approval, they have the right to withdraw any trail easement along the river. She believes the City needs to take this to heart and either approve it or deny it but not condition it.

Ms. Morre believes that there is justification for denying the application. She is not comforted by the fact that staff has found the proposal in compliance with the Land Development Code, SPG 15, and the Comprehensive Plan. If staff makes this conclusion, it is an argument in favor of keeping the Conditional Development Review process, so that other people can weigh in on the issues. She supports having the public process rather than removing it.

Ms. Morre stated that the requested changes violate numerous portions of the Comprehensive Plan, specifically 5.6.11 and also 5.6.12., which states, "The Willamette riverfront is an important community asset and should be developed to protect its significant features, allow for public access, park amenities, and places for recreational activities and events." Reducing the building setback to 32 feet so close to the top of the bank limits the types of activities that could take place on it. If buildings up to 45 feet tall, or 75 feet tall in the MUT zone, are allowed, there will be significant impacts on connectivity to the river and visual impacts.

Ms. Morre stated that the requested changes do not meet Land Development Code section 1.2.80.01, which clearly states , "This Code may be amended whenever the public necessity, convenience, and general welfare require such an amendment." When Planner Richardson read that section to the Planning Commission, he omitted the next part, which states, "and where it conforms with the Corvallis Comprehensive Plan and any other applicable policies." She stated that this requested amendment clearly does not conform and should not be approved.

Ms. Morre stated that the proposal does not conform to Comprehensive Plan policies 1.2.3, 3.2.1, 7.2.1, and 6.2.2, which Commissioner Howell commented on earlier. She said the applicant has not provided any proof that the reasons to grant these conditions would outweigh any significant damage to the public interest, to wildlife habitat, water quality, or to quality of life; they have not made their case. She believes that changing the Land Development Code for the benefit of one specific property owner sets a very dangerous precedent, that the Code was created for the community interest and not for the economic benefit of one owner. She said that the fact that the applicant has put some other property on the market and expects to put the rest of the central portion of the property on the market in the near future is another reason to enforce the Code as it is right now. She believes it would be premature to make Land Development Code text changes or to not implement the MUT zone or the WRG portions of the code. She would like the City to try out the MUT zone by enforcing the Code and seeing how it works.

Ms. Morre said Charles Goodrich had already noted that the proposals are not compliant with the SCARP as to protecting open spaces, parks and greenways, and significant natural features along the river. She said there is no assurance that the City would even get this trail access in the end. But, more importantly, there is no assurance that the City could meet its requirement as the designated management agency for water quality in the Willamette River, since the river is listed on the DEQ's 303(d) list for not being compliant with required water quality standards. Ms. Morre stated that the DEQ recommends that the 100-foot setback be maintained for water quality protection, which points out the fact that it is the City's responsibility to keep the setback in order to act as the designated management agency.

Ms. Morre also thinks that the applicant could take alternate approaches instead of asking for changes to the Land Development Code. They could create a beautiful development on site by respecting the 100-foot setback. If they were choosing to build condos, apartments or offices up to 45 feet or 75 feet high, it would be an asset to have the broader open space between those buildings and the river. There would still be the view upriver, but there would also be a recreational or gathering space that could bring in more profit when the units were sold.

For all of these reasons, Ms. Morre strongly urged the Planning Commission to deny the proposal, maintain the 100-foot setback, and keep the opportunity for development

review. She suggested that the City develop a combined visual image showing the proposed setback line over the natural features, so that it can be seen how they all interact. Such an image might be helpful during deliberations.

I. Neutral testimony:

The Chair reminded people that speaking neutrally removes rebuttal rights. No one came forward.

Questions of staff:

Commissioner Hann said someone suggested leaving the setback at 100 feet then having future developers ask for variances as necessary. He asked staff to comment on this. Planner Richardson said that it is possible, and such a request would have to go through a Planned Development process, or possibly through a Lot Development Option for minimal change. Manager Towne said that staff had viewed this request from the standpoint that the existing condition is not a greenfield site and currently has buildings right on the river. Removal of those buildings is a benefit. If the setback is not reduced, one of the outcomes could be the continued use of those buildings, so staff's analysis balances the existing uses with all of the various elements of the WRG review criteria and attempts to figure out just what that balance is.

Commissioner Hann asked if it would really be possible to have adaptive re-use of the existing buildings. Manager Towne said yes, that if there were intensification of use, there would be a Conditional Development Review process, but it would not likely be possible that the Planning Commission could place a condition for removal of a building. Getting back to his original question, Commissioner Hann asked if it was possible to have a condition written in such a way leaving the setback at 100 feet but stipulating that a reduction in setback to 42 feet would be considered. Manager Towne said that if the decision is to leave the setback at 100 feet, an applicant can propose a variation and attempt to meet the burden of proof.

Commissioner Saunders said she was confused about what the review might be if Evanite were to expand its operations. Planner Richardson said that under the rules today, adding a new building would require a Conditional Development Permit. Under the applicant's proposal, there are two types of industrial uses that do not require a Conditional Development Permit: Limited Technology, with 20 or fewer employees/shift, and another similar use. All other industrial uses would still require a Conditional Development Permit. Evanite can continue to have its existing uses operate without any review process, but if there were intensification of use, expansion of uses, or uses that require new permits from environmental agencies, the need for a Conditional Development Permit would be triggered.

Commissioner Howell brought up some hypothetical situations. If Commissioners approve the change in terms of the review line, and a project comes in that is not an industrial use but fits in with the MUT standards, it would require orientation to the street. If it were one building, it would likely have to be on SE Chapman Place or SE Crystal Lake Drive. But, if it were more of a complex, it seems that in some areas on the site, a project could be outside of the 200-foot line consisting of uses permitted outright and an internal street that would come in to serve some of those uses. Then later a proposal might come in that is abutting the internal street, but is within the 200-foot review line. Commissioner Howell said there seems to be a possibility that the Planning Commission

could be faced with reviewing a proposal that might have to orient towards that internal street, with its back, then, towards the river with a 32-foot setback and with a parking lot on the side or to the back. Staff said there is the potential for something like that to happen, but there is also the potential for this to happen without a change to the review line.

Commissioner Howell said that the staff report states that 42 feet would be adequate space for enhanced vegetation, and the applicant says 32 feet is enough. The multi-use path would take 12 feet. He recalls from the natural features process how much space is needed for wildlife; the range is from 100 feet to 300, feet depending on the species. He pointed out that the requirement is not just to protect, but to also enhance, and there is a higher standard for the greenway. He is not sure how the Commission can meet the protect and enhance standard for either vegetation or wildlife within a 42-foot segment that has a 12-foot-wide multi-use path going through it.

Manager Towne again stated that staff does not view this as a greenfield site. There is 650 feet of building along a bank right now, and it seems appropriate to look at a methodology allowing the transition for that building and the paved areas along the riverfront to be removed. Staff sees this as being an improvement, though not perfection. With a 42-foot setback and a multi-use path, there would be 10 feet of riparian vegetation planted along the riverside and 20 feet on the other side of the trail. Ultimately, if the plantings were large canopy trees and planted aggressively, one would not be able to see the path from the sky, which would be an enhancement to the vegetative fringe. These are the kinds of things staff took into consideration as they evaluated the proposal.

Manager Towne went on to say that one of the WRG review criteria is that "any public recreational use or facility shall not substantially interfere with established uses on adjoining property." The trail could be interpreted as affecting those uses. Staff has to balance against that along with protection of the riparian corridor and other issues. Commissioner Howell said the 100-foot setback meets the criteria better for providing for recreational use without impacting private use. Manager Towne again said that the tradeoff is getting rid of the 650 feet of the building on the riverbank in order to have a trail along the riverfront. Commissioner Howell said that the setback should reflect what one wants to see as the land redevelops, and be of a size to accommodate the Transportation Plan Corridor, recreational uses required by the Greenway, and still protect private uses. The incentive for redevelopment is the MUT zone, which has a fair amount of flexibility built into it. Commissioner Howell said it seems that staff is saying this proposal gives more incentive by having more developable land. Manager Towne responded that staff views this proposal as incentive to remove the building instead of potentially having the building adaptively re-used. Commissioner Howell opined that that is not the proposal in front of them. He said what is more likely to result is that two existing uses that will continue, and there is no certainty about what will happen. He said it is more likely that the trail will happen as development happens, and because it will be required as part of that development. There is a very small chance that the whole area will be provided, but the Planning Commission cannot use that possibility as a basis for its review. Commissioner Howell's guess is that, with a lot of potential development, the 100-foot setback will be desirable to the developer. In the case of condominiums or apartments, the greater setback gives more people views up and down the river.

Manager Towne again restated staff's perspective and said that it is the Planning Commission's task as a body to determine whether the applicant has met their burden of proof. Staff is comfortable with whatever decision is reached.

Chair Bird asked if it was possible to provide the picture or diagram as Susan Morre suggested, and it was agreed that staff would try to develop it prior to deliberations.

J. Rebuttal by Applicant:

David Dodson made the following points:

Evanite is looking at disposing of some properties and consolidating its operations. The Submicro building has been for sale for some time now. A portion of Evanite's property has already been sold to the First Alternative Natural Foods Co-op. When talking about redevelopment of these properties, Mr. Dodson said that the more likely plan for redevelopment would overlap onto the area that is subject to a WRG Conditional Development Review. If a building were proposed outside the 200-foot review line, it would still likely have a portion of the development within that 200-foot line, and the whole project would then be subject to a WRG Conditional Development Review. If someone did come in and wanted to do something on the west portion of the property along Crystal Lake Drive, for instance, and outside of the 200-foot review line, it is true that that would then not be subject to the WRG review.

The question came up about Evanite looking at putting in another production line. As staff indicated, this would be subject to Conditional Development Review.

Mr. Dodson said the DLCD has reviewed the application and has alluded to the fact that they are not comfortable with the proposed 32-foot setback for non-industrial uses, and have indicated that the setbacl should be increased. But, they also mentioned that they concur with the proposal to have the exemption boundary set at 200 feet.

Mr. Dodson stated there was criticism or concern about the comparisons the applicant made to other areas where buildings are close to the river. Their reason for doing that was just to show other worst-case situations. Mr. Dodson understands the concerns about setting the standard as a 32-foot setback, but there are criteria within the WRG review process that talk about the relationship and visual impacts not only from the building to the river but also from the river to the building. This would give the Planning Commission the ability to require that buildings be set back further or be less tall because of the visual implications; there is that discretion.

Mr. Dodson then introduced David Gilbert, Development Director of Cornerstone Associates, a co-applicant with Evanite. Mr. Gilbert said he was troubled by a consistent theme from the opposition to this application that seems to fail to recognize that Cornerstone also has a vested interest. Cornerstone Associates is a non-profit organization that currently provides jobs for 170 developmentally-disabled citizens of this City. In the process of rebuilding a building that was lost to fire in December 2006, they had to go through the secondary review required under the WRG. They had help from many on the City Council, who commented that their hands were tied. When it was all said and done, a non-profit group with no money was forced to pay over $40,000 to move and rebuild a building. This was $40,000 on a $400,000 building. The preamble given by their organization in the application indicated that timing was an issue. In response to those who have said they are just trying to make money, they are not trying to make money. It is not a money issue. They simply want the right to do what is best for their organization.

Chair Bird interrupted Mr. Gilbert to ask him to direct the testimony to comments made by the public. He said that he was responding to comments by two people that the sole purpose for the application was for Evanite to make more money. There was no reference to the interests of Cornerstone Associates that also has a significant interest in this case, and no mention of the impact these regulations have had on them.

Dan Kellom, Evanite, used a visual aid to show the building along the river and what the current setback is right now, which is about 5 feet. Evanite wants to make what currently exists better, but economics make the 100-foot setback hard to meet.

Mr. Kellom said the TCE contamination was outside the Greenway and is not part of the review criteria for this application. It is merely an emotional appeal. It is well documented that the spill exists and Evanite has stepped up to their responsibility. The DEQ has oversight and they are doing their job. The site is being cleaned up. It is not part of this application at all. If contamination is found during redevelopment, there are laws on the books that require reporting it to the DEQ.

Mr Kellom said development in the floodplain at the northern end of the site also comes under the floodplain regulations. He pointed out that once industrial use ceases on a site, the zoning becomes Mixed Use Employment (MUE).

Commissioner Saunders asked if Cornerstone Associates was a co-applicant. Mr. Dodson said they were, and they were listed as Open Door, Inc. on the application.

K. Sur-rebuttal:

**Charles Goodrich** said Mr. Dodson mentioned that a building built at a 32 foot setback would be the worse case scenario, but it could be the whole case scenario, which is really the problem. He believes reducing the setbacks is really a set up for having lots of buildings under the worst case scenario. Mr. Dodson also suggested that there could be extra reasons under the WRG standards that the Planning Commission could object to a building being at the 32-foot setback for visual reasons, but that is harder to do. No one argues with the advantage of removing the hardboard plant building. But to say that because it is going to be a little bit better there is no reason to ask for it to be good, it would be a mistake to settle for it. With regard to the pollution on the site, it is just a factor in balancing future uses. There will be future applications under the MUT and they need to be considered whether they are compatible uses when there is pollution so close at hand.

**Mr. Hommer** asked to rescind the request to keep the record open. Chair Bird said that the Commission would discuss before the end of the meeting whether to grant the request.

Mr. Hommer then said that the hardboard plant, at whatever height it might be, is almost invisible from the river despite its proximity to the river. Whatever height that is, it is a good height for minimizing visual impact. The amount of tree cover grown over the years is very acceptable. He took a picture of the plant from out in the river and it was indistinguishable from the vegetation. He also asked if the applicant could address the cyclone separator structure's height, which he thought might give context.

**Ms. Morre** spoke to Mr. Dodson's comment that this is just the worse case scenario that they were looking out for. Her thought is that the worst case scenario would be kept for any potential requests for variances when there is an actual development plan that is being put forward, rather than providing for it now. That situation seems backwards to her. There was discussion about the worst case scenario being 45 feet in height, but the MUT zone would allow up to 75 feet, which makes it even more important to be able to have control over what is happening in that setback of up to 100 feet.

Ms. Morre said that SPG 15 talks about protecting, conserving, enhancing and maintaining the natural scenic, historical, agricultural, economic and recreation qualities of the land along the river. She said that in 1980, a Corvallis Planning Department document relating to setting up the WRG talks about the reason why the WRG was put at the larger distance on some properties. The reason was that the goal is to determine lands that are suitable or necessary for inclusion within the Greenway boundary for their significance for fish and wildlife habitat, water quality, flooding potential, natural and scenic areas and the impact on Pioneer Park, Willamette Park and downtown. She said the plan recognizes one of the City's greatest potentials is a publicly-owned and easily-accessible waterfront. She said a 100-foot setback is more protective of all of those interests than a reduced 32-foot setback would be.

Ms. Morre said that, with regard to the DEQ having oversight, the TCE spill might have been outside of the Greenway boundary but the other water quality issues are very relevant to be considered, and the DEQ does have oversight on those as well, which is why they wrote the letter and strongly recommended that the 100 foot setback be upheld In order to maintain water quality and to improve water quality, so the City can get the Willamette River off the 303(d) list. Ms. Morre said this is not just an emotional issue about the TCE spill; it is the other impact that building closer to the Greenway could have on water quality and wildlife habitat and the visual impacts for the rest of the community.

Ms. Morre said no testing has been done on the soil around the hardboard building or around any other buildings on this site to determine if there are other contaminants that could be of concern. She said that before any changes in the building setbacks occur, it seems it would be prudent to do that testing and to know what other potential impacts there could be by disturbing the site that close to the river.

Ms. Morre said, yes, it would be great to have the hardboard plant building removed, but the goal is to improve and enhance and be more protective of that special area. She said it is so close to the confluence of the Marys and the Willamette Rivers and it is an opportunity to make this a wonderful space as it transitions away from industrial into more mixed use. Ms. Morre urged that the opportunity be preserved to have a broader range of mixed uses on that area by maintaining the setback as it is and the WRG Conditional Development Review for the entire property.

Ms. Morre said Land Development Code section 3.30.40 talks about the maximum setback distance for protecting water quality. These exemptions that are being requested in Land Development Code section 3.30.30 do not comply with DEQ mandates or with many other parts of the Code that are trying to protect wildlife habitat, quality of life, etc.

Ms. Morre said Land Development Code section 2.3.30.04, addressing basic site design, visual elements and protection of natural features and the effects on air and water quality, is especially important to be maintained on this property because of the sensitivity of the site and the proximity to the confluence. Additionally, she said there has not been a

survey yet for the archeological value of that area. She urged the Commission to not rush into making any changes yet until there is more information.

Ms. Morre further explained that her request to have visual images used in presentations to have all the overlays correspond and be portrayed on top of the site plan and natural features is a general request for other hearings as well, not just this one.

**Marilyn Koenitzer** addressed the comment about there being an emotional concern about the TCE. She said she has been concerned about the TCE issue for a number of years. A good friend of hers had her house bought out because of the TCE contamination. Ms. Koenitzer is mainly concerned about the health and safety of the citizens of Corvallis, which is why she has written her letters to the DEQ over the past couple of years and has those responses in the packet. She is concerned mainly that the DEQ has not tested other areas on the property, so it is not known if contamination is an issue or not. She said the City does not have a good mechanism to deal with this, and it is not just an emotional concern.

Seeing no further persons wished to testify, Chair Bird noted that there had been a request for a continuance in written testimony received last week, and her thought is that continuing the meeting from then until this week complies with that. Commissioner Howell said his understanding in staff's response to Commissioner Weber when she asked whether this would be continued to another date for deliberations, was that the request should be treated not as a continuance but as a de facto request to hold the record open. Commissioner Weber had the expectation that it was going to be held over, and since it was said in public, there are members of the public that might also have that expectation. Manager Towne said that he agreed that the public had requested to hold the record open, with expectations that they could respond to any testimony that had been heard today. Staff recommends that the record be held open for another week, to meet the intent of providing opportunity for written response to testimony, as well as the applicant's final response.

**MOTION**: Commissioner Howell moved to hold the record open until 5pm , October 1, 2008, which would give the applicant until October 8, 2008, for final comment. Commissioner Hann seconded the motion.

Commissioner Howell said his reasoning is that there was an expectation from the last meeting that the record would be held open after tonight's public hearing. There might have been members of the public that did not come tonight who had that expectation. There might be members of the public who presented tonight who were under the impression that they did not need to request to hold the record open because that had already been done. Mr. Howell said he did not move to have a continuance because it is typically focused on new information so the public has time to look at it and testify again. A continuance request has to cite the specific new information, and then the continuance proceedings only allow testimony in regard to the new information. In testimony tonight, there was not a request for a continuance. In written material submitted last week, there was a request, and this extra week satisfied that request to have time to review any new information that might have been submitted.

Vote on motion: The motion **passed** unanimously.

L. Additional time for applicant to submit final argument:

The record was held open and applicant has until October 8, 2008, to submit final argument.

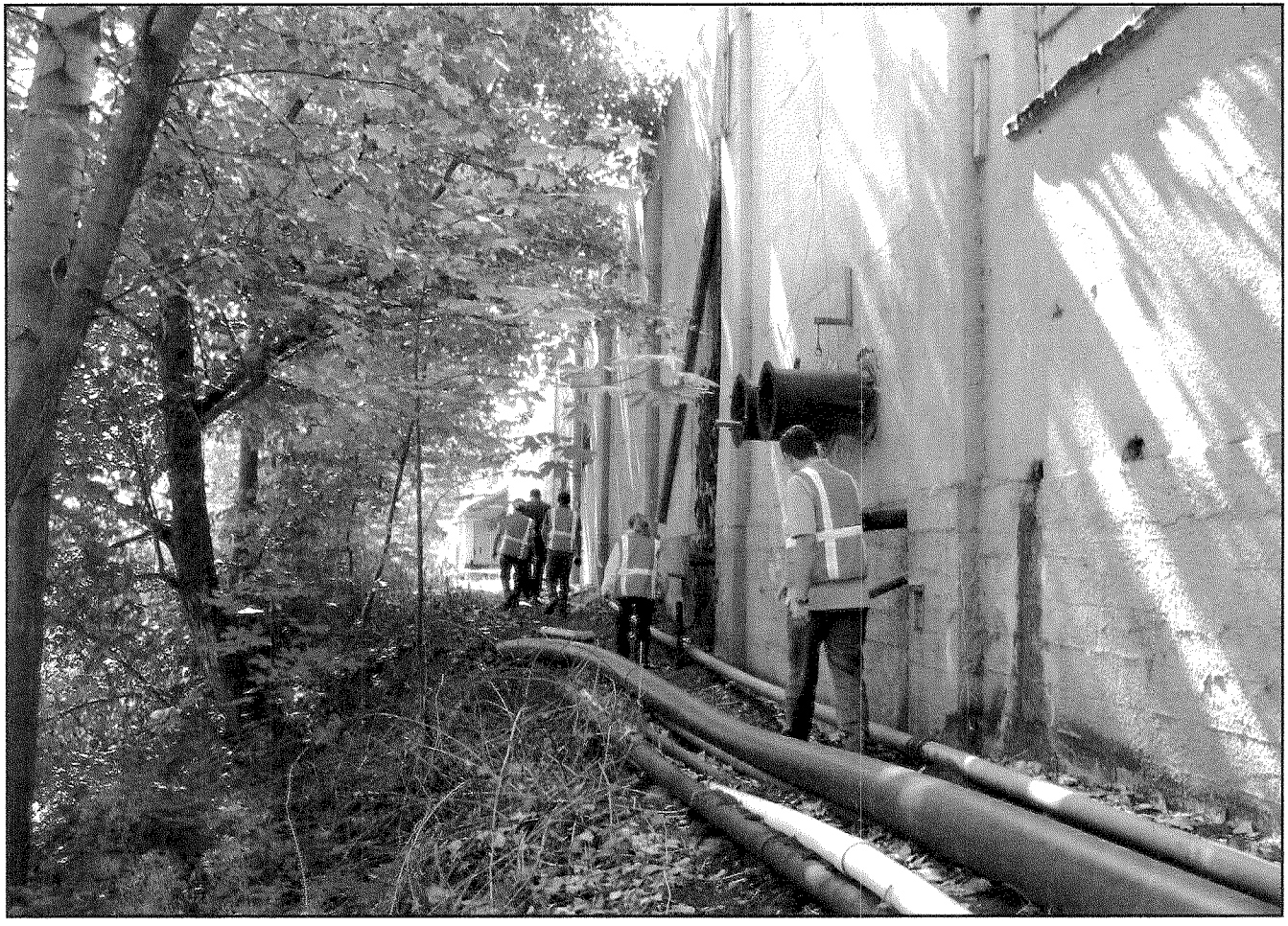
M. Close the public hearing:

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

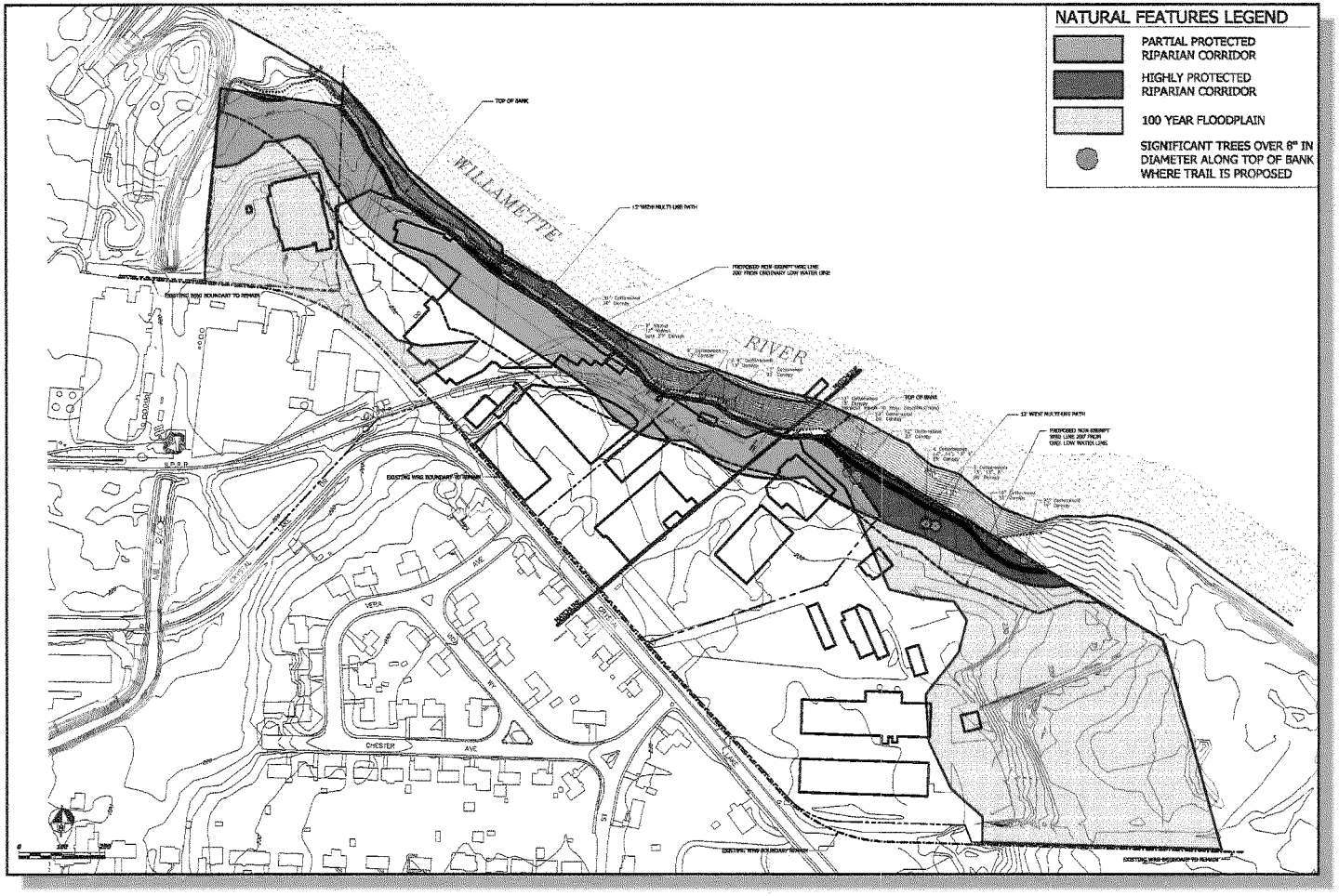
# Existing Buildings Along River

ATTACHMENT A

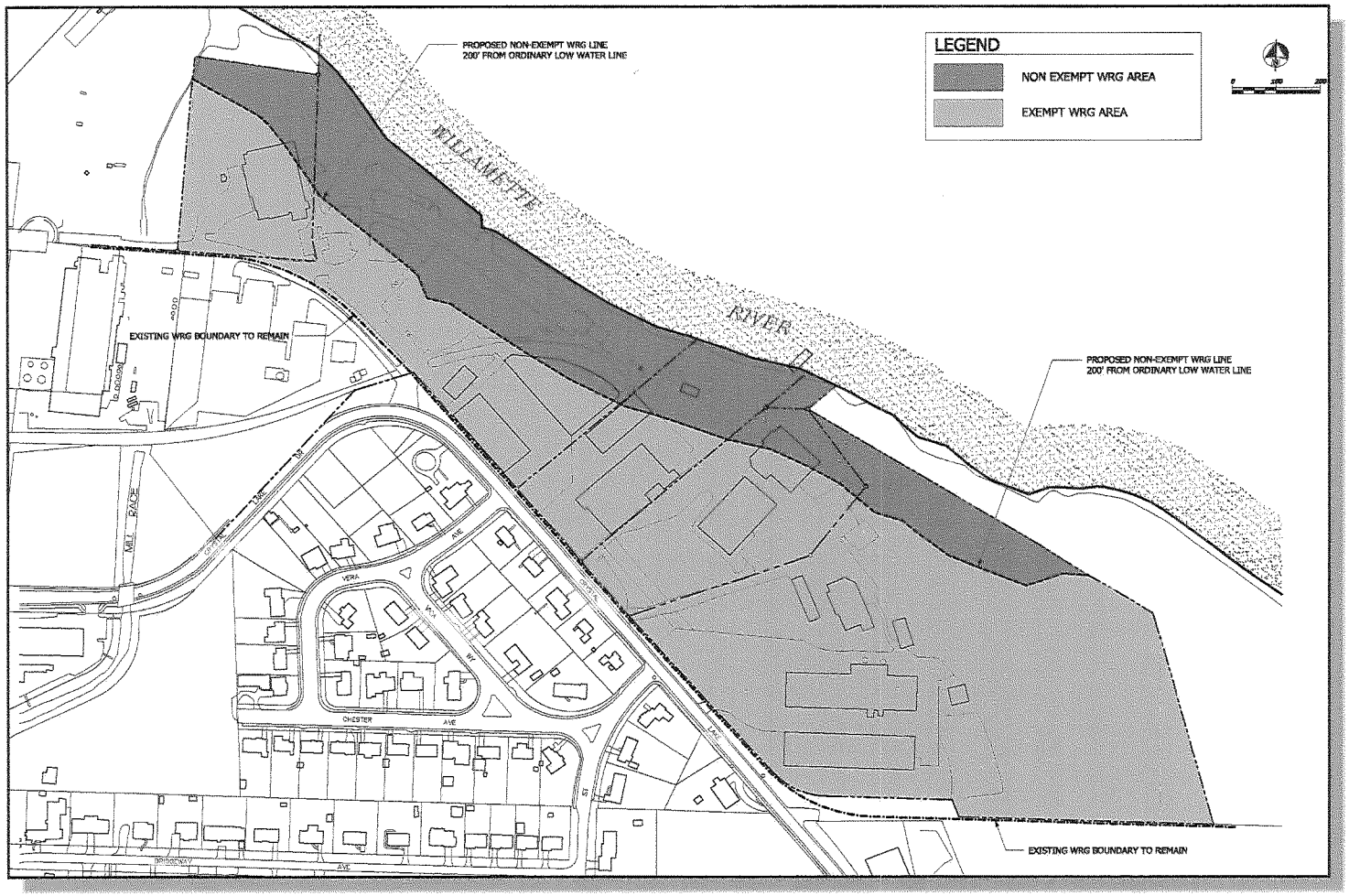
# Current Riverbank Condition



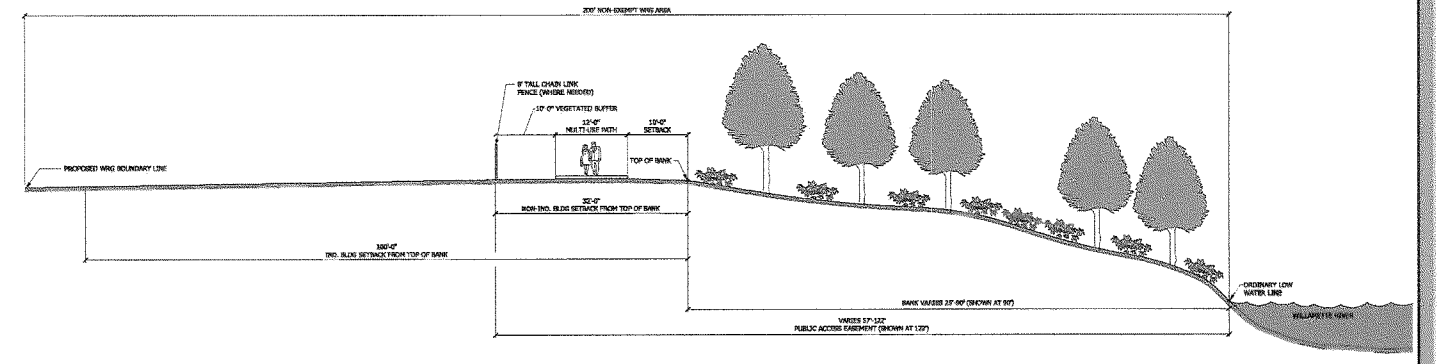
# Riparian Corridor and Floodplain



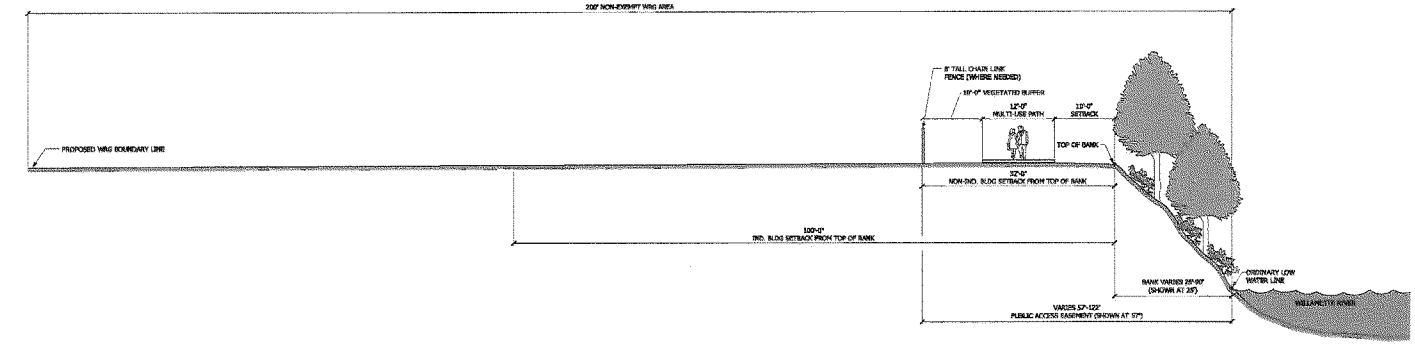
# Proposed Exemption Area



# Proposed Riverbank Sections

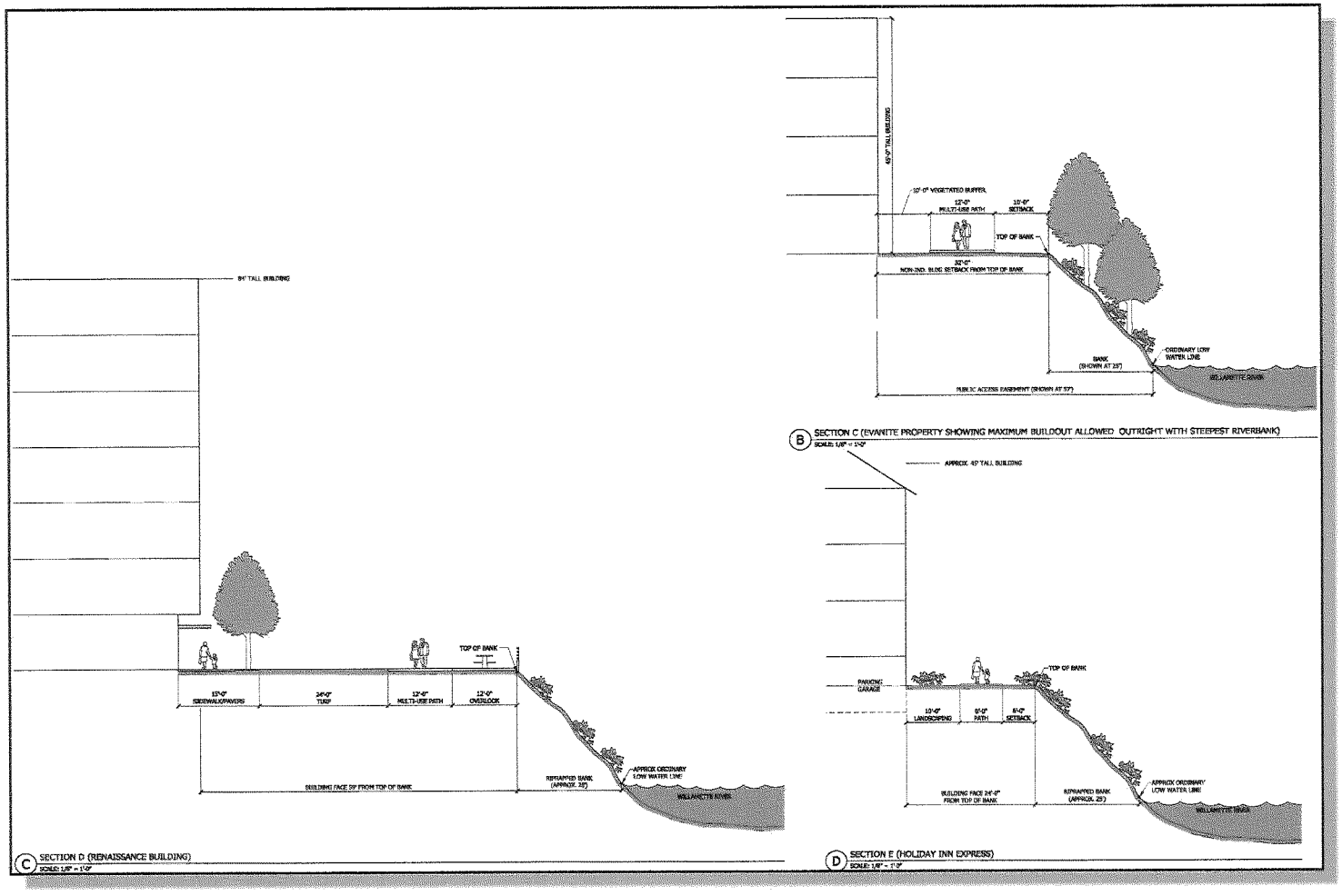



A SECTION A (EVANITE PROPERTY WITH MILDEST RIVERBANK)
SCALE: 1/8" = 1'-0"




B SECTION B (EVANITE PROPERTY WITH STEEPEST RIVERBANK)
SCALE: 1/8" = 1'-0"

# Riverbank Section Comparison



**Community Development**
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(541) 766-6908
FAX: (541) 754-1792
Planning@ci.corvallis.or.us

To: Planning Commission

From: Bob Richardson, Associate Planner RAR

Date: September 10, 2008

Subject: Written Testimony regarding Evanite WRG Setback and Compatibility Review Area (LDT08-00001)

Enclosed with this memo is written testimony received after the Staff Report regarding LDT08-00001 was printed, but before release of the Planning Commission meeting packets on September 10, 2008.

RECEIVED

SEP - 9 2008

Community Development
Planning Division

2340 SE Crystal Lake Dr.
Corvallis, Oregon 97333
September 8, 2008

Subject: Evanite Willamette River Greenway Setbacks (LDT08-00001)
Review of Land Development Code Text Amendment request.

To Planning Commissioners:

1. The applicant proposes to reduce the WRG building setback from 100 feet from the top of the bank to 32 feet for all non industrial uses.

   As requested by DEQ, 100 feet setback should be retained in order to meet water quality standards. You have the letter in your packet that addresses the details of this request. Setbacks have been reduced in some developments due to site constraints. This is not the case here. There is adequate room for setbacks. All new developments should be required to be setback 100 feet.

2. The applicant proposed an amendment that would exempt development on the subject site occurring further than 200 feet south/west of the Willamette River ordinary low water line from the need for WRG Conditional Development Review.

   The Evanite property is an industrial site. This ground on this site is polluted with hazardous materials from various past industrial practices. No one knows the extent of the pollution. According to DEQ, Evanite emits 19 tons/yr. of particulate matter, 13 tons/yr. of particulate matter that is 10 microns of less in size, .59 tons/yr. of sulfur dioxide, 34.8 tons/yr. of nitrogen oxides, 29.2 tons/yr. of carbon monoxide, 39 tons/yr. of volatile organic compounds, and .59 tons/yr. of fluorides into the air through their steam plumes. The application does not discuss this aspect of the property. This factory is located next to a residential area. If Evanite were to increase or change their operations, the neighborhood would be negatively affected.

   Since all of Evanite's operational facilities are outside this 200 feet area, this amendment would exempt all of Evanite's plants from WRG Development Review. This does not adequately protect the neighborhood. If Evanite were to increase their production or their emissions at the facility by the boat ramp, the people of Corvallis would not have the additional protection provided by the WRG. In 1990, Evanite, submitted an application to build a new plant in the 100 year flood plain north of Crystal Lake Sports Fields. Due to the WRG, the neighbors had input and that ill-conceived plan was aborted. Since then, that site has flooded many times.

3. Pollution and hazardous materials are located on the site. Why is this not addressed in this application? The bicycle easement should ONLY be accepted into the city if Evanite is legally responsible for cleaning up any pollution. Will this easement be such a great deal for the city, if it ends up cleaning up Evanite's pollution?

I would love to have this easement for a multi-modal path. And, I will say "No thanks" and ride in the street, if it means that the city of Corvallis and the Neighborhood will end up with a "bad" deal 5, 10 or 30 years from now. Please take a long view and do not reduce the requirements for an industrial site whose half of the property is within the 100 year flood plain.

Thank you for volunteering your time to serve the City,

Kapa Korobeinikov

Kapa Korobeinikov

RECEIVED

SEP - 9 2008

Community Development
Planning Division

September 9, 2008

Dear Planning Commissioners,

I would like to comment on the application of Evanite Corp. to change Willamette River Greenway boundaries and setbacks (LDT08-00001).

1. I urge the Planning Commission to recommend the retention of the 100 foot building setback.

Evanite proposes a Land Development Code Text Amendment to reduce building setbacks from the river top-of-bank from 100 feet to 32 feet. The DEQ, in a written opinion on this planning decision, objects to this request. This letter, from Don Yon, of DEQ Water Quality, says "DEQ recommends that the current Willamette River Greenway Overlay building setback requirements on the subject site of 100-foot setback/buffer protection from the top-of-bank be retained."

I would not necessarily be opposed if a future specific redevelopment proposal for the property requested a reduction of building setback for parts of this property. I just object to a blanket reduction in the setback without the opportunity to consider how different parts of the property may require different levels of environmental protection. On higher steeper banks, a narrower setback may be appropriate, but on the lower, flood-prone parts of the property, a greater setback may be called for. This should be decided in response to specific development proposals. Therefore, at this time I urge the Planning Commission to recommend the retention of the 100 foot setback.

2. I oppose Evanite's proposed Land Development Code amendment that would exempt much of the site from the need for WRG Conditional Development Review.

Evanite has applied for permits that will allow it to demolish old buildings, consolidate its manufacturing operations, and redevelop much of its properties as Mixed Use, which could include residences, stores, restaurants, open space, much like the downtown. The Mixed Use Transitional (MUT) zoning presently applied to these properties came about through the 1998 South Corvallis Area Refinement Plan process, on which I, along with many other citizens, worked long and hard. When the MUT zoning for the Evanite properties was proposed, the long-range intention was to rezone the properties once they were no longer used for industrial purposes; i.e. at such a time that Evanite relocated or ceased operations. The idea that redevelopment for residential, retail, and office space would occur while Evanite is still operating and could even expand its operation in this location is not the scenario envisioned by the creation of the MUT zone.

I am deeply concerned that if redevelopment into residential and retail space occurs while heavy industrial uses continue at Evanite, this will only intensify conflicts between such disparate uses. Evanite has done a lot to improve its water, air and noise pollution. But

Evanite emits tons of particulate matter in air pollution, much of which is carried by prevailing winds over the downtown area. Of special concern are particulates less than 10 microns, which are implicated in many respiratory ailments.

Evanite is within its permitted emissions levels for these and other pollutants, but redevelopment into residential or commercial uses adjacent to such pollution sources is not a sane planning decision. The City should retain opportunities for the state and for public citizens to review proposed intensification of industrial uses and / or changes in land uses proposed for these properties. Therefore, I support retaining the existing WRG boundaries with its requirements of Conditional Development Review.

Thanks for your time, and your service to our community.

Charles Goodrich

Charles Goodrich
2340 SE Crystal Lake Dr.
Corvallis, OR 97333

## Richardson, Robert

**From:** Parker Swanson [parker.swanson@gmail.com]
**Sent:** Tuesday, September 09, 2008 9:37 AM
**To:** Richardson, Robert
**Subject:** I support Evanite plan for Greenway

Hello Mr. Richardson,

I know you, as Corvallis city planner, are collecting citizen comments on the proposed arrangements with Evanite Co. with regards to the Willamette Greenway through their property. I'd like to add my support for this proposal. From what I've learned, the proposal is consistent with provisions in effect in downtown Corvallis, and also with similar provisions in effect in other cities along the river. I think it's a "win-win" situation for both the City and the company.

Thank you for your work with this plan.
Parker Swanson
parker.swanson@gmail.com
2846 NW Garryanna Dr.
Corvallis, OR 97330

**Community Development**
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Planning@ci.corvallis.or.us

To: Planning Commission

From: Bob Richardson, Associate Planner

Date: September 17, 2008

Subject: Written Testimony regarding Evanite WRG Setback and Compatibility Review Area (LDT08-00001)

Enclosed with this memo is written testimony received after the release of the Planning Commission meeting packets on September 10, 2008 and before 5:00 PM on September 17, 2008.

# WRITTEN TESTIMONY

RECEIVED

SEP 17 2008

Community Development
Planning Division

To: City of Corvallis Planning Commission
From: Jennie R. Cramer, 980 SE Park Avenue, Corvallis, OR 97333
Re: Evanite Proposals
Date: 16 September 2008

Please accept the following as written testimony in the Willamette River Greenway (WRG) Conditional Development and the Willamette River Greenway Setback Adjustment and Conditional Development Review Exemption proposed by the Evanite Fiber Corporation. Regarding the Evanite Riverfront Trail Alignment and Building Demolitions WRG Conditional Development permit (WRG08-00001), I see no apparent conflicts with the Corvallis Comprehensive Plan (CCP) or the Corvallis Vision 2020 as long as great care is taken to avoid water, air, and soil contamination during the building demolition process.

However, regarding the WRG Setbacks and Compatibility Review Area (LDT08-00001), I fervently request that the Planning Commission DENY this proposal due to its disregard for numerous policies included in the Corvallis Comprehensive Plan (CCP) which I have outlined below. Additionally, although Evanite has requested that the City consider these proposals in tandem, they are not one, but two, proposals and the City is under no contract to consider them together. In the event that both proposals are considered together as Evanite has requested in the letter from F. Scott Farley on August 15, 2008, I request that you DENY both proposals and work closely with Citizen Involvement and Bicycle Advocacy groups to create safe alternatives for a bike path to South Corvallis that does not require changes to the Willamette River Greenway setbacks or preclude public involvement in important land use decisions. As a community, our connection to the Willamette River and our committed and involved citizenry defines us. The integrity of both of these is essential to our health and identity as the community of Corvallis.

**WRG Setbacks**

The request for changes to the WRG setback from 100 feet to 32 feet is in direct conflict with numerous policies in the Corvallis Comprehensive Plan, only some of which I have listed below.

Section 6.1 of the CCP quotes the 2020 Vision Statement: "We value our rivers, and streams, and our watershed, carefully managing them to protect the purity of our water, their aesthetic and biological qualities, and their value as recreational areas." The current setbacks of 100 feet are designed to preserve these values, which are identified as priorities in the CCP and 2020 Vision. By changing the setbacks at the Evanite property to 32 feet, the integrity of biological, aesthetic and recreational qualities that we as a community have prioritized, will be compromised. Although Evanite may argue that the setbacks allow them to save money and work more efficiently at making changes to their property, this is NOT a priority outlined in the CCP nor in the 2020 Vision, especially in such close proximity to the River. Evanite's proposal is in direct conflict with Willamette River Greenway policies 6.1.1, 6.1.2 A, B, C, D, E, F, and G, as well as 6.2.4

This proposal intimates a "trade" of sorts, a bike path easement for relaxation of the WRG setbacks that have been created to protect the citizens and the River. However, Evanite has already received a "gift" in the 2002 designation of the lands as Mixed Use Transitional zoning, an action which made their highly contaminated property more valuable for development. In addition, the Mixed Use Transitional zoning requires that 20% of the property be maintained in open space. Perhaps some of the open space area required with that designation can be consolidated near the river (with in the WRG setbacks) for a park and viewing area, allowing for future development on the property without disruption of the WRG setbacks.

The CCP states: "Also, because of the value placed on maintaining quality of life, the City takes steps to ensure that new development occurs in a fashion that is sensitive to the environment and is compatible with abutting uses." A decrease in the river setback would violate this sensitivity.

In addition, the following statements and policies listed in the CCP directly conflict with the WRG setbacks proposed by Evanite:

7.2.d The City has adopted Environmental Protection Agency (EPA) and Department of Environmental Quality (DEQ) standards as the minimum acceptable criteria for environmental compliance. These standards have been found to be inadequate to meet community values in some areas. The community has at times considered adopting local environmental standards.

7.2.1 The City of Corvallis shall continue to comply with or exceed all applicable environmental standards and shall cooperate with State and Federal regulatory agencies in the identification and abatement of local environmental quality problems, including air, water, and noise pollution on an individual and cumulative basis, as per State and Federal regulations.

This issue is most paramount considering the letter from the Oregon Department of Environmental Quality (DEQ) on August 27, 2008 stating that the 100 foot setback buffer be retained in order to meet water quality standards. By this notion alone, it would be environmentally irresponsible for the City Council of Corvallis, with its stated priority for citizen involvement, ecological sensitivity, and sustainability, to recommend a standard lower than that offered by the Oregon DEQ.

**WRG Conditional Permit Review**

Regarding the request to add a new exemption to Land Development Code (LDC) to preclude the WRG Conditional Permit Review, this proposal is in direct conflict with the numerous policies in the Corvallis Comprehensive Plan regarding citizen involvement including:

1.2.3 Amendments to the Comprehensive Plan can only be approved where the following findings are made: (1.) There is a demonstrated public need for the change. (2.) The advantages to the community resulting from the change shall outweigh the disadvantages. (3.) The change proposed is a desirable means of meeting the public need.

In this case, the need for the change is not public, but rather solely for Evanite, a private, for-profit corporation. Although an easement for a bike path through Evanite would potentially benefit the community (if the City followed through and built the path), the City has not yet evaluated alternatives for this path sufficiently to determine that the advantages would outweigh the disadvantages. This proposed change is not a desirable means of meeting the public need because it removes Corvallis citizens from the planning process, the best discourse the public has to assert those needs publicly prior to City Council decisions.

Although there are many more CCP policies that would be violated by the approval of these permits, ultimately, the burden does not lie on me to outline them for you. CCP policy 3.2.1 states that State land use law requires that the burden of proof for any land use action is borne by the proponent of the change or development, in this case Evanite. In the case of amendments to the Comprehensive Plan, the applicant or proponent bears the burden of justifying a change in land use policies and designations. This change must have a strong public benefit to warrant a change to the CCP. It is very clear in this case that the benefit to the public does not warrant such a change. I request that you consider this and all the statements above in your deliberations.

As the chair of the Corvallis Watershed Management Advisory Commission, I sympathize with the difficultly of these decisions and I thank you for considering my testimony and for maintaining the safety and vibrancy of the Corvallis community.

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SEP 17 2008

Community Development
Planning Division



September 17, 2008

To: Planning Commission
From: David Eckert, 2311 NW Van Buren Avenue, Corvallis, 97330
Subject: Evanite Riverfront Trail Applications (LDT08-00001) (WRG08-00001)
**Opposition to Proposals**

As a car-free resident of the City of Corvallis, whose primary reason for living in Corvallis was to live in a bicycle-friendly City and as one who uses the Marys River Pedestrian Bridge many times each week, I am providing testimony **in opposition to the current proposal (LDT08-00001) (WRG08-00001)** for four reasons.

1. **Oregon DEQ Regulations**
   a. The August 27, 2008 notification to Bob Richardson from Don Yon of the Department of Environmental Quality states: "*DEQ recommends that the current Willamette River Greenway Overlay building setback requirements on the subject site of 100-foot setback/buffer protection from the top-of-bank BE RETAINED in order to meet water quality standards.*" (Attachment L-2, Water Quality Program Requirements #1, sentence 2).
   b. For the City to over-ride the stated, scientifically-relevant concerns of the Oregon Department of Environmental Quality and to disregard the obvious risks of further building in the flood plain of the Willamette River would be, to my way of thinking, unethical and incompetent. This DEQ document, placed at the very back of the thick staff report, should be reason by itself to deny any consideration of a trail so close to the top of the riverbank. For the City, it appears that financial considerations and personal recreational interests are hiding behind inflated traffic safety concerns. The brief DEQ document should be at the front of the staff report, not buried in the very back at a place where readers may miss it.
   c. I request that every Planning Commissioner who votes for passing LDT08-00001 **or** WRG08-00001 explain for the public record why a bicycle path in this specific location is more important than water quality standards regulated by DEQ.

2. **Insufficient Landslide Risk Data and Questionable Recommendations**
   a. Last week I paddled that section of the Willamette River adjacent to the Evanite property, hugging the riverbank, observing what I would consider a risky embankment for future human activity. My disturbing field observations from the water motivated me to read the city staff report for the trail alignment. What I read in the document has heightened my concerns.
   b. While the consultants state that the construction of the path "*would not increase the potential for instability, even in areas designated as having a high landslide risk*" (Attachment J-5, paragraph 5), they state later in the paragraph " *...it would be **reasonable to assume** that the areas of potentially large landslides would become **unstable** as the result of a*

*large natural event (i.e. extreme rainfall), when the* ***number of people*** *on the trail would be* ***limited***" and "*... it should be understood that repairs of a large landslide* ***may not be cost-effective*** *relative to the value of the trail.*" The consultants may provide testimony to respond to my concerns. However, if there is a landslide, it will not be the consultants who will be held responsible, because they provided proper written warning.

c. Of the six riverbank segments where field surveys were performed by the engineers:
    i. Segments 1 and 3 have moderate risk of riverbank instability or creep (Attachment J-5, Paragraph 6).
    ii. Segments 5 and 6, the most potentially dangerous areas from previous studies were inaccessible and they only used topo maps to make the assessments. They "anticipate *the risk of riverbank instability is relatively low."* (Attachment J-6, paragraph 1). This means they satisfied the request of their client and have a legal back door if their "*assessment*" is wrong, long after the fact. In their conclusion, Foundation Engineering, Inc. clearly states: "*It should be noted that* ***segments*** *of the riverbank and trail alignment were* ***inaccessible*** *due to existing vegetation. Therefore, the final setback and/or alignment should be confirmed once the vegetation has been cleared in inaccessible areas areas and buildings removed.*" Again, these two segments are the most potentially unstable segments of the proposed trail. That assessment would commence long after the all agreements have been completed between the City and Evanite.
    iii. Only Segments 2 and 4 have been adequately analyzed and determined to be at low risk of landslide.
d. On page 23, paragraph 3, "*staff find the application complies with development standards for areas within Landslide Hazard areas in LDC Section 4.5.70.*" My reading of this document and my observations floating along the shore line, make me seriously question the conclusion reached by the consultants.
e. I request that every Planning Commissioner who votes for passing WRG08-00001 explain for the public record why the human safety, financial and environmental risks of building a trail at the top of these riverbanks are less than the relative risks of simply improving the current trail that we have.

**3. Unstable Geomorphology at Mouth of Mill Race**

a. Few Corvallians have walked up the mouth of the Mill Race from the Marys River and witnessed the drainage outfall of the underground pipe that drains the Mill Race's water as it flows through Evanite property. I have.
b. The high velocities and hydrological forces of the stormwater discharge from the piped outfall during rain events have created a mini-"Grand Canyon." This unstable, human-made formation and the continuing,

unmitigated peak flows of the Mill Race will have significant impacts on the cost and engineering of a trail bridge across the Mill Race to the land in question for LDT08-00001 and WRG08-00001. This issue has not been effectively addressed in the context of building a trail to the Evanite property. There has not been any serious notice, discussion, or analysis of the outfall impact on:

i. water quality
ii. the aquatic ecosystem, and
iii. soil stability of this general area.

c. The hydrological impact of a flooded confluence of the Mill Race with the two rivers will play a large role in viable sustainability of a trail in this area.
d. I believe both the financial and environmental costs will be too great too compensate for the personal needs of my fellow bicyclists to ride along the river.
e. We already have 5 bridges across the Marys River and more than 5 across the Mill Race. We have got to stop unnecessarily abusing our sensitive waterways to satisfy our desire for convenient transportation routes.

4. **A Modest Proposal – An Alternate Path**
   a. If there have been unacceptable, documented traffic accidents involving pedestrians and bicyclists on the current bike lanes in question, then the City has the power to use eminent domain or other less draconian means to obtain a non-motorized vehicular path extending from the East end of Chapman Road and extend it around the southwest boundary of Evanite until it ultimately connects again to Willamette Park.
   b. While WRG08-00001 is the only proposal on the table, this does not mean it is the only proposal that could be negotiated.
   c. The City can negotiate for a project that is sustainable, not one about which the consultants need to state in an official document that "repairs of a large landslide may not be cost-effective relative to the value of the trail."
   d. Let's come up with a bicycle-friendly plan that is more sustainable and is honestly safer than the current path.

I urge you to **deny LDT08-00001** and **WRG08-00001**.

Dave Eckert
571.451.5867
P.O. Box 1980
Corvallis, OR 97339
www.willamettewatershed.com
deckert@willamettewatershed.com

Corvallis Planning Commission 9/16/08

I would like to add my support to the project proposed by Evanite along the Willamette River.

I was the Park & Rec. Director for the City of Corvallis from 1974-2000. During that time I had the privilege to work with a number of citizens, boards and commissions on the establishment and development of plans for the riverfront and trail system.

A trail/bike path link between Willamette Park, South Corvallis and Downtown is important and dependent on obtaining the right-of-way through the Evanite property.

In the past Evanite was most helpful in enabling the City to obtain access to and parking for the Crystal Lake Sports Fields which would also be served by the link to Downtown.

The opportunity to do this should not be missed and if approved this project will add to the many improvements that have already been made which provide the public access to and use of our riverfront.

Thank you.

6265 NE Pettibone Dr.
Corvallis.
541-745-5910

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SEP 16 2008
Community Development
Planning Division

RECEIVED

SEP 17 2008

Community Development
Planning Division

6 September 2008

To: Corvallis Planning Commission and City Council
Bob Richardson, City of Corvallis Community Development Planning Division

RE: Evanite Riverfront Trail Applications (LDT08-00001, WRG08-00001)

I respectfully request that you deny the Land Development Code (LDC) text amendments, Willamette River Greenway setback adjustment and conditional development review exemption requested by Evanite Fiber Corporation and Open Door Incorporated for the following reasons:

1) **The LDC provides a set of regulations to guide the type and location of development for the benefit of the entire community, not for the benefit of a single property owner.** Changing the code for the economic benefit of a single property owner is contrary to the purpose of the code and sets a bad precedent. The requested changes violate Corvallis Comp Plan 5.6.11 and 5.6.12: "This City should acquire land for parks and recreational activities in advance of urban growth and development. Parks and open space shall be included in area plans. **The Willamette Riverfront is an important community asset and should be developed to protect its significant environmental features, allow for public access, park amenities, and places for recreational activities and events." The proposed changes do not meet this important part of the code and should therefore be denied.**

2) **The requested text amendment to the Chapter 3.30 Willamette River Greenway Overlay to change the building setback from 100 feet to only 32 feet from top of bank for nonindustrial uses is in conflict with State Planning Goals 6 and 15 that address water quality, and ignores the concerns expressed by DEQ Water Quality Division** (August 27, 2008 letter to Bob Richardson). DEQ recommends maintaining the current minimum 100 foot setback in order to meet EPA-mandated water quality standards. The Willamette River currently violates state water quality standards for dioxin, dissolved oxygen, bacteria, heavy metals, and temperature during all or parts of the year and is on Oregon DEQ's 303(d) list. The City of Corvallis is the Designated Management Agency required to develop a Total Maximum Daily Load (TMDL) plan to improve water quality in the river. The Willamette River is classified by the state as a Type F large river, meaning it is fish-bearing, used for domestic water, is wider than 20 feet and has an average annual flow of greater than ten cubic feet per second). The state recommends a minimum 100 foot buffer on each side of this type of stream to maintain water quality and fish and wildlife habitat (Statewide Planning Goal 6). If the City ignores the DEQ recommendations on the negative impact this proposed change may have on the water quality in the Willamette River, it is abdicating its responsibility as the Designated Management Agency. Statewide Planning Goal 15 states: The general WRG goal is to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the WRG." This LDC change will not help meet that goal.

3) **The additional text Evanite is proposing to insert into the LDC 3.30.30 (Exemptions) is an overarching exemption from review that would allow development to occur within the Willamette River Greenway without public hearings or review for compliance with the**

**LDC.** Their proposed language requests an exemption from Conditional Development approval for "any development activity occurring 200 feet west of the ordinary low water line of the Willamette River, and outside of the surrogate WRG boundary depicted on Figure 3.30X and on survey XXXX." Again, they are asking for specific LDC code changes specifically tailored to their single property. Any development in this area has the potential to impact the scenic views from Willamette Park, Pioneer Park, Downtown Corvallis and south Corvallis. Attachment L-3 in the text amendment proposal "Evanite LDC Text Amendment" shows an eight foot tall chain link fence 32 feet from the top of the bank and a 45 foot tall building ten feet away from the fence. This type of tall development this close to the river, if allowed along a major section of our city's core, will effectively cut us off from the river rather than foster a sense of connection and maintain or improve views of the Willamette for more of the community's residents, not just the select few who can afford a waterfront condo. This decision has the potential to have a major impact on the future form of our city. Do we want to channelize the Willamette River again with tall buildings, or do we want to maintain more green space and lower profile development close to the river, and build taller as we move further away?

4) **This parcel is now zoned as Mixed Use Transitional (MUT), which is intended to assist the transition from Industrial uses to less intensive non-industrial uses that are compatible with surrounding land uses.** This MUT zoning allows civic, commercial, residential, recreational, and limited industrial uses. One large surrounding land use is the Willamette River, used for recreation, scenic beauty, drinking water, and fish and wildlife habitat. Adjacent to this site is the confluence with the Marys River, which is believed to have been an important site for Native Americans who preceded us in this area. However, State Historic Preservation Office Dennis Griffith's letter states that no cultural resources inventory or survey has been done yet on this site, so how could we reasonably agree to exempt it from Conditional review? Also, David Dodson's December 2007 letter (**attachment K-2**) claims that an additional 22 apartment units could be built on this strip of land close to the river if the setback is reduced to 32 feet. This is not less intensive use, and it is not compatible with surrounding parkland, water quality, or scenic uses.

5) **The Corvallis Planning Department 1980 WRG Comp Plan Report (attachment J and O, approved by the Planning Commission and City Council in July and August 1980) states that the goal of the WRG is to "determine lands suitable or necessary for inclusion within the Willamette Greenway Boundary for their significance due to fish and wildlife habitat, water quality, flooding potential, natural and scenic areas, and impact on Pioneer Park, Willamette Park, and downtown… The Plan recognizes that one of the City's greatest potentials is a publicly owned and easily accessible waterfront."** It states that priority acquisition sites are those that help preserve and restore historic places and scenic and recreational land. Tearing down the defunct hardboard plant and eight other old industrial buildings on this site is a good step toward meeting this goal. The proposal to allow a twelve foot wide multi-use trail with a chain link fence ten feet away on one side and the top of bank 10 feet on the other side, bordered by a 45 foot tall building, is a big step away from meeting these goals. Reducing the building setback from 100 feet to either 32 or 42 feet will dramatically limit the potential for any parkland, recreational use, open space, flood amelioration for existing South Corvallis neighborhoods, or maintenance of a visual connection to the river.

The boundary is larger on this property because it is very near the confluence of the Marys and Willamette Rivers and is significant for most of the reasons listed. As the site transitions away from its recent strictly industrial use to more mixed uses, we need to maintain the potential to improve the visual connection to the river, improve the water quality of the river, and expand the recreational and scenic uses of this location on the river. Reducing the building setback and installing an eight foot tall chain link fence 32 feet from the top of bank destroys this potential connection to the waterfront and will negatively impact water quality. Yes, it would be nice to have a pathway along the river that connects south Corvallis and downtown, but this is too big a price to pay, and this is not the only way to acquire the path.

6) **There is no assurance that the City would even get the narrow fenced-off strip of trail.** Evanite attorney threatens "Evanite reserves the right to deny any Riverfront Trail access easement unless both of the pending applications are approved by City and State, including setback adjustments, demolition and construction permits…or if there are material changes or unacceptable conditions of approval imposed on either of the two applications." **(Attachment N).** It would be very unwise to make a Land Use Text change and exemption from review based on this unyielding threat, and presents another dangerous precedent to the City. City staff recommends maintaining a minimum of 42 feet, and that could result in Evanite getting their approvals with no trail access in return. Bowing to legal threats is not a good way to develop or enforce our code. Evanite could be a good community partner and maintain the existing boundaries as the land is redeveloped, and could use the more sensitive areas closer to the riverfront as community parkland, trails, and gathering spaces. These waterfront uses would enhance the value of any other residential, commercial, or industrial uses on areas further away from the water.

Sincerely,

Susan Morré
2775 SW Fairmont Drive
Corvallis, Oregon 97333

City of Corvallis Planning Commission
Sept 17, 2008
Evanite Willamettee River Greenway
Setbacks and Compatibility Review Area

RECEIVED

SEP 17 2008

Community Development
Planning Division

LDT08-00001

Dear Corvallis City Council,

I disagree with Evanite Fiber Corporation and Open Door Incorporated request to reduce Willamette River Greenway building setback from 100 feet from top of the bank to 32 feet from top of the bank, for all non industrial MUT and other accepted unreviewable by the public uses under MUT zone and current industrial uses.

This request could result in establishment of case law precedent which undermines State Land Use Goal 15 part F.3 based on elimination of LDC Chapter 3.132 MUT Zone Section 3.30.10 e. "Establish standards and requirements for the use of lands within the Willamette River /greenway in the City of Corvallis." and provide no public review of: Section 3.30.10 Purpose f. "Provide review of any intensification of Use, Change in Use, or development within the Greenway." Concurrent with the applicants forward of this request to Oregon Parks and Recreation Department to make up and create or otherwise develop guidelines for use of the WRG out from the 32 foot setback easement in the MUT zone.

Page 17 Attachment J-18. MUT zone requires 20 percent green space designation so this may be just the area of the 32 foot setback and bike path easement. City Parks and Recreation Plan fails to address this area and so use of this floodplain may result constant and constant repair and replacement of bike path and associated riparian landscaping and plantings from flooding.

Limited if any development review by the public for residential and commercial use, and all but five uses are permitted outright without public development review in the new MUT zone by the owners in exchange for any future easement/filled bike path development within the WRG, Section 3.30.30 Exceptions. A –O and P – Q.

For the WRG Policy 6.2.2

A- J. A. "Provide public access", … J. "Protect river bank stability in a manner that protects fish and wildlife habitat and riparian habitat."

This development application is not even dependant on the bike path easements establishment and donation but that it hinges/is supported from an

easement gift/virtual site land use trade in order to utilize more of the WRG in

WRG08-00001 River Trail Alignment and Building Demolitions
Willamette River Greenway Conditional Development.

Evanite will block off this easement until future notice and when it is developed into a bike path extensive fill and paving will occur along the Evanite ownership and to the north to dead end at the north east of the site. Fill and rip rap will need to be installed perhaps in the steep segments of this easement on Evanite property where the existing rip rap is failing or it is currently too steep, in the 100 year flood plain or is too physically narrow perhaps in the Evanite easement corridor abutting the existing and to be rebuilt pump house.

With the bike path easement ending to the ne in the deep and active Floodplain/oxbow/historic confluence of the Marys River and Mill Race Ditch area how will the City fund a new bike path based on fill in the active floodplain of the

Marys River and Willamette River? Will the City Public Works Dept be unable to develop this path based on the fact the Marys River and Willamette Rivers are both TMDL limited and the Marys River may support documentable fish passage for listed salmonid species to and up through the Oak Creek and Dunawi Creek drainages for which the City have corrected the first and possibly second sets of fish passage barriers in conjunction with NMFS and ESA requirements for trout spp, western pond turtle, eel species and ESA listed salmonids species to move into and up the Marys River, Greasy Creek and Muddy Creek/Rock Creek basins?

When the Evanite site floods from controlled nonnatural or natural uncontrolled with high output from reservoirs due to season rain fall extremes, how will the MUT zone be developed to protect the new uses from flooding? How much fill will be placed onsite and this fill will displace flood flow as noted in the FEMA? Flood plain map J-57.

For site development to MUT I assume Evanite Co will no longer use this site for battery separator development/industrial and so how will the sites buried TCE and other contaminants be mitigated when it is zoned for any or all uses under MUT zone? There is no development review under MUT for housing. What if the site is still contaminated by TCE and other buried or surface pollutants?

This site floods and out from the existing FEMA 100 year flood plain map show I assume as Attachment G2.

The highly protected Riparian corridor will be 100 percent impacted and that much development allowed in the MUT will displace that much more active 100 year floodplain area. City Parks will be responsible for mg. of this easement and repair and replacement of all bike path infrastructure after flooding.

The reason the WRG was overlain to the entire parcel was due to the sites location at the confluence of an undimmed and rather huge watershed drainage area, draining the entire supply of water from the Muddy, Greasy, Rock, Botkin and the massive Marys River watershed basin and it's subbasins to list only a few. This area is highly sensitive based on just these natural undammed river and creek systems needing to confluence here into a controlled/regulated dammed – non natural drainage of the Willamette River drainage/ditch corridor.

Will the new owners of this MUT zone be responsible for site mitigation of all toxic and hazardous materials on site and offsite across the Willamette River in the permitted liquid and insoluble production waste storage? We may never know as a public due to exemptions of the zones use to public review standards.

How many types of pollutants are onsite? Are they leaching currently to all the area waterbodies via watertables or rock/aggregate deposits below this site?

The geotechnical report fails to provide soil, and geomorphic data to show what is below this site and where fault lines are located in this area. Generally where rivers confluence there could be a weak point in this area's geology and so this weak point could be a drainage trending fault break area.

The site could be underlain by gravel deposits similar to the Knife River/Sen. Smith's family holdings across the Willamette River and so may be leaching toxic site contamination into the Marys: Willamette, local watertable(s) and Mill Race waterbodies but is unmonitored in DEQ site wells as of this date.

City WRG code and policy appears to be outdated as of acceptance by the City of Corvallis August 1980. Does the WRG policy need to be updated currently to reflect losses to the Greenway by natural erosion,

development exceptions and land use by the City for recreational and City Services utility development implementation (water extraction processes) since inception of this plan in 1980?

If this site is fully changed to all MUT zone and needs to be drained without site mitigation for buried and surface toxic materials and chemicals how will area water quality be protected from MUT use and drainage onto this parcel to which some areas have defined and spreading known an unknown plooms of TCE and other unidentified chemicals related to this parcels land use since the late 1940s? Will offsite stormdrainage from this sites use as MUT need to be contained onsite in holding ponds which are lined?

Does TCE vaporize to form a gas which could be collecting in onsite buildings and in the local airshed?

This site may host significant cultural resource potential in areas which have remained undisturbed since recent use in 1930's as the Marys, Muddy and Willamette greenway corridors provide 100's of thousands of years of use by local and regionally significant groups of Native Americans. Full site build out should take this highly culturally sensitive nature of this area into full and complete consideration on every/all excavation and trenching transgression including the unregulated utility companies trenching which is not evaluated under LDC both botanically or culturally by the City of Corvallis Public Works Dept. requirements under contract for purchase of these services.

Thanks,

R . Foster
1415 SW Brooklane Drive
Corvallis, Oregon 97333

## Richardson, Robert

**From:** Andy Gray [andyg@proaxis.com]
**Sent:** Tuesday, September 16, 2008 9:14 PM
**To:** Richardson, Robert
**Subject:** Evanite WRG testimony

Just in case the submission via the city website didn't get through:

Comments on Evanite Willamette River Greenway Setbacks and Compatibility Review Area (LDT08-00001)

September 15, 2008

While I think the city should seriously consider the proposed reduction of the 100-foot setback from top-of-bank for non-industrial buildings,
32 feet seems to be so small that few if any of the Greenway objectives would be met. The letter from Oregon DEQ about the current violations of water quality in the Willamette River and the importance of riparian vegetation is compelling. Especially when a proposed 12 foot multi-modal path is placed in this strip, the area of intact vegetation and uncompacted soil becomes small to nonexistent.

When combined with a potential building height of 45 feet, a 32 foot setback no longer has the aesthetic or function of a greenway or openspace but becomes an unappealing urban experience. Anyone who doubts this should visit the 24 foot setback behind the Holiday Inn Express.
There is no room for anything but a few shrubs and bark dust between the path and the building, and probably not enough light to grow much anyway. We should not settle for such cramped, forbidding spaces on our waterfront. Vancouver BC has inviting water-edge green spaces in the middle of a densely occupied city, why should we settle for less?

The staff recommends a 42 foot setback to provide greater opportunity for mature vegetation and trees on the lee side of a multi-modal path.
However, 20 feet between the path and a (potentially) tall building would still not be enough to accommodate a mature tree (a mature Douglas-fir, for example, can develop crown widths of 60 feet). However, the 43 foot setback could work if the maximum building height was reduced at the edge of the setback. (But that would probably require a separate process to modify the LDC?)

However, the landowner's request for reduced setbacks (and reduced Greenway width, which I see as having little actual impact) must be weighed against the real benefit of public access to the riverfront and the demolition of industrial buildings on the river's edge. Perhaps a setback of 50 feet would be a suitable compromise? In addition, there could be an option of reducing the setback in areas where there is at least 30 feet of vegetated land between top-of-bank and the ordinary low water line (i.e., the areas with gently-sloped banks).

Andrew Gray
955 SE Park Ave
Corvallis

**Bradford S. Whiting**
**Post Office Box 831**
**Corvallis, OR 97339**

Testimony for:

**Evanite Willamette River Greenway Setback (LDT08-00001)**

September 16, 2008

Dear Planning Commission Members;

Thank you for the opportunity to submit testimony by email regarding Evanite Willamette River Greenway Setback. As the owner of the industrial building located at 1555-1557 SE Crystal Lake Drive (12-5-02 D lots 500 & 600), I am intimately familiar with this neighborhood.

I support this application to change the setback from 100 ft to 32 ft for all non-industrial uses on both subject properties. This seems appropriate for property proposed for inclusion in an Urban Development District. This way the setback will be similar to the setback in the downtown area.

In addition I support exempting the property beyond 200 ft from the ordinary low water line from the need for a WRG Conditional Development Review. The 200 ft limit provides adequate protection for the area along the bank of the river.

Thank you for considering my testimony in your decision making process.

Sincerely your,

/signed/

Bradford S. Whiting
President of OEM, Inc.
1555 SE Crystal lake Drive
Corvallis, OR 97333-1201

submitted by email

Date: 17 Sep. 08;
To: Corvallis Planning Commission;
Re: LTD08-00001
From: Marilyn Koenitzer, 4240 SW Fairhaven Drive, Corvallis, Oregon 97333

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SEP 16 2008
Community Development
Planning Division

## REQUEST FOR CONTINUANCE

Because of missing documents, I request a continuance of the LDT08-00001 hearing.

List of missing documents:
1. The Staff Report mentions phone conversations with the Oregon Parks and Recreation Department regarding clarification of the Greenway rules. The city should provide written documentation of this conversation and should follow up this conversation with a letter. I assume the letter would be directed to Kathy Schutt, Oregon State Parks and Recreation Department.

2. Oregon Parks and Recreation Department State Archaeologist, Dennis Griffin, Ph.D., RPA recommends a cultural resource study of the area in question (LDT08-00001). He cites state laws ORS 398.905 and ORS 97.740 that protect archaeological sites and objects and human remains on state private and public lands. There was no archaeological report attached in the staff report. Was one done, or is the report missing?

3. Has the City sent a response letter to the DEQ letter to the City dated august 27, 2008? If so, please supply it.

4. Page 20 of 97 of LDT08-00008 Staff Report refers to StormWater Management Program Plan (SWMPP). The most current plan was not included in its entirely on the City's Web Site. Only the executive summary of the new Phase II SWMPP is included (submitted as required to DEQ on February 2007.) The Staff Report only makes reference to the 2003 SWMPP. The Staff Report should make specific provisions of the SWMPP that support compliance with SPG 5 and 6.

## GIFTS

Evanite received several gifts when it was given Mixed Use Transitional (MUT) zoning.
1. The zoning itself will allow Evanite to get more money for its property under the MUT zone than under the old heavy and light industrial zoning[1].

2. Because the MUT zone was implemented before Evanite's heavy industrial use ceased, Evanite was given a huge gift—permission to develop lesser uses while still operating two glass micro fiber manufacturing plants. It is important to remember that Evanite is allowed to emit 72 tons of particulate matter into the air every year—in the form of microscopic and highly respirable fiberglass particles[2]. These invisible emissions mainly flow to the northeast, however past effluent reports indicate that particulate contamination exists in all zones surrounding the fiberglass plants. I can find no other cases where residential, civic, and commercial uses are allowed on property where operating glass fiber manufacturing continues. Neither can I find cases where this type of zoning was implemented before DEQ clean up orders were completed--as is the case with Evanite's trichloroethylene (TCE) spills.

3. Evanite was also given a gift in that two or so years ago Planned Development (PD) overlays were removed due to pressure from developers. Under old rules, Evanite's MUT zone would most likely have had a PD overlay and the various tax lots would have been planned as a whole. Hearings were required for PD's as well, so the community would have been able to comment on Evanite's design plans. Now, however, there will be no PD overlay unless Evanite requests one, but will it? Now the only opportunity for the public to be informed of plans for development of

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[1] Exhibit 5: "Tribeca zoning change expected to enhance property values." DataCenter Information Services, 6/28/1995
[2] Exhibit 1: Email to Kent Daniels, 2/26/08

residential, civic, commercial, or office uses is through the Greenway Conditional Use Hearings. Remember that all uses in the MUT zone except residential and industrial are outright permitted uses (meaning they require no public hearings).

Evanite should take its gift with gratitude and not ask for lessening of the building setback boundaries or Greenway Conditional Use Hearing exemption. Evanite should gift a chemically uncontaminated easement for a bike path without any strings attached. Furthermore, since it is likely that the residential portion will be developed to RS-20 density, a park would be a huge amenity for the Evanite property as well as the whole community, Evanite could also gift to the city a portion of their land (clean of contaminants) in the floodplain near the confluence for a park that would extend our riverfront park system. It would also reflect the community's desire to protect the confluence of the rivers and the sensitive riparian area.

I realize that you are not voting on housing on the Evanite site at this time, but the Application and Staff Report discuss possibilities of building condominiums at the 32 or 42-foot line. If you grant the applicant's requests, the applicant will have more area to build upon, housing and industrial use will be built with less oversight than before, and other uses will have no oversight at all, when because of the nature of the existing environmental conditions at Evanite, more oversight is called for, rather than less.

## BACKGROUND

I am concerned that the Staff Report has not taken into account the ramifications of its recommendation of approval. Because of these ramifications, I am entering into the record background material that has not been discussed by the Staff Report or the Applicant. The material includes letters from the DEQ in response to my requests for information regarding environmental hazards, inspection, and clean-up issues at Evanite. The letters are dated July 11, 2007 (included in Exhibit 1), August 3, 2007, and April 14, 2008. At the time they were written, some of the letters were sent via email to the mayor and city council.

I wrote these letters because I have been concerned about pollution at Evanite since 1978. The first fiberglass plant was permitted to locate on downtown Evanite property in 1979. At that time, an Agreement dated May 9, 1979, was signed by the City and Evans Products. It gave the City responsibility to be informed of ambient air emission amounts and functionality of air scrubbing equipment at Evanite on a regular basis. In a letter dated June 17, 1988, answering a resident's question about the Agreement, DEQ's Fred Hansen wrote, "this obligation was still being fulfilled by the city." I ask now: Is this oversight obligation still in force? Which city department has responsibility for it?

My letters question DEQ and city responsibilities regarding land use actions in polluted zones. They also point out the complexities and ramifications of the pollution issues on the Evanite site, which have not been addressed by the Staff Report. The city has essentially put the burden of what to do about the pollution and contamination onto the DEQ, while the DEQ does not involve itself in land use cases. Because there seems to be neglect by the city in protecting its residents, I recently asked Bob Richardson and Ken Gibb how future development on the contaminated site would be linked to the pollution problem, but I have not gotten satisfactory replies. Mr. Richardson said perhaps it could be done at the building permit level. Mr. Gibb said he would discuss alternatives with his staff.

In a DEQ letter to me, April 14, 2008, the DEQ wrote:

> "Based upon current zoning rules, our goal is to clean up the site to residential standards. If this is not feasible, the final remedy may include deed restrictions on how the property is used. DEQ does not monitor land use decisions beyond taking current and likely future use into account in cleanup decisions and does not require notification of zoning changes."

In two phone conversations with DEQ personnel, I have been told that the city is unwise to allow residential zoning on this property, and they do not look favorably upon such a decision.

I am submitting these letters to you for the record because I want to make sure that you understand the seriousness of the pollution problems at Evanite. Because of these environmental problems, the development rules for Evanite should not be changed.

Please also find in Exhibit 4:

> "Findings of Fact" dated approximately Feb. 27, 1979. This document was "submitted by the City of Corvallis in support of it's appeal of the Benton county Building Official's decision to issue a permit to Evans Products for a building used for the manufacture and warehousing of fiberglass in a light industrial zone adjacent to the City of Corvallis."

This document relates one piece of history that will give you the City's position on this appeal.

**THE APPLICATION LDT08-00001 SHOULD BE DENIED FOR THE FOLLOWING REASONS:**

**1. NONCOMPLIANCE WITH DEQ RECOMMENDATIONS**

The city has not followed DEQ recommendations to have the setbacks remain at 100 feet. (see Attachment M-2 of Application LDT08-00001) The city's arguments are circuitous, relying on all their document titles to explain why 42 feet is acceptable, instead of explaining the city's argument in clear language with specific documentation so that readers of the staff reports (including court judges) can clearly follow the thread of city arguments.

Under the recommendation of the Staff Report, the city would violate its own Corvallis Comprehensive Plan environmental findings and policies by going against the DEQ recommendation to keep the setbacks at 100 feet. These findings and policies are not listed in the staff report, but I have listed them below.

*Finding 7.2.a*

*The citizens of Corvallis place a high value on the quality of life in this community and are committed to ensuring that this quality of life is maintained.*

*Finding 7.2.b*

*As a consequence of the value placed on maintaining the quality of life, the City is interested in ensuring that human activities of all types occur in an environmentally responsible manner.*

*Also, because of the value placed on maintaining quality of life, the City takes steps to ensure that new development occurs in a fashion that is sensitive to the environment and is compatible with abutting uses.*

> Here above, the City has a big gap in its thinking, because while it is obvious that new development will be compatible with itself within the MUT zone, and will be less intensive than the previous uses, new development is not compatible on the same land with continuing heavy industrial uses and with heavy industrial contamination.

*Finding 7.2.d*

*The City has adopted Environmental Protection Agency (EPA) and Department of Environmental Quality (DEQ) standards as the minimum acceptable criteria for environmental compliance. These standards have been found to be inadequate to meet community values in some areas. The community has at times considered adopting local environmental standards.*

**CP Policy 7.2.1**

**The City of Corvallis shall continue to comply with or exceed all applicable environmental standards and shall cooperate with State and Federal regulatory agencies in the identification and abatement of local environmental quality problems, including air, water, and noise pollution on an individual and cumulative basis, as per State and Federal regulations.**

The Staff Report has not included Finding 7.2.a, b, d and Policy 7.2.1, above, in its consideration of this application request. This is a significant set of findings and policy pertinent to your decision and pertinent to the letter of reply from the DEQ dated August 27, 2008. I am inserting an important segment of the letter here, because Attachment M is hard to find in the document.

The DEQ wrote:

> "DEQ recommends that the current Willamette river Greenway Overlay building setback requirements on the subject site of 100-foot setback/buffer protection from the top-of-bank be retained in order to meet water quality standards. . . . In order to meet Goal 6 water requirements, a 100-foot buffer would provide better shade and bank stabilization than the proposed 32 feet buffer."
>
> "the Willamette currently violates state water quality standards for dioxin, dissolved oxygen, bacteria, iron, manganese and mercury and temperature during all or some times of the year and is on Oregon DEQ's 303(d) list."

This 303(d) list is the national list of rivers that must be cleaned up. To meet requirements to get off the list, the City is the designated agency that is required to develop a Total Maximum Daily Load (TMDL) Implementation Plan. The letter mentions requirements the city must accomplish to meet or exceed standards for "Temperature, Sedimentation, Turbidity and/or Mercury or other Pollutants, and Stormwater and other Pollutants."

The Staff Report has not proven by its citing of various Management Plans and Reports in total that the city can improve the river water quality with reduced building setbacks.

Please refer to the actual copy of the letter, especially the section on Cleanup Program Requirements (for TCE) to fully understand the ramifications of relaxing Greenway area for Conditional Use Hearings beyond 200 feet. The Conditional Use Hearings offer the only oversight the city has for this highly polluted area.

Because of non-compliance with the DEQ letter of August 27, 2008 alone, this application should be denied. Furthermore, the information about the Cleanup Program Requirements should cause the city to rethink its recommendation to approve the relaxation of the Greenway Conditional Use hearings. These hearings are the only protection the city has at its disposal to consider development for the good of the whole community.

## 2. EXCEPTONS FOR ONE LANDOWNER

The city should not grant these significant exceptions for one landowner. This sets a bad precedent.

## 3. NO PROOF OF NEED, NO BURDEN OF PROOF MET

CP Policy 3.2.1

**State land use law requires that the burden of proof for any land use action is borne by the proponent of the change or development. In the case of amendments to the Comprehensive Plan, the applicant or proponent bears the burden of justifying a change in land use policies and designations.**

The applicant has not proven a need for removal of Greenway hearings or lessening of setbacks. The applicant has stated "wants," but not proven a need. The applicant is requesting changes to the Land Development code text. The text is the implementing document of the Comprehensive Plan. As such, the following CPP applies to this case. One example given by the Applicant for the necessity of exemption of Greenway Hearings is, in my opinion, an example of their bad corporate planning.

> "Roughly every two years Evanite upgrades one of their glass fiber lines. In 2005 one of the upgrades required a new power supply for a glass melter....When Evanite went to the City to obtain permits for

constructing the addition, they learned that because of the Willamette River Greenway Overlay (WRG), it would be subject to a two-month review and approval by the Planning Commission."

Because of inadequate scheduling of maintenance problems, Evanite claims to have endured $250,000 in extra cost. I would like to see cost sheets, bids, and memos for this claim. While I think it is excessive that a two-month period may have been involved, Evanite has lived under the Greenway Conditional Hearing rule since 1974 and has installed two fiberglass plants during that time. Evanite has not justified an economic need for the text amendment changes, either for their bad planning or for their need to build out farther than they have been able to for the past 100 years (with the exception of the pump house and the Hardboard Plant, which both needed river water to operate.)

**4. DOWNTOWN AND EVANITE PROPERTY NOT THE SAME**

On pages 76 to 83 of the Staff Report of LTD08-00001, Staff and Evanite have favorably compared the downtown with Evanite's property. They cite similar use designations and that because of these similarities, Evanite should have the same development rules and setbacks as those downtown. I could not find where the Staff Report noted the dissimilarities of the two areas. Because of the dissimilarities listed below by me, the staff and the applicant have not proven or shown the total justification for the requested changes and the application should be denied.

Dissimilarities between Evanite property and Downtown

1. The downtown does not have heavy industrial use requiring DEQ permits for air emissions, whereas Evanite does.
2. The downtown does not have Consent Order agreements with the DEQ to clean up thousands of gallons of toxic TCE spills, whereas Evanite does.
3. The developed part of downtown is not in the floodplain, whereas a large portion of Evanite's property is in the Riparian Corridor and Wetlands Partial Protection area of the 100 year floodplain and in the 100 year Floodplain Partial Protection Corridor (Map Ref. 120-foot Riparian Corridor for Willamette and Mary's Rivers except downtown; Map Ref. Natural Hazards)
4. The downtown does not have the Millrace running through it, whereas Evanite does.
5. Development along the Mary's river on the downtown side is minimal, a park at the confluence of the Mary's and Willamette which floods; whereas Evanite is allowed RS-20 on its property.
6. The appointed Riverfront Committee planned the riverfront along First Street. They did no planning for Evanite's river frontage.

Additionally, page 21 of 97, Conclusion on SPG 15, states that today's standards for protection for Natural Features and Natural Hazards are better than those used in 1974, when the Greenway Overlay was applied. The Staff Report fails, however, to acknowledge the deleterious effects of Minimum Assured Development Area (MADA), which allows up to 2/3rds of sensitive areas to be developed. Today's standards do not adequately protect our natural features.

**5. BECAUSE OF THE NATURE OF THE EXISTING ENVIRONMENTAL CONDITIONS AT EVANITE, MORE OVERSIGHT IS CALLED FOR, RATHER THAN LESS. (see BACKGROUND, above)**

**Corvallis can do better, and so can Evanite.**

**EXHIBIT LIST**

Exhibit 1: Email to Kent Daniels, 2/26/08
Exhibit 2: email from Marilyn Koenitzer to Claudia Davis of DEQ; reply from Angie Obery, DEQ
Exhibit 3: letter dated April14, 2008 from Seth Sadofsky of DEQ in reply to email query by M. Koenitzer
Exhibit 4: Letter "Findings of Fact" dated approximately Feb. 27, 1979 from City of Corvallis to Benton County
Exhibit 5: "Tribeca zoning change expected to enhance property values." DataCenter Information Services, 6/28/95

Exhibit 1: Email to Kent Daniels
2/26/08
from Marilyn Koenitzer

Subject: Evanite Emissions

Kent,

Please share the following information with your board members on the Parks and Open Space Committee. This summary of Evanite's emissions for 2006 was sent to me in July of 2007 as a courtesy from Claudia Davis of the DEQ Air Quality office in Salem. There is no evidence that Evanite's fiberglass emissions have changed since that date.

X-Originating-IP: [159.121.9.50]
Subject: Evanite Air Emissions
Date: Wed, 11 Jul 2007 13:35:34 -0700
Thread-Topic: Evanite Air Emissions
Thread-Index: AcfD+weWUrJgTHbSTCCyjFZ3FK5iTg==
From: "DAVIS Claudia" <DAVIS.Claudia@deq.state.or.us>
To: <marwilko@comcast.net>

Marilyn,

As we discussed earlier today, Evanite Fiber Corporation was issued a Standard Air Contaminant Discharge Permit on April 12, 2004. The permit allows Evanite to discharge 72 tons/year of particulate matter (PM), 50 tons/year of particulate matter that is 10 microns or less in size (PM10) , 39 tons/year of sulfur dioxide (SO2), 98 tons/year of nitrogen oxides (NOx), 99 tons/year of carbon monoxide (CO), 39 tons/year of volatile organic compounds (VOC), and 2 tons/year of fluorides. According to the annual report submitted on February 20, 2007, the facility emitted 19 tons of PM, 13 tons of PM10, 0.59 tons of SO2, 34.8 tons of NOx, 29.2 tons/year of CO, 1.9 tons of VOC, and 0.59 tons of fluorides in 2006.

Please feel free to contact me if you have any further questions.

Sincerely,
Claudia Davis
Western Region-Salem Office
503-378-5070

I am providing this information to clarify the information spoken by the Evanite representative, Dan Callum at your Parks and Open Space meeting last Thursday evening, January 21, 2008. Dan said there was only water vapor coming from the stacks of the fiberglass plants.
No one at the meeting you were chairing challenged the assertion that only water vapor was coming out. Last night, at the CIAC Evanite presentation at Lincoln School, he made the statement again and I challenged him with the above figures of PM and PM10, and he had to acknowledge the fact that Particulate Matter in the form of highly respirable fiberglass currently is discharged from the fiberglass stacks.

I am sure you can understand why many residents are suspicious of changes Evanite wants to make. I have access to voluminous files of Evanite's dealings with the city and the county if you wish to review these records for yourself.

Marilyn Koenitzer
754-0656

Exhibit 2: email to Cludia Davis of DEQ; reply from Angie Obery, DEQ
X-Originating-IP: [159.121.9.50]
Subject: RE: Evanite
Date: Fri, 3 Aug 2007 08:58:22 -0700
Thread-Topic: Evanite
Thread-Index: AcfPqdieG/lmlnqwRvCSpm2AUouiFgGPJYSQ
From: "OBERY Angie" <OBERY.Angie@deq.state.or.us>
To: "Marilyn Koenitzer" <marwilko@comcast.net>,
"DAVIS Claudia" <DAVIS.Claudia@deq.state.or.us>
Cc: "Robert Richardson" <Robert.Richardson@ci.corvallis.or.us>,
<ward1@council.ci.corvallis.or.us>,
<ward2@council.ci.corvallis.or.us>
<ward3@council.ci.corvallis.or.us>,
<ward4@council.ci.corvallis.or.us>,
<ward5@council.ci.corvallis.or.us>,
<ward6@council.ci.corvallis.or.us>,
<ward7@council.ci.corvallis.or.us>,
<ward8@council.ci.corvallis.or.us>,
<ward9@council.ci.corvallis.or.us>,
<mayor@council.ci.corvallis.or.us>,
"Doyle, Jay" <Jay.Doyle@evanite.com>,
"AITKEN Greg" <Greg.Aitken@state.or.us>,
"SADOFSKY Seth" <Seth.Sadofs@state.or.us>,
"ROSENBERG Max" <Max.Rosenberg@state.or.us>,
"OBERY Angie" <Angie.Obery@state.or.us>

Hi Marilyn,

Thanks for your inquiry regarding Evanite. I understand that you are interested in knowing more about the steps DEQ is taking to ensure the health and safety of those folks potentially impacted by environmental contamination at the Evanite Fiber facility in Corvallis. Below I have tried to answer each of your questions separately.

*What is the process for DEQ to test the soil around and under the Hardboard plant for chemical contaminants (from plant operations and air discharge)? Has the DEQ tested the Hardboard plant area?*

First, only in special cases typically involving abandoned properties does DEQ do the testing required for cleanup decisions. In most cases, the company that had the release is responsible for hiring an environmental consultant who samples and sends the results to a laboratory for analysis. This is the case for Evanite. We consider results that are reported by Evanite's consultants to be of the same high quality that we have at our cleanup sites across the state. At Evanite, as with most of our cleanup sites across the state, we typically review and approve sampling plans prior to sample collection to ensure the proper selection of methods, locations, and handling procedures.

To DEQ's knowledge, soils around the hardboard plant at Evanite have not been tested. Unless we feel that there is an imminent threat to human health or the environment, we typically do not ***require*** testing at facilities in the absence of evidence indicating a hazardous substance release. We have not been provided with any information that would raise our level of concern for the Hardboard plant at this time.
So unless Evanite requests a No Further Action determination for the Hardboard plant, DEQ is unlikely to require soil testing.

It is the responsibility of the any future buyer to pursue due diligence on possible contamination and the associated liability of owning contaminated property. Since industrial activities occurred on the Hardboard property, it would be prudent for a prospective purchaser to have a Phase I Environmental Assessment prior to any acquisition. Typically, parties considering acquisition of commercial or industrial property hire a qualified environmental consulting firm to conduct the Phase I Environmental Assessment. DEQ would not be a party to this work unless a No Further Action determination was requested by Evanite or a prospective buyer.

Exhibit 2: page two submitted by Marilyn Kvernitzer

The DEQ's Cleanup Program is overseeing environmental investigations and remedial actions related to a trichloroethene (TCE) spill under and near the Submicro building. We are unclear on the exact amount of TCE that spilled in this area, but it is suspected to be in the low thousands of gallons range (1,500-3,000 gallons). Areas of concern are shown in the attached figures. Figure 2-25 shows the extent of the soil contamination related to the release of the TCE spill. As you can see, soil contamination is limited to areas near or under the Submicro Building. Figure 2-26 shows the extent of the groundwater plume related to the release of the TCE spill and takes into account groundwater migration in the future. Looking at these figures, you can see that low levels of TCE have been detected under the hardboard plant. The cleanup requirements established by DEQ for Evanite are limited to the TCE spill at the Submicro building and areas where the TCE has impacted or will likely impact in the future. We have not evaluated the Evanite property for other potential releases of hazardous substances.

*Several buildings on the Evanite site are for sale. I presume they are the old Battery Separator and SubMicro plants, which may require testing for contaminants. What are your thoughts on this issue?*

We are aware that the SubMicro building has been on the market but are not aware of Evanite's plans for the Battery Separator plant (currently used for Glass Fiber manufacturing) at this time. As stated previously, we are working with Evanite to identify the long-term remedy for the cleanup of the TCE spill around these buildings. Evanite is legally bound by DEQ to continue the cleanup of past releases of TCE and related natural degradation compounds at Evanite, and to continue to develop, evaluate, and select appropriate cleanup measures that meet Oregon's cleanup rules and regulations. A Consent Order between DEQ and Evanite was issued in 2001 with an addendum issued in 2006. This order is binding on all parties and their respective successors, agents, and assigns. No change in ownership or corporate or partnership status relating to the facility shall in any way alter Evanite's obligations under this order, unless otherwise approved in writing by DEQ. Evanite shall notify and provide a copy of the Consent Order to any prospective successor, purchaser, lessee, assignee, or mortgagee of the facility during the term of the Consent Order.

*Has the soil around these plants and the soil adjacent to the river been tested for anything other than TCE?*

As stated previously, our investigation at Evanite is limited to the spill of TCE around the Submicro Building. It also includes the breakdown products of TCE as it degrades naturally.

I hope that I've managed to answer your questions. I recognize that the Evanite cleanup project has a long, complicated history that isn't easy to understand. Please don't hesitate to call me at your convenience for clarification or if you have any other questions about the Evanite site. You might also want to review the substantial project file that we maintain for the Evanite project. Please call DEQ's Eugene office (541-686-7838) to schedule a file review if you would like to review specific project documents.

Please note that I am currently phasing out of managing this project, since I will be leaving DEQ at the end of August. Between now and Aug. 31st, I will be transitioning the DEQ project management duties for this project to Seth Sadofsky, another Cleanup Program project manager. Seth is also located in Eugene and can be reached at 541-687-7329.

Angie Obery
Oregon DEQ
Western Region Office
1102 Lincoln St., Suite 210
Eugene, OR 97401

Ph: 541-687-7464
Fax: 541-686-7551

Oregon
Theodore Kulongoski, Governor

**Department of Environmental Quality**
**Western Region Eugene Office**
1102 Lincoln Street, Suite 210
Eugene, OR 97401
(541) 686-7838
FAX (541) 686-7551
TTY (541) 687-5603

Exhibit 3

April 14, 2008

Marilyn Koenitzer
4240 SW Fairhaven Drive
Corvallis, Oregon 97333

Re: Evanite Fiber Corporation
ECSI #40

Dear Ms Koenitzer:

Thank you for your interest in the environmental cleanup underway at the Evanite Fiber Corporation site in Corvallis. As you are aware there is significant soil and groundwater contamination of trichloroethylene (TCE) at the Evanite site. Evanite is working to clean up this contamination under DEQ oversight. This cleanup began with investigation in the mid-1980s, followed by implementation of a groundwater containment system (under EPA supervision). Currently we are investigating more effective methods to reduce the contamination. DEQ is committed to ensuring that Evanite implements a final cleanup that protects future users of this property, neighboring residents, and the Willamette River.

Your email on March 6th contained several specific questions to me and the air quality program. I have combined your questions into a numbered list below and composed answers in consultation with the air quality program. You ask:

*"1. At what time in the land use process should DEQ receive notification about land use changes on properties such as Evanite?*
*2. Does DEQ take any responsibility for notifying concerned citizens about DEQ activity on industrial sites?*
*3. Are prospective developers notified of current industrial pollution, potential toxicity, and/or remedial cleanup orders on available properties?*
*4. Are Evanite "No Further Action" documents for any of its closed operations --Hardboard, Submicro or Battery Separation Divisions on file?*
*5. Does DEQ have concerns about residential development on property containing toxic cleanup sites?"*
*6. Does DEQ have concerns about the siting of residential development on the same property with two fiberglass plants with Title 5 permits?*
*7. Does DEQ have concerns about the siting of a bike path adjacent to the Willamette River near Evanite fiberglass stacks?"*

1 – Based on current zoning rules, our goal is to clean up the site to residential standards. If this is not feasible, the final remedy may include deed restrictions on how the property is used. DEQ does not monitor municipal land use decisions beyond taking current and likely future use into account in cleanup decisions and does not require notification of zoning changes.

2 – DEQ uses several methods to keep the public informed about cleanup work at sites like Evanite. We use news releases and advertisements to let the public know about the different stages of cleanup. Additional public outreach, such as phone calls or meetings, may be conducted when there is public interest in the site. It is likely that we will be undertaking additional outreach regarding this site in the future. DEQ also maintains an internet page for this project (http://www.deq.state.or.us/lq/cu/wr/Evanite/index.htm) which I will be working to update soon. Please do not hesitate to contact me with questions at any time.

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APR 16 2008
DEQ-SALEM OFFICE

Exhibit 3, PAGE 2



3 – Prospective developers normally undertake some environmental investigation of an area before beginning development. While we have no formal procedure to notify potential developers, our open records and publicly accessible databases provide much needed information.

4 – The DEQ cleanup program has not prepared any no further action (NFA) documents for any part of this site, generally we prefer to evaluate a site as a whole and prepare partial NFA documents on parts of the site only when property is being subdivided. Currently our focus is the TCE contamination associated with the former battery separator plant, also known as the submicro building. We do not know of any soil or groundwater contamination associated with the hardboard plant, though any demolition or reuse of the plant should take appropriate precautions.

5 – We hope that the clean up of this site will be successful enough that we will have no reservations about residential use when it is completed. Our concern is that through whatever combination of cleanup activities, engineering controls, and institutional controls is most appropriate we prevent toxic materials from causing unacceptable risks to human health or the environment.

6 – The Corvallis area, including the Evanite industrial complex is designated as being in attainment with the National Ambient Air Quality Standards for all criteria pollutants. The primary purpose of these standards is to protect public health with an adequate margin of safety, including sensitive populations such as asthmatics, children, and the elderly. Secondary standards protect public welfare, including protection against decreased visibility, and damage to animals, crops, vegetation, and buildings.

7 – The federal Environmental Protection Agency (EPA) has classified six air pollutants (carbon monoxide, lead, nitrogen oxides, ozone, sulfur dioxide, and particulate matter) as criteria air pollutants. These pollutants are commonly found in the environment, but may be detrimental to human health and welfare at elevated concentrations. For each criteria pollutant, EPA may set both primary and secondary standards for the ambient air. The purpose of the primary standard is to protect public health with an adequate margin of safety, including sensitive populations, such as asthmatics, children, and the elderly. Secondary standards protect public welfare, including protection against decreased visibility, and damage to animals, crops, vegetation, and buildings. These ambient standards are known collectively as the National Ambient Air Quality Standards (NAAQS). The Corvallis area, including the Evanite industrial complex is designated as being in attainment with the NAAQS for all criteria pollutants. We have no reason to believe that users of a bicycle path would be more sensitive than any of these other populations.

Thank you for your interest in this site, and feel free to contact me with any additional questions. Questions specific to the air quality permitting aspect of the site can be addressed to Jim Boylan at the DEQ office in Salem (503-378-5034).

Sincerely,

Seth Sadofsky
Western Region Cleanup Program

Cc: Paul S. (Max) Rosenberg, DEQ Eugene
Cheryll Hutchens-Woods, DEQ Salem
Jim Boylan, DEQ Salem
Jay Doyle, Evanite Fiber Corporation
Bob Richardson, City of Corvallis Planning Department

EX C

EXHIBIT 4, SUBMITTED BY M. KDENITTER, 3 PAGES

FINDINGS OF FACT

The following findings of fact are submitted by the City of Corvallis in support of its appeal of the Benton County Building Official's decision to issue a permit to Evans Products for a building used for the manufacture and warehousing of fiberglass in a light industrial zone adjacent to the City of Corvallis.

## Background

In early March or April of 1978, representatives of Evans Products Company contacted the Benton County Public Works Department to inquire about obtaining a fill permit for the sand and gravel site on Crystal Lake Drive. Evans Products represented that the site would be used for a warehouse, which would be constructed at a later time. On May 17, 1978, Evans Products submitted an application for a site work permit, which did not disclose the proposed use to which a building would be put. The county's public works department warned Evans Products that the expense would be wasted if the future building use did not comply with the zoning regulations. A building permit was applied for on June 12, 1978, which proposed that the strucuture be used "for the manufacturing and warehousing of glass fiber." Evans Products represented that an electric furnace would be used to melt glass globules which had been prepared at another site and then spun into glass fibers. It was determined that this was a permitted use within the light industrial zone as it was a "manufacture...from previously prepared materials: such as glass." The building official approved the building permit on June 26, 1978 with the understanding that the Department of Environmental Quality was the agency exclusively responsible for determining whether the use constituted a danger to the public health, safety, convenience or general welfare or created a nuisance because of odor, noise, dust, smoke or gas. On January 18, 1979, a joint public hearing was held by Benton County and the City of Corvallis to consider the Evans Products request for discharge permits from the Department of Environmental Quality. At this point the building official learned that Evans Products had changed their plans in regard to the actual procedure of manufacturing the glass product. At that meeting, Evans Products announced that they would be bringing in specially prepared and refined silica sand to be melted into glass and then spun into the glass fibers at the Crystal Lake plant. The building official then determined in a letter to the Board of Commissioners dated January 22, 1979, that the proposed use by Evans Products would be permitted under the zoning ordinance as a "manufacturer...of ceramic products." The City Council of Corvallis learned the full use to which the Evans Products building was to be put at the public hearing on January 18, 1979 and

decided to appeal the decision of the building official issuing the permit. The Benton County Planning Commission accepted the appeal for a hearing at their regular public meeting held on February 27, 1979.

## Applicable Legal Standards

1. Building permits shall not be issued by a municipality for uses which violate the underlying zoning or comprehensive plan of the area in question. Baker v. City of Milwaukie, and Uniform Building Code, Section 302(a).

2. The Evans Products site is in a light industrial district (M-1), which permits any of the following uses provided that such use or operation does not endanger public health, safety, convenience, general welfare or create a nuisance because of odor, noise, dust, smoke or gas:

a. Manufacture, repair or storage of articles from the following listed, previously prepared materials: ...glass ...or

b. Manufacture, repair or storage of ceramic products.

## Findings of Fact

1. The level of emissions for tiny glass particles constitutes a potential danger to the public health and safety of the employees of the plant and of the people who live in close proximity to the site in that experiments have shown abnormal lung ailments among persons who come in close contact with a persistent amount of fiberglass particles over time.

2. The proposed use of the property for the manufacture of fiberglass constitutes a nuisance to the surrounding neighborhood properties and their owners in that:

a. The level of noise currently generated at the Crystal Lake site violates the standards found in the Oregon Administrative Rules promulgated by the Department of Environmental Quality for industrial uses adjacent or proximate to residential property and the addition of a fiberglass plant similar to the one currently operating at Lewisburg will exacerbate the noise levels already interfering with the reasonable and normal uses of the property of the people who live in the surrounding neighborhood.

b. Particles of glass fiber dust which are a necessary result of normal fiberglass manufacture will, when combined with the existing level of dust from the operations currently undertaken on the site, adversely affect the ability of the surrounding neighbors to make a reasonable and normal use of their property.

3. The elements used in the production of glass fiber are not "previously prepared materials" in that Evans Products proposes to employ high grade silica sand, borax and soda ash, all of which are not previously prepared materials listed in the zoning ordinance.

4. Glass fiber is not a ceramic product within the meaning of the zoning ordinance in that when the word ceramic was included in the model ordinance which was subsequently adopted by this County, the meaning referred to those products which are commonly, as opposed to scientifically, understood to be ceramics, i.e. earthenware, pottery, bricks and porcelain. This interpretation is supported by the context of the paragraph in which the word "ceramic" appears. The ordinance allows the manufacture of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or precision instruments, etc., none of which are likely to adversely impact on surrounding neighborhood uses.

5. The expert testimony of Tom Coffee, Corvallis Planning Director, supports the proposition that the manufacturing of fiberglass is not a permitted use in the M-1 zoning district.

## Conclusions of Law

Based on the above-adopted findings of fact, the manufacturing of fiberglass is not a permitted use in the County's M-1 zone.

EXHIBIT 5: SUBMITTED BY M. KOENITZER

**DataCenter Information Services**
**464 19th Street, Oakland, CA 94612**
**tele:510/835-4692 fax:510/835-3017**

Copyright 1995 Information Access Company, a Thomson Corporation Company
ASAP
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Real Estate Weekly

June 28, 1995
SECTION: Vol. 41 ; No. 44 ; Pg. 9

LENGTH: 479 words

HEADLINE: Tribeca zoning change expected to enhance property values; Tribeca Historical District

BODY:

The Tribeca zoning change currently before the City Council and expected to be passed by mid-Summer will add a minimum of $ 100 million in value to the property in the Tribeca Historical District, according to The Halstead Property Company, one of the most active brokerage firms in the area. In addition, the change is expected to add at least $ 5 million a year to the real estate taxes the city collects.

The zoning change now before the city council proposes that the area bounded by N. Moore Street, Chambers Street, Broadway and Greenwich Street, currently designated M1 (light manufacturing), be rezoned as C1 (commercial with retail or "live/work" allowed on first two floors). Under current zoning, retailing and all live/work uses, including art studios, are generally prohibited on the first two floors. The Community Board, Planning Commission and Landmarks Commission have all approved the zoning change, which only needs City Council approval to become effective.

There are approximately 80 buildings which will be effected by the zoning change. At least 50 percent of these currently have vacant ground and/or second floors because there are no tenants interested in renting who conform to the allowed use. Under the new zoning, a great rush of new retail and restaurant businesses will likely open in the area.

"There are plenty of businesses and individuals that are eager to rent space in the Tribeca Historical District," said Michael Goldenberg, director of sales at Halstead's Downtown office. "But they're not the light manufacturing and printing companies that historically inhabited this district. The zoning is simply now catching up to the economic reality of the area. Not only will the building owners and the businesses that are able to open benefit, but the city will as well. You can collect a lot more taxes on productive property than on vacant property."

Goldenberg notes that the value of all property in the re-zoned area will certainly increase with the new, more economically viable permitted uses. But it is the buildings with vacant first and second floors that will most immediately benefit. His calculation of a $ 100 million increase in value of property is based on the new uses allowable in these properties as compared with similar C1-zoned areas Downtown.

"Retail and live/work are the two uses for which there is the most demand in Tribeca," summed up Goldenberg. "It simply doesn't make any sense to continue a zoning for which there aren't any qualifying tenants. This is a smart step by the city to encourage the economic growth Downtown and lock in for the city a much-needed revenue stream."

Not only will the city derive benefit from the increased real estate taxes, it also expects to see increased sales tax, corporation tax and meal tax, in addition to the creation of construction and other jobs.

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SEP 15 2008

Community Development
Planning Division

September 15, 2008

TO: Members of the City of Corvallis Planning Commission

FROM: Liz Frenkel
4954 SW Hollyhock Circle
(541) 754-6790
lizbobfrenkel@proaxis.com

RE: LDC08-00001

A. Text Amendment to Section 3.30.50.f and Table 3.30-1: Reduce WRG building setback from 100' from top-of-bank to 32' for all non-industrial uses.

I object to the proposed Text Amendments to the Corvallis Land Development Code: Chapter 3.30.50.f Greenway Setback and to Table 3.30-1 Minimum Setbacks.

1. The setback, as prescribed in the Code, governs Evanite property. Reducing this setback from 100' to 32' would provides an extremely narrow corridor for a trail, as yet not designed or engineered trail; a trail which, even with the proposed change in setback, would require an easement or dedication or gift of land to become a reality; a trail which, according to other requests to the City by the owner requires demolition of existing building. There are no findings that indicate that the setback would decrease "intensification" of Use, or even change Use", both of which are objectives in Section 3.30.10(f) of the Willamette Greenway Overlay. One can assume that the request for demolition of existing buildings equates to the underlying property having no future industrial use. As to "linkage", if a trail were eventually constructed, linkage would remain the same; public access along the Willamette River would not be changed 3.30.10(g).

2. The arguments by the applicant regarding similarity to the downtown area forget history. This area was annexed well after the development of the downtown area. Reducing the setbacks for more space is not a fit with Goal 15 that establishes the setback line "to keep structures separated from the river in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River." Nor does the proposed reduction appear to be compatible with "potential location of a multi-use trail" or with it's associated 8 ft. chain fence.

3. These purposes of the WRG Overlay have been approved and should not be changed for one owner, one site.

4. It seems to me that all of the arguments that Staff produces for increasing the setback from 32' to 42' are identical to the arguments for maintaining the full 100'. The loss to the Greenway through reduction in setback does not appear to be necessary. A loss to the Greenway area requires considerably more justification than appears in this application.

B. Text Amendment to the Corvallis Land Development Code: Section 3.30.30

I object to the proposed Tex Amendment of the Corvallis Land Development Code (Section 3.30.30) that adds a new exemption for the site that precludes WRG Overlay

Conditional Review process for all portions of the site further than 200' from ordinary low water line of the Willamette.

1. My major objection is to the loss of the public review (Staff Report p. 41). Because the public is dealing with considerable unknowns (will there actually be a need for a setback and what is the extent of potential liability for contamination should the public become responsible), any loss of public review is unacceptable. While I applaud the intent of the change in the MUT zoning, I do not accept that dense housing or high rise developments do not constitute concern and require public review as new intensifying uses. To add to this, Statewide Planning Goal 15 is a basic cknowledgement that the Willamette River Corridor is important to the state as well as Corvallis and deserves our utmost commitment to its protection. The role of the public is significant.

Thank you for this opportunity to comment.

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SEP 15 2008

Community Development
Planning Division

September 12, 2008 955 SE Park Corvallis, OR 97333

Testimony Regarding Evanite's Two Requests for the September 17, 2008 Planning Commission

To the Planning Commission,

As a lifelong bike commuter and SE Corvallis homeowner, I *should* be very happy that Evanite is offering an easement for a bike path. However, part of Evanite's application raises concerns, enough to possibly turn down an immediate opportunity for the bike path, because I think a bike path will eventually be installed. Forgive me if I don't understand the report, but it seems Evanite and Cornerstone request:

- Setback reductions
- Exemptions from WRG processes
- Exemptions from Corvallis Land Development Codes
- Exemptions from some public process regarding development

**Regarding setbacks, three points; consider pedestrian-bike paths wider than 12 feet, nodes for river viewing, and be cautious about how setback changes may dramatically increase land value with unintended consequences.**

**Wider transit strips**: It might be better to have the 12 foot multi-modal path, plus an additional strip for a parallel dirt or gravel path that would be established when the area is developed. Congestion is likely if a 12-foot path is the only route through the Evanite area. From Goodnight north to Fisher Lane, there are at least two and sometimes three natural surface trails that parallel the multi modal path. The total set of trails are used by fast bike commuters, runners, dog walkers, slow walkers, and small children.

**River view nodes**: If there are view areas, people will linger, so consider planning nodes where people can stop for the view (without creating bike traffic hazards). Hopefully a tour of the area is planned or completed, even though pictures, charts, and data attachments are very helpful.

**Setbacks and land value**: I think Evanite seeks setback adjustments to accommodate more development on land that has recently been re-zoned as mixed use. If the buildable footprint is increased, the land should sell for a much higher price, which may limit the number of developers who can afford to purchase it. My concern is that if the land is too expensive, then only "high-end" development can occur on it, in order to regain a developer's investment. This would limit options for future development. Since there are concerns related to toxic hazards associated with the property, I hope you will consider the long range view of these decisions as they relate to future clean up issues vis a vis development.

**Regarding exemptions: please don't have any exemptions to public process, to the WRG, or to the Corvallis LDCs**. It seems Evanite is asking for amendments to the LDC, yet these codes should apply to all developments—that's why the codes were planned, adopted, and tested in court. It also seems that Evanite seeks reduced public process on future developments, but there seems to be suspicion among some neighbors about past pollution, recent pollution (alleged well contamination associated with the Cornerstone redevelopment), and future cleanup issues. If there is less public process, I worry that people might pursue private process and private monitoring, which will result in conflicts. If I have misconceptions about Evanite's request, I'm sure the Planning Commission will clarify at the hearing.

I am glad that there are experienced, caring, and committed people of the Planning Commission and Council. City staff are also highly talented. Thank you for the opportunity to comment.

Sue Hirsch 758-0135

Community Development
**Planning Division**
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Corvallis, OR 97339-1083
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FAX: (541) 754-1792
Planning@ci.corvallis.or.us

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

To: Planning Commission

From: Bob Richardson, Associate Planner RAR

Date: September 24, 2008

Subject: Written Testimony regarding Evanite WRG Setback and Compatibility Review Area (LDT08-00001)

Enclosed with this memo is written testimony received after the Public Hearing on LDT08-00001 was opened on September 17, 2008, and before 5:00 PM on September 24, 2008, the day the Hearing will be resumed. Also included is an email from Amanda Punton, DLCD, addressing perceived conflicts between previous DLCD and DEQ written comments regarding the above application.

Richardson, Robert

**From:** Amanda Punton [Amanda.Punton@state.or.us]
**Sent:** Wednesday, September 24, 2008 3:03 PM
**To:** Richardson, Robert
**Cc:** Rob Hallyburton; Donald R Yon
**Subject:** Clarification of previous comments
**Attachments:** Amanda Punton.vcf

Bob,
Below I have tried to describe the interface between state land use regulations and the DEQ water quality concerns and requirements described in Don Yon's comment letter dated August 27, 2008. I hope this helps the city understand where and how state law applies to the proposed plan amendments. Don has reviewed the explanation below and has stated that it looks good to him. If you would like further confirmation from him you should contact him via email since he is working from home today. I have ccd him on this email.

**Goal 15, Willamette River Greenway** – The creation of the Willamette Greenway and implementation of the Goal have several different components. Corvallis has responsibility for some of these. They must manage land within the Greenway in a manner that is consistent with the goal. Chapter 3.30 of the Corvallis Land Development Code (LDC) has been found to adequately implement the goal with regard to new and re-development. Goal 15 provides some flexibility, so it is possible for the city to change Chapter 3.30 and still be in compliance with the Goal. The current post acknowledgement plan amendment (PAPA) review process is intended to evaluate the proposed changes with respect to Goal 15.

**Other Land Use Goals** – In reviewing a proposed plan amendment, findings must also be made on whether the change is consistent with the other Statewide Land Use Goals. This does not usually mean that a city's implementation of another goal can be called into question. If the city's plan has been found to adequately implement a goal, through either an acknowledgement or PAPA process, than compliance with the local plan and code is the same as being compliant with the goal.

> **Goal 5** – Corvallis has riparian protection standards that were adopted in 2006 and found to be compliant with Goal 5. If demolition of buildings and the placement of a bike path are allowed by the city's riparian protection code, these actions are consistent with Goal 5. The proposed plan amendment to change the Greenway setback line and the Greenway review boundary is not a development proposal. Chapter 3.30 of the Corvallis LDC, The Greenway Overlay, brings additional review criteria to bear on development in the area, but it does not negate or conflict with existing riparian protection requirements. Although it is appropriate to consider how redevelopment along the river could impact riparian functions, this issue is better addressed by the Greenway compatibility review criteria (See bullet for Corvallis LDC Chapter 3.30 below).

1. **Goal 6** – There is no state rule that specifies how Goal 6 should be met. At a minimum Goal 6 requires that local governments comply with state and federal environmental laws that regulate discharge of pollutants. Goal 6 also gives consideration of environmental impacts a place at the table for all land use decisions and long range planning efforts. Local comprehensive plans are evaluated for compliance with Goal 6 at the time of periodic review, and during a PAPA process when comprehensive plan or code components adopted to implement Goal 6 are changed. (No

changes to the city's Goal 6 implementation are proposed in this PAPA.) The proposed amendments to the comprehensive plan and development code will be consistent with Goal 6 if they meet the current requirements of the city's comprehensive plan and code. The city likely has plan policies that speak to meeting water quality standards and may have policies specific to a TMDL. If the city has a comprehensive plan policy that says something like, "the city shall meet water quality standards," the threshold for compliance with water quality standards still need to come from DEQ. The next step for compliance with the DEQ's TMDL order mentioned in the DEQ letter is development and approval of the Corvallis TMDL Implementation Plan. Although that process can inform the decision on the proposed amendment, there does not appear to be any requirement at this point for a 100 foot vegetated riparian buffer to protect water quality. Thus, Goal 6 does not require such a buffer.

**Corvallis Land Development Code Chapter 3.30** – There are two changes being proposed to chapter 3.30. The proposed change to the Greenway setback line will not effect the riparian protection requirements on the site. The Greenway setback line in Chapter 3.30 only regulates how close to the top-of-bank buildings can be placed. It does not restrict vegetation removal, landscaping or placement of non-building structures such as pavement. The Greenway setback line is thus not a good tool for achieving a greener, shadier riparian area. The Greenway Compatibility Review Criteria 3.30.40(d) has the strongest relationship to the concerns for water quality and meeting temperature load allocations raised in the DEQ letter. Review Criteria (d) states,

> The quality of air, water, and land resources in the Greenway shall be protected to the maximum extent practicable.

Review Criteria (f) also has a relationship to water quality. It states,

> The natural vegetative fringe along the river shall be protected and enhanced to the maximum extent practicable to ensure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river.

The proposed amendment would set the Greenway Compatibility Review Boundary at 200 feet from the low water mark. This means that future redevelopment of the site within 200 feet of the river will be evaluated under these criteria. To address DEQ's water quality concerns the city should:

> 1) Draft conditions of approval for the proposed building demolition and riverfront trail, based on review criteria (d) and (f) to mitigate for the TMDL parameters listed in DEQ's letter.
>
> 2) In working with DEQ to finalize the Corvallis TMDL Implementation Plan consider how the provisions in Chapter 3.30.40 can support achieving load reduction targets.

Amanda Punton
Natural Resource Specialist
Department of Land Conservation and Development
800 NE Oregon #18
Portland OR, 97232

971-673-0961
(Fax 971-673-0911)
amanda.punton@state.or.us

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SEP 24 2008

Community Development
Planning Division

23 September 2008

To: Corvallis Planning Commission and City Council
Bob Richardson, City of Corvallis Community Development Planning Division

RE: Evanite Willamette River Greenway Permit Applications (LDT08-00001, WRG08-00001)

Although the Planning Commission is hearing these as two separate proposals, they are inextricably intertwined, as claimed by Evanite's attorney F. Scott Farleigh in his August 15, 2008 letter (Attachment N in the LDT08-00001 packet). I sent a previous letter to you respectfully requesting that you deny the Land Development Code (LDC) text amendments, Willamette River Greenway setback adjustment and Conditional Development Review exemption requested by Evanite Fiber Corporation and Open Door Incorporated. The record was held open for another week, so I wish to cite additional portions of the Corvallis Land Development Code and other City guiding documents to bolster the reasons for denial mentioned in my previous letter. I urge you to deny both of these permit applications for the following reasons, many of which apply to both applications:

1) **The LDC provides a set of regulations to guide the type and location of development for the benefit of the entire community, not for the benefit of a single property owner.** Changing the code for the economic benefit of a single property owner is contrary to the purpose of the code and sets a bad precedent.

- The requested changes violate Corvallis Comp Plan 5.6.11 and 5.6.12: *"This City should acquire land for parks and recreational activities in advance of urban growth and development. Parks and open space shall be included in area plans.* ***The Willamette Riverfront is an important community asset and should be developed to protect its significant environmental features, allow for public access, park amenities, and places for recreational activities and events."*** The proposed changes do not meet this important part of the code and should therefore be denied.
- The requested changes do not meet the standard required for a Code text amendment clearly stated in LDC 1.2.80.01: *"This Code may be amended whenever the public necessity, convenience, and general welfare require such an amendment and where it conforms with the Corvallis Comprehensive Plan and any other applicable policies."* The burden of proof rests on the landowner, and they have neither provided substantial evidence to support the claim nor provided any alternate trail location. In addition, the applicant and his agent David Dodson noted during oral testimony that they are putting this property on the market in "a couple of weeks" and therefore want the new owner to be able to develop closer to the river. This potential increased profit for the seller or the potential unidentified buyer does not justify an LDC text amendment or a change to the WRG setback.

2) **The requested text amendment to the Chapter 3.30 Willamette River Greenway Overlay to change the building setback from 100 feet to only 32 feet from top of bank for nonindustrial uses is in conflict with State Planning Goals 6 and 15 that address water quality, and ignores the concerns expressed by DEQ Water Quality Division** (August 27, 2008 letter to Bob Richardson). DEQ recommends maintaining the current minimum 100 foot setback in order to meet EPA-mandated water quality standards in attachment M2 – 4: *"DEQ*

*recommends that the current Willamette River Greenway Overlay building setback requirements on the subject site of 100-foot setback/buffer protection from the top-of-bank be retained in order to meet water quality standards."* The Willamette River currently violates state water quality standards for dioxin, dissolved oxygen, bacteria, heavy metals, and temperature during all or parts of the year and is on Oregon DEQ's 303(d) list. The City of Corvallis is the Designated Management Agency required to develop a Total Maximum Daily Load (TMDL) plan to improve water quality in the river. The Willamette River is classified by the state as a Type F large river, meaning it is fish-bearing, used for domestic water, is wider than 20 feet and has an average annual flow of greater than ten cubic feet per second). The state recommends a minimum 100 foot buffer on each side of this type of stream to maintain water quality and fish and wildlife habitat (Statewide Planning Goal 6). If the City ignores the DEQ recommendations on the negative impact this proposed change may have on the water quality in the Willamette River, it is abdicating its responsibility as the Designated Management Agency.

- Statewide Planning Goal 15 states: *The general WRG goal is to protect, conserve, enhance, and maintain the natural, scenic, historical, agricultural, economic, and recreational qualities of lands along the Willamette River as the WRG."* This LDC change will not help meet that goal.
- LDC 3.30.40 review criteria within the WRG states that "*public access to and along the river shall be provided to the maximum extent practicable; significant natural and scenic areas, viewpoints, and vistas shall be preserved, the quality of air, water, and land resources in the Greenway shall be protected to the maximum extent practicable, the natural vegetative fringe along the river shall be protected and enhanced...to ensure scenic quality, protection of wildlife, protection from erosion, and screening of uses from the river; development, change, or intensification of use shall provide the maximum possible landscaped area, open space, or vegetation between the activity and the river; and development shall be sited to maximize distance from the river to the greatest extent practicable."* LDC 3.30.40.1 states that in applying these portions of the code, that the Corvallis 2020 vision statement and other planning documents, and if there are any conflicts among documents, this part of the LDC and the Comp Plan will provide direction. Therefore, any downtown Riverfront Park or Parks and Rec planning documents are trumped by this code.

3) **The additional text Evanite is proposing to insert into the LDC 3.30.30 (Exemptions) is an overarching exemption from review that would allow development to occur within the Willamette River Greenway without public hearings or review for compliance with the LDC.** Their proposed language requests an exemption from Conditional Development approval for "any development activity occurring 200 feet west of the ordinary low water line of the Willamette River, and outside of the surrogate WRG boundary depicted on Figure 3.30X and on survey XXXX." Again, they are asking for specific LDC code changes specifically tailored to their single property.

- Any development in this area has the potential to impact the scenic views from Willamette Park, Pioneer Park, Downtown Corvallis and south Corvallis. Attachment L-3 in the text amendment proposal "Evanite LDC Text Amendment" shows an eight foot tall chain link fence 32 feet from the top of the bank and a 45 foot tall building ten feet away from the fence. This type of tall development this close to the river, if allowed along a major section of our city's core, will effectively cut us off from the river rather than foster a sense of

connection and maintain or improve views of the Willamette for more of the community's residents, not just the select few who can afford a waterfront condo. This decision has the potential to have a major impact on the future form of our city. Do we want to channelize the Willamette River again with tall buildings, or do we want to maintain more green space and lower profile development close to the river, and build taller as we move further away? Maintaining the existing 100 foot building setbacks and development review is more in the public interest than changing them as the applicant requests.

- The review criteria in LDC 2.3.30.04 address basic site design, visual elements, protection of natural features, and effects on air and water quality. In this sensitive area so close to the Marys and Willamette Rivers, making any development exempt from this review and taking away public notice of pending applications are not justified.

4) **This parcel is now zoned as Mixed Use Transitional (MUT), which is intended to assist the transition from Industrial uses to less intensive non-industrial uses that are compatible with surrounding land uses.** This MUT zoning allows civic, commercial, residential, recreational, and limited industrial uses. One large surrounding land use is the Willamette River, used for recreation, scenic beauty, drinking water, and fish and wildlife habitat. Adjacent to this site is the confluence with the Marys River, which is believed to have been an important site for Native Americans who preceded us in this area. However, State Historic Preservation Office Dennis Griffith's letter (attachment M-1) states that no cultural resources inventory or survey has been done yet on this site, so how could we reasonably agree to exempt it from Conditional review? Also, David Dodson's December 2007 letter (**attachment K-2**) claims that an additional 22 apartment units could be built on this strip of land close to the river if the setback is reduced to 32 feet. This is not less intensive use, and it is not compatible with surrounding parkland, water quality, or scenic uses.

5) **The Corvallis Planning Department 1980 WRG Comp Plan Report (attachment J and O, approved by the Planning Commission and City Council in July and August 1980) states that the goal of the WRG is to "determine lands suitable or necessary for inclusion within the Willamette Greenway Boundary for their significance due to fish and wildlife habitat, water quality, flooding potential, natural and scenic areas, and impact on Pioneer Park, Willamette Park, and downtown... The Plan recognizes that one of the City's greatest potentials is a publicly owned and easily accessible waterfront."** It states that priority acquisition sites are those that help preserve and restore historic places and scenic and recreational land. Tearing down the defunct hardboard plant and eight other old industrial buildings on this site is a good step toward meeting this goal. The proposal to allow a twelve foot wide multi-use trail with a chain link fence ten feet away on one side and the top of bank 10 feet on the other side, bordered by a 45 foot tall building, is a big step away from meeting these goals. Reducing the building setback from 100 feet to either 32 or 42 feet will dramatically limit the potential for any parkland, recreational use, open space, flood amelioration for existing South Corvallis neighborhoods, or maintenance of a visual connection to the river.

The boundary is larger on this property because it is very near the confluence of the Marys and Willamette Rivers and is significant for most of the reasons listed. As the site transitions away from its recent strictly industrial use to more mixed uses, we need to maintain the potential to improve the visual connection to the river, improve the water quality of the river, and expand the

recreational and scenic uses of this location on the river. Reducing the building setback and installing an eight foot tall chain link fence 32 feet from the top of bank destroys this potential connection to the waterfront and will negatively impact water quality. Yes, it would be nice to have a pathway along the river that connects south Corvallis and downtown, but this is too big a price to pay, and this is not the only way to acquire the path.

6) **There is no assurance that the City would even get the narrow fenced-off strip of trail.** Evanite attorney threatens "Evanite reserves the right to deny any Riverfront Trail access easement unless both of the pending applications are approved by City and State, including setback adjustments, demolition and construction permits…or if there are material changes or unacceptable conditions of approval imposed on either of the two applications." **(Attachment N).** It would be very unwise to make a Land Use Text change and exemption from review based on this unyielding threat, and presents another dangerous precedent to the City. City staff recommends maintaining a minimum of 42 feet, and that could result in Evanite getting their approvals with no trail access in return. Bowing to legal threats is not a good way to develop or enforce our code. Evanite could be a good community partner and maintain the existing boundaries as the land is redeveloped, and could use the more sensitive areas closer to the riverfront as community parkland, trails, and gathering spaces. These waterfront uses would enhance the value of any other residential, commercial, or industrial uses on areas further away from the water.

Sincerely,

Susan Morré
2775 SW Fairmont Drive
Corvallis, Oregon 97333

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SEP 24 2008

Community Development
Planning Division

September 24, 2008

League of Women Voters of Corvallis
PO Box 1679
Corvallis, Oregon 97339

City of Corvallis Planning Commission

Dear Commissioners,

The League of Women Voters of Corvallis opposes Application LDT08-00001. We request that you deny this application.

We believe Application LDT08-00001 is in clear violation of Oregon State Land Use Goals 1 and 15. We also believe the application is in violation of Corvallis Comprehensive Plan Policies 1.2.3, 3.2.1 and 7.2.1. (see policies at end)

The League of Women Voters has always supported Goal 1 of the State's Land Use Planning Goals - Citizen Participation. We have also supported Goal 15 – Willamette River Greenway, as well as adherence to the Corvallis Comprehensive Plan. We believe that granting an exemption to the applicant for removal of the Compatibility Review Area of the Willamette River Greenway (WRG) on their property beyond 200 feet from the ordinary low water line is not in the best interests of the City or its residents.

When the new Mixed Use Transitional zone (MUT) was applied to the Evanite property in 1998, there was no intention to remove citizen participation through the Greenway Conditional Use Hearing process. Now, however, the City is recommending Land Development Code text amendments for one entity, Evanite Fiber Corporation. These particular amendments have city-wide implications, since Evanite's requested changes could reduce the health of the Marys and Willamette rivers adjacent to the property and redevelopment will affect everyone.

There are several problems within the area proposed to be exempted from the hearing process. While currently the whole property requires Greenway hearings, change or addition to industrial use and residential use also require land use hearings. Most of the remaining uses in the MUT zone are permitted outright. With the exemption, no hearings of any type would be conducted for most uses other than residential or industrial. All of the area was in industrial use before the MUT zone was implemented. Two plants emitting micro glass fiber exist in the zone. A portion of area is under DEQ mandate to clean up trichloroethylene until cleanliness standards for the zone are met. This cleanup could take another ten to twenty years. Moreover, neither Evanite nor DEQ has tested the remainder of the property for contaminants. DEQ's only responsibility for properties like this is to ensure they are cleaned up to the standard necessary for the zone. The city does not take responsibility for the cleanup. Because of these problems, League believes it is inappropriate to take away the Greenway Compatibility Review process. In addition, this requested change is not consistent with Goal 15. (Greenway). Keeping the Greenway

Development Review process fully in place would better ensure redevelopment that is enhanced and embraced through the public process.

With regard to the setbacks, the League supports the recommendation of the DEQ to retain 100 foot building setbacks to ensure the health of the river as stated in Don Yon's letter to the city dated August 27, 2008. We also support the letter by Amanda Punton of DLCD to the city dated September 11, 2008 with reference to the portion that gives the rationale for a wider setback.

> "This flexibility within the code suggests that the burden on the land owner of a wider setback line is less onerous than presented by the applicant."

Ms. Punton gives numerous examples of why a wider setback line is beneficial to the river, the public and the landowner and therefore why a wider setback meets Goal 15.

Because of the reasons stated above, we hope you will agree that this application does not meet state or city standards.)

Yours very truly,

**Annette Mills, President**

*CCP 1.2.3 Amendments to the Comprehensive Plan can only be approved where the following*
*findings are made:*
*A. There is a demonstrated public need for the change.*
*B. The advantages to the community resulting from the change shall outweigh the disadvantages.*
*C. The change proposed is a desirable means of meeting the public need.*

*CPP 3.2.1 State land use law requires that the burden of proof for any land use action is borne by the proponent of the change or development. In the case of amendments to the Comprehensive Plan, the applicant or proponent bears the burden of justifying a change in land use policies and designations.*

*CPP 7.2.1 The City of Corvallis shall continue to comply with or exceed all applicable environmental standards and shall cooperate with State and Federal regulatory agencies in the identification and abatement of local environmental quality problems, including air, water, and noise pollution on an individual and cumulative basis, as per State and Federal regulations.*

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SEP 23 2008

Community Development
Planning Division

September 16, 2008

Dear Planning Commissioners,

I would like to comment on the application of Evanite Corp. to change Willamette River Greenway boundaries and setbacks (LDT08-00001) and the WRG Conditional Development Permit for demolition and trail alignment (WRG08-00001).

1. We urge the Planning Commission to recommend the retention of the 100 foot building setback.

Evanite proposes a Land Development Code Text Amendment to reduce building setbacks from the river top-of-bank from 100 feet to 32 feet. The DEQ, in a written opinion on this planning decision, objects to this request. This letter, from Don Yon, of DEQ Water Quality, says "DEQ recommends that the current Willamette River Greenway Overlay building setback requirements on the subject site of 100-foot setback/buffer protection from the top-of-bank be retained."

We do not believe it is appropriate to grant blanket reduction in the setback without knowing what future development proposals will be. We believe that, as Corvallis residents, we should have the opportunity to consider how different parts of the property may require different levels of environmental protection. This property is on a potentially dynamic site, at the confluence of the Mary's and Willamette rivers. Given the potential for higher peak flows with global warming and consequent bank failure potential, it seems an unwarranted risk to grant a setback reduction to 35' at this time. Therefore, at this time we urge the Planning Commission to recommend the retention of the 100 foot setback.

2. We oppose Evanite's proposed Land Development Code amendment that would exempt much of the site from the need for WRG Conditional Development Review.

Evanite has applied for permits that will allow it to demolish old buildings, consolidate its manufacturing operations, and redevelop much of its properties as Mixed Use, which could include residences, stores, restaurants, open space, much like the downtown. When the MUT zoning for the Evanite properties was proposed, the long-range intention was to rezone the properties once they were no longer used for industrial purposes; i.e., at such a time that Evanite relocated or ceased operations. The City should retain opportunities for the state and for

public citizens to review proposed intensification of industrial uses and / or changes in land uses proposed for these properties. Therefore, we support retaining the existing WRG boundaries with its requirements of Conditional Development Review.

3. We remain concerned about the trail alignment component of WRG08-00001.

As we understand it, this request allows Evanite to establish the location of a multi-modal trail – without the input of the City or any future buyer of the parcels in question. We are particularly concerned that the trail may be aligned too close to the river bank, posing future maintenance and safety issues for the City, if it eventually takes ownership of the trail.

We are also concerned about trail access for residents such as ourselves in the north part of Southtown. We would like to see the trail alignment plan include access along Chapman Street or elsewhere across the Evanite property, to facilitate easy access to Vera, Chester and Bethel street residents. Given the increase in bicycle transportation with high fuel costs and the likelihood that the shift to pedestrian and bicycle traffic will continue to increase over time, we would hope that Evanite and the City would take an aggressive stance toward siting a 2-way multi-modal trail with the best possible access to promote its utility.

Thanks for your time, and your service to our community.

Xan Augerot
Josiah Fisher
1615 SE Bethel Street
Corvallis, OR 97333

Richardson, Robert

---

**From:** Gail Bartee [gmbartee@yahoo.com]

**Sent:** Tuesday, September 23, 2008 11:41 AM

**To:** Richardson, Robert

**Subject:** Evanite Trail Proposal

I am in agreement with the proposal to consider the dedication of an easement to allow for construction of a path between Evanite property and the river - and the demolition of some buildings that are in the way.

I also support the modification of the Willamette River Greenway setback distance. There would be no benefit to removing Evanite buildings if the setback cannot be modified.

Gail Bartee
541-754-6138
541-602-1403 (cell)
gmbartee@yahoo.com

Extrom, Joan

**From:** Planning
**Sent:** Monday, September 22, 2008 7:18 AM
**To:** Extrom, Joan
**Subject:** FW: Evanite WRG setback

---

**From:** joan noyce[SMTP:NJOAN@HOTMAIL.COM]
**Sent:** Monday, September 22, 2008 7:16:27 AM
**To:** Planning
**Subject:** Evanite WRG setback
**Auto forwarded by a Rule**

To: Corvallis Planning Commission
Re: LTD 08-00001
From: Joan Noyce 2565 S.E. Crystal Lk. Dr.

Thank you for all the work on this project. (as well as all the others)

According to multiple reviews and planning guidelines (Willamette River Greenway, Corvallis Stormwater Plan, Corvallis Natural Resources, the Comprehensive Plan), the 100 foot setback is a universally accepted and necessary dimension. To reduce it even by half seems to run counter to the needs and desires of the city.

Actually, having the full setback would be an asset to the owner:
- diminished threat from flooding,
- greater ability to manage stormwater
- increased value to property (i.e. trees and adjacent park land add monetary value)

Points not addressed by other respondents:

Section 5 Parks and Rec Master Plan.
2. a. The primary purpose of recreation trails is to provide a recreation experience.

The proposed 32 or 42 foot width does not allow for a very desirable recreation experience especially with an eight foot chainlink fence on one side. The least pleasant part of the multi- use path from Willamette Park to Rivergreen and south, is along the Taylor Water Treatment Plant. The chainlink fence and concrete are an ugly intrusion into an otherwise pleasant ride. To put that as an option along the Evanite property, nullifies the benefits of a trail experience.

Thank you again for taking these comments.

Without tolerance and compassion and acceptance and community----it is all for naught--

NOTICE: Due to Presidential Executive Orders, the National Security Agency may have read this email without warning, warrant, or notice. They may do this without any judicial or legislative oversight. You have no recourse nor protection save to call for the impeachment of the current President.

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FILE: RIVERFRONT COMMEMORATIVE PARK

# Riverfront Commemorative Park

## 30-Percent Design Development Information Packet

## City Council
## Corvallis, Oregon

January, 1998

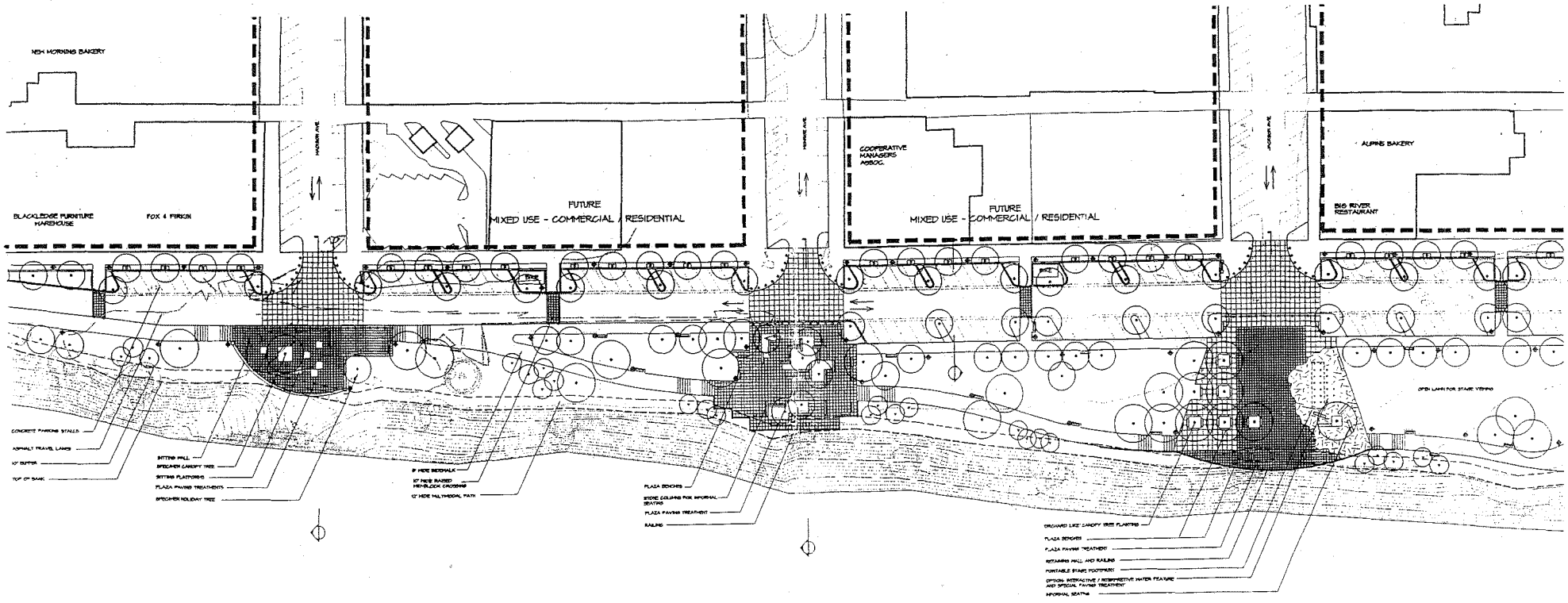

Prepared By:

Design Review Committee (DRC)

CH2M HILL

MURASE Associates


B-4




LEGEND

- PROPOSED UPRIGHT TREE
- PROPOSED MEDIUM SIZE STREET AND PARK TREE
- PROPOSED CANOPY TREES
- EXISTING TREES
- COMMUNITY INFORMATION SIGN
- RESTROOM
- BIKE — COVERED BICYCLE PARKING
- ORNAMENTAL PARK AND STREET LIGHTS
- BOLLARDS

# CITY OF CORVALLIS
# RIVERFRONT COMMEMORATIVE PARK

JANUARY 15, 1998
SCALE 1" = 30'

## MADISON, MONROE AND JACKSON PLAZAS
## 30% DESIGN DEVELOPMENT

CH2MHILL

MURASE associates

MADISON AVE. TO MONROE AVE.

TWO WAY AUTOMOBILE CIRCULATION ON MONROE AVE. PARKING MAXIMIZED WITHIN EXISTING CURBS.

COVERED BIKE PARKING STRUCTURE AT MID-BLOCK.

MONROE AVE. TO JACKSON AVE.

- TWO WAY AUTOMOBILE CIRCULATION ON JACKSON AVE. PARKING MAXIMIZED WITHIN EXISTING CURBS.
- COMMUNITY INFORMATION SIGN AT CORNER OF FIRST ST. AND JACKSON.
- COVERED BIKE PARKING STRUCTURE AT MID-BLOCK.

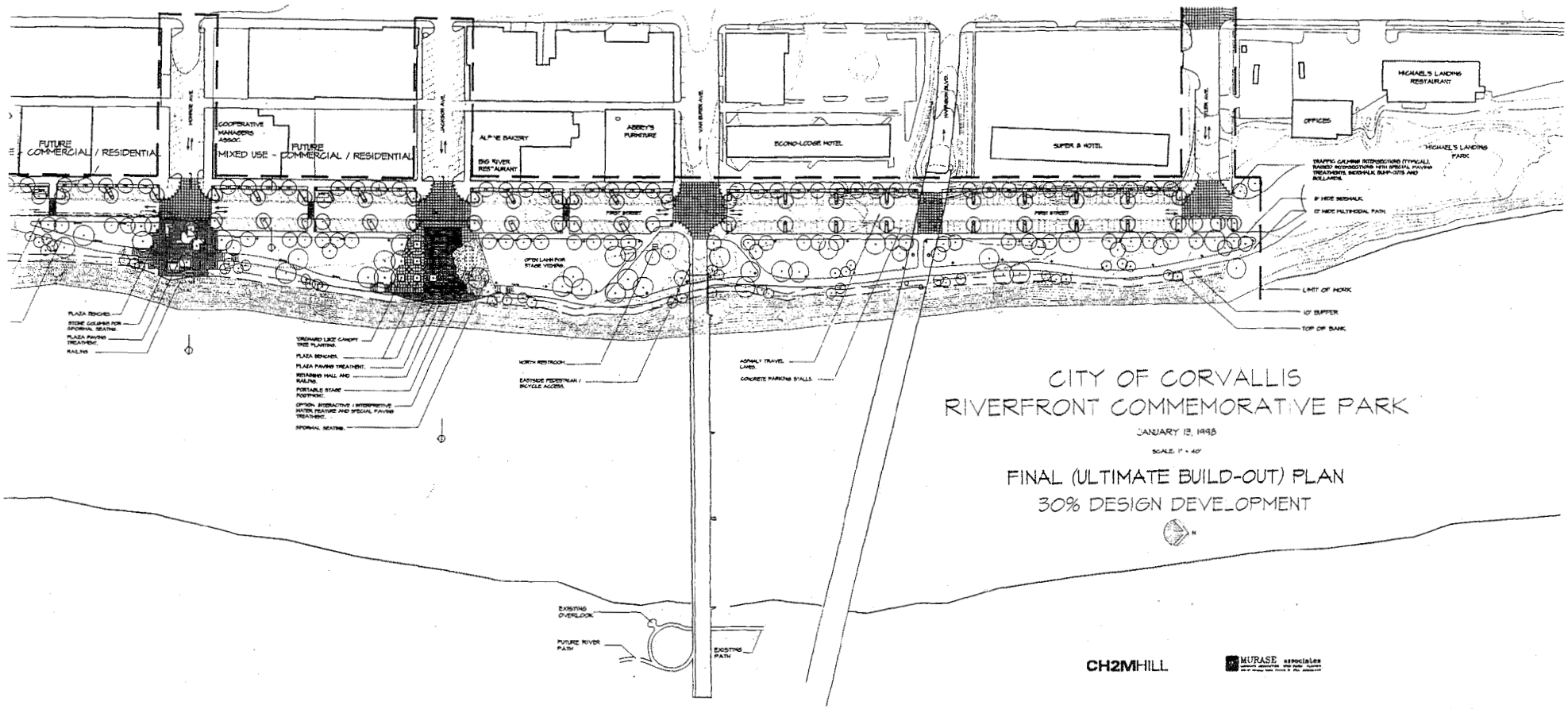
JACKSON AVE. TO VAN BUREN AVE.

- PEDESTRIAN / BICYCLE ACCESS TO EAST SIDE OF RIVER VIA VAN BUREN AVE. BRIDGE PRESERVED. (PLAN AMENDMENT #1)
- LOCATION OF NORTH RESTROOM

VAN BUREN AVE. TO HARRISON BLVD.

HARRISON BLVD. TO TYLER AVE.

- ELIMINATE TYLER STREET PLAZA. (PLAN AMENDMENT #5)




# CITY OF CORVALLIS
# RIVERFRONT COMMEMORATIVE PARK

JANUARY 13, 1998

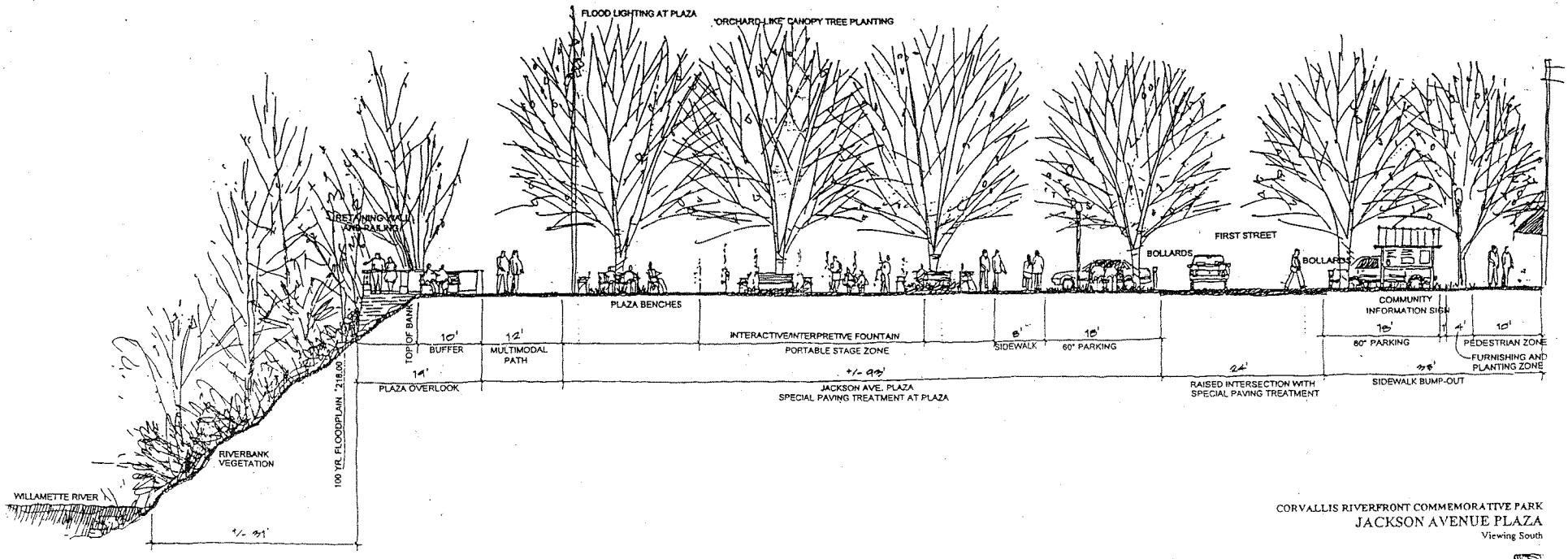
SCALE: 1" = 40'

## FINAL (ULTIMATE BUILD-OUT) PLAN
## 30% DESIGN DEVELOPMENT

CH2MHILL

MURASE associates

SHEET 1/2

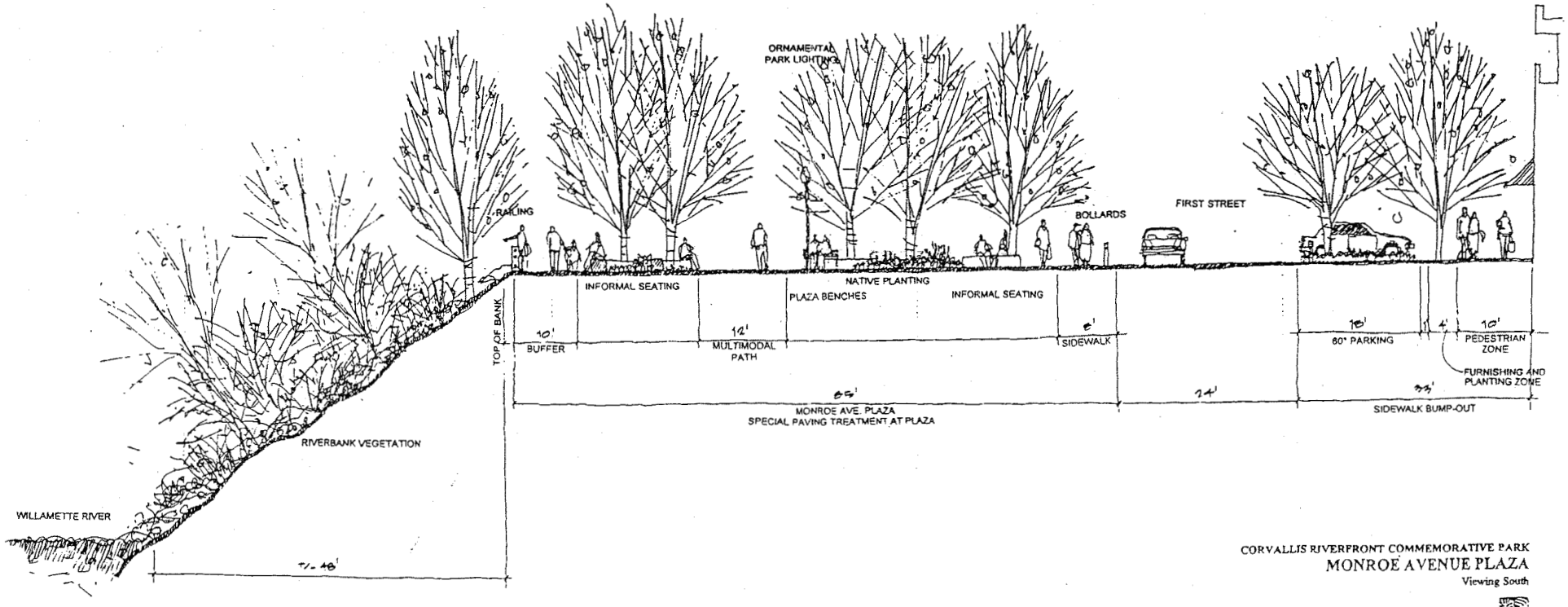



CORVALLIS RIVERFRONT COMMEMORATIVE PARK

JACKSON AVENUE PLAZA

Viewing South

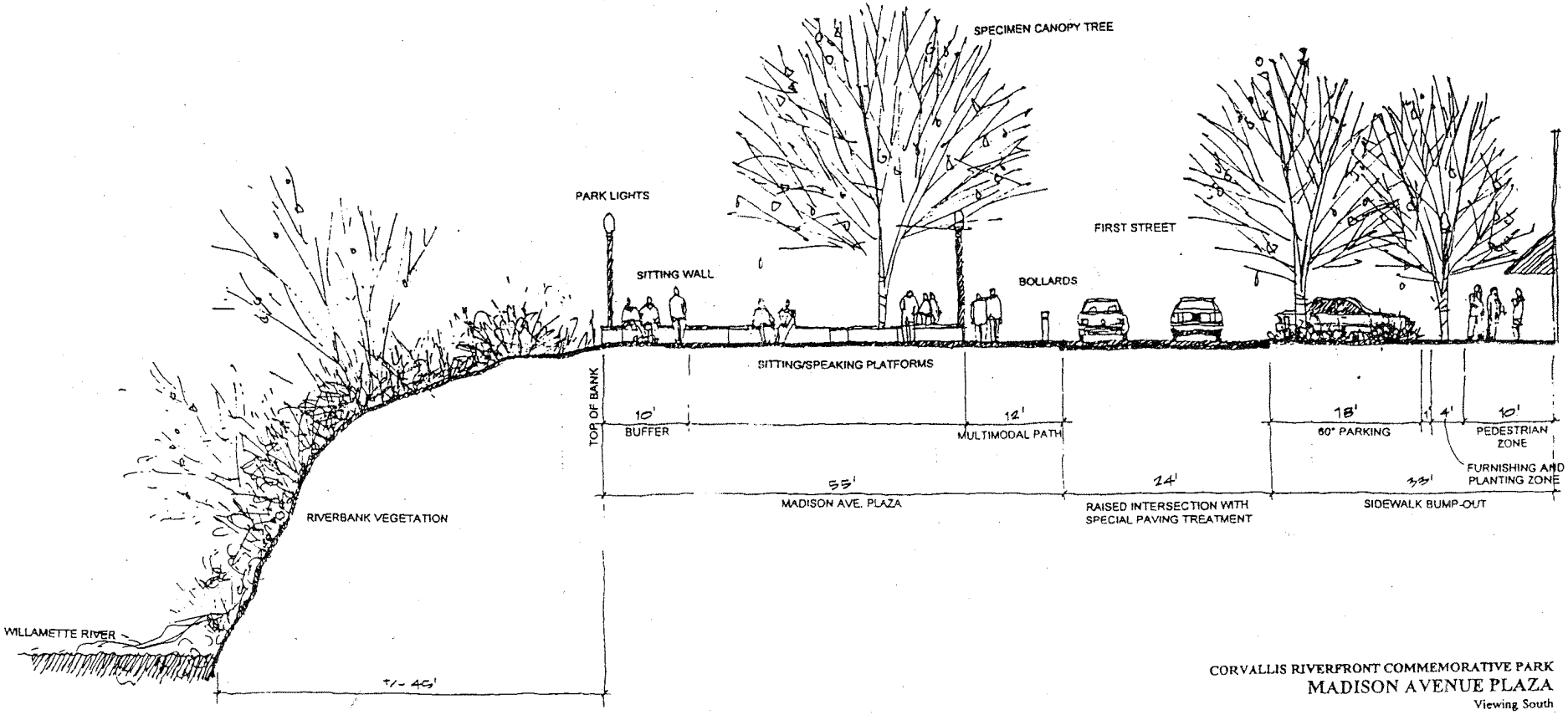
MURASE ASSOCIATES




CORVALLIS RIVERFRONT COMMEMORATIVE PARK

MONROE AVENUE PLAZA

Viewing South




CORVALLIS RIVERFRONT COMMEMORATIVE PARK

MADISON AVENUE PLAZA

Viewing South

HURASE

# City of Corvallis

# Riparian Assessment

## City Council Adoption

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B-6

## Ryan Basin

The Ryan Basin includes a residential area east of Thompson Street to Crystal Lake Drive. It is a single riparian reach adjacent to a channel that drains into a pond (S-RYA-W-1). Despite the residential nature of this area, the channel retains a wooded riparian area which development has gone around.

*Vegetation Cover Types*

| Reach # | Dominant Cover Type Within Riparian Area | Cover Type At Edge of Stream |
|---|---|---|
| S-RYA-R-1 | Hardwood Woodland 30-70% closed canopy | Hardwood Woodland 30-70% closed canopy |

The reach is in good condition due to limited encroachment in a residential area. Existing development has gone around the remaining portions of this creek channel.

*Corvallis Riparian Condition Assessment*

| Reach # | Land Use Within RAA | Infrastructure Impingement | In Channel Alteration | LWD Recruitment | Shade Potential | Total Score | Functional Rating |
|---|---|---|---|---|---|---|---|
| S-RYA-R-1 | RES | PARTIALLY IMPINGED | MODERATELY ALTERED | MODERATE | HIGH | 5 | Nearly Fully Functional |

The wooded riparian area in this reach allows for high scores in water quality and thermal regulation. Flood management is low because of the high amount of impervious area adjacent to the reach. Wildlife habitat is limited in this area because the reach does not have direct connectivity to other habitats.

*URIAG Riparian Functional Assessment*

| Riparian Code | Water Quality | | Flood Management | | Thermal Regulation | | Wildlife Habitat | | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|
| Ryan Creek | | | | | | | | | |
| S-RYA-R-1 | H | 12 | M | 7 | H | 8 | H | 21 | 48 |

H = High M = Medium L = Low

## Willamette River

The Willamette River drainage includes portions of South and West-Central Corvallis, due to the way the basin boundaries were drawn. S-WIL-R-2 includes the agricultural and opens spaces areas from the Booneville Channel north to the industrial area north of Willamette Park. WC-WIL-R-1 extends from the industrial area to the confluence of Dixon Creek and the Willamette River. Neither of these riparian reaches includes a right side as it is located outside of the UGB.

*Vegetation Cover Types*

| Reach # | Dominant Cover Type Within Riparian Area | Cover Type At Edge of Stream |
|---|---|---|
| WC-WIL-R-1 | Developed | Open (<30% canopy) non-oak woods |
| S-WIL-R-2 | Mixed Woodland 30-70% closed canopy | Hardwood Woodland 30-70% closed canopy |

Historic development of a commercial and industrial area along the west bank of the Willamette River has resulted in the near removal of stream side vegetation and the introduction of many structures and impervious surfaces within the former floodplain of the river.

***Corvallis Riparian Condition Assessment***

| Reach # | Land Use Within RAA | Infrastructure Impingement | In Channel Alteration | LWD Recruitment | Shade Potential | Total Score | Functional Rating |
|---|---|---|---|---|---|---|---|
| WC-WIL-R-1 | IND | PARTIALLY IMPINGED | UNALTERED | LOW | LOW | 9 | Partially Functional |
| S-WIL-R-2 | AGR | NON-IMPINGED | UNALTERED | MODERATE | MODERATE | 3 | Fully Functional |

Land use adjacent to the Willamette River across south Corvallis (S-WIL-R-2) is primarily agriculture and open space, this results in less impact to vegetation within the riparian areas and high scores in all but water quality. In west-central Corvallis, developed land uses dominate the riparian areas. The associated removal of native vegetation and increase in impermeable surfaces and structures degrades potential wildlife habitat by removing connectivity and limiting animal migration along the river. It also reduces the benefits to water quality, flood management, and thermal regulation.

***URIAG Riparian Functional Assessment***

| Riparian Code | Water Quality | | Flood Management | | Thermal Regulation | | Wildlife Habitat | | TOTAL POINTS |
|---|---|---|---|---|---|---|---|---|---|
| Willamette River | | | | | | | | | |
| S-WIL-R-2 (L) | H | 12 | H | 9 | H | 8 | H | 23 | 52 |
| WC-WIL-R-1 (L) | M | 9 | M | 5 | L | 3 | M | 15 | 32 |

H = High M = Medium L = Low

# Riparian Characterization Form

## Corvallis Riparian Inventory

### GENERAL INFORMATION

**Location of data point:** West bank of Willamette at Marys River confluence

**GPS Location:** 44.5684 N 123.2554 W

**Map Number:** W-12

**Date:** 9/18/2002

**Riparian Code:** WC-WIL-R-1

**On-site:** ☒ **Off-Site:** ☐

**Reach Length:** 6300 feet

**Investigators:** SE/ME

**Hydrologic Basin:** WILLAMETTE RIVER

### WATER RESOURCE INFORMATION

| **Water Resource:** | | | | |
|---|---|---|---|---|
| **Stream/River:** | X | **Width:** | 250-300 | feet |
| **Lake/Pond:** | | **Width:** | | feet |
| **Wetland:** | | **Width:** | | feet |

**LWI Wetland Code:**

**Water present year-round:** Yes ☒ No ☐

**Are salmonids present in the adjacent water resource?** Yes ☒ No ☐

**Is the water resource listed for temperature on DEQ's 303(d) list:** Yes ☒ No ☐

**Within FEMA-mapped 100-year floodplain:** Yes ☒ No ☐

**Mapped soil series:** Willamette silt loam, Chehalis silty clay loam

**Adjacent Land Uses?** (Check as many as needed)

| | | |
|---|---|---|
| **Agriculture:** ☐ | **Residential:** ☒ | **Undeveloped:** ☐ |
| **Commercial/Indus.:** ☒ | **Roads:** ☒ | **Forestry:** ☐ |
| | **Other:** ☐ | |

**Dominant tree species:** *Populus trichocarpa*

**Comments:** see next page

**Average slope in the riparian area:** (Question 1)

<10:1 (10%) ☐ Between 10:1 (10%) and 5:1 (20%) ☒ >5:1 (20%) ☐

**Extent of impervious surface within the riparian area.** (Question 4)

<10% ☐ 10% - 25% ☐ >25% ☒

**Is the stream or water resource constricted by man-made features?** (Question 8)

Yes ☒ No ☐

**Does the orientation of the riparian area allow for shading of the water resource at midday in summer?** (Question 9)

Yes ☐ No ☒

**Dominant vegetation layer within riparian area?** (Question 10)

Woody vegetation ☐ Herbaceous vegetation ☐ Bare ground ☒

**Does woody vegetation hang over the edge of the water?** (Questions 11 & 14)

Yes ☐ No ☒

**Large woody debris in riparian area?** (Question 15)

Yes ☐ No ☒

**Percent of water resource bordered by vegetated riparian area at least 30 feet wide?** (Question 16)

>40% ☒ 10% - 40% ☐ <10% ☐

**Degree of development or human caused disturbance.** (Question 19)

<25% ☐ 25% - 75% ☒ >75% ☐

**How does the NRCS soil survey rank water erosion hazard of the dominant mapped unit in the Riparian Area?** (Question 5)

low, slight moderate ☒ high, very high, severe ☐

**What is the dominant vegetation at the top of bank (if defined) or edge of water resource?** (Question 3)

Woody vegetation ☒ Herbaceous vegetation ☐ Bare ground ☐

**Are there flood prone areas (adjacent flat areas, depressions, swales, FEMA mapped 100-year floodplain, etc.) beyond the top of bank or edge of the water resource?** (Question 6)

Yes ☒ No ☐

**Is woody vegetation (trees, shrubs, vines) greater than 1 meter (3.2 feet) high dominant in the flood prone riparian area?**

Yes ☐ No or no flood prone area present ☒

**How many vegetation layers (i.e. canopy, mid-story, groundcover) are present?**

More than 2 ☒ 2 layers ☐ 1 layer or unvegetated ☐

# Riparian Width Determination

## Corvallis Riparian Inventory

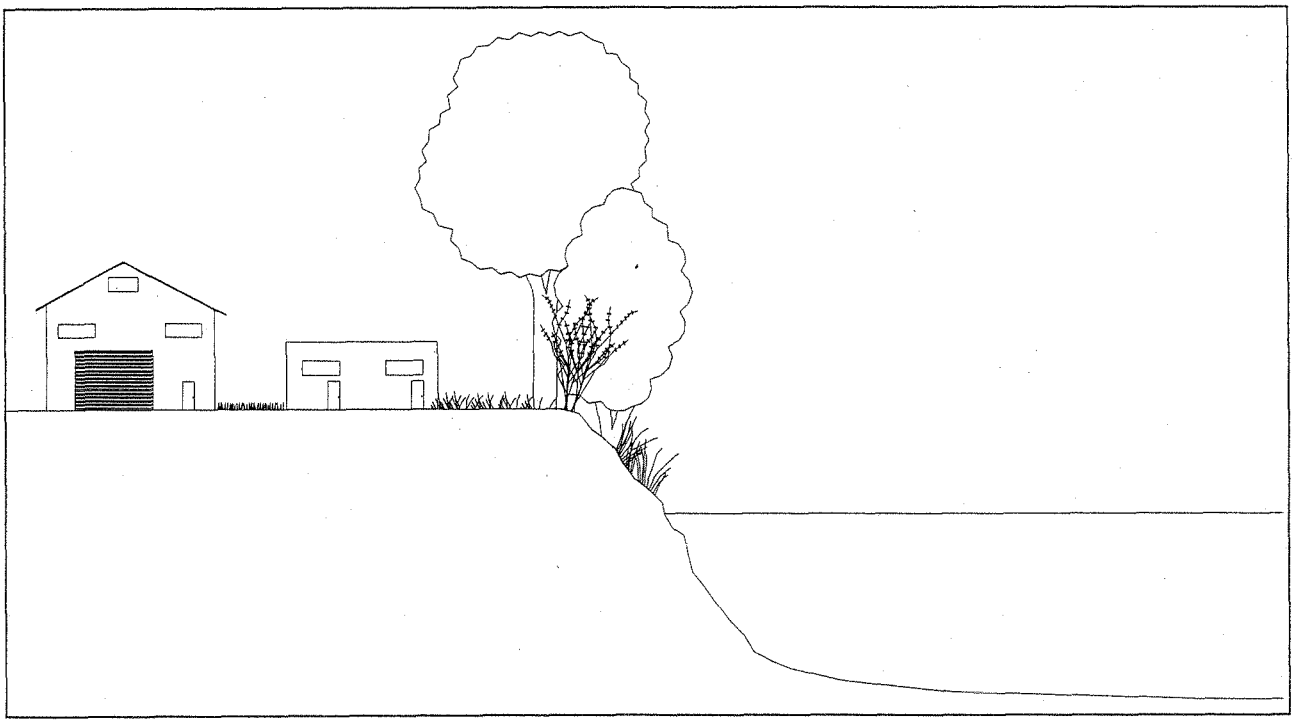
RIPARIAN CODE

**WC-WIL-R-1**

**Date:** 8/18/2002 **Investigators:** SE/ME

**Dominant tree species:** *Populus trichocarpa*

**Comments:** Willamette River - Right side not accessed because it is outside of the UGB.



# Riparian Functional Assessment Answer Sheet

## Corvallis Riparian Inventory

RIPARIAN CODE

WC-WIL-R-1

## WATER QUALITY

| | | Score |
|---|---|---|
| **1. What is the average slope in the riparian area?** | | |
| a. Less than 10:1 (10%) | 3 pts | |
| b. Between 10:1 (10%) and 5:1 (20%) | 2 pts | 2 |
| c. Greater than 5:1 (20%) | 1 pt | |
| **2. What is the dominant vegetation cover in the riparian area?** | | |
| a. Woody vegetation (trees, shrubs, vines) greater than 1 meter (3.2 feet) high | 3 pts | |
| b. Herbaceous vegetation or woody vegetation less than 1 meter (3.2 feet) high | 2 pts | 1 |
| c. Bare ground | 1 pt | |
| **3. What is the dominant vegetation at the top of bank (if defined) or edge of water resource?** | | |
| a. Woody vegetation (trees, shrubs, vines) greater than 1 meter (3.2 feet) high | 3 pts | |
| b. Herbaceous vegetation or woody vegetation less than 1 meter (3.2 feet) high | 2 pts | 3 |
| c. Bare ground | 1 pt | |
| **4. What is the extent of impervious surfaces within the riparian area?** | | |
| a. Less than 10% | 3 pts | |
| b. Between 10% and 25% | 2 pts | 1 |
| c. Greater than 25% | 1 pt | |
| **5. How does the Natural Resources Conservation Service (formerly Soil Conservation Service) soil survey rank the water erosion hazard of the dominant mapped unit in the riparian area? Select the highest water erosion hazard description if more than one is listed.** | | |
| a. Low, slight, moderate | 2 pts | 2 |
| b. High, severe, very high | 1 pts | |
| **Total Points:** | | 9 |

**Function:** **High (12-14 pts)** **Medium (8-11 pts)** **Low (5-7 pts)**

**FUNCTION IS:** **MEDIUM**

# Riparian Functional Assessment Answer Sheet

## Corvallis Riparian Inventory

RIPARIAN CODE

WC-WIL-R-1

## FLOOD MANAGEMENT

| | | Score |
|---|---|---|
| **6. Are there flood prone areas (adjacent flat areas, depressions, swales, FEMA mapped 100-year floodplain, etc.) beyond the top of bank or edge of the water resource?** | | |
| a. Yes | 3 pts | 3 |
| b. No | 1 pt | |
| **7. Is woody vegetation (trees, shrubs, vines) greater than 1 meter (3.2 feet) high dominant in the flood prone riparian area?** | | |
| a. Yes | 3 pts | 1 |
| b. No or no flood prone area present | 1 pt | |
| **8. Is the stream or water resource constricted by man-made features (e.g. channelization, riprap, concrete wall)?** | | |
| a. No | 3 pts | 1 |
| b. Yes | 1 pts | |

**Total Points:** 5

**Function:** **High (8-9 pts)** **Medium (5-7 pts)** **Low (3-4 pts)**

**FUNCTION IS:** **MEDIUM**

# Riparian Functional Assessment Answer Sheet

## Corvallis Riparian Inventory

RIPARIAN CODE

WC-WIL-R-1

## THERMAL REGULATION

| | | Score |
|---|---|---|
| **9. Does the aspect or orientation of the riparian area allow for shading of water at midday in the summer?** | | |
| a. Yes | 3 pts | 1 |
| b. No | 1 pt | |
| **10. What is the dominant vegetation layer in the riparian area?** | | |
| a. Woody vegetation (trees, shrubs, vines) greater than 1 meter (3.2 feet) high | 3 pts | |
| b. Herbaceous vegetation or woody vegetation less than 1 meter (3.2 feet) high | 2 pts | 1 |
| c. Bare ground | 1 pt | |
| **11. Does woody vegetation hang over the edge of the water?** | | |
| a. Yes | 2 pts | 1 |
| b. No | 1 pts | |

**Total Points:** 3

**Function:** **High (7-8 pts)** **Medium (5-6 pts)** **Low (3-4 pts)**

**FUNCTION IS:** **LOW**

# Riparian Functional Assessment Answer Sheet

## Corvallis Riparian Inventory

RIPARIAN CODE

WC-WIL-R-1

## WILDLIFE HABITAT

| | | Score |
|---|---|---|
| **12. How many vegetation layers (i.e. canopy, mid-story, groundcover) are present?** | | |
| a. More than 2 layers | 3 pts | |
| b. 2 layers | 2 pts | 3 |
| c. 1 layer, or unvegetated | 1 pt | |
| **13. What is the dominant vegetation layer in the riparian area?** | | |
| a. Woody vegetation (trees, shrubs, vines) greater than 1 meter (3.2 feet) high | 3 pts | |
| b. Herbaceous vegetation or woody vegetation less than 1 meter (3.2 feet) high | 2 pts | 1 |
| c. Bare ground | 1 pt | |
| **14. Does woody vegetation hang over the edge of the water?** | | |
| a. Yes | 2 pts | 1 |
| b. No | 1 pt | |
| **15. Is large woody debris present within the riparian area?** | | |
| a. Yes | 3 pts | 1 |
| b. No | 1 pt | |
| **16. What percent of the water resource edge is bordered by a vegetated riparian area at least 30 feet wide?** | | |
| a. Greater than 40% | 3 pts | |
| b. Between 10% and 40% | 2 pts | 3 |
| c. Less than 10% | 1 pt | |

*Questions continued on next page*

# Riparian Functional Assessment Answer Sheet

## Corvallis Riparian Inventory

RIPARIAN CODE

WC-WIL-R-1

## WILDLIFE HABITAT (continued)

| | | Score |
|---|---|---|
| **17. Is surface water present throughout the year?** | | |
| a. Yes | 3 pts | |
| b. No | 1 pt | 3 |
| **18. Is there more than one type of water resource (e.g. stream, wetland, lake/pond) within or immediately adjacent to the riparian reach?** | | |
| a. Yes | 3 pts | 1 |
| b. No | 1 pt | |
| **19. What is the degree of development or human-caused disturbance (e.g. buildings, impervious surfaces, lawns, agriculture, trash) in the riparian area?** | | |
| a. Less than 25% | 3 pts | |
| b. Between 25% and 75% | 2 pts | 2 |
| c. Greater than 75% | 1 pt | |

**Total Points:** 15

**Function: High (19-23 pts) Medium (13-18 pts) Low (8-12 pts)**

**FUNCTION IS: MEDIUM**

Corvallis Natural Features Inventory
Supplemental Riparian Form

**Basin:** WILLAMETTE **Reach:** WC-WIL-R-1 **Size (acres):** 38.17

**Map:** W-12 **Length (feet):** 6300

**Dominant Cover Type:** BARE

**ARA Cover Type:** developed

**Other ARA Types** Open (<30% canopy) non-oak woods

**% of Total Cover Trees:** 10 **Shrubs** 5 **Herbs/Vines** 20 **Bare:** 65

**Dominant Cover Type At Edge of Water:** WOODY

**Edge of Water ARA Type** Open (<30% canopy) non-oak woods

**Riparian System:** LOTIC

**Trees:**

Type: DECIDUOUS

Dominant Species: Black cottonwood (Populus trichocarpa)

Secondary Species: Red alder (Alnus rubra), Oregon ash (Fraxinus latifolia), bigleaf maple (Acer macropyllum)

% Total Cover: ○<10% ◉ 10%-50% ○ 50%-90 ○ >90%

% Invasive Cover: ◉<10% ○ 10%-50% ○ 50%-90 ○ >90%

% Native Cover: ○<10% ○ 10%-50% ○ 50%-90 ◉ >90%

**Shrubs/Sapling**

Type: DECIDUOUS

Dominant Species: Scouler willow (Salix scouleriana)

Secondary Species: common snowberry (Symphoricarpos albus), rose (Rosa sp.), red-osier dogwood (Cornus stolonifera)

% Total Cover: ○<10% ◉ 10%-50% ○ 50%-90 ○ >90%

% Invasive Cover: ◉<10% ○ 10%-50% ○ 50%-90 ○ >90%

% Native Cover: ○<10% ○ 10%-50% ◉ 50%-90 ○ >90%

**Herbaceous**

Type: DECIDUOUS

Dominant Species: tall fescue (Festuca arundinacea)

Secondary Species: Himalayan blackberry (Rubus discolor), reed canarygrass (Phalaris arundinacea), orchardgrass, common velvetgrass (Holcus lanatus)

% Total Cover: ○<10% ◉ 10%-50% ○ 50%-90 ○ >90%

% Invasive Cover: ◉<10% ○ 10%-50% ○ 50%-90 ○ >90%

% Native Cover: ○<10% ◉ 10%-50% ○ 50%-90 ○ >90%

Corvallis Natural Features Inventory
Supplemental Riparian Form

**Basin:** WILLAMETTE **Map:** W-12

**Reach:** WC-WIL-R-1

**RTE Species**

ORNHIC Plant Community: ◉ None Noted ○ Listed Community Noted

ORNHIC or Benton Co. NSP List ◉ None Detected ○ Potential ○ Listed Species Detected

**Riparian Condition Assessment**

Land Use within: INDUSTRIAL

Land Use adjacent: RESIDENTIAL

Infrastructure Impingement: PARTIALLY IMPINGED

In Channel Alteration: UNALTERED

LWD Recruitment Potential: LOW

Shade Potential: LOW

RCA Functional Designation: Partially Functional

**Restoration Potential**

| | | | | |
|---|---|---|---|---|
| Adjacent slopes of 15% or greater | ○ <10% | ◉ 10%-50% | ○ 50%-90 | ○ >90% |
| Undeveloped land within 50ft of top of bank | ○ <10% | ○ 10%-50% | ◉ 50%-90 | ○ >90% |
| Within 100-yr floodplain: | ○ <10% | ○ 10%-50% | ○ 50%-90 | ◉ >90% |
| Low quality wetlands or hydric soils: | ○ <10% | ◉ 10%-50% | ○ 50%-90 | ○ >90% |
| Adjacent landscape areas: | ○ <10% | ○ 10%-50% | ◉ 50%-90 | ○ >90% |

Opportunities: Limited due to existing development

Current Efforts NONE OBSERVED

**COMMENTS** Willamette River, right side not accessed; outside UGB

# Riparian Characterization Form

## Corvallis Riparian Inventory

### GENERAL INFORMATION

**Location of data point:** North and south of Crystal Lake Drive, east of 99 W

**GPS Location:** 44.5503 N 123.2630 W

**Map Number:** S-2

**Date:** 6/12/2002

**Riparian Code:** S-MIL-R-1 (R)

**On-site:** ☒ **Off-Site:** ☐

**Reach Length:** 1950 feet

**Investigators:** SE/ME

**Hydrologic Basin:** MILL RACE

### WATER RESOURCE INFORMATION

| **Water Resource:** | | | | |
|---|---|---|---|---|
| **Stream/River:** | X | **Width:** | 10-12 | feet |
| **Lake/Pond:** | | **Width:** | | feet |
| **Wetland:** | | **Width:** | | feet |

**LWI Wetland Code:**

**Water present year-round:** Yes ☒ No ☐

**Are salmonids present in the adjacent water resource?** Yes ☒ No ☐

**Is the water resource listed for temperature on DEQ's 303(d) list:** Yes ☐ No ☒

**Within FEMA-mapped 100-year floodplain:** Yes ☒ No ☐

**Mapped soil series:** Bashaw clay

**Adjacent Land Uses?** (Check as many as needed)

| | | |
|---|---|---|
| **Agriculture:** ☐ | **Residential:** ☐ | **Undeveloped:** ☒ |
| **Commercial/Indus.:** ☒ | **Roads:** ☒ | **Forestry:** ☐ |
| | **Other:** ☐ | |

**Dominant tree species:** *POPULUS TRICHOCARPA*

**Comments:** see next page

**Average slope in the riparian area:** (Question 1)

<10:1 (10%) ☒ Between 10:1 (10%) and 5:1 (20%) ☐ >5:1 (20%) ☐

**Extent of impervious surface within the riparian area.** (Question 4)

<10% ☐ 10% - 25% ☐ >25% ☒

**Is the stream or water resource constricted by man-made features?** (Question 8)

Yes ☒ No ☐

**Does the orientation of the riparian area allow for shading of the water resource at midday in summer?** (Question 9)

Yes ☒ No ☐

**Dominant vegetation layer within riparian area?** (Question 10)

Woody vegetation ☐ Herbaceous vegetation ☒ Bare ground ☐

**Does woody vegetation hang over the edge of the water?** (Questions 11 & 14)

Yes ☒ No ☐

**Large woody debris in riparian area?** (Question 15)

Yes ☒ No ☐

**Percent of water resource bordered by vegetated riparian area at least 30 feet wide?** (Question 16)

>40% ☐ 10% - 40% ☐ <10% ☒

**Degree of development or human caused disturbance.** (Question 19)

<25% ☐ 25% - 75% ☐ >75% ☒

**How does the NRCS soil survey rank water erosion hazard of the dominant mapped unit in the Riparian Area?** (Question 5)

low, slight moderate ☒ high, very high, severe ☐

**What is the dominant vegetation at the top of bank (if defined) or edge of water resource?** (Question 3)

Woody vegetation ☐ Herbaceous vegetation ☒ Bare ground ☐

**Are there flood prone areas (adjacent flat areas, depressions, swales, FEMA mapped 100-year floodplain, etc.) beyond the top of bank or edge of the water resource?** (Question 6)

Yes ☒ No ☐

**Is woody vegetation (trees, shrubs, vines) greater than 1 meter (3.2 feet) high dominant in the flood prone riparian area?**

Yes ☐ No or no flood prone area present ☒

**How many vegetation layers (i.e. canopy, mid-story, groundcover) are present?**

More than 2 ☐ 2 layers ☒ 1 layer or unvegetated ☐

# Riparian Width Determination

## Corvallis Riparian Inventory

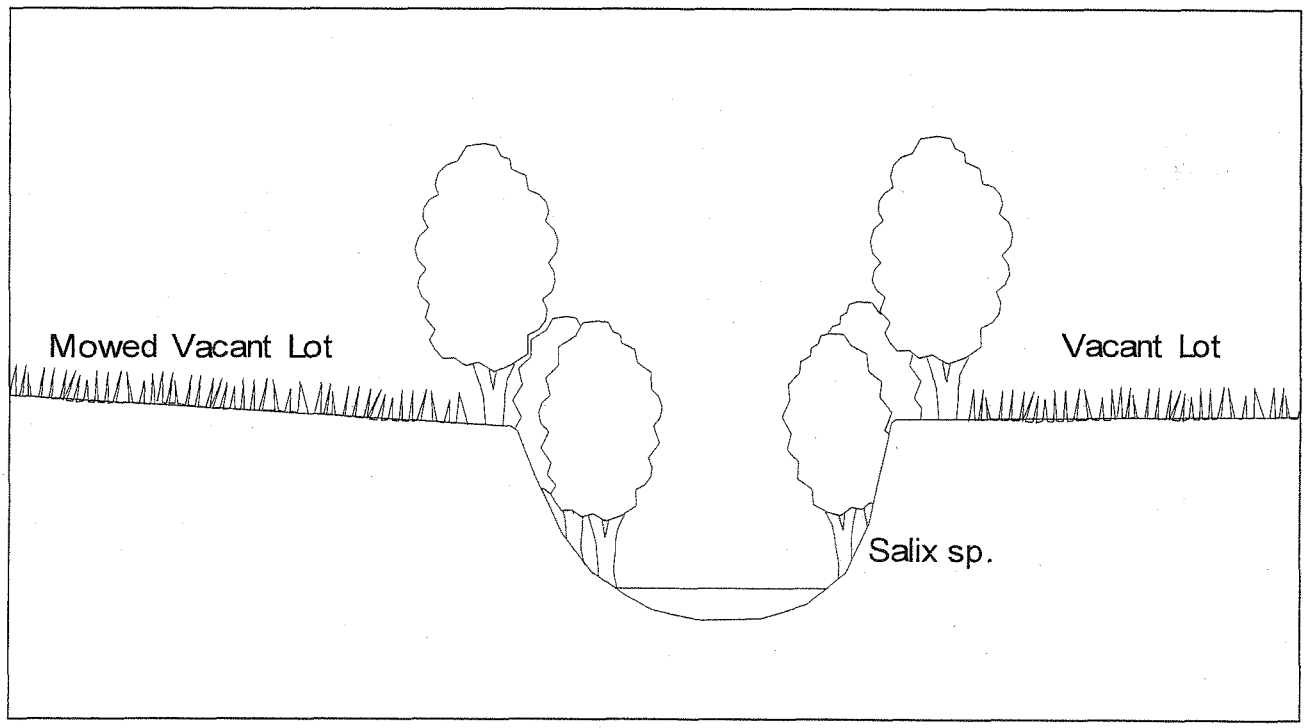
RIPARIAN CODE

**S-MIL-R-1 (R)**

**Date:** 6/12/2002 **Investigators:** SE/ME

**Dominant tree species:** *Populus trichocarpa*

**Comments:** This reach of the riparian area includes extensive areas that are frequently mowed up to the edge of the creek.



# Riparian Functional Assessment Answer Sheet

## Corvallis Riparian Inventory

RIPARIAN CODE

S-MIL-R-1 (R)

## WATER QUALITY

| | | Score |
|---|---|---|
| **1. What is the average slope in the riparian area?** | | |
| a. Less than 10:1 (10%) | 3 pts | |
| b. Between 10:1 (10%) and 5:1 (20%) | 2 pts | 3 |
| c. Greater than 5:1 (20%) | 1 pt | |
| **2. What is the dominant vegetation cover in the riparian area?** | | |
| a. Woody vegetation (trees, shrubs, vines) greater than 1 meter (3.2 feet) high | 3 pts | |
| b. Herbaceous vegetation or woody vegetation less than 1 meter (3.2 feet) high | 2 pts | 2 |
| c. Bare ground | 1 pt | |
| **3. What is the dominant vegetation at the top of bank (if defined) or edge of water resource?** | | |
| a. Woody vegetation (trees, shrubs, vines) greater than 1 meter (3.2 feet) high | 3 pts | |
| b. Herbaceous vegetation or woody vegetation less than 1 meter (3.2 feet) high | 2 pts | 2 |
| c. Bare ground | 1 pt | |
| **4. What is the extent of impervious surfaces within the riparian area?** | | |
| a. Less than 10% | 3 pts | |
| b. Between 10% and 25% | 2 pts | 1 |
| c. Greater than 25% | 1 pt | |
| **5. How does the Natural Resources Conservation Service (formerly Soil Conservation Service) soil survey rank the water erosion hazard of the dominant mapped unit in the riparian area? Select the highest water erosion hazard description if more than one is listed.** | | |
| a. Low, slight, moderate | 2 pts | 2 |
| b. High, severe, very high | 1 pts | |

**Total Points:** 10

**Function:** **High (12-14 pts)** **Medium (8-11 pts)** **Low (5-7 pts)**

**FUNCTION IS:** **MEDIUM**

# Riparian Functional Assessment Answer Sheet

## Corvallis Riparian Inventory

RIPARIAN CODE

S-MIL-R-1 (R)

## FLOOD MANAGEMENT

| | | Score |
|---|---|---|
| **6. Are there flood prone areas (adjacent flat areas, depressions, swales, FEMA mapped 100-year floodplain, etc.) beyond the top of bank or edge of the water resource?** | | |
| a. Yes | 3 pts | 3 |
| b. No | 1 pt | |
| **7. Is woody vegetation (trees, shrubs, vines) greater than 1 meter (3.2 feet) high dominant in the flood prone riparian area?** | | |
| a. Yes | 3 pts | 1 |
| b. No or no flood prone area present | 1 pt | |
| **8. Is the stream or water resource constricted by man-made features (e.g. channelization, riprap, concrete wall)?** | | |
| a. No | 3 pts | 1 |
| b. Yes | 1 pts | |

**Total Points:** 5

**Function:** **High (8-9 pts)** **Medium (5-7 pts)** **Low (3-4 pts)**

**FUNCTION IS:** **MEDIUM**

# Riparian Functional Assessment Answer Sheet

## Corvallis Riparian Inventory

RIPARIAN CODE

S-MIL-R-1 (R)

## THERMAL REGULATION

| | | Score |
|---|---|---|
| **9. Does the aspect or orientation of the riparian area allow for shading of water at midday in the summer?** | | |
| a. Yes | 3 pts | 3 |
| b. No | 1 pt | |
| **10. What is the dominant vegetation layer in the riparian area?** | | |
| a. Woody vegetation (trees, shrubs, vines) greater than 1 meter (3.2 feet) high | 3 pts | |
| b. Herbaceous vegetation or woody vegetation less than 1 meter (3.2 feet) high | 2 pts | 2 |
| c. Bare ground | 1 pt | |
| **11. Does woody vegetation hang over the edge of the water?** | | |
| a. Yes | 2 pts | 2 |
| b. No | 1 pts | |

**Total Points:** 7

**Function:** **High (7-8 pts)** **Medium (5-6 pts)** **Low (3-4 pts)**

**FUNCTION IS:** **HIGH**

# Riparian Functional Assessment Answer Sheet

## Corvallis Riparian Inventory

RIPARIAN CODE

S-MIL-R-1 (R)

## WILDLIFE HABITAT

| | | Score |
|---|---|---|
| **12. How many vegetation layers (i.e. canopy, mid-story, groundcover) are present?** | | |
| a. More than 2 layers | 3 pts | |
| b. 2 layers | 2 pts | 2 |
| c. 1 layer, or unvegetated | 1 pt | |
| **13. What is the dominant vegetation layer in the riparian area?** | | |
| a. Woody vegetation (trees, shrubs, vines) greater than 1 meter (3.2 feet) high | 3 pts | |
| b. Herbaceous vegetation or woody vegetation less than 1 meter (3.2 feet) high | 2 pts | 2 |
| c. Bare ground | 1 pt | |
| **14. Does woody vegetation hang over the edge of the water?** | | |
| a. Yes | 2 pts | 2 |
| b. No | 1 pt | |
| **15. Is large woody debris present within the riparian area?** | | |
| a. Yes | 3 pts | 3 |
| b. No | 1 pt | |
| **16. What percent of the water resource edge is bordered by a vegetated riparian area at least 30 feet wide?** | | |
| a. Greater than 40% | 3 pts | |
| b. Between 10% and 40% | 2 pts | 1 |
| c. Less than 10% | 1 pt | |

*Questions continued on next page*

# Riparian Functional Assessment Answer Sheet

## Corvallis Riparian Inventory

RIPARIAN CODE

S-MIL-R-1 (R)

## WILDLIFE HABITAT (continued)

| | | Score |
|---|---|---|
| **17. Is surface water present throughout the year?** | | |
| a. Yes | 3 pts | |
| b. No | 1 pt | 3 |
| **18. Is there more than one type of water resource (e.g. stream, wetland, lake/pond) within or immediately adjacent to the riparian reach?** | | |
| a. Yes | 3 pts | 1 |
| b. No | 1 pt | |
| **19. What is the degree of development or human-caused disturbance (e.g. buildings, impervious surfaces, lawns, agriculture, trash) in the riparian area?** | | |
| a. Less than 25% | 3 pts | |
| b. Between 25% and 75% | 2 pts | 1 |
| c. Greater than 75% | 1 pt | |

**Total Points:** 15

**Function:** **High (19-23 pts)** **Medium (13-18 pts)** **Low (8-12 pts)**

**FUNCTION IS:** **MEDIUM**

Corvallis Natural Features Inventory
Supplemental Riparian Form

**Basin:** MILL RACE **Reach:** S-MIL-R-1R **Size (acres):** 4.28
**Map:** S-2 **Length (feet):** 1950

**Dominant Cover Type:** BARE

**ARA Cover Type:** developed

**Other ARA Types** Grass tall (ryegrass, meadow)

**% of Total Cover Trees:** 5 **Shrubs** 10 **Herbs/Vines** 40 **Bare:** 45

**Dominant Cover Type At Edge of Water:** WOODY

**Edge of Water ARA Type** Mixed Woodland 30-70% closed canopy

**Riparian System:** LOTIC

**Trees:**

Type: DECIDUOUS

Dominant Species: Black cottonwood (Populus trichocarpa)

Secondary Species: Oregon ash (Fraxinus latifolia)

% Total Cover: ◉ <10% ○ 10%-50% ○ 50%-90 ○ >90%

% Invasive Cover: ◉ <10% ○ 10%-50% ○ 50%-90 ○ >90%

% Native Cover: ○ <10% ○ 10%-50% ○ 50%-90 ◉ >90%

**Shrubs/Sapling**

Type: DECIDUOUS

Dominant Species: Black cottonwood (Populus trichocarpa)

Secondary Species: willow (Salix sp.), Himalayan blackberry (Rubus discolor), Douglas hawthorn (Crataegus douglasiii)

% Total Cover: ○ <10% ◉ 10%-50% ○ 50%-90 ○ >90%

% Invasive Cover: ◉ <10% ○ 10%-50% ○ 50%-90 ○ >90%

% Native Cover: ○ <10% ○ 10%-50% ○ 50%-90 ◉ >90%

**Herbaceous**

Type: DECIDUOUS

Dominant Species: tall fescue (Festuca arundinacea)

Secondary Species: orchardgrass (Dactylis glomerata), common velvetgrass (Holcus lanatus), curly dock (Rumex crispus), oxeye daisy (Chrysanthemum leucanthemum)

% Total Cover: ○ <10% ○ 10%-50% ◉ 50%-90 ○ >90%

% Invasive Cover: ○ <10% ◉ 10%-50% ○ 50%-90 ○ >90%

% Native Cover: ○ <10% ◉ 10%-50% ○ 50%-90 ○ >90%

Corvallis Natural Features Inventory
Supplemental Riparian Form

**Basin:** MILL RACE **Map:** S-2

**Reach:** S-MIL-R-1R

**RTE Species**

ORNHIC Plant Community: ◉ None Noted ○ Listed Community Noted

ORNHIC or Benton Co. NSP List ◉ None Detected ○ Potential ○ Listed Species Detected

**Riparian Condition Assessment**

Land Use within: COMMERCIAL

Land Use adjacent: COMMERCIAL

Infrastructure Impingement: FULLY IMPINGED

In Channel Alteration: MODERATELY ALTERED

LWD Recruitment Potential: LOW

Shade Potential: HIGH

RCA Functional Designation: Partially Functional

**Restoration Potential**

| | | | | |
|---|---|---|---|---|
| Adjacent slopes of 15% or greater | ◉ <10% | ○ 10%-50% | ○ 50%-90 | ○ >90% |
| Undeveloped land within 50ft of top of bank | ○ <10% | ○ 10%-50% | ○ 50%-90 | ◉ >90% |
| Within 100-yr floodplain: | ○ <10% | ○ 10%-50% | ○ 50%-90 | ◉ >90% |
| Low quality wetlands or hydric soils: | ○ <10% | ○ 10%-50% | ○ 50%-90 | ◉ >90% |
| Adjacent landscape areas: | ◉ <10% | ○ 10%-50% | ○ 50%-90 | ○ >90% |

Opportunities: IMPROVE STREAMSIDE VEGETATION

Current Efforts NONE OBSERVED

**COMMENTS** SALIX COVER ALONG STREAM BANKS PROVIDES NEARLY TOTAL SHADING OF STREAM

# Oregon Freshwater Wetland Assessment Methodology

(Revised Edition, April 1996)

## Wetland Assessment Summary Sheet

Pacific Habitat Services, Inc.

| | | | |
|---|---|---|---|
| **Project Name:** | Corvallis Natural Resource Inventory | **Wetland:** | **S-WIL-W-9** |
| **Project Location:** | Benton County | **Wetland Type(s):** | PFO,PSS,PEM |

| | | | |
|---|---|---|---|
| **Date(s) of field work:** | 5/7/2002 | **Approx. Area (acres):** | 4.68 |
| **Onsite Assessment?:** | YES | **Investigator(s):** | LW |
| **Wetland Location:** | Willamette Park, south of Marys River | | |

### Function and Condition Assessment Answers

| Wildlife Habitat | | Fish Habitat | | Water Quality | | Hydrologic Control | | Sensitivity to Impact | |
|---|---|---|---|---|---|---|---|---|---|
| Q | A | Q | A | Q | A | Q | A | Q | A |
| Q-1 | A | Q-1 | B | Q-1 | A | Q-1 | A | Q-1 | B |
| Q-2 | A | Q-2 | A | Q-2 | A | Q-2 | A | Q-2 | A |
| Q-3 | A | Q-3 | A | Q-3 | A | Q-3 | A | Q-3 | A |
| Q-4 | A | Q-4 | C | Q-4 | A | Q-4 | C | Q-4 | B |
| Q-5 | A | Q-5 | B | Q-5 | B | Q-5 | A | Q-5 | C |
| Q-6 | A | Q-6 | C | Q-6 | A | Q-6 | A | Q-6 | A |
| Q-7 | C | | | | | Q-7 | B | | |
| Q-8 | B | | | | | | | | |
| Q-9A | | | | | | | | | |
| Q-9B | A | | | | | | | | |

### Results:

| | |
|---|---|
| **Wildlife Habitat** | Wetland provides diverse wildlife habitat |
| **Fish Habitat** | Wetland's fish habitat function is impacted or degraded |
| **Water Quality** | Wetland's water-quality function is intact |
| **Hydrologic Control** | Wetland's hydrologic control function is intact |
| **Sensitivity to Impact** | Wetland is potentially sensitive to future impacts |

### Function and Condition Assessment Answers

| Enhancement Potential | | Education | | Recreation | | Aesthetic Quality | |
|---|---|---|---|---|---|---|---|
| Q | A | Q | A | Q | A | Q | A |
| Q-1 | | Q-1 | A | Q-1 | A | Q-1 | A |
| Q-2 | | Q-2 | A | Q-2 | A | Q-2 | C |
| Q-3 | A | Q-3 | A | Q-3 | A | Q-3 | A |
| Q-4 | | Q-4 | A | Q-4 | A | Q-4 | A |
| Q-5B | | Q-5 | A | Q-5 | A | Q-5 | A |
| Q-6 | | Q-6 | A | Q-6 | B | Q-6 | A |

### Results:

| | |
|---|---|
| **Enhancement Potential** | Due to diverse wildlife habitat, this wetland cannot be enhanced |
| **Education** | Wetland has educational uses |
| **Recreation** | Wetland provides recreational opportunities |
| **Aesthetic Quality** | Wetland is considered to be pleasing |

# Oregon Freshwater Wetland Assessment Methodology
## Functions and Conditions Summary Sheet

| | | | |
|---|---|---|---|
| **Project:** | Corvallis Natural Resource Inventory | **Wetland:** | **S-WIL-W-9** |
| **Location:** | Benton County | **Approx. Area (acres):** | 4.68 |
| **Date:** | 5/7/2002 | **Wetland Types(s):** | PFO,PSS,PEM |

| | | |
|---|---|---|
| **Result:** | **Wetland provides diverse wildlife habitat** | |
| **Rationale:** | More than one Cowardin class | Adjacent Water Quality limited stream |
| | Dominated by woody vegetation | Adjacent land use is primarily agriculture |
| | Greater than 1 acre of open water | Wetland buffer is greater than 40% |
| **Result:** | **Wetland's fish habitat function is impacted or degraded** | |
| **Rationale:** | 25-50% of stream is shaded | Adjacent Water Quality Limited stream |
| | Stream is in a natural channel | Adjacent land use is primarily agriculture |
| | >25% of stream has instream structures | Stream does not contain fish |
| **Result:** | **Wetland's water-quality function is intact** | |
| **Rationale:** | Primary water source is surface flow | Wetland is more than 5 acres in size |
| | Wetland floods/ponds in growing season | Adjacent land use is primarily agriculture |
| | High wetland vegetation cover | Adjacent Water Quality Limited stream |
| **Result:** | **Wetland's hydrologic control function is intact** | |
| **Rationale:** | Wetland is within 100 year floodplain | Dominated by woody vegetation |
| | Wetland floods/ponds in growing season | Development downslope of wetland |
| | Water has unrestricted flow out of wetland | Agriculture upslope of wetland |
| **Result:** | **Wetland is potentially sensitive to future impacts** | |
| **Rationale:** | Stream not modified | Adjacent land use is primarily agriculture |
| | Water is taken out or isolated wetland | Adjacent zoning is mostly open space |
| | Adjacent Water Quality Limited stream | Dominated by woody vegetation |
| **Result:** | **Due to diverse wildlife habitat, this wetland cannot be enhanced** | |
| **Rationale:** | | |
| | | |
| | | |
| **Result:** | **Wetland has educational uses** | |
| **Rationale:** | Wetland is open to the public | Maintained public access within 250 feet |
| | No visible hazards to public | Wetland is limited mobility accessible |
| | Public access to other habitats exist | |
| **Result:** | **Wetland provides recreational opportunities** | |
| **Rationale:** | Maintained public access within 250 feet | Wetland provides diverse wildlife habitat |
| | Boat launching within 1/2 mile | Fishing is allowed |
| | Maintained trails, viewing areas exist | No hunting is allowed |
| **Result:** | **Wetland is considered to be pleasing** | |
| **Rationale:** | More than two Cowardin classes are visible | Wetland surrounded by natural areas |
| | Less than 25% of wetland can be seen | Natural odors present at wetland |
| | No visual detractors are present | Some traffic and natural noises are present |

# Locally Significant Wetlands Criteria

ORS 197.279 (3)(b)

| Project Name: | Corvallis Natural Resource Inventory | Wetland: | S-WIL-W-9 |
|---|---|---|---|
| Project Location: | Benton County | Approx. Area (acres): | 4.68 |
| Date: | 5/7/2002 | Wetland Types(s): | PFO,PSS,PEM |

| ***Exclusions*** **: This wetland cannot be designated as significant if the answer to any of the criteria below is "Yes".** | | |
|---|---|---|
| **1** Is this wetland artificially created entirely from upland anc | | |
| **a.** created for the purpose of controlling, storing, or maintaining stormwater | | No |
| **b.** is used for active surface mining or as a log ponc | | No |
| **c.** is a ditch without a free and open connection to natural waters of the state | | No |
| **d.** is less than 1 acre and created unintentionally from irrigation or constructioı | | No |
| **e.** created for the purpose of wastewater treatment, cranberry production, farm watering, sediment settling, cooling industrial water, or a golf hazar( | | No |
| **2** Is the wetland or portion of the wetland contaminated by hazardous substances, materials or wastes as per the conditions of ORS 141-86-350 1(b) | | No |
| **Exclusion criteria satisfied?** | | **No** |

| ***Mandatory Locally Significant Wetland Criteria*** **: This wetland is locally significant if "Yes" is the answer to any of the criteria below.** | | |
|---|---|---|
| **1** Does the wetland provide *diverse wildlife habitat* ? | Yes | |
| **2** Is the wetland's *fish habitat function intact* ? | | No |
| **3** Is the wetland's *water quality function intact* ? | Yes | |
| **4** Is the wetland's *hydrologic control function intact* ? | Yes | |
| **5** Is the wetland less than 1/4 mile from a water body listed by DEQ as a water quality limited water body (303(d) list) and is the wetland's *water quality function intact, or impacted or degraded* ? | Yes | |
| **6** Does the wetland contain a rare plant community? | | No |
| **7** Is the wetland inhabited by any species listed federally as threatened oı endangered, or state listed as sensitive, threatened or endangered? | | No |
| **8** Does the wetland have a direct surface water connection to a stream segment mapped by ODFW as habitat for indigenous anadromous salmonids and is the wetland's *fish habitat function intact, or impacted or degraded* ? | Yes | |
| **Mandatory Locally Significant Wetland criteria satisfied ?** | **Yes** | |

| ***Optional Locally Significant Wetland Criteria*** **: local governments may identify a wetland as significant if "Yes" is the answer to the criteria below** | | |
|---|---|---|
| **1** Does the wetland represent a locally unique native plant community and provides *diverse wildlife habitat or habitat for some species* or has a *intact, or impacted or degraded fish habitat function* or has a *intact, or impacted or degraded water quality function* or has a *intact, or impacted or degraded hydrologic control function* . | | No |
| **2** Is the wetland publicly owned and used by a school or organization and does the wetland provide *educational uses* ? | | No |
| **Optional Locally Significant Wetland criteria satisfied ?** | | **No** |

## Locally Significant Wetland

# Wetland Characterization Sheet

## Project Name: Corvallis Natural Resource Inventory

| | | | |
|---|---|---|---|
| | | Wetland Code: | **S-WIL-W-9** |
| Date(s) of field work: | **5/7/2002** | Size (acres): | **4.68** |
| Data Sheet Numbers: | **OFF-SITE** | Cowardin Class(es): | **PFO,PSS,PEM** |
| Investigator(s): | **LW** | HGM Class(es): | **RFT,RI, DO** |

| | |
|---|---|
| Location -- Legal: | **T. 12S, R.5W, S. 2, 11** |
| Other: | **Willamette Park, south of Marys River** |
| Tax Lots: | **See accompanying table** |
| Hydrologic basin: | **WILLAMETTE RIVER** |
| Soil -- Mapped series: | **Mixed alluvial land** |
| Hydrologic Source: | **Surface water** |

**Dominant Wetland Vegetation**

| TREES / SHRUBS | | VINES / HERBS | |
|---|---|---|---|
| *Fraxinus latifolia* | Oregon Ash | *Urtica dioica* | Stinging Nettle |
| *Rosa pisocarpa* | Clustered Wild Rose | *Phalaris arundinacea* | Reed Canary Grass |
| *Salix lasiandra* | Pacific Willow | *Carex obnupta* | Slough Sedge |
| *Populus trichocarpa* | Black Cottonwood | *Dipsacus sylvestris* | Teasel |
| *Cornus stolonifera* | Red-Osier Dogwood | *Solanum dulcamara* | Bittersweet Nightshade |
| *Crataegus douglasii* | Douglas' Hawthorn | *Carex deweyana* | Dewey's Sedge |
| *Spiraea douglasii* | Douglas' Spiraea | *Ranunculus uncinatus* | Little Butter-Cup |
| | | *Rumex crispus* | Curly Dock |
| | | | |
| | | | |

**Comments:** **Locally Significant Wetland**

Willamette Park adjacent to the Willamette River. Wetland determination completed for the park in May 2002. Series of old gravel pits and overflow channelswithin floodplain of the Willamette River. Connection to Essential Salmonid Habitat river. During high water the ponds and swales are interconnected by flowing water, drying up through the summer. Mosaic of 40% wetland and 60% upland. Zoned Open Space-Conservation. DSL WD # 97-

Adjacent Upland species: Acer macrophyllum, Oemleria cerasiformis, Rubus discolor, Symphoricarpos albus, Tanacetum vulgare, Rubus ursinus, Brachypodium sylvaticum, Daucus carota, Hedera helix, Danthonia californica

| | | | |
|---|---|---|---|
| **COWARDIN CODES:** | E2FO = estuarine forested | E2SS = estuarine scrub shrub | E2EM = estuarine emergent |
| PFO = palustrine forested | PSS = palustrine scrub-shrub | PEM = palustrine emergent | POW = palustrine open water |
| **HGM CODES:** | EFB = Estuarine Fringe Embayment | EFR = Estuarine Fringe Riverine | RFT = Riverine Flow Through |
| RI = River Impounding | LFH = Lacustrine Fringe Headwater | LFV = Lacustrine Fringe Valley | DB = Depressional Bog |
| DA- Depressional Alkaline | DO = Depressional Outflow | DCP = Depressional Closed Permanent | DCNP = Depressional Nonpermanent |
| | S = Slope | F = Flats | |

# Corvallis Natural Features Inventory

## Wetland and Riparian Inventory

map sheet s_2

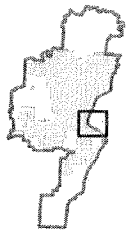
### Legend

- Riparian assessment areas
- Natural vegetation within riparian assessment area
- Streams
- Field verified wetland
- Locally significant wetland
- non-Locally significant wetland
- Mosaic wetland
- Prior converted cropland
- Farmed wetland
- Potential wetland
- Pond
- Subarea/UGB Boundary
- City Limits
- Parcel boundaries
- Riparian field data points
- Wetland field data points
- ARA vegetation cover types

6 - Conifer forest >70% closed canopy
7 - Mixed forest - 70% closed canopy
8 - Hardwood forest >70% closed canopy
9 - Conifer woodland 50-70% closed canopy
10 - Mixed forest woodland 50-70% closed canopy
11 - Hardwood woodland 50-70% closed canopy
12 - Open upland (<50% canopy, non-oak)
13 - Oak savanna (<50% canopy)
14 - Shrub dry, tree open
15 - Shrub wet valley
20 - Grass short
21 - Grass natural
22 - Grass tall
23 - Bare, burnt, fallow
26 - Seasonal wetlands
27 - Lakes, reservoirs, permanently inundated wetlands
30 - Developed

Wetland site number referenced in fit green.
Riparian reach codes referenced in deep blue.
Map sheet index number referenced in beige.
DSL numbers are referenced in deep red.
Permit numbers are referenced in purple.

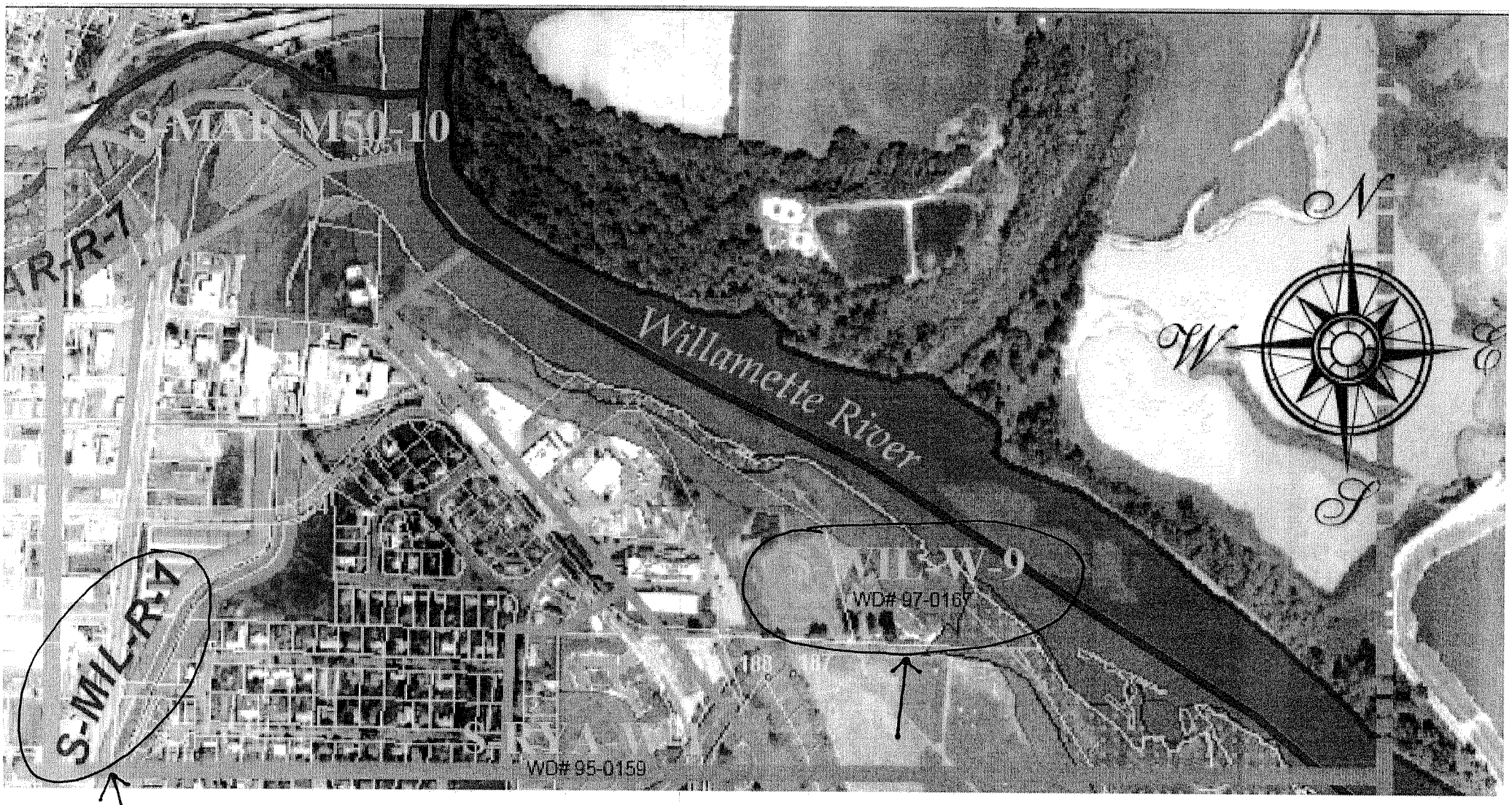
600 300 0 600 Feet



Map scale: 1 inch = 600 feet
Projection:
State Plane Oregon Zone North,
FIPS zone 3601
North American Datum 1983

Riparian Assessment Area widths determined by size of drainage area (see Riparian Technical Report).

Sources:
Field inventory conducted by Pacific Habitat Services.
All base data provided by the City of Corvallis.
Data compilation and map production by Ecotrust, 2002.


S-MAR-M50-10
AR-R-7
Willamette River
N
W
E
S
S-MIL-R-7
MIL-W-9
WD# 97-0167
WD# 95-0159

# SECTION 5
## SPECIALIZED FACILITY RECOMMENDATIONS

### *5.1 INTRODUCTION*

This section of the Parks and Recreation Master Plan discusses the recommendations for specific recreational facilities. These recommendations are divided into the following categories:


| | |
|---|---|
| Pathways and Trails | 5-1 |
| Indoor Recreational Facilities | 5-9 |
| Sports Facilities | 5-13 |
| Specialized Recreational Facilities | 5-15 |


### *5.2 TRAILS AND PATHWAYS*

*Trails and pathways are designed to provide walking, bicycling, equestrian, and other non-motorized recreational opportunities. By providing linkages to other areas and facilities, they can provide non-vehicular options for travel throughout the community. Trails can be designed for a single or multiple types of users. The trails and pathways emphasized here are those that are recreational and multiple use in nature (see map 7). Bike routes with more emphasis on transportation are not included in this definition.*

*Trails may be either unsurfaced or treated with a variety of hard surfacing materials including concrete, asphalt or granite chips. Unsurfaced trails may be left in their natural condition or supplemented with gravel, bark chips, sand or other material. Surfacing will be dependent upon the soil type, slopes, type of use and amount of use.*

*Public Involvement /Assessment:*

1. **Existing Conditions:** In Corvallis, there are several multi-use pathways that are not part of internal park pathways or internal loops. All totaled, there are 12.0 miles of paved and 5.5 miles of unpaved trails in the Corvallis area.

2. **Survey/Workshop Meetings:** The development of a citywide pathway and trail system ranked relatively high compared to other park and recreation projects. Participants of the recreation survey identified the need for pathways/trails, particularly nature and hiking trails.

   A few of the respondents in the workshop meeting identified the need for pathways and trails. However, the focus was on providing connector trails between schools, parks and other community features.

3. **Planning Advisory Committee:** The Planning Advisory Committee supported the notion of developing a citywide off-street trail system.

4. **Needs Assessment:** The master plan needs assessment identified a current need for 13.8 miles of paved pathways and 14.1 miles of unpaved trail.

*Design and Development Policies:*

1. **General Land Use Guidelines:**

   a. The following rationale and guidelines, site selection criteria and development standards apply to trails and pathways that are recreational in nature. Policies related to pathways that are transportation oriented are found in the City's Transportation Plan.

   b. Trails that follow along stream corridors and drainageways provide natural linkages from the urban development to recreational areas. Trails located parallel to these amenities provide connections with natural areas that are desired by citizens. In addition, trails in these locations minimize the loss of land for development at urban densities compared to situations where trails might need to bisect developable lands.

   c. Stream corridors provide essential ecological functions that need protection from the impacts of development and human activity as these streams travel through urban areas.

   d. There are negative impacts from both planned recreational facilities and unplanned recreational activities that happen near stream resource lands. Good planning can minimize the negative impacts.

   e. Natural systems are impacted by farming, logging, lawns, streets, buildings, overhead utility lines, sewers, and other human activities. In Corvallis there is a need to have a closer review of ways to obtain the advantages and efficiencies of urban density, while still maintaining the essential ecological functions of streams and wetlands.

   f. Trails should be planned, sized, designed and located to minimize their impacts on the ecological functions of stream corridors and to minimize the impacts of unplanned access in and near these drainageways. Where adequate lands are available, multi-purpose trails running parallel to stream corridors should generally be sited at least 50' from the top of bank and further away when near sensitive areas. Where there is a narrow band of riparian vegetation along a stream, parallel trails should generally be locate outside the riparian area. Where situations indicate portions of trails need to be within a distance of 20' or closer to the top of bank and/or where trails cross streams, it is appropriate to require special details and reviews of the proposal.

These provisions shall defer to future City or State standards in areas where those standards become more restrictive.

g. Developers should be encouraged to provide and build pathways and trail amenities within their proposed developments that link with the City's overall trail system.

h. Trails easements, dedications and development need to occur prior to or at the time of development.

i. Trails along drainagways are intended to be within drainageway dedicated areas and will require special design/construction techniques in order to protect drainageway functions.

j. Currently management policies and maintenance responsibility is divided between the Public Works Department and the Parks and Recreation Department. In the future, all management policies and maintenance responsibility related to recreation trails should be assigned to one agency.

k. The City should be sensitive to private owners when trails are proposed on private property.

l. Developers may apply for SDC credit provided that the trail within their project is part of the proposed trail system shown on page 5-7. Local trails within a subdivision are not part of the overall system and are not eligible for SDC credits.

m. In previously developed areas, trails shall be sited through purchase or easements from willing property owners, and alternative routing will be considered when necessary.

**2. Site Selection Criteria:**

a. The primary purpose of recreation trails is to provide a recreation experience. Transportation to other parts of the community should be a secondary objective. Wherever feasible, recreation pathways and trails should be located off street. However, streets should be used in order to complete connection, whenever needed.

b. Trails should be located and designed to provide a diversity of challenges. Enhance accessibility wherever possible, with high priority being nature trails and loop or destination opportunities on portions of trails near staging areas.

c. Trails should be developed throughout the community to provide linkages to schools, parks, and other destination points. Each proposed trail should be reviewed on a case- by- case basis to determine if it should be part of the city's trail system.

**3. Design and Development Standards:**

a. Trail alignments should take into account soil conditions, steep slopes, surface drainage and other physical limitations that could increase construction and/or maintenance costs.

b. Trails should be planned, sized, and designed for multiple uses, except for dedicated nature trails, and/or areas that cannot be developed to the standard necessary to minimize potential user conflicts.

c. Centralized and effective staging areas should be provided for trail access. They should include parking, orientation and information, and any necessary specialized unloading features. Primary trailheads should have restrooms and trash receptacles; secondary trailheads might only have some parking and signage.

d. Shown below and on the following page are trail design standards for off-street multi-purpose, off-street hiking and rustic trails. Off-street multi-purpose trails may vary in width form 5'-12', with 12' width being optimum because it permits access for maintenance and security vehicles.

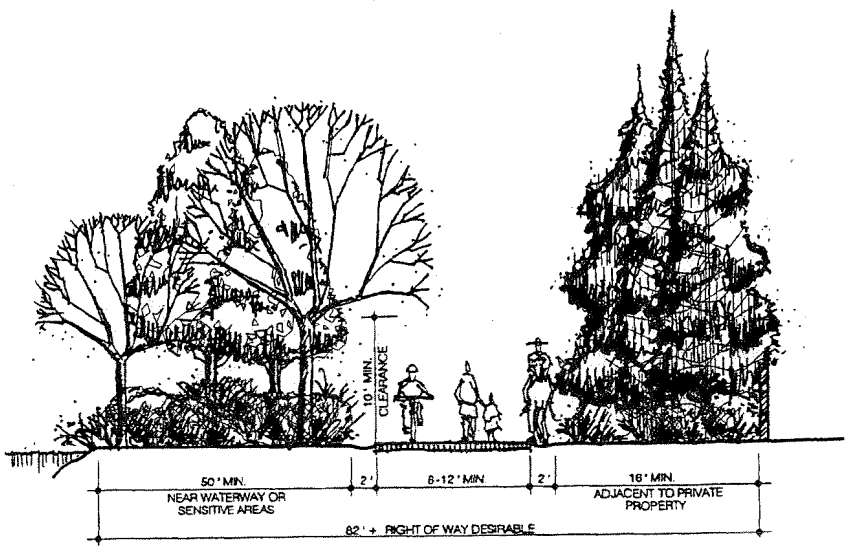



*FIGURE 8*
*Off-Street Multi-Purpose Trail*

***A 50' right-of-way is desired but not required unless mandated by natural resource issues.***

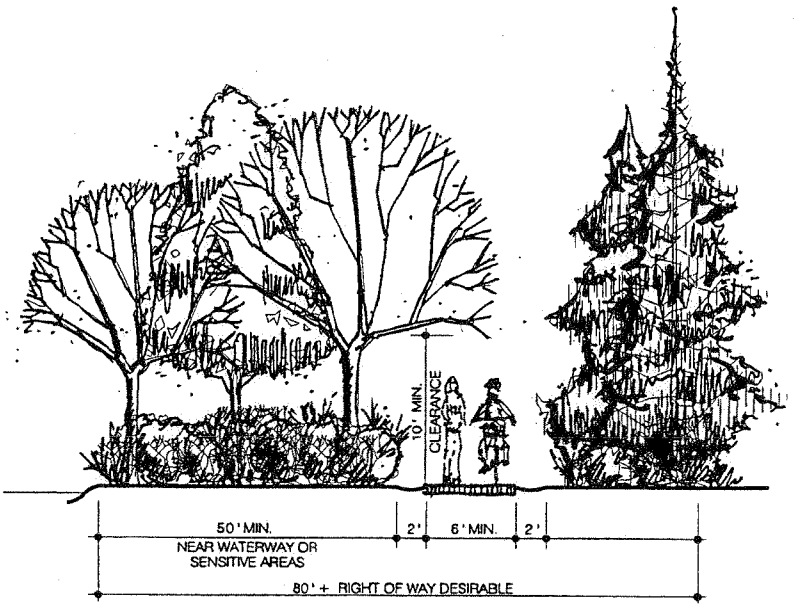



*FIGURE 9*
*Off-Street Hiking Trail*

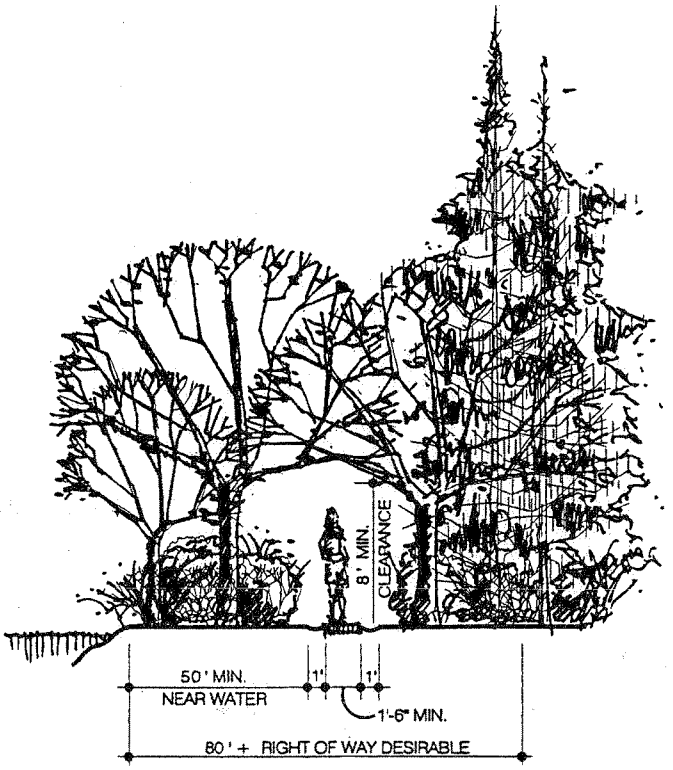
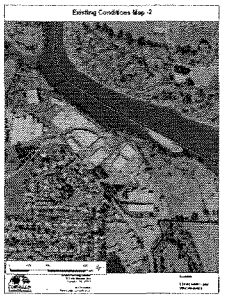



*FIGURE 10*
*Rustic Trail*

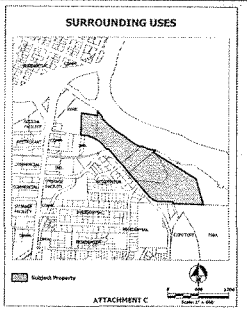
# Evanite WRG Setbacks and Compatibility Review Area LDT08-00001

Staff Presentation to the Planning Commission
Bob Richardson, Associate Planner
September 24, 2008

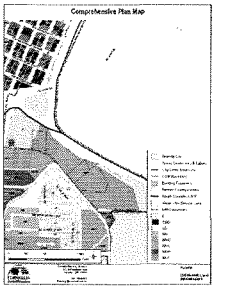
## Existing Conditions



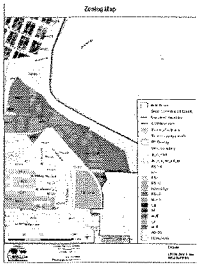

## Surrounding Uses




## Comprehensive Plan Map




## Zoning Map




## Applicant's Requests

- Reduce WRG Building Setback on site from 100 ft from the TOB to 32 ft for non-industrial uses.
- Exempt development further than 200 ft from the ordinary low water line from need for WRG Conditional Development Permit unless required by MUT zone.

ATTACHMENT C

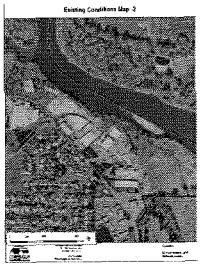
# Full Presentation
(LDT08-00001)

WRG Setback Reduction
WRG Compatibility Review Area

## Presentation Format

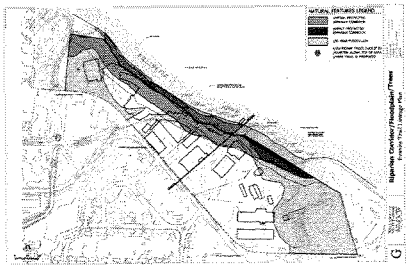
- Clarifications and Staff Report Corrections
- Physical and Regulatory Conditions
- WRG Building Setback
- WRG Compatibility Review Area

## Physical and Regulatory Conditions

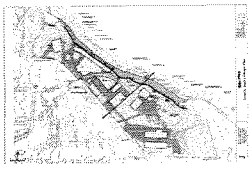


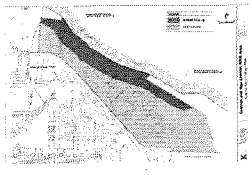
- "To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural economic, and recreational qualities of lands along the Willamette River" (SPG 15)

## Natural Features



## Site Plan & Proposed Compatibility Review Area





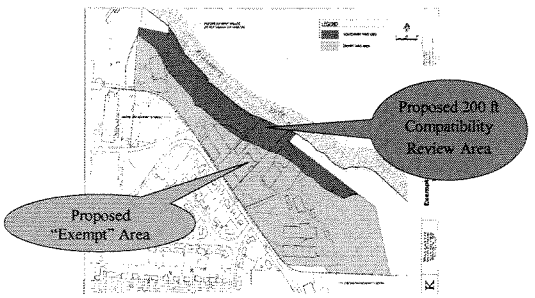
# WRG Setback Reduction

## WRG Setbacks

- LDC Section 1.2.80
  - Desired Transition
  - Changing Conditions
  - River as Amenity
  - Efficient Use of Land
  - Consistent with Goal 15
- Staff Recommendation – 42 ft setback
  - Space to enhance WRG
  - Visual Compatibility
  - Space for:
    - Large Canopy Trees
    - Pedestrian Amenities
    - Private Outdoor Areas

## WRG Compatibility Review Area

## Proposed WRG Compatibility Review Area




## Comparison of Regulations

| Standards | Compatibility Review Area | "Exempt Areas " |
|---|---|---|
| MUT and WRG Standards | Yes | Yes |
| Applicable LDC Standards | Yes | Yes |
| WRG Review Criteria | Yes | No |
| CDP Review Criteria | Yes | *If required by MUT* |
| Public Hearing | Yes | *If required by MUT* |

## Applicable Development Standards

- All Applicable Development Standards
- MUT Zone Standards:
  - Building Orientation
  - Building Design
  - Pedestrian Amenities
  - Neighborhood Compatibility near Residential Zones
- WRG Overlay Standards:
  - Protect topo. Features
  - Water Rel. / Dep. Uses
  - Bank Stability
  - Flood Capacity and hydraulic effects considered
  - Natural Hazards / Features
  - Landscaping per LDC
  - Structures & Signs
  - Parking / Storage

## Conditional Development Review Criteria

- Basic Site Design
- Visual Elements
- Noise, Odors
- Lighting, Signage
- Landscaping
- Transportation
- Traffic & Parking
- Utilities
- Air and Water Quality
- Development Standards
- Natural Hazards / Features

## WRG Review Criteria

- Public Access
- Natural Hazards / Features
- Scenic Areas / Views
- Air, Water, & Land Quality
- Vegetative Fringe
- Recreational Uses
- Public Safety
- Aggregate Deposits
- Landscaping / Open Space
- Development Distance from River
- Applicable Standards

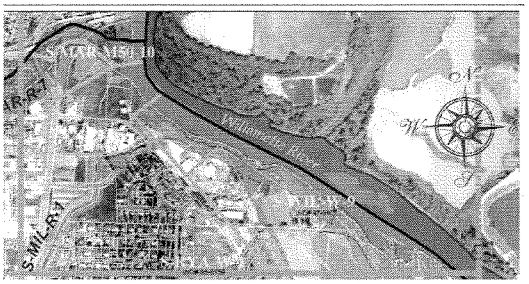
## Public Necessity, Convenience, and General Welfare

- Need for the MUT zone to work as intended.
  - MUT outright uses could occur outright.
  - Encourage desired transition to less intensive uses.

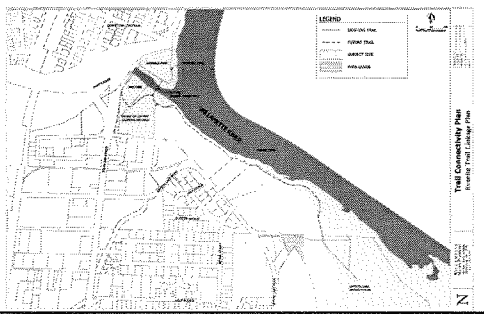
## Overall Conclusion

- Proposals are consistent with:
  - Goal 15
  - Applicable Comprehensive Plan Policies
  - LDC Section 1.2.80.01.
- Proposals are consistent with the purposes of the MUT zone.
- Staff Recommend a 42-ft WRG Building Setback and 200 ft WRG Compatibility Review Area.

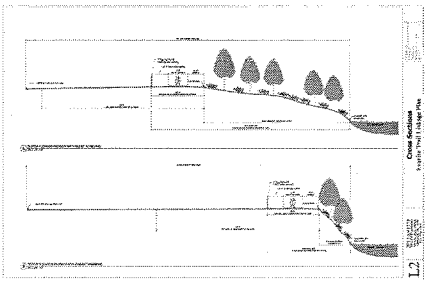
## Natural Features Inventory Poster



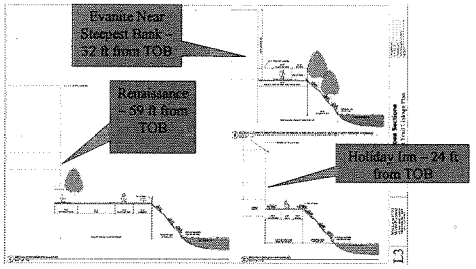
## Proposed Trail Alignment



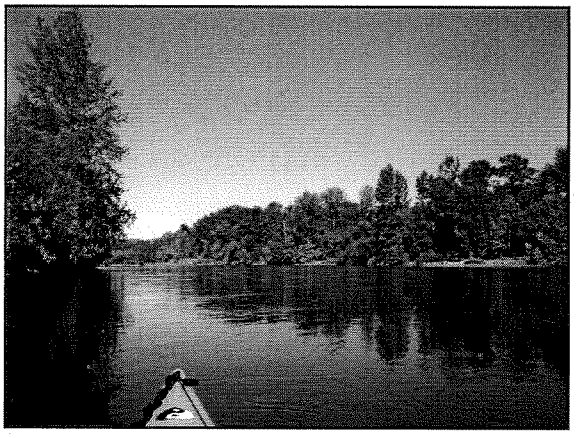
## Cross Section (L2)

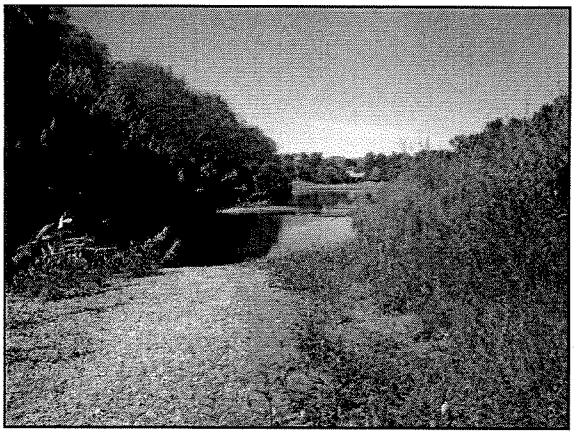


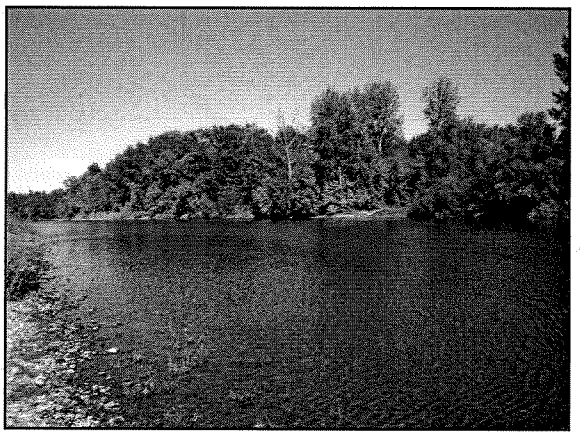
# Cross Sections (L3)

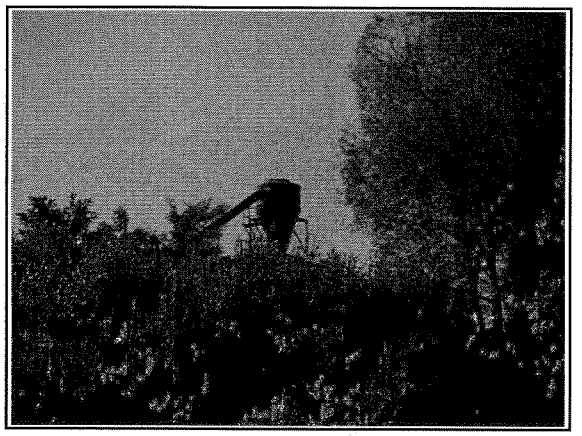


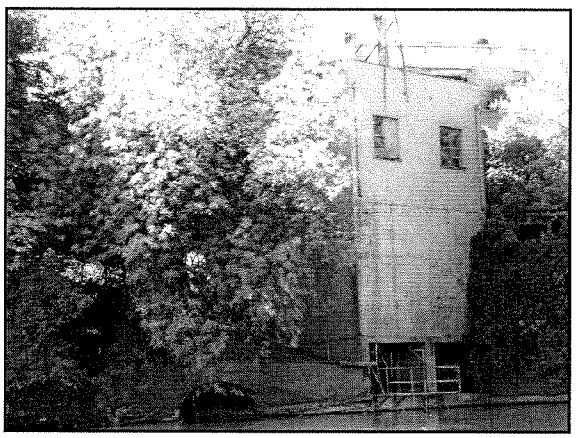
Photos by Mark Hommer September 24, 2008

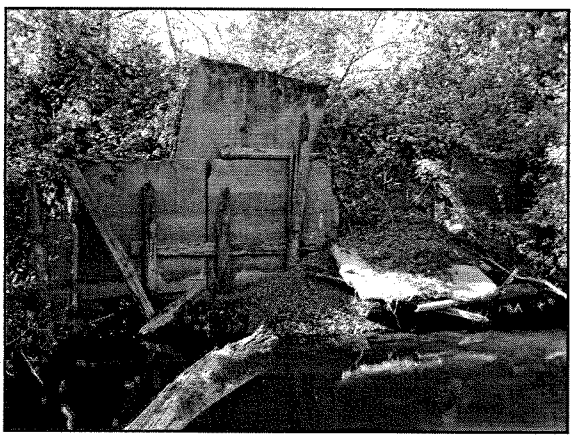






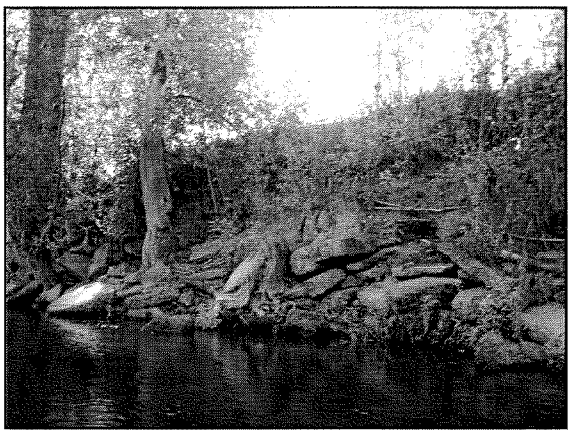


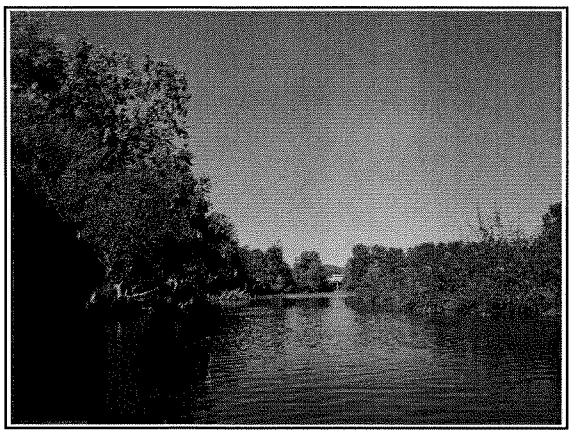


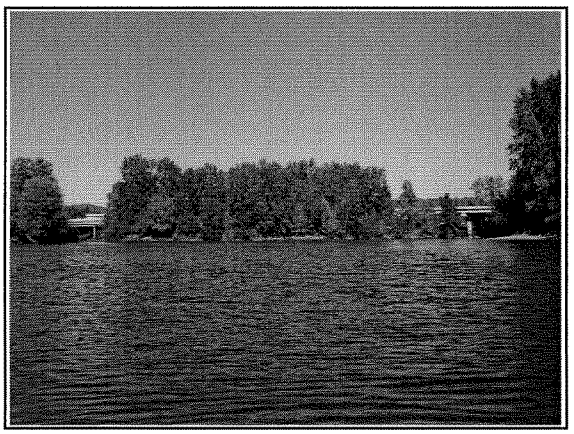




ATTACHMENT D







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

Approved as corrected, December 3, 2008

# CITY OF CORVALLIS
# PLANNING COMMISSION MINUTES
## October 1, 2008

**Present**
Karyn Bird, *Chair*
Jennifer Gervais, *Vice Chair*
Frank Hann
Tony Howell
Jim Ridlington
Patricia Weber
Jeanne Raymond, *Council Liaison*

**Absent**
Steve Reese
Denise Saunders

**Staff**
Jim Brewer, Deputy City Attorney
Ken Gibb, Community Development Director
Fred Towne, Planning Division Manager
Bob Richardson, Associate Planner
Sarah Johnson, Assistant Planner
Brian Latta, Assistant Planner
Jeff McConnell, Development Engineering Supervisor
Matt Grassel, Development Review Engineer
Ted Reese, Development Review Engineer
Jackie Rochefort, Park Planner
Terry Nix, Recorder

## SUMMARY OF DISCUSSION

| | Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|---|
| I. | Deliberations<br>**Corvallis Station (PLD08-00011)** | | | Approve as conditioned. |
| II. | Deliberations<br>**Willamette Landing Phase 10 (CPA08-00002, ZDC08-00004, PLD08-00010, MRP08-00017)** | | | Deny the request. |
| III. | Deliberations<br>**Evanite Building Demolitions and Trail Alignment (WRG08-00001)** | | | Approve as conditioned. |
| IV. | Visitors' Propositions | X | | |
| V. | Public Hearing<br>**Storage Depot (PLD-00008)** | | X | The hearing was continued to November 5, 2008, 7:00 p.m. |
| VI. | Planning Commission Minutes<br>A. September 3, 2008 | | | Approve as drafted. |

| | | | | |
|---|---|---|---|---|
| VII. | Old Business | X | | |
| VIII. | New Business<br>A. Planning Manager's Update | X | | |
| IX. | Adjournment - 10:40 p.m. | | | |

## CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Chair Karyn Bird at 5:35 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

## I. DELIBERATIONS - Corvallis Station Major Modification (PLD08-00011):

The Chair welcomed citizens. The public hearing on this item was held on September 17, 2008. By request, the record was held open for seven days for additional written public testimony. Deliberations will be held tonight.

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

1. Conflicts of Interest: None.
2. Ex Parte Contacts: None.
3. Site Visits: Commissioners Hann and Ridlington declared new site visits.
4. Objections on Jurisdictional Grounds: None.

Commissioner Gervais stated that she has listened to the tapes of the September 17, 2008, public hearing, which allows her to participate in these deliberations.

B. Staff Update:

Assistant Planner Brian Latta gave a brief update on the case. The request is for approval of a Major Modification to a Conceptual and Detailed Development Plan to construct three flex-type industrial buildings on three separate lots, in three phases. A mixture of uses is proposed for the three buildings, including Technical Support Center, Construction Sales and Services, and General Industrial uses. The development would also include 245 parking spaces and the associated landscaping. The applicant requests a Major Modification because a Condition of Approval for the Corvallis Station Planned Development says that prior to development of phases 2.1-2.3 (lots 2-4) the applicant shall receive approval of a Major Planned Development Modification to the Detailed Development Plan.

C. Discussion and Action by the Commission:

In response to an inquiry from Commissioner Howell, Planner Latta affirmed that, although the third access point, located in the northwest corner, was not discussed in the staff report, it was included in the approved site plans. Condition 1 requires consistency with plans.

Commissioner Hann said the previously-approved Conditions of Approval included a 40-foot to 50-foot landscape buffer between Highway 99W and the subject site. Condition 2 requires adherence to the previously approved Conditions, and Commissioner Hann wants to be certain that the applicants are aware of this requirement. Planning Division Manager Fred Towne said staff will follow up to make sure that development occurs consistent with the requirements. Commissioner Howell noted that proposed Condition 5.c. references the perimeter buffer along Highway 99W.

**MOTION:** Commissioner Hann moved to approve the Corvallis Station Planned Development Major Modification Permit number 2008-0011, as conditioned in the September 5, 2008, staff report to the Planning Commission. This motion is based on findings in support of the application presented in the September 5, 2008, staff report to the Planning Commission, and findings in support of the application made by the Planning Commission during deliberations. Commissioner Gervais seconded the motion.

Commissioner Howell said he would like to consider an amendment to preserve the capability of a third access point by directing construction to include a stub out in the northwest corner. This would serve both for emergency access and reduced congestion. In addition, having a future opportunity for a second access to the K-Mart lot for pedestrians, bicycles, and vehicles would be helpful for overall circulation. The applicant has indicated that they are open to this.

Staff suggested a new Condition 12 which states: "The landscaping and trash receptacle located at the northwest corner of the site shall be reconfigured such that an access way is not precluded from being constructed if approval from the property owner to the north is received."

**MOTION TO AMEND:** Commissioner Howell moved to add a Condition 12 as read by staff. Commissioner Gervais seconded the motion and it **passed** unanimously.

Commissioner Hann said he has a general concern about traffic flow at this location, but he does not see a way of addressing that with this application. Manager Towne said staff is also not aware of a way to address that concern with this application.

The amended main motion **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.

## II. DELIBERATIONS - Willamette Landing Phase 10 (CPA08-00002, ZDC08-00004, PLD08-00010, MRP08-00017):

The Chair welcomed citizens and stated that the public hearing on this item was held on September 17, 2008. By request, the record was held open for seven days for additional written public testimony. Planning Commissioners have received both the additional testimony and the applicant's final written comments. Deliberations will be held tonight.

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

1. Conflicts of Interest: None.
2. Ex Parte Contacts: None.
3. Site Visits: Commissioners Hann and Ridlington declared additional site visits.
4. Objections on Jurisdictional Grounds: None.

Commissioner Gervais stated that she has listened to the tapes of the September 17, 2008, public hearing, which allows her to participate in these deliberations.

B. Staff Update:

Assistant Planner Sarah Johnson gave a brief update on the case. The request is for approval of a Comprehensive Plan Map Amendment and a Zone District Change. The applicant is also requesting a Minor Replat and a Major Modification to the Willamette Landing Conceptual Development Plan. Planner Johnson reviewed staff findings and recommendations, as detailed in the written staff report. She called attention to the applicant's final written comments in response to the testimony submitted after the public hearing was closed on September 17, 2008, but before the record was closed on September 24, 2008.

C. Discussion and Action by the Commission:

Commissioner Howell asked for examples of a 5,000-square-foot use. Planner Johnson referenced the north store of the First Alternative Co-op as being that approximate size. Planning Division Manager Fred Towne said several properties along NW Ninth Street have uses that are 5,000 square feet or smaller.

Commissioner Weber recalled that the applicant indicated that they did not present a Detailed Development Plan requesting a variance to the Floor Area Ratio (FAR) because staff advised that this would constitute a change of use. Manager Towne said the FAR standard in the Neighborhood Center (NC) Zone is mandated by the state to ensure that commercial or industrial uses within commercially designated properties are not diluted. He added that regulations do not preclude a phased development.

Commissioner Weber asked in what way a strict .25 FAR is mandated and how that standard relates to maintaining the amount of commercial land. Planner Johnson stated that the .25 FAR is established in the Land Development Code as the amount required in a NC-Minor Zone site, and to reduce that commercial component would constitute a change of use. Commissioner Weber noted that a previous request to the Planning Commission (the Palazzo) included a requested variance to the FAR.

Commissioner Ridlington said he is sympathetic to people who moved to the area thinking that a commercial development would occur at this site. He said there may have been poor planning by the developer, and he can understand why some people are annoyed. Planner Johnson explained that, when Rivergreen Estates was turned into Willamette Landing with the 2001 Conceptual and Detailed Development Plans, the subject site was set apart with no Detailed Development Plan and with the knowledge that the NC-Minor Zone would come into play in the future. At that time, it was zoned Mixed Use

Commercial (MUC) with a .4 FAR. Implementation of the 2006 Land Development Code rezoned the site to NC-Minor with a .25 FAR. The idea is to provide 11,000 square feet of commercial uses that will come into the neighborhood and be successful, and the thought is that the additional residential development may further the success of the commercial piece.

In response to an inquiry from Commissioner Hann, Planner Johnson said she assumes the applicant could have requested a phased development, but that was not discussed. In response to inquiries from Commissioner Hann, Planner Johnson reviewed the current and proposed densities and advised that the current use would not permit an assisted living facility.

Commissioner Howell asked whether the current density would allow for development of the residential before the commercial component. Planner Johnson said no; the developer would have to maintain the FAR. Commissioner Howell noted that there is the ability under this proposal to develop the residential first, and Planner Johnson said that is correct.

Commissioner Howell stated that the South Corvallis Area Refinement Plan (SCARP) process included a goal of decreasing vehicle trips and increasing walking trips on South Third Street, as well as a concept of a Major Neighborhood Center and several Minor Neighborhood Centers. The subject location was offered by the Coon family as an alternative to one at SE Rivergreen Avenue and SE Third Street. There was some concern that the interior location would be less accessible to Third Street traffic and to employment customers on the industrial side but, because it was the deepest undeveloped area, it was seen as an alternative. There was no market analysis done at the time nor with the Rivergreen development. The market analysis presented with this application indicates that there are size limitations to what can be effective at this location. Commissioner Howell said he thinks this site was intended to be developed with neighborhood uses, and the proposal is realistic in terms of what can be successful at this location. The residential component will provide additional customers for the commercial development, and this smaller development would likely occur sooner than a larger development.

**MOTION:** Commissioner Howell moved to recommend that the City Council approve the Comprehensive Plan Map Amendment to designate 1.9 acres of the 2.9-acre property as Mixed Use Residential, as recommended in the September 5, 2008, staff report. This motion is based on the criteria, discussions, and conclusions contained within the staff report, and upon the reasons given by the Planning Commission members during their deliberations as reflected in the October 1, 2008, Planning Commission meeting. Commissioner Gervais seconded the motion.

Commissioner Gervais said she found the retail needs analysis to be compelling, and she agrees with the applicant that dead retail space is not a community draw. However, she thinks that much of the farm land to the south, which is flat and adjacent to existing residential development, will be desirable land to annex in the not too distant future. She expressed concern that this proposal would not be adequate to serve those new residents. Commissioner Howell said he believes that the retail analysis was based on the area at build-out.

Commissioner Weber said she will not support the motion. She said she is ambivalent about whether Comprehensive Plan Policy 1.2.3.A. is met. She is not completely convinced by the retail needs analysis, but she doesn't reject it. However, she believes that the proposal fails Comprehensive Plan Policy 1.2.3.C. related to public need. She thinks that the applicant should come forward with a Detailed Development Plan and, if it includes a reduced FAR, the Planning Commission could evaluate it. She said she feels badly that the applicant received direction that this was not viable to them when other applicants have taken this path.

Commissioner Howell said one reason to proceed with this application is to maintain accuracy of the inventory. He added that this would allow for development of the residential portion and that commercial development usually follows residential development.

Commissioner Weber stated that the amount of commercial land will be reduced with either approach, and she thinks the proposed approach is too broad. In general, she thinks it is much easier to demonstrate compensating benefits than it is to demonstrate public need. She said she thinks that an argument to bring this site into compliance with the SCARP and the Comprehensive Plan is a compensating benefit for a reduced FAR would be valid. She said she does not think that 1.9 acres of additional residential development would have a great impact on commercial viability.

Commissioner Hann expressed agreement with Commissioner Weber. He said he is sympathetic to the applicant and he thinks that the retail analysis is probably accurate, but he does not think there has been enough discussion of job opportunities for the existing residents. He referred to Comprehensive Plan Policy 3.2.1.F. and stated that decreasing the pedestrian scale and the defined neighborhood center goes against the Land Development Code and the Comprehensive Plan. He said the proposal violates portions of the SCARP related to enhancing pedestrian access and sense of community, as well as that Plan's specific reference to this site as one of the larger commercial notes. He added that the proposal does not demonstrate public need as required in Land Development Code 2.1.30.06.b.1. and b.2.

The motion **failed** 2 to 3 by the following vote:

Yes: Commissioners Howell, Ridlington
No: Commissioners Gervais, Hann, Weber

**MOTION:** Commissioner Weber moved to recommend that the City Council deny the requested Comprehensive Plan Map Amendment (CPA08-00002) to designate 1.9 acres of the 2.9 acre property as Mixed Use Residential, as recommended in the September 5, 2008, staff report. Commissioner Hann seconded the motion and it **passed** 3 to 2 by the following vote:

Yes: Commissioners Gervais, Hann, Weber
No: Commissioners Howell, Ridlington

**MOTION:** Commissioner Weber moved to deny the requested Zoning District Change (ZDC08-00004) to change the zoning of 1.9 acres of the 2.9 acre subject site from

PD(NC-Minor) to PD(RS-12). Commissioner Gervais seconded the motion and it **passed** 3 to 2 by the following vote:

Yes: Commissioners Gervais, Hann, Weber
No: Commissioners Howell, Ridlington

**MOTION:** Commissioner Weber moved to deny the requested Major Planned Development Modification (PLD08-00010). Commissioner Gervais seconded the motion and it **passed** 3 to 2 by the following vote:

Yes: Commissioners Gervais, Hann, Weber
No: Commissioners Howell, Ridlington

**MOTION:** Commissioner Weber moved to deny the requested Minor Replat (MRP08-00017). Commissioner Gervais seconded the motion and it **passed** 3 to 2 by the following vote:

Yes: Commissioners Gervais, Hann, Weber
No: Commissioners Howell, Ridlington

D. Appeal Period:

The Chair explained that the recommendation on CPA08-00002 will be forwarded to the City Council for consideration. The remaining decisions will be effective 12 days from when the Notice of Disposition is signed, unless an appeal is filed with the City Recorder.

## III. DELIBERATIONS - Evanite Building Demolitions and Trail Alignment (WRG08-00001):

The Chair welcomed citizens and stated that the public hearing on this item was held on September 17, 2008. By request, the record was held open for seven days for additional written public testimony. Planning Commissioners have received the additional testimony and the applicant's final written comments. Deliberations will be held tonight.

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

1. Conflicts of Interest: None.
2. Ex Parte Contacts: None.
3. Site Visits: Commissioner Howell declared a new visit to the south and north of the application site.
4. Objections on Jurisdictional Grounds: None.

Commissioner Gervais stated that she has listened to the tapes of the September 17, 2008, public hearing, which allows her to participate in these deliberations.

B. Staff Update:

Associate Planner Bob Richardson gave an update on the case. The request is for a Willamette River Greenway Conditional Development permit for three activities:

1) the phased demolition of nine buildings and one water intake structure;
2) reconstruction of an existing 900-square-foot pump house; and
3) establishment of the location of a public multi-use path.

This application does not request approval to construct a multi-use path, only to identify the location of a path that would be constructed by private parties with future development of the site, or by the City of Corvallis.

Planner Richardson called attention to the written testimony received after the close of the public hearing but before the record was closed, including an email from Amanda Punton, DLCD Goal 5 Specialist, addressing perceived conflicts between previous DLCD and DEQ written comments regarding this application. Planner Richardson then called attention to the applicant's final written comments in response to the additional written testimony submitted before the record was closed on September 24, 2008.

C. Discussion and Action by the Commission:

Commissioner Howell said the City has standards for percent of slope for certain levels of streets. He asked if there are similar standards for multi-use paths. Planner Richardson said there are not.

Commissioner Howell drew attention to information from the applicant regarding slopes at the north and south ends of the path alignment. He asked if staff has information on the slope in the City portion of the site. Planning Division Manager Fred Towne noted that the City portion is outside of the application area. He stated that the alignment could be altered so that it more closely follows the grade and that a future process would be required for that part of the site.

Commissioner Howell said the transition point from the subject site to the City property does not seem conducive to a multi-use path. He expressed concern about evaluating this transportation corridor in a segmented way, and stated that this would not be accepted if this were a road. In response to Commissioner Howell's further inquiry, Planner Richardson said there was no evaluation of the offsite transition to the north or south, nor whether there was an alignment that would be more reasonable. Staff evaluated the proposal against the applicable review criteria, found that those criteria were satisfied, and recommended approval.

Commissioner Howell asked if staff evaluated whether the meanders that the proposed trail would have to take to stay 10 feet from the top of the bank would be workable for bicycles. Planner Richardson said staff looked primarily at the location of the trail relative to the river and to development on the site.

Commissioner Weber stated that the City gives direction on alignment when an application site includes a street. She questioned why an analysis was not done on this path, which is included in the Transportation Master Plan. Development Review Engineer Ted Reese stated that, in looking at areas south of the site, staff believes that a trail could easily be accommodated at 15 percent or less slope. Park Planner Jackie Rochefort added that staff did look at the beginning and ending points and found them to be within the acceptable range at each end. Staff does not anticipate that multi-use paths will be

flat and straight, and that is not anticipated in the Parks and Recreation Facilities Plan. Staff is comfortable with the alignment as shown in the application.

Commissioner Howell drew attention to the proposed location for the crossing of the Millrace and asked whether staff evaluated that bridge site. Planner Rochefort said staff looked at where the crossing would make the most sense considering other uses on the site. Staff did not evaluate the exact location of the crossing, and anticipates that it would address the level of detail at the time of development. Commissioner Howell asked if flexibility would be needed for the crossing location. Planner Rochefort said the City would only need flexibility to adjust the location a few feet one way or the other.

In response to further inquiries from Commissioner Howell, Planner Rochefort reviewed the proposed south end trail alignment. Commissioner Howell noted that the south end trail goes through existing vegetation out to 75 feet or more. He asked if staff was able to evaluate the condition at 10 feet from the top of the bank. Planner Rochefort said staff did walk the site and made their way off of the path and into the vegetation to determine whether it was likely that a path could go through there.

Commissioner Ridlington said he wants to avoid creating a trail to nowhere at the north end. He asked if there is another way to connect the multi-use path if a bridge across the Millrace is found to be too expensive. Planner Rochefort said the City does not currently have funding for any of the path. Staff would design the path and then do fund raising, which is often the case with capital projects. The proposed location was found to best fit the intent of trails plan in the Parks and Recreation Facilities Plan, and staff is comfortable with what is shown.

At the advice of the City Attorney, the Chair deferred further deliberations until after the public hearing that is scheduled at this time.

## IV. VISITOR'S PROPOSITIONS:

There were no propositions brought forward.

## V. PUBLIC HEARING - Storage Depot (PLD08-00008):

### 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: Commissioner Weber said she has worked professionally in the past with Lori Stephens, the architect in this case, but she has had no involvement on this project and this will not interfere with her ability to be impartial.
2. Ex Parte Contacts: None.
3. Site Visits: Commissioners Ridlington and Howell declared site visits.
4. Objections on Jurisdictional Grounds: None.

C. Staff Overview:

Assistant Planner Brian Latta said the request is for approval of a Conceptual and Detailed Development Plan to construct five mini-warehouse storage buildings in two phases, and approval of a Lot Line Adjustment to consolidate the four existing tax lots into one. The development would include street improvements to NW Hopkins Avenue and a north-to-south right-of-way on the west end of the development site, and associated landscaping. The five proposed buildings would be an expansion of the existing business, which has four mini-warehouse buildings and an office building. The applicant requests the Planned Development Overlay to include both the development site of the proposed buildings and the site with the existing buildings. Planned Development approval is requested to allow variations to Land Development Code requirements regarding green area, landscaping, building design, and parking.

Planner Latta reviewed the Existing Conditions Map, Comprehensive Plan Map, and Zoning Map for the site and surrounding properties. He said he understands that the applicant will submit new information this evening, so staff will not be able to present a full staff report. He noted that staff did make a recommendation of denial based on the application as submitted.

D. Legal Declaration:

Deputy City Attorney Brewer said the Commission will consider the applicable criteria as outlined in the staff report, and he asked that citizens direct their testimony to the criteria in the staff report or other criteria that they 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:

Scott Lepman, owner of the Storage Depot, said the proposed development is an extension of the existing facility, which is the only mini-storage in Corvallis designed to accommodate large trucks. The site is a combination of five separate tax lots, including a tax-foreclosed parcel which had industrial contamination. He obtained a fill permit from the City and filled the entire site in 1999. The first phase opened in 2000 and the second phase opened in 2005. The balance of the site has been used for open storage. He has remodeled the Hopkins house and improved the entire improved length of Hopkins Avenue. The development has been a good neighbor and community member. Upon development, the property will be one of the City's top 20 tax payers, excluding multi-family, industrial, and centrally assessed utility properties. The site has had no thefts or break-ins. The site received an award from the Civic Beautification Urban Forestry Commission in 2005. Zoning and Land Development Code requirements changed in the middle of his project. He has worked with staff and his engineers to meet the new provisions, but staff found several areas to be lacking. His representatives will review changes to the proposal and proposed compensating benefits to address staff's concerns.

Carey Stephens, attorney for the applicant, stated that he will present the project and then answer any questions. The applicant's architect and planner are also available to answer questions. Mr. Stephens said his client supports the general ideas in the new Mixed Use Employment (MUE) Zone and the Pedestrian Oriented Design Standards (PODS); however, when a zoning designation changes in the middle of a project, the new provisions can interfere with an applicant's plans. In this case, the MUE Zone allows mini-warehouses as an outright use, but many of the design elements within the Land Development Code run counter to how mini-warehouses are designed. The applicant has worked hard to try to make the proposal meet the requirements with a few variances.

Mr. Stephens submitted a packet of new information related to the project (Exhibit A), including a matrix which addresses the areas that staff found lacking and what the applicant has done to address those areas, as well as an evaluation of rough proportionality of Hopkins Avenue as determined by K&D Engineering, Inc. Mr. Stephens reviewed the original proposal, staff conclusions, and the applicant's revised plan in the areas of green area, building orientation and public entrances, block perimeter, landscaping and screening, pedestrian amenities, internal pedestrian circulation, building design standards, off street parking, and flood plain, as detailed in the matrix. He requested a 30-day continuance to allow staff to review and respond to the new information.

Commissioner Gervais asked if the applicant has any comment about staff's analysis of the Lot Line Adjustment. Mr. Stephens submitted a title report (Exhibit B) that

summarizes each of the parcels. He needs additional time to review the documentation, but he does not think a lot line adjustment is needed.

Commissioner Howell asked if the new proposed block perimeter would extend all the way to Cummings Avenue. Mr. Stephens said he believes so, but he is not sure.

Commissioner Howell said it would be helpful in evaluating the parking issue to have more information about how storage is structured in the different buildings. Mr. Stephens said Buildings F, G, H and I are accessed from garage doors which face to the inside of the project site. The outside of those buildings are constructed of brick with glass block on top. Additional windows, as called for in the Land Development Code, would not be desirable for this use due to issues related to privacy, security, and light intrusion.

Mr. Lepman said Building E is intended to reflect the demands of university students. There will be a drive lane within the building, as well as interior corridors, lighting, motion sensors, cameras, and an elevator to the second and third floors. The applicant's representatives reviewed the layout of Building E, noting that the units on the first floor will be accessed by garage doors; the units on the second and third floor will be accessed from the interior. In discussion, Commissioner Howell acknowledged that the applicant has made a case that it may be appropriate to allow for parking in front of units that are accessed through garage doors. His question is whether the proposed parking would be adequate for the upper two floors of Building E. Mr. Stephens reviewed his calculations, detailed in the matrix, that the new design would require parking for only 39,998 square feet of units located in Building E, or 9.22 off street parking spaces. The entire frontage of Hopkins Avenue is also available for parking.

In response to further inquiries from Commissioner Howell, Mr. Stephens stated that the existing landscaping along Building I will remain. Mr. Lepman said the fire access points are not currently utilized as emergency exits for customers, but he will comply with the direction of the Fire Department in that regard.

In response to an inquiry from Commissioner Hann, Mr. Stephens said the applicant will submit updated drawings to staff, including revised exterior specifications.

Commissioner Hann asked how customers would move their belongings from the street into the building. Mr. Lepman said the Storage Depot has dollies and flat bed trucks for use by customers. The inconvenience of having to move belongings to the upper floors is balanced by climate controlled facilities and lower rents.

Commissioner Weber said she is having a hard time understanding why there should be a variance on green area. Mr. Lepman stated that he went to a lot of effort to make this facility look nice, that he has agreed to pay for the entire cost of improving Hopkins Avenue, and that the amount of green area is more than any mini-storage he has ever seen. Mr. Stephens said the Land Development Code requires buildings toward the road and this use requires hard interior surface. This is another conflict of use in this zone. Commissioner Weber said she thinks there would be many ways to accommodate the green area. She said the purpose of the green area is as much to limit impervious surface as it is to provide landscaping.

In discussion regarding the construction of Hopkins Avenue, Mr. Stephens stated that the applicant would not have been required to build the entire street under rough proportionality, but did so anyway. He is proposing that this be a compensating benefit for the reduced green area. Commissioner Weber said the street is a benefit in the sense of circulation, but lack of green area is a water quality issue. She will talk to staff about this issue.

In response to inquiries from Chair Bird, the applicant's representatives further reviewed the location and layout of Building E, including the front entrance and walkway and security features. Mr. Lepman said his property manager has indicated that there is currently an average of three people in the facility at any one time.

Commissioner Hann asked if there is any possibility of adding pervious surface within the drive lanes of Building E. Lori Stephens said it might be possible to do so at extra expense.

The Chair invited public testimony from any person who cannot attend a continued hearing on November 5, 2008. No one came forward.

The applicant waived the 120-day timeline.

F. Continue the public hearing:

**MOTION:** Commissioner Weber moved to continue the public hearing to November 5, 2008, at 7:00 p.m. Commissioner Howell seconded the motion and it **passed** unanimously.

## III. DELIBERATIONS - Evanite Building Demolitions and Trail Alignment (WRG08-00001):

C. Discussion and Action by the Commission (Continued):

Commissioner Weber said the final written response from the applicant mentions that the Transportation Plan allows for grades of up to 15 percent. She said that is true for local streets, but local streets are not usually required to have bike lanes. Land Development Code 4.0.63 stipulates grades of up to 10 percent for neighborhood collector streets and 6 percent for arterial streets. There is no set standard for a multi-use path, but since the majority of the bicycle transportation network is on neighborhood collector streets, Commissioner Weber said she believes that the 10 percent grade becomes a de facto limit. Engineer Reese referred to the table in the Land Development Code and the Transportation Master Plan which indicates that bicycles are expected to share the road surface on local roads. Planner Rochefort added that multi-use paths are not bike lanes; multi-use paths are intended for recreational purposes and do not meet the same standards as streets, and that the uses are different for multi-use paths than for bicycle lanes on a street. Commissioner Weber said bicycles are most affected by steep grades and that is why she was focusing on the bike lane definition.

Commissioner Weber referred to public testimony expressing concern that the staff report did not reflect the landslide risk as included in the geotechnical report. She asked why it should be concluded that the area is safe from landslide risk when the geotechnical

report indicates that only two of six segments were adequately analyzed. Planner Richardson stated that geotechnical reports typically include, as a matter of practice, a caveat that there is a chance that a landslide could occur. He thinks the public testimony exaggerated any risks, given that the geotechnical report indicates a relatively low risk of landslide hazard. He cited the conclusions and recommendations from the geotechnical report, as included in Attachment I-69 of the staff report. The applicant has submitted drawings in response to those recommendations.

Commissioner Weber said the report states that only two segments of six were able to be determined as low risk. Planning Division Manager Fred Towne said the Planning Commission can use the report as it thinks is appropriate. Staff believes that the issue of stability has been adequately addressed.

Commissioner Howell asked what would occur if a new geotechnical report at the time of development indicated problems. Community Development Director Ken Gibb said the applicant at that time would have to redesign or relocate the trail. Commissioner Howell asked if it would be possible for the Planning Commission to approve a range of locations to provide options at the time of construction. Manager Towne said the Planning Commission could alter the location approval as part of its decision.

Commissioner Howell asked if there is any reason not to apply the design and development guidelines in the Parks and Recreation Facilities Plan. Planner Rochefort said those standards should be applied. Planner Richardson said those guidelines include direction about minimizing the loss of land for development, the possibility of using alternative routing when necessary, and the possibility of having trails as close as 20 feet to waterways in special circumstances. Planner Rochefort added that the trails plan is conceptual in nature, and that the Parks and Recreation Facilities Plan does allow for the possibility of trails 20 feet or closer to the river's edge.

Commissioner Ridlington said he is comfortable with staff's approach on bank stability. He stated that there were concerns about bank stability associated with Riverfront Park, but those concerns were eventually addressed using a historical approach.

Commissioner Howell said he thinks that an effort has been made to avoid putting trails very close to the riverbank. He referred to the drawing in packets, debated by Council, which expands the location to 50 feet from the top of the bank where possible. He said consideration needs to be given to tradeoffs and to flexibility. Planner Rochefort agreed that the plan was written to provide flexibility because trail locations are conceptual in nature.

Commissioner Howell referred to Commissioner Ridlington's comment about the bank at Riverfront Park. He said the City did have to reinforce the bank at that location at a high cost to be able to build as close as 10 feet from the top of the bank.

Commissioner Howell asked if there would be support for a motion to approve the pump house and demolition and to modify the trail alignment to comply generally with the Parks and Recreation Facilities Plan guidelines, allowing for 50 feet from the top of the bank within the 80-foot right-of-way, but allowing for it to go as close as 25 feet to avoid impacts to vegetation, to keep the slope below 6 percent, to allow more gradual curves,

and to accommodate a different location for the transition to City property at the north and/or south end.

Commissioner Weber said she is not prepared to approve a trail location. She referred to Land Development Code 4.5.60.8. She said the application shows a portion of the trail going through an area sloped greater than 15 percent but less than 25 percent. The geotechnical report indicates that section 6 was inaccessible due to vegetation and that the recommendation was based on topographic maps. Commissioner Weber said she thinks approval would back the City into a corner on the trail location because it does not have standing to apply for Conditional Development. In addition, a private applicant could point to this decision as approval to put the trail in this location. She would rather have the onus be on the party developing the path to do an adequate geotechnical report and present a proposed routing.

Commissioner Ridlington expressed support for Commissioner Howell's idea. He said it would provide a general location with the guidelines of the Parks and Recreation Facilities Plan and would facilitate removal of the buildings. Commissioner Weber stated that the applicant will remove the buildings when they are ready to redevelop and that approval of this application will not expedite demolition of those buildings.

Commissioner Howell said approval could be conditioned with parameters so that any problems identified in a future geotechnical report would result in moving the trail further from the riverbank. He said the advantage of doing this is to give an overall vision and guidance that applies to all of the properties, as opposed to making decisions site by site and perhaps decades apart.

Commissioner Weber said she thinks it is a bad idea to pin down a Conceptual Development Plan at this time. She said the proposal does not comply with Land Development Code 4.5.60.8, and she would prefer not to try to massage it to make it comply with the standard.

Commissioner Hann said he agrees with Commissioner Weber that the application is too narrow in focus and he probably will not support Commissioner Howell's idea.

Commissioner Gervais said she is leaning toward Commissioner Howell's idea in order to establish a layout across the properties, provided it can be given enough scope to meet the requirements of a proper geotechnical analysis and Willamette River Greenway review criteria related to maximizing distance from the riverbank.

Commissioner Weber noted that the multi-use path is in the Transportation Master Plan and that any future development will require to and through connection. She expressed concern about the connection point at the north end and said she thinks a future development plan may show that it makes more sense to bring it out in a different location. Commissioner Gervais expressed concern about the possibility of ending up with a disjointed and nonfunctional path if the site is evaluated piecemeal. Brief discussion followed.

City Council Liaison Jeanne Raymond said it is important that the Planning Commission take a large view of the planning of this property and to think about the overall benefits to the City.

Commissioner Howell said he thinks Commissioners are looking at the large view, but have different strategies on how to proceed. He said he would like to verbalize a condition to solidify what the Commission thinks would pass muster in the future and he thinks this direction may be lost in a straight denial of the request.

**MOTION:** Commissioner Howell moved to approve the Evanite Willamette River Greenway Conditional Development Permit (WRG08-0001), as conditioned in the September 5, 2008, staff report to the Planning Commission. This motion is based on findings in support of the application presented in the September 5, 2008, staff report, and findings in support of the application made by the Planning Commission during deliberations on the request. Commissioner Ridlington seconded the motion.

Commissioner Howell proposed revised language for Condition 3. In discussion, and with the assistance of staff and Commissioners, the language was refined to read as follows:

**Condition 3: Multi-Use Path Design - The multi-modal path shall be located at least 50 feet from top of bank except allowing sections as close as 25 feet from top of bank where necessary to minimize vegetation removal, maintain required grade, minimize cuts and fills, avoid archeological resources, or avoid areas of slope instability. Maximum grade shall be 6 percent and cuts and fills shall not exceed the 8-foot standard in Land Development Code Section 4.5.80.04.**

**The location of the southern crossing of the path from City property to Evanite property shall be relocated to minimize grade and removal of vegetation. The location of the path crossing the Millrace shall be relocated to minimize removal of noninvasive vegetation, avoid intrusion of the bridge into the 2-foot flood way, and minimize restriction of flood flow. Path development shall provide full 82-foot right-of-way or easement recommended by the Parks and Recreation Facilities Plan to buffer the path from existing and future development, but which may be increased if needed to avoid areas of slope instability.**

**Paved lookout nodes with benches are allowed between the path and river, but no closer than 25 feet from the top of the bank.**

**When constructed, a multi-use path in the approved alignment shall contain a 12-foot wide hard surface area. Landscaping shall be consistent with the provisions in Land Development Code 4.13.50.d.2. Pedestrian amenities and further landscaping along the path shall be evaluated through future Willamette River Greenway proposals.**

**MOTION TO AMEND:** Commissioner Howell moved to amend Condition 3, as written above. Commissioner Gervais seconded the motion.

Commissioner Weber asked if approval of this motion could impact the proposal on this site that will be deliberated by the Planning Commission next week. City Attorney Brewer said there might be some practical impact, but the Commission should make this decision under the standards in place and not weigh this decision on an upcoming decision.

In response to an inquiry from Commissioner Weber, City Attorney Brewer said the City would require an environmental survey and would not accept this property until it is decontaminated.

Commissioner Weber asked if this decision would require the City to pay for the trail. Director Gibb said trail construction would be a requirement of development. The City could decide to implement its master plans with public dollars. This would be a fiscal capital improvement decision by elected representatives. Brief discussion followed regarding scenarios under which the trail might be constructed with development, by the City, or through a combination of these. In discussion regarding potential connections of the path at the north end of the subject site, staff said the City could adjust the connection location on City property if that was determined to be appropriate.

Commissioner Weber asked what budget impacts might be associated with the landscaping requirements in the motion. Commissioner Howell said the Willamette River Greenway location requires enhancement, and this is similar to what would be required of other development in highly protected zones. He clarified that the motion would require landscaping in the first 30 feet from the top of the bank. Other landscaping within the right-of-way or easement area would be determined with development proposals.

Commissioner Howell said Land Development Code 2.3.30.04 requires consistency with applicable policies and standards adopted by the City Council, including the Parks and Recreation Facilities Plan. The design and development guidelines and standards of that Plan are the source of the direction to locate the path 50 feet from the top of the bank and to avoid the 2-foot flood way. Although the Parks and Recreation Facilities Plan is flexible in allowing deviation for site constraints, the full extent of the trail design standards seems to be indicated because these are large properties and the Willamette River Greenway standards indicate development away from the river. The applicant's proposed alignment did not meet standards within the review criteria for compatibility in the area of transportation facilities, basic site design, and structural design in terms of indicating the grade of the path, the evaluation of the best bridge location, required cuts and fills, and the tightness of curves. The 6 percent maximum grade is based on the grade for arterial streets and on public testimony. The subject site is wide enough to allow flexibility and there are options for connectivity, so there is no reason for the path at this site to be steeper, even though this may have been allowed in other places where there were constraints. Similarly, there is no reason to allow cut and fill up to 12 feet, given the size of the site and the Willamette River Greenway standards. The proposed amendment meets Willamette River Greenway criteria for public access along the river, protection and enhancement of fish and wildlife habitat and riparian vegetation over time, water quality, buffering recreational uses from private property, and providing the maximum possible vegetated area between development and the river. This site is at a critical place at the confluence of the Marys River, the Millrace, and the Willamette River, and merits the additional distance from the river. The proposed amendment would allow more flexibility than the applicant's proposal to maintain existing vegetation. The applicant's geotechnical evaluation is too superficial and incomplete to demonstrate that a path 10 feet from the top of the bank would not require bank stabilizing structures in the future, which would be in conflict with Willamette River Greenway review criteria.

The motion to amend **passed** 3 to 2 by the following vote:

Yes: Commissioners Gervais, Howell, Ridlington
No: Commissioners Hann, Weber

The amended main motion **passed** 3 to 2 by the following vote:

Yes: Commissioners Gervais, Howell, Ridlington
No: Commissioners Hann, Weber

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.

## VI. PLANNING COMMISSION MINUTES:

A. September 3, 2008:

**MOTION:** Commissioner Weber moved to approve the minutes as drafted. Commissioner Gervais seconded the motion and it **passed** unanimously.

## VII. OLD BUSINESS: None.

## VIII. NEW BUSINESS:

A. Planning Division Update:

Planning Division Manager Fred Towne called attention to the new meeting schedule on the back of the agenda.

Manager Towne advised that Commissioner Brandon Trelstad has resigned, leaving an opening on the Planning Commission for a term which will expire in July, 2009. He requested that Commissioners talk with people they know who may be interested in filling this position.

Commissioner Weber advised that she will be making the applicants' presentation to the Planning Commission at the Western Station public hearing on October 15, 2008.

## IX. ADJOURNMENT: The meeting was adjourned at 10:40 p.m.

# MEMORANDUM

**To:** City Council Members

**From:** Charles C. Tomlinson, Mayor CCT/lad

**Date:** December 30, 2008

**Subject:** Vacancy on Bicycle and Pedestrian Advisory Commission

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Josh Storer has resigned from his position on the Bicycle and Pedestrian Advisory Commission. Josh's term on the Commission expires June 30, 2010.

I would appreciate your nominations of citizens to fill this vacancy.

1132

# MEMORANDUM

**To:** City Council Members

**From:** Charles C. Tomlinson, Mayor CCT/lad

**Date:** December 30, 2008

**Subject:** Appointments to Boards, Commissions, and Committees

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I am appointing the following persons to the advisory boards, commissions, and committees indicated for the terms of office stated:

Bicycle and Pedestrian Advisory Commission

Dan Herford
Term Expires: June 30, 2010

Dan is an OSU graduate in civil engineering and is opening a bicycle shop in town.

Budget Commission

Elizabeth French
Term Expires: June 30, 2009

Elizabeth is the Site Manager for the CH2M Hill facility in Corvallis and a former member of the Downtown and Economic Vitality Partnership Implementation Plan Committee.

Committee for Citizen Involvement

Stewart Wershow
Term Expires: June 30, 2010

Stewart began his Councilorship in 1989 and recently finished Councilorship in 2008.

I will ask for confirmation of these appointments at our next Council meeting, January 20, 2009.

1133

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

# MEMORANDUM

**DATE:** December 19, 2008

**TO:** Mayor and City Council

**FROM:** Ken Gibb, Community Development Director

**SUBJECT:** Schedule Public Hearing to consider an appeal of a Conceptual and Detailed Development Plan and a Tentative Subdivision Plat (**Deer Run Park Subdivision: PLD08-00013 and SUB08-00007**)

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Staff request that the City Council schedule a public hearing on January 20, 2009, to consider an appeal of the Planning Commission's December 3, 2008, decision to approve the cases noted above. The appeal was received on December 16, 2008.

* * * MEMORANDUM * * *

**December 22, 2008**

**TO:** **Mayor and City Council**

**FROM:** **Kathy Louie, Assistant to City Manager/City Recorder**

**SUBJECT:** **2008 City Council Policies Review**

A total of 22 City Council Policies were reviewed according to a review schedule established annually. Following is a summary of policies that were reviewed or added in 2008. One Council Policy, 91-7.04, "Building Permits," was carried over and is scheduled for consideration at the February 5 Urban Services Committee meeting.

| **POLICY AREA 1 - GENERAL** | |
|---|---|
| CP 91-1.02 | Liquor License Approval Procedures |
| CP 91-1.03 | Naming of Public Facilities and Land |
| CP 95-1.07 | Policy Regarding the City Flag |
| CP 04-1.08 | Sustainability |
| CP 07-1.10 | Advertising on Corvallis Transit System Buses |
| CP 08-1.11 | Identity Theft Prevention and Red Flag Alerts |

| **POLICY AREA 4 - LEISURE AND CULTURAL ACTIVITIES** | |
|---|---|
| CP 91-4.01 | Guidelines for Selling in Parks |
| CP 94-4.07 | City Owned or Funded Art Objects on City or Private Property |
| CP 95-4.10 | Public Library Gifts and Donations Policy |
| CP 93-4.11 | Public Library Policy for Selecting and Discarding Materials |
| CP 99-4.13 | Internet Access Policy for the Corvallis-Benton County Public Library |
| CP 99-4.14 | Use of City Hall Plaza and Kiosk |
| CP 07-4.16 | Code of Conduct for Patrons at Parks and Rec Facilities, Events, and Programs |

| **POLICY AREA 6 - COMMUNITY DEVELOPMENT** | |
|---|---|
| CP 96.6.03 | Economic Development Policies |
| CP 00-6.05 | Social Service Funding Policy |

| **POLICY AREA 7 - COMMUNITY IMPROVEMENTS** | |
|---|---|
| CP 91-7.05 | Capital Improvement Program |
| CP 91-7.06 | Engineering and Administrative Cost for Assessment Projects |
| CP 95-7.12 | Integrated Vegetation Pest Management (IVPM) Program |
| | |

| **POLICY AREA 9 - RIGHT-OF-WAY MATTERS** | |
|---|---|
| CP 91-9.02 | Dirt on Streets |
| CP 91-9.03 | Parking Permit Fees |
| CP 08-9.07 | Traffic Calming Program |
| | |

| **POLICY AREA 10 - FINANCIAL POLICIES** | |
|---|---|
| CP 97-10.01-10.08 | Financial Policies |

All City Council Policies are available on the City's Web site (www.ci.corvallis.or.us). Please update your manual or give me a call if you need hard copies of the above policies.

# EMPLOYMENT AGREEMENT

THIS AGREEMENT, made and entered into this 17th day of November, 2008, is by and between the CITY OF CORVALLIS, State of Oregon, a municipal corporation, hereinafter called the "City," and JON S. NELSON, both of whom understand as follows:

WITNESSETH:

WHEREAS, it is the desire of the City to provide certain benefits, to establish certain conditions of employment, and to set working conditions of Mr. Nelson; and

WHEREAS, it is the desire of the City to: 1) retain the services of Mr. Nelson and to provide inducement for him to remain in such employment, 2) make possible full work productivity by assuring Mr. Nelson's morale and peace of mind with respect to future security, 3) act as a deterrent against malfeasance or dishonesty for personal gain on the part of Mr. Nelson, and 4) provide a just means for terminating Mr. Nelson's services at such time as he may be unable fully to discharge his duties due to age or disability or when City may desire to otherwise terminate his employ; and

WHEREAS, Mr. Nelson desires to continue employment as City Manager of said City.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, the parties hereto agree as follows:

Section 1. Duties.

A. City agrees to employ Mr. Nelson as City Manager of the City of Corvallis to perform the functions and duties specified in the Corvallis City Charter as well as such other legally permissible and proper duties and functions as the City Council shall from time to time specify.

Section 2. Term.

A. The term of this agreement shall be January 1, 2009, through December 31, 2013.

B. This agreement shall be subject to negotiations for a subsequent term, and the parties may begin successor agreement negotiations as part of the annual performance review process.

C. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of the City Council to terminate the services of Mr. Nelson at any time, subject only to the provisions set forth in Section 3, paragraphs A and C of this agreement.

D. Nothing in this agreement shall prevent, limit, or otherwise interfere with the right of Mr. Nelson to resign at any time from his position with the City, subject only to the provision set forth in Section 3, paragraph B of this agreement.

E. Mr. Nelson agrees to remain in the exclusive employ of the City and not to become employed by any other employer until a termination date is effected as hereinafter provided.

Section 3. Termination and Severance Provisions.

A. The City retains the right to terminate the services of Mr. Nelson without cause at any time. Should his services be terminated without cause, or should the agreement not be renewed at the end of its term, Mr. Nelson shall be entitled to severance pay equal to one month's salary for each year of service up to a maximum of one year. City shall continue to provide and pay for the health and medical insurance benefits set forth in Section 8 for a period of six months. The City shall not be obligated to provide severance pay in the event that Mr. Nelson is indicted because of an illegal act or is unable to meet the bonding requirements of the City Charter.

B. In the event Mr. Nelson voluntarily resigns his position with the City before expiration of the aforesaid term of employment, then Mr. Nelson shall give the City thirty days' notice in advance unless such notice requirement is waived or modified by mutual agreement between Mr. Nelson and City Council.

C. Subject to the provisions of Section 10, upon his retirement, resignation, or termination from the City, Mr. Nelson shall be compensated for any unused vacation that shall have been accumulated during his tenure with the City.

Section 4. Salary.

A. City agrees to pay Mr. Nelson for his services rendered pursuant hereto an annual salary of $158,940.36, payable in installments at the same time as other employees of the City are paid. This annual salary shall commence effective the 1st day of January, 2009. The annual salary will be adjusted each July 1st, subject to the cost-of-living adjustment for non-union staff.

B. City agrees to adjust the salary and/or benefits of Mr. Nelson in such amounts and to such an extent as the City Council may determine that it is desirable to do so on the basis of an annual performance appraisal and salary review of Mr. Nelson, conducted in November of each year. The performance appraisal tool will include the City Council's goals and objectives.

C. Mr. Nelson shall be eligible for participation in the State of Oregon Public Employee Retirement System (PERS). The City shall contribute Mr. Nelson's portion of the contribution to the PERS system. Mr. Nelson shall be subject to the rules, terms and requirements of the PERS system that may apply.

Section 5. Hours of Work.

A. The parties acknowledge that the performance of the duties of City Manager constitutes a full time job. It is recognized that Mr. Nelson must devote a great deal of his time outside normal office hours to business of the City, and to that end, Mr. Nelson will be allowed to take compensatory time off as he shall deem appropriate during normal office hours.

Section 6. Auto allowance.

A. Since Mr. Nelson must attend numerous official meetings and gatherings and utilize a motor vehicle for such purpose, the City shall provide in lieu of a regular City vehicle the sum of $300.00 per month.

Section 7. Professional Development.

A. In accordance with City policy, City agrees to budget and pay the registration, travel, and subsistence expenses of Mr. Nelson for professional and official travel, meetings, and occasions adequate to continue the professional development of Mr. Nelson and to adequately pursue necessary official and other functions of the City. Such costs shall include membership in ICMA and the Oregon City Managers Association.

B. The City shall reimburse Mr. Nelson the costs of maintaining membership in a local service club, should Mr. Nelson desire such involvement in the community.

Section 8. Health and Medical Insurance.

A. The City agrees to provide, at a minimum, the same insurance coverage to Mr. Nelson as provided to other exempt, supervisory/administrative employees of the City. Mr. Nelson shall receive such additional benefits as are specified herein.

Section 9. Other Benefits.

A. Deferred Compensation. Mr. Nelson shall be compensated at the rate of $18,000.00 annually, in addition to his annual salary, to be applied to a deferred compensation program of his choice. Mr. Nelson may elect to receive all or part of this compensation as salary. Should Mr. Nelson elect to receive part of this compensation as salary, this compensation shall not be considered part of his base salary for cost-of-living or merit increase purposes. The deferred compensation shall be increased $1,000.00 per year for each year of the five-year contract.

B. Vacation Accrual. Mr. Nelson shall accrue 20.7 hours per month to be applied to vacation. Mr. Nelson shall be entitled to cash out up to 120 hours of accrued vacation time per year.

C. Sick Leave. Mr. Nelson shall accrue eight hours of sick leave per month. Upon his termination, retirement or resignation from the City, Mr. Nelson shall be compensated for any unused sick leave that shall have been accrued during his tenure with the City at the rate of ½ day per accrued day of sick leave, not to exceed 60 full days of pay.

D. Life Insurance. Mr. Nelson shall be provided life insurance in an amount totaling $400,000.

E. Personal Leave. Mr. Nelson shall be provided personal leave equivalent to the personal leave provided for exempt employees in the City's employee handbook.

F. Long-Term Disability Insurance. The City agrees to provide Mr. Nelson with long-term disability insurance equivalent to the coverage provided for exempt City employees.

G. Mr. Nelson will receive other employee benefits as provided to exempt employees in the employee handbook, if not specifically set forth herein.

H. Retirement health savings account. $8,000.00 shall be placed annually into a retirement health savings account. The retirement health savings account shall be increased $500.00 each year of the five-year contract.

Section 10. Other Terms and Conditions of Employment.

A. The City Council shall fix any such other terms and conditions of employment, as it may determine from time to time, relating to the performance of Mr. Nelson, provided such terms and conditions are not inconsistent with or in conflict with the provisions of this agreement, the City Charter, or any other law.

B. All provisions of the City Charter and Code, and regulations and rules of city relating to vacation and sick leave, retirement and pension system contributions, holidays, and other fringe benefits and working conditions as they now exist or hereafter may be amended, also shall apply to Mr. Nelson as they would to other employees of City, in addition to said benefits enumerated specifically for the benefit of Mr. Nelson, except as herein provided.

C. Unless otherwise specified herein, Mr. Nelson shall be entitled to receive the same vacation and sick leave benefits as are accorded department heads.

Section 11. General Provisions.

A. The text herein shall constitute the entire agreement between the parties.

B. This agreement shall be binding upon and inure to the benefit of the heirs at law and executors of Mr. Nelson.

C. This agreement shall become effective upon its signature, and supersedes and replaces any prior offers, communications, inducements, or representations made prior to the execution of this agreement.

D. If any provision, or any portion thereof, contained in this agreement is held to be unconstitutional, invalid, or unenforceable, the remainder of this agreement, or portion therefore, shall be deemed severable, shall not be affected, and shall remain in full force and effect.

E. In the event either party shall initiate any suit, action or appeal on any matter related to this agreement, then the court before whom such suit, action or appeal is taken shall award to the prevailing party such attorney's fees as the Court shall deem reasonable, considering the complexity, effort and result against the party who shall not prevail.

IN WITNESS WHEREOF, the City of Corvallis has caused this agreement to be signed and executed in its behalf by its Mayor, and duly attested by its Assistant to City Manager/City Recorder, and Mr. Nelson has signed and executed this agreement, both in duplicate, the day and year first above written.

Jon S. Nelson

Mayor

APPROVED AS TO FORM:

City Attorney

ATTESTING AS TO THE MAYOR:

Assistant to City Manager/City Recorder

# MEMORANDUM

**TO:** Mayor and City Council

**FROM:** Steve Rogers, Public Works Director

**DATE:** December 11, 2008

**SUBJECT:** Intergovernmental Agreement with City of Philomath for the operation of the Philomath Connection transit service

## ISSUE

City Council's approval is required to authorize the City Manager to sign an Intergovernmental Agreement (IGA) between the City of Philomath and the City of Corvallis for the operation of the Philomath Connection transit service.

## BACKGROUND

The City of Corvallis has managed the operation of the Philomath Connection under an IGA with the City of Philomath. Philomath pays the local match for the grants used to procure vehicles and provide fuel, maintenance and operations. Corvallis includes the Philomath Connection in its contract for fixed-route transit service operations and maintenance. The service has operated this way since its inception in 2000.

## DISCUSSION

In 2006 the Federal Transit Administration (FTA) conducted a Triennial Review site visit looking at all aspects of the Corvallis Transit System. One of the contracts reviewed was the IGA for the operation of the Philomath Connection. Whereas previously the two cities had operated as though Philomath was responsible for its transit system, the FTA determined that Corvallis, as the recipient of the federal Section 5307 operations grant funding, has responsibility for the Philomath Connection. This shift in responsibility required significant changes to the IGA.

The old agreement expired in June of 2006, prior to the Triennial Review, and the two agencies have been operating informally under the terms of that agreement until this new one was prepared. In the interim, a new pass and coupon book system was developed to allow more reciprocity between the two services. Notably, a universal "system pass" now allows pass-holders unlimited rides on both the Corvallis Transit System and the Philomath Connection. A cost-sharing arrangement for funds received for system pass sales by each city has also been incorporated into the new agreement. Finally, a uniform fare structure was developed for the two services, and this is reflected in the new agreement.

Some of the changes to the agreement include:

- Wording allowing Philomath the exclusive right to manage the system was removed;
- Wording making Philomath responsible for determining routes and schedules, and doing

all marketing and promotion was removed;

- Corvallis will procure vehicles for the service (Philomath to pay the local match);
- And, a coordinated fare structure and cost sharing arrangement for system pass sales was established

The City of Philomath has indicated that the attached IGA is satisfactory.

**ACTION REQUESTED**

Staff requests that the City Council authorize the City Manager to sign the updated Intergovernmental Agreement between Corvallis and Philomath for the operation of the Philomath Connection.

**Review and Concur:**

| | |
|---|---|
| 12/2/08 | 12/15/08 |
| Nancy Brewer Date | Jon S. Nelson Date |
| Finance Director | City Manager |

# INTERGOVERNMENTAL AGREEMENT

THIS AGREEMENT is entered into this 1st day of July, 2008, by and between the CITY OF CORVALLIS, hereinafter referred to as "Corvallis", and the CITY OF PHILOMATH, hereinafter referred to as "Philomath", the promises of each being given in consideration of the promises of the other.

WHEREAS, ORS 190.010 authorizes local governments to enter into written agreements with other local governments for the performance of any or all functions that a party to the agreement has the authority to perform; and

WHEREAS, Corvallis has been providing fixed-route bus service effectively and economically throughout the City of Corvallis since 1981; and

WHEREAS, Philomath desires to continue to provide transit service between Philomath and Corvallis; and

WHEREAS, Corvallis is willing and able to provide the Philomath transit service in coordination with its current fixed-route transit system; and

WHEREAS, Corvallis is the designated recipient of Federal Transit Administration (FTA), Section 5307 funds for the Corvallis urbanized area beginning with Federal fiscal year 2003;

NOW, THEREFORE, the parties agree as follows:

A. During the term of this agreement, the following shall be the obligations of **Philomath**:

1. Equipment. Philomath shall pay local matching funds for Philomath vehicles that are procured by Corvallis.

2. Operating Grant. Philomath shall provide local matching funds for the FTA operating grant.

3. Schedules. Philomath shall pay for the design and printing of Philomath service schedules.

3. Bus Stops and Shelters. Philomath shall establish and provide bus stops or shelters along portions of the route not in Corvallis it deems necessary at the sole expense of Philomath. Stops and shelters shall comply with Americans with Disabilities Act (ADA) standards.

4. Participation in Special Events . Philomath shall participate in Special Events

which involve free rides to the public. These special events include, but are not limited to, "Get There Another Way Week", "Try Transit Week", and "Summer Youth Transit Program".

5. Fare Box and Contract Revenue and Reporting. All cash fare receipts remain the exclusive property of Philomath. Transit users shall be advised of an "exact fare" policy. Drivers shall not be required to make or carry change. Philomath shall follow an agreed-upon coordinated fare structure which mirrors that of Corvallis. All revenue from coupon books sold by Philomath and all "PC-only" bus passes, regardless of whether sold by Philomath or Corvallis, remain the exclusive property of Philomath. "System pass" revenue will be distributed in a manner agreed upon by both parties.

   Philomath shall provide to Corvallis a monthly report of the amount of revenue collected, including fare box revenue, pass and coupon book revenue, and Oregon State University contract payments for the previous month. The report shall be provided to Corvallis no later than the 10th of the month following the date of collection.

7. Philomath Records. Philomath shall maintain complete and accurate records concerning the operation and maintenance of the transit system that are within Philomath's control. The City of Corvallis and appropriate state and federal agencies shall have access to said records of Philomath at all reasonable times and places; and Philomath shall render all reasonable assistance to the City of Corvallis, appropriate state and federal agencies, their officers, agents, and employees if and when Corvallis or said agencies desire to audit or inspect said books and records.

B. During the term of this agreement the following shall be the obligations of **Corvallis**:

1. Operations/Maintenance. Corvallis shall include the Philomath transit service in its contract for fixed-route transit service as though the service was part of the Corvallis Transit System. The Philomath service will be conducted under the same terms and conditions as that provided under the Corvallis contract with its fixed-route transit provider, except as otherwise provided in this intergovernmental agreement. A copy of the contract is attached as Exhibit A and by this reference is incorporated into and made a part of this agreement.

2. Fuel. Corvallis will furnish all diesel fuel for buses used in performance of this agreement. The rate shall be based upon the actual fuel cost, averaged for the month. Compensation shall be in accordance with Section C, Compensation.

3. Providing Routes and Schedules. Corvallis shall establish routes and schedules

with the assistance of Philomath.

4. Fare Box Revenue. Corvallis shall remove revenue from the Philomath farebox vault during its regularly-scheduled revenue collection procedure. Fares generated from the Philomath transit service shall be kept separate from Corvallis revenue and shall be deposited into a Philomath bank account.

5. Base Radio Installation. Corvallis will provide base radio equipment for maintaining radio contact with service vehicles. Remote and base radios will be maintained by Corvallis. Base radio(s) shall remain the property of Corvallis.

6. Regular Service Operation. Corvallis shall provide public transit service on routes and schedules and at an agreed-upon coordinated fare structure mirroring that of Corvallis.

7. Special Service Operation. Corvallis shall provide special service with routes and schedules established by Philomath upon fourteen (14) days notice. Special service operations may include both scheduled fixed route service of limited duration or single purpose trips. Corvallis shall handle phone information calls, dispatching, ridership counts, and invoicing for these special services.

8. Information Phone. A system information phone will be staffed during all regular Philomath transit service hours to handle inquiry calls regarding route, schedule, and local transfer information, including a telecommunications device for the hearing impaired. Information phone staff will be expected to contact the Philomath bus when necessary. The phone number (541-766-6998), provided by Corvallis will be included on schedule and marketing information. Non-routine calls involving issues or problems, including the solution, shall be reported to Philomath on an approved form or will be resolved jointly with Corvallis.

9. Corvallis Records. Corvallis shall maintain complete and accurate records concerning the operation and maintenance of the transit system. Philomath and appropriate state and federal agencies shall have access to said records of Corvallis and Corvallis's transit contractor at all reasonable times and places; and Corvallis shall render all reasonable assistance to Philomath, appropriate state and federal agencies, their officers, agents, and employees if and when Philomath or said agencies desire to audit or inspect said books and records. Corvallis shall provide to Philomath a detailed, monthly report of its operation including, but not limited to, service hours, gallons of fuel used, ridership, and a vehicle service log.

10. Operating Equipment. Corvallis shall provide, as necessary, backup or standby vehicle(s) for use in the event of scheduled or nonscheduled maintenance or

breakdown of the vehicle provided by Philomath. Philomath shall reimburse Corvallis for fuel and operating expenses incurred during times when the Philomath vehicle is inoperable.

11. Parts Inventory. A spare parts inventory shall be developed in conjunction with and approved by Philomath. Spare parts shall be the property of Philomath.

12. Accident Procedures. In case of accident or any other damage to the Philomath transit vehicle, Corvallis shall notify Philomath within 48 hours.

C. **Compensation.**

1. Transit Operation. Corvallis shall be compensated at the rates shown on Exhibit B, which by this reference is incorporated into and made a part of this agreement, and adjusted for Section 5307 grant reimbursements to the City of Corvallis at a 50-percent local match rate for operations, and a 20-percent local match rate for capitalized paratransit and maintenance, minus farebox, pass/coupon, and OSU group pass program revenue that Philomath receives. The transit operations rates are based upon revenue hours. Revenue hour shall be defined as the actual time a vehicle is operating on a published schedule. Holiday shall be defined as New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

2. Maintenance Services. Scheduled and nonscheduled maintenance services, parts, and supplies for the transit vehicle shall be itemized on repair orders. Philomath will be billed according to the rates shown on Exhibit B. The itemized repair orders are available to Philomath upon request.

3. Cleaning Services. Bus cleaning services are part of the fixed monthly costs that are shared between Corvallis and Philomath.

4. Standby Vehicle(s). If a standby or backup vehicle is needed, as referenced in Section B-10, Philomath shall compensate Corvallis at the rate shown on Exhibit B.

5. Time and Calculation of Payment. Prior to the 15th of each month in which services are rendered, Corvallis shall submit an itemized invoice showing the total revenue hours of operation anticipated for that billing period, based on Philomath's schedule. The operating costs shall also prorate the monthly fixed overhead costs incurred by the contractor, based upon the revenue service hours of the Corvallis Transit System and the Philomath Connection for that billing period. The itemized invoice will also show the total cost of maintenance services

provided and any stand-by vehicles utilized for the prior month.

The invoice will show the total amount due, as calculated in the previous paragraph, subtract the total revenue received by Philomath as reported in accordance with paragraph A.6. above, and determine the payment at either 50 percent of the net amount for operating expenses, or 20 percent for capitalized maintenance and paratransit expenses. It is understood that these payments are the local match for the Section 5307 grant funds for the Corvallis area urbanized area.

Philomath agrees to pay Corvallis on or before the first day of the month following the receipt of the above invoice.

D. **General Provisions.**

1. Escalation. The compensation for services described in Section C shall be adjusted according to the rates charged by the then-current Corvallis transit contractor for transit operations and maintenance.

2. Exclusive Benefit and Assignment. This agreement is for the exclusive benefit of Philomath and Corvallis. It shall not be assigned, transferred or pledged by either party without the prior, written consent of the other party.

3. Cancellation. Should Corvallis fail to comply with any of the material terms or conditions set forth in this agreement or should Philomath determine that Corvallis is in any other way unfit, unqualified, or unable to perform all of the responsibilities outlined in this agreement then and in that event with ninety (90) days written notice to Corvallis, this agreement may be canceled.

   In the event that Philomath's legislative body does not appropriate funds for the continuation of this agreement, Philomath may, upon prior written notice to Corvallis effective 30 days after the giving of such notice, relieve Corvallis of all obligations described in this agreement.

4. Emergency. It is agreed by the parties that in the event Corvallis is unable to provide transit services as herein specified because of acts of God, fire, riot, war, civil disturbance, or any other similar conditions, Philomath shall excuse Corvallis from performance hereunder.

5. Applicable Laws. The parties agree to comply with the provisions of all federal, state, and local laws that are applicable to the performance under this agreement.

6. Waiver. A waiver of any breach of any provision of this agreement by either party shall not operate as a waiver of any subsequent breach of the same or any other provision of this agreement.

7. Non-Discrimination. The parties agree not to discriminate on the basis of age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income in the performance of this agreement.

8. Equipment Ownership. Philomath retains exclusive ownership of the transit vehicle(s) described in paragraph A.1. and shall use and dispose of these vehicles in accordance with the FTA regulations.

9. Notice. Notice to Corvallis shall be given to:

Transit Coordinator
Public Works Department
Post Office Box 1083
Corvallis, OR 97339-1083

or such other address as is from time to time furnished in writing by Corvallis to Philomath.

Notice to Philomath shall be given to:

Randy Kugler, City Manager
980 Applegate
Post Office Box 400
Philomath, OR 97370

or such other address as is from time to time furnished in writing to Corvallis by Philomath.

9. Hold Harmless.

Each party shall indemnify and hold harmless the other from any suits or damages caused by the actions or omissions of its employees or agents. Nothing in this hold harmless condition shall be deemed to create a liability in excess of the Oregon Tort Claims limits for either party.

10. Interpretation, Jurisdiction and Venue.

This contract shall be governed by and interpreted in accordance with the laws of the State of Oregon. The parties to this contract do not intend to confer on any

third party any rights under this contract.

All actions relating to this contract shall be tried before the courts of the State of Oregon to the exclusion of all other courts which might have jurisdiction apart from this provision. Venue in any action shall lie in the Circuit Court of Benton County, Oregon.

11. Term of Agreement. The Agreement term shall be for a period from July 1, 2006, through June 30, 2009. This includes July 1, 2006 until the date of execution, during which time Corvallis has operated the Philomath service without a current IGA in place. This was due to changes in the Federal Transit Administration's interpretation of Corvallis' purview in operating the Philomath service. This agreement may be extended through June 30, 2010 by mutual agreement of Philomath and Corvallis. If the contract is extended beyond June 30, 2010, the extension is contingent upon City Council adopting appropriations to include this service.

| CITY OF CORVALLIS, OREGON | CITY OF PHILOMATH, OREGON |
|---|---|
| By:_____ | By:_____ |
| Jon S. Nelson, City Manager | Randy Kugler, City Manager |
| Approved as to form: | Approved as to form: |
| _____ | _____ |
| Corvallis City Attorney | Philomath City Attorney |

MEMORANDUM

December 11, 2008

TO: Mayor and City Council

FROM: Steve Rogers, Public Works Director

SUBJECT: Proposed Contract with US Geological Survey (USGS) to Maintain the Willamette River Monitoring Station at Albany

## I. Issue

The USGS intends to discontinue monitoring water temperature of the Willamette River at Albany. The City has an ongoing need for this temperature data for NPDES permit compliance purposes.

## II. Background

The USGS operates the Albany temperature gauge as part of the US Army Corps of Engineer's (USACE ) Total Maximum Daily Load (TMDL) compliance program. The USACE has re-evaluated the network of temperature sites and is shifting its funding to other sites in the Willamette basin which are closer to the inflow and outflow of USACE projects. Attachment "A" includes a list of all temperature stations in the Willamette Basin that are scheduled to be discontinued.

Municipalities releasing treated wastewater into Willamette Basin streams have been allocated a three-stage thermal load limit under the Department of Environmental Quality Willamette River TMDL program. The three-stage load limit is determined by the quantity and quality of the data used to demonstrate compliance with the TMDL. The cities of Albany and Corvallis use data from the USGS Albany monitoring station to calculate the highest load limit available on a daily basis. Using the highest TMDL load limit available will reduce incidents of non-compliance with NPDES permit conditions; extend the communities ability to accommodate growth; and may delay costly temperature mitigation measures.

## III. Discussion

The cost to continue operation of the water temperature sensor on the Willamette River at Albany is $3,880 for the Federal fiscal year 2009. The City of Albany has committed to funding one-half of the cost, $1,940. With a matching contribution from the City of Corvallis the USGS will continue to operate the site and post the real-time data on USGS web page. The cost in future years is expected to be similar or increase slightly in response to inflation.

## IV. Recommendation

Staff recommends the Urban Services Committee recommend the City Council approve the City Manager to sign a contract with the USGS to operate and maintain the temperature gauge at the Willamette River monitoring station in Albany.

Reviewed and Concur:

Jon S. Nelson, City Manager

City Attorney

Attachments

Willamette TMDL work plan for Federal fiscal year 2008 (October 1, 2007 to September 30 2008).

**USACE - USGS FY 2008**
**TMDL Water Temperature Gages**

| Station Number | Station Name | Cost |
|---|---|---|
| 14152000 | Middle Fork Willamette River at Jasper | 3,700 |
| 14162500 | McKenzie River near Vida | 3,700 |
| 14166000 | Willamette River at Harrisburg | 3,700 |
| 14174000 | Willamette at Albany | 3,700 |
| 14189050 | Santiam River near Jefferson | 4,320 |
| 14192015 | Willamette River at Keizer | 4,320 |
| | Total | $23,440 |

Description of work:

1. Site visit every 6-10 weeks. – Compare recorded field value with a NBS calibrated thermistor. Approximately twice a year, make cross-sectional measurements to ensure that recorded values are representative of the entire cross section of the stream. Cross-sectional measurements are made by wading, cableway or boat.
2. Post data on Real-time Web page. – Water temperature data are reviewed during the week to verify reasonableness of data (obvious spikes, jumps, etc are analyzed for deletion).
3. Emergency field visits are made on short notice as needed to ensure a reliable and accurate data stream.
4. Final work and review of data. – Water temperature record may be worked and checked 2 to 3 times during the water year culminating with a final review. Every 3 years a national review team examines sample records to ensure compliance with USGS national standards.

# United States Department of the Interior

U.S. GEOLOGICAL SURVEY
Oregon Water Science Center
2130 SW 5th Ave
Portland, Oregon 97201
http://or.water.usgs.gov/

November 25, 2008

PUBLIC WORKS
Received
DEC 02 2008

Mr. Dan Hanthorn
Wastewater Operations Supervisor
City of Corvallis
PO Box 1083
Corvallis, OR 97339-1083

Dear Mr. Hanthorn:

This letter concerns a cooperative hydrologic data collection program for the collection of water temperature data on the Willamette River at Albany, Oregon (USGS 14174000). The total cost for the operation and maintenance of this water temperature gage is $3,880 for Federal fiscal year 2009 (October 1, 2008 to September 30, 2009). The City of Corvallis' share is $1,940. The remaining portion will be provided by the City of Albany.

Attached are two original copies of a Joint Funding Agreement (JFA) to confirm our negotiations to continue this data collection program. Please sign both originals; return one signed original in the enclosed self-addressed envelope and retain the other original for your records.

In order to continue providing data and/or investigations for your agency, we will need to have the enclosed JFA signed and received in this office no later than January 5, 2009. If you feel that your agency cannot meet this target date, please let us know when we could expect to receive the signed JFA.

Funds are not required at this time; a signed agreement is not a bill, only an agreement to pay for the work that will be done. The Water Resources Cooperative Program operates under the authority of statute 43 USC 50 which allows us to perform this work. The Oregon Water Science Center DUNS number is 137883463. Billing will be by DI-1040. Final billing for Federal fiscal year 2009 will occur near the end of June 2009.

Work performed with funds from this agreement will be conducted on a fixed-price basis. The results of all work under this agreement will be available for publication by the U.S. Geological Survey.

Mr. Hanthorn

We look forward to our successful relationship during the upcoming year. If you have any questions concerning this letter or the data program in general, please feel free to contact Tom Herrett at (503) 251-3239.

Sincerely,

Dennis D. Lynch
Center Director

Enclosures - 2 JFA's w/return envelope

Cc w/o enclosures:

Chip Ullstad, PE, BCEE, Utility Engineer, City of Albany, 333 Broadalbin SW, Albany, OR 97321

Larry Lamperti, Environmental Analyst, City of Corvallis Public Works, PO Box 1083, Corvallis, OR 97339-1083

Page 1 of 2

Form 9-1366
(Oct. 2005)

# U.S. Department of the Interior
# U.S. Geological Survey
# Joint Funding Agreement

| | |
|---|---|
| Customer #: | OR029 |
| Agreement #: | |
| Project #: | |
| TIN #: | 93-6002145 |
| Fixed Cost Agreement | ☑ Yes ☐ No |

**FOR**
**OREGON WATER SCIENCE CENTER**

THIS AGREEMENT is entered into as of the 1st day of October, 2008, by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the PUBLIC WORKS, CITY OF CORVALLIS, party of the second part.

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation a water resource data collection program for the Willamette River, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) includes In-Kind Services in the amount of $0.

| | | | | |
|---|---|---|---|---|
| | | by the party of the first part during the period | | |
| (a) | $0 | October 1, 2008 | to | September 30, 2009 |
| | | by the party of the second part during the period | | |
| (b) | $1,940.00 | October 1, 2008 | to | September 30, 2009 |

(c) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.

(d) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.

3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

Page 2 of 2

| Form 9-1366 continued | U.S. Department of the Interior<br>U.S. Geological Survey<br>Joint Funding Agreement | Customer #: OR029<br>Agreement #:<br>Project #:<br>TIN #: 93-6002145 |
|---|---|---|

8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered **annually**. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

**U.S. Geological Survey**
**United States**
**Department of the Interior**

**USGS Point of Contact**

Name: Thomas A. Herrett
Address: USGS, OWSC

2130 SW 5th Avenue
Portland, OR 97201
Telephone: 503 251 3239
Email:

**Signatures**

By_____ Date 12/1/08
Name: Dennis D. Lynch
Title: Center Director

By_____ Date_____
Name:
Title:

By_____ Date_____
Name:
Title:

**PUBLIC WORKS, CITY OF CORVALLIS**

**Customer Point of Contact**

Name: Dan Hanthorn
Address: Wastewater Operations Supervisor,
City of Corvallis
PO Box 1083
Corvallis, OR 97339
Telephone:
Email:

**Signatures**

By_____ Date_____
Name:
Title:

By_____ Date_____
Name:
Title:

By_____ Date_____
Name:
Title:

MEMORANDUM

TO: Mayor and City Council

FROM: Steve Rogers, Public Works Director SR

DATE: December 4, 2008

SUBJECT: REACH SC LLC Lease Assumption and Consent to Assignment

**ISSUE**

Mediplane Inc. dba REACH Air Medical Services has signed a SASO land lease with the City of Corvallis to place a corporate hangar next to their existing building lease. They have contracted with REACH SC LLC to build the hangar and then sublet the hangar to them. REACH Air Medical Services has requested that the City consent to the assignation of the hangar lease to REACH SC LLC, who will be the owner of the structure.

**DISCUSSION**

Mediplane Inc. dba REACH Air Medical Services came to Corvallis Municipal Airport in 2006 and leased a section of property north of the fuel farm for an emergency helicopter ambulance service. They put a building on this leased land and have been operating out of it 24/7 with one Augusta helicopter. This helicopter was parked, out in the weather, on the Corvallis Aero Service leased property across the grass from REACH's crew quarters/office building. The cold/wet winter weather and hot summer weather have led to some challenges to the helicopter crews meeting the rapid response requirements of an air ambulance service.

In September 2008, the City Council authorized a lease to REACH Air Medical Services adjacent to the operations building for the location of a corporate hangar for the helicopter. The location of the corporate hangar is consistent with the Airport Master Plan.REACH Air Medical Services, like some other businesses at the airport, has contracted with a developer to build and own their hangar. They request the City of Corvallis authorize REACH SC LLC to assume the land lease for this new corporate hangar. In discussing this request with the City Attorney, it was determined that authorizing the assumption of the lease to the owner of the hangar is in the City's best interest.

The Council recently decided to use the consent agenda process for the review and authorization of airport lease options and assignments rather than referring them to the Urban Services Committee for a recommendation. There will be no change in revenue to the Airport Fund with this assumption.

The Airport Commission reviewed this request at their regular meeting, December 2, 2008.

**RECOMMENDATION**

Staff and the Airport Commission recommend the City Council authorize the City Manager to sign the Assumption of Lease and Consent to Assign the Mediplane, Inc. dba REACH Air Medical Services lease to REACH SC LLC for the construction of a corporate hangar.

Review and Concur:

Jon S. Nelson
City Manager

Attachment: Lease Assignment

# ASSUMPTION OF LEASE AND CONSENT TO ASSIGN

REACH SC LLC, assignee of all the right, title and interest in the leasehold estate described in the attached Exhibits A and B, hereby assumes all rights and obligations of the Assignor, Mediplane, Inc. dba REACH Air Medical Services under the December 1, 2008 SASO land lease with the City of Corvallis; and further agrees to abide by all terms and conditions of the lease, including payment of rent, and to indemnify and hold harmless Mediplane, Inc. dba REACH Air Medical Services from any liability under such lease.

DATED this _____ day of _____2008

REACH SC LLC

By:_____
Mike Sass, Manager
REACH SC LLC.

The City of Corvallis, as Lessor under the above-described lease, consents the assignment by Mediplane, Inc. dba REACH Air Medical Services, assignor, to REACH SC LLC, assignee, of all of assignor's right, title and interest in the December 1, 2008 lease of the property described in Exhibits A and B, and the City accepts REACH SC LLC as lessee under that lease.

DATED this ____ day of _____, 2008

CITY OF CORVALLIS

By: _____
Jon S. Nelson, City Manager

Approved As to Form

_____
City Attorney

**EXHIBIT A**

**MEDIPLANE INC. HANGAR**

**PROPERTY DESCRIPTION**

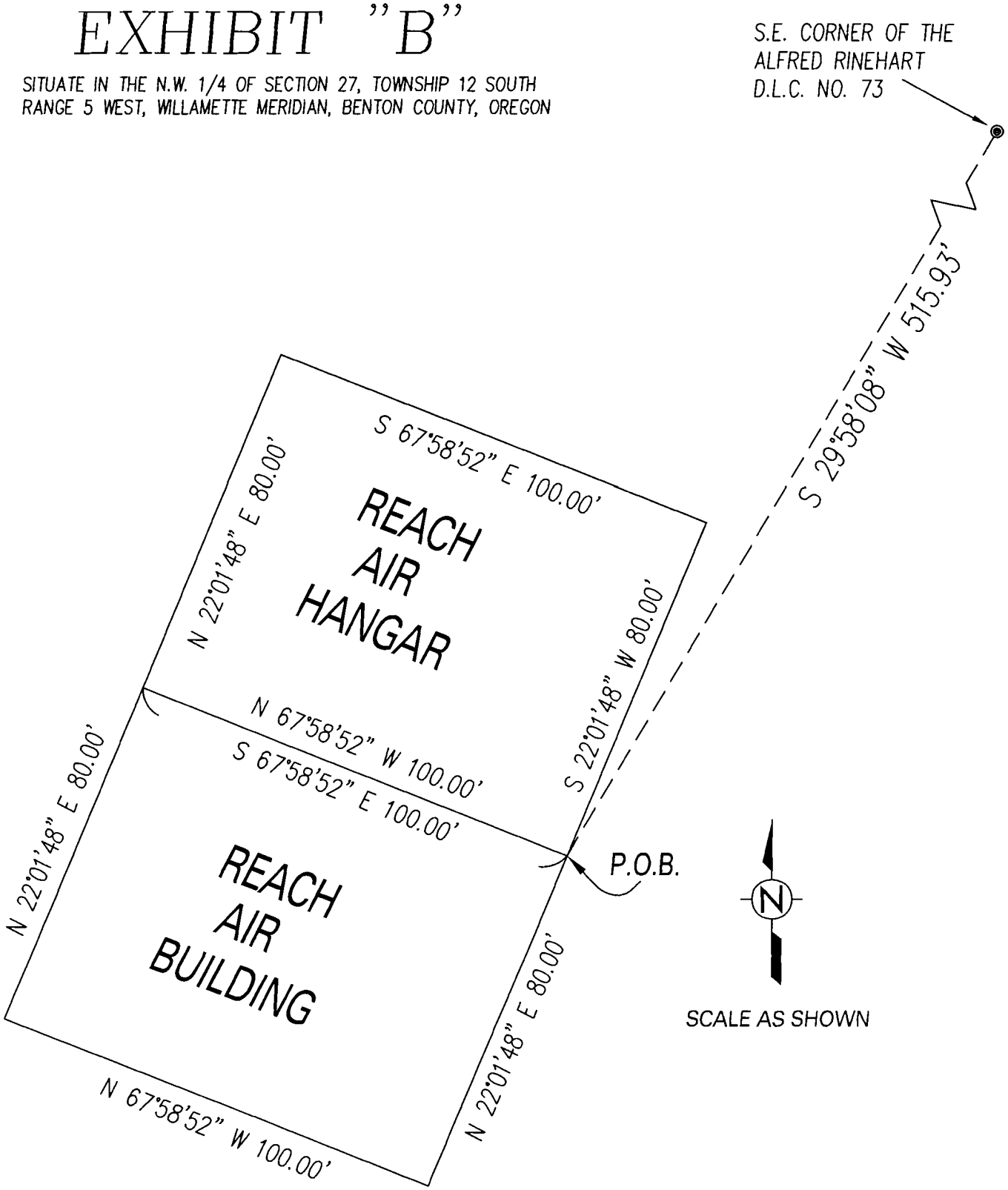
A tract of land located in the NW 1/4 of Section 27, Township 12 South, Range 5 West, Williamette Meridian, Benton County, Oregon, more particularly described as follows.

Commencing from the southeast corner of the Alfred Rhinehart Donation Land Claim, No. 73 in Section 27 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence south 28°58'08" west a distance of 515.93 feet to the **True Point of Beginning**; thence north 67°58'52" west a distance of 100.00 feet to a point; thence north 22°01'48" east a distance of 80.00 feet to a point; thence south 67°58'52" east a distance of 100.00 feet to a point; thence south 22°01'48" west a distance of 80.00 feet to the **True Point of Beginning**.

Said tract contains 8000 square feet, more or less.

# EXHIBIT "B"

SITUATE IN THE N.W. 1/4 OF SECTION 27, TOWNSHIP 12 SOUTH
RANGE 5 WEST, WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON




| | | |
|---|---|---|
| DESIGNED | CORVALLIS AIRPORT | CORVALLIS ENHANCING COMMUNITY LIVABILITY |
| DRAWN CRB | MEDIPLANE INC. | C.I.P. ENGINEERING DEPT. |
| CHECKED | BUILDING AND HANGAR LEASE | |
| DATE AUGUST 1, 2008 | | |
| SCALE: 1"=30' | | |

FOR COUNTY RECORDING ONLY:

AFTER RECORDING RETURN TO CITY OF CORVALLIS
DEVELOPMENT REVIEW ENGINEERING DIVISION, CITY HALL

# SASO LEASE AGREEMENT
# CORVALLIS AIRPORT

THIS LEASE, made this ___ day of_____ 2008, is by and between the City of Corvallis, an Oregon municipal corporation, hereinafter referred to as the City, and **Mediplane, Inc. dba REACH Air Medical Services**, hereinafter referred to as the Lessee.

## 1. PREMISES

The Corvallis Municipal Airport is owned and managed by the City of Corvallis and is operated as an Enterprise Fund, in that all fees, land lease and rent revenues are retained by the City for the exclusive operation of the Airport. The City, in consideration of the terms, covenants, and agreements contained herein, does hereby lease to the Lessee the following property located at the Corvallis Municipal Airport:

See Attached Exhibit "A" legal, Exhibit "B" site plan.

## 2. TERM

The Lessee shall have the right to possession, use, and enjoyment of the leased property for a period of Thirty (30) years, beginning on **September 1, 2008** and ending **July 31, 2038**.

## 3. RENT

A. Rental Rate. Lessee shall pay in advance, a monthly rent payment by the first day of each month beginning **September 1, 2008** and continuing on the first day of each month thereafter during the term of this lease. The monthly rate for the above-described land shall be determined as follows: **$ 0.224** per square foot = **$1,792.00** as an annual base rate. Annual base rate/12 = **$149.33** as a monthly rent payment. Rental payments are to be made payable to the City of Corvallis and are to be delivered in person or mailed to the City at the address given in Section 24 of this lease.

B. Late Charges. It is hereby agreed that if rent is unpaid after fifteen (15) days following the due date, the Lessee shall pay a late charge of **$1.00 per day** computed to include the first

day due and continuing until both rent and late charges are fully paid. Payments will be applied first to late charges, then to outstanding rent.

C. Annual Adjustment. The rental rate shall be adjusted annually utilizing the January through December U.S. City Average Consumer Price Index, with adjustments made July 1 of each year commencing, July 2009. The City shall give written notice to Lessee at least thirty (30) days in advance of the annual adjustment date.

D. Land Rental Rate Adjustment. Not withstanding 3C above, every five (5) years, beginning in 2010, the land lease rate will be adjusted to reflect an annual rate totaling 10% of the appraised market value of the parcel.

## 4. USE OF THE PROPERTY

A. Scope of Operation and Required Services. Lessee shall comply with the conditions of the airport rules and regulations, as identified in the Corvallis Municipal Airport Handbook - Rules, Regulations, Pilot Information and Building Standards (Airport Handbook), and the Minimum Standards for Commercial Aeronautical Activities (Minimum Standards), and by these references are incorporated into and made a part of this lease. The Airport Handbook and Minimum Standards may be revised from time to time by the City.

B. Conformance with Laws. Lessee shall conform to all applicable laws and regulations, municipal, state, and federal, affecting the premises and the use thereof.

C. Nuisance. Lessee shall not use or permit the use or occupancy of the property for any illegal purposes, or commit or permit anything which may constitute a menace or hazard to the safety of persons using the property, or which would tend to create a nuisance, or that interferes with the safe operation of aircraft using the Corvallis Municipal Airport.

D. Hazardous Materials. Lessee shall not store or handle on the premises or discharge onto the property any hazardous wastes or toxic substances, as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9675, and as further defined by state law and the City's Sewer Regulations, Municipal Code Chapter 4.03 as amended, except upon prior written notification to the City and in strict compliance with rules and regulations of the United States and the State of Oregon and in conformance with the provisions of this lease. Any violation of this section may, at the City's option, cause this lease to be immediately terminated in accordance with the provisions of Section 18 of this lease.

E. Roads. Lessee shall be entitled to reasonable use for its purposes of the roads and taxiways now existing and serving the leased property. The City may locate and relocate roads as desirable to improve the Corvallis Municipal Airport so long as reasonable and adjacent access is provided to Lessee.

F. Infrastructure Improvements. Lessee hereby irrevocably agrees to financially participate in the future improvements for public water, wastewater, storm drainage and transportation consistent with the Airport Master Plan. It is understood by Lessee that:

1. The cost of the improvements shall be born by the benefitted property in accordance with state law, the Charter of the City of Corvallis and its ordinances and policies.

2. The City in its sole discretion may initiate the construction of all or part of the local improvements required, or may join all or part of Lessee's property with other property when creating a local improvement district.

3. Lessee and Lessee's heirs, assigns and successors in interest in the property shall be bound by this document which will run with the property and will be recorded by the City in the deed records of Benton County.

4. Lessee declares that the public improvements herein sought will directly benefit the described property.

5. Lessee shall not challenge the formation of a local improvement district or assessment of Lessee's leased property by City and in any proceedings therein will acknowledge this declaration if requested to do so by City.

6. In construing this section of the agreement singular words include the plural.

## 5. WATER, SEWER, AND DRAINAGE SYSTEMS

A. Water, Drainage, and Domestic Waste. The City agrees to provide the use and benefits of the public water, sewer, and drainage systems as they now exist or may be later modified. Conditions for the use of these systems shall be the same as the conditions and regulations applying within the corporate limits of the City of Corvallis, including any assessments or charges for any expansion or intensification of Lessee's use of the property.

B. Utility Bills. Water, sewer, and drainage charges shall be paid by the Lessee in addition to the basic monthly land lease and at the same rates applicable within the corporate limits of the City of Corvallis. The Lessee shall promptly pay all water, sewer, and drainage charges, and all other utility charges, for the premise as they come due.

C. Prohibited Discharges. Discharge of industrial waste, as that term is defined in the City of Corvallis Municipal Code, Chapter 4.03 Sewer Regulations (as presently constituted or as amended hereafter), into the sanitary sewer system, drainage system, surface ponds or ditches, or elsewhere is specifically prohibited, except as permitted by a valid Industrial Wastewater Discharge Permit in strict accordance with the Sewer Use Ordinance and applicable state and federal laws. Violation of any provision contained in the City of Corvallis Municipal Code, Chapter 4.03 Sewer Regulations (as presently constituted or as amended hereafter), may cause this lease to be immediately terminated in accordance with the provisions of Section 18 of this lease.

D. Discharge Response Procedures. In the event of any discharge or spill of noxious or hazardous material into the environment, sewer system, or drainage system, Lessee shall immediately notify the Oregon Department of Environmental Quality and the City. The City and any appropriate state or federal agency shall have the right to inspect the premises immediately to determine if the discharge or spill constitutes a violation of any local, state, or federal laws, rules, or regulations. If a violation exists, the City shall notify the Lessee of the specific violations and Lessee shall immediately cease all activities and use of the property until the violations are remedied, all at the Lessee's sole cost and expense and without expense whatsoever to the City.

E. South Corvallis Drainage Master Plan. Lessee hereby agrees to comply with the requirements of the "South Corvallis Drainage Master Plan", approved by the City Council in February 1997. Future improvements within the Industrial Park or Airport in compliance with the approved drainage plan may include parcel assessments or charges. Conditions and regulations for any assessment or charges shall be similar to those conditions or regulations applying within the corporate limits of the City of Corvallis.

## 6. DEVELOPMENT STANDARDS

This agreement is made subject to the terms and conditions as referenced in Chapter XIV - Development and Building Standards of the Airport Handbook. In addition, compliance with all Corvallis development regulations is required relative to the City's Land Development Code (LDC). Where not otherwise specified by the Airport Handbook, the City's Industrial zoning provisions shall apply. Enforcement of development provisions is the responsibility of the City's Development Services Division of the Community Development Department and, where specified by the Corvallis Airport Master Plan, the Airport Design Review Committee.

## 7. ALTERATIONS, IMPROVEMENTS AND GENERAL MAINTENANCE

A. Right to Construct. The Lessee, at its own expense may construct structural improvements on the leased property, subject to Lessee's compliance with all applicable city, county, and state laws and regulations and issuance of necessary building permits.

B. Ownership of Improvements. Any buildings constructed on the leased property during the term of this lease shall belong to the Lessee and may be removed by the Lessee at will. Lessee shall have the right to enter the premises during the thirty day period following termination of this lease to remove any of its property, including buildings or other improvements, on the leased premises. If, after thirty days after termination of the lease, any of said property remains on the premises, the City may retain the property, or, at its option, remove the property at the Lessee's expense.

C. Sale of Improvements. City shall have the first right of refusal to purchase Lessee's improvements, if Lessee decides to sell the improvements.

D. General Maintenance. During the entire term of this lease, and for any additional time that Lessee shall hold the Leased Premises, Lessee shall keep the premises, including improvements, in neat, sanitary, well-maintained condition.

No machinery, equipment, or property of any kind shall be stored or kept outside of the building; and any wrecked, permanently disabled, or otherwise unsightly aircraft shall not be kept unless housed within the hangar space.

Lessee shall permit no aircraft at any time to be left standing unattended or parked, even temporarily, upon any roadway/taxiway or access road within said airport, without the express permission of the Airport Manager. The City shall have the right and privilege, at the expense of the Lessee, to remove from any public road or access road which approaches the airport or within the airport any such aircraft that Lessee or any of its tenants may leave standing or parked upon any such road or roadway/taxiway.

Lessee or any guest shall not park any vehicle outside the boundary of the leased premises herein described other than designated public parking areas. Any vehicle parked in violation of this section shall be moved at Lessee's expense by City.

## 8. ENTRY ON PROPERTY

A. Right to Inspect. The City shall have the right to enter the property at any reasonable time or times to examine the condition of the premises or Lessee's compliance with the terms of this lease.

B. Access. The City retains the right to enter the leased premises at any reasonable time or times to repair or modify City utilities located upon the property or to conduct repairs or other work on the property.

## 9. ASSIGNMENT AND SUBLETTING

The Lessee shall not assign this lease without the prior written consent of the City; provided, however, that the City shall not unreasonably withhold such consent. Lessee shall have the right to sublet space within any building it may construct on the leased premises to others, subject to the following conditions:

1) No sublease shall relieve Lessee from primary liability for any of its obligations under this lease, and Lessee shall continue to remain primarily liable for payment of rent and for performance and observance of its other obligations and agreements under this lease.

2) Every sublease shall require the sublessee to comply with and observe all obligations of the Lessee under this lease, with the exception of the obligation to pay rent to the City.

## 10. LIENS

The Lessee shall promptly pay for any material and labor used to improve the leased property and shall keep the leased property free of any liens or encumbrances.

## 11. TAXES

The Lessee shall promptly pay all real and personal property taxes levied upon the leased premises during the tax year that they become due. Lessee shall not permit a lien for other than the current year's taxes to be placed on the leased property.

## 12. INSURANCE

A. Coverage Requirements. The Lessee shall purchase and maintain general liability insurance that provides at least premises and operations coverage. The limit of liability shall be no less than the amounts specified in the Oregon Tort Claims Act, ORS 30.260 to 30.300 as presently constituted or hereafter amended. As of the date of this lease, those amounts are $50,000 for damage to property, $100,000 for injury to a person (plus special damages up to an additional $100,000), and $500,000 for any number of claims arising from a single accident or occurrence. In addition, if the insurance policy contains an annual aggregate limit, the aggregate shall not be less than $1,000,000. The policy shall name the City of Corvallis, its officers, agents, and employees as an additional insured.

B. Certificate of Insurance. At the time that this lease is signed, the Lessee shall provide to the City a certificate of insurance complying with the requirements of this section and indicating that insurer will provide the City with 30 days notice prior to cancellation. A current certificate shall be maintained at all times during the term of this lease.

## 13. HOLD HARMLESS

A. General. The Lessee shall at all times indemnify, protect, defend, and hold the City of Corvallis, its officers, agents, and employees harmless from any claims, demands, losses, actions, or expenses, including attorney's fees, to which the City may be subject by reason of any property damage or personal injury arising or alleged to arise from the acts or omissions of the Lessee, its agents, or its employees, or in connection with the use, occupancy, or condition of the property.

B. Environmental Protection. The Lessee shall be liable for, and shall hold the City harmless from, all costs, fines, assessments, and other liabilities arising from Lessee's use of the premises resulting in the need for environmental cleanup under state or federal environmental protection and liability laws, including, but not limited to, costs of investigation, remedial and removal actions, and post-cleanup monitoring arising under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. §§ 9601 to 9675, as presently constituted or hereafter amended.

## 14. NONDISCRIMINATION

The Lessee agrees that no person shall be excluded from the use of the premises based on age, citizenship status, color, familial status, gender identity or expression, marital status, mental disability, national origin, physical disability, race, religion, religious observance, sex, sexual orientation, and source or level of income. Such discrimination poses a threat to the health, safety and general welfare of the citizens of Corvallis and menaces the institutions and foundation of our community.

## 15. CONDITIONS ON PROPERTY BY THE UNITED STATES OF AMERICA

This agreement is made subject to the terms and conditions and restrictions of transfer recorded in Book 121, Page 40 and Book 125, Page 239, deed records of Benton County, Oregon, as modified by the Instrument of Release recorded in Book 182, Page 238 of said deed records.

## 16. WAIVER OF BREACH

A waiver by the City of a breach of any term, covenant, or condition of this lease by the Lessee shall not operate as a waiver of any subsequent breach of the same or any other term, covenant, or condition of the lease.

## 17. DEFAULT

A. Declaration of Default. Except as otherwise provided in this lease, the City shall have the right to declare this lease terminated and to re-enter the property and take possession upon either of the following events:

1. Rent and Other Payments. If the rent or any other payment obligation, including but not limited to property taxes and utility bills, remains unpaid for a period of 30 days after it is due; or
2. Other Obligations. If any other default is made in this lease and is not corrected after 30 days written notice to the Lessee. Where the default is of such

nature that it cannot reasonably be remedied within the 30-day period, the Lessee shall not be deemed in default if the Lessee proceeds with reasonable diligence and good faith to effect correction of the default.

B. Court Action. It is understood that either party shall have the right to institute any proceeding at law or in equity against the other party for violating or threatening to violate any provision of this lease. Proceedings may be initiated against the violating party for a restraining injunction or for damages or for both. In no case shall a waiver by either party of the right to seek relief under this provision constitute a waiver of any other or further violation.

## 18. TERMINATION

A. Immediate Termination. Where a specific violation of this lease gives the City the option to terminate this lease immediately, this lease shall be terminated upon written notification to the Lessee.

B. Termination Upon 30 Days Default. In the event of any other default under Section 17 of this lease, the lease may be terminated at the option of the City upon written notification to the Lessee.

C. Surrender Upon Termination. Upon termination or the expiration of the term of the lease, the Lessee will quit and surrender the property to the City in as good order and condition as it was at the time the Lessee first entered and took possession of the property under this or a prior lease, usual wear and damage by the elements excepted.

D. Restoration of Property. Upon termination or expiration of this lease or Lessee's vacating the premises for any reason, the Lessee shall, at its own expense, remove and properly dispose of all tanks, structures, and other facilities containing waste products, toxic, hazardous, or otherwise, which exist on the leased property or beneath its surface. Lessee shall comply with all applicable state and federal requirements regarding the safe removal and proper disposal of said facilities containing waste products. If the Lessee fails to comply or does not fully comply with this requirement, the Lessee agrees that the City may cause the waste products and facilities to be removed and properly disposed of, and further Lessee agrees to pay the cost thereof with interest at the legal rate from the date of expenditure.

E. Holding Over. No holding over upon expiration of this lease shall be construed as a renewal thereof. Any holding over by the Lessee after the expiration of the term of this lease or any extension thereof shall be as a tenant from month to month only and not otherwise.

## 19. NONEXCLUSIVE

This lease agreement shall not be construed to give the Lessee an exclusive right to perform aeronautically associated service operation or activities as contained in the Minimum Standards.

## 20. RECORDING FEES

The lease will be recorded with the Benton County Assessor's Office and the Lessee shall be responsible for paying all associated fees.

## 21. ATTORNEY FEES

If any suit or action is instituted in connection with any controversy arising out of this lease, the prevailing party shall be entitled to recover, in addition to damages and costs, such sum as the trial court or appellate court, as the case may be, may adjudge reasonable as attorney fees.

## 22. PREVAILING LAW

This contract is to be governed by, and construed in accordance with, the laws of the State of Oregon.

## 23. VENUE

Any disputes about the terms of this contract will be brought before the Benton County Circuit Court, Corvallis, Oregon.

## 24. NOTICE

When any notice or anything in writing is required or permitted to be given under this lease, the notice shall be deemed given when actually delivered or 96 hours after deposited in United States mail, with proper postage affixed, directed to the following address:

| | | | |
|---|---|---|---|
| City: | City of Corvallis | Lessee: | REACH Air Medical Services |
| | Public Works Department | | 451 Aviation Blvd., Suite 201 |
| | Attention: Airport Manager | | Santa Rosa, CA 95403 |
| | P.O. Box 1083 | | 877-644-4045 |
| | Corvallis, Oregon 97339-1083 | | jim_adams@mediplane.com |

IN WITNESS WHEREOF, the parties hereto have executed this lease the date and year first written below.

DATED this _____day of _____, 2008.

_____

Jim Adams, CEO
Mediplane, Inc., dba REACH Air
Medical Services

STATE OF _____ )
) ss.
COUNTY OF _____ )

Personally appeared the above-named _____, who acknowledged he is the OWNER and he accepted the foregoing instrument on behalf of Mediplane Inc., dba REACH Air Medical Services, before me this _____day of _____, 2008.

_____

NOTARY PUBLIC FOR _____

My Commission Expires _____

ACCEPTED BY:

_____

JON S. NELSON, CITY MANAGER
CITY OF CORVALLIS, OREGON

STATE OF OREGON )
) ss.
COUNTY OF BENTON )

Personally appeared the above-named JON S. NELSON, who acknowledged he is the City Manager of CORVALLIS and he accepted the foregoing instrument on behalf of the City of CORVALLIS by authority of its City Council. Before me this _____day of _____, 2008.

_____

NOTARY PUBLIC FOR OREGON

My Commission Expires_____

Approved as to form:

_____

City Attorney Date

**EXHIBIT A**

**MEDIPLANE INC. HANGAR**

**PROPERTY DESCRIPTION**

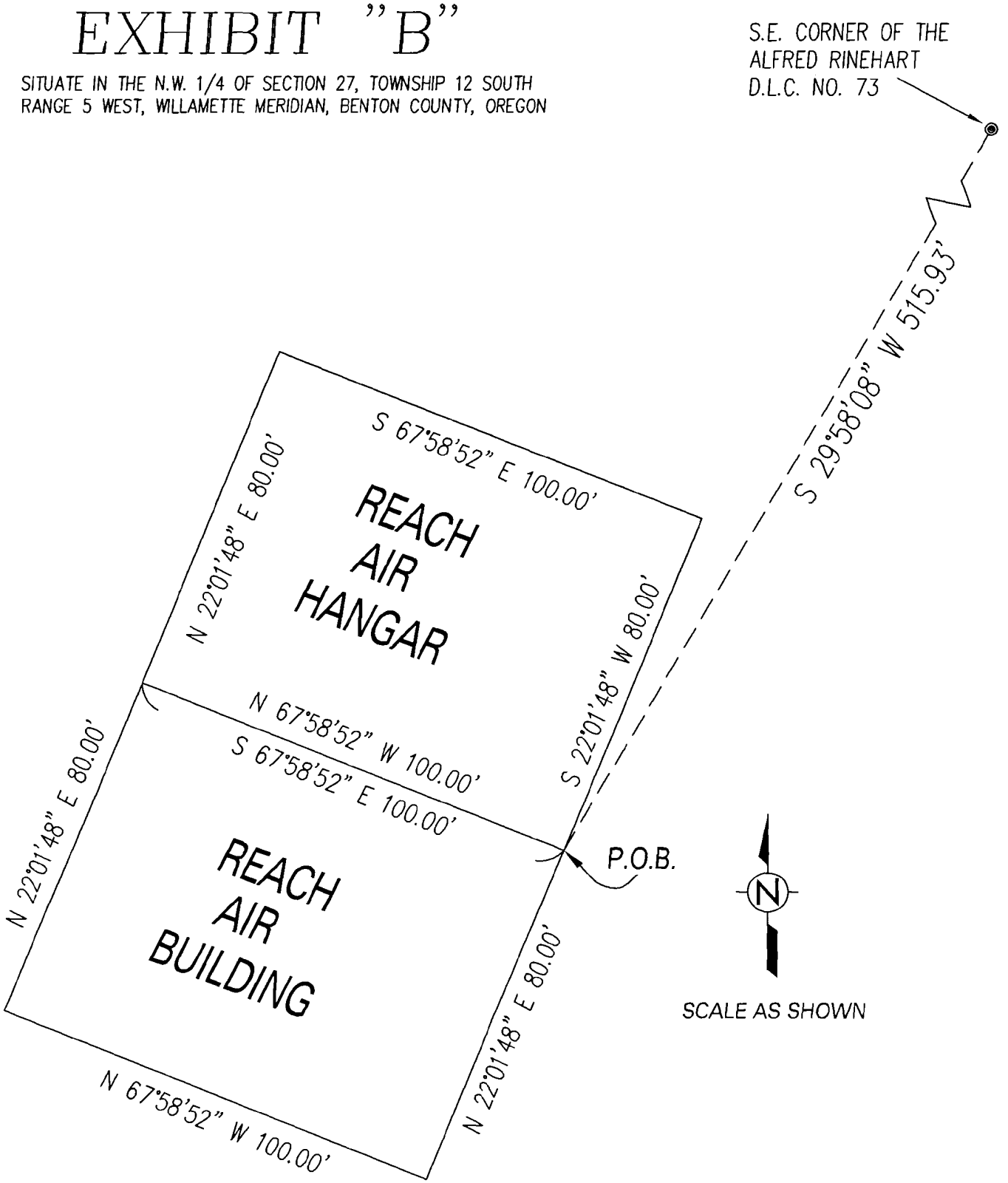
A tract of land located in the NW 1/4 of Section 27, Township 12 South, Range 5 West, Williamette Meridian, Benton County, Oregon, more particularly described as follows.

Commencing from the southeast corner of the Alfred Rhinehart Donation Land Claim, No. 73 in Section 27 of Township 12 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence south 28°58'08" west a distance of 515.93 feet to the **True Point of Beginning**; thence north 67°58'52" west a distance of 100.00 feet to a point; thence north 22°01'48" east a distance of 80.00 feet to a point; thence south 67°58'52" east a distance of 100.00 feet to a point; thence south 22°01'48" west a distance of 80.00 feet to the **True Point of Beginning**.

Said tract contains 8000 square feet, more or less.

# EXHIBIT "B"

SITUATE IN THE N.W. 1/4 OF SECTION 27, TOWNSHIP 12 SOUTH
RANGE 5 WEST, WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON




| | | |
|---|---|---|
| DESIGNED | CORVALLIS AIRPORT | CORVALLIS ENHANCING COMMUNITY LIVABILITY |
| DRAWN CRB | MEDIPLANE INC. | C.I.P. ENGINEERING DEPT. |
| CHECKED | BUILDING AND HANGAR LEASE | |
| DATE AUGUST 1, 2008 | | |
| SCALE: 1"=30' | | |

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

# MEMORANDUM

**DATE:** December 29, 2008

**TO:** Mayor and City Council

**FROM:** Ken Gibb, Community Development Director

**SUBJECT:** Written Testimony, Applicant's Response, and Staff Responses to Council Questions for Western Station Deliberations (PLD08-00009, SUB08-00005, PCR08-00002)

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Please find attached the following materials:

1. Written testimony received after the December 15, 2008, public hearing, but prior to close of the record at 5 p.m. on December 22, 2008

2. The applicant's statement that no additional written arguments will be submitted, dated December 24, 2008, and

3. Staff's responses to City Council questions from the December 15, 2008, public hearing

Review and Concur:

Jon S. Nelson,
City Manager

# Written Testimony Received Regarding the Western Station Application (PLD08-00009, SUB08-00005, PCR08-00002) After the City Council's December 15, 2008, Appeal Hearing, but prior to Close of the Record on December 22, 2008

From: Nancy Hagood, 750 SW C Avenue #17, Corvallis, OR
To: Mayor and City Council, City of Corvallis:
RE: **Western Station, (PL08-00009, SUB083-00005, PCR08-00002)**
**Additional written testimony to hearing 12/15/08**

**Safety Issues**

Western Station has only one entrance/exit that is 101 feet from the center of the main intersection of SW 7th and Western Boulevard to the center of the proposed driveway. From near edge to near edge it is only 88 feet (both statements per Kevin Young of the Planning Department 12/8/08). The applicable code required is a minimum of 150 feet **(LDC 4.1.40.a(2)).** This is a treacherous block with a high traffic count, no pedestrian crosswalks or signals, a 30 degree curve that naturally leads vehicles into the bike lane in front of the development. Eastbound and westbound Bicyclists are riding their bikes for safety on southern sidewalk of the development. There are a plethora of visual clearance issues surrounding the driveway (add the addition of garbage bins). A variance should not be given for Access to Arterial Street.

Staff needs to adhere to the codes and on site compensations **(LDC 2.5.20.h and LDC 2.5.40.04.a (1))** so that this site is a predominately Mixed Use Commercial District of not such high density or inappropriate uses that it negatively affects the surrounding neighborhoods with parking, traffic, and safety issues. Compensations need to improve "safety", or "compatibility" etc. We welcome a Mixed Use Commercial District that compliments our neighborhoods not a giant eco-footprint that disrupts it **(LCD 2.5.20.g).**

On page 44 of the Staff Report it says **(re: Related Comprehensive Plan Policy 9.2.4)** "None of the standards are fully met but all are accommodated to a meaningful degree." This is not acceptable. Again, I urge the City Council to deny this application.

Thank you for all your volunteer time and attention to this important matter.

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To: City Council
From Ruby Moon
608 S.W. 7th St, Corvallis
RE: Proposed building at 6th and Western

Pictures delivered to Mayor in C.D form on 12/19 and a PDF with explanations of pictures will be submitted to Planning Dept. on Monday

I would like to address the questions from the council members.

As to the mezzanine - this is a space outside the commercial area. The only way to make it part of the commercial is to give it a direct and dedicated link. The mezzanine should have stair access directly from and exclusive to the commercial area. An example would be Grassroots Bookstore. Of course a stairway in the middle of the first floor would greatly impact the useable floor space. Barring this there is no way to insure this space remands commercial.

On a side note: I believe all doors on commercial properties need to open out. The floor plan shows the back doors open in. Also is one shared stair well enough for four floors and an unspecified amount of people (commercial and residential) sharing it? Has the fire dept. O.K.d this?

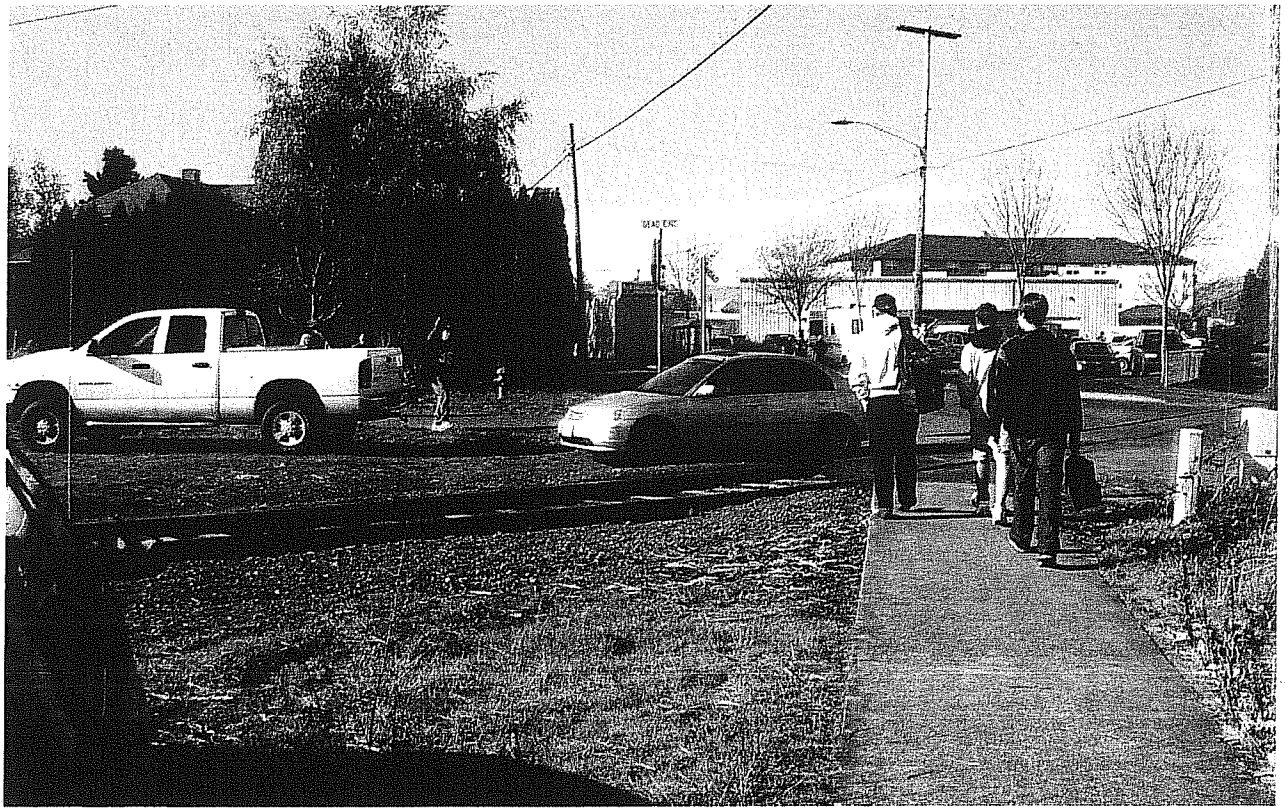
As to changing 7th and Westover. The new council members should be aware that 7th St. is vacated which means if there is further development of the 6 acre parcels a new road would have to go in to the EAST of the current one. My pictures show approximately where a 20' road would land (middle of railroad track??) making it, I believe, 83' from proposed driveway. My pictures should give an idea of visability from driveway with pedestrians and cars on the sidewalks and roads.

It takes awareness on the part of bikers and walkers to avoid accidents. I have had and seen many near misses and the cars continuing without a clue how close they came.

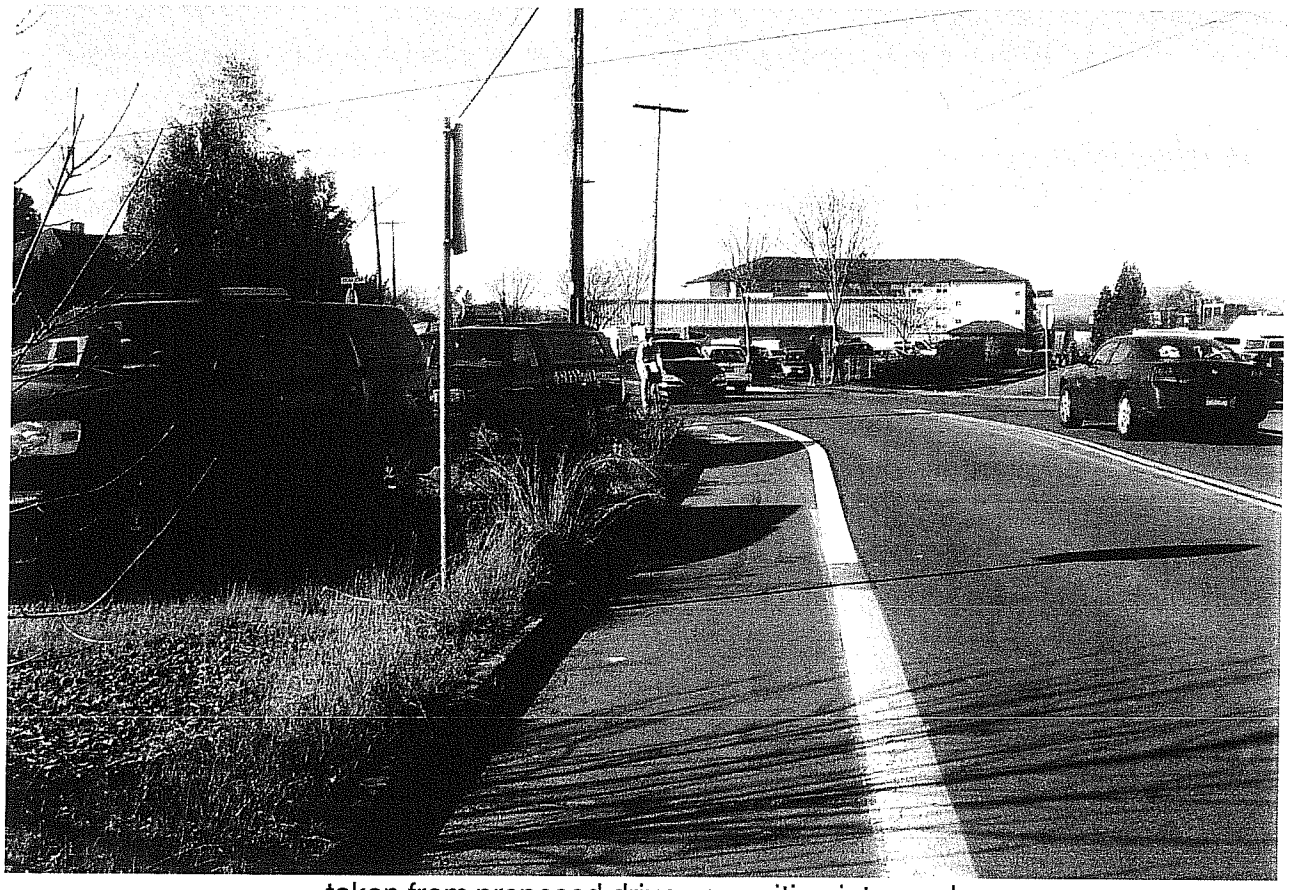
Thank you for your continued service and efforts.

Ruby Moon

block in middle of track is where a 20 ft road would end



taken from west side of proposed driveway (white car facing south is near the exit lane and could have another car on the enrance lane, this is supposing no on street parking. houses on 7th st. have no driveways at present.)



taken from proposed driveway exiting into road

**Written Testimony from the Appellant, Western Station Project**

As stated in my oral testimony, Western Station is merely a 4 story version of the rejected Palazzo. Many of the reasons for denial of the Palazzo haven't been addressed at all with the new proposal, and have actually been made worse with the addition of the 4th story. Additionally, many of the reported "modifications" between the Palazzo and Western Station are not new. Some have already been considered and rejected by City Council during the Palazzo hearing, where a 3 story proposal was unanimously deemed incompatible. The new 4 story proposal provides no additional benefits to the City, and will greatly increase the safety, traffic, parking and compatibility problems.

According to LDC 2.0.50.1.5, a reapplication before a year waiting period must show the proposal has been "sufficiently modified to overcome the findings for denial" or "conditions have changed sufficiently to justify reconsideration of the original or similar proposal."

*From CC Western Station Staff Report: Page 6 of 14*

***Land Development Code Section 2.0.50.1 5*** *states as follows:*

***2.0.50.15 – Reapplication Following Denial***
***Upon final denial of a development proposal, a new application and fee for the same development or any portion thereof shall not be accepted for a period of one year from the date of denial. Upon consideration of a written statement by the applicant showing how the proposal has been sufficiently modified to overcome the findings for denial or that conditions have changed sufficiently to justify reconsideration of the original or a similar proposal, the Director may waive the one-year waiting period.***

This is not the case with Western Station, and many of the City Council's original findings for denial are simply ignored in the report. Some of the omitted reasons for denial are shown below.

*CC Packet…pdf document Page 144 of 449*
***Reasons for Denial of the Plan Compatibility Review***

***5.*** *The Council finds the extent of residential uses on the site to be disproportionate to the extent of commercial space on the site, which is inconsistent with the FAR requirements of LDC 3.20.40.01 (1993 LDC, as amended) and with the Plan Compatibility Review (PCR) requirements of LDC 2.13.30.05. Specifically, the Council finds that the proposed development is inconsistent with Purpose statement 2.1 3.20.e, which states that a PCR must, "Maintain and improve the qualities of and relationships among individual buildings, structures, and physical improvements that best contribute to the amenities and attractiveness of a neighborhood or area." The Council notes that Plan Compatibility Review Purpose statements are applicable decision criteria, per LDC 2.13.30.05.a. The Council finds that the disproportionate emphasis on the residential component of the proposed development, at the expense of the commercial component, is out of keeping with the purposes of the MUC Zoning District and would not maintain or improve the qualities of and relationships among individual buildings, structures, and physical improvements on the site in a way that would contribute to the amenities and attractiveness of the area.*

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*6. Therefore, the Council finds the scale and design of the proposed development to be inconsistent with Plan Compatibility Review Purpose Statement 2.13.20.c, which states, in part, that structures are to be compatible with existing development.*

*7. The Council finds that the proposed development does not adequately protect neighboring property owners and residents from negative impacts that would result from the large residential component of the development. The Council finds that the proposed development would result in inadequate sight buffers and visual impacts resulting from the proposed design of the development, and is therefore inconsistent with criterion 2.13.30.05.b above.*

Some of the Western Stations supposedly "new" improvements used to justify the waiver of the one-year waiting period are discussed below:

***CC Staff Report...Page 6 of 14:*** *As noted above, the Palazzo application, an application for a very similar development on the same site, was denied by the City Council in October of 2007. The applicant states that the Western Station application has been sufficiently modified to justify reconsideration of a similar proposal. Specifically, the applicant notes that:*

***Modification #1.*** *This application has added a commercial mezzanine level to each unit within the structure in order to comply with the FAR requirement;*

This is an accurate description of the intent of the modifications. Meeting the .25 FAR requirement while avoiding new parking requirements is the purpose of this so called "mezzanine." First, the applicant used a new, unprecedented method (according to staff testimony...staff even suggested a variance might be required) to re-calculate the property area by ignoring the easements. Then they created just enough new "commercial" space to exactly meet .25 FAR requirement (based on the reduced area) without increasing the required parking. This creative design process might meet the FAR requirements on paper, but it doesn't provide any new useful commercial space to the City.

This design also violates the MUC requirement that at least ½ of the floor space must be used for commercial purposes, so a plan compatibility review is required.

***Commercial Property must be "preserved" (Statewide Goal 9) LDC 1993 3.20.40.01 Preservation of Commercial Land Supply –***
***3.20.40.01 c.*** *Where the square footage of the non-commercial use(s) exceeds the square footage of the commercial use(s), the development site shall be subject to a Plan Compatibility Review (PCR) process.*

*Rationale: This provision is intended to protect the City's inventory of commercial land, in conformance with Statewide Goal 9 (Economic Development) and the Comprehensive Plan. By preserving a minimum amount of land in the MUC district which must be used for commercial purposes, the City can ensure compliance with Goal 9.*

The mezzanine addition also violates MUC Design Standards because of the incompatibility of the new 4 story box with the existing buildings in the surrounding neighborhood.

> ***Neighborhood Compatibility 3.20.50.09 Design Guidelines and Standards 3.20.50.00 3.20.50.09a-2*** *Roof elevation shall gradually step down so that the height of the proposed structure does not exceed the height of adjacent residential structures by more than one 1 story. This provision applies to that portion of the structure that is closest, 20 feet minimum, to the adjacent residential structures.*

Note: It appears that the 20' mentioned is merely a minimum value that restates that structures should maintain a 20 feet offset from neighboring properties. This standard is definitely applicable in the Western Station proposal, given the close proximity of the new 2 ½ story residential structures on 6th Street.

This proposal offers fuzzy math and an extra, unneeded "partial floor" in exchange for permission to build condominiums on a MUC zoned property. It also increases parking, traffic, safety and compatibility problems for the city and neighborhood.

> ***Modification #2.*** *The applicant has reduced the residential portions of the livelwork units to two bedrooms each, and limited commercial uses to only those for which the LDC parking requirement is one space for 400 square feet of floor area (thereby allowing all required on-site parking to be provided on the site); and*

**Item 2a: The "doorless bedrooms" (quote from Councilor Daniels Oct 1, 2007CC video 23:14)**

City Council had already considered and discussed in detail a condition of approval that changed the third bedroom into a "Great Room" and based on experience with similar proposals in the past denied that this will work:

> ***Palazzo CC Hearing Findings pdf document Page 142 of CC packet...Reason for denial of Conceptual and Detailed Development Plan #3.***
> *The Council notes that the appellant at the de novo hearing at the City Council proposed a condition of approval that would reduce the number of bedrooms within the four residential units in the development from three to two. The Council notes that the appellant stated that the condition would reduce the parking requirement for the development such that the parking requirement would be met on site. The Council notes that a number of persons testifying at the September 17 2007 City Council hearing stated that the reconfigured space where the third bedroom would be eliminated as proposed by the appellant would likely continue to be used as a bedroom thereby generating a higher parking demand. The City Council finds that it is not persuaded that the proposed condition limiting the number of bedrooms in each unit would effectively reduce the parking demand of the proposed development.*

**Item 2b: Limiting Commercial uses to provide "adequate" residential parking (FAR intent?)**

**Limit commercial uses to those requiring 1 space per 400 sq ft**

This was proposed to Council as condition of approval #14 for the Palazzo, but they also had included a demand that one eating/drinking establishment be included and counted as meeting the 1 space per 400 sq ft requirement.

> ***Palazzo...Staff Recommended Conditions of Approval...#14***
> *Commercial Use Limitations – Only one of the ground floor commercial spaces within the development shall be permitted to contain an Eating and Drinking Establishment – sit down-type use at any one time. Otherwise, permitted uses in the ground floor commercial spaces shall be limited to those Outright Permitted Commercial Use Types, and Civil Use types that...have a parking requirement of one space per 400 square feet"*

The current proposal has merely removed the demand for one eating/drinking establishment, but the new wording could possibly allow 4 eating/drinking establishments. This would create major parking, safety and compatibility problems.

> ***Modification #3.*** *The applicant has submitted a recent article, concerning the market for similar live/work units in other communities in Oregon, from the August, 2008, Oregon Business Magazine.*

**Item 3: The Applicant submitted an article about live /work units being good for realtors.**

This has no impact on this hearing.

Additionally, as stated in my appeal, and covered in my oral testimony and handouts, the City of Corvallis has failed to follow the LDC and provide adequate compensations for the numerous variations to standards. According to the LDC, variances shall only be granted when the owner shows compensations that will:

> *Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures.* ***(LDC 2.5.20-g.)***
>
> *AND*
>
> *Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.* ***(LDC 2.5.20-h.)***

When I discussed these LDC requirements with a lawyer, he gave me the following "LEGAL OPINION "- "2.5.20g compels the decider to determine what can be done under conventional land development procedures because the decider must decide that what is being proposed provides greater compatibility than the conventional procedure."

So the decider (Staff, Planning Commission, and City Council) is required to evaluate each varied LDC or Comprehensive Plan Standard and determine that the compensation provides greater compatibility than the conventional land development procedures. If it does not, then the decider must deny the variance and make the owner follow the LDC or Comp Plan.

Staff has not evaluated these variances against these required criteria to make this decision. Therefore these LDC standards are not being met. It is clear by examining the actual number of variances being rewarded to this developer (see the list of actual variance from standards details on first page of my handout) and the lack of any meaningful compensation, that ignoring this LDC requirement will allow this new development create serious safety and compatibility problems in the neighborhood.

**Summary**

Western Station is definitely worse than the Palazzo and should also be rejected. They took a proposal that staff, Planning Commission and City Council unanimously agreed was incompatible, and made it even more incompatible by adding an additional story. To start with, there is a huge safety problem because of the 150' distance from 7th Street requires major safety compensations just to develop the property. But no meaningful safety compensations are offered. In fact, the additional requested (and unrequested) code violations in this proposal all try to create a higher density on the site (and greater safety , traffic, parking and compatibility problems) by forcing the condominiums into this small, irregular commercial location.

What is the City of Corvallis getting out of this proposed "commercial development?"

1- We're getting a 4 story monstrosity when City Council already told them a 3 story monstrosity was incompatible.
2- We're getting a half story of very marginal space that is labeled commercial, but would be more useful as spare bedrooms for the residential units.
3- We're getting a commercial space with a parking lot that can't accommodate commercial vehicles. This bad design forced the last minute movement of the trash facilities to an unsafe and unsightly location on Western Blvd. (see attachment A: email to Kevin Young about parking lot)
4- We are allowing numerous violations of our LDC and Comp Plan Policies. Removing the protections to the City, but not requiring meaningful compensations that "*compensate for the variations from development standards such that the intent of the development standards is still met.*"

This is a bad project, and City Council was correct to turn it down before. None of the supposed improvements provide any additional benefits to the City and the safety, traffic, parking, and compatibility problems are worse than the original proposal. Councilor York called the Palazzo project a "Residential project masquerading as commercial," and this project is even worse. You correctly rejected the original proposal, so please reject this "expanded" version as well.

Thank you for your consideration,

Sam Hoskinson

Appendix A – Email to Kevin Young concerning Western Station Parking Lot Design

From: **sam [mailto:oregonsam@comcast.net]**
Sent: **Thursday, December 11, 2008 10:59 AM**
To: **'Young, Kevin'**
Cc: **'Bill York'; 'Patricia Daniels'; 'George Grosch'; 'Dan Brown'; 'Mike Beilstein'; 'Stewart Wershow'; 'David Hamby'; 'Hal Brauner'; 'Charles C. Tomlinson'**
Subject: **Western Station parking lot design flaws will prevent recycling service to the residents**

Kevin,
I have recently uncovered some serious problems about the parking lot design of Western Station that I feel should be shared. Please note that I have copied this email to City Council members since there will probably not be time to include this in their packet.
On Tuesday (12/9) I talked with Marc Wibbens, the route supervisor at Allied Waste Company concerning the ability to provide waste and recycling service to the Western Station project. At his request, I emailed him the site layout drawings provided by the applicant. His response was troubling.
First off, he said that neither the applicant nor the city had shown him this proposal beforehand for comment. When discussing the parking lot design from the perspective of truck traffic he stated that "this plan is probably the worst he has ever seen", because it "makes no consideration for customer service needs or capabilities of their trucks." As far as his company's ability to service the lot, he said that the only way it MIGHT be possible to get his smallest truck into the lot would require removing parking space 15 & the adjacent parking bumper (eliminating 2 parking spaces). And even after this change, recycling service would not be available because he must use his larger front loading truck for recycling. And he said that even with these improvements, he would actually "never want his trucks to enter the parking lot because it is a guaranteed liability because of the angles....something would get damaged."

It seems incredible to me that a flawed design which prevents safe truck access to commercial units has made it this far through the planning process. After learning this, I called Neil Hall at the Fire Station. He also agreed and stated that any fire truck or ambulance service would be provided from Western Blvd rather than trying to negotiate this parking lot.

I understand that Mr. Wibbens planned to call you about the problem, and that you will contact the applicant. What I would like to suggest is that any new changes proposed by the applicant should fix the design flaws of the parking lot to make it accessible to trucks. Simply moving the dumpster location will not fix the underlying problem. This MUC property is supposed to be primarily commercial, and viable commercial property requires trucks to get close to the loading doors for deliveries. Normal commercial delivery activities from new developments should not cause safety and compatibility problems by blocking traffic and bicycle lanes on arterial streets like Western Blvd.

Thank you for your consideration,

Sam Hoskinson

DEVCO engineering inc.
245 NE Conifer P.O. Box 1211 Corvallis, OR 97339 (541) 757-8991 Fax: (541) 757-9885

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December 24, 2008

Mr. Kevin Young
Senior Planner
Planning Department
City of Corvallis
P.O. Box 1083
Corvallis, OR 97339

SUBJECT: Western Station
PLD08-00009, SUB08-00005, PCR08-00004

Dear Mr. Young:

We have reviewed the written testimony submitted prior to the close of the City Council's hearing record, 5:00pm on December 22, 2008. We do not read any new arguments which have not already been addressed by the applicant in the Planning Commission record, or addressed by the Conditions of Approval in the Planning Commission's Order No. 2009-091.

Sincerely,

Lyle E. Hutchens
Project Manager

LEH/nre
04-433 kyoung 12-24-2008.doc

cc: Mr. Bob Cavell, 7th Street Station, LLC

# Staff Responses to City Council Questions regarding the Western Station land use application (PLD08-00009, SUB08-00005, PCR08-00002).

These questions were asked of staff at the City Council's December 15, 2008, public hearing on this application and will be considered at the City Council's January 5, 2009, deliberations on this matter.

*Councilor Beilstein:*

1. *What basis did staff use to assess the height compatibility of the proposed development, the height of existing structures in the area, or the height allowed within adjacent zoning districts?*

Staff looked both at the height of existing buildings within the vicinity and the allowed building height in the subject zoning district (MUC). However, if a building is within the allowed building height of a zoning district, typically it is deemed to be compatible with its surroundings. If there were no Planned Development Overlay on the subject property, a building up to 45 feet tall would be a permitted outright use in this location. Similarly, development or redevelopment on nearby RS-20-zoned property up to 65 feet, or 5 stories, would be permitted outright, and on nearby GI-zoned property, the outright permitted height limit is 75 feet. In the RS-9 zone, the maximum allowed building height is 30 feet, and in the RS-12 zone it is 35 feet. Consistent with the City's goal of promoting infill development as opposed to expansion of the City limits, it is likely that we will see taller buildings, where allowed, in the future.

As discussed below in Question 7, none of the requested variations to Code standards have a direct relationship to the height of the building. If anything, the requested reduction to the building frontage requirement reduces the scale of the building from what the Code would require. Other necessary site design elements, such as pedestrian circulation areas, open space, and parking areas, are adequately accommodated on the development site. Consequently, staff do not believe that requiring a reduction to building height, beyond what the Land Development Code allows, is warranted. The physical separation of the site from neighboring properties, due to railroad and street right-of-way separation, will mean that the development will not "tower over" any nearby development. The building will be at least 150 feet from the nearest existing residential structure to the west and at least 90 feet from the nearest existing residential structure to the east.

2. *Please provide a comparison of this project with the Palazzo project that was denied. How does this proposal differ from the Palazzo?*

Based on the information in the record (staff do not want to introduce new information at this point in the land use decision process), the differences between the current application and the Palazzo application (PLD07-00004, et. al.) are as follows:

- The Palazzo application did not comply with the 0.25 FAR requirement of the MUC Zoning District, and the applicant requested to vary this standard. The Western Station proposal meets this requirement.
- The Palazzo application did not comply with on-site parking requirements, and the applicant requested to vary this standard. The Western Station application meets this requirement.
- The design of the Palazzo building was different. The building contained a ground floor proposed for commercial uses, two upper floors for residential uses, and rooftop patios for the use of the residents. The total height of the building was similar to the height of the Western Station building.

A brief discussion of the differences between this application and the Palazzo application is located on Attachment page III-7 of the City Council staff report. The Notice of Disposition and the Adopted Formal Findings for the City Council's denial of the Palazzo application are located on Attachment pages III - 109 through III - 120 of the City Council staff report.

*Councilor Daniels:*

3. *Please provide commentary or analysis on the usability of the mezzanine area for a commercial use.*

There are a few existing businesses in the Corvallis downtown which make use of a mezzanine space - the Inkwell and Grass Roots Bookstore are two examples that come to mind. The floor plans on Attachment III-288 of the Council staff report show the proposed mezzanine area, but do not clarify if the wall between the mezzanine level and the ground level is a full wall, or would be open to the space below. If this is desired to eliminate the possibility of using this space as living area, a condition of approval could be required to make the wall a half-wall that is open to the floor below. That is the intent of the applicant, but it is not clearly indicated by the submitted plans.

The mezzanine level area is small, but one way in which this area could be utilized would be, for example, if the space were used for an architect or designer's office, records or storage could occur on the mezzanine level, while maintaining the ground level as an area that would be more "customer friendly." If the use were retail, the mezzanine level could be used for additional product display area, as at Grass Roots, or as a secure space (with a lockable door) for storage, book-keeping, etc. The mezzanine design, with a potentially lockable door, allows flexibility to the user of the

commercial space to allow or deny public access.

*Councilor Hamby:*

4. *Is there a mechanism that can be used to restrict uses in the mezzanine area to commercial uses?*

Yes. The applicant has proposed the space as commercial space, and the building permit plans examiner will consider the mezzanine as such. Because the applicant has proposed the space as commercial space, and the Planned Development process has reviewed this space as such, any residential use of the space would be a violation of the Planned Development approval, which could be enforced by the City. Even if the development were not subject to Planned Development approval, the adopted Fire Code places different requirements on residential space from those on commercial space, such that residential use of a commercial space would be considered a violation of the Fire Code, which is also enforceable by the City.

5. *Is there a way for the City to limit the number of residents within a particular residential unit?*

Yes. The City currently enforces (on a complaint basis) the rule that no more than five unrelated persons may live in one dwelling unit. Several complaints regarding this issue have been investigated and enforced within the past year.

*Councilor Raymond:*

6. *What is the goal of the applicant and staff in designating this property residential and commercial?*

The decision to designate the subject site for Mixed Use Commercial uses was made in 2003, with the City Council's decision to approve a Comprehensive Plan Amendment, Zoning District Change, and Conceptual Development Plan (CPA01-00005, ZDC03-00005, PLD03-00005) for this site and for the 5.4-acre property to south. Previously, the site had been designated for General Industrial uses, and was used as a railroad switching yard, with some on-site storage facilities.

Grant funding was made available to study the site as part of the State of Oregon's Transportation and Growth Management (TGM) Quick Response Program, and in August of 2002, the consulting firm of Crandall Arambula PC completed a development study for the subject property, at the request of the property owner. At that time, the property was identified as a good candidate for the development of a compact, pedestrian-friendly, mixed-use development, due to the availability of City services and the close proximity of the site to OSU and to the Corvallis Downtown area. The study was not a land use application and was not subject to review or approval by the City of

Corvallis. As part of the development study, a series of meetings were held with stakeholders and neighbors to identify issues and opportunities and to direct the development of potential site designs. The preferred development scenario from the study, "Alternative D," included a 4,200 square foot retail building and 88 residential units.

The property owner subsequently applied for approval of the Comprehensive Plan Amendment, Zoning District Change, and Conceptual Development Plan mentioned above, based on a design similar, but not identical, to "Alternative D." Reasons given for approval of the Comprehensive Plan Amendment included the poor compatibility of industrial development in this location; the lack of viability for industrial development in this location; and the potential for compact, pedestrian-friendly, mixed-use development on the site, which would provide better compatibility with existing development in the area.

7. *How can we be sure that commercial uses will be located where they are proposed to be?*

See the response to Councilor Hamby's question above.

*Councilor Hervey:*

8. *Where is staff's analysis of compensating benefits within the staff report?*

This analysis is found on Attachment pages III-43 through III-49 of the City Council staff report. The applicant's proposed compensating benefits are found in Table 1 on Attachment pages III-6 and III-7 of the City Council staff report. LDC Section 2.5.40.04.a.1 regarding compensating benefits does not describe what a compensating benefit is, or whom it should benefit. The purpose statement in LDC Section 2.5.20.h helps to clarify this question. That purpose statements is as follows:

> **h. Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met.**

The variations from development standards are as follows:

- Driveway access width narrowed from 24 ft. to 20 ft. in one area
- Reduce minimum internal sidewalk width from 5 ft. to 4 ft., 6 in. in one area
- Reduce width of fenced and landscaped buffer between site and industrial land to the east from 20 ft. to 9 ft.
- Allow access to arterial street (Western Blvd.) within 150 ft. of intersection with 7th Street
- Reduce amount of building located within maximum setback along the site's street frontage from 50% to 41%

- Allow two of the proposed lots to have street frontage less than the required 25 feet

Because the site is surrounded on all other sides by railroad lines, the Western Boulevard frontage is the sole frontage available for building orientation and pedestrian and vehicular access. That frontage is complicated by street and railroad crossing intersections at both the eastern and western ends of the property. As can be seen from an analysis of the site plan, all of the requested variations have to do with what occurs along the property's frontage along Western Boulevard.

Any change to the proposed design to require any one of these elements to fully meet the Code requirement would necessitate a reduction to one or more other elements along the site's frontage. For example, if the building were expanded to meet the 50% building frontage requirement along Western Boulevard, the building would need to be approximately 107 feet wide instead of 88 feet wide, as is proposed. The expansion of the width of the building would consequently necessitate a further reduction in other site design elements, such as the width of the pedestrian sidewalk, width of the vehicle accessway, and/or width of the landscaped buffer. As is stated on Attachment page III-44 of the City Council staff report, "It does not appear to be possible, given the configuration of the development site and the site's access and frontage configuration, to meet all standards with one development.....Given these constraints, the proposed site plan represents a balancing of interests in these various requirements. None of the standards are fully met, but all are accommodated to a meaningful degree." This compromise is consistent with Purpose Statement 2.5.20.h, above, which states that a Planned Development should, "Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standards is still met." The Planning Commission found that the proposed development would accommodate all important site design elements (pedestrian and vehicular access, platting standards, landscape buffer, street separation requirements, and building frontage requirements) in a way that would preserve the intent of the development standards, while providing for a safe and functional, pedestrian-oriented development.

It is not unusual to find development sites within the City that are configured in a way that does not allow all Land Development Code standards to be met. The Planned Development process is one way in which flexibility can be exercised to allow development on such a property. This is consistent with the Comprehensive Plan and Zoning District designations for the property, which contemplate mixed use commercial development in this location.

9. *Is there a way to verify that the acoustic buffering proposed for the east wall of the building will achieve the required level of sound buffering after it is built?*

It would be possible to modify Condition 7 to require the applicant to hire an acoustical engineer to first determine what construction measures in the east wall of the building

would provide the level of noise buffering that would otherwise be provided by a vegetated 20-foot-wide buffer, and then require that the acoustical engineer certify that the wall has been constructed to the necessary requirements and specifications.

City staff do not have the resources or expertise to verify this measure; therefore, it would be necessary to require the applicant to hire an acoustic engineer to verify this requirement.

10. *Does the Council have the authority to direct changes to the intersection of 7th and Western? What can the Council do to address issues we've heard about at that intersection?*

As is noted on Attachment page III - 61 of the City Council staff report, "SW Western Boulevard is designated as an arterial street. The LDC table 4.0-1- Street Functional Classification System, specifies a minimum right-of-way width of 70 ft. This includes 12 ft travel lanes, 6 ft bike lanes, 12 ft planting strips, and 5 ft setback sidewalks. The existing conditions of SW Western Boulevard are a right-of-way width of 75+ ft with a 42 ft roadway that includes 12 ft travel lanes, 5 ft bike lanes, and an 8 ft parking lane on the north side. The southern planting strip is 16 ft and the northern planting strip is 8 ft. 5 ft setback sidewalks exist on both sides. The 5 ft bike lanes are substandard; however, the do meet the minimum width for safety concerns according to footnote 3 of LDC table 4.0-1- Street Functional Classification System. With exception of the existing bike lane width and north side landscape strip, the right-of-way and arterial street improvements meet or exceed the LDC standards. On-street parking is not a typical feature of a standard arterial street."

This development proposal does not produce the 30 trip per peak hour threshold that would trigger looking at intersection Level of Service (LOS) and mitigation if the development were determined to drop the LOS below acceptable levels. The intersection at 7th and Western had only one accident record in our files for the last three years and this involved a citation for a DUII. Accident history indicates that this is a safe intersection.

It was pointed out in testimony at the Planning Commission hearing that a short section of the southern bike lane adjacent to the west end of the applicant's site was less than 5 feet in width. This was not known by Public Works Staff prior to the October 15, 2008, Planning Commission hearing, and was corrected by City crews in November with re-striping of the pavement.

The City's Off Street Parking and Access Standards require a 25 foot vision clearance triangle for the applicant's driveway, which is met by the proposed design. This is the standard vision clearance requirement for driveways that access collector or arterial streets, such as Western Boulevard, 9th Street, and Kings Boulevard. City staff visited the site in October and estimated the clear sight distance from the proposed access drive to traffic to the west, in the eastbound lane of Western Boulevard, to be 250 feet.

A Capital Improvement Plan project could be initiated to correct whatever perceived deficiencies are present at this intersection.

* * * MEMORANDUM * * *

**DECEMBER 22, 2008**

**TO:** **MAYOR AND CITY COUNCIL**

**FROM:** **JON S. NELSON, CITY MANAGER** Jon

**SUBJECT:** **DECEMBER 17, 2008 CITY LEGISLATIVE COMMITTEE WORKING NOTES**

1. Call to Order / Introductions

Mayor Tomlinson called the meeting to order at 11:30 am. Councilors Hamby, Wershow, and York were present as were guests Senator Frank Morse and Representative Sara Gelser. City Manager Nelson was also present. Mayor Tomlinson noted the League of Oregon Cities (LOC) staff sends regrets as they were unable to attend due to weather concerns.

2. League of Oregon Cities 2009 Legislative Priorities

Mayor Tomlinson spoke to the LOC priorities – Ethics reform, transportation funding, and infrastructure recapitalization (information attached). Councilors and guests discussed these three issues as well as the City of Corvallis 2009 legislative priorities – tax reform, transportation funding, ending the franchise fee payment exemption received by large volume electricity users, and addressing recommendations from the LOC Telecommunications Task Force.

It was agreed that a Governor's transportation proposal to include tracking devices in cars did not have political legs.

3. House and Senate Caucus Roadmaps

The attached Republican and Democratic 2009 agendas were discussed, noting that they were created prior to the current financial crisis. What used to be "expand and enhance" discussions have now evolved to "protect and maintain" positions.

4. Governor's Task Force on Comprehensive Revenue Restructuring Draft Report

Senator Morse provided highlights based upon his participation on the Task Force. They included:

- changing the forecasting methodology will positively affect kicker requirements;
- requiring cost implications to voters in ballot titles is appropriate;
- "indirect" initiative requirements, involving legislature review for hearings and advisory votes, is appropriate; and

- long range thinking on capital investments is appropriate.

According to polls, the above ideas present short-term solutions for tax reform. Per polling; however, long-term comprehensive tax reform is less positive. The Committee discussed a comprehensive tax reform model used in Virginia that was championed by an outside government corporation.

5. Other

Mayor Tomlinson noted the attached e-mail from Lee Mercer. The Legislative Committee indicated they have no interest in developing a recommendation on the earned income tax credit increase endorsement request.

6. Adjournment

The meeting adjourned at 12:30 pm.

Attachments

2088

LEAGUE of Oregon CITIES

## Issue: Ethics Reform

The League of Oregon Cities has historically supported a state ethics policy that protects the public but treats local leaders fairly, is just and can be clearly understood by all. While the changes in Oregon's ethics laws passed by the Legislature 2007 were done with the best of intentions, they led to wide spread resignations and uncertainty for city leaders. The League believes that the following points ought to be made as part of ongoing ethics reform:

- Eliminate the requirement that public officials must report the names of family members on Statements of Economic Interest;
- Eliminate the requirement to file quarterly public disclosure statements;
- Clarify the definition of "legislative or administrative interest" so it applies only when an official actually has the ability and authority to benefit another person or business economically;
- Reform gift limits so they apply only to public officials and not to family members; and
- Ensure that no information that would endanger a public official or jeopardize legitimate business dealings is published on the internet.

## Issue: Transportation Funding

City streets, a key component of the overall transportation system in providing for vehicle, freight, pedestrian, bicycle and transit connectivity, are falling into critical disrepair. In 2007, the League of Oregon Cities analyzed municipal maintenance needs and identified a funding gap of $160 million per year. This gap is a result of: no state gas tax increase since 1993; a 70 percent increase in road and bridge repair costs since 1993; shifting of costs to cities to pay for state highway improvements; and removal of historic sources of road funding as a result of property tax limits enacted in the 1990's.

The top transportation priority for the League of Oregon Cities is to support a package which contains a significant funding increase for preservation that closes the current funding gap. In doing so the package needs to achieve the following objectives:

- "50-30-20" (state, county, city) funding formula;
- No "off-the-top" or pre-formula distributions of state highway funds;
- Maintenance of city authority for creative transportation funding and flexibility for fund usage (without voter referral);
- Index state gas tax to account for inflation;
- Provide for new resources for urban/rural transit;
- Protect constitutional restrictions on the use of state highway funds;
- Develop new, environmentally-friendly funding sources for multi-modal operational and capacity enhancements, including Vehicle Miles Traveled charges, and tolling new and existing facilities; and
- Continuation and strengthening of transportation partnerships.

## Issue: Infrastructure Recapitalization

In 1999, the Oregon Economic and Community Development Department (OECDD) consolidated six infrastructure funds into the Community Development Fund. These funds include the Special Public Works Fund (SPWF), Safe Drinking Water Loan Fund (SDWLF) and the Water/Wastewater Fund (WF). All of these funds provide financial assistance through grants, loans, and revenue bonds to help local governments finance basic infrastructure needs. They also assist communities in attracting businesses, increasing local capacity and creating jobs.

Unfortunately, these funds have become oversubscribed, and federal infrastructure funding has significantly diminished during the last decade. OECDD conducted a needs assessment in 2007 of the immediate infrastructure need of Oregon's rural communities. The assessment concluded there is at least a $13 billion need in Oregon's rural communities alone.

Currently OECDD, the governor's office, and stakeholders are working on a proposal to increase the effectiveness and efficiency of these programs which may include the development of an independent local infrastructure finance authority. Along with this proposal will come a request to recapitalize these programs through the issuance of lottery – backed bonds.

# Oregon House Republicans
## Building a Better Oregon

# 2009 AGENDA

### IMPROVE ECONOMIC GROWTH IN OREGON

- Expand workforce development programs in Oregon high schools and community colleges.
- Increase Oregon's child tax credit, providing greater relief for working families.
- Update the state's income tax brackets for lower- and middle-class families to increase balance and fairness.
- Move Oregon's top transportation projects forward and modernize the way the state identifies transportation needs and prioritizes projects.
- Reduce Oregon's capital gains tax rate, among the nation's highest, to boost investments in Oregon's economy.

### BRING ACCOUNTABILITY TO STATE GOVERNMENT

- Restructure Oregon's auditing process, allowing the legislature to better monitor the spending and performance of state agencies.
- Launch a website allowing all Oregonians to track budgets and spending, bringing transparency to the process.
- Enact real ethics form that includes a ban on all gifts and entertainment given to elected officials.

### IMPROVE OREGON'S EDUCATION SYSTEM

- Pass the K-12 budget within the first 81 days of session, making education the top priority in the budget.
- Ensure our investments in kids are being well utilized through better assessments of best practices and spending in Oregon's education system.
- Protect kids from abusive teachers; reform the Teachers Standards and Practices Commission.
- Enhance Oregon's statewide professional development system for teachers.
- Remove red tape, expanding the ability of parents to seek alternative educational opportunities for children including on-line charter schools.

### EXPAND HEALTH CARE & PROTECT IN-HOME CARE FOR SENIORS

- Support the expansion and sustainability of school based health clinics so children can get the care they need.
- Reform state mandates, giving uninsured Oregonians greater access to affordable coverage.
- Pass meaningful tort reform that would end abusive litigation and protect Oregonians' access to health care.
- Fund Oregon Project Independence, allowing more seniors to receive care in their own homes.
- Evaluate the effectiveness of senior programs offered by the state to ensure the needs of Oregon's growing senior population will be met.

### ENHANCE PUBLIC SAFETY IN OUR COMMUNITIES

- Ensure the Oregon State Police has the funding necessary to protect Oregonians.
- Expand child protection laws to prohibit text messaging from sexual predators.
- Give local communities a say in the placement of criminally-insane individuals.
- Increase sentencing on metal thieves, protecting businesses and saving taxpayer dollars.

### MANAGE OUR NATURAL RESOURCES

- Develop a comprehensive statewide energy policy for the 21st century.
- Put Oregon's forests back to work for sustainability, productivity, job creation and environmental health.
- Establish a regionalized land use system that allows diverse areas of Oregon to manage their own land.

# 2009 Roadmap for Oregon's Future

*Charting Oregon's course through these turbulent times requires real leadership and a responsive state government willing to tackle challenges brought on by rising food and gas prices, failed federal policies, and the fallout stemming from the home mortgage crisis. Oregonians expect their Legislature to confront the tough issues of today by putting the interests of our children and families first as we invest in our future.*

*Our agenda is to establish an educational system second to none, create new family wage jobs, guarantee access to quality health care regardless of income, promote a healthy environment that focuses on combating climate change and reducing our dependence on foreign oil, and ensure that government is responsive and accountable to its citizens. In 2007 we began that journey. Now, as we approach the 2009 session we continue on course, moving Oregon forward.*

## Democrats will move Oregon forward by putting children and families first.

**In 2007/08 – House Democrats delivered on promises to put families first by passing a landmark $6 billion K-12 public education budget, expanding access to Head Start, ending years of cuts to higher education and helping working families afford child care.**

**In 2009 – House Democrats will further improve education, as well as focus our efforts on improving access to our community colleges and public universities.**

- ⇨ **Provide every Oregonian an opportunity to attend our state universities, community colleges or vocational schools by controlling tuition costs and expanding financial aid opportunities.**
- ⇨ **Help Oregon's combat veterans who are returning home from Iraq and Afghanistan so they have the support they and their families need to resume their lives.**
- ⇨ **Reduce the tax burden on Oregon's working families and small businesses by ensuring that corporations pay their fair share by addressing the $10 corporate minimum tax.**

## Democrats will work to create more family wage jobs in Oregon.

**In 2007/08 – House Democrats invested in innovations to generate good paying jobs for more Oregonians. We made Oregon a national leader in renewable energy. We aided rural communities and agriculture by addressing future water and land use needs.**

**In 2009 – We'll expand opportunities for working Oregonians through targeted investments, giving workers the skills they need to succeed in a globally competitive job market, and helping Oregonians weather the downturn in the national economy.**

- ⇨ **Create more good paying jobs for Oregonians by investing in worker training programs in skilled trades and growing industries.**
- ⇨ **Expand our targeted investments aimed at attracting jobs in Oregon's renewable energy and innovative technology sectors.**
- ⇨ **Reduce congestion on Oregon's roads to improve air quality, shorten commute times so parents have more time with family, provide better emergency service and safely move goods by modernizing our out-of-date transportation system.**

## Democrats will improve health care access and affordability.

**In 2007/08 – The Legislature passed the Healthy Oregon Act, providing a blueprint for improving Oregon's health care system that lowers costs, improves quality and assures every Oregonian affordable health care. We also passed legislation paving the way for consumers to challenge insurance rate increases.**

**In 2009 - House Democrats will continue efforts to expand quality health care to more Oregonians, holding insurance companies accountable for their premium increases, and investing in cost-effective forms of health care delivery like school-based health clinics.**

- ⇨ **Increase accountability and transparency in the health care system by requiring health insurance companies to limit administrative spending and follow consistent pricing guidelines.**
- ⇨ **Fund in-home care programs, adult foster care and assisted living so that seniors and people with disabilities are not forced into more costly nursing homes.**

## Democrats will work to keep our neighborhoods safe and secure.

In 2007/08 – House Democrats authorized hiring 139 new state troopers to make our highways safer, and passed laws making it easier for parents to protect their children from Internet predators.

In 2009 - House Democrats will continue our investment in providing 24-7 trooper coverage on Oregon highways, aggressively combating the impact of meth in our communities, and protecting Oregonians from being abused or ripped off.

- Help Oregon's families by strengthening privacy protections and securing credit, banking, and medical information; protect future homeowners from fraudulent lending practices; and ban the sale of dangerous products such as toy-like cigarette lighters.
- Crack down on the theft and illegal reselling of scrap metal, which is commonly used by meth abusers to support their addiction.
- Protect seniors and our most vulnerable citizens from financial scams, fraud and sexual abuse by im proved investigative processes, better court access and tougher penalties.

## Democrats will create a smarter and more accountable state government.

In 2007/08 - House Democrats passed Oregon's first Rainy Day Fund. We passed bills to cut red-tape, made the state's Administrative Rules process more efficient, expanded audits and implemented an on-line permitting system for the construction industry.

In 2009 – House Democrats will ensure that government is responsive and accountable to the needs of Oregonians, particularly during moments of crisis, and we will continue to be fiscally responsible.

- Improve our ability to respond to a natural disaster, a terrorist attack or a public health crisis by upgrading state emergency plans, improving emergency communications and increasing protections for coastal communities.
- Continue to manage the budget with fiscal responsibility by setting more money aside in the Rainy Day Fund to protect Oregon during future economic recessions.
- Keep children safe by requiring better enforcement and training on mandatory child abuse reporting laws, and ensuring school districts screen new employees to keep those with a proven history of abuse away from students.

# House Democrats: Leading Oregon Forward.

The issues facing Oregon – from the failure of the federal government to live up to its obligations to challenges with our state economy – are immense, but not unmanageable. The policy priorities in this document represent commitments for action by House Democrats in the next legislative session, but are only a part of the broader discussion.

We pledge responsiveness, integrity and innovation as we work to create jobs and economic growth, combat climate change and respond to the needs of our children and most vulnerable citizens. We have not reached the end of our journey yet. In fact, we have just begun. But Oregon House Democrats are leading Oregon in the right direction.

# Real Solutions. Right Now.

2009 Legislative priorities of the Oregon Senate Republicans

## REAL JOBS FOR LOCAL COMMUNITIES

Oregon Senate Republicans want families struggling to afford gas, milk and healthcare to know that they are not alone. Oregon's stagnant economy needs to be strengthened so that working families can move beyond just making ends meet. The Republican vision builds on Oregon's great abundance to create over 7,000 new jobs, putting Oregonians to work managing our renewable, natural resources.

*Real solutions:*

- ⇒ **Manage state lands to keep forests green, cut carbon emissions** from forest fires and maximize income to the State School Fund
- ⇒ **Store excess water from the Columbia River during the rainy season** to irrigate 100,000 acres of new farmland and sell to water-poor communities out of state

## HEALTHCARE WORKING FAMILIES CAN AFFORD

Few Oregonians are immune to the skyrocketing costs of healthcare, estimated to increase from $16.8 billion in 2006 to $19.3 billion 2008. Those costs mean that 576,000 Oregonians, including 116,000 children lack health care.

*Real solutions:*

- ⇒ Create **safety-net health insurance coverage for all Oregon families** that can be coupled with employer sponsored Medical Individual Retirement accounts to pay for basic health care needs
- ⇒ Implement **real medical malpractice reform** by limiting damages to decrease costs and increase access to medical care

## ACCOUNTABLE AND RESPONSIBLE GOVERNMENT

In 1991, Salem had a budget of $15 billion. Today it is almost $50 billion, a $30 billion increase in just over 15 years. That is $52,000 spent on every family of four in Oregon. Are we getting $52,000 worth of benefit? Are our classrooms or streets any better off? Oregonians should be able to depend on a watchdog in Salem that will root out waste and restore discipline to the way government spends.

*Real solutions:*

- ⇒ **Establish a non-partisan Office of Government Accountability and Audits** dedicated to conducting thorough, top-to-bottom audits of spending in state agencies to ensure that taxpayer dollars are benefiting Oregonians

## SAFE STREETS, HOMES AND SCHOOLS

Families should feel safe whether they are on the road, in their homes or at school. That means giving Oregon State Police the resources they need to be successful, cracking down on individuals that drive drunk or with suspended licenses, and establishing a zero tolerance policy for predators in our classrooms.

*Real solutions:*

- ⇒ Dedicate 1% of the budget to Oregon State Police so **Oregon families are always safe on the road and in their homes**
- ⇒ **Increase penalties for drunk drivers** and keep unlicensed drivers off the streets
- ⇒ Enact **strict penalties for child predators** in schools

# The Oregon Agenda 2009

*As Oregonians face challenging times, our top priority as Senate Democrats is looking out for Oregon's middle class and those working hard to get ahead. We're advancing an agenda for state government that is fiscally responsible and delivers the greatest value for every dollar spent; is responsive to working families and vulnerable populations trying to make ends meet; and is fully accountable to current and future generations of Oregonians. This agenda centers on the priorities that matter most to Oregon families — our schools, our health care, our communities, and our jobs. This is the 2009 Oregon Agenda.*

## Education Excellence for All Oregonians

Last session, Senate Democrats made record investments in schools by lowering K-12 class sizes and expanding opportunities for higher education. In 2009, we will continue our commitment to developing the workforce of the future by:

- Increasing access to our universities, community colleges, and vocational programs by making higher education more affordable — especially for our returning veterans
- Promoting a strong base of learning for our children by expanding access to Head Start
- Giving teachers the tools to provide a first class education by supporting high quality professional development

## Affordable and Accessible Health Care

While the federal government has delayed action on health care reform, Oregon families have been taking the hit here at home. In 2009, we will make health care reform a top priority, with a focus on:

- Expanding access to quality affordable health care for Oregon's children and vulnerable families
- Working to control health care costs for all Oregonians
- Promoting access to in-home and community-based care for seniors and people with disabilities

## Economic Security for Working Families

Creating jobs, stimulating the economy, and protecting Oregonians from unfair business practices are critical to the security of families during tough times. That's why we plan on:

- Creating more good jobs by investing in the growing industries of the future — especially in health care to meet the needs of our aging population, and in renewable energy to decrease our dependence on foreign oil
- Keeping commuters and commerce moving by investing in our aging transportation systems
- Fighting for tax fairness by raising the $10 corporate minimum tax so that big corporations pay their fair share
- Protecting Oregonians by strengthening consumer protection laws and enforcement

## Strong and Sustainable Oregon Communities

By investing in essential services and supporting healthy and safe communities, we are working to build a better future for Oregonians. In 2009, we will continue these efforts by:

- Cracking down on meth-related crime, keeping state troopers on the road, and improving substance abuse & prevention programs
- Moving toward long-term solutions for Oregon's growing affordable housing needs
- Protecting Oregon's vulnerable children in foster care
- Working with counties to address the loss of federal timber payments
- Addressing climate change, improving energy efficiency & managing our water resources wisely

*Voting Members*
Lane Shetterly, Chair
Rep. Phil Barnhart
Joe Benetti
Rep. Scott Bruun
Sen. Ginny Burdick
Jerry Caruthers
Jim Diegel
Rep. Sal Esquivel
Leslie Frane
Jennifer Geller
Henry Lorenzen
Sen. Rod Monroe
Sen. Frank Morse
Rep. Tobias Read
John Russell
Sen. Kurt Schrader
Malia Wasson

*Staff*
Paul Warner, Legislative Revenue Officer
Tim Nesbitt, Governor's Office
Anna Grimes, Task Force Coordinator

# Task Force on Comprehensive Revenue Restructuring

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Chuck Sheketoff
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Alan Unger
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John Tapogna
*Adjunct Members:*
Linda Ludwig
Gil Riddell
Hasina Squires
David Williams

## DRAFT REPORT SUMMARY

### Introduction

The Task Force on Comprehensive Revenue Restructuring was established by the 2007 Legislature (House Bill 2530). The Task Force consists of 30 members—8 legislators and 22 members representing different regions and interests appointed by the Governor. The Chair of the Task Force, appointed by the Governor, is former State Representative Lane Shetterly. The Task Force is assisted by a 7-member Advisory Council made up of technical experts. Staff for the Task Force is provided by the non-partisan Legislative Revenue Office.

The Task Force is charged with developing a blue print for a state and local government tax system that provides stable revenue, creates positive economic benefits for the state and provides for a financial foundation that enhances the state's global competitiveness. The Task Force began meeting in November, 2007, and has developed this draft report for review and comment by the public. After a period of public meetings and opportunity for the public to comment the Task Force will review the comments and input received and issue its final report and recommendations to the 2009 Legislative Assembly.

This report is organized into three major components: Findings, Short–term recommendations and Long-term options. The Findings are the key determinations about our state and local revenue systems on which the Task Force has developed its Short-term recommendations, in particular, and by which it has framed its Long-term options. The Short-term recommendations are recommendations that the Task Force intends be enacted or adopted by the 2009 legislature. The Long-term options fall into two general categories. The first category deals with the possible scenarios for fundamental restructuring of the state and (in some cases) local revenue systems. The Task Force presents these scenarios in this report for consideration by future policy-makers, but does not make any recommendations at this time. The second category of Long-term options addresses changes in the local government revenue system. The Task Force considers these changes to be more urgent, and recommends that the legislature take a more active approach in evaluating these options, even if not in the 2009 legislative session.

### Findings

- The state revenue system, dominated by the personal income tax, remains highly volatile over the short-term. This makes it difficult for the state to maintain an adequate level of public services during economic downturns. State policy-makers have taken major strides to offset revenue instability by the creation of the Education Stability Fund (2002) and the Rainy Day Fund (2007) but risks to major programs remain substantial in the event of future recessions. With the state economy slipping into recession the adequacy of the state's reserve funds takes on added urgency.

- Oregon's General Fund budget has been forced out of balance in the past by passage of voter initiatives that either mandate new program expenditures without new revenue or reduce revenue without specifying offsetting revenue or desired program reductions.
- Because state revenue makes up roughly two-thirds of K-12 operating revenue, school finance remains especially vulnerable to the volatility of the personal income tax. The state's dominant role in financing K-12 education is a direct result of Measure 5 (1990), which reduced local property tax revenue for schools and required the state to replace the lost property tax dollars.
- Many decisions made by state government have long-term fiscal implications that are not properly accounted for in the current budget process. The state has a well developed system of short-term expenditure and revenue analysis but does not systematically factor in long-term trends such as demographic changes and structural revenue changes into the planning process.
- The state faces immediate revenue needs in transportation and health care due to developments in dedicated revenue sources that put those critical program areas at risk.
- Local government revenue (cities, counties and special districts) remains closely tied to the property tax. Assessed property values are restricted to 3% annual growth for existing property and the average assessment ratio in the county for new construction. This means that local revenue generally falls behind the growth in the cost of providing services.
- Property tax revenue is largely set by Measure 50 and property tax revenue growth is independent of the rate of inflation. This means that local governments are put under significant stress when the inflation rate rises above 5% such as it has over the 2006-08 period.
- Property tax rates for local taxing districts (permanent rates) were determined when Measure 50 was put into the constitution in 1997. Although many local governments can raise short-term option levies, a constitutional change would be required to raise these permanent rates making it difficult for local governments to respond to institutional changes such as the phase out of federal timber payments to counties.
- Many government services are jointly provided by state and county governments. This means that fiscal stress at one level of government affects the other.

**Short-Term Recommendations**

The Task Force recognizes that the state is likely to be facing a deteriorating revenue situation in the immediate future because of the emerging recession and the instability of the revenue system. The Task Force recommends the following actions that can be adopted in the 2009 legislative session to help state and local governments manage the cyclical downturn and help stabilize the revenue system for the long-term.

- Establish a method for more reliable state revenue forecasting and more prudent budgeting; direct ending balances into the Rainy Day Fund. This proposal involves a change in how the state treats surplus revenue and will require a constitutional amendment that must be approved by voters.
- Apply a balanced budget rule to ballot initiatives. This recommendation calls for additional information about the fiscal consequences of initiatives to be included in the ballot title of initiatives that have a significant cost or significantly reduce revenues for other programs and services.
- Reduce restrictions on local government's ability to raise revenue and refrain from new property tax exemptions or state mandates on local governments. This recommendation is directed at the Legislature and essentially says "do no harm" that will make local government's fiscal situation worse.
- Develop a systematic long-term budgeting process including long-term infrastructure plan. This proposal involves the development of 10-year projections of state government spending and revenue by the staffs of the Governor and the Legislature.
- Develop adequate revenue sources to meet the state's immediate needs in health care and transportation. The Task Force is recommending that the Legislature give high priority to consideration of revenue raising proposals from the task forces that the Governor has appointed to develop recommendations in these critical areas.

**Long-Term Recommendations**

The Task Force recognizes that state and local governments will be focused on managing the challenges of an economic downturn in the coming months. However, revenue restructuring is a longer term proposition and long-run considerations are the key to evaluating options. A major initial consideration is the adequacy of the revenue system. The Task Force expressed concern about the adequacy of the current revenue system to fund needed services such as high quality education, infrastructure and the needs of an aging population over the long term both now and in the future. The Task Force did not have sufficient information to settle on an overall level of adequacy, but did acknowledge its critical role in any long-term revenue restructuring plan. The long-term recommendations are:

- Develop a process that engages the public in a discussion of options for changing the structure of Oregon's revenue system. The link between public services and revenues needs to be clearly understood by the public before proceeding to a discussion of revenue options. Without public engagement and acceptance any major proposal is unlikely to be successful.
- Continue to analyze tax restructure proposals based on their impact on the distribution of the tax burden, the state economy, the stability of the revenue system and administrative costs. The Task Force has a number of scenarios in the report that show how various combinations can be analyzed using these criteria. While the Task Force does not make a consensus recommendation for any of the combinations presented, it encourages the Legislature to continue evaluating and working with the various options and combinations to improve the revenue system for the long term.
- Develop ways to increase the adequacy and flexibility of the local revenue system. The current local revenue system is inadequate to meet current and future needs. The Task Force's recommendations involve the following :
    - Modifications of property tax limits (Measure 50) to better reflect real estate market conditions.
    - Options for diversifying local revenue away from the property tax.
    - Proposals to share state and local revenue sources.

This is a critical time for Oregon. Our ability to continue to provide the level of services and programs from high quality education kindergarten through university, to a transportation system that is adequate to support economic growth across the state, to a health care system that is ready to meet the demands of an aging population, to police and safety services that keep our communities safe and beyond, is stressed.
At the state level, it is challenged by an unstable source of revenue that lacks adequate reserves to maintain services during economic downturns and is subject to significant influences through the initiative process. At the local level, the cost of providing basic services, including police, fire, streets and public health, is already challenged by a structural imbalance between revenues and the rising cost of doing business. The Task Force offers this report and these recommendations to provide information to the public and the legislature as well as to suggest actions that we can take now and in the future to preserve the ability of the state and local government to meet the needs of all Oregonians and provide for a brighter future for our communities, our families and our economy.

*This executive summary to the Draft Report was prepared by Lane Shetterly, Chair of the Task Force, and has not been reviewed or approved by the full Task Force.*

From: "Lee Mercer" <lmercer@ocpp.org>
Subject: Endorsement request
Date: Wed, October 29, 2008 3:42 pm
To: mayor@council.ci.corvallis.or.us

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Mayor Tomlinson,
Just checking in to make sure you received a recent request for your city council to endorse a campaign to increase the Oregon Earned Income Tax Credit (EITC). The letter, an endorsement form and an OCPP report on the distribution of EITC throughout the state by legislative district is attached. More info is at www.oregoniansforworkingfamilies.org

A summary of the endorsement request is pasted below, as well as an updated list of endorsers. City of Eugene and Benton County Board of Commissioners are the first municipal entities to sign on.

As you are probably aware, the EITC is an important work support for low and moderate income working families with children who are having a hard time making ends meet in this difficult economy. It is also $$ into local economies as the credit is often spent in on basic necessities like food, clothing, transportation and utility costs, and healthcare.

We would appreciate your council's endorsement of this initiative.

Thanks!

Lee Mercer
Education and Outreach Coordinator
Oregon Center for Public Policy
503-873-1201 ext. 337
lmercer@ocpp.org

Oregonians for Working Families, a coalition seeking to increase the state Earned Income Tax Credit (EITC), invites your organization to endorse this effort to improve opportunity for over 200,000 low- and moderate-income households throughout our state.

The federal EITC was signed into law under President Ford and expanded significantly by Presidents Reagan and Clinton. Each year the federal EITC lifts 4.4 million people over half of them children out of poverty. Targeted mostly to low- and moderate-income working families with children, it provides a refundable tax credit which helps struggling families afford one-time expenses for getting ahead, such as car repairs and education, and basic necessities like gas, rent and groceries.

Oregon is one of 24 states supplementing the federal EITC with a state Earned Income Tax Credit. Oregon's credit was created in 1997 with strong bipartisan support. Currently calculated as 6% of the federal EITC, it is however among the lowest of the 24 states with earned income credits.

Oregonians for Working Families is proposing an

increase in the state EITC to 18% of the federal credit. This increase will:

* Supplement the earnings of the average EITC household by about $180. For a family of four living at the poverty line, it will mean about $480 in additional income each year.
* Lift Oregon's EITC from near the bottom to the middle of the pack of states that offer the credit.
* Benefit over 200,000 households (about one in seven Oregon taxpayers). From Astoria to Malheur County and from Hood River to Klamath Falls, expanding the EITC will boost working families' income and their ability to spend in their local economies.

Expanding the Oregon Earned Income Tax Credit is a targeted and effective way to make Oregon's tax system fairer for low- and moderate-income working families, giving them and their communities throughout the state a much needed boost.

We hope your organization will sign on as endorser of this campaign. We have enclosed a copy of the endorsement form. For additional information on this campaign contact me at 503-873-1201, e-mail <mailto:info@oregoniansforworkingfamililes.org>info@oregoniansforworkingfamilies.org or visit our website at <http://www.oregoniansforworkingfamilies.org/>www.oregoniansforworkingfamilies.org

Current Coalition Members: AARP Oregon, African American Alliance for Home Ownership, AFSCME Council 75, AFSCME Local 3214, AFSCME Local 88, American Association of University Women of Oregon, Benton County Board of Commissioners, Bienestar, CASH Oregon, CAUSA, Central City Concern, Children First for Oregon, City of Eugene, Coalition for a Livable Future, Comite Latino, Communications Workers of America Local 7901, Community Vision, Inc., Community Action of Washington County, Community Action Partnership of Oregon, Community Alliance of Lane County, Community Services Consortium, Ecumenical Ministries of Oregon, Eugene Springfield Solidarity Network, Human Services Coalition of Oregon, Klamath and Lake Community Services, League of Women Voters of Oregon, Mid-Columbia Community Action Council, NeighborImpact, New Seasons Market, Northwest Housing Alternatives, Oregon Action, Oregon Alliance for Retired Americans, Oregon Center for Christian Values, Oregon Center for Public Policy, Oregon Food Bank, Oregon Hunger Relief Task Force, Oregonians for Health Security, Oregon State Building and Construction Trades Council, Our Oregon, Paloma Clothing, Partnership for Safety and Justice, Partnership to End Poverty, Portland Impact, Portland Jobs with Justice, Rural Organizing Project, SEIU Local 49, SEIU Local 503, Southern Oregon Central Labor Council, Southern Oregon Jobs with Justice, Tax Fairness Oregon, Umpqua Community Action Network, United Food and Commercial Workers Local 555, Working Families Party of Oregon,Yamhill Community Action Partnership

**********

# COUNCIL REQUESTS

# FOLLOW-UP REPORT

# DECEMBER 31, 2008

**********

1. Fire Truck Disposition (Beilstein)

The grant for the Fire Department's new aerial truck includes the following provision:

> "We will give high consideration to applicants with firefighting vehicles that had an 'open-cab' configuration in their original design. Applicants wanting to benefit from this consideration must certify that the unsafe vehicle will be permanently removed from service if awarded a grant."

Since removing the old aerial truck from service was a grant criteria consideration, and there is no differentiation between use of the vehicle in the United States or another country, staff will not pursue an out-of-country sale.

2. Public Works Grant Offers (Nelson)

Over the past two months, the Public Works Department has received notice of five grant offers from various funding sources. These grants are detailed below:

a. $18,750 from Oregon Economic and Community Development Department (Renewable Energy Planning Program) to be used to study the feasibility for installation of an electrical generator powered by the raw water intake line that supplies the Rock Creek Water treatment plant.

b. $505,500 from the Oregon Department of Transportation (ODOT) (Innovative Traffic Systems Program) for an advanced transportation management traffic signal system for Downtown Corvallis. The system will allow instantaneous changes to be made in the traffic signal system from a remote location to respond to changing traffic conditions.

c. $188,100 from ODOT (Bike and Pedestrian Grant Program) to fund the installation of South Third Street-style pedestrian crossing lights and signs on NW Circle Boulevard at three locations. The locations include the

NW 17th St and NW Janssen Street intersections and mid-block between NW Janssen St and NW Ninth Street.

d. $564,900 from ODOT (Transportation Enhancement Program) for the construction of a multi-use path along the Corvallis-to-Albany railroad from NE Circle Boulevard to NE Dorchester Way. Although the project is within the City Limits, the grant was requested by Benton County and is the first leg of the planned Corvallis-to-Albany path.

e. $23,738 from the Oregon Water Resources Department to further the City's ongoing feasibility study of wastewater re-use alternatives. These funds became available as an outcome of action by the 2007 Legislature.

Jon Nelson
City Manager

## CITY OF CORVALLIS – COUNCIL REQUESTS – TRACKING REPORT
## PENDING REQUESTS

| Council Request Item | Requested By | Date of Request | CM Report Due Date | Assigned to | Response in CM Rpt No. | Comments |
|---|---|---|---|---|---|---|
| Homeless/Wetlands | Hamby | 12-10-08 | 01-13-09 | Nelson | | Mark Knapp |
| Public Works grant offers | Nelson | 12-09-08 | 12-30-08 | Rogers | CCR 12-31-08 | |
| Fire Truck Disposition | Beilstein | 12-15-08 | 12-30-08 | Emery, R. | CCR 12-31-08 | |

# The National Citizen Survey™

# CITY OF CORVALLIS, OREGON
# 2008

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Boulder, CO 80301
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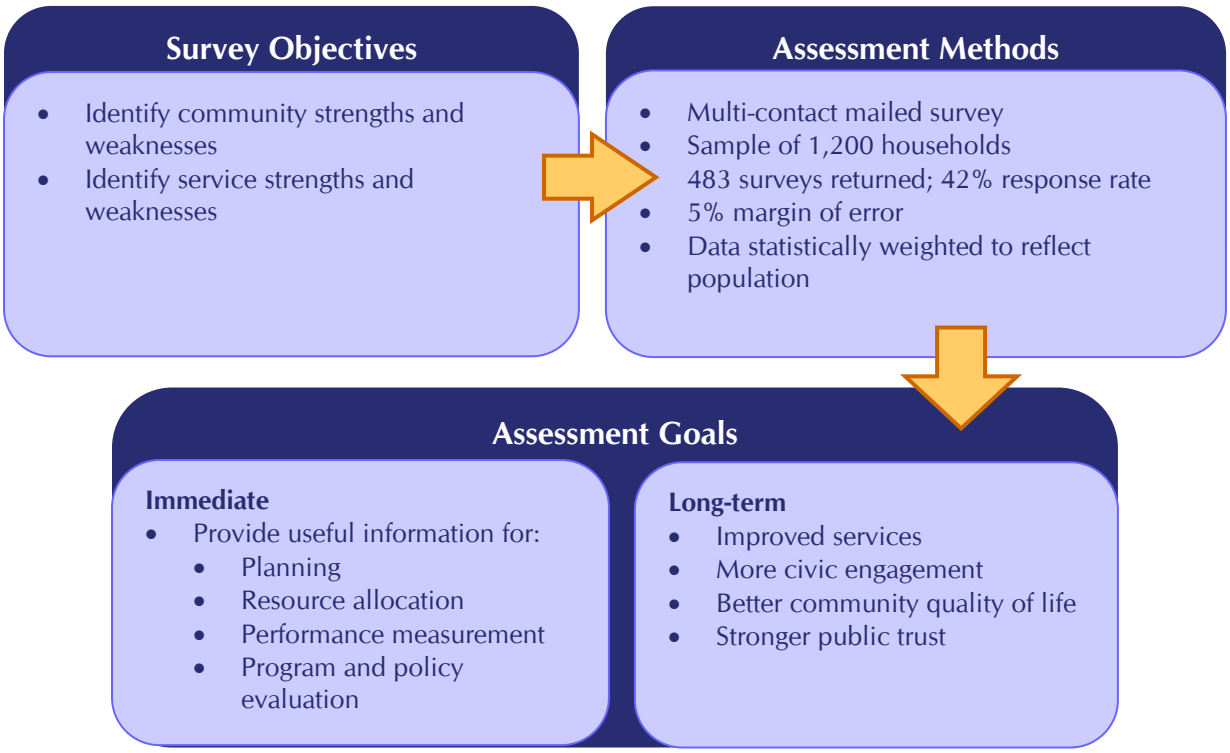
The National Citizen Survey™ by National Research Center, Inc.

# Survey Background

## About The National Citizen Survey™

The National Citizen Survey™ (The NCS) is a collaborative effort between National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA). The NCS was developed by NRC to provide a statistically valid survey of resident opinions about community and services provided by local government. The survey results may be used by staff, elected officials and other stakeholders for community planning and resource allocation, program improvement and policy making.

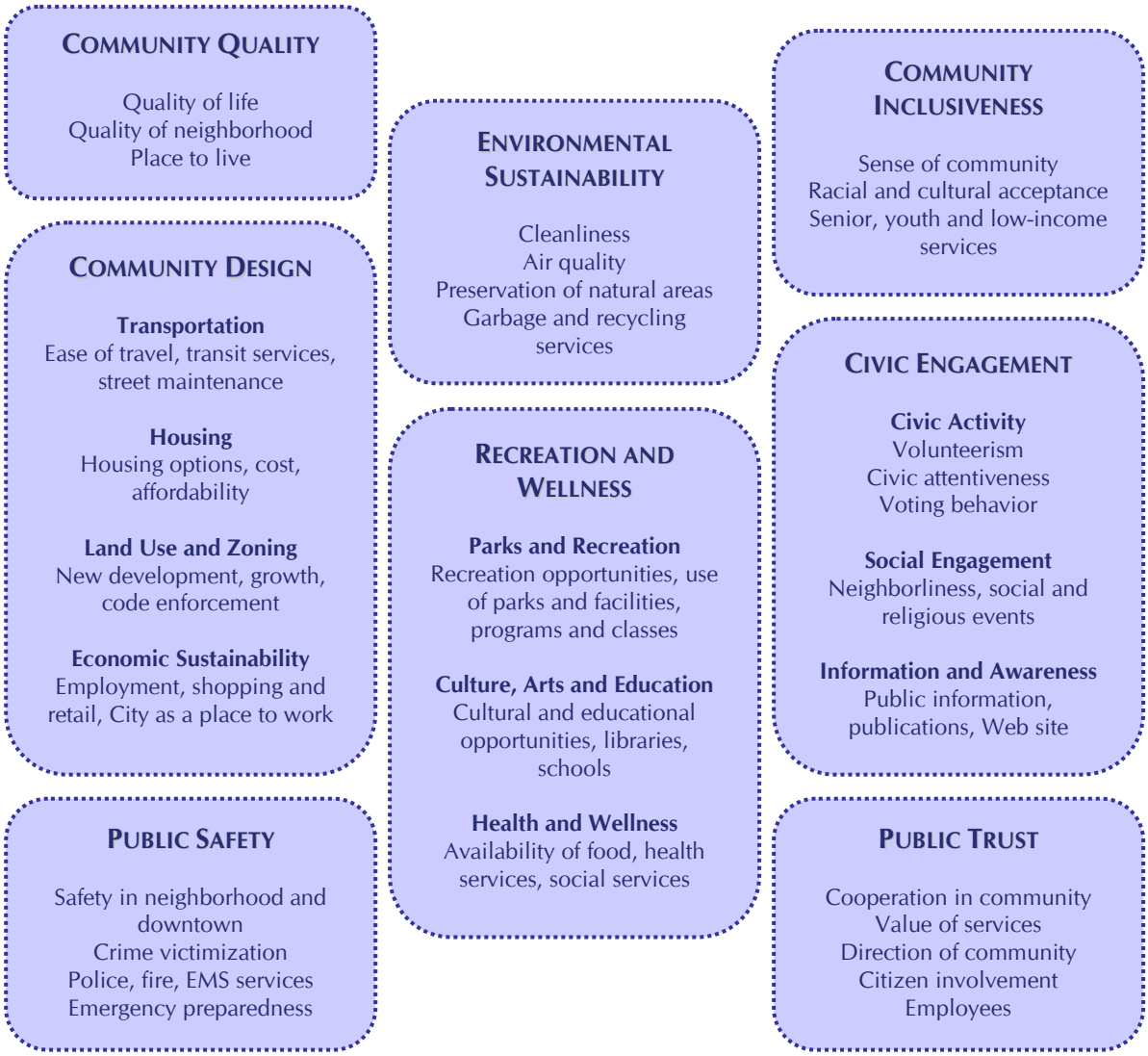
Figure 1: The National Citizen Survey™ Methods and Goals




The NCS focuses on a series of community characteristics and local government services, as well as issues of public trust. Resident behaviors related to civic engagement in the community also were measured in the survey.

The National Citizen Survey™ by National Research Center, Inc.

FIGURE 2: THE NATIONAL CITIZEN SURVEY™ FOCUS AREAS




The survey and its administration are standardized to assure high quality research methods and directly comparable results across The National Citizen Survey™ jurisdictions. Participating households are selected from a list of registered voters provided by the City of Corvallis. Multiple mailings give each registered voter more than one chance to participate with self-addressed and postage-paid envelopes. Results are statistically weighted to reflect the proper demographic composition. A total of 483 completed surveys were obtained, providing an overall response rate of 42%. Typically, response rates obtained on citizen surveys range from 25% to 40%.

The National Citizen Survey™ customized for the City of Corvallis was developed in close cooperation with local jurisdiction staff. Corvallis staff selected items from a menu of questions about services and community problems and provided the appropriate letterhead and signatures for mailings. City of Corvallis staff also augmented The National Citizen Survey™ basic service through a variety of options including two custom sets of benchmark comparisons, several policy questions and an open-ended question.

The National Citizen Survey™ by National Research Center, Inc.

# Understanding the Results

As shown in Figure 2, this report is based around respondents' reports about eight larger categories: community quality, community design, public safety, environmental sustainability, recreation and wellness, community inclusiveness, civic engagement and public trust. Each section begins with residents' ratings of community characteristics and is followed by residents' ratings of service quality. For all evaluative questions, the percent of residents rating the service or community feature as "excellent" or "good" is presented. To see the full set of responses for each question on the survey, please see Appendix A: Complete Survey Frequencies.

## Margin of Error

It is customary to describe the precision of estimates made from surveys by a "level of confidence" and accompanying "confidence interval" (or margin of error). A traditional confidence level, and the one used here, is 95%. The 95% confidence interval can be any size and quantifies the sampling error or imprecision of the estimates made from the survey results. The confidence interval for the City of Corvallis survey is no greater than plus or minus five percentage points around any given percent reported for the entire sample (483 completed surveys). A 95% confidence interval indicates that for every 100 random samples of this many registered voters, the population response to that question would be within the stated interval 95 times. For example, if 75% of registered voters rate a service as "excellent" or "good," then the 5% margin of error (for the 95% confidence interval) indicates that the range of likely responses for the entire voting population is between 70% and 80%.

## Comparing Survey Results

Certain kinds of services tend to be thought better of by residents in many communities across the country. For example, public safety services tend to be received better than transportation services by residents of most American communities. Where possible, the better comparison is not from one service to another in the City of Corvallis, but from City of Corvallis services to services like them provided by other jurisdictions.

## Benchmark Comparisons

NRC's database of comparative resident opinion is comprised of resident perspectives gathered in citizen surveys from approximately 500 jurisdictions whose residents evaluated local government services and gave their opinion about the quality of community life. The City of Corvallis chose to have comparisons made to the entire database and two subsets of similar jurisdictions from the database (Western region and populations 35,000-70,000). A benchmark comparison (the average rating from all the comparison jurisdictions where a similar question was asked) has been provided when a similar question on the City of Corvallis Survey was included in NRC's database and there were at least five jurisdictions in which the question was asked. For most questions compared to the entire dataset, there were more than 100 jurisdictions included in the benchmark comparison.

Where comparisons were available, the City of Corvallis results were noted as being "above" the benchmark, "below" the benchmark or "similar to" the benchmark. This evaluation of "above," "below" or "similar to" comes from a statistical comparison of the City of Corvallis' rating to the benchmark.

## "Don't Know" Responses and Rounding

On many of the questions in the survey respondents may answer "don't know." The proportion of respondents giving this reply is shown in the full set of responses included in Appendix A.

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However, these responses have been removed from the analyses presented in the body of the report. In other words, the tables and graphs display the responses from respondents who had an opinion about a specific item.

For some questions, respondents were permitted to select more than one answer. When the total exceeds 100% in a table for a multiple response question, it is because some respondents did select more than one response. When a table for a question that only permitted a single response does not total to exactly 100%, it is due to the customary practice of percentages being rounded to the nearest whole number.

For more information on understanding The NCS report, please see Appendix B: Survey Methodology.

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# Executive Summary

This report of the City of Corvallis survey provides the opinions of a representative sample of registered voters about community quality of life, service delivery, civic participation and unique issues of local interest. A periodic sounding of voter opinion offers staff, elected officials and other stakeholders an opportunity to identify challenges and to plan for and evaluate improvements and to sustain services and amenities for long-term success.

Most registered voters experience a good quality of life in the City of Corvallis and believe the City is a good place to live. The overall quality of life in the City of Corvallis was rated as "excellent" or "good" by 90% of respondents. A majority report they plan on staying in the City of Corvallis for the next five years.

A variety of characteristics of the community was evaluated by those participating in the study. The characteristics receiving the most favorable ratings were educational opportunities, opportunities to volunteer, ease of bicycle travel and walking, and quality of the overall natural environment in Corvallis. The characteristics receiving the least positive ratings were availability of affordable quality housing, employment opportunities, shopping opportunities, and availability of affordable quality child care.

Ratings of community characteristics were compared to the benchmark database. Of the 31 characteristics for which comparisons were available, 23 were above the benchmark comparison, four were similar to the benchmark comparison and four were below.

Registered voters in the City of Corvallis were civically engaged. While only 29% had attended a meeting of local elected public officials or other local public meeting in the previous 12 months, 98% had provided help to a friend or neighbor. A majority had volunteered their time to some group or activity in the City of Corvallis, which was higher than the benchmark.

In general, survey respondents demonstrated trust in local government. A majority rated the overall direction being taken by the City of Corvallis as "good" or "excellent." This was higher than the benchmark. Those residents who had interacted with an employee of the City of Corvallis in the previous 12 months gave high marks to those employees. Nearly all rated their overall impression of employees as "excellent" or "good."

On average, registered voters gave favorable ratings to almost all local government services. City services rated were able to be compared to the benchmark database. Of the 36 services for which comparisons were available, 29 were above the benchmark comparison, five were similar to the benchmark comparison and two were below.

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A Key Driver Analysis was conducted for the City of Corvallis which examined the relationships between ratings of each service and ratings of the City of Corvallis' services overall. Those key driver services that correlated most strongly with registered voters' perceptions about overall City service quality have been identified. By targeting improvements in key services, the City of Corvallis can focus on the services that have the greatest likelihood of influencing registered voters' opinions about overall service quality. Services found to be influential in ratings of overall service quality from the Key Driver Analysis were:

- Economic development
- Police services

Of these services, those deserving the most attention may be those that were below or similar to the benchmark comparisons: economic development and police services.

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# Community Ratings

## Overall Community Quality

Overall quality of community life may be the single best indicator of success in providing the natural ambience, services and amenities that make for an attractive community. The National Citizen Survey™ contained many questions related to quality of community life in the City of Corvallis – not only direct questions about quality of life overall and in neighborhoods, but questions to measure registered voters' commitment to the City of Corvallis. Residents were asked whether they planned to move soon or if they would recommend the City of Corvallis to others. Intentions to stay and willingness to make recommendations provide evidence that the City of Corvallis offers services and amenities that work.

Most of the City of Corvallis' registered voters gave favorable ratings to their neighborhoods and the community as a place to live. Further, most reported they would recommend the community to others and plan to stay for the next five years.

Figure 3: Ratings of Overall Community Quality

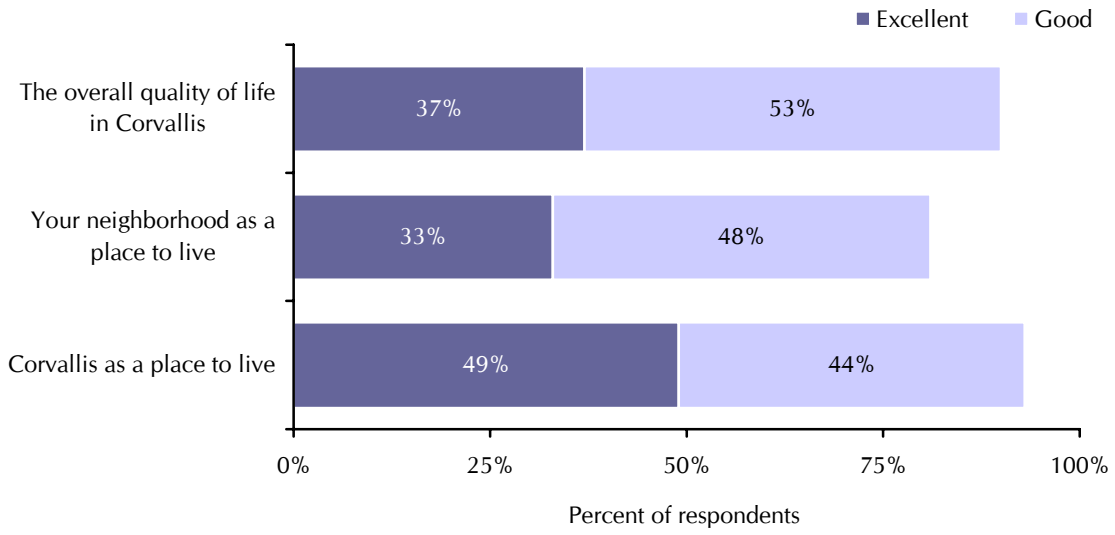


Figure 4: Likelihood of Remaining in Community and Recommending Community

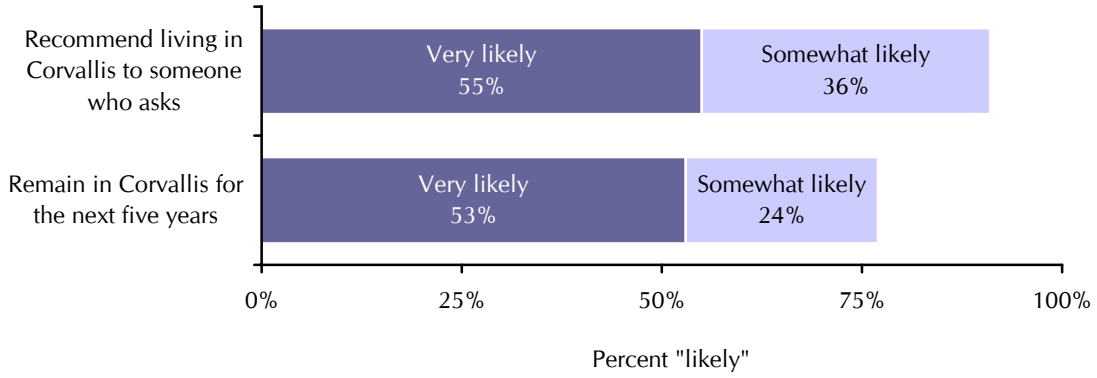


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FIGURE 5: OVERALL COMMUNITY QUALITY BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Overall quality of life in Corvallis | Above | Above | Above |
| Your neighborhood as place to live | Above | Above | Above |
| Corvallis as a place to live | Above | Above | Above |
| Remain in Corvallis for the next five years | Below | Below | Below |
| Recommend living in Corvallis to someone who asks | Above | Above | Above |

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# Community Design

## Transportation

The ability to move easily throughout a community can greatly affect the quality of life of registered voters by diminishing time wasted in traffic congestion and by providing opportunities to travel quickly and safely by modes other than the automobile. High quality options for registered voter mobility not only require local government to remove barriers to flow but they require government programs and policies that create quality opportunities for all modes of travel.

Residents responding to the survey were given a list of six aspects of mobility to rate on a scale of "excellent," "good," "fair" and "poor." Ease of bicycle travel was given the most positive rating, followed by ease of walking in Corvallis.

Figure 6: Ratings of Transportation in Community

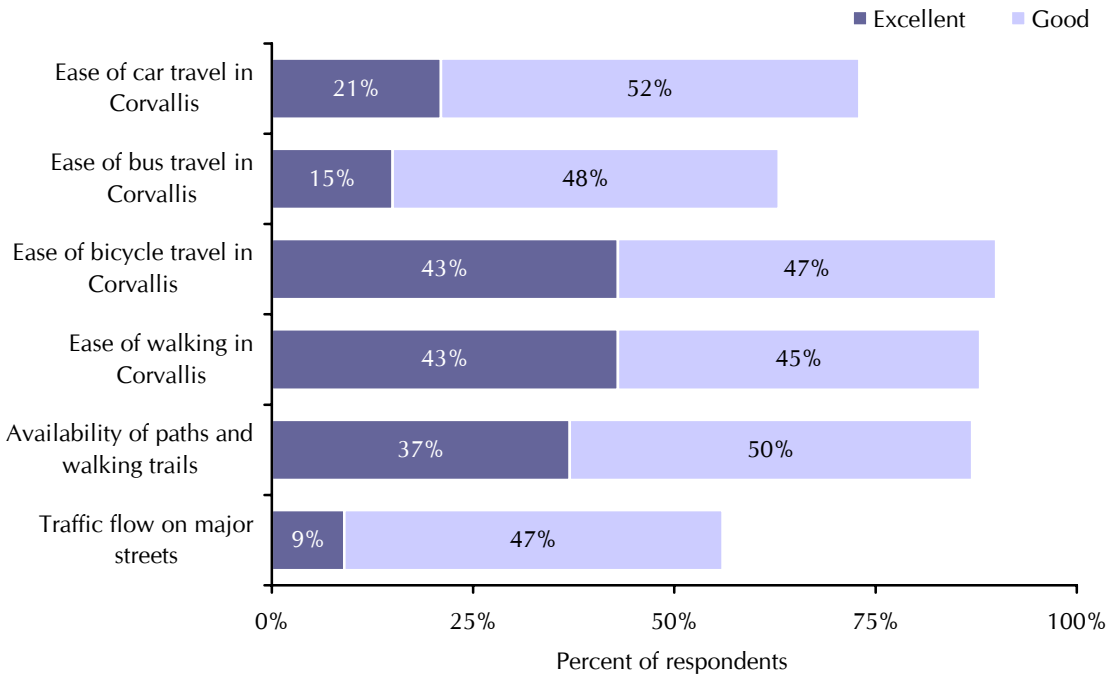



Figure 7: Community Transportation Benchmarks

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Ease of bus travel in Corvallis | Above | Above | Above |
| Ease of car travel in Corvallis | Above | Above | Above |
| Ease of walking in Corvallis | Above | Above | Above |
| Ease of bicycle travel in Corvallis | Above | Above | Above |
| Availability of paths and walking trails | Above | Above | Above |
| Traffic flow on major streets | Above | Above | Above |

The National Citizen Survey™ by National Research Center, Inc.

Eight transportation services were rated in Corvallis. As compared to most communities across America, ratings tended to be somewhat favorable. Seven out of eight ratings were above the Western region benchmark, while six rated above the national comparisons. Three transportation and parking services were rated higher in comparison to jurisdictions with populations of 35,000 to 70,000.

FIGURE 8: RATINGS OF TRANSPORTATION AND PARKING SERVICES

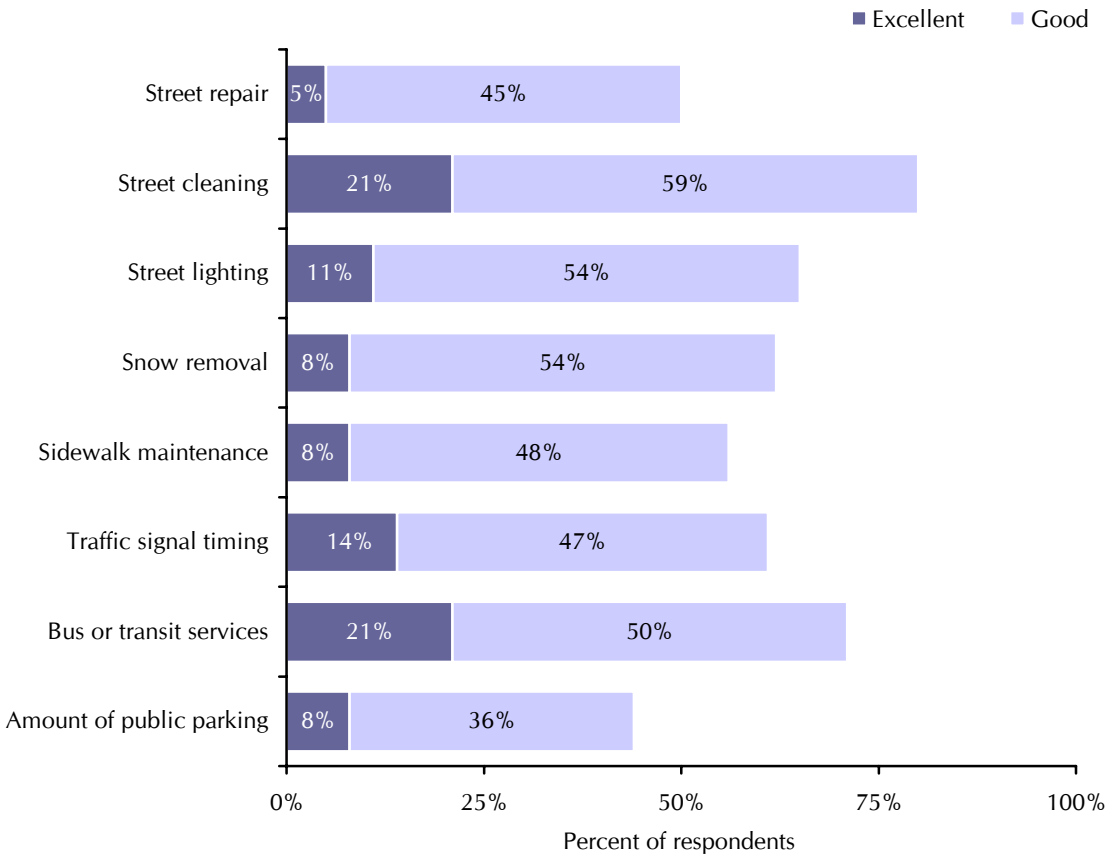



FIGURE 9: TRANSPORTATION AND PARKING SERVICES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Street repair /maintenance | Above | Above | Similar |
| Street cleaning | Above | Above | Above |
| Street lighting | Above | Above | Similar |
| Snow removal | Similar | Above | Similar |
| Sidewalk maintenance | Above | Above | Similar |
| Light timing | Above | Above | Above |
| Bus or transit services | Above | Above | Above |
| Amount of public parking | Similar | Similar | Similar |

The National Citizen Survey™ by National Research Center, Inc.

By measuring choice of travel mode over time, communities can monitor their success in providing attractive alternatives to the traditional mode of travel, the single-occupied automobile. When asked how they typically traveled to work, single-occupancy (SOV) travel was the overwhelming mode of use. However, three percent of work commute trips were made by transit, 22% by bicycle and 12% by foot.

FIGURE 10: FREQUENCY OF BUS USE IN LAST 12 MONTHS

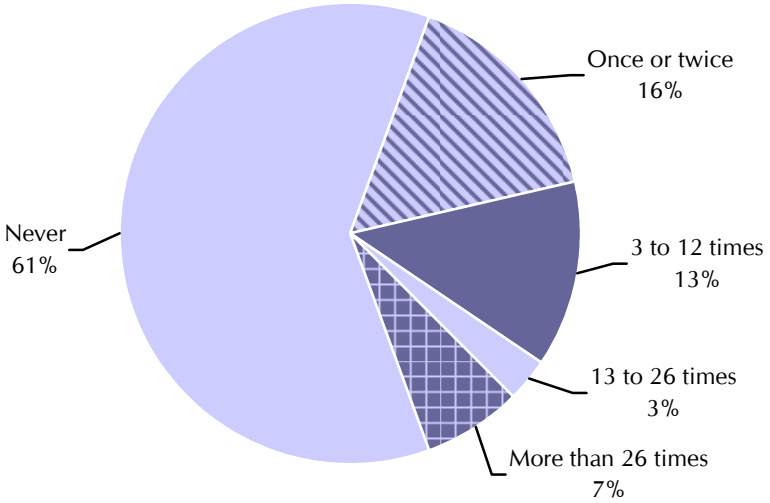
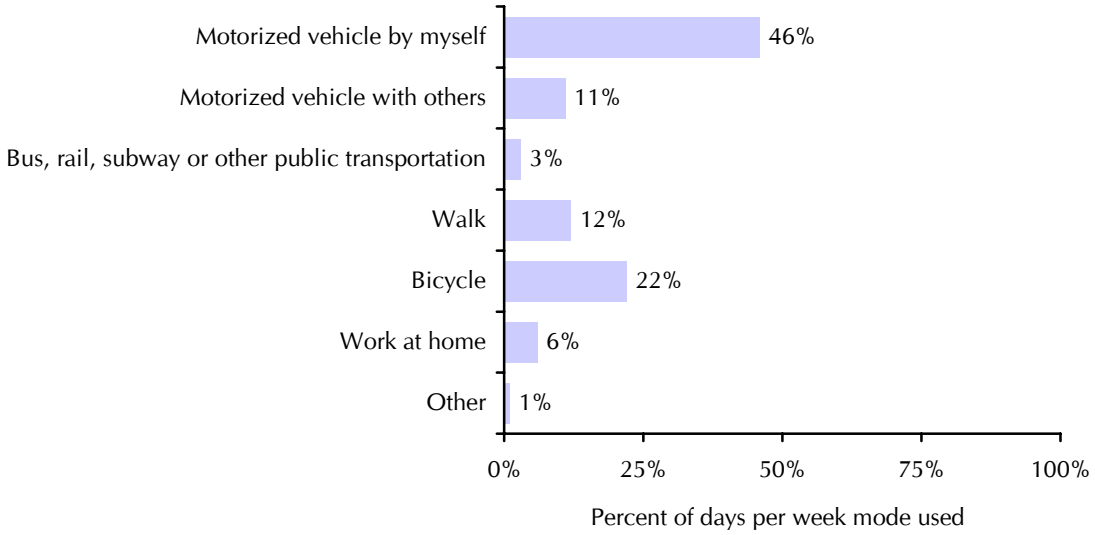



FIGURE 11: FREQUENCY OF BUS USE BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Ridden a local bus within Corvallis | Above | Above | Above |

FIGURE 12: MODE OF TRAVEL USED FOR WORK COMMUTE




The National Citizen Survey™ by National Research Center, Inc.

## Housing

Housing variety and affordability are not luxuries for any community. When there are too few options for housing style and affordability, the characteristics of a community tilt heavily to a homogeneous palette, often of well-off residents. While this may seem attractive to a community, the absence of affordable townhomes, condominiums, mobile homes, single family detached homes and apartments means that in addition to losing the vibrancy of diverse thoughts and lifestyles, the community loses the service workers that sustain all communities – police officers, school teachers, house painters and electricians. These workers must live elsewhere and commute in at great personal cost and to the detriment of traffic flow and air quality. Furthermore lower income residents who can sustain in a community with mostly high cost housing pay so much of their income to rent or mortgage that little remains to bolster their own quality of life or local business.

The survey of the City of Corvallis registered voters asked respondents to reflect on the availability of affordable housing as well as the variety of housing options. The availability of affordable housing was rated as "excellent" or "good" by 25% of respondents, while the variety of housing options was rated as "excellent" or "good" by 45% of respondents. The rating of perceived affordable housing availability was worse for the City of Corvallis than the ratings for national comparison jurisdictions. Results were varied in comparison to the Western region, and similar to jurisdictions of like population size.

FIGURE 13: RATINGS OF HOUSING IN COMMUNITY

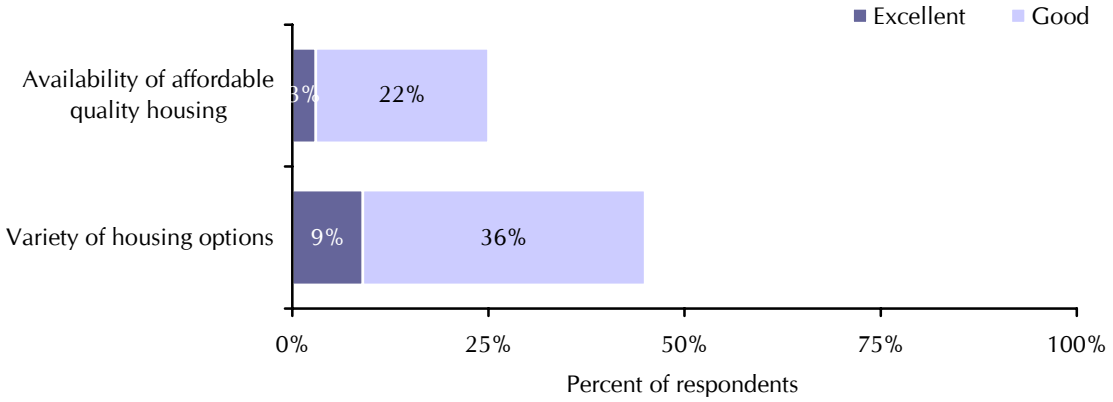



FIGURE 14: HOUSING CHARACTERISTICS BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Availability of affordable quality housing | Below | Similar | Similar |
| Variety of housing options | Below | Below | Similar |

The National Citizen Survey™ by National Research Center, Inc.

To augment the perceptions of affordable housing in Corvallis, the cost of housing as reported in the survey was compared to registered voters' reported monthly income to create a rough estimate of the proportion of registered voters of the City of Corvallis experiencing housing cost stress. More than 34% of survey participants were found to pay housing costs of more than 30% of their monthly household income.

FIGURE 15: PROPORTION OF RESPONDENTS WHOSE HOUSING COSTS ARE "AFFORDABLE"

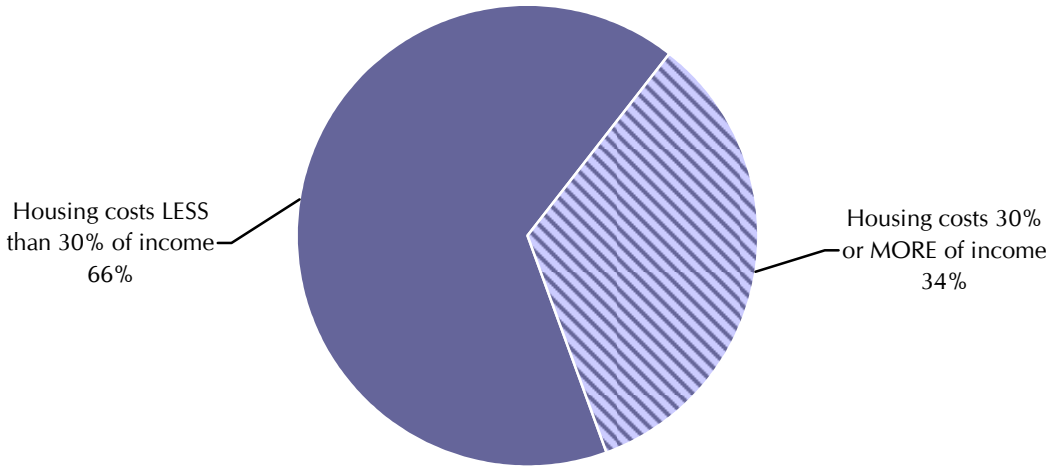



FIGURE 16: HOUSING COSTS BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Experiencing housing costs stress (housing costs 30% or more of income) | Below | Below | Below |

The National Citizen Survey™ by National Research Center, Inc.

## Land Use and Zoning

Community development contributes to a feeling among registered voters and even visitors of the attention given to the speed of growth, the location of residences and businesses, the kind of housing that is appropriate for the community and the ease of access to commerce, green space and residences. Even the community's overall appearance often is attributed to the planning and enforcement functions of the local jurisdiction. Residents will appreciate an attractive, well-planned community. The NCS questionnaire asked registered voters to evaluate the quality of new development, the appearance of the City of Corvallis and the speed of population growth. Problems with the appearance of property were rated, and the quality of land use planning, zoning and code enforcement services were evaluated.

The overall quality of new development in the City of Corvallis was rated as "excellent" by 8% of respondents and as "good" by an additional 41%. The overall appearance of Corvallis was rated as "excellent" or "good" by 86% of respondents and was higher than the benchmarks. When rating to what extent run down buildings, weed lots or junk vehicles were a problem in the City of Corvallis, 30% thought they were a "major" or "moderate" problem. The service of land use, planning and zoning was rated above the benchmarks. The services of code enforcement and animal control were rated above the Western region comparison, and were similar to the national and population size benchmarks.

FIGURE 17: RATINGS OF THE COMMUNITY'S "BUILT ENVIRONMENT"

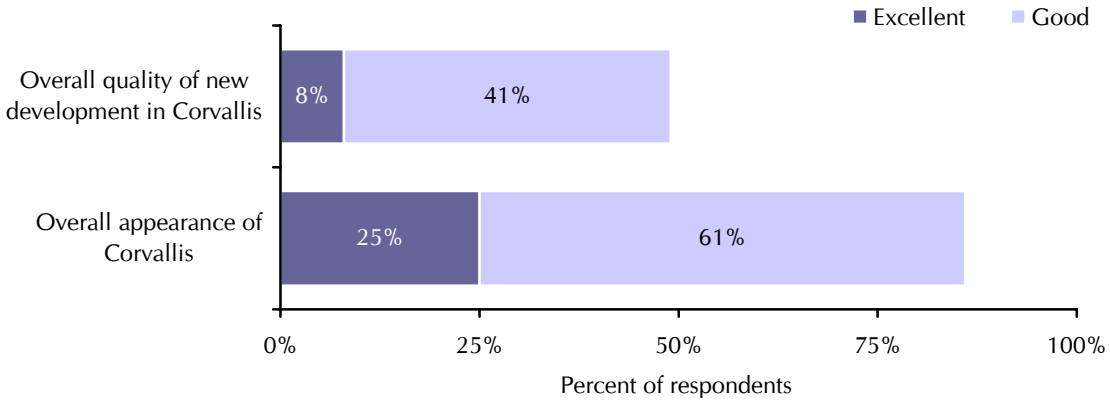



FIGURE 18: BUILT ENVIRONMENT BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Quality of new development in city | Below | Below | Below |
| Overall appearance of Corvallis | Above | Above | Above |

The National Citizen Survey™ by National Research Center, Inc.

FIGURE 19: RATINGS OF POPULATION GROWTH

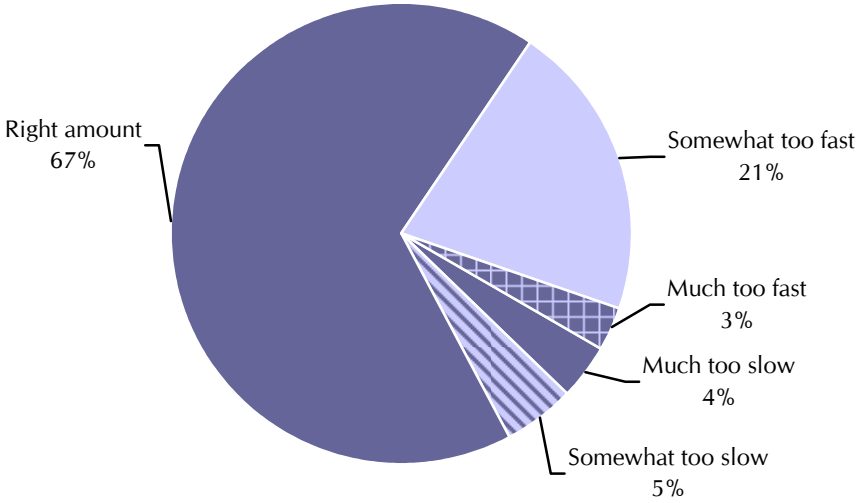



FIGURE 20: POPULATION GROWTH BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Population growth seen as too fast | Below | Below | Below |

FIGURE 21: RATINGS OF NUISANCE PROBLEMS

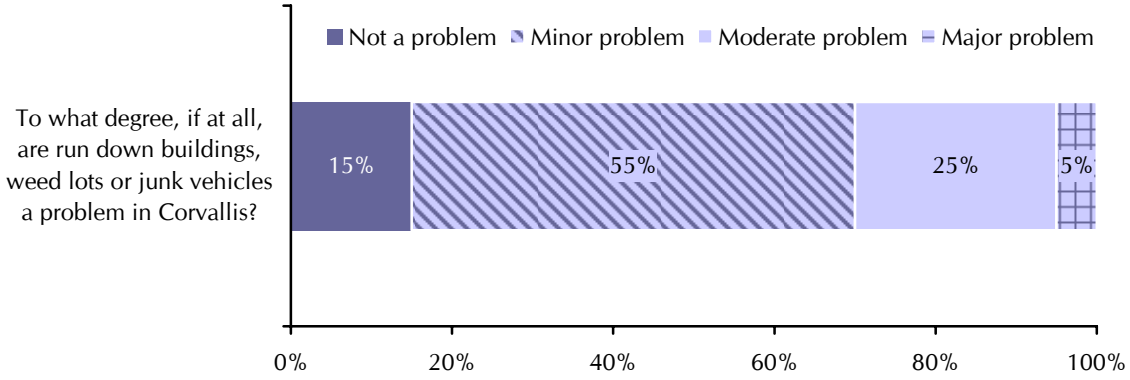



FIGURE 22: NUISANCE PROBLEMS BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Run down buildings, weed lots and junk vehicles are a "major" problem | Below | Below | Below |

The National Citizen Survey™ by National Research Center, Inc.

FIGURE 23: RATINGS OF PLANNING AND COMMUNITY CODE ENFORCEMENT SERVICES

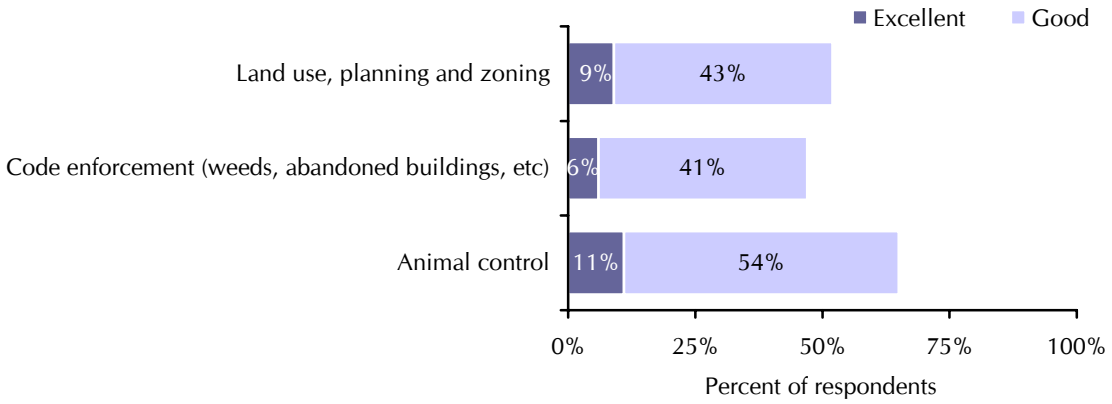



FIGURE 24: PLANNING AND COMMUNITY CODE ENFORCEMENT SERVICES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Land use, planning and zoning | Above | Above | Above |
| Code enforcement (weeds, abandoned buildings, etc) | Similar | Above | Similar |
| Animal control | Similar | Above | Similar |

The National Citizen Survey™ by National Research Center, Inc.

## Economic Sustainability

The health of the economy may color how residents perceive their environment and all the services that local government delivers. In particular, a strong or weak local economy will shape what residents think about job and shopping opportunities. Just as residents have an idea about the speed of local population growth, they have a sense of how fast job and shopping opportunities are growing.

Survey respondents were asked to rate a number of community features related to economic opportunity and growth. The most positively rated features were Corvallis as a place to work and overall quality of business and service establishments in Corvallis, receiving the lowest rating was employment opportunities.

Figure 25: Ratings of Economic Sustainability and Opportunities

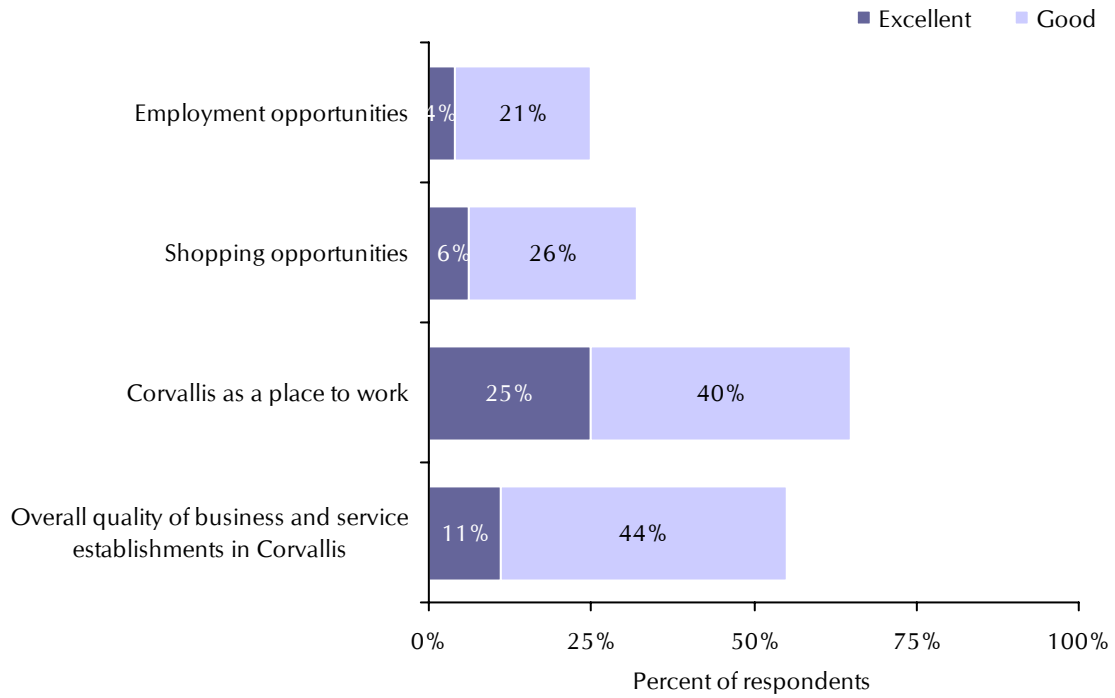



Figure 26: Economic Sustainability and Opportunities Benchmarks

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Employment opportunities | Similar | Similar | Below |
| Shopping opportunities | Below | Below | Below |
| Place to work | Above | Above | Above |
| Overall quality of business and service establishments in Corvallis | Similar | Similar | Below |

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Residents were asked to evaluate the speed of jobs growth and retail growth on scale from "much too slow" to "much too fast." When asked about the rate of job growth in Corvallis, 79% responded that it was "too slow," while 43% reported retail growth as "too slow." More residents in Corvallis compared to other jurisdictions believed that retail growth was too slow and more residents believed that job growth was too slow.

FIGURE 27: RATINGS OF RETAIL AND JOB GROWTH

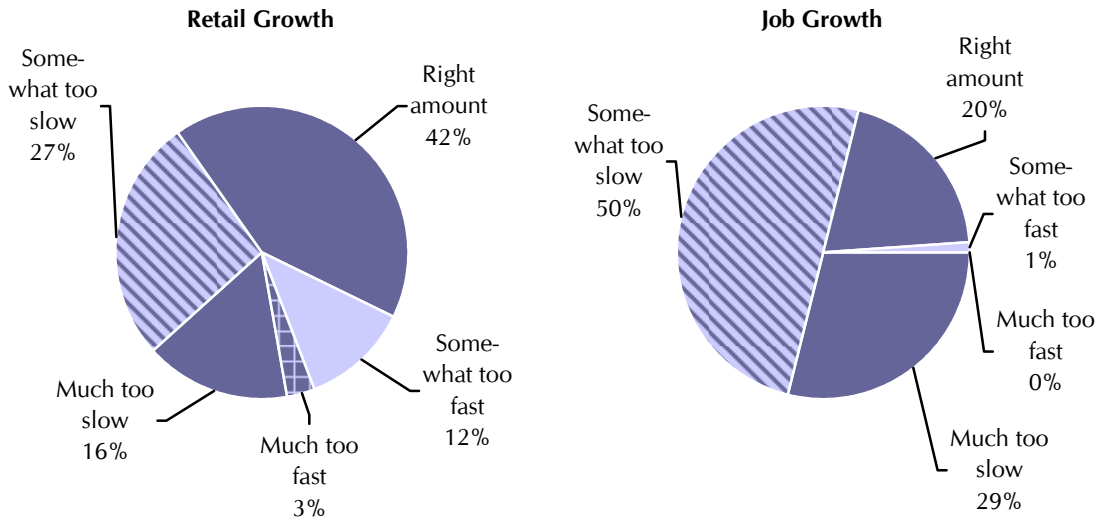


FIGURE 28: RETAIL AND JOB GROWTH BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Retail growth seen as too slow | Above | Above | Above |
| Jobs growth seen as too slow | Above | Above | Above |

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FIGURE 29: RATINGS OF ECONOMIC DEVELOPMENT SERVICES

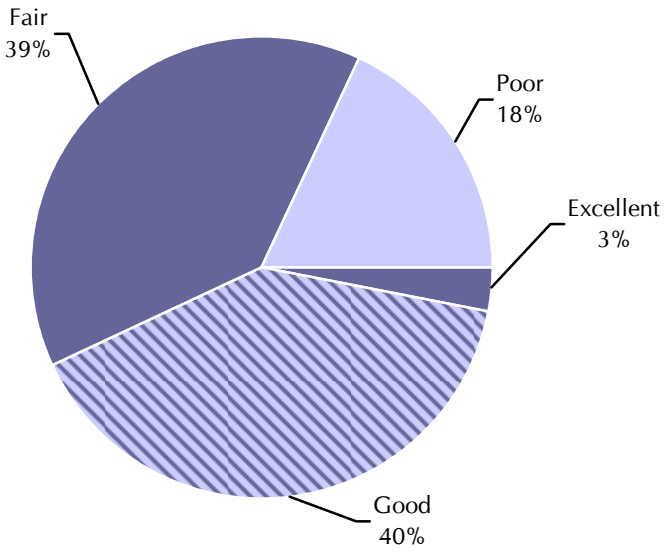


FIGURE 30: ECONOMIC DEVELOPMENT SERVICES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Economic development | Below | Similar | Below |

The National Citizen Survey™ by National Research Center, Inc.

Residents were asked to reflect on their economic prospects in the near term. Six percent of the City of Corvallis registered voters expected that the coming six months would have a "somewhat" or "very" positive impact on their family, while 55% felt that the economic future would be "somewhat" or "very" negative. The percent of registered voters with an optimistic outlook on their household income was less than comparison jurisdictions.

FIGURE 31: RATINGS OF PERSONAL ECONOMIC FUTURE

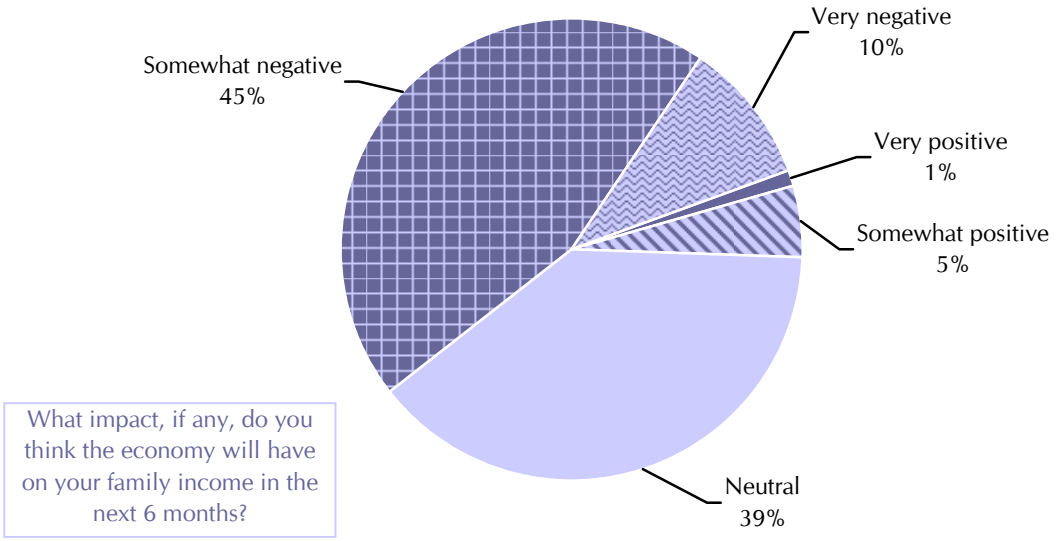


FIGURE 32: PERSONAL ECONOMIC FUTURE BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Positive impact of economy on household income | Below | Below | Below |

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## Public Safety

Safety from violent or property crimes creates the cornerstone of an attractive community. No one wants to live in fear of crime, fire or natural hazards, and communities in which residents feel protected or unthreatened are communities that are more likely to show growth in population, commerce and property value.

Residents were asked to rate their feelings of safety from violent crimes, property crimes, fire and environmental dangers and to evaluate the local agencies whose main charge is to provide protection from these dangers. Many gave positive ratings of safety in the City Corvallis. More than 87% percent of those completing the questionnaire said they felt "very" or "somewhat" safe from violent crimes and 84% felt "very" or "somewhat" safe from environmental hazards. Daytime sense of safety was better than nighttime safety.

Figure 33: Ratings of Community and Personal Public Safety

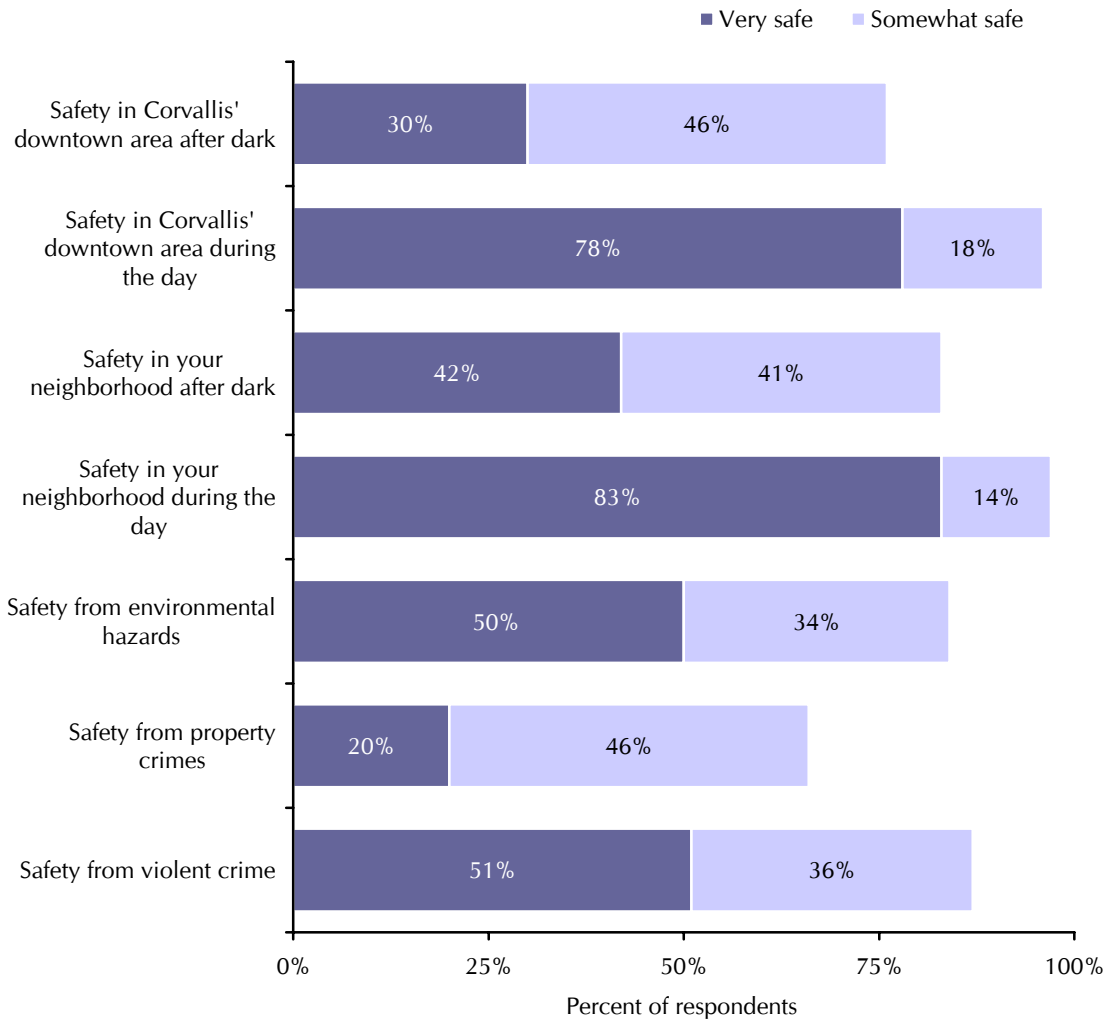


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FIGURE 34: COMMUNITY AND PERSONAL PUBLIC SAFETY BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Safety in your neighborhood during the day | Above | Above | Above |
| Safety in your neighborhood after dark | Above | Above | Above |
| Safety in Corvallis' downtown area during the day | Above | Above | Above |
| Safety in Corvallis' downtown area after dark | Above | Above | Above |
| Safety from violent crime (e.g., rape, assault, robbery) | Above | Above | Above |
| Safety from property crimes (e.g., burglary, theft) | Above | Above | Above |
| Toxic waste or other environmental hazard(s) | Above | Above | Above |

The National Citizen Survey™ by National Research Center, Inc.

As assessed by the survey, 17% of respondents reported that someone in the household had been the victim of one or more crimes in the past year. Of those who had been the victim of a crime, 57% had reported it to police. About the same percent of Corvallis registered voters had been victims of crime in the 12 months preceding the survey when compared to the nation and Western region. Fewer of Corvallis registered voters had reported their most recent crime victimization to the police.

FIGURE 35: CRIME VICTIMIZATION AND REPORTING

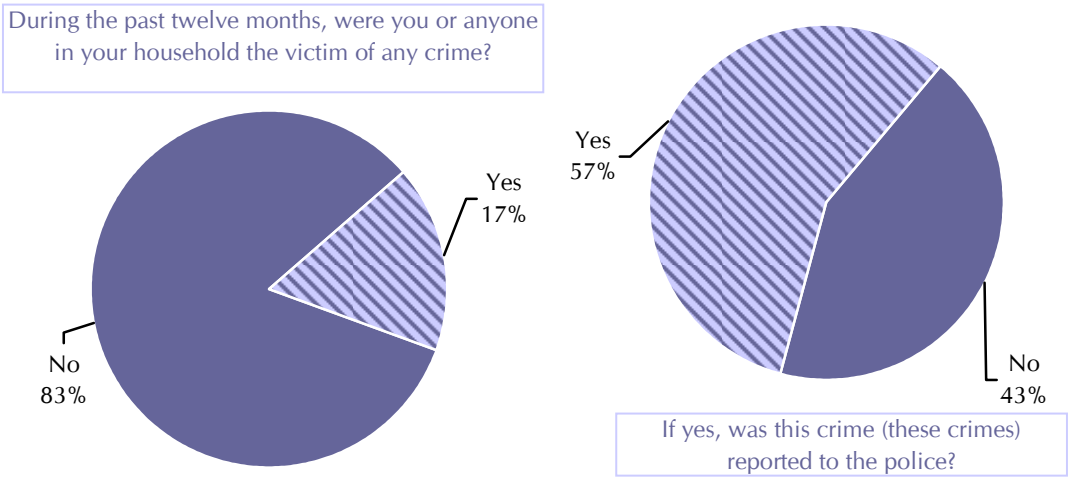


FIGURE 36: CRIME VICTIMIZATION AND REPORTING BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Victim of crime | Similar | Similar | Above |
| Reported crimes | Below | Below | Below |

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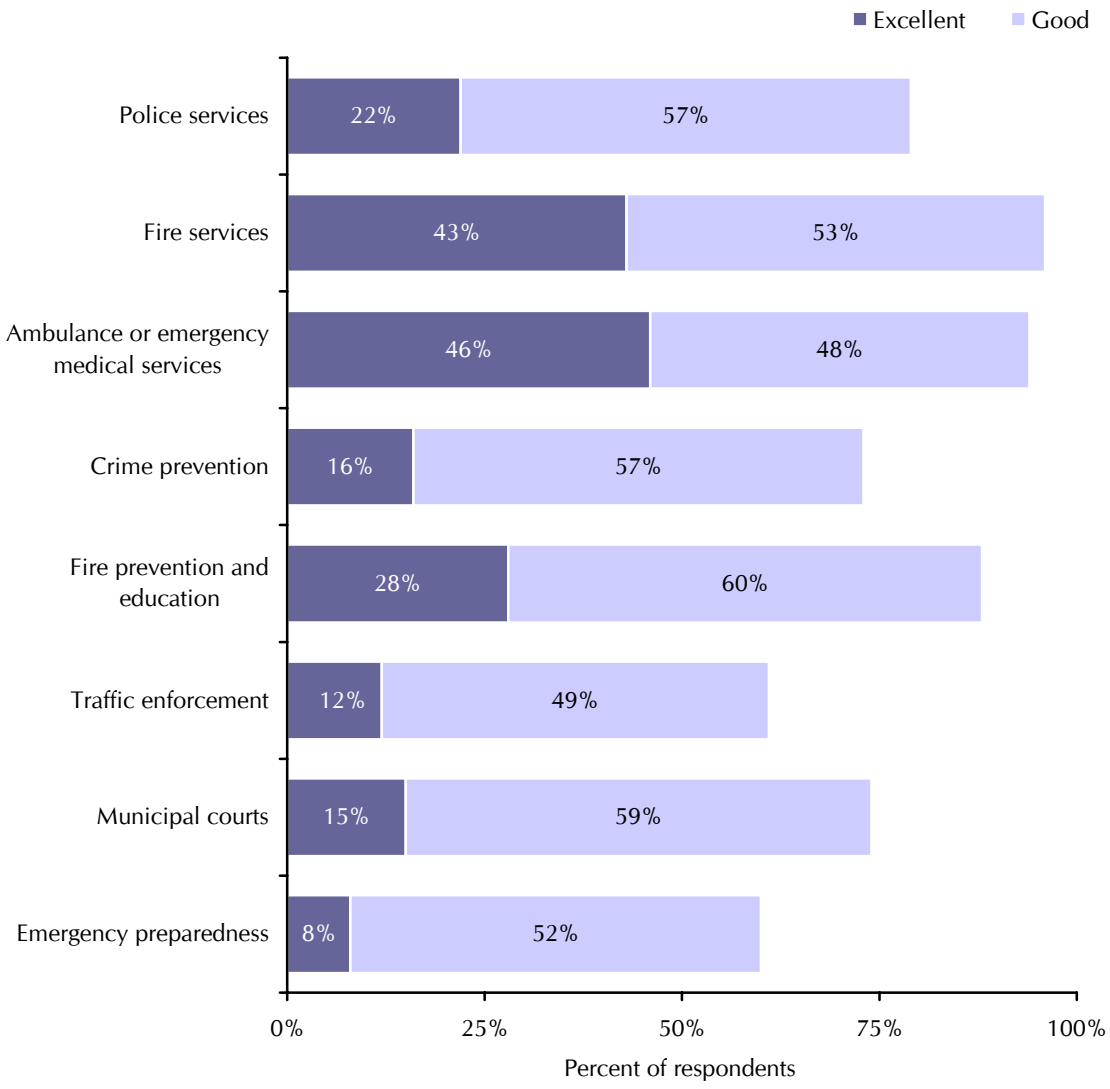
Residents rated eight City public safety services; of these, five were rated above the national benchmark comparison, two were rated similar to the national benchmark comparison and one was rated below the benchmark comparison when compared to the nation. Comparisons to the custom benchmarks were varied, with none of the public safety services rated below the benchmarks. Fire services and ambulance or emergency medical services received the highest ratings, while crime prevention and traffic enforcement received the lowest ratings.

FIGURE 37: RATINGS OF PUBLIC SAFETY SERVICES




The National Citizen Survey™ by National Research Center, Inc.

FIGURE 38: PUBLIC SAFETY SERVICES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Police services | Similar | Similar | Similar |
| Fire services | Above | Above | Similar |
| EMS/ambulance | Above | Above | Above |
| Crime prevention | Above | Above | Above |
| Fire prevention and education | Above | Above | Above |
| Traffic enforcement | Similar | Similar | Similar |
| Courts | Above | Above | Above |
| Emergency preparedness | Below | Similar | Similar |

The National Citizen Survey™ by National Research Center, Inc.

## Environmental Sustainability

Residents value the aesthetic qualities of their hometowns and appreciate features such as overall cleanliness and landscaping. In addition, the appearance and smell or taste of the air and water do not go unnoticed. These days, increasing attention is paid to proper treatment of the environment. At the same time that they are attending to community appearance and cleanliness, cities, counties, states and the nation are going "Green". These strengthening environmental concerns extend to trash haul, recycling, sewer services, the delivery of power and water and preservation of open spaces. Treatment of the environment affects air and water quality and, generally, how habitable and inviting a place appears

Registered voters in the City of Corvallis were asked to evaluate their local environment and the services provided to ensure its quality. The overall quality of the natural environment was rated as "excellent" or "good" by 93% of survey respondents. Quality of overall natural environment received the highest rating, and it was above the benchmarks.

Figure 39: Ratings of the Community's Natural Environment

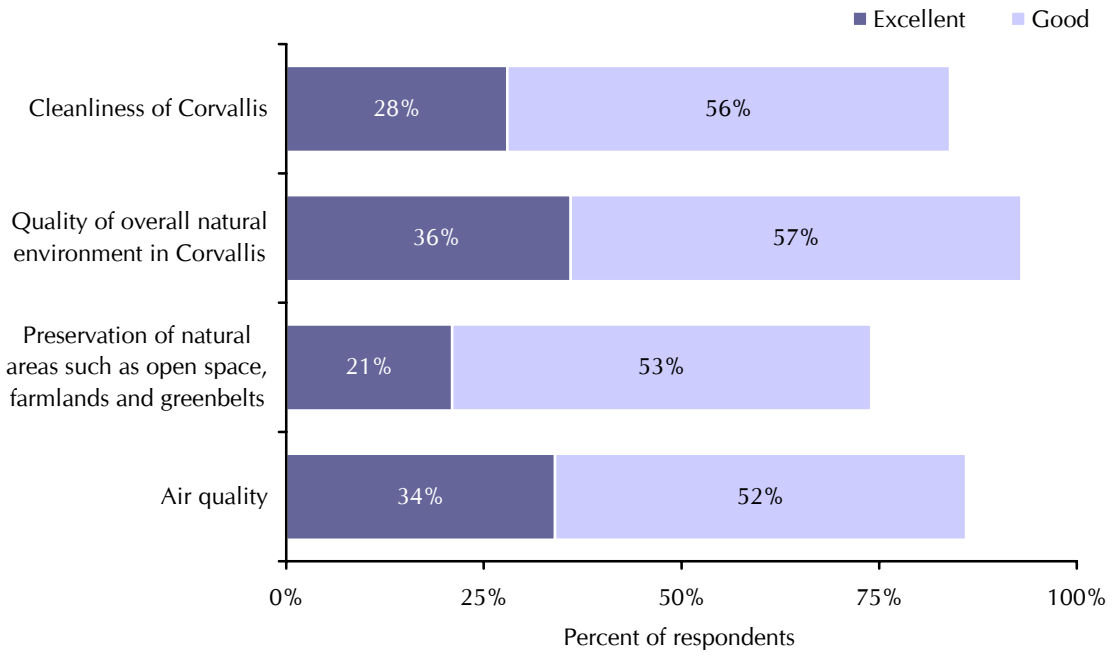



Figure 40: Community Environment Benchmarks

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Cleanliness of Corvallis | Above | Above | Above |
| Quality of overall natural environment in Corvallis | Above | Above | Above |
| Preservation of natural areas such as open space, farmlands and greenbelts | Above | Above | Above |
| Air quality | Above | Above | Above |

The National Citizen Survey™ by National Research Center, Inc.

Resident recycling was greater than recycling reported in comparison communities.

FIGURE 41: FREQUENCY OF RECYCLING IN LAST 12 MONTHS

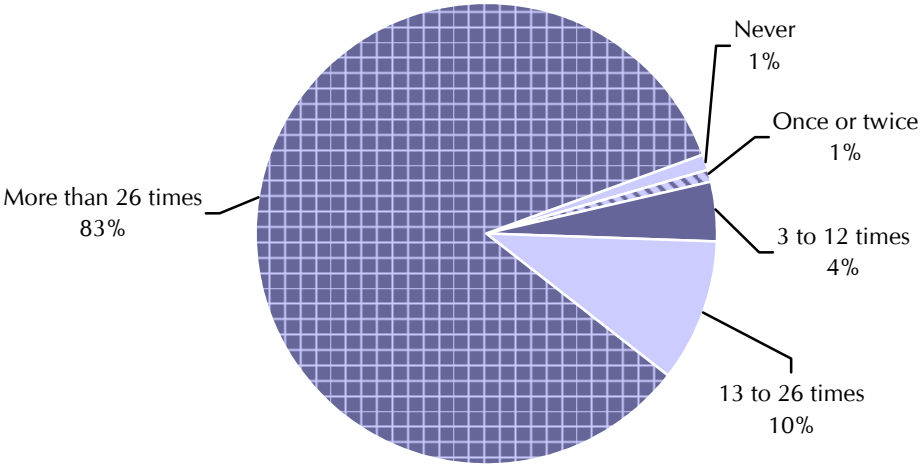



FIGURE 42: FREQUENCY OF RECYCLING BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Recycled used paper, cans or bottles from your home | Above | Above | Above |

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All of the six utility services rated by those completing the questionnaire were higher than the benchmark comparisons.

FIGURE 43: RATINGS OF UTILITY SERVICES

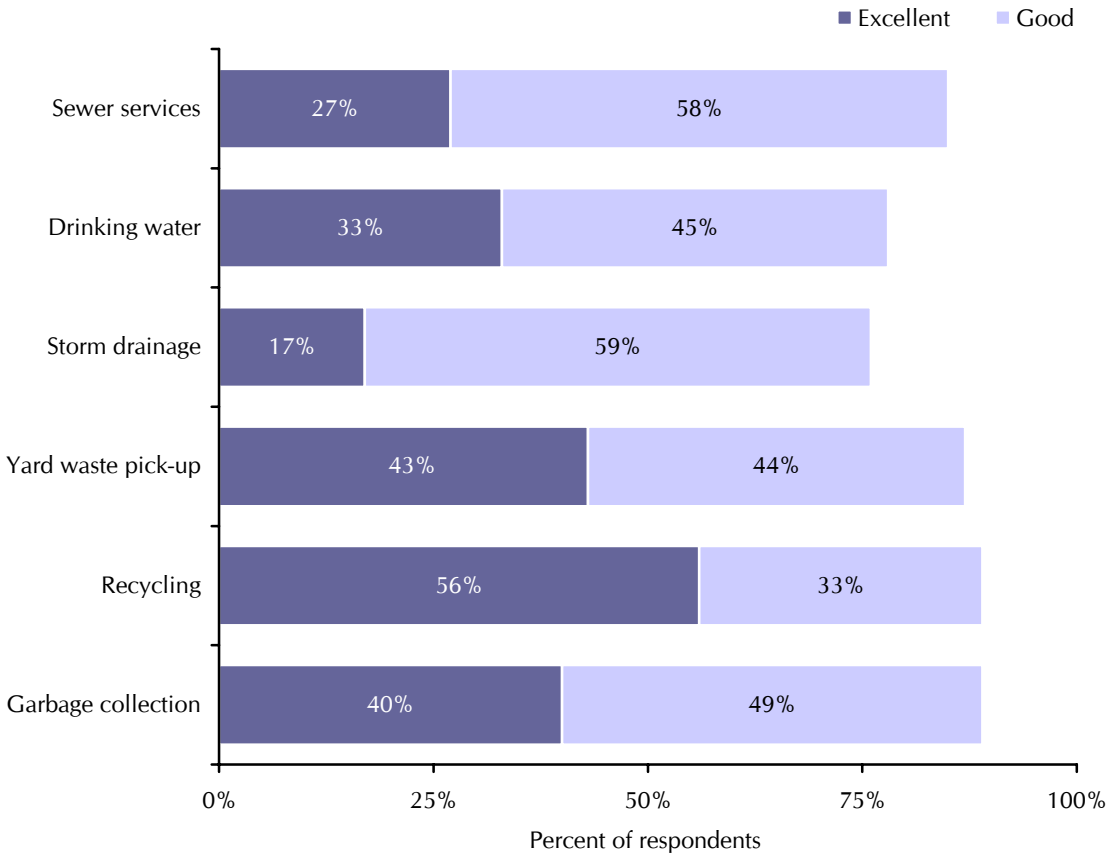


FIGURE 44: UTILITY SERVICES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Sewer services | Above | Above | Above |
| Drinking water | Above | Above | Above |
| Storm drainage | Above | Above | Above |
| Yard waste pick-up | Above | Above | Above |
| Recycling | Above | Above | Above |
| Garbage collection | Above | Above | Above |

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# Recreation and Wellness

## Parks and Recreation

Quality parks and recreation opportunities help to define a community as more than the grind of its business, traffic and hard work. Leisure activities vastly can improve the quality of life of residents, serving both to entertain and mobilize good health. The survey contained questions seeking residents' perspectives about opportunities and services related to the community's parks and recreation services.

Recreation opportunities in the City of Corvallis were rated positively as were services related to parks and recreation. Three were rated higher than the benchmark. Recreation programs or classes received the lowest rating and was higher than the benchmarks.

Resident use of Corvallis parks and recreation facilities tells its own story about the attractiveness and accessibility of those services. The percent of registered voters that used Corvallis recreation centers was about the same as the percent of users in comparison jurisdictions. However, recreation program use in Corvallis was higher than use in national and population comparison jurisdictions, and similar to the Western region.

Figure 45: Ratings of Community Recreational Opportunities

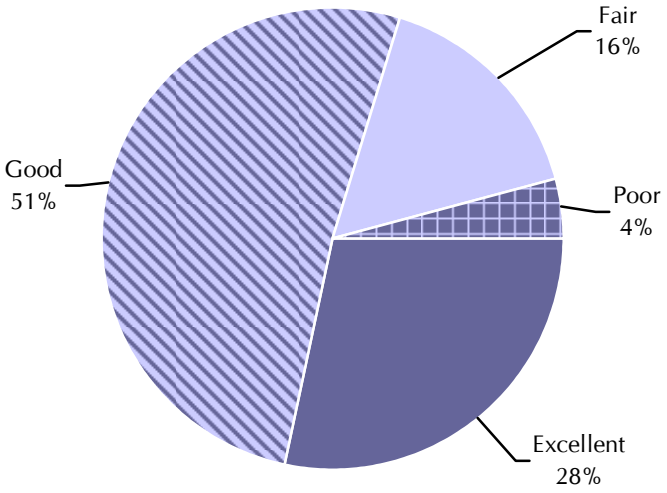


Figure 46: Community Recreational Opportunities Benchmarks

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Recreation opportunities | Above | Above | Above |

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FIGURE 47: PARTICIPATION IN PARKS AND RECREATION OPPORTUNITIES

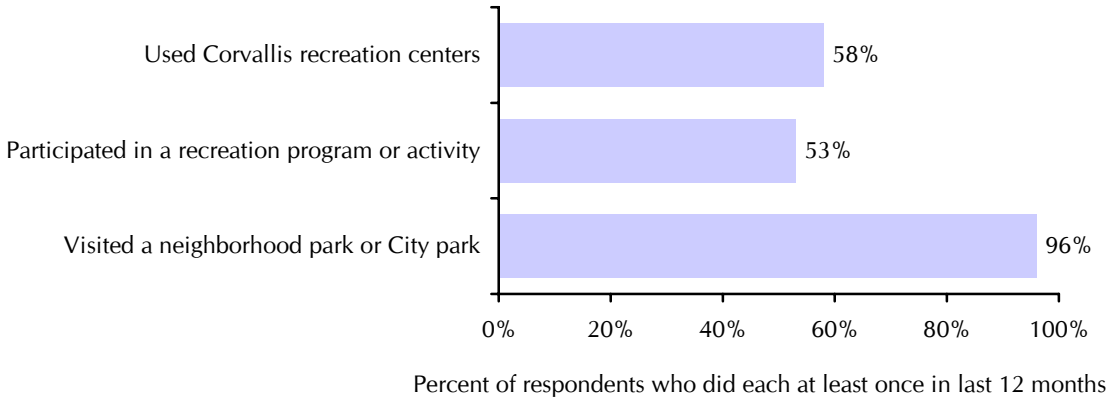


FIGURE 48: PARTICIPATION IN PARKS AND RECREATION OPPORTUNITIES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Used Corvallis recreation centers | Similar | Similar | Similar |
| Participated in a recreation program or activity | Above | Similar | Above |
| Visited a neighborhood park or City park | Above | Above | Above |

FIGURE 49: RATINGS OF PARKS AND RECREATION SERVICES

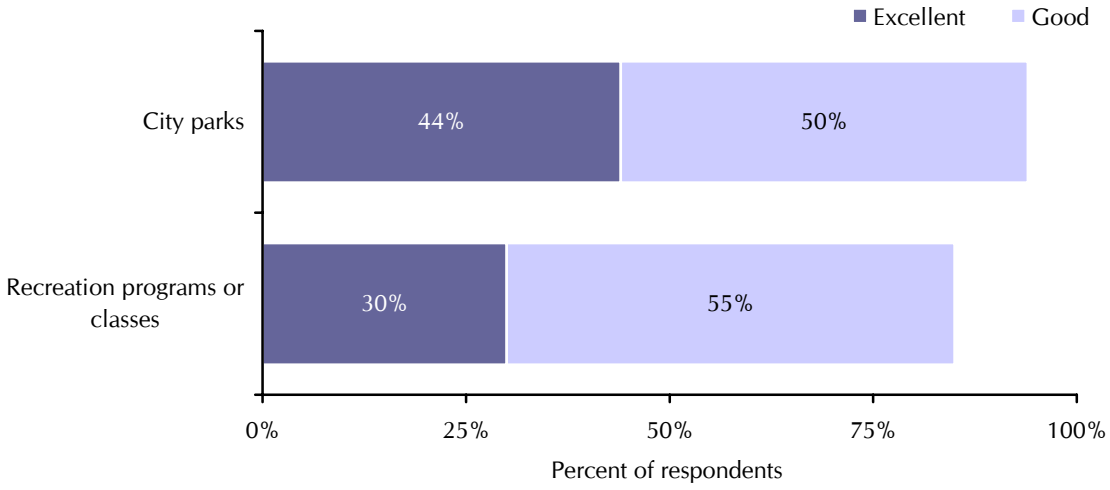


FIGURE 50: PARKS AND RECREATION SERVICES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| City parks | Above | Above | Above |
| Recreation programs or classes | Above | Above | Above |

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## Culture, Arts and Education

A full service community does not address only the life and safety of its residents. Like an individual who drudges to the office and returns home, a community that pays attention only to the life sustaining basics becomes insular, dreary and uninspiring to business and individuals. In the case of communities without thriving culture, arts and education opportunities, the magnet that attracts those who might consider relocating there is vastly weakened. Cultural, artistic, social and educational services elevate the opportunities for personal growth among residents. In the survey, residents were asked about the quality of opportunities to participate in cultural and educational activities.

Opportunities to attend cultural activities was rated as "excellent" or "good" by 16% of respondents. Educational opportunities were rated as "excellent" or "good" by 62% of respondents. Compared to the benchmark data, educational opportunities were above the average of comparison jurisdictions, as was cultural activity opportunities were rated above the benchmark comparisons.

About 83% of Corvallis registered voters used a City library at least once in the twelve months preceding the survey. This participation rate for library use was above comparison jurisdictions.

FIGURE 51: RATINGS OF CULTURAL AND EDUCATIONAL OPPORTUNITIES

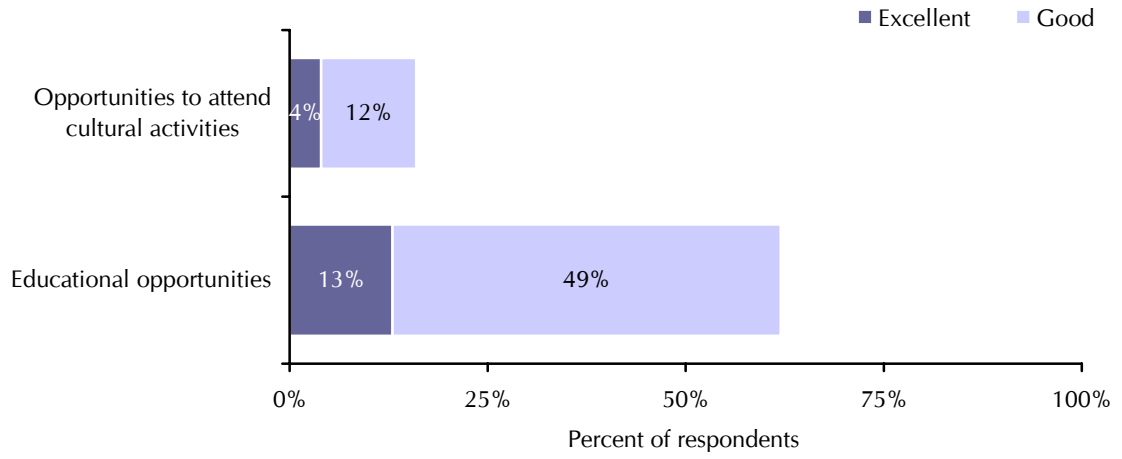


FIGURE 52: CULTURAL AND EDUCATIONAL OPPORTUNITIES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Opportunities to attend cultural activities | Above | Above | Above |
| Educational opportunities | Above | Above | Above |

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FIGURE 53: PARTICIPATION IN CULTURAL AND EDUCATIONAL OPPORTUNITIES

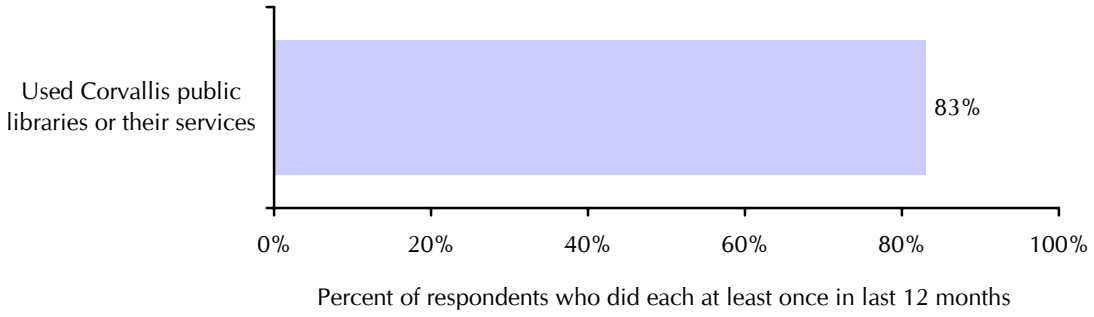


FIGURE 54: PARTICIPATION IN CULTURAL AND EDUCATIONAL OPPORTUNITIES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Used Corvallis public libraries or their services | Above | Above | Above |

FIGURE 55: PERCEPTION OF CULTURAL AND EDUCATIONAL SERVICES

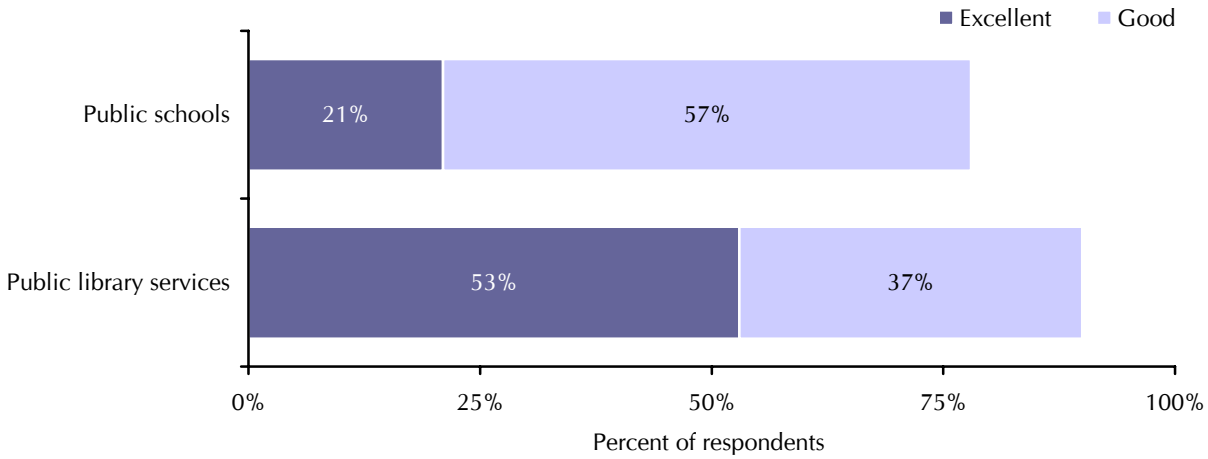


FIGURE 56: CULTURAL AND EDUCATIONAL SERVICES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Public schools | Above | Above | Above |
| Public library services | Above | Above | Above |

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## Health and Wellness

Healthy residents have the wherewithal to contribute to the economy as volunteers or employees and they do not present a burden in cost and time to others. Although residents bear the primary responsibility for their good health, local government provides services that can foster that well being and that provide care when residents are ill.

Residents of the City of Corvallis were asked to rate the community's health services as well as the availability of health care, high quality affordable food and preventive health care services. The availability of quality food, and preventative health services were rated most positively for the City of Corvallis, while the availability for affordable quality health care was rated less favorably by registered voters.

Among Corvallis registered voters, 11% rated affordable quality health care as "excellent" while 39% rated it as "good." Those ratings were above the ratings of comparison communities nationally and for the Western region. This rating was similar to jurisdiction with populations 35,000 to 70,000.

FIGURE 57: RATINGS OF COMMUNITY HEALTH AND WELLNESS ACCESS AND OPPORTUNITIES

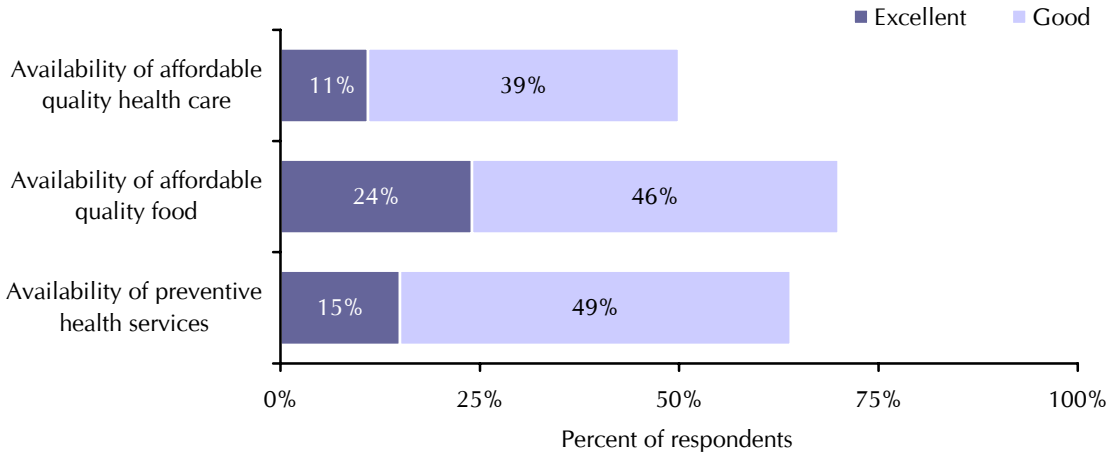


FIGURE 58: COMMUNITY HEALTH AND WELLNESS ACCESS AND OPPORTUNITIES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Availability of affordable quality health care | Above | Above | Similar |
| Availability of affordable quality food | Above | Above | Above |
| Availability of preventive health services | Above | Above | Not available |

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Health services were rated above the benchmarks.

FIGURE 59: RATINGS OF HEALTH AND WELLNESS SERVICES

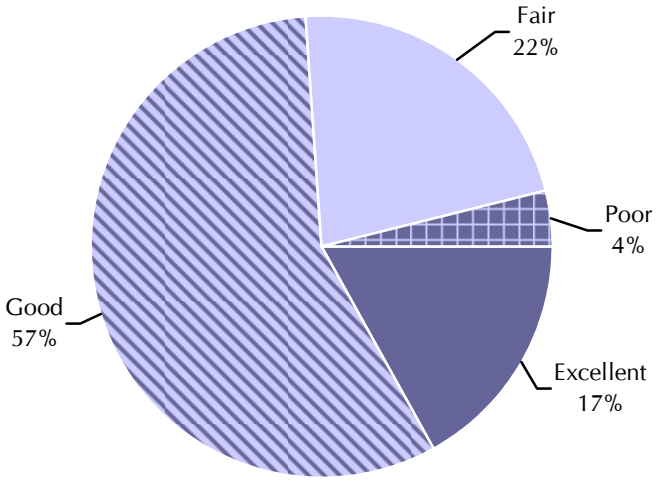


FIGURE 60: HEALTH AND WELLNESS SERVICES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Health services | Above | Above | Above |

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## Community Inclusiveness

Diverse communities that include among their residents a mix of races, ages, wealth, ideas and beliefs have the raw material for the most vibrant and creative society. However, the presence of these features alone does not ensure a high quality or desirable space. Surveyed residents were asked about the success of the mix: the sense of community, the openness of residents to people of diverse backgrounds and the attractiveness of the City of Corvallis as a place to raise children or to retire. They were also questioned about the quality of services delivered to various population subgroups, including older adults, youth and residents with few resources. A community that succeeds in creating an inclusive environment for a variety of residents is a community that offers more to many.

A high percentage of registered voters rated the City of Corvallis as an "excellent" or "good" place to raise kids and a moderate percentage rated it as an excellent or good place to retire. Most registered voters felt that the local sense of community was "excellent" or "good." Most survey respondents felt the City of Corvallis was open and accepting towards people of diverse backgrounds. Availability of affordable quality child care was rated the lowest by registered voters and rated above the Western region comparison, but was similar to the national and custom population comparisons.

Figure 61: Ratings of Community Quality and Inclusiveness

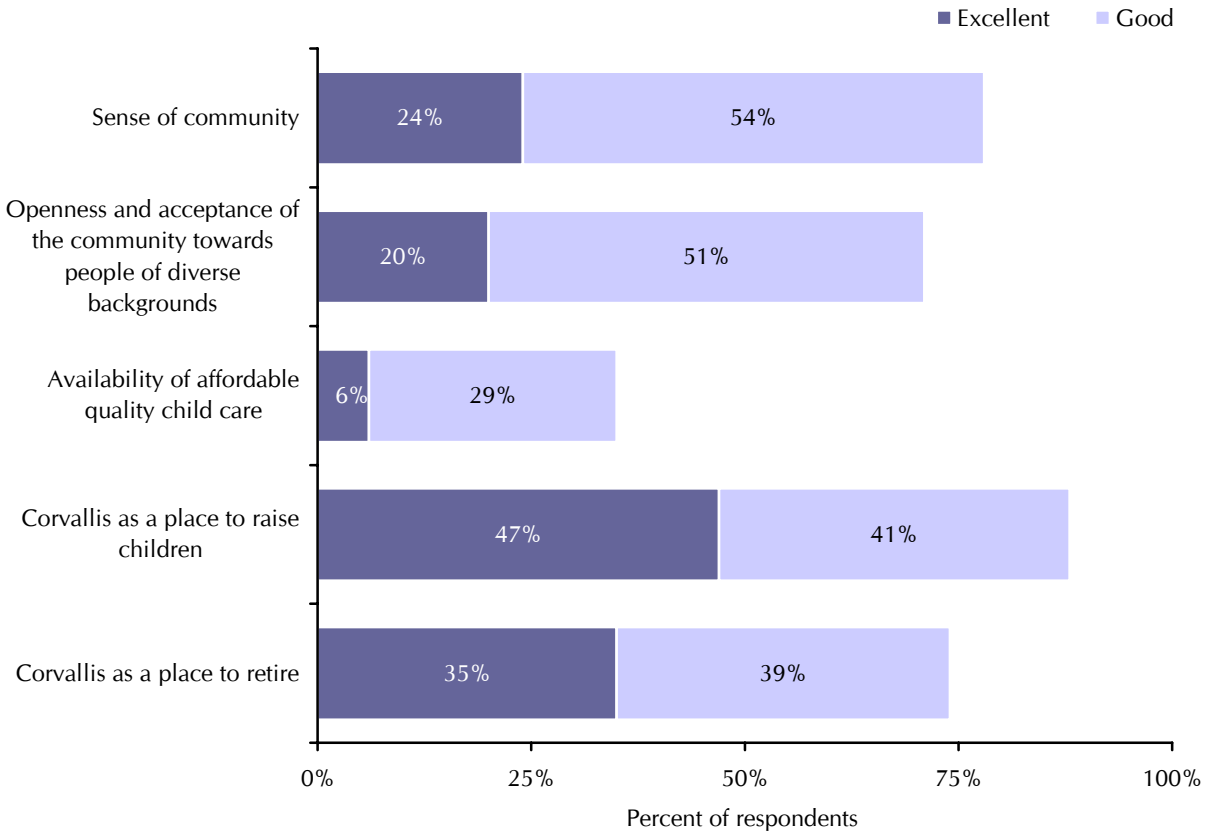


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FIGURE 62: COMMUNITY QUALITY AND INCLUSIVENESS BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Sense of community | Above | Above | Above |
| Openness and acceptance of the community toward people of diverse backgrounds | Above | Above | Above |
| Availability of affordable quality child care | Similar | Above | Similar |
| Corvallis as a place to raise kids | Above | Above | Above |
| Corvallis as a place to retire | Above | Above | Above |

Services to more vulnerable populations (e.g., seniors, youth or low-income residents) ranged from 83% to 51% with ratings of "excellent" or "good." These services were all rated above the benchmarks.

FIGURE 63: RATINGS OF QUALITY OF SERVICES PROVIDED FOR POPULATION SUBGROUPS

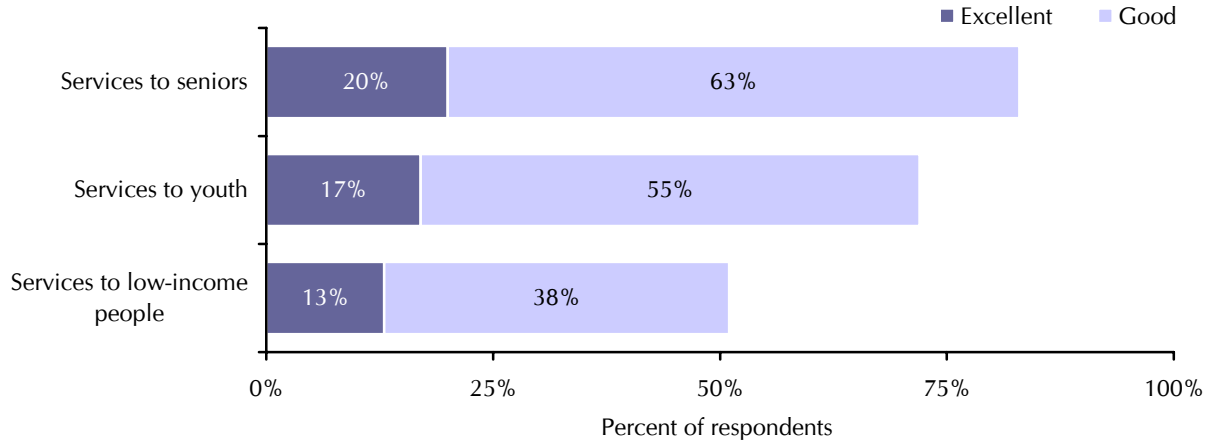


FIGURE 64: SERVICES PROVIDED FOR POPULATION SUBGROUPS BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Services to seniors | Above | Above | Above |
| Services to youth | Above | Above | Above |
| Services to low income residents | Above | Above | Above |

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# Civic Engagement

Government leaders, elected or hired, cannot run a jurisdiction alone and a jurisdiction cannot run effectively if residents remain strangers with little to connect them. Staff and elected officials require the assistance of local residents whether that assistance comes in tacit approval or eager help; and commonality of purpose among the electorate facilitates policies and programs that appeal to most and causes discord among few. Furthermore, when neighbors help neighbors, the cost to the community to provide services to residents in need declines. When residents are civically engaged, they have taken the opportunity to participate in making the community more livable for all. The extent to which local government provides opportunities to become informed and engaged and the extent to which residents take those opportunities is an indicator of the connection between government and populace. By understanding your residents' level of connection to, knowledge of and participation in local government, the City can find better opportunities to communicate and educate citizens about its mission, services, accomplishments and plans. Communities with strong civic engagement may be more likely to see the benefits of programs intended to improve the quality of life of all residents and therefore would be more likely to support those new policies or programs.

## Civic Activity

Respondents were asked about the perceived community volunteering opportunities and their participation as citizens of the City of Corvallis. Survey participants rated the volunteer opportunities in the City of Corvallis favorably. Opportunities to attend or participate in community matters were rated less favorably.

Ratings of civic engagement opportunities were above ratings from comparison jurisdictions.

Figure 65: Ratings of Civic Engagement Opportunities

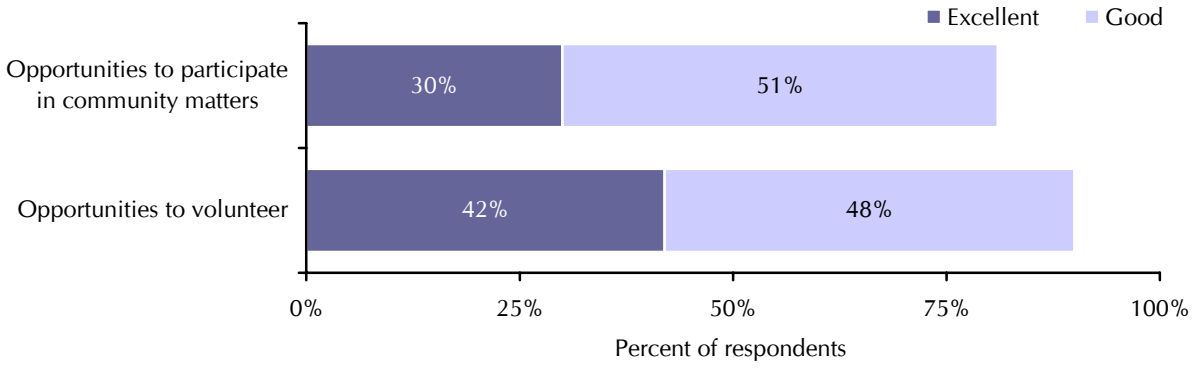


Figure 66: Civic Engagement Opportunities Benchmarks

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Opportunities to participate in community matters | Above | Above | Above |
| Opportunities to volunteer | Above | Above | Above |

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Most of the participants in this survey had not attended a public meeting, volunteered time to a group or participated in a club in the 12 months prior to the survey, but the vast majority had helped a friend. The participation rates of these civic behaviors were compared to the rates in other jurisdictions.

FIGURE 67: PARTICIPATION IN CIVIC ENGAGEMENT OPPORTUNITIES

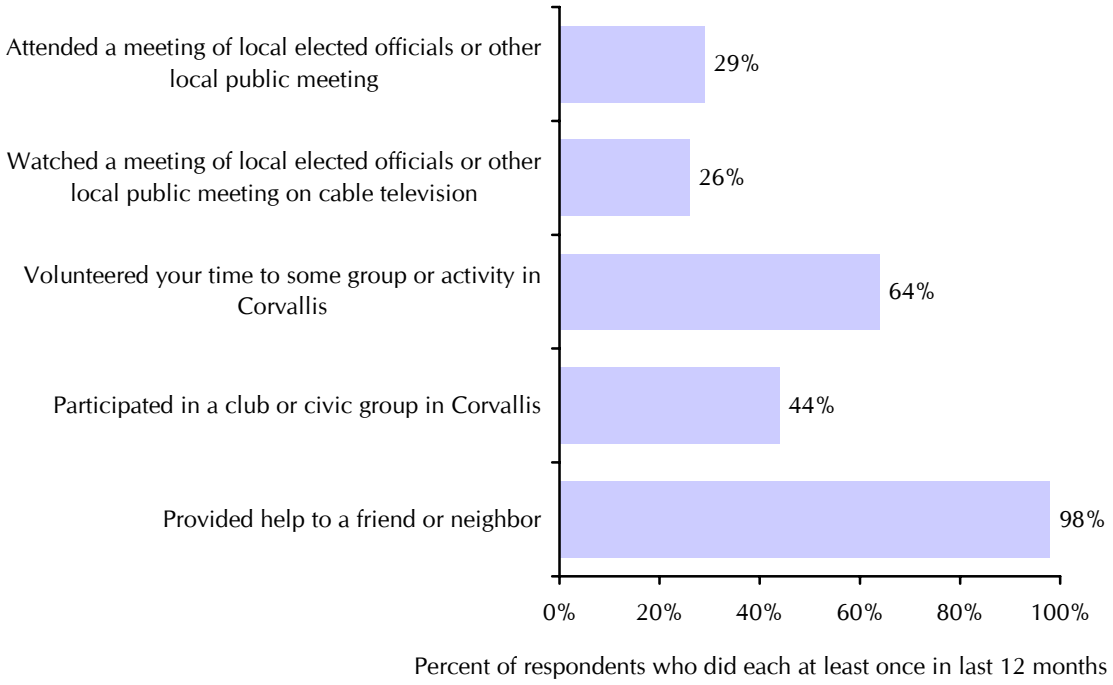


FIGURE 68: PARTICIPATION IN CIVIC ENGAGEMENT OPPORTUNITIES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Attended a meeting of local elected officials or other local public meeting | Similar | Similar | Similar |
| Watched a meeting of local elected officials or other local public meeting on cable television | Below | Below | Below |
| Volunteered your time to some group or activity in Corvallis | Above | Above | Above |
| Participated in a club or civic group in Corvallis | Above | Above | Above |
| Provided help to a friend or neighbor | Above | Above | Above |

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## Information and Awareness

Those completing the survey were asked about their use and perceptions of various information sources and local government media services. When asked whether they had visited the City of Corvallis Web site in the previous 12 months, 61% reported they had done so at least once. Public information services were rated similarly compared to benchmark data.

FIGURE 69: USE OF INFORMATION SOURCES

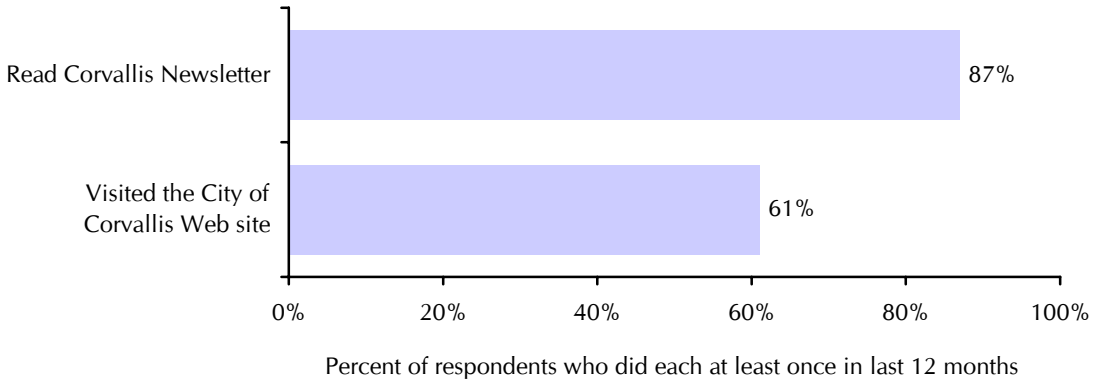


FIGURE 70: USE OF INFORMATION SOURCES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Read Corvallis Newsletter | Above | Above | Above |
| Visited the City of Corvallis Web site | Similar | Similar | Similar |

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FIGURE 71: RATINGS OF LOCAL GOVERNMENT MEDIA SERVICES AND INFORMATION DISSEMINATION

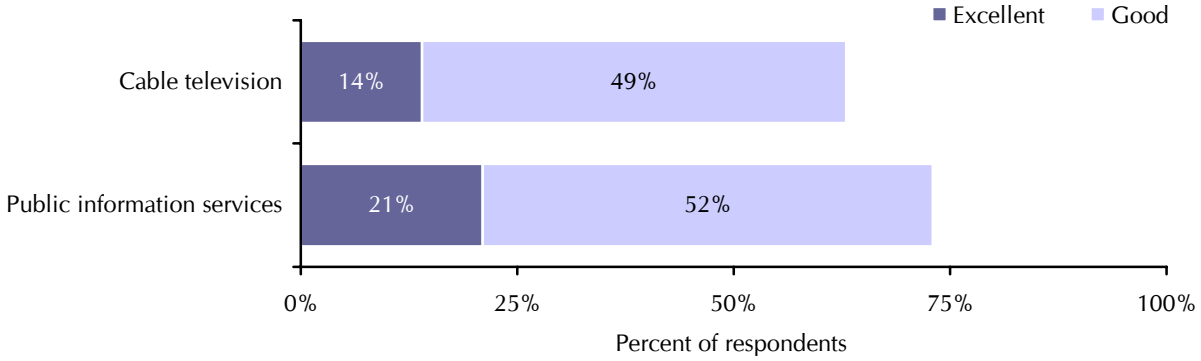


FIGURE 72: LOCAL GOVERNMENT MEDIA SERVICES AND INFORMATION DISSEMINATION BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Cable television | Above | Above | Above |
| Public information services | Above | Above | Above |

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## Social Engagement

Opportunities to participate in social events and activities were rated as "excellent" or "good" by 80% of respondents, while a similar proportion rated opportunities to participate in religious or spiritual events and activities as "excellent" or "good."

FIGURE 73: RATINGS OF SOCIAL ENGAGEMENT OPPORTUNITIES

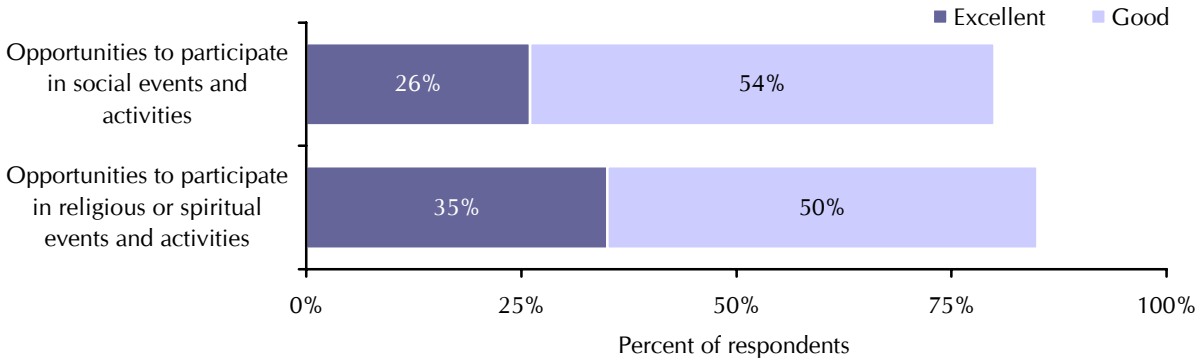


FIGURE 74: SOCIAL ENGAGEMENT OPPORTUNITIES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Opportunities to participate in social events and activities | Above | Above | Above |
| Opportunities to participate in religious or spiritual events | Above | Above | Above |

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Residents in Corvallis reported a fair amount of neighborliness. More than 74% indicated talking or visiting with their neighbors several times a month or more frequently. This amount of contact with neighbors was about the same as the amount of contact reported in other communities.

FIGURE 75: CONTACT WITH IMMEDIATE NEIGHBORS

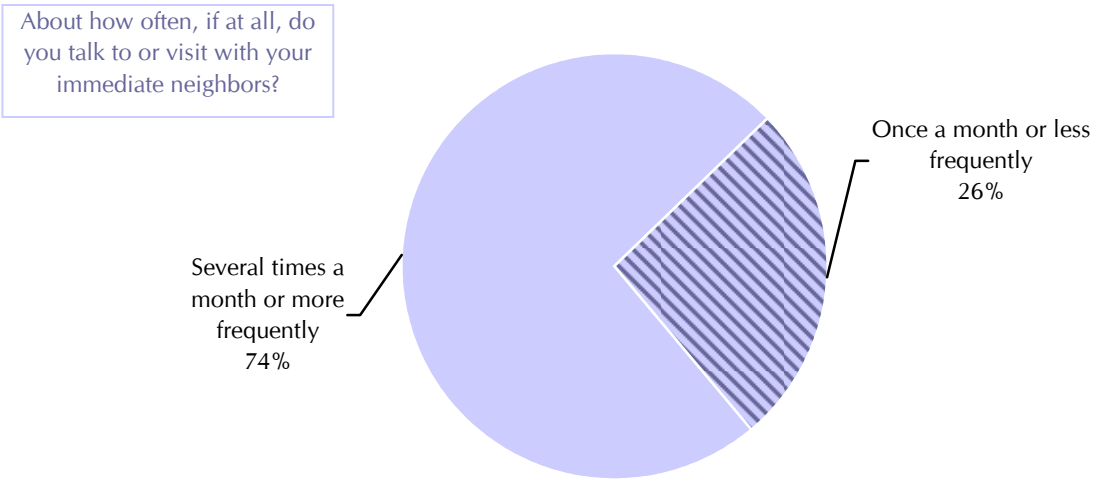


FIGURE 76: CONTACT WITH IMMEDIATE NEIGHBORS BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Has contact with neighbors at least once per month | Similar | Similar | Similar |

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## Public Trust

When local government leaders are trusted, an environment of cooperation is more likely to surround all decisions they make. Cooperation leads to easier communication between leaders and residents and increases the likelihood that high value policies and programs will be implemented to improve the quality of life of the entire community. Trust can be measured in residents' opinions about the overall direction the City of Corvallis is taking, their perspectives about the service value their taxes purchase and the openness of government to citizen participation. In addition, resident opinion about services provided by the City of Corvallis could be compared to their opinion about services provided by the state and federal governments. If residents find nothing to admire in the services delivered by any level of government, their opinions about the City of Corvallis may be colored by their dislike of what all levels of government provide.

A majority of respondents felt that the value of services for taxes paid was "excellent" or "good." When asked to rate the job the City of Corvallis does at listening to citizens, 56% rated it as "excellent" or "good." Of these five ratings, one was above the benchmark comparisons and four were similar to the benchmarks.

Figure 77: Public Trust Ratings

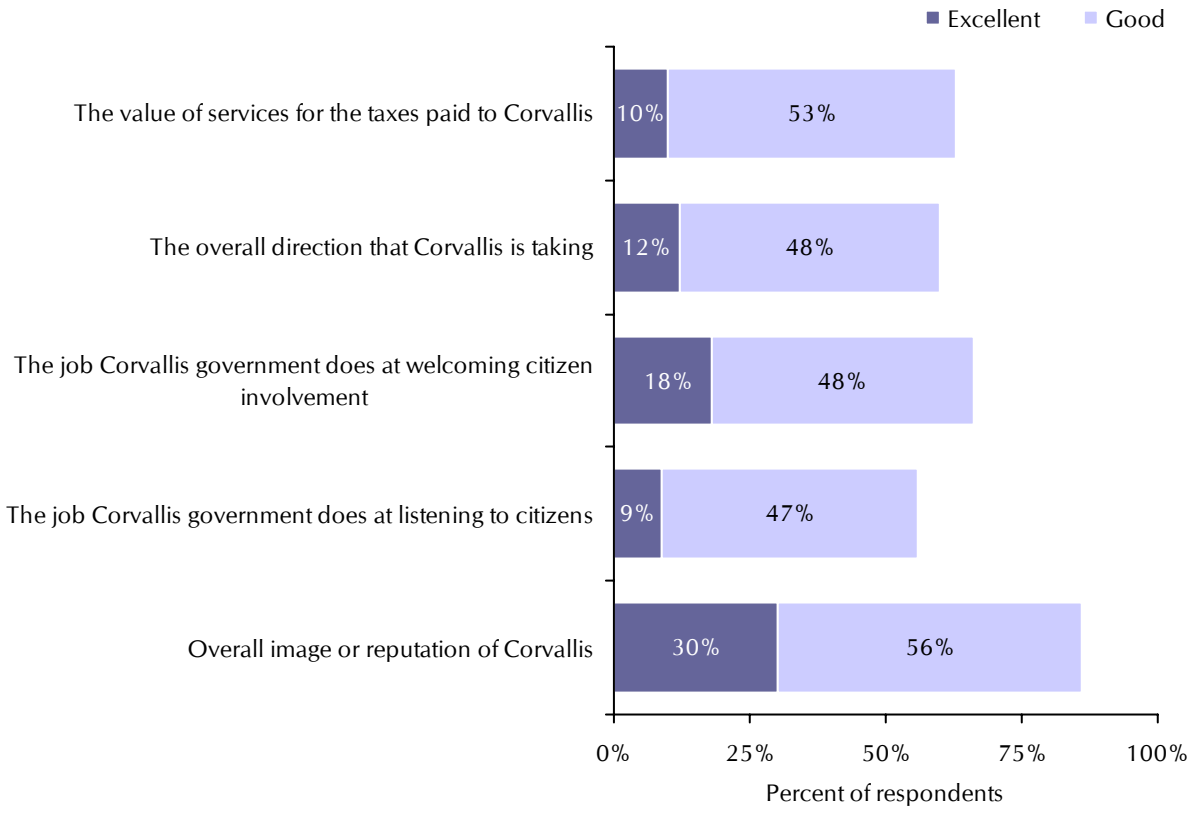


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FIGURE 78: PUBLIC TRUST BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Value of services for the taxes paid to Corvallis | Similar | Similar | Similar |
| The overall direction that Corvallis is taking | Similar | Similar | Similar |
| Job Corvallis government does at welcoming citizen involvement | Similar | Similar | Similar |
| Job Corvallis government does at listening to citizens | Similar | Similar | Similar |
| Overall image or reputation of Corvallis | Above | Above | Above |

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On average, registered voters of the City of Corvallis gave the highest evaluations to their own local government and the lowest average rating to federal government. The overall quality of services delivered by the City of Corvallis was rated as "excellent" or "good" by 82% of survey participants. The City of Corvallis' rating was above the benchmark when compared to other communities.

FIGURE 79: RATINGS OF SERVICES PROVIDED BY LOCAL, STATE AND FEDERAL GOVERNMENTS

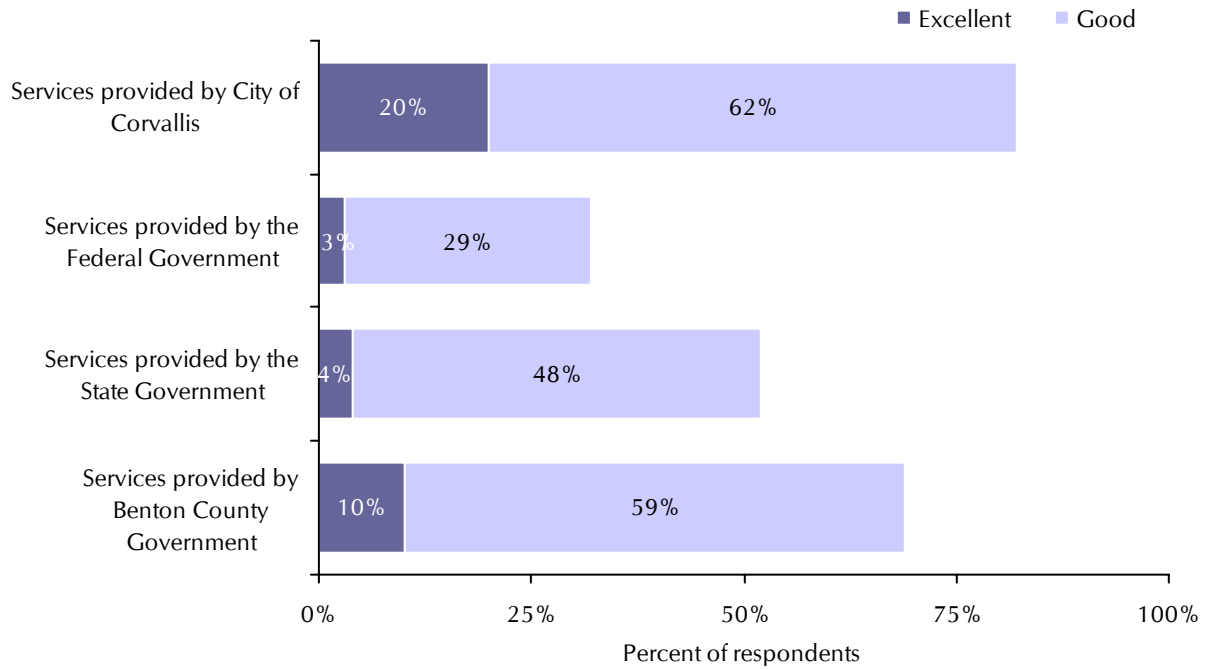


FIGURE 80: SERVICES PROVIDED BY LOCAL, STATE AND FEDERAL GOVERNMENTS BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Services provided by the City of Corvallis | Above | Above | Above |
| Services provided by the Federal Government | Similar | Similar | Below |
| Services provided by the State Government | Above | Above | Above |
| Benton County government general | Above | Above | Above |

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## City of Corvallis Employees

The employees of the City of Corvallis who interact with the public create the first impression that most residents have of the City of Corvallis. Front line staff who provide information, assist with bill paying, collect trash, create service schedules, fight fires and crime and even give traffic tickets are the collective face of the City of Corvallis. As such, it is important to know about residents' experience talking with that "face." When employees appear to be knowledgeable, responsive and courteous, registered voters are more likely to feel that any needs or problems may be solved through positive and productive interactions with the City of Corvallis staff.

Those completing the survey were asked if they had been in contact with a City employee either in-person or over the phone in the last 12 months; the 54% who reported that they had been in contact (a percent that is lower than the benchmark comparisons) were then asked to indicate overall how satisfied they were with the employee in their most recent contact. City employees were rated highly; 79% of respondents rated their overall impression as "excellent" or "good."

FIGURE 81: PROPORTION OF RESPONDENTS WHO HAD CONTACT WITH CITY EMPLOYEES IN PREVIOUS 12 MONTHS

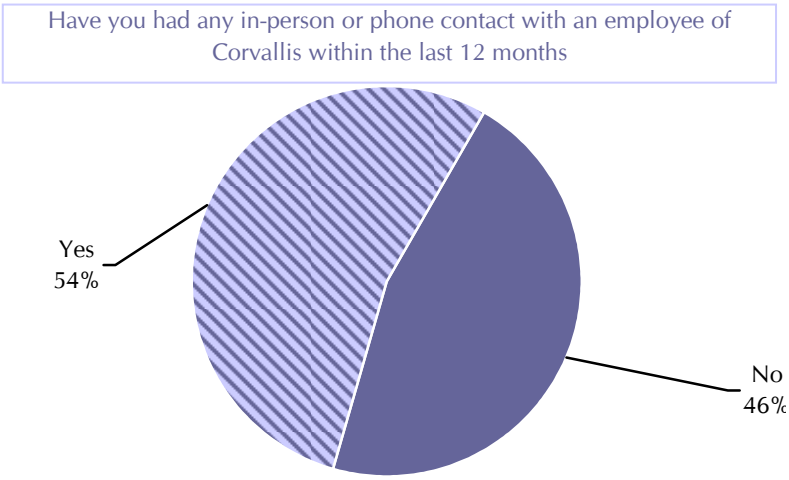


FIGURE 82: CONTACT WITH CITY EMPLOYEES BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| Had contact with city employee(s) in last 12 months | Below | Below | Below |

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FIGURE 83: RATINGS OF CITY EMPLOYEES (AMONG THOSE WHO HAD CONTACT)

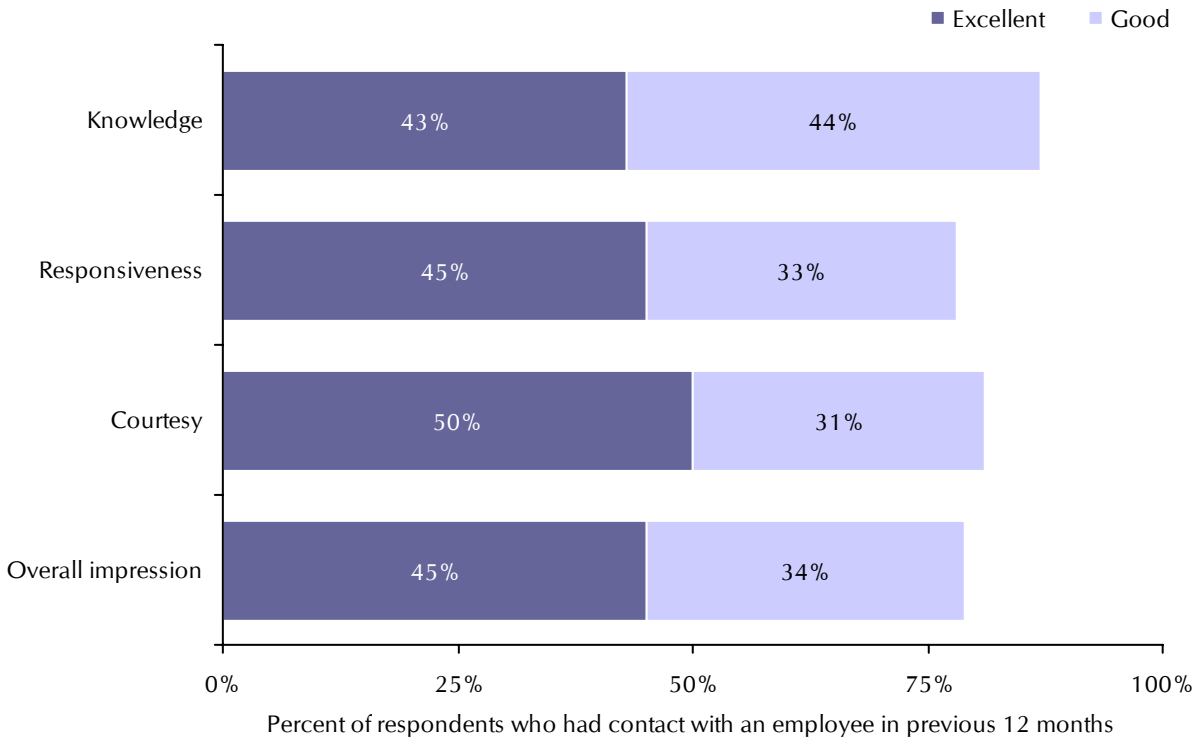


FIGURE 84: RATINGS OF CITY EMPLOYEES (AMONG THOSE WHO HAD CONTACT) BENCHMARKS

| | National comparison | Western region comparison | Populations 35,000-70,000 comparison |
|---|---|---|---|
| City employee knowledge | Above | Above | Above |
| City employee responsiveness | Above | Above | Above |
| City employee courteousness | Above | Above | Above |
| Overall impression | Above | Above | Above |

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# From Data to Action

## Resident Priorities

Knowing where to focus limited resources to improve residents' opinions of local government requires information that targets the services that are most important to residents. However, when residents are asked what services are most important, they rarely stray beyond core services – those directed to save lives and improve safety.

In market research, identifying the most important characteristics of a transaction or product is called Key Driver Analysis. The key drivers that are identified from that analysis do not come from asking customers to self-report which service or product characteristic most influenced their decision to buy or return, but rather from statistical analyses of the predictors of their behavior. When customers are asked to name the most important characteristics of a good or service, responses often are expected or misleading – just as they can be in the context of a citizen survey. For example, air travelers often claim that safety is the primary consideration in their choice of an airline, yet key driver analysis reveals that frequent flier perks or in-flight entertainment predicts their buying decisions.

In local government core services – like fire protection – invariably land at the top of the list created when residents are asked about the most important local government services. And core services are important. But by using Key Driver Analysis, our approach digs deeper to identify the less obvious, but more influential services that are most related to residents' ratings of overall quality of local government services. Because services focused directly on life and safety remain essential to quality government, it is suggested that core services should remain the focus of continuous monitoring and improvement where necessary – but monitoring core services or asking residents to identify important services is not enough.

A Key Driver Analysis (KDA) was conducted for the City of Corvallis by examining the relationships between ratings of each service and ratings of the City of Corvallis' overall services. Those key driver services that correlated most highly with residents' perceptions about overall City service quality have been identified. By targeting improvements in key services, the City of Corvallis can focus on the services that have the greatest likelihood of influencing residents' opinions about overall service quality.

Services found to be most strongly correlated with ratings of overall service quality from the Corvallis Key Driver Analysis were:

- Economic development
- Police services

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## City of Corvallis Action Chart™

The 2008 City of Corvallis Action Chart™ on the following page combines two dimensions of performance:

- Comparison to resident evaluations from other communities. When a comparison is available, the background color of each service box indicates whether the service is above the benchmark (green), similar to the benchmark (yellow) or below the benchmark (red).
- Identification of key services. A black key icon next to a service box indicates that service is key (either core or key driver)

Twenty-two services were included in the KDA for the City of Corvallis. Of these, 18 were above the benchmark, one was below the benchmark and three were similar to the benchmark. The two key drivers are shown.

Considering all performance data included in the Action Chart, a jurisdiction typically will want to consider improvements to any key driver services that are not at least similar to the benchmark. In Corvallis, economic development was below the benchmark and police services were similar to the benchmark. More detail about interpreting results can be found in the next section.

Services with a high percent of respondents answering "don't know" were excluded from the analysis and were considered services that would be less influential. See Appendix A: Complete Survey Frequencies, Frequencies Including "Don't Know" Responses for the percent "don't know" for each service.

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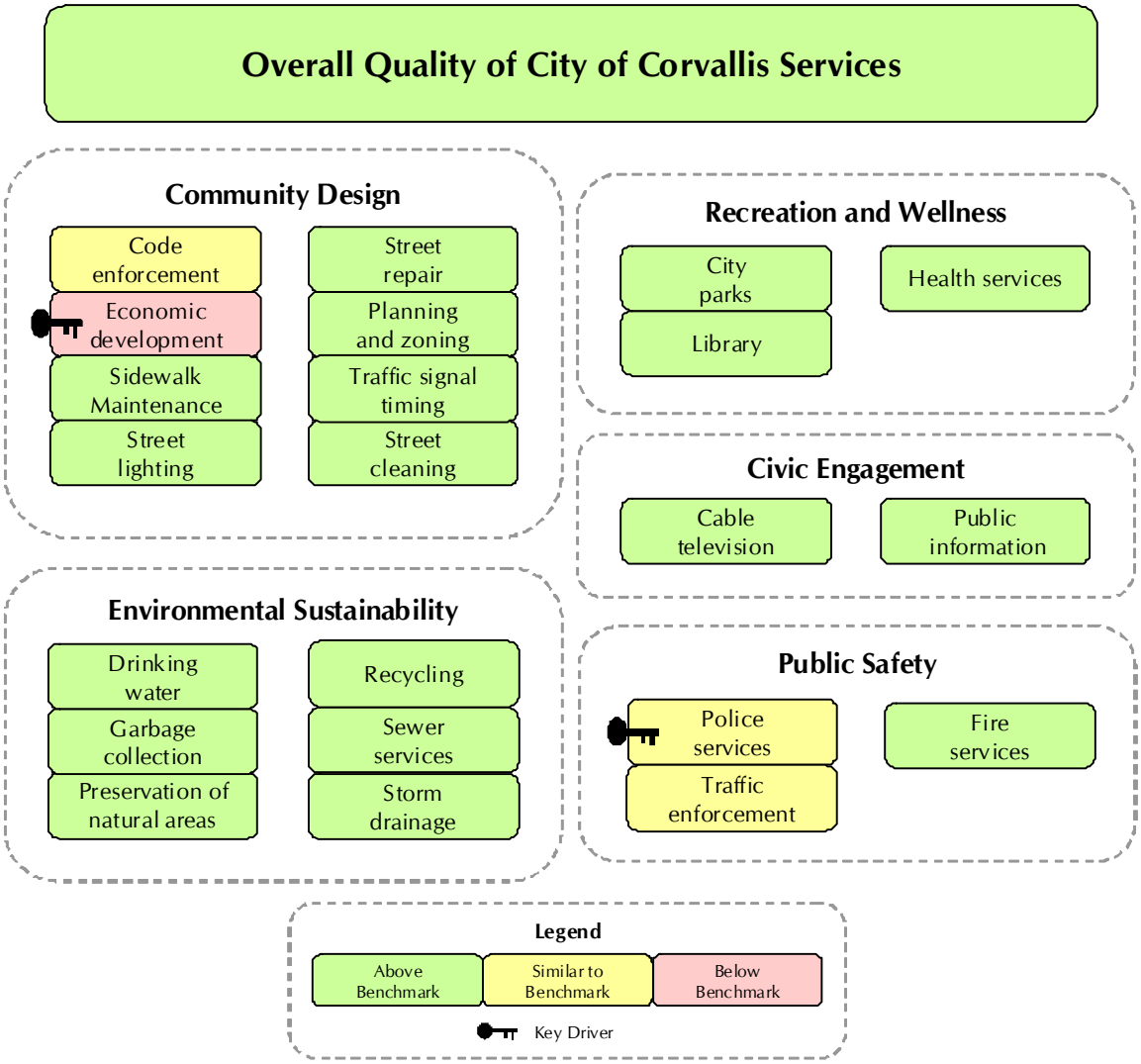
FIGURE 85: CITY OF CORVALLIS ACTION CHART

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## Using Your Action Chart™

The key drivers derived for the City of Corvallis provide a list of those services that are uniquely related to overall service quality. Those key drivers are marked with the symbol of a key in the action chart. Because key driver results are based on a relatively small number of responses, the relationships or correlations that define the key drivers are subject to more variability than is seen when key drivers are derived from a large national dataset of resident responses. To benefit the City of Corvallis, NRC lists the key drivers derived from tens of thousands of resident responses from across the county. This national list is updated periodically so that you can compare your key drivers to the key drivers from the entire NRC data set. Where your locally derived key drivers overlap national key drivers, it makes sense to focus even more strongly on your keys. Similarly, when your local key drivers overlap your core services, there is stronger argument to make for attending to your key drivers that overlap with core services. In the following table, we have listed your key drivers, core services and the national key drivers and we have indicated, with shaded rows, the City of Corvallis key drivers that overlap core services or the nationally derived keys.

FIGURE 86: KEY DRIVERS COMPARED

| Service | City of Corvallis Key Drivers | National Key Drivers | Core Services |
|---|---|---|---|
| Code enforcement | | | ✓ |
| Economic development | ✓ | ✓ | |
| EMS | | | ✓ |
| Fire | | | ✓ |
| Garbage collection | | | ✓ |
| Land use planning and zoning | | ✓ | |
| Police services | ✓ | ✓ | ✓ |
| Public information services | | ✓ | |
| Public schools | | ✓ | |
| Sewer | | | ✓ |
| Storm drainage | | | ✓ |
| Street repair | | | ✓ |
| Water | | | ✓ |

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# Policy Questions

"Don't know" responses have been removed from the following questions, when applicable.

| Policy Question 1 | | | |
|---|---|---|---|
| Please indicate whether each of the following is a preferred source of information for you about the City. | Yes | No | Total |
| "The City" newsletter | 72% | 28% | 100% |
| Information in the Gazette-Times | 76% | 24% | 100% |
| Information in the Barometer | 44% | 56% | 100% |
| Cable's Government Access Channel 21 | 14% | 86% | 100% |
| Annual Reports | 31% | 69% | 100% |
| City Web site | 52% | 48% | 100% |
| Speaking engagement by City official | 16% | 84% | 100% |
| Parks and Recreation Activity Guide | 75% | 25% | 100% |

| Policy Question 2 | | | | |
|---|---|---|---|---|
| Below is a list of possible improvements and additions to the Corvallis Library. Please indicate how valuable, if at all, each service is to your household. If no one in your household has used the Library in the past 12 months, please skip to the next question. | Very valuable | Somewhat valuable | Not valuable | Total |
| More self-checkout machines | 25% | 44% | 31% | 100% |
| E-books | 23% | 41% | 36% | 100% |
| Computer classes | 24% | 39% | 37% | 100% |
| Adult cultural programs | 31% | 46% | 23% | 100% |

| Policy Question 3 | |
|---|---|
| In 2005, the City Council adopted a specific goal to enhance organizational sustainability efforts, focusing on environmental, economic and social issues to guide its activities. Please rate the job the City is doing toward meeting its goal of improving sustainability in City government. | Percent of respondents |
| Excellent | 11% |
| Good | 56% |
| Fair | 28% |
| Poor | 6% |
| Total | 100% |

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# Appendix A: Complete Survey Frequencies

## Frequencies Excluding "Don't Know" Responses

| Question 1: Quality of Life | | | | | |
|---|---|---|---|---|---|
| Please rate each of the following aspects of quality of life in Corvallis: | Excellent | Good | Fair | Poor | Total |
| Corvallis as a place to live | 49% | 44% | 6% | 0% | 100% |
| Your neighborhood as a place to live | 33% | 48% | 17% | 2% | 100% |
| Corvallis as a place to raise children | 47% | 41% | 10% | 2% | 100% |
| Corvallis as a place to work | 25% | 40% | 27% | 8% | 100% |
| Corvallis as a place to retire | 35% | 39% | 18% | 8% | 100% |
| The overall quality of life in Corvallis | 37% | 53% | 10% | 0% | 100% |

| Question 2: Community Characteristics | | | | | |
|---|---|---|---|---|---|
| Please rate each of the following characteristics as they relate to Corvallis as a whole: | Excellent | Good | Fair | Poor | Total |
| Sense of community | 24% | 54% | 20% | 3% | 100% |
| Openness and acceptance of the community towards people of diverse backgrounds | 20% | 51% | 24% | 5% | 100% |
| Overall appearance of Corvallis | 25% | 61% | 13% | 1% | 100% |
| Cleanliness of Corvallis | 28% | 56% | 15% | 1% | 100% |
| Overall quality of new development in Corvallis | 8% | 41% | 40% | 11% | 100% |
| Variety of housing options | 9% | 36% | 41% | 15% | 100% |
| Overall quality of business and service establishments in Corvallis | 11% | 44% | 35% | 10% | 100% |
| Shopping opportunities | 6% | 26% | 37% | 32% | 100% |
| Opportunities to attend cultural activities | 23% | 42% | 31% | 4% | 100% |
| Recreational opportunities | 28% | 51% | 16% | 4% | 100% |
| Employment opportunities | 4% | 21% | 51% | 23% | 100% |
| Educational opportunities | 55% | 37% | 7% | 1% | 100% |
| Opportunities to participate in social events and activities | 26% | 54% | 17% | 3% | 100% |
| Opportunities to participate in religious or spiritual events and activities | 35% | 50% | 12% | 2% | 100% |
| Opportunities to volunteer | 42% | 48% | 9% | 1% | 100% |
| Opportunities to participate in community matters | 30% | 51% | 17% | 3% | 100% |
| Ease of car travel in Corvallis | 21% | 52% | 22% | 5% | 100% |
| Ease of bus travel in Corvallis | 15% | 48% | 29% | 8% | 100% |
| Ease of bicycle travel in Corvallis | 43% | 47% | 10% | 1% | 100% |
| Ease of walking in Corvallis | 43% | 45% | 12% | 1% | 100% |
| Availability of paths and walking trails | 37% | 50% | 13% | 1% | 100% |
| Traffic flow on major streets | 9% | 47% | 38% | 6% | 100% |

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| Question 2: Community Characteristics | | | | | |
|---|---|---|---|---|---|
| Please rate each of the following characteristics as they relate to Corvallis as a whole: | Excellent | Good | Fair | Poor | Total |
| Amount of public parking | 8% | 36% | 39% | 17% | 100% |
| Availability of affordable quality housing | 3% | 22% | 47% | 28% | 100% |
| Availability of affordable quality child care | 6% | 29% | 44% | 21% | 100% |
| Availability of affordable quality health care | 11% | 39% | 35% | 15% | 100% |
| Availability of affordable quality food | 24% | 46% | 27% | 4% | 100% |
| Availability of preventive health services | 15% | 49% | 31% | 5% | 100% |
| Air quality | 34% | 52% | 12% | 2% | 100% |
| Quality of overall natural environment in Corvallis | 36% | 57% | 7% | 1% | 100% |
| Overall image or reputation of Corvallis | 30% | 56% | 13% | 1% | 100% |

| Question 3: Growth | | | | | | |
|---|---|---|---|---|---|---|
| Please rate the speed of growth in the following categories in Corvallis over the past 2 years: | Much too slow | Somewhat too slow | Right amount | Somewhat too fast | Much too fast | Total |
| Population growth | 4% | 5% | 67% | 21% | 3% | 100% |
| Retail growth (stores, restaurants, etc.) | 16% | 27% | 42% | 12% | 3% | 100% |
| Jobs growth | 29% | 50% | 20% | 1% | 0% | 100% |

| Question 4: Code Enforcement | |
|---|---|
| To what degree, if at all, are run down buildings, weed lots or junk vehicles a problem in Corvallis? | Percent of respondents |
| Not a problem | 15% |
| Minor problem | 55% |
| Moderate problem | 25% |
| Major problem | 5% |
| Total | 100% |

| Question 5: Community Safety | | | | | | |
|---|---|---|---|---|---|---|
| Please rate how safe or unsafe you feel from the following in Corvallis: | Very safe | Somewhat safe | Neither safe nor unsafe | Somewhat unsafe | Very unsafe | Total |
| Violent crime (e.g., rape, assault, robbery) | 51% | 36% | 7% | 5% | 1% | 100% |
| Property crimes (e.g., burglary, theft) | 20% | 46% | 15% | 15% | 4% | 100% |
| Environmental hazards, including toxic waste | 50% | 34% | 11% | 4% | 1% | 100% |

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| Question 6: Personal Safety | | | | | | |
|---|---|---|---|---|---|---|
| Please rate how safe or unsafe you feel: | Very safe | Somewhat safe | Neither safe nor unsafe | Somewhat unsafe | Very unsafe | Total |
| In your neighborhood during the day | 83% | 14% | 2% | 1% | 0% | 100% |
| In your neighborhood after dark | 42% | 41% | 7% | 8% | 2% | 100% |
| In Corvallis' downtown area during the day | 78% | 18% | 3% | 1% | 0% | 100% |
| In Corvallis' downtown area after dark | 30% | 46% | 13% | 10% | 1% | 100% |

| Question 7: Crime Victim | |
|---|---|
| During the past twelve months, were you or anyone in your household the victim of any crime? | Percent of respondents |
| No | 83% |
| Yes | 17% |
| Total | 100% |

| Question 8: Crime Reporting | |
|---|---|
| If yes, was this crime (these crimes) reported to the police? | Percent of respondents |
| No | 43% |
| Yes | 57% |
| Total | 100% |

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| Question 9: Resident Behaviors | | | | | | |
|---|---|---|---|---|---|---|
| In the last 12 months, about how many times, if ever, have you or other household members participated in the following activities in Corvallis? | Never | Once or twice | 3 to 12 times | 13 to 26 times | More than 26 times | Total |
| Used Corvallis public libraries or their services | 17% | 20% | 30% | 14% | 19% | 100% |
| Used Corvallis recreation centers | 42% | 20% | 18% | 8% | 11% | 100% |
| Participated in a recreation program or activity | 47% | 19% | 17% | 7% | 9% | 100% |
| Visited a neighborhood park or City park | 4% | 12% | 31% | 22% | 31% | 100% |
| Ridden a local bus within Corvallis | 61% | 16% | 13% | 3% | 7% | 100% |
| Attended a meeting of local elected officials or other local public meeting | 71% | 17% | 8% | 3% | 1% | 100% |
| Watched a meeting of local elected officials or other local public meeting on cable television | 74% | 15% | 9% | 1% | 1% | 100% |
| Read Corvallis Newsletter | 13% | 19% | 52% | 9% | 7% | 100% |
| Visited the City of Corvallis Web site | 39% | 29% | 25% | 5% | 3% | 100% |
| Recycled used paper, cans or bottles from your home | 1% | 1% | 4% | 10% | 83% | 100% |
| Volunteered your time to some group or activity in Corvallis | 36% | 20% | 21% | 7% | 16% | 100% |
| Participated in a club or civic group in Corvallis | 56% | 12% | 14% | 6% | 12% | 100% |
| Provided help to a friend or neighbor | 2% | 14% | 45% | 19% | 19% | 100% |

| Question 10: Neighborliness | |
|---|---|
| About how often, if at all, do you talk to or visit with your immediate neighbors (people who live in the 10 or 20 households that are closest to you)? | Percent of respondents |
| Just about everyday | 19% |
| Several times a week | 28% |
| Several times a month | 27% |
| Once a month | 9% |
| Several times a year | 10% |
| Once a year or less | 3% |
| Never | 4% |
| Total | 100% |

| Question 11: Service Quality | | | | | |
|---|---|---|---|---|---|
| Please rate the quality of each of the following services in Corvallis: | Excellent | Good | Fair | Poor | Total |
| Police services | 22% | 57% | 17% | 4% | 100% |
| Fire services | 43% | 53% | 4% | 1% | 100% |
| Ambulance or emergency medical services | 46% | 48% | 6% | 0% | 100% |
| Crime prevention | 16% | 57% | 22% | 6% | 100% |

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| Question 11: Service Quality | | | | | |
|---|---|---|---|---|---|
| Please rate the quality of each of the following services in Corvallis: | Excellent | Good | Fair | Poor | Total |
| Fire prevention and education | 28% | 60% | 12% | 1% | 100% |
| Municipal courts | 15% | 59% | 20% | 6% | 100% |
| Traffic enforcement | 12% | 49% | 31% | 8% | 100% |
| Street repair | 5% | 45% | 39% | 11% | 100% |
| Street cleaning | 21% | 59% | 17% | 3% | 100% |
| Street lighting | 11% | 54% | 29% | 7% | 100% |
| Snow removal | 8% | 54% | 33% | 6% | 100% |
| Sidewalk maintenance | 8% | 48% | 37% | 8% | 100% |
| Traffic signal timing | 14% | 47% | 29% | 10% | 100% |
| Bus or transit services | 21% | 50% | 21% | 7% | 100% |
| Garbage collection | 40% | 49% | 9% | 2% | 100% |
| Recycling | 56% | 33% | 9% | 2% | 100% |
| Yard waste pick-up | 43% | 44% | 11% | 1% | 100% |
| Storm drainage | 17% | 59% | 20% | 4% | 100% |
| Drinking water | 33% | 45% | 18% | 5% | 100% |
| Sewer services | 27% | 58% | 14% | 1% | 100% |
| City parks | 44% | 50% | 6% | 0% | 100% |
| Recreation programs or classes | 30% | 55% | 14% | 0% | 100% |
| Land use, planning and zoning | 9% | 43% | 33% | 15% | 100% |
| Code enforcement (weeds, abandoned buildings, etc) | 6% | 41% | 38% | 14% | 100% |
| Animal control | 11% | 54% | 26% | 9% | 100% |
| Economic development | 3% | 40% | 39% | 18% | 100% |
| Health services | 17% | 57% | 22% | 4% | 100% |
| Services to seniors | 20% | 63% | 16% | 1% | 100% |
| Services to youth | 17% | 55% | 24% | 4% | 100% |
| Services to low-income people | 13% | 38% | 36% | 14% | 100% |
| Public library services | 53% | 37% | 10% | 0% | 100% |
| Public information services | 21% | 52% | 24% | 3% | 100% |
| Public schools | 21% | 57% | 20% | 2% | 100% |
| Cable television | 14% | 49% | 26% | 11% | 100% |
| Emergency preparedness (services that prepare the community for natural disasters or other emergency situations) | 8% | 52% | 30% | 10% | 100% |
| Preservation of natural areas such as open space, farmlands and greenbelts | 21% | 53% | 22% | 4% | 100% |
| Osborn Aquatic Center | 38% | 53% | 8% | 0% | 100% |
| Chintimini Senior Center | 25% | 60% | 14% | 1% | 100% |

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| Question 12: Government Services Overall | | | | | |
|---|---|---|---|---|---|
| Overall, how would you rate the quality of the services provided by each of the following? | Excellent | Good | Fair | Poor | Total |
| The City of Corvallis | 20% | 62% | 16% | 1% | 100% |
| The Federal Government | 3% | 29% | 49% | 18% | 100% |
| The State Government | 4% | 48% | 43% | 5% | 100% |
| Benton County Government | 10% | 59% | 28% | 3% | 100% |

| Question 13: Contact with City Employees | |
|---|---|
| Have you had any in-person or phone contact with an employee of the City of Corvallis within the last 12 months (including police, receptionists, planners or any others)? | Percent of respondents |
| No | 46% |
| Yes | 54% |
| Total | 100% |

| Question 14: City Employees | | | | | |
|---|---|---|---|---|---|
| What was your impression of the employee(s) of the City of Corvallis in your most recent contact? | Excellent | Good | Fair | Poor | Total |
| Knowledge | 43% | 44% | 11% | 2% | 100% |
| Responsiveness | 45% | 33% | 17% | 5% | 100% |
| Courtesy | 50% | 31% | 13% | 6% | 100% |
| Overall impression | 45% | 34% | 16% | 5% | 100% |

| Question 15: Government Performance | | | | | |
|---|---|---|---|---|---|
| Please rate the following categories of Corvallis government performance: | Excellent | Good | Fair | Poor | Total |
| The value of services for the taxes paid to Corvallis | 10% | 53% | 29% | 7% | 100% |
| The overall direction that Corvallis is taking | 12% | 48% | 30% | 10% | 100% |
| The job Corvallis government does at welcoming citizen involvement | 18% | 48% | 26% | 8% | 100% |
| The job Corvallis government does at listening to citizens | 9% | 47% | 30% | 15% | 100% |

| Question 16: Recommendation and Longevity | | | | | |
|---|---|---|---|---|---|
| Please indicate how likely or unlikely you are to do each of the following: | Very likely | Somewhat likely | Somewhat unlikely | Very unlikely | Total |
| Recommend living in Corvallis to someone who asks | 55% | 36% | 7% | 2% | 100% |
| Remain in Corvallis for the next five years | 53% | 24% | 10% | 13% | 100% |

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| Question 17: Impact of the Economy | |
|---|---|
| What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be: | Percent of respondents |
| Very positive | 1% |
| Somewhat positive | 5% |
| Neutral | 39% |
| Somewhat negative | 45% |
| Very negative | 10% |
| Total | 100% |

| Question 18a: Policy Question 1 | | | |
|---|---|---|---|
| Please indicate whether each of the following is a preferred source of information for you about the City. | Yes | No | Total |
| "The City" newsletter | 72% | 28% | 100% |
| Information in the Gazette-Times | 76% | 24% | 100% |
| Information in the Barometer | 44% | 56% | 100% |
| Cable's Government Access Channel 21 | 14% | 86% | 100% |
| Annual Reports | 31% | 69% | 100% |
| City Web site | 52% | 48% | 100% |
| Speaking engagement by City official | 16% | 84% | 100% |
| Parks and Recreation Activity Guide | 75% | 25% | 100% |

| Question 18b: Policy Question 2 | | | | |
|---|---|---|---|---|
| Below is a list of possible improvements and additions to the Corvallis Library. Please indicate how valuable, if at all, each service is to your household. If no one in your household has used the Library in the past 12 months, please skip to the next question. | Very valuable | Somewhat valuable | Not valuable | Total |
| More self-checkout machines | 25% | 44% | 31% | 100% |
| E-books | 23% | 41% | 36% | 100% |
| Computer classes | 24% | 39% | 37% | 100% |
| Adult cultural programs | 31% | 46% | 23% | 100% |

| Question 18c: Policy Question 3 | |
|---|---|
| In 2005, the City Council adopted a specific goal to enhance organizational sustainability efforts, focusing on environmental, economic and social issues to guide its activities. Please rate the job the City is doing toward meeting its goal of improving sustainability in City government. | Percent of respondents |
| Excellent | 11% |
| Good | 56% |
| Fair | 28% |
| Poor | 6% |
| Total | 100% |

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| Question D1: Employment Status | |
|---|---|
| Are you currently employed for pay? | Percent of respondents |
| No | 33% |
| Yes, full-time | 48% |
| Yes, part-time | 19% |
| Total | 100% |

| Question D2: Mode of Transportation Used for Commute | |
|---|---|
| During a typical week, how many days do you commute to work (for the longest distance of your commute) in each of the ways listed below? | Percent of days mode used |
| Motorized vehicle (e.g., car, truck, van, motorcycle, etc...) by myself | 46% |
| Motorized vehicle (e.g., car, truck, van, motorcycle, etc...) with other children or adults | 11% |
| Bus, rail, subway or other public transportation | 3% |
| Walk | 12% |
| Bicycle | 22% |
| Work at home | 6% |
| Other | 1% |

| Question D3: Length of Residency | |
|---|---|
| How many years have you lived in Corvallis? | Percent of respondents |
| Less than 2 years | 14% |
| 2 to 5 years | 23% |
| 6 to 10 years | 19% |
| 11 to 20 years | 15% |
| More than 20 years | 29% |
| Total | 100% |

| Question D4: Housing Unit Type | |
|---|---|
| Which best describes the building you live in? | Percent of respondents |
| One family house detached from any other houses | 68% |
| House attached to one or more houses (e.g., a duplex or townhome) | 10% |
| Building with two or more apartments or condominiums | 19% |
| Mobile home | 1% |
| Other | 3% |
| Total | 100% |

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| Question D5: Housing Tenure (Rent/Own) | |
|---|---|
| Is this house, apartment or mobile home... | Percent of respondents |
| Rented for cash or occupied without cash payment | 41% |
| Owned by you or someone in this house with a mortgage or free and clear | 59% |
| Total | 100% |

| Question D6: Monthly Housing Cost | |
|---|---|
| About how much is your monthly housing cost for the place you live (including rent, mortgage payment, property tax, property insurance and homeowners" association (HOA) fees)? | Percent of respondents |
| Less than $300 per month | 7% |
| $300 to $599 per month | 23% |
| $600 to $999 per month | 29% |
| $1,000 to $1,499 per month | 22% |
| $1,500 to $2,499 per month | 14% |
| $2,500 or more per month | 4% |
| Total | 100% |

| Question D7: Presence of Children in Household | |
|---|---|
| Do any children 17 or under live in your household? | Percent of respondents |
| No | 73% |
| Yes | 27% |
| Total | 100% |

| Question D8: Presence of Older Adults in Household | |
|---|---|
| Are you or any other members of your household aged 65 or older? | Percent of respondents |
| No | 80% |
| Yes | 20% |
| Total | 100% |

| Question D9: Household Income | |
|---|---|
| How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.) | Percent of respondents |
| Less than $24,999 | 24% |
| $25,000 to $49,999 | 27% |
| $50,000 to $99,999 | 32% |
| $100,000 to $149,000 | 13% |
| $150,000 or more | 4% |
| Total | 100% |

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| Question D10: Ethnicity | |
|---|---|
| Are you Spanish, Hispanic or Latino? | Percent of respondents |
| No, not Spanish, Hispanic or Latino | 97% |
| Yes, I consider myself to be Spanish, Hispanic or Latino | 3% |
| Total | 100% |

| Question D11: Race | |
|---|---|
| What is your race? (Mark one or more races to indicate what race(s) you consider yourself to be.) | Percent of respondents |
| American Indian or Alaskan Native | 2% |
| Asian, Asian Indian or Pacific Islander | 3% |
| Black or African American | 0% |
| White | 93% |
| Other | 4% |
| Total may exceed 100% as respondents could select more than one option | |

| Question D12: Age | |
|---|---|
| In which category is your age? | Percent of respondents |
| 18 to 24 years | 15% |
| 25 to 34 years | 32% |
| 35 to 44 years | 10% |
| 45 to 54 years | 16% |
| 55 to 64 years | 12% |
| 65 to 74 years | 8% |
| 75 years or older | 7% |
| Total | 100% |

| Question D13: Gender | |
|---|---|
| What is your sex? | Percent of respondents |
| Female | 51% |
| Male | 49% |
| Total | 100% |

| Question D15: Voted in Last General Election | |
|---|---|
| Many people don't have time to vote in elections. Did you vote in the last general election? | Percent of respondents |
| No | 4% |
| Yes | 95% |
| Ineligible to vote | 2% |
| Total | 100% |

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## Frequencies Including "Don't Know" Responses

These tables contain the percentage of respondents for each response category as well as the "n" or total number of respondents for each category, next to the percentage.

| Question 1: Quality of Life | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Please rate each of the following aspects of quality of life in Corvallis: | Excellent | | Good | | Fair | | Poor | | Don't know | | Total | |
| Corvallis as a place to live | 49% | 245 | 44% | 220 | 6% | 29 | 0% | 2 | 0% | 0 | 100% | 496 |
| Your neighborhood as a place to live | 33% | 163 | 48% | 238 | 17% | 85 | 2% | 9 | 0% | 0 | 100% | 494 |
| Corvallis as a place to raise children | 40% | 198 | 35% | 171 | 9% | 42 | 2% | 7 | 15% | 71 | 100% | 490 |
| Corvallis as a place to work | 23% | 113 | 36% | 178 | 25% | 121 | 8% | 38 | 8% | 39 | 100% | 489 |
| Corvallis as a place to retire | 27% | 131 | 29% | 144 | 14% | 68 | 6% | 31 | 24% | 116 | 100% | 491 |
| The overall quality of life in Corvallis | 37% | 181 | 53% | 262 | 9% | 47 | 0% | 1 | 0% | 2 | 100% | 492 |

| Question 2: Community Characteristics | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Please rate each of the following characteristics as they relate to Corvallis as a whole: | Excellent | | Good | | Fair | | Poor | | Don't know | | Total | |
| Sense of community | 23% | 114 | 52% | 254 | 19% | 92 | 3% | 13 | 3% | 15 | 100% | 489 |
| Openness and acceptance of the community towards people of diverse backgrounds | 19% | 93 | 48% | 239 | 22% | 111 | 5% | 23 | 6% | 29 | 100% | 495 |
| Overall appearance of Corvallis | 25% | 123 | 61% | 300 | 13% | 65 | 1% | 7 | 0% | 0 | 100% | 495 |
| Cleanliness of Corvallis | 28% | 139 | 56% | 274 | 15% | 72 | 1% | 7 | 0% | 1 | 100% | 493 |
| Overall quality of new development in Corvallis | 7% | 37 | 36% | 179 | 36% | 175 | 10% | 50 | 11% | 53 | 100% | 493 |
| Variety of housing options | 9% | 42 | 33% | 163 | 38% | 186 | 14% | 67 | 7% | 36 | 100% | 494 |
| Overall quality of business and service establishments in Corvallis | 10% | 51 | 44% | 214 | 35% | 171 | 10% | 47 | 2% | 9 | 100% | 491 |
| Shopping opportunities | 6% | 29 | 26% | 128 | 37% | 180 | 32% | 156 | 0% | 1 | 100% | 494 |
| Opportunities to attend cultural activities | 22% | 106 | 40% | 197 | 30% | 148 | 4% | 21 | 5% | 23 | 100% | 495 |
| Recreational opportunities | 27% | 136 | 50% | 245 | 16% | 78 | 4% | 22 | 3% | 13 | 100% | 494 |
| Employment opportunities | 4% | 18 | 19% | 91 | 45% | 221 | 21% | 101 | 12% | 59 | 100% | 491 |
| Educational opportunities | 55% | 271 | 36% | 179 | 7% | 34 | 1% | 4 | 1% | 6 | 100% | 494 |

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| Question 2: Community Characteristics | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Please rate each of the following characteristics as they relate to Corvallis as a whole: | Excellent | | Good | | Fair | | Poor | | Don't know | | Total | |
| Opportunities to participate in social events and activities | 25% | 121 | 52% | 255 | 16% | 81 | 3% | 14 | 4% | 20 | 100% | 492 |
| Opportunities to participate in religious or spiritual events and activities | 28% | 137 | 40% | 195 | 9% | 46 | 2% | 9 | 21% | 105 | 100% | 492 |
| Opportunities to volunteer | 38% | 186 | 44% | 216 | 8% | 41 | 1% | 3 | 10% | 49 | 100% | 495 |
| Opportunities to participate in community matters | 26% | 127 | 45% | 219 | 15% | 71 | 2% | 12 | 12% | 61 | 100% | 490 |
| Ease of car travel in Corvallis | 21% | 105 | 51% | 253 | 21% | 106 | 5% | 25 | 1% | 7 | 100% | 495 |
| Ease of bus travel in Corvallis | 11% | 55 | 36% | 175 | 22% | 108 | 6% | 29 | 25% | 124 | 100% | 492 |
| Ease of bicycle travel in Corvallis | 40% | 194 | 43% | 210 | 9% | 43 | 1% | 5 | 8% | 39 | 100% | 490 |
| Ease of walking in Corvallis | 42% | 209 | 44% | 219 | 12% | 59 | 0% | 2 | 1% | 4 | 100% | 493 |
| Availability of paths and walking trails | 36% | 178 | 49% | 239 | 12% | 61 | 1% | 3 | 2% | 11 | 100% | 491 |
| Traffic flow on major streets | 9% | 44 | 47% | 229 | 37% | 184 | 6% | 32 | 0% | 2 | 100% | 491 |
| Amount of public parking | 7% | 36 | 35% | 172 | 38% | 186 | 16% | 80 | 3% | 14 | 100% | 489 |
| Availability of affordable quality housing | 3% | 13 | 19% | 94 | 41% | 199 | 24% | 117 | 13% | 62 | 100% | 486 |
| Availability of affordable quality child care | 2% | 11 | 11% | 53 | 16% | 79 | 8% | 37 | 63% | 305 | 100% | 485 |
| Availability of affordable quality health care | 9% | 44 | 30% | 148 | 28% | 135 | 12% | 56 | 22% | 105 | 100% | 488 |
| Availability of affordable quality food | 23% | 115 | 46% | 226 | 26% | 130 | 4% | 18 | 1% | 7 | 100% | 495 |
| Availability of preventive health services | 12% | 56 | 37% | 182 | 24% | 117 | 4% | 18 | 24% | 115 | 100% | 488 |
| Air quality | 33% | 161 | 51% | 249 | 12% | 59 | 2% | 9 | 2% | 9 | 100% | 488 |
| Quality of overall natural environment in Corvallis | 35% | 173 | 56% | 275 | 7% | 34 | 1% | 3 | 1% | 6 | 100% | 490 |
| Overall image or reputation of Corvallis | 29% | 145 | 55% | 271 | 13% | 64 | 1% | 4 | 2% | 9 | 100% | 494 |

| Question 3: Growth | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Please rate the speed of growth in the following categories in Corvallis over the past 2 years: | Much too slow | | Somewhat too slow | | Right amount | | Somewhat too fast | | Much too fast | | Don't know | | Total | |
| Population growth | 3% | 15 | 4% | 22 | 55% | 269 | 17% | 85 | 2% | 12 | 18% | 89 | 100% | 492 |
| Retail growth (stores, restaurants, etc.) | 14% | 71 | 24% | 119 | 38% | 187 | 11% | 54 | 3% | 13 | 10% | 47 | 100% | 492 |
| Jobs growth | 21% | 102 | 36% | 178 | 14% | 70 | 1% | 3 | 0% | 1 | 28% | 137 | 100% | 490 |

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| Question 4: Code Enforcement | | |
|---|---|---|
| To what degree, if at all, are run down buildings, weed lots or junk vehicles a problem in Corvallis? | Percent of respondents | Count |
| Not a problem | 15% | 73 |
| Minor problem | 53% | 259 |
| Moderate problem | 24% | 118 |
| Major problem | 5% | 24 |
| Don't know | 3% | 15 |
| Total | 100% | 488 |

| Question 5: Community Safety | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Please rate how safe or unsafe you feel from the following in Corvallis: | Very safe | | Somewhat safe | | Neither safe nor unsafe | | Somewhat unsafe | | Very unsafe | | Don't know | | Total | |
| Violent crime (e.g., rape, assault, robbery) | 51% | 251 | 36% | 177 | 7% | 34 | 5% | 23 | 1% | 4 | 0% | 2 | 100% | 492 |
| Property crimes (e.g., burglary, theft) | 19% | 96 | 46% | 224 | 15% | 72 | 15% | 74 | 4% | 20 | 1% | 5 | 100% | 492 |
| Environmental hazards, including toxic waste | 47% | 232 | 32% | 159 | 10% | 51 | 4% | 18 | 1% | 5 | 5% | 25 | 100% | 490 |

| Question 6: Personal Safety | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Please rate how safe or unsafe you feel: | Very safe | | Somewhat safe | | Neither safe nor unsafe | | Somewhat unsafe | | Very unsafe | | Don't know | | Total | |
| In your neighborhood during the day | 83% | 408 | 14% | 68 | 2% | 10 | 1% | 4 | 0% | 1 | 0% | 1 | 100% | 492 |
| In your neighborhood after dark | 42% | 208 | 41% | 202 | 7% | 36 | 8% | 37 | 2% | 8 | 0% | 2 | 100% | 493 |
| In Corvallis' downtown area during the day | 77% | 381 | 18% | 87 | 3% | 17 | 1% | 3 | 0% | 0 | 1% | 5 | 100% | 493 |
| In Corvallis' downtown area after dark | 28% | 140 | 43% | 213 | 13% | 62 | 9% | 46 | 1% | 5 | 5% | 26 | 100% | 493 |

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| Question 7: Crime Victim | | |
|---|---|---|
| During the past twelve months, were you or anyone in your household the victim of any crime? | Percent of respondents | Count |
| No | 82% | 403 |
| Yes | 16% | 81 |
| Don't know | 1% | 7 |
| Total | 100% | 492 |

| Question 8: Crime Reporting | | |
|---|---|---|
| If yes, was this crime (these crimes) reported to the police? | Percent of respondents | Count |
| No | 40% | 33 |
| Yes | 53% | 44 |
| Don't know | 8% | 7 |
| Total | 100% | 83 |

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| Question 9: Resident Behaviors | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| In the last 12 months, about how many times, if ever, have you or other household members participated in the following activities in Corvallis? | Never | | Once or twice | | 3 to 12 times | | 13 to 26 times | | More than 26 times | | Total | |
| Used Corvallis public libraries or their services | 17% | 84 | 20% | 97 | 30% | 147 | 14% | 71 | 19% | 96 | 100% | 494 |
| Used Corvallis recreation centers | 42% | 208 | 20% | 99 | 18% | 91 | 8% | 40 | 11% | 54 | 100% | 491 |
| Participated in a recreation program or activity | 47% | 231 | 19% | 93 | 17% | 85 | 7% | 36 | 9% | 44 | 100% | 489 |
| Visited a neighborhood park or City park | 4% | 21 | 12% | 59 | 31% | 150 | 22% | 106 | 31% | 152 | 100% | 487 |
| Ridden a local bus within Corvallis | 61% | 295 | 16% | 77 | 13% | 61 | 3% | 14 | 7% | 34 | 100% | 480 |
| Attended a meeting of local elected officials or other local public meeting | 71% | 351 | 17% | 85 | 8% | 37 | 3% | 13 | 1% | 6 | 100% | 494 |
| Watched a meeting of local elected officials or other local public meeting on cable television | 74% | 367 | 15% | 72 | 9% | 43 | 1% | 7 | 1% | 4 | 100% | 494 |
| Read Corvallis Newsletter | 13% | 62 | 19% | 94 | 52% | 256 | 9% | 44 | 7% | 32 | 100% | 489 |
| Visited the City of Corvallis Web site | 39% | 190 | 29% | 140 | 25% | 122 | 5% | 24 | 3% | 14 | 100% | 491 |
| Recycled used paper, cans or bottles from your home | 1% | 5 | 1% | 7 | 4% | 19 | 10% | 51 | 83% | 406 | 100% | 487 |
| Volunteered your time to some group or activity in Corvallis | 36% | 175 | 20% | 96 | 21% | 104 | 7% | 36 | 16% | 78 | 100% | 487 |
| Participated in a club or civic group in Corvallis | 56% | 275 | 12% | 58 | 14% | 69 | 6% | 31 | 12% | 59 | 100% | 492 |
| Provided help to a friend or neighbor | 2% | 12 | 14% | 70 | 45% | 222 | 19% | 92 | 19% | 95 | 100% | 490 |

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| Question 10: Neighborliness | | |
|---|---|---|
| About how often, if at all, do you talk to or visit with your immediate neighbors (people who live in the 10 or 20 households that are closest to you)? | Percent of respondents | Count |
| Just about everyday | 19% | 95 |
| Several times a week | 28% | 137 |
| Several times a month | 27% | 134 |
| Once a month | 9% | 44 |
| Several times a year | 10% | 48 |
| Once a year or less | 3% | 16 |
| Never | 4% | 20 |
| Total | 100% | 494 |

| Question 11: Service Quality | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Please rate the quality of each of the following services in Corvallis: | Excellent | | Good | | Fair | | Poor | | Don't know | | Total | |
| Police services | 19% | 93 | 48% | 237 | 14% | 69 | 4% | 18 | 15% | 76 | 100% | 492 |
| Fire services | 31% | 153 | 38% | 189 | 3% | 15 | 0% | 2 | 27% | 135 | 100% | 494 |
| Ambulance or emergency medical services | 31% | 152 | 33% | 161 | 4% | 19 | 0% | 1 | 33% | 161 | 100% | 494 |
| Crime prevention | 11% | 53 | 39% | 192 | 15% | 74 | 4% | 19 | 31% | 154 | 100% | 492 |
| Fire prevention and education | 17% | 85 | 37% | 181 | 7% | 37 | 0% | 2 | 38% | 189 | 100% | 494 |
| Municipal courts | 7% | 35 | 29% | 141 | 10% | 48 | 3% | 14 | 52% | 256 | 100% | 494 |
| Traffic enforcement | 10% | 51 | 44% | 214 | 28% | 135 | 7% | 33 | 11% | 55 | 100% | 488 |
| Street repair | 5% | 24 | 43% | 213 | 38% | 188 | 10% | 51 | 3% | 14 | 100% | 489 |
| Street cleaning | 21% | 102 | 58% | 283 | 17% | 83 | 3% | 13 | 2% | 7 | 100% | 488 |
| Street lighting | 10% | 51 | 53% | 259 | 28% | 139 | 7% | 34 | 1% | 6 | 100% | 490 |
| Snow removal | 5% | 23 | 32% | 155 | 19% | 94 | 4% | 18 | 40% | 195 | 100% | 484 |
| Sidewalk maintenance | 7% | 35 | 45% | 219 | 35% | 169 | 8% | 37 | 5% | 26 | 100% | 487 |
| Traffic signal timing | 13% | 65 | 47% | 227 | 29% | 142 | 10% | 47 | 2% | 8 | 100% | 489 |
| Bus or transit services | 14% | 68 | 33% | 161 | 14% | 66 | 5% | 24 | 35% | 170 | 100% | 488 |
| Garbage collection | 40% | 195 | 48% | 236 | 9% | 43 | 2% | 8 | 2% | 8 | 100% | 490 |

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| Question 11: Service Quality | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Please rate the quality of each of the following services in Corvallis: | Excellent | | Good | | Fair | | Poor | | Don't know | | Total | |
| Recycling | 55% | 270 | 33% | 160 | 9% | 44 | 2% | 9 | 1% | 7 | 100% | 490 |
| Yard waste pick-up | 37% | 182 | 38% | 185 | 10% | 47 | 1% | 6 | 14% | 69 | 100% | 489 |
| Storm drainage | 15% | 72 | 51% | 249 | 18% | 85 | 3% | 17 | 13% | 64 | 100% | 488 |
| Drinking water | 32% | 159 | 44% | 214 | 17% | 85 | 5% | 23 | 2% | 9 | 100% | 488 |
| Sewer services | 23% | 114 | 50% | 244 | 12% | 59 | 1% | 3 | 14% | 68 | 100% | 487 |
| City parks | 43% | 211 | 49% | 241 | 6% | 29 | 0% | 0 | 2% | 9 | 100% | 489 |
| Recreation programs or classes | 20% | 98 | 37% | 179 | 9% | 45 | 0% | 1 | 34% | 166 | 100% | 489 |
| Land use, planning and zoning | 6% | 31 | 31% | 151 | 24% | 115 | 11% | 54 | 28% | 135 | 100% | 487 |
| Code enforcement (weeds, abandoned buildings, etc) | 4% | 22 | 29% | 144 | 27% | 133 | 10% | 50 | 29% | 141 | 100% | 489 |
| Animal control | 7% | 35 | 35% | 172 | 17% | 82 | 6% | 29 | 35% | 169 | 100% | 488 |
| Economic development | 2% | 9 | 28% | 137 | 27% | 132 | 13% | 62 | 29% | 142 | 100% | 483 |
| Health services | 13% | 65 | 44% | 213 | 17% | 83 | 3% | 15 | 23% | 111 | 100% | 487 |
| Services to seniors | 10% | 51 | 33% | 161 | 8% | 40 | 0% | 2 | 48% | 232 | 100% | 486 |
| Services to youth | 10% | 49 | 33% | 159 | 14% | 68 | 3% | 12 | 41% | 198 | 100% | 487 |
| Services to low-income people | 6% | 28 | 17% | 85 | 17% | 80 | 6% | 31 | 54% | 261 | 100% | 486 |
| Public library services | 47% | 231 | 34% | 164 | 9% | 44 | 0% | 0 | 10% | 49 | 100% | 488 |
| Public information services | 15% | 74 | 37% | 180 | 17% | 82 | 2% | 9 | 29% | 140 | 100% | 485 |
| Public schools | 14% | 69 | 38% | 183 | 13% | 63 | 1% | 5 | 34% | 165 | 100% | 486 |
| Cable television | 10% | 47 | 35% | 170 | 18% | 89 | 8% | 39 | 29% | 139 | 100% | 484 |
| Emergency preparedness (services that prepare the community for natural disasters or other emergency situations) | 3% | 16 | 22% | 108 | 13% | 63 | 4% | 21 | 57% | 279 | 100% | 488 |
| Preservation of natural areas such as open space, farmlands and greenbelts | 19% | 90 | 47% | 228 | 19% | 94 | 3% | 16 | 12% | 58 | 100% | 485 |
| Osborn Aquatic Center | 24% | 116 | 33% | 160 | 5% | 26 | 0% | 1 | 38% | 187 | 100% | 490 |
| Chintimini Senior Center | 9% | 46 | 23% | 113 | 5% | 25 | 0% | 2 | 62% | 302 | 100% | 489 |

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| Question 12: Government Services Overall | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Overall, how would you rate the quality of the services provided by each of the following? | Excellent | | Good | | Fair | | Poor | | Don't know | | Total | |
| The City of Corvallis | 18% | 89 | 58% | 281 | 15% | 74 | 1% | 7 | 7% | 33 | 100% | 484 |
| The Federal Government | 3% | 14 | 24% | 115 | 40% | 192 | 14% | 69 | 20% | 95 | 100% | 484 |
| The State Government | 4% | 18 | 38% | 186 | 34% | 167 | 4% | 21 | 19% | 93 | 100% | 484 |
| Benton County Government | 8% | 38 | 46% | 223 | 22% | 104 | 2% | 12 | 22% | 107 | 100% | 484 |

| Question 13: Contact with City Employees | | |
|---|---|---|
| Have you had any in-person or phone contact with an employee of the City of Corvallis within the last 12 months (including police, receptionists, planners or any others)? | Percent of respondents | Count |
| No | 46% | 220 |
| Yes | 54% | 263 |
| Total | 100% | 483 |

| Question 14: City Employees | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| What was your impression of the employee(s) of the City of Corvallis in your most recent contact? | Excellent | | Good | | Fair | | Poor | | Don't know | | Total | |
| Knowledge | 43% | 112 | 43% | 113 | 11% | 29 | 2% | 5 | 2% | 5 | 100% | 263 |
| Responsiveness | 44% | 117 | 33% | 86 | 17% | 45 | 5% | 14 | 0% | 1 | 100% | 263 |
| Courtesy | 50% | 131 | 31% | 82 | 13% | 34 | 6% | 15 | 0% | 1 | 100% | 263 |
| Overall impression | 44% | 117 | 34% | 90 | 16% | 42 | 5% | 12 | 0% | 1 | 100% | 263 |

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| Question 15: Government Performance | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Please rate the following categories of Corvallis government performance: | Excellent | | Good | | Fair | | Poor | | Don't know | | Total | |
| The value of services for the taxes paid to Corvallis | 8% | 40 | 43% | 209 | 23% | 114 | 6% | 28 | 20% | 97 | 100% | 488 |
| The overall direction that Corvallis is taking | 11% | 54 | 44% | 215 | 27% | 131 | 9% | 44 | 9% | 43 | 100% | 487 |
| The job Corvallis government does at welcoming citizen involvement | 13% | 64 | 35% | 172 | 19% | 94 | 6% | 30 | 26% | 127 | 100% | 486 |
| The job Corvallis government does at listening to citizens | 6% | 30 | 32% | 154 | 20% | 98 | 10% | 48 | 32% | 153 | 100% | 484 |

| Question 16: Recommendation and Longevity | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Please indicate how likely or unlikely you are to do each of the following: | Very likely | | Somewhat likely | | Somewhat unlikely | | Very unlikely | | Don't know | | Total | |
| Recommend living in Corvallis to someone who asks | 55% | 268 | 35% | 174 | 7% | 34 | 2% | 10 | 1% | 4 | 100% | 491 |
| Remain in Corvallis for the next five years | 52% | 256 | 23% | 115 | 10% | 47 | 13% | 62 | 2% | 12 | 100% | 491 |

| Question 17: Impact of the Economy | | |
|---|---|---|
| What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be: | Percent of respondents | Count |
| Very positive | 1% | 5 |
| Somewhat positive | 5% | 24 |
| Neutral | 39% | 193 |
| Somewhat negative | 45% | 219 |
| Very negative | 10% | 49 |
| Total | 100% | 489 |

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| Question 18a: Policy Question 1 | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Please indicate whether each of the following is a preferred source of information for you about the City. | Yes | | No | | Don't know | | Total | |
| "The City" newsletter | 64% | 310 | 25% | 123 | 11% | 54 | 100% | 488 |
| Information in the Gazette-Times | 72% | 353 | 23% | 112 | 5% | 24 | 100% | 490 |
| Information in the Barometer | 38% | 184 | 49% | 239 | 13% | 66 | 100% | 489 |
| Cable's Government Access Channel 21 | 11% | 54 | 68% | 334 | 20% | 100 | 100% | 489 |
| Annual Reports | 24% | 118 | 54% | 263 | 21% | 103 | 100% | 484 |
| City Web site | 42% | 206 | 39% | 190 | 19% | 90 | 100% | 486 |
| Speaking engagement by City official | 12% | 57 | 63% | 306 | 25% | 122 | 100% | 485 |
| Parks and Recreation Activity Guide | 69% | 338 | 23% | 112 | 8% | 40 | 100% | 490 |

| Question 18b: Policy Question 2 | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| Below is a list of possible improvements and additions to the Corvallis Library. Please indicate how valuable, if at all, each service is to your household. If no one in your household has used the Library in the past 12 months, please skip to the next question. | Very valuable | | Somewhat valuable | | Not valuable | | Don't know | | Total | |
| More self-checkout machines | 21% | 91 | 38% | 160 | 27% | 113 | 14% | 60 | 100% | 425 |
| E-books | 17% | 73 | 31% | 130 | 27% | 116 | 25% | 104 | 100% | 422 |
| Computer classes | 18% | 78 | 30% | 127 | 29% | 122 | 23% | 98 | 100% | 424 |
| Adult cultural programs | 24% | 101 | 35% | 148 | 17% | 73 | 24% | 103 | 100% | 425 |

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| Question 18c: Policy Question 3 | | |
|---|---|---|
| In 2005, the City Council adopted a specific goal to enhance organizational sustainability efforts, focusing on environmental, economic and social issues to guide its activities. Please rate the job the City is doing toward meeting its goal of improving sustainability in City government. | Percent of respondents | Count |
| Excellent | 7% | 32 |
| Good | 35% | 171 |
| Fair | 17% | 84 |
| Poor | 3% | 17 |
| Don't know | 37% | 182 |

| Question D1: Employment Status | | |
|---|---|---|
| Are you currently employed for pay? | Percent of respondents | Count |
| No | 33% | 160 |
| Yes, full-time | 48% | 232 |
| Yes, part-time | 19% | 94 |
| Total | 100% | 486 |

| Question D2: Mode of Transportation Used for Commute | |
|---|---|
| During a typical week, how many days do you commute to work (for the longest distance of your commute) in each of the ways listed below? | Percent of days mode used |
| Motorized vehicle (e.g., car, truck, van, motorcycle, etc...) by myself | 46% |
| Motorized vehicle (e.g., car, truck, van, motorcycle, etc...) with other children or adults | 11% |
| Bus, rail, subway or other public transportation | 3% |
| Walk | 12% |
| Bicycle | 22% |
| Work at home | 6% |
| Other | 1% |

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| Question D3: Length of Residency | | |
|---|---|---|
| How many years have you lived in Corvallis? | Percent of respondents | Count |
| Less than 2 years | 14% | 68 |
| 2 to 5 years | 23% | 115 |
| 6 to 10 years | 19% | 91 |
| 11 to 20 years | 15% | 74 |
| More than 20 years | 29% | 144 |
| Total | 100% | 492 |

| Question D4: Housing Unit Type | | |
|---|---|---|
| Which best describes the building you live in? | Percent of respondents | Count |
| One family house detached from any other houses | 68% | 331 |
| House attached to one or more houses (e.g., a duplex or townhome) | 10% | 47 |
| Building with two or more apartments or condominiums | 19% | 92 |
| Mobile home | 1% | 6 |
| Other | 3% | 14 |
| Total | 100% | 489 |

| Question D5: Housing Tenure (Rent/Own) | | |
|---|---|---|
| Is this house, apartment or mobile home... | Percent of respondents | Count |
| Rented for cash or occupied without cash payment | 41% | 195 |
| Owned by you or someone in this house with a mortgage or free and clear | 59% | 286 |
| Total | 100% | 481 |

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| Question D6: Monthly Housing Cost | | |
|---|---|---|
| About how much is your monthly housing cost for the place you live (including rent, mortgage payment, property tax, property insurance and homeowners" association (HOA) fees)? | Percent of respondents | Count |
| Less than $300 per month | 7% | 34 |
| $300 to $599 per month | 23% | 113 |
| $600 to $999 per month | 29% | 141 |
| $1,000 to $1,499 per month | 22% | 107 |
| $1,500 to $2,499 per month | 14% | 67 |
| $2,500 or more per month | 4% | 22 |
| Total | 100% | 484 |

| Question D7: Presence of Children in Household | | |
|---|---|---|
| Do any children 17 or under live in your household? | Percent of respondents | Count |
| No | 73% | 360 |
| Yes | 27% | 132 |
| Total | 100% | 493 |

| Question D8: Presence of Older Adults in Household | | |
|---|---|---|
| Are you or any other members of your household aged 65 or older? | Percent of respondents | Count |
| No | 80% | 393 |
| Yes | 20% | 98 |
| Total | 100% | 491 |

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| Question D9: Household Income | | |
|---|---|---|
| How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.) | Percent of respondents | Count |
| Less than $24,999 | 24% | 112 |
| $25,000 to $49,999 | 27% | 128 |
| $50,000 to $99,999 | 32% | 153 |
| $100,000 to $149,000 | 13% | 61 |
| $150,000 or more | 4% | 21 |
| Total | 100% | 475 |

| Question D10: Ethnicity | | |
|---|---|---|
| Are you Spanish, Hispanic or Latino? | Percent of respondents | Count |
| No, not Spanish, Hispanic or Latino | 97% | 473 |
| Yes, I consider myself to be Spanish, Hispanic or Latino | 3% | 14 |
| Total | 100% | 487 |

| Question D11: Race | | |
|---|---|---|
| What is your race? (Mark one or more races to indicate what race(s) you consider yourself to be.) | Percent of respondents | Count |
| American Indian or Alaskan Native | 2% | 9 |
| Asian, Asian Indian or Pacific Islander | 3% | 17 |
| Black or African American | 0% | 1 |
| White | 93% | 457 |
| Other | 4% | 18 |
| Total may exceed 100% as respondents could select more than one option | | |

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| Question D12: Age | | |
|---|---|---|
| In which category is your age? | Percent of respondents | Count |
| 18 to 24 years | 15% | 73 |
| 25 to 34 years | 32% | 155 |
| 35 to 44 years | 10% | 48 |
| 45 to 54 years | 16% | 80 |
| 55 to 64 years | 12% | 60 |
| 65 to 74 years | 8% | 38 |
| 75 years or older | 7% | 36 |
| Total | 100% | 491 |

| Question D13: Gender | | |
|---|---|---|
| What is your sex? | Percent of respondents | Count |
| Female | 51% | 251 |
| Male | 49% | 238 |
| Total | 100% | 490 |

| Question D15: Voted in Last General Election | | |
|---|---|---|
| Many people don't have time to vote in elections. Did you vote in the last general election? | Percent of respondents | Count |
| No | 4% | 17 |
| Yes | 94% | 463 |
| Ineligible to vote | 2% | 8 |
| Don't know | 1% | 3 |
| Total | 100% | 493 |

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# Appendix B: Survey Methodology

The National Citizen Survey™ was developed to provide local jurisdictions an accurate, affordable and easy way to assess and interpret resident opinion about important community issues. While standardization of question wording and survey methods provide the rigor to assure valid results, each jurisdiction has enough flexibility to construct a customized version of The National Citizen Survey™ that asks residents about key local services and important local issues.

Results offer insight into residents' perspectives about local government performance and as such provide important benchmarks for jurisdictions working on performance measurement. The National Citizen Survey™ is designed to help with budget, land use and strategic planning as well as to communicate with local residents. The National Citizen Survey™ permits questions to test support for local policies and answers to its questions also speak to community trust and involvement in community-building activities as well as to resident demographic characteristics.

## Survey Validity

The question of survey validity has two parts: 1) how can a jurisdiction be confident that the results from those who completed the questionnaire are representative of the results that would have been obtained had the survey been administered to the entire population? and 2) how closely do the perspectives recorded on the survey reflect what residents really believe or do?

To answer the first question, the best survey research practices were used for the resources spent to ensure that the results from the survey respondents reflect the opinions of residents in the entire jurisdiction. These practices include:

- Using a mail-out/mail-back methodology, which typically gets a higher response rate than phone for the same dollars spent. A higher response rate lessens the worry that those who did not respond are different than those who did respond.
- Selecting households at random within the jurisdiction to receive the survey. A random selection ensures that the households selected to receive the survey are similar to the entire population. A non-random sample may only include households from one geographic area, or from households of only one type.
- Over-sampling multi-family housing units to improve response from hard-to-reach, lower income, or younger apartment dwellers.
- Contacting potential respondents three times to encourage response from people who may have different opinions or habits than those who would respond with only a single prompt.
- Soliciting response on jurisdiction letterhead signed by the highest ranking elected official or staff member, thus appealing to the recipients' sense of civic responsibility.
- Providing a self-addressed, postage-paid return envelope.
- Offering the survey in Spanish when appropriate and requested by City officials.
- Using the most recent available information about the characteristics of jurisdiction residents to weight the data to reflect the demographics of the population.

The answer to the second question about how closely the perspectives recorded on the survey reflect what residents really believe or do is more complex. Resident responses to surveys are influenced by a variety of factors. For questions about service quality, residents' expectations for service quality play a role as well as the "objective" quality of the service provided, the way the resident perceives the entire community (that is, the context in which the service is provided), the scale on which the resident is asked to record his or her opinion and, of course, the opinion, itself, that a resident holds about the service. Similarly a resident's report of certain behaviors is colored

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by what he or she believes is the socially desirable response (e.g., reporting tolerant behaviors toward "oppressed groups," likelihood of voting a tax increase for services to poor people, use of alternative modes of travel to work besides the single occupancy vehicle), his or her memory of the actual behavior (if it is not a question speculating about future actions, like a vote), his or her confidence that he or she can be honest without suffering any negative consequences (thus the need for anonymity) as well as the actual behavior itself.

How closely survey results come to recording the way a person really feels or behaves often is measured by the coincidence of reported behavior with observed current behavior (e.g., driving habits), reported intentions to behave with observed future behavior (e.g., voting choices) or reported opinions about current community quality with objective characteristics of the community (e.g., feelings of safety correlated with rates of crime). There is a body of scientific literature that has investigated the relationship between reported behaviors and actual behaviors. Well-conducted surveys, by and large, do capture true respondent behaviors or intentions to act with great accuracy. Predictions of voting outcomes tend to be quite accurate using survey research, as do reported behaviors that are not about highly sensitive issues (e.g., family abuse or other illegal or morally sanctioned activities). For self-reports about highly sensitive issues, statistical adjustments can be made to correct for the respondents' tendency to report what they think the "correct" response should be.

Research on the correlation of resident opinion about service quality and "objective" ratings of service quality tend to be ambiguous, some showing stronger relationships than others. NRC's own research has demonstrated that residents who report the lowest ratings of street repair live in communities with objectively worse street conditions than those who report high ratings of street repair (based on road quality, delay in street repair, number of road repair employees). Similarly, the lowest rated fire services appear to be "objectively" worse than the highest rated fire services (expenditures per capita, response time, "professional" status of firefighters, breadth of services and training provided). Whether some research confirms or disconfirms that relationship between what residents think about a community and what can be seen "objectively" in a community, NRC has argued that resident opinion is a perspective that cannot be ignored by government administrators. NRC principals have written, "If you collect trash three times a day but residents think that your trash haul is lousy, you still have a problem."

## Survey Sampling

"Sampling" refers to the method by which survey recipients were chosen. The City of Corvallis provided a list of registered voters. Registered voter residing within the City of Corvallis were eligible to participate in the survey; from the list provided 1,200 registered voters were selected at random.

To choose the 1,200 survey recipients, a systematic sampling method was applied to the list of registered voters. Systematic sampling is a procedure whereby a complete list of all possible items is culled, selecting every Nth one until the appropriate amount of items is selected.

## Survey Administration

Selected registered voters received three mailings, one week apart, beginning October 17, 2008. The first mailing was a prenotification postcard announcing the upcoming survey. The next mailing contained a letter from the mayor and city manager inviting the household to participate, a questionnaire and a postage-paid return envelope. The final mailing contained a reminder letter, another survey and a postage-paid return envelope. The second cover letter asked those who had

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not completed the survey to do so and those who have already done so to refrain from turning in another survey. Completed surveys were collected over the following five weeks.

## Survey Response Rate and Confidence Intervals

Of the surveys mailed fifty-one were returned because the housing unit was vacant or the postal service was unable to deliver the survey as addressed. Of the 1,149 households receiving the survey mailings, 483 completed the survey, providing a response rate of 42%. In general, response rates obtained on local government resident surveys range from 25% to 40%.

In theory, in 95 cases out of 100, the results based on the number of responses obtained will differ by no more than five percentage points in either direction from what would have been obtained had responses been collected from all City of Corvallis registered voters. This difference from the presumed population finding is referred to as the sampling error (or the "margin of error" or 95% confidence interval"). For subgroups of responses, the margin of sampling error is larger. In addition to sampling error, the practical difficulties of conducting any survey of the public may introduce other sources of error. For example, the failure of some of the selected adults to participate in the sample, who could have opinions different from survey responders, or the difficulty of including all sectors of the population, such as residents of some institutions or group residences, may lead to somewhat different results. Though standardized on The NCS, on other surveys, differences in question wording, order, translation and data entry, as examples, can lead to somewhat varying results. When The NCS is administered, most commonly it is the general adult population that is surveyed. The City of Corvallis preferred only to include registered voters.

## Survey Processing (Data Entry)

Completed surveys received by NRC were assigned a unique identification number. Additionally, each survey was reviewed and "cleaned" as necessary. For example, a question may have asked a respondent to pick two items out of a list of five, but the respondent checked three; NRC staff would choose randomly two of the three selected items to be coded in the dataset.

Once all surveys were assigned a unique identification number, they were entered into an electronic dataset. This dataset was subject to a data entry protocol of "key and verify," in which survey data were entered twice into an electronic dataset and then compared. Discrepancies were evaluated against the original survey form and corrected. Range checks as well as other forms of quality control were also performed.

## Survey Data Weighting

The demographic characteristics of the survey sample were used to weight results to reflect the appropriate percent of registered voters, based on the information provided by the City of Corvallis.

The variables used for weighting were gender/age. This decision was based on:

- The disparity between the survey respondent characteristics and the population norms for these variables
- The saliency of these variables in detecting differences of opinion among subgroups

The primary objective of weighting survey data is to make the survey sample reflective of the larger population of the community. This is done by: 1) reviewing the sample demographics and comparing them to the population norms from the most recent Census or other sources and 2) comparing the responses to different questions for demographic subgroups. The demographic characteristics that are least similar to the source and yield the most different results are the best

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candidates for data weighting. A third criterion sometimes used is the importance that the community places on a specific variable. For example, if a jurisdiction feels that accurate race representation is key to staff and public acceptance of the study results, additional consideration will be given in the weighting process to adjusting the race variable.

A special software program using mathematical algorithms is used to calculate the appropriate weights. A limitation of data weighting is that only 2-3 demographic variables can be adjusted in a single study. Several different weighting "schemes" are tested to ensure the best fit for the data.

The results of the weighting scheme are presented in the table below.

| Corvallis Citizen Survey Weighting Table 2008 | | | |
|---|---|---|---|
| Characteristic | Population Norm1 | Unweighted Data | Weighted Data |
| **Sex and Age** | | | |
| Female | 51% | 59% | 51% |
| Male | 49% | 41% | 49% |
| 18-34 years of age | 47% | 31% | 47% |
| 35-54 years of age | 26% | 28% | 26% |
| 55+ years of age | 27% | 42% | 27% |
| Females 18-34 | 23% | 19% | 23% |
| Females 35-54 | 14% | 16% | 14% |
| Females 55+ | 15% | 23% | 15% |
| Males 18-34 | 24% | 11% | 24% |
| Males 35-54 | 13% | 12% | 13% |
| Males 55+ | 12% | 17% | 12% |

*Source: Corvallis 2008 Voter Registration List*

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## Survey Data Analysis and Reporting

The survey dataset was analyzed using the Statistical Package for the Social Sciences (SPSS). Frequency distributions were presented in the body of the report.

### Use of the "Excellent, Good, Fair, Poor" Response Scale

The scale on which respondents are asked to record their opinions about service and community quality is "excellent," "good," "fair" or "poor" (EGFP). This scale has important advantages over other scale possibilities (very good to very bad; very satisfied to very dissatisfied; strongly agree to strongly disagree, as examples). EGFP is used by the plurality of jurisdictions conducting citizen surveys across the U.S. The advantage of familiarity was one that NRC did not want to dismiss when crafting The National Citizen Survey™ questionnaire, because elected officials, staff and residents already are acquainted with opinion surveys measured this way. EGFP also has the advantage of offering three positive options, rather than only two, over which a resident can offer an opinion. While symmetrical scales often are the right choice in other measurement tasks, NRC has found that ratings of almost every local government service in almost every jurisdiction tend, on average, to be positive (that is, above the scale midpoint). Therefore, to permit finer distinctions among positively rated services, EGFP offers three options across which to spread those ratings. EGFP is more neutral because it requires no positive statement of service quality to judge (as agree-disagree scales require) and, finally, EGFP intends to measure absolute quality of service delivery or community quality (unlike satisfaction scales which ignore residents' perceptions of quality in favor of their report on the acceptability of the level of service offered).

### "Don't Know" Responses

On many of the questions in the survey respondents may answer "don't know." The proportion of respondents giving this reply is shown in the full set of responses included in Appendix A. However, these responses have been removed from the analyses presented in the body of the report. In other words, the tables and graphs display the responses from respondents who had an opinion about a specific item.

### Benchmark Comparisons

NRC has been leading the strategic use of surveys for local governments since 1991, when the principals of the company wrote the first edition of what became the classic text on citizen surveying. In *Citizen Surveys: how to do them, how to use them, what they mean*, published by ICMA, not only were the principles for quality survey methods articulated, but both the idea of benchmark data for citizen opinion and the method for gathering benchmark data were pioneered. The argument for benchmarks was called "In Search of Standards." "What has been missing from a local government's analysis of its survey results is the context that school administrators can supply when they tell parents how an 80 percent score on the social studies test compares to test results from other school systems..."

NRC's database of comparative resident opinion is comprised of resident perspectives gathered in citizen surveys from approximately 500 jurisdictions whose residents evaluated local government services. Conducted with typically no fewer than 400 residents in each jurisdiction, opinions are intended to represent over 30 million Americans. NRC has innovated a method for quantitatively integrating the results of surveys that conducted by NRC with those that others have conducted. The integration methods have been thoroughly described not only in the Citizen Surveys book, but also in *Public Administration Review*, *Journal of Policy Analysis* and *Management*. Scholars who specialize in the analysis of citizen surveys regularly have relied on this work (e.g., Kelly, J. &

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Swindell, D. (2002). Service quality variation across urban space: First steps towards a model of citizen satisfaction. *Journal of Urban Affairs*, 24, 271-288.; Van Ryzin, G., Muzzio, D., Immerwahr, S., Gulick, L. & Martinez, E. (2004). Drivers and consequences of citizen satisfaction: An application of the American Customer Satisfaction Index Model to New York City, *Public Administration Review*, 64, 331- 341). The method described in those publications is refined regularly and statistically tested on a growing number of citizen surveys in NRC's proprietary databases. NRC's work on calculating national benchmarks for resident opinions about service delivery and quality of life won the Samuel C. May award for research excellence from the Western Governmental Research Association.

## The Role of Comparisons

Benchmark comparisons are used for performance measurement. Jurisdictions use the comparative information to help interpret their own citizen survey results, to create or revise community plans, to evaluate the success of policy or budget decisions, to measure local government performance. Taking the pulse of the community has little meaning without knowing what pulse rate is too high and what is too low. When surveys of service satisfaction turn up "good" citizen evaluations, jurisdictions need to know how others rate their services to understand if "good" is good enough. Furthermore, in the absence of national or peer community comparisons, a jurisdiction is left with comparing its fire protection rating to its street maintenance rating. That comparison is unfair. Streets always lose to fire. More important and harder questions need to be asked; for example, how do residents' ratings of fire service compare to opinions about fire service in other communities?

A police department that provides the fastest and most efficient service—one that closes most of its cases, solves most of its crimes and keeps the crime rate low—still has a problem to fix if the residents in the community it intends to protect believe services are not very good compared to ratings given by residents to their own objectively "worse" departments. The benchmark data can help that police department – or any department – to understand how well citizens think it is doing. Without the comparative data, it would be like bowling in a tournament without knowing what the other teams are scoring. NRC recommends that citizen opinion be used in conjunction with other sources of data about budget, personnel and politics to help managers know how to respond to comparative results.

Jurisdictions in the benchmark database are distributed geographically across the country and range from small to large in population size. Most commonly, comparisons are made to the entire database. Comparisons may also be made to subsets of jurisdictions (for example, within a given region or population category). Despite the differences in jurisdiction characteristics, all are in the business of providing local government services to residents. Though individual jurisdiction circumstances, resources and practices vary, the objective in every community is to provide services that are so timely, tailored and effective that residents conclude the services are of the highest quality. High ratings in any jurisdiction, like SAT scores in any teen household, bring pride and a sense of accomplishment.

## Comparison of Corvallis to the Benchmark Database

The City of Corvallis chose to have comparisons made to the entire database and two subsets of similar jurisdictions from the database (Western region and population 35,000 to 70,000). A benchmark comparison (the average rating from all the comparison jurisdictions where a similar question was asked) has been provided when a similar question on the City of Corvallis Survey was included in NRC's database and there were at least five jurisdictions in which the question was

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asked. For most questions compared to the entire dataset, there were more than 100 jurisdictions included in the benchmark comparison.

Where comparisons are available, Corvallis results are noted as being "above" the benchmark, "below" the benchmark or "similar to" the benchmark. This evaluation of "above," "below" or "similar to" comes from a statistical comparison of Corvallis' rating to the benchmark (the rating from all the comparison jurisdictions where a similar question was asked).

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# Appendix C: Survey Materials

The following pages contain copies of the survey materials sent to randomly selected households within the City of Corvallis.

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**City Manager's Office**
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

**City Manager's Office**
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083

Presorted
First Class Mail
US Postage
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**City Manager's Office**
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501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083

Presorted
First Class Mail
US Postage
PAID
Boulder, CO
Permit NO. 94

Dear Corvallis Resident,

Your household has been selected at random to participate in an anonymous citizen survey about the City of Corvallis. You will receive a copy of the survey next week in the mail with instructions for completing and returning it. Thank you in advance for helping us with this important project!

Sincerely,

Jon S. Nelson
City Manager

Charles C. Tomlinson
Mayor

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# The City of Corvallis 2008 Citizen Survey

**Please select the response (by circling the number or checking the box) that most closely represents your opinion for each question. Your responses are anonymous and will be reported in group form only.**

**1. Please rate each of the following aspects of quality of life in Corvallis:**

| | *Excellent* | *Good* | *Fair* | *Poor* | *Don't know* |
|---|---|---|---|---|---|
| Corvallis as a place to live | 1 | 2 | 3 | 4 | 5 |
| Your neighborhood as a place to live | 1 | 2 | 3 | 4 | 5 |
| Corvallis as a place to raise children | 1 | 2 | 3 | 4 | 5 |
| Corvallis as a place to work | 1 | 2 | 3 | 4 | 5 |
| Corvallis as a place to retire | 1 | 2 | 3 | 4 | 5 |
| The overall quality of life in Corvallis | 1 | 2 | 3 | 4 | 5 |

**2. Please rate each of the following characteristics as they relate to Corvallis as a whole:**

| | *Excellent* | *Good* | *Fair* | *Poor* | *Don't know* |
|---|---|---|---|---|---|
| Sense of community | 1 | 2 | 3 | 4 | 5 |
| Openness and acceptance of the community toward people of diverse backgrounds | 1 | 2 | 3 | 4 | 5 |
| Overall appearance of Corvallis | 1 | 2 | 3 | 4 | 5 |
| Cleanliness of Corvallis | 1 | 2 | 3 | 4 | 5 |
| Overall quality of new development in Corvallis | 1 | 2 | 3 | 4 | 5 |
| Variety of housing options | 1 | 2 | 3 | 4 | 5 |
| Overall quality of business and service establishments in Corvallis | 1 | 2 | 3 | 4 | 5 |
| Shopping opportunities | 1 | 2 | 3 | 4 | 5 |
| Opportunities to attend cultural activities | 1 | 2 | 3 | 4 | 5 |
| Recreational opportunities | 1 | 2 | 3 | 4 | 5 |
| Employment opportunities | 1 | 2 | 3 | 4 | 5 |
| Educational opportunities | 1 | 2 | 3 | 4 | 5 |
| Opportunities to participate in social events and activities | 1 | 2 | 3 | 4 | 5 |
| Opportunities to participate in religious or spiritual events and activities | 1 | 2 | 3 | 4 | 5 |
| Opportunities to volunteer | 1 | 2 | 3 | 4 | 5 |
| Opportunities to participate in community matters | 1 | 2 | 3 | 4 | 5 |
| Ease of car travel in Corvallis | 1 | 2 | 3 | 4 | 5 |
| Ease of bus travel in Corvallis | 1 | 2 | 3 | 4 | 5 |
| Ease of bicycle travel in Corvallis | 1 | 2 | 3 | 4 | 5 |
| Ease of walking in Corvallis | 1 | 2 | 3 | 4 | 5 |
| Availability of paths and walking trails | 1 | 2 | 3 | 4 | 5 |
| Traffic flow on major streets | 1 | 2 | 3 | 4 | 5 |
| Amount of public parking | 1 | 2 | 3 | 4 | 5 |
| Availability of affordable quality housing | 1 | 2 | 3 | 4 | 5 |
| Availability of affordable quality child care | 1 | 2 | 3 | 4 | 5 |
| Availability of affordable quality health care | 1 | 2 | 3 | 4 | 5 |
| Availability of affordable quality food | 1 | 2 | 3 | 4 | 5 |
| Availability of preventive health services | 1 | 2 | 3 | 4 | 5 |
| Air quality | 1 | 2 | 3 | 4 | 5 |
| Quality of overall natural environment in Corvallis | 1 | 2 | 3 | 4 | 5 |
| Overall image or reputation of Corvallis | 1 | 2 | 3 | 4 | 5 |

**3. Please rate the speed of growth in the following categories in Corvallis over the past 2 years:**

| | *Much too slow* | *Somewhat too slow* | *Right amount* | *Somewhat too fast* | *Much too fast* | *Don't know* |
|---|---|---|---|---|---|---|
| Population growth | 1 | 2 | 3 | 4 | 5 | 6 |
| Retail growth (stores, restaurants, etc.) | 1 | 2 | 3 | 4 | 5 | 6 |
| Jobs growth | 1 | 2 | 3 | 4 | 5 | 6 |

**4. To what degree, if at all, are run down buildings, weed lots or junk vehicles a problem in Corvallis?**
❍ Not a problem ❍ Minor problem ❍ Moderate problem ❍ Major problem ❍ Don't know

**5. Please rate how safe or unsafe you feel from the following in Corvallis:**

| | *Very safe* | *Somewhat safe* | *Neither safe nor unsafe* | *Somewhat unsafe* | *Very unsafe* | *Don't know* |
|---|---|---|---|---|---|---|
| Violent crime (e.g., rape, assault, robbery) | 1 | 2 | 3 | 4 | 5 | 6 |
| Property crimes (e.g., burglary, theft) | 1 | 2 | 3 | 4 | 5 | 6 |
| Environmental hazards, including toxic waste | 1 | 2 | 3 | 4 | 5 | 6 |

**6. Please rate how safe or unsafe you feel:**

| | *Very safe* | *Somewhat safe* | *Neither safe nor unsafe* | *Somewhat unsafe* | *Very unsafe* | *Don't know* |
|---|---|---|---|---|---|---|
| In your neighborhood during the day | 1 | 2 | 3 | 4 | 5 | 6 |
| In your neighborhood after dark | 1 | 2 | 3 | 4 | 5 | 6 |
| In Corvallis's downtown area during the day | 1 | 2 | 3 | 4 | 5 | 6 |
| In Corvallis's downtown area after dark | 1 | 2 | 3 | 4 | 5 | 6 |

**7. During the past twelve months, were you or anyone in your household the victim of any crime?**
❍ No ➔ Go to Question 9 ❍ Yes ➔ Go to Question 8 ❍ Don't know ➔ Go to Question 9

**8. If yes, was this crime (these crimes) reported to the police?**
❍ No ❍ Yes ❍ Don't know

**9. In the last 12 months, about how many times, if ever, have you or other household members participated in the following activities in Corvallis?**

| | *Never* | *Once or twice* | *3 to 12 times* | *13 to 26 times* | *More than 26 times* |
|---|---|---|---|---|---|
| Used Corvallis public libraries or their services | 1 | 2 | 3 | 4 | 5 |
| Used Corvallis recreation centers | 1 | 2 | 3 | 4 | 5 |
| Participated in a recreation program or activity | 1 | 2 | 3 | 4 | 5 |
| Visited a neighborhood park or City park | 1 | 2 | 3 | 4 | 5 |
| Ridden a local bus within Corvallis | 1 | 2 | 3 | 4 | 5 |
| Attended a meeting of local elected officials or other local public meeting | 1 | 2 | 3 | 4 | 5 |
| Watched a meeting of local elected officials or other local public meeting on cable television | 1 | 2 | 3 | 4 | 5 |
| Read Corvallis Newsletter | 1 | 2 | 3 | 4 | 5 |
| Visited the City of Corvallis Web site | 1 | 2 | 3 | 4 | 5 |
| Recycled used paper, cans or bottles from your home | 1 | 2 | 3 | 4 | 5 |
| Volunteered your time to some group or activity in Corvallis | 1 | 2 | 3 | 4 | 5 |
| Participated in a club or civic group in Corvallis | 1 | 2 | 3 | 4 | 5 |
| Provided help to a friend or neighbor | 1 | 2 | 3 | 4 | 5 |

**10. About how often, if at all, do you talk to or visit with your immediate neighbors (people who live in the 10 or 20 households that are closest to you)?**
❍ Just about every day
❍ Several times a week
❍ Several times a month
❍ Once a month
❍ Several times a year
❍ Once a year or less
❍ Never

**11. Please rate the quality of each of the following services in Corvallis:**

| | *Excellent* | *Good* | *Fair* | *Poor* | *Don't know* |
|---|---|---|---|---|---|
| Police services | 1 | 2 | 3 | 4 | 5 |
| Fire services | 1 | 2 | 3 | 4 | 5 |
| Ambulance or emergency medical services | 1 | 2 | 3 | 4 | 5 |
| Crime prevention | 1 | 2 | 3 | 4 | 5 |
| Fire prevention and education | 1 | 2 | 3 | 4 | 5 |
| Municipal courts | 1 | 2 | 3 | 4 | 5 |

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# The City of Corvallis 2008 Citizen Survey

**11. Please rate the quality of each of the following services in Corvallis:**

| | *Excellent* | *Good* | *Fair* | *Poor* | *Don't know* |
|---|---|---|---|---|---|
| Traffic enforcement | 1 | 2 | 3 | 4 | 5 |
| Street repair | 1 | 2 | 3 | 4 | 5 |
| Street cleaning | 1 | 2 | 3 | 4 | 5 |
| Street lighting | 1 | 2 | 3 | 4 | 5 |
| Snow removal | 1 | 2 | 3 | 4 | 5 |
| Sidewalk maintenance | 1 | 2 | 3 | 4 | 5 |
| Traffic signal timing | 1 | 2 | 3 | 4 | 5 |
| Bus or transit services | 1 | 2 | 3 | 4 | 5 |
| Garbage collection | 1 | 2 | 3 | 4 | 5 |
| Recycling | 1 | 2 | 3 | 4 | 5 |
| Yard waste pick-up | 1 | 2 | 3 | 4 | 5 |
| Storm drainage | 1 | 2 | 3 | 4 | 5 |
| Drinking water | 1 | 2 | 3 | 4 | 5 |
| Sewer services | 1 | 2 | 3 | 4 | 5 |
| City parks | 1 | 2 | 3 | 4 | 5 |
| Recreation programs or classes | 1 | 2 | 3 | 4 | 5 |
| Land use, planning and zoning | 1 | 2 | 3 | 4 | 5 |
| Code enforcement (weeds, abandoned buildings, etc) | 1 | 2 | 3 | 4 | 5 |
| Animal control | 1 | 2 | 3 | 4 | 5 |
| Economic development | 1 | 2 | 3 | 4 | 5 |
| Health services | 1 | 2 | 3 | 4 | 5 |
| Services to seniors | 1 | 2 | 3 | 4 | 5 |
| Services to youth | 1 | 2 | 3 | 4 | 5 |
| Services to low-income people | 1 | 2 | 3 | 4 | 5 |
| Public library services | 1 | 2 | 3 | 4 | 5 |
| Public information services | 1 | 2 | 3 | 4 | 5 |
| Public schools | 1 | 2 | 3 | 4 | 5 |
| Cable television | 1 | 2 | 3 | 4 | 5 |
| Emergency preparedness (services that prepare the community for natural disasters or other emergency situations) | 1 | 2 | 3 | 4 | 5 |
| Preservation of natural areas such as open space, farmlands and greenbelts | 1 | 2 | 3 | 4 | 5 |
| Osborn Aquatic Center | 1 | 2 | 3 | 4 | 5 |
| Chintimini Senior Center | 1 | 2 | 3 | 4 | 5 |

**12. Overall, how would you rate the quality of the services provided by each of the following?**

| | *Excellent* | *Good* | *Fair* | *Poor* | *Don't know* |
|---|---|---|---|---|---|
| The City of Corvallis | 1 | 2 | 3 | 4 | 5 |
| The Federal Government | 1 | 2 | 3 | 4 | 5 |
| The State Government | 1 | 2 | 3 | 4 | 5 |
| Benton County Government | 1 | 2 | 3 | 4 | 5 |

**13. Have you had any in-person or phone contact with an employee of the City of Corvallis within the last 12 months (including police, receptionists, planners or any others)?**

❍ No ➔ Go to Question 15 ❍ Yes ➔ Go to Question 14

**14. What was your impression of the employee(s) of the City of Corvallis in your most recent contact? (Rate each characteristic below.)**

| | *Excellent* | *Good* | *Fair* | *Poor* | *Don't know* |
|---|---|---|---|---|---|
| Knowledge | 1 | 2 | 3 | 4 | 5 |
| Responsiveness | 1 | 2 | 3 | 4 | 5 |
| Courtesy | 1 | 2 | 3 | 4 | 5 |
| Overall impression | 1 | 2 | 3 | 4 | 5 |

**15. Please rate the following categories of Corvallis government performance:**

| | *Excellent* | *Good* | *Fair* | *Poor* | *Don't know* |
|---|---|---|---|---|---|
| The value of services for the taxes paid to Corvallis | 1 | 2 | 3 | 4 | 5 |
| The overall direction that Corvallis is taking | 1 | 2 | 3 | 4 | 5 |
| The job Corvallis government does at welcoming citizen involvement | 1 | 2 | 3 | 4 | 5 |
| The job Corvallis government does at listening to citizens | 1 | 2 | 3 | 4 | 5 |

**16. Please indicate how likely or unlikely you are to do each of the following:**

| | *Very likely* | *Somewhat likely* | *Somewhat unlikely* | *Very unlikely* | *Don't know* |
|---|---|---|---|---|---|
| Recommend living in Corvallis to someone who asks | 1 | 2 | 3 | 4 | 5 |
| Remain in Corvallis for the next five years | 1 | 2 | 3 | 4 | 5 |

**17. What impact, if any, do you think the economy will have on your family income in the next 6 months? Do you think the impact will be:**

❍ Very positive ❍ Somewhat positive ❍ Neutral ❍ Somewhat negative ❍ Very negative

**18. Please check the response that comes closest to your opinion for each of the following questions:**

**a. Please indicate whether each of the following is a preferred source of information for you about the City.**

| | *Yes* | *No* | *Don't know* |
|---|---|---|---|
| "The City" newsletter | 1 | 2 | 3 |
| Information in the Gazette-Times | 1 | 2 | 3 |
| Information in the Barometer | 1 | 2 | 3 |
| Cable's Government Access Channel 21 | 1 | 2 | 3 |
| Annual Reports | 1 | 2 | 3 |
| City Web site | 1 | 2 | 3 |
| Speaking engagement by City official | 1 | 2 | 3 |
| Parks and Recreation Activity Guide | 1 | 2 | 3 |

**b. Below is a list of possible improvements and additions to the Corvallis Library. Please indicate how valuable, if at all, each service is to your household. If no one in your household has used the Library in the past 12 months, please skip to the next question.**

| | *Very valuable* | *Somewhat valuable* | *Not valuable* | *Don't know* |
|---|---|---|---|---|
| More self-checkout machines | 1 | 2 | 3 | 4 |
| E-books | 1 | 2 | 3 | 4 |
| Computer classes | 1 | 2 | 3 | 4 |
| Adult cultural programs | 1 | 2 | 3 | 4 |

**c. In 2005, the City Council adopted a specific goal to enhance organizational sustainability efforts, focusing on environmental, economic and social issues to guide its activities. Please rate the job the City is doing toward meeting its goal of improving sustainability in City government.**

❍ Excellent ❍ Good ❍ Fair ❍ Poor ❍ Don't know

**d. Is there anything else you would like to say about City government that is not covered in this questionnaire?**

_____

_____

_____

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**Our last questions are about you and your household. Again, all of your responses to this survey are completely anonymous and will be reported in group form only.**

**D1. Are you currently employed for pay?**
- ❍ No ➔ Go to Question D3
- ❍ Yes, full time ➔ Go to Question D2
- ❍ Yes, part time ➔ Go to Question D2

**D2. During a typical week, how many days do you commute to work (for the longest distance of your commute) in each of the ways listed below? (Enter the total number of days, using whole numbers.)**

| | | |
|---|---|---|
| Motorized vehicle (e.g., car, truck, van, motorcycle, etc...) by myself | _____ | days |
| Motorized vehicle (e.g., car, truck, van, motorcycle, etc...) with other children or adults | _____ | days |
| Bus or other public transportation | _____ | days |
| Walk | _____ | days |
| Bicycle | _____ | days |
| Work at home | _____ | days |
| Other | _____ | days |

**D3. How many years have you lived in Corvallis?**
- ❍ Less than 2 years
- ❍ 2-5 years
- ❍ 6-10 years
- ❍ 11-20 years
- ❍ More than 20 years

**D4. Which best describes the building you live in?**
- ❍ One family house detached from any other houses
- ❍ House attached to one or more houses (e.g., a duplex or townhome)
- ❍ Building with two or more apartments or condominiums
- ❍ Mobile home
- ❍ Other

**D5. Is this house, apartment or mobile home...**
- ❍ Rented for cash or occupied without cash payment?
- ❍ Owned by you or someone in this house with a mortgage or free and clear?

**D6. About how much is your monthly housing cost for the place you live (including rent, mortgage payment, property tax, property insurance and homeowners' association (HOA) fees)?**
- ❍ Less than $300 per month
- ❍ $300 to $599 per month
- ❍ $600 to $999 per month
- ❍ $1,000 to $1,499 per month
- ❍ $1,500 to $2,499 per month
- ❍ $2,500 or more per month

**D7. Do any children 17 or under live in your household?**
- ❍ No ❍ Yes

**D8. Are you or any other members of your household aged 65 or older?**
- ❍ No ❍ Yes

**D9. How much do you anticipate your household's total income before taxes will be for the current year? (Please include in your total income money from all sources for all persons living in your household.)**
- ❍ Less than $24,999
- ❍ $25,000 to $49,999
- ❍ $50,000 to $99,999
- ❍ $100,000 to $149,999
- ❍ $150,000 or more

**Please respond to both question D10 and D11:**

**D10. Are you Spanish, Hispanic or Latino?**
- ❍ No, not Spanish, Hispanic or Latino
- ❍ Yes, I consider myself to be Spanish, Hispanic or Latino

**D11. What is your race? (Mark one or more races to indicate what race you consider yourself to be)**
- ❍ American Indian or Alaskan Native
- ❍ Asian, Asian Indian or Pacific Islander
- ❍ Black or African American
- ❍ White
- ❍ Other

**D12. In which category is your age?**
- ❍ 18-24 years
- ❍ 25-34 years
- ❍ 35-44 years
- ❍ 45-54 years
- ❍ 55-64 years
- ❍ 65-74 years
- ❍ 75 years or older

**D13. What is your sex?**
- ❍ Female
- ❍ Male

**D15. Many people don't have time to vote in elections. Did you vote in the last general election?**
- ❍ No
- ❍ Yes
- ❍ Ineligible to vote
- ❍ Don't know

**Thank you for completing this survey. Please return the completed survey in the postage paid envelope to: National Research Center, Inc., 3005 30th St., Boulder, CO 80301**

**City Manager's Office**
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 757-6901
FAX (541) 757-6780
e-mail: city.manager@ci.corvallis.or.us

October 2008

Dear Corvallis Resident:

The City of Corvallis wants to know what you think about our community and municipal government. You have been randomly selected to participate in Corvallis' 2008 Citizen Survey.

Please take a few minutes to fill out the enclosed Citizen Survey. Your feedback will help the City set benchmarks for tracking the quality of services provided to residents. Your answers will help the City Council make decisions that affect our community. You should find the questions interesting and we will definitely find your answers useful. Please participate!

**To get a representative sample of registered voters in Corvallis, the registered voter to whom this was addressed should complete this survey.**

Please have the appropriate member of the household spend a few minutes to answer all the questions and return the survey in the enclosed postage-paid envelope. **Your responses will remain completely anonymous.**

The City of Corvallis has been conducting an annual Citizen Attitude Survey since 1993. The survey has been very important in providing citizen feedback on City programs, services, and project ideas. The survey has also been used as a "report card" comparing how well we are doing compared to past years.

2008 marks a change in how the City will conduct future Citizen Attitude Surveys. One of the City's goals has been to not only compare our service ratings to past years, but also to compare our ratings to other cities of similar size and circumstance. This is especially important as further work is done benchmarking Corvallis services compared to other similar cities in Oregon and the United States.

The National Citizen Survey™ (The NCS) achieves not only our traditional citizen feedback, but also provides the benchmarking necessary for future decision making. Should you have any comments or questions, please contact Carla Holzworth at 766-6901 or carla.holzworth@ci.corvallis.or.us.

Please help us shape the future of Corvallis. Thank you for your time and participation.

Sincerely,

Jon S. Nelson
City Manager

Charles C. Tomlinson
Mayor

*A Community that Honors Diversity*

**City Manager's Office**
501 SW Madison Avenue
P.O. Box 1083
Corvallis, OR 97339-1083
(541) 757-6901
FAX (541) 757-6780
e-mail: city.manager@ci.corvallis.or.us

October 2008

Dear Corvallis Resident:

About one week ago, you should have received a copy of the enclosed survey. **If you completed it and sent it back, we thank you for your time and ask you to discard this survey. Please do not respond twice.** If you have not had a chance to complete the survey, we would appreciate your response. The City of Corvallis wants to know what you think about our community and municipal government. You have been randomly selected to participate in the City of Corvallis's Citizen Survey.

Please take a few minutes to fill out the enclosed Citizen Survey. Your feedback will help the City set benchmarks for tracking the quality of services provided to residents. Your answers will help the City Council make decisions that affect our community. You should find the questions interesting and we will definitely find your answers useful. Please participate!

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Please help us shape the future of Corvallis. Thank you for your time and participation.

Sincerely,

Jon S. Nelson
City Manager

Charles C. Tomlinson
Mayor

# The National Citizen Survey™

# CITY OF CORVALLIS, OREGON
# 2008

## Report of Open-ended Questions

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ICMA
777 North Capitol Street NE, Suite 500
Washington, DC 20002
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The National Citizen Survey™ by National Research Center, Inc.

# Survey Background

## About The National Citizen Survey™

The National Citizen Survey™ (The NCS™) is a collaborative effort between National Research Center, Inc. (NRC) and the International City/County Management Association (ICMA).

The survey and its administration are standardized to assure high quality survey methods and comparable results across The National Citizen Survey™ jurisdictions. Registered voters are selected at random. Multiple mailings give each selected registered voters more than one chance to participate with self-addressed and postage paid envelopes. Results are statistically weighted to reflect the proper demographic composition of Corvallis' registered voters.

The National Citizen Survey™ customized for this jurisdiction was developed in close cooperation with local jurisdiction staff. City of Corvallis staff selected items from a menu of questions about services and community problems; they requested a sample of registered voters only; they provided the list of Corvallis registered voters; and they provided the appropriate letterhead and signatures for mailings. City of Corvallis staff also determined local interest in a variety of add-on options to The National Citizen Survey™ Basic Service.

The National Citizen Survey™ by National Research Center, Inc.

# Understanding the Results

## About Closed-ended and Open-ended Questions

Questions can either be asked in a closed-ended or open-ended manner. A closed-ended question is one where a set of response options is listed on the survey. Those taking the survey respond to each option listed. Open-ended questions have no answer choices from which respondents select their response. Instead, respondents must "create" their own answers and state them in their own words. The verbatim responses are categorized by topic area using codes. An "other" category is used for responses falling outside the coded categories. In general, a code is assigned when at least 5-10% of responses will fit the code.

Advantages of an open-ended question include:

- Responses are not prompted, allowing respondents to provide answers that are not anticipated or well known.
- This type of question tends to capture response options that come to mind most quickly.
- The final result can be richer, since verbatim responses are included in an appendix, giving you and others a chance to "hear" the voice of respondents in their own words.
- There is a smaller risk of missing important dimensions.

## Verbatims

The verbatim responses were categorized by topic area and those topics are reported in the following table with the percent of responses given in each category. Because some comments from respondents covered more than a single topic, each topic mentioned by a respondent was categorized and counted for the table below. Those verbatim responses are grouped by the first topic listed in each comment whenever a respondent mentioned more than a single topic. Verbatim comments that contain more than one topic nevertheless appear only once (in the category of the first topic listed), however the analysis in the table below counts each of the topic areas given by all respondents regardless where those topics appeared in the comment.

Results from the open-ended question are best understood by reviewing the table of frequencies that summarize responses, as well as the actual verbatim responses themselves.

| Is there anything else you would like to say about City government that is not covered in this questionnaire? | |
|---|---|
| | Percent of Respondents |
| Economic issues (business opportunities, employment, improve retail/shopping opportunities, growth friendly, etc) | 20% |
| Transportation issues (roads, traffic enforcement, repair, street lighting, alternative transportation, bike paths, parking, etc) | 16% |
| Governance issues (budget, taxation, fees, city employees, focus on local issues, etc) | 16% |
| City Services (social, emergency, garbage collection, recycling, code enforcement, etc) | 11% |
| Positive feedback | 12% |
| Planning and Environment issues (too much growth, land preservation, open space, green planning, etc) | 11% |
| Law enforcement issues (police, laws and ordinance enforcement, etc) | 10% |
| Other | 31% |
| Don't Know/Nothing | 5% |
| Total may exceed 100% as respondents could select more than one category. | |

The National Citizen Survey™ by National Research Center, Inc.

# Verbatim Responses to Open-ended Questions

The following pages contain the respondents' verbatim responses as written on the survey and have not been edited for spelling or grammar. Responses have been organized by coded topic areas.

## Is there anything else you would like to say about City government that is not covered in this questionnaire?

### Economic Issues

- 2. Shopping opportunities-the lack of stores and the lack of competition among those that are in Corvallis has motivated me to spend up to 60% of my shopping dollars in other communities. The lack of parking or limited parking time (i.e. 30 minutes maximum parking), restricts my patronage of restaurants and other businesses. I also spend well over 50% of my dining out dollars in other communities where unlimited parking is available. 4. Weeds-I've resided in three other states as an adult. Oregon is the first state to encourage me to let my lawn dry up and become a fire hazard in the summer. The water rates in Corvallis are the highest I've ever paid, even though the annual rainfall averages 40 inches. Did I tell you the other three states I lived in were in the southwest where rainfall is significantly less? Additionally, homeowners are discouraged from applying herbicides, while weeds are allowed to grow unchecked throughout the city. Oregon is generally concerned with "invading species" but seems not to have made the connection that weeds without control are "invasive" and detrimental to the health and beauty of a community. 11. Traffic enforcement-is non-existent when it comes to bicyclists. I don't think I've ever seen a bicyclist stop at a stop sign. 15. Property taxes and state income taxes-are the highest I've encour. Remain in Corvallis-four homes in our neighborhood either have their house for sale at the time of completing this survey, or are going to move within the next seven months. They are not only moving from Corvallis, but the state of Oregon, as well. We also intend to sell and relocate out of state within the next nine months. We would not recommend Corvallis to others. We would in fact, warn others of our negative experience(s). 18c. Sustainability-we were not aware that the city council had adopted the community sustainability action plan when we moved to Corvallis. If we had known, we would have chosen another community, most likely in another state. The "plan" smacks of communism. We don't want to live in a "hippie commune" where everything is governed in a socialist manner by community leaders. I have read the last two years worth of minutes of the city council meetings. I am now aware that many decisions are being made by the city council without bringing these issues to a vote by the citizens. This is why we are willing to relocate to another state.
- Corvallis has done a good job keeping its downtown alive. But shops are all small, boutique type. There are only 3 stores in Corvallis where you can buy sheets and each of those is 2-3 miles apart! More bus lines please. Later in the evening and on weekends. Very few folks today have the privilege of a m-f 9-5:30 job.
- "Focus on downtown development in the area of high quality urban atmosphere, shops, restaurants, housing, etc. Keep the "Albany" type development in Albany i.e. 9th St. is ugly; downtown is not. Facilitate more urban desireables; discourage "suburban" malls, 9th St-like strips, etc. I am a native to Benton co (grew up in n. Albany in 50's & 60's). Graduated from OSU in 1981 (lived only two years away in mid 70's); worked at OSU for 27 yrs; have lived in

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same house in NW Corvallis for 25 yrs. I love Oregon, Benton co., and Corvallis. When I retire in a few years, I plan to do more volunteering."

- I enjoy living in Corvallis & have been an active member of the community as an ameri corps member. However, now that my year of service is complete I am finding extreme difficulty in employment. I would love to stay in Corvallis but there is no work for young well educated citizens like myself.
- I think the city should show more appreciation towards H.P. and not take the company for granted. Also, I think the city should concentrate more on budgeting the money it has rather than constantly asking the tax payers for more. Also, it should be a priority for the city to get pacific power to fix their infrastructure so the power doesn't go out every few months - this is a ridiculous loss of economic output.
- Invite more commercial zones and businesses, clean out anti-growth city council. Get an electronics store.
- Job response due to a lack of entry-level chemical engineering work available in town.
- More jobs, more stores, more flexibility in zoning decisions-evanite.
- Need better shopping and resturant options. Cost of living to high for young families to stay in Corvallis.
- Need to be more accepting of new businesses. I leave town to do most of my shopping or do so on the internet
- Places to shop womens clothing for special events. Several stores. Established business. Need to slow growth.
- Please decide to be pro-growth. We need the businesses here. Corvallis is a dying city.
- Please try to recruit and welcome a chain health food store. (i.e. Trader Joes, whole foods, market of choice)
- -Sustainable business should mean profitable -the main reasons I live in Corvallis are that my job is here and my extended family is here. I do not agree with the political leanings of this town and how they permeate every level of government. -the city does not understand business and taxes
- The city needs more economic vitality - attracting & retaining businesses here!!!
- The planning commission, city council and the mayor's office seem so set on stopping growth - of any kind - that industry and work opportunities are not going to be able to continue to sustain Corvallis and all the funding the city needs. How many building permits were issued this year? And how many new employees did the building department hire? Our taxes are paying for new employees - instead of permit fees. The city has made development impossible!!
- "They make it too difficult for people trying to start a new business. There are too many fees and “red tape” to go through."
- We need better shopping instead of going to Salem or Eugene. Need restaurants! - Big chains - olive garden, outback, etc.
- We need good restaurants i.e.: the olive garden
- Would like to see more shopping like American Eagle and Old Navy like mayor Tomlinson agreed when he first ran for mayor. More jobs and better housing

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## Transportation Issues

- A drastic and emergency needs to be addressed about fixing and increasing bike paths & bike lanes in Corvallis. Many 2 lane streets can be immediately converted - one lane for cars, one lane for bikes. I have an immediate neighbor who got hit by a car while on a bike. Bikes are my wife & I's primary form of transportation please make it a priority to improve life for bicycle commuters and Corvallis in general. Also the bus system is severly lacking in usability, please increase routes & route times every 15 to 20 minutes as opposed to ever 1 hour. Too much funds are spent on automobile transportation/roads for cars & not for bikes & buses.
- At grant & 10th/highland, put in stop signs. The yeild signs dont work. I have had cars almost hit me on numerous occasions
- Bicycle traffic should be better informed of rules and they should be enforced. Smoking is a big problem in public area
- I would like the government (ie. Police, public works) to do more to promote safe bike use and enforcement of bike vs. Car rules. Including earlier clean-up of post-OSU home game broken beer bottles in the bike lanes.
- I would like to bring to your attention the traffic light for the intersection of 35th and Harrison needs the timing re-calculated & also at 5pm traffic is very backed up at the intersections of 5th St. To 1st and Van Buren
- I would like to see the city gov. put even more time/energy/money towards bicycle infrastructure such as education (for drivers and riders) and separate bike paths not on the sides of roads.
- "It seems that many drivers don't know the rules about yielding to pedestrians. If the police wish to apply some “education,” a good place to do that would be on King's between Grant and Circle."
- Need more lenient parking for people who work downtown. They provide alot of daytime business for surrounding shops & restaurants.
- -noise & traffic are a very big concern of the residents living on 30th street near the college. Booming radios, racing, loud mufflers etc. are very disturbing & policement of the arts is never seen. Speed bumps are completely innefectual. *this survey is very long.
- Put in the traffic signal at w. Hills & 53rd which was promised when grand oaks went in bike path on W. Hills Rd.
- Regarding city transit: I would use busses more often if they ran later and more often. Yet, I’m grateful for the routes we have
- Signal lights: I find some intersections have default settings that are not the general traffic flow. Also I don't think citizens should be responsible for messed up sidewalks due to tree routs.
- So. Corvallis is treated like an ugly stepsister. Streets w/cracks & grass, broken sidewalks, lack of signage, trees blocking street signs. Houses w rusted parts, lined with wood, unkept homes. No major grocery stores, shopping areas. Making improvements to homes in this area is financially unwise because homes will not sell with better upgrades. Anti growth & anti change had best come to grips w/reality this attitude keeps so. Corvallis lo income, lo care, slummy and w/o chance of improvement.
- The drainage on most of the roads are having problems.
- There is poor street lighting on Harrison & Van Buren between 18th and 9th St.
- We need a bike path on west hills road

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## Governance Issues

- (1) The city needs to look at the unintended consequences of “organizational sustainability.” (2) The general impression is Corvallis is not business friendly!"
- *when city has dertermined an unsafe condition takes too long to act on it. *I think city has made poor investments on pers program & union contracts. Try to pass losses onto citizens to make up for future pay out.
- Both Oregon State University on Hewlett-Packard provide work/jury whose educated employees except/demand progressive govenerment. Continuing minor theft-bicycles, purses in library, indicates a poor/homeless jobless underbelly here. This is an agriculturally-based state, as is California. There are infrastructural needs unmet but change is in the air-high speed rail with light rail tie-ins passed favorably in ca. Last Tuesday. Eventually Oregon and Washington will join ca.
- "City employees are mediocre in general. The finance dept employees need to be replaced top to bottom. City budgeting process is autrocious. City government pays too much attention to special interests, while the average citizen has little voice. City government is obsessed with “no growth” issues, while economic development is being ignored. There is very little excellence in city government and recent tax initiatives (cell phone, BLF etc) have hurt credibility. You are getting no leadership from finance. Question 18c needed to be separated: environmental = excellent economic = poor social = good"
- City wastes money on pet projects e.g.: kiosk in front of city hall is $10,000 wasted. Paying for costly surveys is a waste of money when locally done is more effective.
- Gone way overboard with diversity issues, and California ideas or issues. Concentrate more on bringing in more arts, entertainment. School district support. Quit being pushed around by national issues. We have a great community that can act on it's own issues.
- Having difficulty keeping up with large increases in property taxes the city government complains about income shortfalls, seems like city is wasting money on non-essecial social programs.
- I am very concerned about my property taxes so I would like you to find other sources of funding
- "I really question where they city is headed. In particular, I have doubts about this “organizational sustainability” or simply “sustainability” talk. First, I don't understand it and don't think the people promoting it understand it either. Second, it seems to me that the promoters are trying to run people's lives and control things that aren't the government's business. Finally, I realize that anyone saying this in public would soon be an outcast. Corvallis citizen's aren't nearly as open and tolerant as they think they are. On another topic, Corvallis is an extremely over policed city. Why do people take all their petty complaints to the government (often the police) instead of simply working it out with their neighbor?"
- I think the city government needs to reign in spending during this economic downturn and the significant job loss in Corvallis. We should not add new programs and scale down existing programs.
- I think traditionally the city manager's salary has been too high, and each time he gets a raise it puts his salary higher than it should be.
- If you are liberal you are well served by Corvallis city government.
- My contacts with city planners and city forester were positive but there seems to be no follow thru. Is my experience typical?
- "Please do not waste time on making national level “opinions” from a small vocal group - stick to city & county level challenges only."

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- -reduce permit fees. -reduce property taxes. -Provide (much) greater forewaring of increased property taxes -get rid of all parking meters, especially at, and around, our public library.
- Stop looking for things to involve city government. Most of us do a great job running our own life. Don't increase taxes for new projects. Not everyone can afford higher property taxes. Our racial or ethnic background should not matter in a representative government. All equal under the law
- Taxes are very high low income or retired household
- The city has to learn to live within it's means, I have had to learn to live with my income and savings. I have a little social security but have to live within proceeds of my investements! I can't tax anyone! Because I want more money to spend!
- The manager & staff @ city h20 (downtown) are complete XXXXXXX. They made a mistake in my billing and taunted me with a complete lack of respect when trying to deal with their error, insulting & very disappointing for a civil employee. If they worked under me I would have fired them. Police treat all citizens under 40 years old like undergraduate fraternity students.
- The sustainability efforts being under taken by the city are completely misguided and represent a poor value to the citizens. They will cost jobs and produce no tangible benefit.
- "There are too many decisions influenced by a small, vocal group. Sustainability-not most important for the city to address. Whiteside theater-will still be vacant in 5 years.-do not spend city $ on this. Evanite “swap”-this was a good thing that should have been approved."
- "Too many city planners and too much money for permits to change my own property. Very poor cost/benefit ratio for that “service”."
- We need more clarity about services related to deals with other countries and travel & exchange of monetary units. No one seemed to know where to find a notary in a language other than Spanish. We need to employ more bilingual workers in banks and the city with a net work of information for cases of emergency.
- Yes! Take care of local issues - don't take on the world's problems!

## City Services

- 1.) Backyard fires in fire pits should be banned, and allowing these types of fires cause serious breathing problems for people living here. 2) More needs to be done to combat underage drinking and drug use in this city 3) Corvallis high school needs to be a closed campus for freshman students. 4) More shopping is needed! 5) More food selection (fast food) is needed.
- Campus & Monroe to kings has quite a bit of garbage on the street. Maybe a clean up could improve the area.
- Garbage collection - I’m a bike rider. On glass collection days, lots of glass must fall out of the containers on the way up to the truck opening, smashing in the bike lane & remaining until a hard rain washed it away of the street sweeper comes by. Also, when people pile their leaves in the car lanes or get leaves stuck in my gears.
- Let's get rid of abandoned couches in the city
- -more city involvement to clean up neighborhoods around university - there's garbage everywhere & limited code enforcement making livability poor for so many people. Very discouraging. Landlords & litterers need to be fined. Things are getting worse all the time.
- More needs to be done about public drinking & loud attendees after beaver football games. More need to be done about street sweeping & road repairs in my neighbor-hood.
- OSU & City-run events shouldn't be exempt from amplified noise ordinances but it seems that they are judging by the loud amplification of music & sports events.

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- "The city needs to do a better job of enforcing rental laws e.g. making sure rental properties are cleared of trash, abandoned couches, chairs, etc. Also, the fact that “urban infilling” has brought uncounted numbers of “cookie-cutter” rental units has been (and continues to be) an aspect of decline in the liveability and beauty of this city. On the other hand, Corvallis has some of the most beautiful parks of any city! Of this, we are proud."
- The garbage, sofas, discarded junk outside student rentals are ugly, attract rats and in one case, discouraged a potential business owner from establishing his company here.
- "Using plastic bags for dog poop is “unsustainable” pick up recycled bottles more often. Any chance of moving hwy 99 out of downtown?"
- When we purchased our house last year we did not know that we would be surrounded by rentals. Landlords should be held accountable for their tenents' behavior as well as how the yard & house look (being taken care of). Lack of keeping up yards & houses affects housing values of residents adjacent & in the neighborhood. Also parking in neighborhoods near OSU by students and faculty is out of control. Also the number of cars at rentals.
- Why am I taxed for street cleaning (sweeping) when I don't get any? (No curbs) city needs to improve traffic control after OSU football games-its terrific!

## Positive Feedback

- "I am new to Corvallis, and am generally pretty involved in local happenings/politics. I would say I am thoroughly impressed by the sense of community that has been here. Saturday markets, and also the interest of neighbors and open forums. I, however, feel snobbed by this town, and I am unsure why. I dont know if this is the place to vent this, but maybe we could work toward putting together community activities that are more “outsider” welcome. This is, or should not be, an unwelcome place for transitioning students or people that have simply wandered here. (just my feeling). To explain further, I do like your town. It is pretty physically, and there are plenty of people here who are generally....involved. I would say the best thing about Corvallis is the park system-quite beautiful! The rose garden @ Avery Park....to the embraced biking trails throughout. I appreciate this attention to nature preservation and care for sustainable environment. Thank you for reading."
- I appreciate city council stands on national issues - we get some voice.
- I appreciate the effort the city makes to encourage public engagement and create a bike-friendly community.
- I enjoy living in Corvallis, the sense of community, educated populous, & outdoor recreation accesibility is what keeps me here...and, as a new mom I have heard wonderful things about the quality of Corvallis' educational insitutes (k-12).
- I have lived in Corvallis for over 40 years. I find it a fine city to live in.
- I love the parks, open space, bike paths and the core Corvallis downtown!
- I think that too much attention is given to those who complain and try to tear down and not enough attention given to the views of hard working men and women who make things work!
- I would hope that sestainability in all aspects of city/citizen created envolvement continues to be of high priority to all involved. Keep up the excellent standards & more.
- I'm a student. I love it here but I plan to move out after school
- It is a good place to live!
- Keep up the good work!
- Keep up the sustainability work!
- "not really. I love Corvallis & have enjoyed watching it “clean up”, especially downtown. My only complaint is the rapid increase in chain retail, especillay food. Who needs Applebee's & a

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Ruby Tuesday?! Ninth Street is starting to feel like Albany (which I don't mean in a nice way...) that is my only complaint!"

- Overall I have been extremely pleased with the city of Corvallis and the services offered. This has impacted my decision to stay here.
- Sincere appreciation for time & effort of city council members & mayor Tomlinson!
- Some city employees have been exceptional, the engineers, but most (especially the parking permit receptionist/assistant) were not courteous or helpful. The unmaintained alleys by campus are irresponsible. The post office is incompetent (delivered late, loosing things, 30-45 min average wait, packages ruined...) Unhelpful letters ripped & the thing I hate most about Corvallis. The traffic light timing needs to be addressed-especially at Harrison & 35th. Overall Corvallis is a very expensive place to live & gas is usually 15-20 cents/gallon more than neighboring towns. Parking is the 2nd worse thing about Corvallis-pay meters are everywhere & they must make a fortune on parking tickets & residents have to pay for permits (that aren't transferable to any other vehicle even for some owner/permit holder).
- They seem very responsive to citizen input - council meets on TV are very helpful. We appreciate the city's resistance to strip development - and trails + greenspace.
- Walnut Street finally finished. Good job!
- We love Corvallis
- You're doing a good job!

## Planning and Environmental Issues

- Please more aggressively capture open space. Particularly south of Rivergreen...wonderful opportunities here! - will increase property values *demographic questions on back not for whole household - two adults are answering. Also, need additional box for transgendered folks - or ask gender - & have people fill in blank?
- "Be careful at the type of residential growth that is approved. Corvallis' unique charm is in that there used to be minimal “cookie-cutter” developments. This seems to be changing as developers get approved for quick builds and building codes are waived or overlooked."
- Home depot & the development north of the Timberhill shopping center were very bad placements for development. Wetland mitigation & taking away recreational opportunities are horrible choices. Don't develop around Chip Ross!! The available youth programs are good, but there are many gaps. Particularly for youth who are at-risk & recently 18 years of age.
- I am tired of seeing land destroyed, plowed under and then just left undeveloped. I see areas almost daily. The hospital hill, above Winco & 9th St. behind OSU credit union. Please leave the land alone!
- "I feel Corvallis prostitutes itself to home builders, resutling in huge cheap cookie cutter homes. How about a development with high quality smaller homes in an environmentally respectful setting? Why was there no competition for our garbage services contract? Why is it so easy to cut services for the mentally ill & the homeless, but money is always available for more glamorous projects like the library & senior center? Finally I am sorry to see Corvallis turning into another “nothing special” town of big boxes and strip malls."
- I think there should be continued emphasis on sustainability including alternative energy in solar & biofuels.
- My perception is that city government favors development too much over preservation of natural areas
- Thank you for your time and efforts. I think Corvallis is growing too fast. We need more parks and open space. Please - no more big box stores.

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- "The city forced an “unnecessary” street through the vacant lot next to our house which distroyed the character of our lot, says my husband."
- The housing development are building houses much to close - 10' is not enough for private & noise control.
- The planning dept. should have a staff person to assist citizens in land use decisions. Right now they only serve the developers. The city needs to really get motivated to help our community reach our sustainability goals. If we only have 15-20 yrs. Or petroleum left, we need to be improving mass transit now. The city should co-ordinate emergency services (in disaster) with neighborhood associations.
- We need to be doing a better job enforcing environmental policies and less concerned with bike, traffic, and noise complaint issues

## Law Enforcement Issues

- Better dog-off-leash enforcement in parks. We no longer visit some parks (such as MLK) because of loose dogs. Also more proactive enforcement of speed laws! 29th & grant for example are often speedways, as well as 23rd & also hillcrest.
- Cops not fair. Should be more like any Griffith/Mayberry to tax payers/reg citizens cops are unfair courts are XXXXXXX up XXXXXXX
- Corvallis does poor job at enforcing leash laws and dogs in parks that are off limits to them (e.g. Franklin Park). Corvallis has many unsightly rentals strewn with trash and couches on front porches. Lastly, new forms of development (e.g. south town near river) perpetuate reliance on cars and also are ugly. Shopping would be improved by luring more upscale businesses relative to new stores that are coming in.
- I disagree with the ordinance that prevents consuming alcohol outside after 10p.
- If you live close to campus, the state police respond rather than Corvallis police. The Corvallis police department does a much better job than the state police!
- The number of homeless people and their behavior is becoming a problem. Some I’ve spoken with are not just temporarily down on their luck. Many are drunk, leave trash in piles, complain about how they are treated, try to get free rides on the bus, and can be aggressive and unpredictable. Some I’ve personally spoken with choose to live this way. I believe that we should help the homeless people who are willing to be accountable, responsible participants in improving their lives, and others we should invite to live elsewhere.
- "The police are fairly aggresive with traffic tickets. But, I almost never see the police walking a “beat” in the downtown area on a Friday night. The garbage pick up is overly sensitive about where my cans are - have had a couple instances where they refuse service because of a mistake or two on my part."
- The police here are pimps for the state/city. They fine for money not safety they serve the city & themselves, not the citizens. Their power needs to be checked, and I know that action needs to be taken before we are living in a police state.
- The shady operations of officer Cox was embraced by his superiors when it should have been investigated. For this the police superiors should be investigated and reprimanded.
- While Corvallis police are reasonable and friendly, the new MIP laws are unreasonable and I hope Corvallis will find a way to keep the diversion programs in place.

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## Other

- (1) Grand oaks path-bald hill blocked-rumor is for safety because of trains. Combo lock gate seems like a good safety choice. (2) Connecting walking path by OSU dairy barns to end of circle trail is one example of better connecting off road bike/walk paths. (3) Parking garage (with shop room at street level) needed for downtown (4) safety ridge for bikers going from hp-west desirable. (5) Parks & paths huge factors in Corvallis livability & attractiveness (6) jobs (economic development) & shopping key weaknesses for Corvallis a) need safe hangout places for adolescents. 1.) Maybe no alcohol - dancing at boys/girls club?
- (Free or) low-cost wireless internet or web access would be very useful. I'm willing to pay for this service.
- *we need more outlets for teen involvement/entertainment/socializing (not sports-related). *please don't build more softball fields/no more night-lit fields *we need to have hooded street lights to reduce night time light pollution
- 1-lower income folks really have trouble reaching medical cares. They deserve better. 2-we'll lose our quality of life if we density the city too much, and lose natural space and green areas.
- A few people run most everything
- "A while back, somebody thought they were making a point for “diversity” (so-called0 by refusing to issue marriage licenses to hetero sexual couples because they couldn't issue them to gay couples. I was glad to see that kind of stupidity stopped. I don't think it's the government's place to try to force people to “accept” what they see as immoral."
- As the economy sours, it would be good to amend city code to encourage small animal husbandry (i.e. several goats if have over 1/4 acre of pasture for them). This would also be better for the environment since the food source would be more local (assuming their manure is properly managed).
- Biggest complaint - affordable housing! After 35 years living in Corvallis and a recent divorce, I find myself contemplating moving to Albany so I can afford to buy a house!
- Cable & internet options/quality/cost are extremely poor!
- Cheaper wastewater treatment
- City website, especially utility site, needs improvement. Very cumbersome to pay on-line. Get some web design help.
- Control cats like you do dogs
- Don't like grass strips next to curbs-passengers get muddy or wet feet. Put sidewalk next to curbs!
- Envelopes in city utility bills. They don't have to be pre paid or anything, but it would be nice not to have to write the address everytime. More small and large business incentive programs. Enforcing building codes on slumlord rentals. More jobs means more taxes means more services. We need a semi-professional theater. More support for families of the university.
- Housing costs are way too costly.
- I feel the city should have a plan to provide community centers & recreational facilities centers for all ages (not just seniors). Corvallis should have a community recreation center with indoor sport courts/gymnasiums, computer labs, multi purpose rooms and a centrally-located sports complex.
- I have to claim neutrality on the city newsletter - I am contracted as graphic designer of this project. But if I weren't I would probably think it was fabulous.
- -I support reducing light pollution in Corvallis. -we would like to live here forever, but I don't know if there are enough jobs to support my family.
- "I think a lot of empty energy goes into “diversity” - we should respect all the cultures, including American culture. We seem to pretend that 69.8% of the US population isn't

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important any more - that is, the persons of European ancestry. I have also seen open disrespect for Christians, while the other adherents are touted as acceptable, and I think that's bigotry."

- "I wish there was a “very good” option. I thought many services, etc were not excellent but better than good-so I marked good instead of excellent."
- I would like to re-open the BMX race-course in south town Corvallis. This is good social activity that gets kids outdoors. Contact me for more info/opinion. Please re-make the dirt jumps!
- I would like to see more diversity & ideas or solutions presented by committee and audience members, and an increase of audience attendees. Some meeting times make it difficult to attend.
- I would like to see more indoor activities for children in Corvallis during the winter rainy period, e.g. covered/enclaved skatepark, children museum, indoor swim park, indoor playgrounds, etc
- I would like to see more low income and middle income housing built, along with stores that have modestely low prices. Everything seems to be going to GHE high end. But good
- Much needs to be done about the problem of spiralling cost of housing in Corvallis. Bring pressure to bear on unscrupulous rental landlords and otherwise greedy homeowners and real estate brokers to make this city a more affordable place to live for the middle class.
- My wife and I both have PhD’s but neither of us has any idea what the goal given in c above means!
- "On pg. 5 be more inclusive by listing an “other” bubble in question d13 about gender."
- "Perhaps I’d read “the city” newspaper more on the web. Promote channel 21 more. I'd like to see? For grv disposal on web."
- Please improve coordination with 509j on recreation.
- Please try to avoid any layoffs of police or fire fighting. More code enforcement on rental properties!! Re: trashy homes
- Provide drinking water at city parks.
- "Public discourse around education (public k-12) is extremely negative - blind assumptions about “failing” schools the accepted belief. Need to educate the public on how well our schools run & perform & turn our culture toward thoughtful appreciation, not knee-jerk elitist critisism."
- Re: 18b: e-books - now are only available for Windows PCs. Should require vendor to make available for Macs! Library employee management is sometimes lax - doesn't appear to notice some employees working hard and others hardly working.
- Seems to be for a chosen few - with money
- "Survey is “demanding” and response choices are (i.e. long list of 1-5) boring."
- The city could greatly enhance the river front by putting lights on the bridges. The lights then reflect in the water, making a magical effect. Our bridges are ugly. Lights would make the atmosphere festive. The long, gray winter would be enhance by lights on the bridges. All great cities have lights on their bridges.
- The city needs to do something about high home prices. My spouse & I make good money and have no to little debt but cant afford high home prices
- The cost of living is 2% higher in Corvallis then the national average. That is terrible!!!!! The cost of rentals (houses) is way to high to be considered reasonable.
- There are several questions that I would like comment on. For example, the street lighting is rated fair as it is not dark sky friendly-it glares without really illuminating. However when I report that a light is out, it is repaired within 24 hours. If there is a follow up questionnaire or discussion, I would like to participate.
- W3 believe that there should be community activity centers for all citizens of all ages, (inter-generational) rather than centers that cater to specific age groups.

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- We had a tree from waste water plant fall on our property. Have requested to have it removed from Dixon creek several times in 10 months with no response.
- Why are homeless camps by Kmart area not cleaned up?
- Why is the city renewing a no-bid contract with waste management?
- Yes - I am moving out of this city. I have lived on Glenn St. For twenty eight years. In that time my water bill has gone from $15 a month to over 70 a month. Your handling of the white side theatre sewer issue was a disgrace. I don't park in front of the post office (terrible congestion) because of the sink hole I remember another storm drain issue for which I'm charged 32.50 a month! You are not a user friendly city. Your attitude toward Southtown and the zoning change on park has forced me out. Citizen input is ignored.

## Don't Know/Nothing

- Being a partially handicaped senior citizen who has only lived in Corvallis the past year and confined to either an assisted living facility or a nursing home there is much I don't know about Corvallis.
- "I am sorry we marked "don't know" so much but we have only lived here for 6 months."
- I have only lived in Corvallis 7 months & I am still getting acquainted.
- No
- No
- No
- No
- No!
- Not at this time

The National Citizen Survey™ by National Research Center, Inc.

*** MEMORANDUM ***

**DECEMBER 19, 2008**

**TO:** MAYOR AND CITY COUNCIL

**FROM:** KATHY LOUIE, ASSISTANT TO CITY MANAGER/CITY RECORDER

**SUBJECT:** 2009-2010 WARD MEETINGS

City-sponsored ward meetings have continued to be popular forums for Councilors and their constituents to discuss ward-specific and citywide issues. Within each two-year Council term, every Councilor strives to host one City-sponsored ward meeting. All departments, including the City Manager's Office, are represented at each meeting. In the past, Councilors have also hosted their own "non-City sponsored" ward meetings as often as they feel appropriate.

Ward meetings have typically been scheduled for the second Tuesday of the month at 7 pm. The dates and times were developed keeping in mind other meetings and summer vacations and holidays. Staff attempts to find a City-owned facility within the particular ward or from a nearby ward to hold these meetings.

Unless otherwise directed, Ward meetings will reconvene in April 2009. Please select a meeting date below and call Management Assistant Carla Holzworth at 766-6901 to reserve the date. Carla will also assist you with flyers, finding another meeting location, and other meeting details.

**2009-10 WARD MEETING SCHEDULE**
(second Tuesday of the month)

| WARD | DATE | TIME | LOCATION | COUNCILOR NAME |
|---|---|---|---|---|
| Ward #_____ | April 14, 2009 | 7 pm | | |
| Ward #_____ | May 19, 2009 | 7 pm | | |
| Ward #_____ | Sept 8, 2009 | 7 pm | | |
| Ward #_____ | October 13, 2009 | 7 pm | | |
| Ward #_____ | January 12, 2010 | 7 pm | | |
| Ward #_____ | Feb 9, 2010 | 7 pm | | |
| Ward #_____ | March 9, 2010 | 7 pm | | |
| Ward #_____ | April 13, 2010 | 7 pm | | |
| Ward #_____ | May 11, 2010 | 7 pm | | |

*** MEMORANDUM ***

**DECEMBER 22, 2008**

**TO:** **MAYOR AND CITY COUNCIL**

**FROM:** **KATHY LOUIE, ASSISTANT TO CITY MANAGER/CITY RECORDER**

**SUBJECT:** **GOVERNMENT COMMENT CORNER**

The Government Comment Corner program has been conducted for several years for two hours Saturday mornings at the Corvallis-Benton County Public Library. This is an informal opportunity for citizens to talk with elected officials regarding their concerns about government operations or community issues. Both Corvallis School District 509J Board members and Benton County Board of Commissioners have participated in hosting the comment corner program.

If you are interested in participating in Government Comment Corner, a schedule will be available for you, during the January 5 th noon Council meeting, to sign up. The attached schedule is for information only.

Thank you, and please call or email me if you have any questions.

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

# GOVERNMENT COMMENT CORNER
## 2009 SATURDAY ROSTER
## 10:00 am to 12 noon

| Date | Host |
|---|---|
| January 3 | No Government Comment Corner |
| January 10 | |
| January 17 | No Government Comment Corner |
| January 24 | |
| January 31 | |
| February 7 | |
| February 14 | No Government Comment Corner |
| February 21 | |
| February 28 | |
| March 7 | |
| March 14 | |
| March 21 | |
| March 28 | |
| April 4 | |
| April 11 | |
| April 18 | |
| April 25 | |
| May 2 | |
| May 9 | |
| May 16 | |
| May 23 | No Government Comment Corner |
| May 30 | |
| June 6 | |
| June 13 | |
| June 20 | |
| June 27 | |
| July 4 | No Government Comment Corner |
| July 11 | |
| July 18 | |
| July 25 | |
| August 1 | |
| August 8 | |
| August 15 | |
| August 22 | |
| August 29 | |
| September 5 | No Government Comment Corner |
| September 12 | |
| September 19 | |
| September 26 | |
| October 3 | |
| October 10 | |
| October 17 | |
| October 24 | |
| October 31 | |
| November 7 | |
| November 14 | |
| November 21 | |
| November 28 | No Government Comment Corner |
| December 5 | |
| December 12 | |
| December 19 | |
| December 26 | No Government Comment Corner |

RECEIVED
DEC 19 2008
CITY MANAGERS OFFICE

MCC - FYI, [illegible]

Portland State UNIVERSITY

College of Urban and Public Affairs
Population Research Center

Post Office Box 751
Portland, Oregon 97207-0751
570 Urban Center
506 SW Mill Street

503-725-3922 tel
503-725-5162 fax
askprc@pdx.edu
www.pdx.edu/prc/

– IMPORTANT NOTICE –

# Certified 2008 Population Estimate

December 15, 2008

To: **Corvallis city**

Listed below is the population estimate for July 1, 2008. Also included are the certified 2007 estimate and the 2000 Census figure. The July 1, 2008 estimate is certified on December 15, 2008.

CERTIFIED POPULATION ESTIMATE:

JULY 1, 2008: **54880**

CERTIFIED POPULATION ESTIMATE:

JULY 1, 2007: **54890**

CERTIFIED CENSUS FIGURE:

APRIL 1, 2000: **49322**

If you have any questions, please contact:

Risa S. Proehl
Population Research Center
Portland State University
PO Box 751
Portland, OR 97207-0751

Telephone: (503) 725-5103
Fax: (503) 725-5162
E-mail: proehlr@pdx.edu

# ADMINISTRATIVE SERVICES COMMITTEE
# SCHEDULED ITEMS

## December 31, 2008

| MEETING DATE | AGENDA ITEM |
|---|---|
| January 8 | • Benton County Commission on Children and Families Funding Request<br>• Discussion of Meeting Day and Time |
| January 22 | • Urban Renewal Plan Ballot Title Language Review |
| February 5 | |
| February 19 | • Urban Renewal Plan Voters' Pamphlet Article Review |
| March 5 | • Second Quarter Operating Report |
| March 19 | • Ambulance Rate Review |
| April 9 | • Allied Waste Services Annual Report<br>• Economic Development Allocations Second Quarter Reports<br>• daVinci Days Loan Agreement Status Annual Report |
| April 23 | • Red Flag Policy |
| May 7 | • Economic Development Allocations Orientation |
| May 12 (special) | • Economic Development Allocations Presentations |
| May 14 (special) | • Economic Development Allocations Deliberations |
| May 21 | |
| June 4 | • Third Quarter Operating Report |
| June 18 | • Land Development Code Fee Review |
| July 2 | • Economic Development Allocations Third Quarter Reports |
| July 16 | |
| August 6 | |
| August 20 | |
| September 10 | • Fourth Quarter Operating Report |
| September 24 | |
| October 8 | • Council Policy Reviews:<br>  • CP 94-2.08, "Council Liaison Roles"<br>  • CP 94-2.09, "Council Orientation"<br>  • CP 98-2.10, "Use of E-Mail by Mayor and City Council"<br>  • CP 91-3.04, "Separation Policy" |

| MEETING DATE | AGENDA ITEM |
|---|---|
| October 22 | • Economic Development Allocations Fourth Quarter Reports<br>• Council Policy Review: CP 08-1.11, "Identity Theft Prevention and Red Flag Alerts" |
| November 5 | • Utility Rate Annual Review<br>• Economic Development Application Process and Calendar<br>• Funding Agreement Annual Report – Corvallis Environmental Center |
| November 19 | • Comprehensive Annual Financial Report |
| December 10 | |
| December 24 | • Economic Development Allocations First Quarter Reports<br>• First Quarter Operating Report |

**ASC PENDING ITEMS**

| | |
|---|---|
| • Benton County Fair Annual Report – Fiscal Year 2008-2009 | Community Development |
| • Council Policy Reviews: CP 10.01 through 10.08, "Financial Policies" | Finance |
| • Council Policy Review: CP 91-2.01, "Meeting Procedures" | CMO |
| • Utility Rate Structure Review | Public Works |

**Regular Meeting Date and Location:**

Thursday following Council, 12:00 pm – Madison Avenue Meeting Room

# HUMAN SERVICES COMMITTEE
# SCHEDULED ITEMS

## December 31, 2008

| MEETING DATE | AGENDA ITEM |
|---|---|
| January 6 | • Willamette Neighborhood Housing Services First Quarter Report<br>• Heartland Humane Society Living Wage Exemption Request<br>• Discussion of Meeting Day and Time |
| January 21 | |
| February 3 | • Corvallis Arts Center Annual Report<br>• Public Art Selection Commission Annual Report<br>• Council Policy Reviews:<br>  • CP 97-4.09, "Guidelines for Free Use of Park Facilities" |
| February 18 | • Social Services Semi-Annual Report |
| March 3 | |
| March 17 | |
| April 7 | • Willamette Neighborhood Housing Services Second Quarter Report |
| April 21 | • Majestic Theatre Annual Report<br>• Boys and Girls Club Annual Report |
| May 5 | • Liquor License Annual Renewals |
| May 19 | • Corvallis Fall Festival Annual Report |
| June 2 | • Boards and Commissions Sunset Review:<br>  • Commission for Martin Luther King, Jr.<br>  • Corvallis-Benton County Public Library Board<br>  • Library 2010 Legal Reserve Allocation Board<br>• Corvallis Farmers Markets Annual Report |
| June 16 | • Social Services Allocations – Fiscal Year 2009-2010 |
| July 7 | |
| July 21 | • Willamette Neighborhood Housing Services Third Quarter Report |
| August 4 | • Parks and Recreation Annual Fee Review |
| August 18 | • Social Services Semi-Annual Report |
| September 9 | |
| September 22 | • Rental Housing Program Annual Report |

| MEETING DATE | AGENDA ITEM |
|---|---|
| October 6 | • Council Policy Reviews:<br>  • CP 91-4.03, "Senior Citizens' Center Operational Policies"<br>  • CP 92-4.04, "Park Utility Donations"<br>  • CP 92-4.05, "Library Meeting Rooms Policy"<br>  • CP 92-4.06, "Library Displays, Exhibits, and Bulletin Boards"<br>  • CP 95-4.08, "Code of Conduct on Library Premises" |
| October 20 | • Council Policy Review:<br>  • CP 92-5.04, "Hate/Bias Violence" |
| November 3 | • Willamette Neighborhood Housing Services Fourth Quarter Report |
| November 17 | |
| December 8 | • Chronic Nuisance Property Ordinance Review |
| December 22 | |

**HSC PENDING ITEMS**

| | |
|---|---|
| • Bicycle Taxi/Pedicab Licensing | Police |
| • Council Policy Review: CP 00-6.05, "Social Service Funding Policy" | Community Development |
| • Indoor Furniture Placed Outdoors | Community Development |
| • Reducing Potential for Fire Spread Involving Natural Resources | Fire |
| • Smoking Ban at Library Premises | Library |
| • Smoking Hiatus Ordinance Review (CMC 5.03.080.160.13) (January 2011) | CAO/Police |

**Regular Meeting Date and Location:**

Tuesday following Council, 12:00 pm – Madison Avenue Meeting Room

# URBAN SERVICES COMMITTEE
# SCHEDULED ITEMS

## December 31, 2008

| MEETING DATE | AGENDA ITEM |
|---|---|
| January 8 | • Discussion of Meeting Day and Time |
| January 22 | |
| February 5 | • Council Policy Reviews:<br>  • Council Policy Review: CP 91-7.04, "Building Permits"<br>  • CP 91-9.05, "Street Naming and Addressing Policies and Procedures"<br>• Sidewalk Café Regulations Review |
| February 19 | |
| March 5 | |
| March 19 | • Systems Development Charge Annual Review |
| April 9 | |
| April 23 | |
| May 7 | • Council Policy Review:<br>  • CP 02-7.15, "Fee-in-Lieu Parking Program" |
| May 21 | |
| June 4 | • Boards and Commissions Sunset Review:<br>  • Capital Improvement Program Commission |
| June 18 | |
| July 2 | |
| July 16 | |
| August 6 | |
| August 20 | |
| September 10 | • Council Policy Review:<br>  • CP 03-7.16, "Guidelines for Donations of Land and/or Improvements for Parks as an Offset to Systems Development Charges for Parks" |
| September 24 | |
| October 8 | • Council Policy Review:<br>  • Cp 91-7.07, "Sanitary Sewers; Responsibility For"<br>  • CP 05-7.17, "Utility/Transportation Facility Extensions through Public Areas" |

| MEETING DATE | AGENDA ITEM |
|---|---|
| October 22 | |
| November 5 | |
| November 19 | |
| December 10 | |
| December 24 | |

**USC PENDING ITEMS**

- City Hall Block Public Restroom Design — Public Works
- Council Policy Reviews: CP 91-7.08, "Sidewalk Policy" — Public Works
- Fire Protection Services in Health Hazard Residential Areas — Fire
- Fire Records Management System
- Wastewater Reclamation Plant Total Maximum Daily Load Alternatives — Public Works

**Regular Meeting Date and Location:**

Thursday following Council, 4:00 pm – Madison Avenue Meeting Room

# UPCOMING MEETINGS OF INTEREST

## City of Corvallis

**JANUARY - JUNE 2009**
(Updated December 30, 2008)

## JANUARY 2009

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| 1 | | City Holiday - all offices closed | | |
| 3 | | No Government Comment Corner | | |
| **5** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **5** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| 6 | 7:00 am | Airport Commission | Madison Avenue Mtg Rm | |
| *6* | *12:00 pm* | Human Services Committee | Madison Avenue Mtg Rm | |
| 6 | 5:30 pm | Downtown Parking Committee | ~~Library Board Mtg Rm~~ *Madison Avenue Mtg Rm* | |
| 7 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| *8* | *8:00 am* | *Citizens Adv Cmsn on Civic Beautification and Urban Forestry* | *Parks and Rec Conf Room* | |
| *8* | *12:00 pm* | Administrative Services Committee | Madison Avenue Mtg Rm | |
| *8* | *4:00 pm* | Urban Services Committee | Madison Avenue Mtg Rm | |
| 8 | 7:15 pm | Committee for Citizen Involvement | Madison Avenue Mtg Rm | |
| *9* | *7:00 am* | *Bicycle and Pedestrian Adv Cmsn* | *Madison Avenue Mtg Rm* | |
| 10 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| *13* | *12:00 pm* | *Cmsn for Martin Luther King, Jr.* | *City Hall Meeting Room A* | |
| 13 | 7:00 pm | Historic Resources Commission | Downtown Fire Station | |
| 14 | 8:20 am | Citizens Adv Cmsn on Transit | Madison Avenue Mtg Rm | |
| 14 | 5:30 pm | Downtown Commission | Madison Avenue Mtg Rm | |
| *15* | *6:30 pm* | *Parks, Natural Areas, and Rec Brd* | *Downtown Fire Station* | |
| 17 | | *No* Government Comment Corner | | |
| 19 | | City Holiday - all offices closed | | |
| **20** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **20** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| TBD | TBD | Human Services Committee | Madison Avenue Mtg Rm | |
| TBD | TBD | Administrative Services Committee | Madison Avenue Mtg Rm | |
| TBD | TBD | Urban Services Committee | Madison Avenue Mtg Rm | |
| 21 | 12:00 pm | Housing and Community Dev Cmsn | Madison Avenue Mtg Rm | |
| 21 | 5:30 pm | Watershed Mgmt Adv Cmsn | Madison Avenue Mtg Rm | |
| 21 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| 22 | 7:00 pm | Budget Commission | Downtown Fire Station | budget overview |
| 24 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| 27 | 7:00 pm | Budget Commission | Downtown Fire Station | department presentations |
| ~~28~~ | ~~12:00 pm~~ | ~~Cmsn for Martin Luther King, Jr.~~ | ~~City Hall Meeting Room A~~ | |
| **29** | **5:30 pm** | **City Council** | **Madison Ave Mtg Rm** | **work session** |
| 31 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |

## FEBRUARY 2009

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| **2** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **2** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| TBD | TBD | Human Services Committee | Madison Avenue Mtg Rm | |
| TBD | TBD | Administrative Services Committee | Madison Avenue Mtg Rm | |

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| TBD | TBD | Urban Services Committee | Madison Avenue Mtg Rm | |
| 3 | 7:00 am | Airport Commission | Madison Avenue Mtg Rm | |
| 3 | 5:30 pm | Downtown Parking Committee | ~~Library Board Mtg Rm~~ *Madison Avenue Mtg Rm* | |
| 3 | 7:00 pm | Budget Commission | Downtown Fire Station | department presentations |
| **4** | **5:30 pm** | **City Council** | **Madison Ave Mtg Rm** | **work session** |
| 4 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| *4* | *7:30 pm* | *Library Board* | *Library Board Room* | |
| 5 | 7:00 pm | Budget Commission | Downtown Fire Station | public comment |
| 5 | 7:15 pm | Committee for Citizen Involvement | Madison Avenue Mtg Rm | |
| 6 | 7:00 am | Bicycle and Pedestrian Adv Cmsn | Madison Avenue Mtg Rm | |
| 7 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| 10 | 7:00 pm | Historic Resources Commission | Downtown Fire Station | |
| 11 | 8:20 am | Citizens Adv Cmsn on Transit | Madison Avenue Mtg Rm | |
| 11 | 5:30 pm | Downtown Commission | Madison Avenue Mtg Rm | |
| *12* | *8:00 am* | *Citizens Adv Cmsn on Civic Beautification and Urban Forestry* | *Parks and Rec Conf Room* | |
| 12 | 7:00 pm | Budget Commission | Downtown Fire Station | public comment – final deliberations |
| 14 | | No Government Comment Corner | | |
| 16 | | City Holiday - all offices closed | | |
| **17** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| 17 | 5:00 pm | Housing and Community Dev Cmsn | Madison Avenue Mtg Rm | |
| **17** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| TBD | TBD | Human Services Committee | Madison Avenue Mtg Rm | |
| TBD | TBD | Administrative Services Committee | Madison Avenue Mtg Rm | |
| TBD | TBD | Urban Services Committee | Madison Avenue Mtg Rm | |
| 18 | 5:30 pm | Watershed Mgmt Adv Cmsn | Madison Avenue Mtg Rm | |
| 18 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| *19* | *6:30 pm* | *Parks, Natural Areas, and Rec Brd* | *Downtown Fire Station* | |
| 21 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| 25 | 12:00 pm | Cmsn for Martin Luther King, Jr. | City Hall Meeting Room A | |
| 28 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |

## MARCH 2009

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| **2** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **2** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| | TBD | Human Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Administrative Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Urban Services Committee | Madison Avenue Mtg Rm | |
| 4 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| *4* | *7:30 pm* | *Library Board* | *Library Board Room* | |
| 5 | 7:15 pm | Committee for Citizen Involvement | Madison Avenue Mtg Rm | |
| 7 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| 10 | 7:00 pm | Historic Resources Commission | Downtown Fire Station | |
| 11 | 12:00 pm | Housing and Community Dev Cmsn | Madison Avenue Mtg Rm | |
| 11 | 5:30 pm | Downtown Commission | Madison Avenue Mtg Rm | |
| *12* | *8:00 am* | *Citizens Adv Cmsn on Civic Beautification and Urban Forestry* | *Parks and Rec Conf Room* | |
| 14 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| **16** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **16** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| TBD | TBD | Human Services Committee | Madison Avenue Mtg Rm | |
| TBD | TBD | Administrative Services Committee | Madison Avenue Mtg Rm | |
| TBD | TBD | Urban Services Committee | Madison Avenue Mtg Rm | |
| 18 | 7:00 pm | Planning Commission | Downtown Fire Station | |
| *19* | *6:30 pm* | *Parks, Natural Areas, and Rec Brd* | *Downtown Fire Station* | |
| 21 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| 25 | 12:00 pm | Cmsn for Martin Luther King, Jr. | City Hall Meeting Room A | |
| 28 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |

## APRIL 2009

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| *1* | *7:00 pm* | *Planning Commission* | *Downtown Fire Station* | |
| *1* | *7:30 pm* | *Library Board* | *Library Board Room* | |
| *2* | *7:15 pm* | *Committee for Citizen Involvement* | *Madison Avenue Mtg Rm* | |
| 4 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| **6** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **6** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| | TBD | Human Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Administrative Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Urban Services Committee | Madison Avenue Mtg Rm | |
| *8* | *5:30 pm* | *Downtown Commission* | *Madison Avenue Mtg Rm* | |
| *9* | *8:00 am* | *Citizens Adv Cmsn on Civic Beautification and Urban Forestry* | *Parks and Rec Conf Room* | |
| 11 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| *14* | *7:00 pm* | *Historic Resources Commission* | *Downtown Fire Station* | |
| *15* | *12:00 pm* | *Housing and Community Dev Cmsn* | *Madison Avenue Mtg Rm* | |
| *16* | *6:30 pm* | *Parks, Natural Areas, and Rec Brd* | *Downtown Fire Station* | |
| 18 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| **20** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **20** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| | TBD | Human Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Administrative Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Urban Services Committee | Madison Avenue Mtg Rm | |
| 22 | 12:00 pm | Cmsn for Martin Luther King, Jr. | City Hall Meeting Room A | |
| 25 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |

## MAY 2009

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| 2 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| **4** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **4** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| | TBD | Human Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Administrative Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Urban Services Committee | Madison Avenue Mtg Rm | |
| *6* | *7:15 pm* | *Committee for Citizen Involvement* | *Madison Avenue Mtg Rm* | |
| *6* | *7:30 pm* | *Library Board* | *Library Board Room* | |
| *7* | *7:00 pm* | *Planning Commission* | *Downtown Fire Station* | |
| 9 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| *12* | *5:30 pm* | *Economic Development Committee* | *Madison Avenue Mtg Rm* | |
| *12* | *7:00 pm* | *Historic Resources Commission* | *Downtown Fire Station* | |
| *13* | *5:30 pm* | *Downtown Commission* | *Madison Avenue Mtg Rm* | |

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| *14* | *8:00 am* | *Citizens Adv Cmsn on Civic Beautification and Urban Forestry* | *Parks and Rec Conf Room* | |
| *14* | *4:30 pm* | *Economic Development Committee* | *Madison Avenue Mtg Rm* | |
| 16 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| **18** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **18** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| | TBD | Human Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Administrative Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Urban Services Committee | Madison Avenue Mtg Rm | |
| *20* | *12:00 pm* | *Housing and Community Dev Cmsn* | *Madison Avenue Mtg Rm* | |
| *20* | *7:00 pm* | *Planning Commission* | *Downtown Fire Station* | |
| *21* | *6:30 pm* | *Parks, Natural Areas, and Rec Brd* | *Downtown Fire Station* | |
| 23 | | No Government Comment Corner | | |
| 25 | | City Holiday - all offices closed | | |
| 27 | 12:00 pm | Cmsn for Martin Luther King, Jr. | City Hall Meeting Room A | |
| 30 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |

## JUNE 2009

| Date | Time | Group | Location | Subject/Note |
|---|---|---|---|---|
| **1** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **1** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| | TBD | Human Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Administrative Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Urban Services Committee | Madison Avenue Mtg Rm | |
| *3* | *7:00 pm* | *Planning Commission* | *Downtown Fire Station* | |
| *3* | *7:30 pm* | *Library Board* | *Library Board Room* | |
| *4* | *7:15 pm* | *Committee for Citizen Involvement* | *Madison Avenue Mtg Rm* | |
| 6 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| *9* | *7:00 pm* | *Historic Resources Commission* | *Downtown Fire Station* | |
| *10* | *5:30 pm* | *Downtown Commission* | *Madison Avenue Mtg Rm* | |
| *11* | *8:00 am* | *Citizens Adv Cmsn on Civic Beautification and Urban Forestry* | *Parks and Rec Conf Room* | |
| 13 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| **15** | **12:00 pm** | **City Council** | **Downtown Fire Station** | |
| **15** | **7:00 pm** | **City Council** | **Downtown Fire Station** | |
| | TBD | Human Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Administrative Services Committee | Madison Avenue Mtg Rm | |
| | TBD | Urban Services Committee | Madison Avenue Mtg Rm | |
| *17* | *12:00 pm* | *Housing and Community Dev Cmsn* | *Madison Avenue Mtg Rm* | |
| *17* | *7:00 pm* | *Planning Commission* | *Downtown Fire Station* | |
| *18* | *6:30 pm* | *Parks, Natural Areas, and Rec Brd* | *Downtown Fire Station* | |
| 20 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |
| 24 | 12:00 pm | Cmsn for Martin Luther King, Jr. | City Hall Meeting Room A | |
| 27 | 10:00 am | Government Comment Corner | Library Lobby - TBD | |

**Bold** type – involves the Council ~~Strikeout~~ type – meeting canceled *Italics* type – new meeting

TBD To be Determined

**Louie, Kathy**

**To:** Mark O'Brien
**Subject:** RE: council request

# Forwarded conversation

Subject: **council request**

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From: **Marilyn Koenitzer** <marwilko@
Date: Sun, Dec 14, 2008 at 9:27 PM
To: Bill York <ward1@council.ci.corvallis.or.us>
Cc: Mark O'Brien <

Bill,

Thanks for all your work and dedication to the Planning Commission and City Council. I have one request.

Would you place a Council Request (or whatever action will accomplish my request) to change the public hearing on t Brooklane Heights remand from LUBA to later in 2009?

It seems that the timing of the public hearing is politically motivated. The City received the remand in May 2008. It's hard to believe that the City would conduct a public hearing over a New Year Holiday and at the first meeting of a new city council. Since the City waited seven months to schedule the hearing, I feel it could wait awhile longer.

I wish you enjoyment in your next adventures.

Sincerely,

Marilyn Koenitzer

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From: **Mark O'Brien** <
Date: Tue, Dec 16, 2008 at 2:53 PM
To: Marilyn Koenitzer <marwilkc
Cc: "Louie, Kathy" <Kathy.Louie@ci.corvallis.or.us>

Marilyn,

F.Y.I. Your request was forwarded to the full Council yesterday and it is my understanding that there will be no change in the schedule regarding this matter. I am sure Councilor York can provide you with further details regarding the outcome of the discussion.

Sincerely,
Mark O'Brien
Councilor Elect, Ward 1

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From: <marwilko@
Date: Wed, Dec 17, 2008 at 9:55 PM
To: Mark O'Brien <

Mark,

Thanks for the response. I will not be able to be present on the 5th. I am concerned that the variances to the new (and old) Land Development Code for all major developments within the past couple of years essentially render the Comp Plan meaningless. It would be great if staff would follow the rules without using exceptions and waivers.

I am sure you understand the concerns of the brooklane neighborhood.

I hope you have a peaceful and joyful holiday with your family before embarking on the new council journey.

sincerely,

Marilyn Koenitzer

---------- Forwarded message ----------
From: "Mark O'Brien" <
To: "Marilyn Koenitzer" <marwilko@
Date: Tue, 16 Dec 2008 22:53:29 +0000
Subject: Re: council request
Marilyn,

F.Y.I. Your request was forwarded to the full Council yesterday and it is my understanding that there will be no change in the schedule regarding this matter. I am sure Councilor York can provide you with further details regarding the outcome of the discussion.

Sincerely,
Mark O'Brien
Councilor Elect, Ward 1

On Sun, Dec 14, 2008 at 9:27 PM, Marilyn Koenitzer <marwilko@ wrote:
Bill,

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I wish you enjoyment in your next adventures.

Sincerely,

Marilyn Koenitzer

**MEMORANDUM**

**DATE:** **December 30, 2008**

**TO:** **Mayor and City Council**

**FROM:** **Ken Gibb, Community Development Director**

**RE:** **Brooklane Heights Public Hearing**

Staff has learned that the applicant has not placed a public notice on the site for the full 20 days prior to the scheduled January 5, 2009 public hearing as required by LDC 2.0.50.04 f.. Notices to surrounding property owners and residents have been mailed consistent with LDC requirements.

To address this procedural issue, Staff, in consultation with the City Attorneys Office, is recommending that the Council proceed in the following manner:

1. Conduct the hearing on January 5 as planned.

2. Continue the hearing until the evening Council meeting on January 20, 2009 and receive oral testimony and/or written at that time.

3. Close the public hearing after receiving any testimony at that time and move ahead using standard procedures.

Review and Concur:

Jon S. Nelson, City Manager

Scott Fewel, City Attorney

# MEMORANDUM

To: Mayor and City Council

From: Ken Gibb, Community Development Director

Copy: Jon Nelson, City Manager
Ellen Volmert, Assistant City Manager

Date: December 24, 2008

Subject: LUBA Remand - Brooklane Heights (PLD06-00018, SUB06-00006)

## ISSUE

The Brooklane Heights Planned Development and Subdivision proposals were approved by the City Council on September 17, 2007 **(Exhibit II)**. On May 30, 2008, the Oregon Land Use Board of Appeals (LUBA) remanded to the City its decision approving the Brooklane Heights Planned Development and Subdivision **(Exhibit VI)**.

On December 1, 2008, City Council decided to hold a public hearing to consider the LUBA remand of the City Council's approval of the Brooklane Heights development, limited to specific issues (assignments and subassignments of error) sustained in the LUBA order dated May 30, 2008.

## BACKGROUND AND RECENT APPLICATION HISTORY

The applicant is seeking approval of a Conceptual and Detailed Development Plan and a Tentative Subdivision Plat that would allow the phased creation of 45 lots and 4 common tracts, and the construction of streets and public facilities within the subject site. The 25.88 acre site is located northwest of Brooklane Drive and northeast of Agate Avenue, east of Fairmont Drive, and south of Whiteside Drive. The site consists of one parcel which is identified on Benton County Assessor's Map 12-5-01 C as Tax Lot 1000 **(Exhibits I and III)**.

The subject site is vacant and has not been developed, except for a short gravel road near the south side of the site that connects to Brooklane Drive. The site is surrounded by land designated by the Comprehensive Plan as Low Density Residential. All abutting properties are zoned RS-3.5 Low Density Residential, except for an undeveloped parcel east of Brooklane Drive and near the northeast portion of the site that is zoned RS-6 Low Density Residential **(Exhibit I)**.

Adjacent lots to the west of the site are generally a quarter of an acre to a third of an acre in size. Lots to the north are larger, ranging from approximately 1.25 acres to over 2.5 acres. The lots southeast of the site were developed as part of the 1994 Brooklane Park

Estates Conceptual and Detailed Development Plan approval. The adjacent developed lots in Brooklane Park Estates are approximately 0.6 acres each. The area northeast of the subject site is currently referred to as the Oakmont Addition site. This 10.72 acre site was recently logged, and is currently vacant. In 2007, the owner of this property received approval of a Tentative Subdivision Plat for a 24 lot subdivision on the site. The Oakmont Addition site was zoned RS-3.5 Low Density Residential at the time the application was submitted, which was prior to the implementation of the 2006 LDC. The RS-3.5 zone was changed to RS-5 Low Density Residential on December 31, 2006, when the 2006 LDC took effect. Similarly, the subject site, which was zoned PD(RS-3.5) at the time of application, was rezoned to PD(RS-5) with the implementation of the 2006 LDC. Unless otherwise specified through approval of the application, all development on the subject site will be required to comply with standards in the 2006 LDC.

The subject site is characterized by hill slopes that range from 10% to greater than 35%. The site is covered by wooded areas that contain nearly 450 white oaks that meet the LDC Significant Tree definition. The white oaks account for 98% of the significant trees on the site. Most trees on the site are located in areas that the applicant has identified as Tracts A, B, C and D. These tracts account for nearly 11 acres of the 25.88 acre site. Tract A is in the southwest corner of the site, Tract B runs along the south boundary, just north of Brooklane Park Estates, and Tract C contains an area in the center of the site that runs northeast towards the nearby cemetery. Tract D is the smallest tract located in the northeast corner of the site and is proposed to be developed with a street stub connecting to the adjacent Oakmont Addition site. The northwest portion of the site is a primarily open, grass covered area with occasional significant trees, as well as open areas with grasses and low lying vegetation **(Exhibit III)**.

<u>2007</u>
On June, 22, 2007, the Planning Commission denied the subject application, via Order 2007-075.

On July 5, 2007, the applicant's appealed the Planning Commission decision, and submitted an addendum to the appeal letter on July 16, 2007 **(Exhibit IV)**.

On September 17, 2007, the City Council approved the application, with Conditions, and adopted Formal Findings **(Exhibit II)**.

On October 9, 2007, the City received notice of petitioners intent to appeal the City Council decision to the Oregon Land Use Board of Appeals (LUBA).

<u>2008</u>
On May 30, 2008, LUBA issued its Final Order and Opinion, remanding the City Council's decision **(Exhibit VI)**.

## ISSUES ON REMAND

The appeal of this case to LUBA cited seven assignments of error **(Exhibit VII)**. The fifth assignment of error contained four "subassignments," and the sixth contained two. LUBA determined that the City had not made adequate findings in support of the proposal with respect to two of the assignments of error raised by appellants and portions of two others. In its request for the City Council to respond to the remand, the applicant has provided new information that it believes responds to the remanded topics. In summary, the remanded topics include:

- Fourth Assignment of Error– findings were inadequate for determining if the code and compatibility requirements are met without "typical building elevations" having been submitted.

- Fifth Assignment of Error (Subassignment B)– findings were inadequate for determining if the provisions of Comprehensive Plan policy 4.6.7 are met, based on the imposition of Condition 27, which requires individual lots to be developed consistent with the hillside development provisions of Chapter 4.5 and the pedestrian-oriented design standards in Chapter 4.10 from the 2006 LDC.

- Sixth Assignment of Error (Subassignment B)– findings were inadequate for determining if the drainage plan adequately addresses Comprehensive Plan policy 4.11.12.

- Seventh Assignment of Error– findings were inadequate for determining if protections of environmentally significant resources are consistent with Comprehensive Plan policies.

The remainder of this report will address each of the assignments of error, and will conclude with a summary of findings and recommendation to City Council.

### Fourth Assignment of Error

In their fourth assignment of error petitioners argue that the City's findings regarding visual and neighborhood compatibility were inadequate because the City did not require the applicant to submit typical building elevations. Rather, as a condition of approval, the applicant was required to comply with building design standards in the 2006 LDC, Chapter 4.10 - Pedestrian Oriented Design Standards **(Exhibits II and VII)**. LUBA sustained the fourth assignment of error stating

> "...the city's reliance on the applicant's agreement to comply in the future with inapplicable 2006 LDC design standards is insufficient to show that the development currently meets the applicable code and Comprehensive Plan requirements regarding compatibility with neighborhood characteristics....On remand, the city must either require submission of the typical building elevations, or in their absence identify a sufficient evidentiary basis to conclude that the development complies with applicable criteria."

***Applicable Standards and Review Criteria***

The LUBA Final Opinion and Order references 1993 LDC Chapter 2.5 - Planned Development, Sections 2.5.40.04 and 2.5.50.01.a.3, and Comprehensive Plan policies 4.6.7(G), 9.2.1, and 9.2.5 **(Exhibit VI)**. Also relevant are certain development standards in 2006 LDC Chapter - (RS-5) Low Density Zone. These standards and criteria are addressed below with respect to the fourth assignment of error.

**Section 2.5.50 - DETAILED DEVELOPMENT PLAN REVIEW PROCEDURES**

**2.5.50.01 - Application Requirements**

**An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan in Section 2.5.40 above and include the following:**

**a. Graphic Requirements**
**In addition to the graphic requirements specified for a Conceptual Development Plan in 2.5.40.01, a Detailed Development Plan shall include:**

**3. Typical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development;**

**Section 2.5.40 - CONCEPTUAL DEVELOPMENT PLAN REVIEW PROCEDURES**

**An application filed for a Conceptual Development Plan shall be reviewed in accordance with the following procedures.**

**The Director may waive any of the above requirements when determined the information required by this section is unnecessary to properly evaluate the proposed Planned Development. The Director may also require additional information to evaluate the proposal.**

Land Development Code Section 2.5.50.01.a.3 states that typical building elevation drawings shall be included in Detailed Development Plan applications. The applicant proposed to build custom homes on 42 individual lots (45 lots were proposed by the appellant on appeal and approved by Council). Because the applicant did not know how homes would be designed, typical building elevations were not submitted. Typical building elevations were not required for two reasons. One is that LDC 2.5.40 states that the Director may waive any application requirement when it is unnecessary to evaluate the proposed Planned Development. A second reason is that prior to the Planning Commission decision on the application, the 2006 LDC took effect. As a result, any homes proposed to be constructed on the subject site would be required to comply with 2006 LDC development standards unless other standards, e.g. building designs, were approved. The 2006 LDC contains clear and objective standards for the design of houses. Of particular relevance are the standards in 2006 LDC Chapter 3.2 - Low Density Zone (RS-5), which require compliance with LDC Chapter 4.10 - Pedestrian Oriented Design Standards **(Exhibit IX)**.

2006 LDC Chapter 3.2 contains clear and objective standards governing the development aspects such as building height, setbacks, and lot coverage. 2006 LDC Chapter 4.10 contains standards that, among other purposes, are to provide diversity and architectural variety in residential areas. In the absence of typical building elevations, which would

become standards *de jure* if approved, development on the site would be governed by rules in place at the time of building permits. Those rules, or development standards, are in the 2006 LDC. In part to foster visual and neighborhood compatibility, the City Council applied LDC Chapter 4.10 standards as conditions of approval **(Condition 27)**. While this may not have been absolutely necessary, it set clear parameters for building design that the Council believed resulted in visual and neighborhood compatibility. Section 3.2.70 of the 2006 LDC requires compliance with these standards, unless modified through a Lot Development Option, or Planned Development process. To ensure that any proposed variation from these standards is considered through a public hearing, Staff recommend modifying Condition 27 to remove the option of varying standards through the Lot Development Option and Minor Modification processes, both of which require administrative review, only.

Staff also recommend revising Condition 27 to require new home construction to comply with the Development Standards in 2006 LDC Section 3.2.30, and Green Area Requirements in LDC Section 3.2.40, but not Section 3.2.50 - Mix of Housing Types. At the time of application the site was zoned RS-3.5 and only detached, single-family homes were permitted. The proposed tentative subdivision plat was designed to accommodate this building type, and to be consistent with CCP 9.5.13, provided below.

**9.5.13 New subdivisions and planned developments of more than 5 acres in low density districts shall incorporate two or more of the following elements in at least 10% of the total acreage:**

**A. Zero lot line or attached dwellings (where allowed);**

**B. Minimum allowed lot area; or**

**C. Dwelling size less than 1,200 square feet.**

To conform with 9.5.13, the applicant proposed 11 lots slightly less than the minimum 8,000 sq. ft. required by the 1993 RS-3.5 standards, and Condition 22 restricted dwelling unit size to 1,200 sq. ft. or less for the same eleven lots. To permit other than residential uses, or to permit or require the mix of housing types permitted in 2006 LDC Chapter 3.2, would be inconsistent with the applicant's proposal and the City Council's previous decision.

LUBA did not find fault with applying 2006 LDC development standards as conditions of approval, but did find that the City erred in not making sufficient findings that the 2006 LDC standards would result in compliance with LDC criteria and Comprehensive Plan policies effective at the time of application regarding visual and neighborhood compatibility. The specific applicable code and Comprehensive Plan policies referenced by petitioners and LUBA were 1993 LDC 2.5.50.01.a.3, and Comprehensive Plan policies 4.6.7(G), 9.2.1, and 9.2.5.

**2.5.40.04 - Review Criteria**

**Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the**

Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:

- Basic site design (the organization of uses on a site);
- Visual elements (scale, structural design and form, materials, and so forth);
- Noise attenuation;
- Noxious odors;
- Lighting;
- Signage;
- Landscaping for buffering and screening;
- Traffic;
- Effects on off-site parking;
- Effects on air and water quality.

3.2.2 Within a land use district, primary uses and accessory uses permitted outright shall be considered compatible with each other when conforming to all standards of the district.

4.6.7 In areas where development is permitted, standards in the Land Development Code for hillside areas will achieve the following:

G. Demonstrate a concern for the view of the hills as well as the view from the hills.

9.2.1 City land use decisions shall protect and maintain neighborhood characteristics (as defined in 9.2.5) in existing residential areas.

9.2.5 Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:

A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.

B. Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.

C. Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.

D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.

E. Neighborhoods have a mix of densities, lot sizes, and housing types.

F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public

**streets, including building orientation, security-enhancing design, enclosure, and street trees.**

**G. Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.**

**H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.**

**I. Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.**

**J. Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.**

**K. Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.**

**L. Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.**

**M. Neighborhoods have street trees in planting strips in the public right-of-way.**

**9.5.13 New subdivisions and planned developments of more than 5 acres in low density districts shall incorporate two or more of the following elements in at least 10% of the total acreage:**

**A. Zero lot line or attached dwellings (where allowed);**

**B. Minimum allowed lot area; or**

**C. Dwelling size less than 1,200 square feet.**

***Consistency with CCP 9.2.1 and 9.2.5***

Land Development Code (LDC) 2.5.40.04 lists several compatibility criteria. Of those, Basic Site Design (the organization of uses on the site) and Visual Elements (scale, structural design and form, materials, and so forth) are applicable to the fourth assignment of error. One way to determine if a proposed development is compatible with respect to basic site design and visual elements is to evaluate it for consistency with Corvallis Comprehensive Plan policies 9.2.1 and 9.2.5.

Policy 9.2.1 states, "City land use decisions shall protect and maintain neighborhood characteristics (as defined in 9.2.5) in existing residential areas." Adjacent neighborhoods are developed on the hillsides abutting the north and west sides of the subject site, as well

as below it. Areas to the north and west are zoned RS-3.5 Low Density Residential, and the homes south of the site are zoned RS-3.5 Low Density Residential with a Planned Development Overlay. The applicant's response to City Council regarding the LUBA remand notes that neighborhoods surrounding the subject site consist of low-density residential development on lots ranging in size from approximately 10,000 sq. ft. to larger than one acre. Surrounding homes have a wide variety of building designs, and range from one-story ranch style homes to two-story homes, some with daylight basements.

The majority of proposed lots range in size between 10,000 and 12,000 sq. ft. Like homes in adjacent neighborhoods, houses on the subject site would be custom built, resulting in a variety of building designs. To be consistent with CCP 9.5.13, lots 19 -29 are slightly less than the minimum required lot size, and per Condition 22, homes on these lots may be no larger than 1,200 sq. ft **(Exhibits II and III)**. The proposed lot sizes, and expected variety in single-detached housing designs, would result in a mix of lot sizes and development similar to existing neighborhoods. Therefore, the proposal would protect and maintain the characteristics of the existing neighborhoods, consistent with CCP 9.2.1.

Policy 9.2.5 describes characteristics of comprehensive neighborhoods. CCP 9.2.5 does not require new neighborhoods to include all characteristics of a comprehensive neighborhood, but the characteristics should be used to guide development. Each set of characteristics identified in CCP 9.2.5 will be discussed below with respect to the subject proposal.

**A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.**

**B. Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.**

**C. Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.**

**E. Neighborhoods have a mix of densities, lot sizes, and housing types.**

Neighborhood Center zones have been established throughout the City based on such factors as proximity to major streets, transit corridors, and high density housing. When the application was submitted, the site was zoned Low Density Residential (RS-3.5). The primary intent of this zone is to permit low density family residential areas, comprised of single-detached homes. Consequently, many of the elements of a comprehensive neighborhood contemplated in CCP 9.2.5.A - C cannot be incorporated into the subject site. Such elements include a mix of housing types, high density residential construction, and commercial use types. The site has not been identified in the Parks and Recreation Facilities Plan as a required location for a public park, none have been proposed or are

required. Additionally, the City Council has found that the site is not a suitable location for a park **(Exhibit II.25, Finding III.A.4)**.

However, the proposed open-space tracts throughout the site, and the Marys River Natural Area south of the site are private and public open spaces that will give structure and define edges of the neighborhood, consistent with "A" and "B", above. Also consistent with "A" and "B", above, transit service is provided at the intersection of SW 35th Street and Country Club Drive, and Condition 15 requires the applicant to provide a bus-shelter easement, and flat-graded pad for a bus shelter adjacent to the Brooklane Drive right-of-way.

While the subject site is not permitted by the underlying zone to have a mix of densities or housing types, variety will be achieved through custom built homes, and the mix of lot and house sizes required by Condition 22. As such the proposal is consistent with CCP 9.2.5.E.

**F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.**

**G. Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.**

**M. Neighborhoods have street trees in planting strips in the public right-of-way.**

**K. Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.**

As proposed, the subject site would be developed with local streets connecting to SW Brooklane Drive on the west and east sides of the subject site. The street pattern is roughly rectilinear but has been designed to fit the topography of the site and avoid tree groves. All proposed streets are classified as "local" and would be 28 feet wide, except in three areas where the street width is reduced to 20-feet to avoid trees or to respond to the topography of the site. The street contains only two turns, which are into cul-de-sacs, creating an understandable layout. All new streets are proposed to include 5 foot wide sidewalks and planter areas for street trees in the public right-of-way. Given the simple street network that connects to existing abutting streets and development sites, provision of sidewalks and street trees, and avoidance of groves of Significant Trees, the proposal is consistent with CCP 9.2.5. F, G, M and K.

**D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.**

**H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas.**

I. **Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.**

J. **Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.**

L. **Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.**

Condition 27 of Order 2007-111 requires all development on the subject site to comply with applicable standards in 2006 LDC Chapter 4.10 - Pedestrian Oriented Design Standards (PODS) **(Exhibits II and IX)**. As discussed below, these standards implement the goals of CCP 9.2.5 and CCP 9.2.1.

Comprehensive Plan policy 9.2.5.h encourages buildings to be close to the street, with main entrances oriented to public areas. Corvallis Comprehensive Plan 9.2.5.i encourages neighborhoods to have public areas designed to encourage the attention and presence of people at all hours and to enhance security by placing building openings and windows to overlook public areas. These policies are achieved by 2006 LDC Sections 4.10.50.01.a and "c". Section 4.10.50.01.a requires all dwellings to be oriented toward existing or proposed public or private streets. To satisfy this LDC standard, primary building entrances must face streets or be directly accessed by a sidewalk or multi-use path less than 100 ft long; and primary dwelling entrances must open directly to the outside and without passage through a garage or carport. Section 4.10.50.01.c implements CCP 9.2.5.h and "l" by requiring any facade facing streets or sidewalks to contain a minimum area of 15% windows and/or doors **(Exhibit IX)**.

Comprehensive Plan policy 9.2.5.j encourages domestic garages to be located behind houses or to be set-back from the front facade so that automobile parking and storage does not adversely affect the pedestrian environment. This policy is achieved by LDC Section 4.10.50.02 which provides measurable maximum widths for street facing garages/carports, sets clear standards for the placement and orientation of garages/carports, and requires garage/carports to be constructed of materials to match the primary structure.

Policy 9.2.5 does not specifically address the design of individual homes. It only requires development to reflect neighborhood characteristics appropriate to the site and area. As discussed above, the proposed lot and house sizes would be similar to surrounding neighborhoods. Land Development Section 4.10.50.03 provides a menu of pedestrian features and design elements that must be included in new construction. Pedestrian features include elevating the finished floor above grade near sidewalks, incorporating a front porch, and installing a sidewalk to the front door. New homes would be required to include at least one of these features. These features, in concert with other LDC - 4.10 standards, lead to an enhanced pedestrian environment, and buildings that relate to

streets, provide a sense of enclosure (raised elevations, front porches near streets), and provide for compatible transitions in terms of scale, mass, and orientation, consistent with CCP 9.2.5 in general, and CCP 9.2.5.D, and "I" in specific.

The building design variety menu in LDC Section 4.10.50.03 requires roof forms to have at least a 4:12 pitch, and buildings must incorporate three of seven design features. Design features include an increased roof pitch, eaves with an 18-inch overhang, use of multiple exterior building materials, trim at least 2.25 inches wide, increased window coverage, incorporation of at least one architectural feature, and consistent use of architectural details. Incorporation of three of these required design features will ensure visually interesting buildings appropriate to the site and surrounding residential neighborhoods.

As explained above, PODS standards in the 2006 Land Development Code implement CCP 9.2.1 and 9.2.5. Therefore, development to LDC 4.10 standards will be consistent with CCPs 9.2.1 and 9.2.5, and compatible with surrounding uses in terms of visual elements and neighborhood characteristics. Development consistent with CCP 9.2.1 and 9.2.5 will also be consistent with the Basic Site Design and Visual Elements criteria in 1993 LDC 2.5.40.04. Consequently, application of the 2006 LDC Pedestrian Oriented Design Standards will result in development consistent with CCP 9.2.1 and 9.2.5, making it unnecessary for the applicant to submit typical building elevations to demonstrate that development will be compatible with surrounding uses. Similarly, CCP 3.2.2 states that when in compliance with development standards of the district, primary and accessory uses are considered compatible.

The standards in LDC Chapter 4.10 are also clear, objective, and in some instances measurable. There would be no Staff discretion required to determine if a proposed building complied with these standards, and no future review proceeding would be required. Further, Staff recommend that Condition 27 be revised such that any variation requested from Pedestrian Oriented Design Standards be considered through a public hearing process. Revising Condition 27 in this way would disallow a variance through the Lot Development Option process as provided in LDC Section 4.10.30.b, and would eliminate the need for any discretion to find consistency with LDC Section 4.10.60.01.d - Grading (Cuts and Fills). In the case of LDC Section 4.10.60.01.d, this standard must be eliminated because it requires "consistency" with other LDC chapters. To determine consistency with other chapters would require staff level analysis and/or discretion.

***Consistency with CCP 4.6.7.G***

Petitioners also assert in the fourth assignment of error that CCP 4.6.7.G requires development to demonstrate a "concern for the view of the hills as well as the view from the hills." The first sentence in CCP 4.6.7 reads, *"in areas where development is permitted, standards in the Land Development Code for hillside areas will achieve the following:"* The plain language of CCP 4.6.7 is that it is not a development standard, but an aspirational policy that directs future iterations of the LDC to achieve certain goals. The 2006 LDC implements CCP 4.6.7, as evident by the similarities between the purposes of the LDC 2006, Section 4.5.80.01 Hillside Development standards and CCP 4.6.7. This is fully addressed on the fifth assignment of error. With this understanding, the Council approved the applicant's proposed grading plan, which called for some of the site to be

mass graded, and other areas to have lots individually graded. The Council also required all lots to be developed in accordance with 2006 LDC Chapter 4.5 - Natural Hazard and Hillside Development Standards as part of Condition of Approval 27 (Order 2007-111). In applying Condition 27, the Council ensured the proposal was consistent with CCP 4.6.7. Staff believe that this finding is strengthened based on proposed revisions to Condition 27, which specify applicable standards that apply to non-mass graded areas.

Even without Condition 27, the proposal has demonstrated conformance with 4.6.7.g. The most distinct features of the hill when viewed from below are the oak groves and large canopy trees. The applicant proposes to leave most of the trees in open space tracts, and development would occur in existing open areas. There is no doubt that the views of the hill will change if 45 new homes are constructed on it. However, the visual impact of these homes will be mitigated by the retention of the tree groves, installation of approximately 170 street trees, and other private landscaping. The nearest house on lots above the subject site is approximately 200 feet away, and approximately 30 feet higher in elevation. Therefore, the development is not expected to negatively impact views from the hills for neighbors to the north of the site. Proposed lots would abut existing developed lots to the west. Construction of homes on the proposed lots would affect views to the east and southeast from the back yards of these abutting residences.

However, because the area abutting the lots to the west is open and contains relatively few trees, it is a more appropriate location for development compared to areas on the lower slopes of the hill that contain a large tree grove. Considering the fact that the site has been zoned for low density residential development, when balancing the desire to "demonstrate a concern" for views from the hill and the desire to protect significant natural features, tree covered hillsides, and tree groves, Staff believe that tree protection is the greater priority.

For the reasons given above, the proposal is consistent with CCPS 4.6.7.g.

***Conclusion - Fourth Assignment of Error***

In the fourth assignment of error, petitioners argue that because typical building elevations were not submitted/required, it was not possible to demonstrate that the proposed development would be compatible with visual elements and neighborhood characteristics of surrounding neighborhoods based on CCPS 9.2.1, 9.2.5 and 4.6.7.g. Petitioners also argued that compliance with standards applied as conditions of approval would require a future review proceeding. On remand, LUBA stated that the "city must either require submission of the typical building elevations, or in their absence identify a sufficient evidentiary basis to conclude that the development complies with applicable criteria."

The City Council did not require submission of typical building elevations, but through Condition of Approval 27, required new development to comply with standards in LDC Chapter 4.10 - Pedestrian Oriented Design Standards, and LDC Chapter 4.5 - Natural Hazard and Hillside Development Standards. As discussed above, the proposal is either consistent with CCP 9.2.1 and 9.2.5, or would be through compliance with applicable standards in LDC Chapter 4.10. Development that conforms to LDC 4.10 standards and

is consistent with CCPS 9.2.1 and 9.2.5, will also result in compatibility with the basic site design and visual elements of surrounding neighborhoods, consistent with LDC 2.5.40.04.

Policy 4.6.7.g directs the LDC to provide standards that address visual impacts of development on hillsides. CCP 4.6.7 is not a review criterion and development is not required to comply with it. However, Condition 27, as revised, requires areas not proposed to be mass graded to comply with 2006 LDC Chapter 4.5.80 standards regarding hillside development **(Exhibit IX)**. These standards limit cuts and fills to eight feet, resulting in site development that is visually compatible with surrounding neighborhoods. Further, the location of the development and the preservation of most significant trees mitigates impacts to views of the hillside, and compensates for negative effects to views from the hillside.

Given the above, the development standards applied through Condition 27 will result in development that complies with the criteria applicable at the time of application without the need for typical building elevations. Because the standards instituted through Condition 27 are clear and objective, and because discretion is not required to apply these standards, future review by a public hearing body is not required.

**Fifth Assignment of Error**

In the decision to approve the subject application, the City Council applied Condition of Approval 27 which requires, in part, lots to be developed in accordance with LDC Chapter 4.5 - Natural Hazard and Hillside Development Provisions. Council findings, particularly Findings III.A.14, clarify that Condition 27 permits mass grading to occur as proposed, and all lots not mass graded would be subject to 2006 LDC Chapter 4.5 standards **(Exhibit II)**.

In general, petitioners argue that the City did not make adequate findings that the proposed development satisfied applicable hillside development criteria. LUBA sustained sub-assignment of error "b" and in part, sub-assignment of error "d" of petitioners fifth assignment of error. Regarding sub-assignment of error "b", in their Final Order and Opinion, LUBA stated,

> "...the city's adopted findings do not address compliance with each of the provisions of CCPS 4.6.7. Instead, the city appears to have concluded that compliance with the 2006 LDC hillside development provisions in a future review process will suffice to demonstrate compliance with CCPS 4.6.7. However, even assuming that is the case, the city cannot defer such a demonstration of compliance with CCPS 4.6.7 to a future review process that does not provide notice or opportunity for public participation."

LUBA also stated that even if the city addressed the LDC 2006 hillside development standards during the publically noticed review process "it is not clear why the city believes that compliance with the 2006 LDC will suffice to demonstrate compliance with CCP 4.6.7." In conclusion, LUBA found that, "because the city's findings do not specifically address the Comprehensive Plan policies and do not explain how compliance with 2006 LDC hillside development standards is sufficient to demonstrate compliance with those policies, the city's findings are inadequate" **(Exhibit VI)**.

Regarding sub-assignment of error "d", LUBA required the city to "adopt new findings on remand that either explain how the 2006 LDC hillside grading standards implement each of the CCP 4.6.7 provisions or find compliance with each of the provisions of CCP 4.6.7." As discussed previously, CCP 4.6.7 is not a development standard; however, in review of proposed hillside development, the City has used CCP 4.6.7 to guide decisions regarding questions of compatibility.

In sum, LUBA found that to approve the proposal, City Council must make findings demonstrating how the standards in 2006 LDC Chapter 4.5, applied by Condition 27, fully implement CCP 4.6.7; or make findings that the proposal, is otherwise consistent with CCP 4.6.7. Staff believe that both findings can be made, as explained below.

Staff also believe it is important to consider CCP 4.6.7 within the context of CCP 4.6.1.

**4.6.1 The City shall update the current hillside inventory. Until that time the City shall utilize the Open Space - Hillside Report (1983) and the Open Space Plan - Corvallis Planning Area (1979) to identify areas of significance during the review of annexations and developments.**

Policy 4.6.1 indicates that significant hills and hillsides are those identified in the 1983 Open Space Hillside Report **(Exhibit XI)**. The subject site is on a hillside of Country Club hill, which is developed with a private golf club, a cemetery, and single family, detached homes. The Open Space Hillside Report, section 11.B recommends that the "...City's inventory be modified to recognize the cemetery and the portion of the golf course currently designated Open Space / Conservation as the only significant hillside open space resources." This recommendation is congruous with earlier land use decisions to zone the site RS-3.5 Low Density Residential, rather than as Open Space - Conservation or other zone that would prohibit residential development. The clear reference in the Open Space Hillside Report and the zoning on the site indicate that the site is not on a significant hillside as identified in CCP 4.6.1. The applicability of CCP 4.6.7 is not necessarily limited to significant hillsides as identified in the Open Space Hillside Report, but the report does recognize some hills and hillsides as more important than others. Policy 4.6.7 is useful for evaluating the compatibility of the proposed development in the absence of clear and object LDC standards. However, consideration of CCP 4.6.7 does not suggest that the hillside is one of the significant hillsides in the Open Space Hillside Report.

***2006 LDC Chapter 4.5 Implements CCP 4.6.7***

Article 50 of the Corvallis Comprehensive Plan defines a policy as a "decision making guideline for actions to be taken in achieving goals and the community's vision." Article 50 defines the LDC as "a set of ordinances and regulations that implements the policies contained in the Comprehensive Plan." Given these definitions, and as discussed above, CCP 4.6.7 is not a review criterion or standard that development must comply with, it is a policy implemented by the Land Development Code. Policy 4.6.7 directed the 2006 LDC to contain standards that would achieve the goals of CCP 4.6.7. The 2006 LDC accomplished this task, in part, through Chapter 4.5 - Natural Hazards and Hillside Development Provisions, and in particular, in Section 4.5.80 - Hillside Development Standards. This becomes clear by comparing CCP 4.6.7 to the purposes of hillside development standards outlined in LDC Section 4.5.80.01. Both CCP 4.6.7 and LDC 4.5.80.01 are provided below.

**Policy – A decision-making guideline for actions to be taken in achieving goals and the community's vision.**

**Land Development Code - A set of ordinances and regulations that implement the policies contained in the Comprehensive Plan.**

**4.6.7 In areas where development is permitted, standards in the Land Development Code for hillside areas will achieve the following:**

**A. Plan development to fit the topography, soil, geology, and hydrology of hillsides and to ensure hillside stability both during and after development.**

**B. Preserve the most visually significant slopes and ridgelines in their natural state by utilizing techniques such as cluster development and reduced densities.**

**C. Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees.**

**D. Align the built surface infrastructure, such as roads and waterways, with the natural contours of terrain and minimize cutting and filling in developments.**

**E. Minimize soil disturbances and the removal of native vegetation and avoid these activities during winter months unless impacts can be mitigated.**

**F. Design developments and utilize construction techniques that minimize erosion and surface water runoff.**

**G. Demonstrate a concern for the view of the hills as well as the view from the hills.**

**H. Provide landscaping that enhances the identified open space resources.**

**I. Design developments that consider landscaping management that will minimize the threat of fire on improved property spreading to wildland habitat.**

**Section 4.5.80 - HILLSIDE DEVELOPMENT STANDARDS**

**4.5.80.01 - Purposes -**

**Hillside Development standards have been developed for the following purposes:**

**a. To plan development to fit the topography, soil, geology, and hydrology of hillsides;**

**b. To align the built surface infrastructure, such as streets and waterways, with the natural contours of terrain; and to minimize cutting and filling in developments;**

**c. To minimize soil disturbances and the removal of native vegetation, and to avoid these activities during winter months, unless impacts can be mitigated;**

**d. To encourage the design of developments and the utilization of construction techniques that minimize erosion and surface water runoff;**

**e. To balance a view of the hills with the view from the hills;**

f. **To provide or maintain landscaping that enhances the identified open space resources; and**

g. **To design developments that consider landscaping management that will minimize the threat of fire on improved property and the spreading of fire to wildland habitat.**

As shown above, LDC Section 4.5.80.01 purpose "a" corresponds with CCP 4.6.7.a and "d"; purpose "b" corresponds with CCP 4.6.7.d; purpose "c" corresponds with CCP 4.6.7.e, purpose "d" corresponds with CCP 4.6.7.f; purpose "e" corresponds with 4.6.7.g; purpose "f" corresponds with CCP 4.6.7.h; and purpose "g" corresponds with CCP 4.6.7.i.

The 2006 LDC hillside development standards (Section 4.5.80) were established for the purposes listed above. The similarities between the purposes of the hillside development standards and the goals in CCP 4.6.7 make clear that the 2006 LDC standards implement CCP 4.6.7. While development is not required to comply with CCP 4.6.7 because it is not a standard, development is required to be compatible with the site and surrounding uses. The City Council found that if development on lots proposed to be individually graded (not mass graded) followed the standards in LDC Chapter 4.5 it would be compatible, and because the purposes of hillside development standards are nearly identical to CCP 4.6.7, development to these standards demonstrates consistency with CCP 4.6.7.

The 2006 LDC standards for hillside development are clear and objective. If lot grading or home construction cannot comply with these standards it will not be permitted unless the applicant seeks to vary them. To vary from standards would require approval of Major Modification to the approved Planned Development. A Major Modification application is subject to notification requirements, requires a public hearing, and provides opportunity for public participation.

To best respond to the remanded issues in the Fifth Assignment of Error, and clarify the intent of Condition 27, staff recommend it be revised as follows (the original version is provided on pages 38 and 39 and in Exhibit II):

<u>Lot Grading and Structures</u> - Mass grading shall be limited to the areas shown on the grading plan identified as Attachments I.7 and I.8 of the August 10, 2007, Staff Memorandum to the City Council. Cuts and fills in the areas permitted to be mass graded shall not exceed the measurements shown in Attachment I.8. All mass graded areas, as shown in Attachment I.8, shall be engineered and constructed such that retaining walls are neither required nor used. Grading and excavation activities in areas not approved for mass grading as shown in Attachment I.8 shall comply with Section 4.5.80 - Hillside Development Standards of the 2006 LDC Chapter 4.5 - Natural Hazards and Hillside Development Provisions. Regardless of the presence of extenuating circumstances, cuts and fills in areas not mass-graded shall comply with the eight-foot standard as defined in LDC Section 4.5.80.03 - Definitions. Exceptions or alterations to these standards shall only be permitted through the Planned Development process, including any modifications to streets that would occur through the Capital Improvements Program. Additionally, development on all lots shall comply with 2006 LDC Chapter 4.10 - Pedestrian Oriented Design Standards.

Lots shall only be developed with single-family, detached homes and Accessory Structures consistent with conditions of approval and 2006 LDC Sections 3.2.30, 3.2.40, and Sections 4.3.30

and 4.3.40 for Accessory Structures. Development on all lots shall comply with 2006 LDC Chapter 4.10 - Pedestrian Oriented Design Standards.

Modifications to applicable LDC standards, or standards established through this approval may only occur through a public hearing process.

***Proposal is Consistent with CCP 4.6.7***

Areas proposed to be mass graded and cuts and fills associated streets were not required through Condition 27 to comply with 2006 LDC Chapter 4.5 standards. Nonetheless, mass graded areas must be compatible with surrounding uses and sensitive to the natural topography of the site. At the time of application there were no clear standards that limited the extent of mass grading, or criteria to evaluate compatibility of such grading. In the absence of standards and criteria, the City referred to CCP 4.6.7. As noted in Council finding III.A.11, cuts and fills eight feet or less have been found in past Corvallis land use decisions, to be consistent with CCP policies regarding hillside development, including CCP 4.6.7. However, limiting cuts and fills to eight feet was not a standard at the time of application and development with cuts and fills greater than eight feet could be found (and has previously been found) compatible with surrounding uses, the natural topography, and consistent with policies such as CCP 4.6.7.

As indicated in the revised Condition 27, above, mass graded areas may exceed 8 foot cuts and fills, but individually graded areas would be restricted to the eight-foot cut/fill standard, regardless of extenuating circumstances. The applicant's cut/fill analysis **(Exhibit III)** shows that the majority of the area proposed to be mass graded would have cuts and fills between 0 and 10 feet, while portions of lots 8-10 would have 10-20 foot cuts, and portions of lots 15, 16, 27, 28, and 38, 39 would have 10-20 feet of fill. If the Staff revised Condition 27 is approved, the remainder of the developable portions of the site would be limited to cuts and fills of 8 feet as defined by the Eight-ft Standard in LDC Section 4.5.80.03, below.

**d. Eight-ft. Standard - Restricts grade changes (cuts or fills) in excess of eight ft. on an individual lot or development site. Cut and fill is measured vertically from Natural Grade. In no case shall a combination of cut and fill in the same location exceed 16 ft.**

The applicant's response to LUBA's Final Order and Opinion discusses how the proposed site and grading plans are consistent with CCP 4.6.7 **(Exhibit III)**. Each goal of CCP 4.6.7 is listed below followed by a brief Staff analysis of the proposal's consistency with it.

**CCP 4.6.7.A - Plan development to fit the topography, soil, geology, and hydrology of hillsides and to ensure hillside stability both during and after development.**

To demonstrate that the proposed development would be consistent with CCP 4.6.7.A, the applicant performed multiple geotechnical investigations, the results of which are included in three geotechnical reports. Findings of the first investigation are contained in a report dated January 25, 2006. Regarding hillside stability, this Preliminary Geotechnical Report stated, "there is a low potential for landslides or instability with the existing slope conditions due to the absence of identifiable landslide features, the lack of seeps or springs except for existing drainage, and the presence of relatively stiff residual soil and shallow bedrock

beneath mature slopes." Subsequent reports dated March 16, 2007, and May 20, 2008, provide greater detail regarding site conditions and specific recommendations for developing on the subject site **(Exhibit III - May 20, 2008 report)**. The later geotechnical reports do not conflict with the original geotechnical report findings that there is a low potential for landslides or soil instability.

Regarding drainage patterns of site, the applicant states **(Attachment III)**,

> To further enhance the compatibility of the site and maintain existing stormwater routing, drainage corridors have been maintained and utilized for stormwater routing. The main drainage corridor on the west side of the property is utilized for a detention and water quality treatment area. By maintaining the open drainage corridor with large scale roughness (i.e. grass) the potential for removing suspended sediment is maximized.

Considering the information and recommendations contained within the three geotechnical reports, and the use of natural drainage corridors to convey stormwater, the proposed development is consistent with CCP 4.6.7.A.

**CCP 4.6.7.B - Preserve the most visually significant slopes and ridgelines in their natural state by utilizing techniques such as cluster development and reduced densities.**

**CCP 4.6.7.C - Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees.**

Consistent with CCP 4.6.7.B, the proposed development has reduced densities, minimizing visual impacts of the site's hillside. Reduced density was achieved by placing lots in relatively open areas, and setting aside common tracts that contained oak groves. By placing approximately 11 acres of the site in tracts, the minimum density requirement was based on the remaining 14.88 acres, reducing the minimum number or homes required to meet density standards. For example, 52 homes would be required to meet the minimum density requirement of two dwelling units per acre on the whole 25.88 acre site. The applicant proposes 45 dwelling units, which is within the permitted density range based on 14.88 acres of land outside of the proposed four tracts. Use of tracts to protect the site's large oak groves preserves a tree-covered appearance and minimizes visual impacts that would be caused by the development.

Inherent in CCP 4.6.7.B is a conflict between the desire to preserve slopes in their natural state and develop the site. This policy also does not give guidance on how to determine which slopes are the most visually significant. At the time of application the subject site was zoned Low Density Residential with a Planned Development Overlay, or (PD)RS-3.5. This zone permits residential development on the subject site, and is consistent with the 1983 Open Space Hillside Report, which also identified the subject site as appropriate for low density residential development **(Exhibit XI)**. Given that the site has been zoned for residential development, and the Open Space Hillside Report identifies it as appropriate for development, it is reasonable to conclude that the site may be developed, despite the fact that this would alter its natural state. It can also be argued that, based on the 1983

Open Space Hillside Report, the visually significant part of the hill is the cemetery, which is not part of the development proposal.

The site is located on a hillside that slopes to the south and southeast. The lowest point on the site is at an elevation of 250 feet, and the highest point is 420 feet. The highest point on the hill is 460 feet, and areas directly above and to the west of the subject site are developed with residential homes. Consistent with CCP 4.6.7.B proposed development would not occur on the ridgeline.

The site contains roughly 454 significant trees, most of which are growing in groves. The largest grove is in the southwest corner of the site, while others are located near the center of the site. As shown in the applicant's tree preservation plan, streets and homes would be located to avoid impacts to tree groves, and 11 acres, or 42% of the site, would be within open space tracts to protect the groves. The proposed site layout is expected to result in the removal of 48-58 significant trees, or roughly 12% of significant trees. Approximately 172 street trees would be installed with development. While these trees do not meet the LDC definition for significant, they will benefit the site, and will compensate for the 48 - 58 trees that would be removed. Preserving the site's tree groves and 88% of significant trees is consistent with CCP 4.6.7.B and CCP 4.6.7.C. Setting-aside 11 acres in open space tracts reduces the developable portion of the site to 14.88 acres. Forty-five lots/homes are proposed to be built on the 14.88 acres, equaling a density of 3 units per acre. This is near the bottom of the permitted RS-3.5 zone density range of 2-6 units per acre. If the applicant had not placed 11 acres in open space tract, that amount of area would need to be counted in the density calculations, and a minimum of 52 lots/homes would be required. By providing the open space tracts, the applicant protected most of the site's significant trees, consistent with CCP 4.6.7.C, and reduced the developable area and density requirements, consistent with CCP 4.6.7.B.

For reasons given above, the proposal is consistent with CCP 4.6.7.B and CCP 4.6.7.C.

**CCP 4.6.7.D - Align the built surface infrastructure, such as roads and waterways, with the natural contours of terrain and minimize cutting and filling in development.**

The site is located on a hillside with slopes in some areas greater than 35%. The southern portion of the site is largely bordered by an alley, leaving only the southwest and northeast corners of the site accessible for street connections. Land Development Code Section 4.0.70.I limits the grades on local streets to a maximum of 15%, and other criteria and Comprehensive Plan policies encourage development to avoid impacts to significant trees, tree groves, and natural features. Limited access to the site, a maximum permitted street grade of 15%, and the desire to minimize impacts to tree groves, limits the possible location for streets within the site.

To balance these competing issues, the applicant designed the street to access the site at the southwest and northeast corners. As shown in the applicant's tree preservation plan, the local street (Wolverine Drive), beginning at the southwest corner runs up-slope along the outer edge of a large oak grove. Two cul-de-sacs (Badger Pl. and Buckeye Pl.) run easterly from this street into areas where there are relatively few significant trees. Given the direction of other Comprehensive Plan policies which encourage the protection of

significant trees, tree covered hillsides, and woodlands, the most appropriate locations to develop on the subject site are those areas with no or relatively few trees. These areas are in the northwest and middle of the subject site, and the proposed street layout reaches these areas with minimal impacts to trees and tree groves while limiting the street grade to 15%.

The applicant has also placed proposed drainage facilities within natural drainage corridors as shown in **Exhibit III**. Considering the various constraints and competing policies, the proposed street layout, which accesses open areas with relatively few trees, complies with LDC maximum local street grade standards, and locates drainage facilities to take advantage of natural contours and drainage patterns, is consistent with CCP 4.6.7.D.

**CCP 4.6.7.E - Minimize soil disturbances and the removal of native vegetation and avoid these activities during winter months unless impacts can be mitigated.**

The applicant has stated that no grading will be done during winter months, but would occur between the months of June through October. The proposal would preserve approximately 88% of the site's 454 significant trees, the majority of which are native oak trees. Most preserved trees would be within open space tracts that could not be developed as residential lots. The four proposed open space tracts account for 11 acres of the 25.88 acre site. Any native vegetation within these tracts would be preserved along with the trees. While the site does contain native vegetation, the letter from the ODF&W biologist states that the majority of grasses on the site are not native. For these reasons, the proposal is consistent with CCP 4.6.7.E.

As the applicant notes in the response to the LUBA Final Order and Opinion, the Council-approved grading plan limits soil disturbance through this application, primarily to areas necessary to build roads and utilities to support the development **(Exhibit III)**. As shown in the applicant's cut/fill analysis **(Exhibit III)**, the majority of the proposed mass-graded would have cuts and fills between 0 and 10 feet. Areas on the upslope portions of lots 8-10 would have cuts between 10 and 20 feet, and lots 15, 16, 27, 28, 38, and 39 would have 10 to 20 feet of fill. As discussed above, at the time of application there was no standard in place limiting cuts and fills, though precedent decisions generally found that cuts/fills that did not exceed 8 feet were consistent with CCP 4.6.7 and related policies. Because the area proposed to be developed avoids most significant trees, and most of the mass graded area would limit cuts and fills to 10 feet or less, the proposed mass grading is consistent with CCP 4.6.7.E. Areas not mass graded as shown in the applicant's cut/fill analysis, would not be permitted to exceed eight foot cuts and fills as defined in the Eight-ft Standard (Condition 27). Restricting cuts and fills to less than eight feet on non-mass graded areas is also consistent with CCP 4.6.7.E.

In determining if the proposed grading plan and overall development minimizes soil disturbances the Council may consider other Comprehensive Plan policies and LDC standards. For example, the subject site has been designed for low density development per 1993 LDC Chapter 3.1, and CCP 4.6.5 states, "On tree covered hillsides, development shall be designed to preserve as many trees as possible and tree removal shall be consistent with the approved development plan." Balancing the fact that the site has been zoned for development and the desire to preserve trees and tree covered hillsides, the

applicant proposed lot grading and streets in open areas where impacts to trees would be minimized. Cuts and fills would be limited to between 0 and10 feet on most of the mass graded area, and to 8 feet or less on all other areas proposed for development. Consequently, the proposal minimizes soil disturbances, consistent with CCP 4.6.7.E.

**CCP 4.6.7.F - Design developments and utilize construction techniques that minimize erosion and surface water runoff.**

As stated in the applicant's response to the LUBA Final Order and Opinion, the "primary surface water drainage corridor is proposed to remain in place and provide a natural filtering system for the majority of storm water runoff"**(Exhibit III)**. In approving the proposal, City Council applied three conditions related to surface water run-off. Condition 19 requires storm drain facilities to match pre and post- development flows based on the 2-year, 5-year, and 10-year storm events. Condition 20 requires water quality facilities to comply with criteria outlined in Appendix F of the Storm Water Master Plan , and in the King County, Washington, Surface Water Design Manual. Condition 26, requires a storm water drainage plan that ensures site surface drainage is captured in area drains before crossing the Brooklane Park Estates alleyway **(Exhibits II and X)**.

City Council applied Condition of Approval 4 which requires the applicant to obtain erosion control permits prior to issuance of excavation and grading permits **(Exhibit II)**. The Condition also states that, where required by Development Services Division staff, the applicant shall install an erosion control and re-vegetation product capable of functioning on a 2:1 slope, and resulting in 90% vegetation within 3 years without the use of irrigation. This condition is important because it requires erosion control to city standards, and also because it limits the use of irrigation. Irrigation in certain areas of the site during summer months *could* lead to an increase in surface water that may harm oak trees. This condition would prevent damage to trees from irrigation run-off. Also, as noted in Development Related Concern C of the City Council Notice of Disposition, a National Pollutant Discharge Elimination System permit is required because construction activity will disturb more than one acre of land.

Given the proposed design and conditions of approval which require erosion control and NPDES permits, and require storm water facilities to comply with City standards, the development would minimize surface water run-off and control erosion consistent with LDC Standards, the Storm Water Master Plan, and CCP 4.6.7.F.

**CCP 4.6.7.G - Demonstrate a concern for the view of the hills as well as the view from the hills**

Consistency with CCP 4.6.7.G was discussed above, under the fourth assignment of error. Findings in that section are incorporated here by reference.

***Conclusion - Fifth Assignment of Error***

In the Final Order and Opinion, LUBA concluded that the City did not make adequate findings that the LDC Chapter 4.5 - Natural Hazard and Hillside Development Provisions would result in compliance with CCP 4.6.7, and also that compliance with these standards was being postponed to a future review processes. As explained above CCP 4.6.7 is not a review criterion or standard that development must conform to; it is a goal or guideline

that directed the 2006 LDC to include standards that would achieve CCP 4.6.7. The Grading Regulations in LDC Section 4.5.80.04 were designed to implement the purposes in LDC Section 4.5.80.01. The hillside development purposes are nearly identical to the goals in CCP 4.6.7. Consequently, the standards, or grading regulations, that implement the hillside development purposes implement the goals of CCP 4.6.7. Condition of Approval 27, as revised, requires earth-disturbing activities in areas not mass graded to comply with the Hillside Development Standards in LDC Section 4.5.80, and requires grading to comply with the Eight-foot standard in LDC Section 4.5.80.03.d, regardless of the presence of extenuating circumstances. No future review process is required if development meets these standards. If development cannot achieve these standards (which are consistent with CCP 4.6.7 goals) it cannot occur, or the standards as they apply to the subject site must be modified through a public hearing process. The above analysis also finds that, in the act of balancing multiple and sometimes competing Comprehensive Plan policies and LDC standards, the proposed development is compatible with surrounding uses and the natural topography of the site, and consistent with CCP 4.6.7.

**Sixth Assignment of Error**

Petitioners argue that the City's findings of compliance with CCP 4.11.12 are inadequate and not supported by substantial evidence. CCP 4.11.12 states,

**4.11.12 Development upslope of wetlands shall minimize interference with water patterns discharging to wetlands, and shall minimize detrimental changes in water quality for waters discharging to wetlands.**

LUBA remanded this issue to the City stating it was unclear which City Council findings concerned CCP 4.11.12, and because it appears that the City "deferred consideration of proposed drainage plans and facilities to a subsequent review process that does not provide for notice or opportunity for public input.

In response to the sixth assignment of error, it should be noted the Policy 4.11.12 is not a measurable development standard, it is a review criterion used to evaluate the compatibility of proposed development with surrounding uses, and potential impacts to wetlands. The City has adopted clear and objective stormwater quality and quantity standards that must be met for development to occur (Attachment X), and these standards implement CCP 4.11.12. Each goal in CCP 4.11.12, is considered in turn, below, along with relevant development standards.

The City's Stormwater Master Plan has established clear and objective standards regarding storm drainage facilities. Storm drainage facilities are to be designed based on accepted engineering practices to achieve objective, measurable results. Run-off rates are calculated based on 2-year, 5-year, and 10-year "design storm events". These rates must be determined so post-development run-off rates do not exceed pre-development run-off rates based on the design storm events. Water quality is to be maintained by the removal of 70% of Total Suspended Solids during design storm events. These standards apply to all new development in Corvallis, and are the standards that were applied to the Brooklane Heights proposal.

***Water Discharge Patterns***

The City's surface water run-off standards limit post-development run-off rates so they do not exceed pre-development run-off rates for the 2, 5 and 10-year storm events. To maintain historical run-off rates, the applicant proposes to construct two detention ponds. New public storm drain pipes will be installed in streets to collect and convey water to the detention ponds. For homes that would not directly drain into a public street, water will be drained overland through areas with drainage easements, to the detention facilities. The detention ponds will temporarily store and release water at pre-development rates. The ponds are planned to be located within the existing drainage corridor as shown in attachment N of the applicant's response **(Exhibit III)**. The use of detention ponds in these areas to maintain pre-development drainage volumes minimizes impacts to water discharge patterns entering the downslope wetland.

Water from the subject site currently drains into an existing public storm drainage system located along the north side of the Brooklane Estates alley **(Exhibit IV)**. After development, water will drain from the new on-site public facilities into these existing facilities. Once in the existing off-site public storm drainage system, water is routed under Brooklane Drive to several outfalls within a drainage ditch along the Marys River Natural Park. Because the locations of storm water entering the wetland downslope of the subject site will not change, pre-development flows will be maintained and the proposed development would not interfere with water patterns discharging into the wetlands, consistent with CCP 4.11.12. In fact, the water patterns discharging into wetlands would remain the same.

***Water Quality***

Policy 4.11.12 calls for development to minimize detrimental changes in water quality for waters discharging to wetlands. This Policy does not provide a measurable standard by which to evaluate consistency with the Policy. Lacking such a measurable standard, stormwater quality is considered acceptable, and consistent with CCP 4.11.12, if it meets water quality standards in the Stormwater Master Plan, which requires removal of 70% of Total Suspended Solids (TSS) from stormwater during the design storm. The applicant proposes to achieve this standard through the use of proprietary manhole-based water quality facilities, which traps pollutants until removed by routine maintenance. The use of manhole based water quality facilities is typically not allowed through the King County standards. However, the slopes associated with this site are too steep to feasibly implement the King County Facilities. In situations like this the City allows the use of proprietary water quality facilities, as long as they meet the City's performance standards. The applicant has submitted results from testing conducted by the University of Minnesota's St. Anthony Falls Laboratory and a Conditional Use Designation from the Washington State Department of Ecology for a BaySaver Technologies BaySeparator water quality facility as an example of a proprietary water quality facility. Staff have reviewed the submitted information and concluded that a facility such as the one submitted as an example will meet the City's standard of removing 70% of TSS during the water quality design storm. Staff also note there are manufacturers and products available, other than what was submitted, that will meet the City's water quality requirements.

***Conclusion - Sixth Assignment of Error***
The City has clear and objective water quantity standards that require detention of post-development flows to historical pre-development flows for 2, 5, and 10-year storm events. The City also has clear and objective water quality standards that require removal of 70% of Total Suspended Solids during the water quality design storm. Proposed detention ponds will temporarily store, and release stormwater into the wetlands through existing public facilities at the same locations and in the same rates as pre-development scenarios. Water quality standards will be met through the use of the proprietary water quality facilities. By complying with City water quality and water quantity standards, the development will minimize interference with water patterns draining into wetlands, and will minimize detrimental impacts to the water quality in wetlands, consistent with CCP 4.11.12. Because the City's water quality and quantity standards are clear and objective, no future public review process is required. Development must comply with these standards or it will not be permitted.

**Seventh Assignment of Error**
The petitioners argue in the seventh assignment of error, that the City's findings regarding the protection of natural resources such as upland prairie and habitat, tree preservation, wetlands, and pond turtles, are insufficient and not supported by evidence. LUBA found the City did not clearly link findings with applicable review criteria concerning natural features, and also found that incorporated findings from staff reports and minutes were ineffective. To respond to this assignment of error the applicant has addressed Comprehensive Plan policies related to natural features **(Exhibit III)**. Policies addressed by the applicant, and several other pertinent policies are considered, below, with respect to the proposed development. Policies are grouped into four categories to respond to specific natural features identified by petitioners: upland prairie, significant trees, wetlands, pond turtles.

***Upland Prairie & Habitat***
Concerning upland prairie and habitat, petitioners seventh assignment of error states,

> "As discussed above, the challenged decision does not adequately address the impacts of the increase in water flow over the property–to the stability of the slopes on the subject property, to downhill properties that would be the most likely to experience adverse impacts, and on significant resources such as the significant wetland just below the subject property. The findings do not anywhere address how the proposal will comply with the above-cite relevant criterion regarding the wildlife and habitat identified in the biologists' letters. Accordingly, the findings are inadequate to demonstrate compliance with CCP 4.2.2, CCP 4.10.9 and other relevant criteria."

Comprehensive Plan Policies 4.2.2 and 4.10.9 are provided below.

**4.2.2 Natural features and areas determined to be significant shall be preserved, or have their losses mitigated, and/or reclaimed. The City may use conditions placed upon development of such lands, private nonprofit efforts, and City, State, and Federal government programs to achieve this objective.**

**4.10.9 Negative impacts on habitat and migration corridors for birds, wildlife, aquatic life, and on open space and the recreation qualities of significant drainageways shall be minimized.**

To respond to the seventh assignment of error with respect to upland prairie and habitat, the council should make findings that address the consistency of the proposed development with the above policies. Petitioners did not list any "other relevant criteria" for the Council to address.

The petitioners' language indicates that they view Comprehensive Plan policies as standards that must be complied with. Comprehensive Plan Policies are not standards that must be adhered to, they are decision making guidelines. Decision makers are required to balance applicable policies to ensure that development is consistent with the broad goals and values of the community as expressed through the Comprehensive Plan and other planning documents. Because Comprehensive Plan policies are not standards, the Council is not required to find that CCP 4.2.2 and 4.10.9 have been "met". However, in evaluating the compatibility of the subject project, the Council should consider CCP 4.2.2 and 4.10.9, and the fact that the site has been zoned for low density residential development. Comprehensive Plan policy 4.2.2 requires significant natural features to be preserved "or have their losses mitigated." This phrase anticipates that some significant features will be lost through development. Policy 4.10.9 requires impacts to be minimized. Neither policy prohibits development. It should also be noted that the term "upland prairie" does not appear anywhere in the Comprehensive Plan.

**Waterflow Impacts**

As stated above in response to the sixth assignment of error, the City has clear and objective water quantity standards that require detention of post-development flows to historical pre-development flows for 2, 5, and 10-year storm events. The City also has clear and objective water quality standards that require removal of 70% of Total Suspended Solids from stormwater run-off entering public facilities **(Exhibit X)**. Proposed detention ponds will temporarily store, and release stormwater into the wetlands through existing public facilities at the same locations and in the same volumes as pre-development scenarios. Water quality standards will be met through the use of a manhole-based water quality system. By complying with City water quality and water quantity standards, the development will minimize interference with water patterns draining into wetlands, and will minimize detrimental impacts to the water quality in wetlands, consistent with CCP 4.11.12. Because the water quality and quantity standards are clear and objective, no future public review process is required. Development must comply with these standards or it will not be permitted.

These findings also directly respond to petitioners concerns in the seventh assignment of error that increases in water flow will negatively affect the stability of slopes on the site and the wetland downslope of the site. Given that stormwater will be conveyed through pipes or existing natural drainage areas, slope stability will not be affected by run-off. The May 2006 Geotechnical Report also states on page 5 that there is a "low potential for landslides or instability of natural slopes due to the absence of identifiable landslide features, the lack of seeps or springs (except for existing drainage), and the presence of relatively stiff residual soil and shallow bedrock beneath mature slopes." Because water will leave the site at pre-development rates, will meet City water quality standards, and will enter the

nearby wetland in the same locations as at present, adverse impacts to the wetland habitat would not occur, or would be minimized consistent with CCP 4.10.9.

**Wildlife and Habitat in Biologists' Letter**

The biologists' letter referenced by petitioners is found in (**Exhibit XII**) of the City Council Staff Report. At the request of City Staff, through normal application review processes, a biologist from Oregon Department of Fish and Wildlife, and a botanist from the Institute of Applied Ecology visited the site. Their report states, "no listed plant species were documented but the site provides exceptional habitat value on numerous scales." A pair of bald eagles was noted flying over the site, and a neighboring resident informed the biologists that they had once seen a pileated woodpecker on the site. The biologists' letter states that some native plants are found on the site, but the majority of grasses are not native. It also stated that the Oregon white oak stands are significant and oak woodlands benefit a variety of species.

While the biologists inventory of the site was not exhaustive, the only sensitive animal species documented was a pair of bald eagles flying over the site, and no sensitive plant species were identified. It is clear from the biologists' letter, that the oak groves provide important habitat to a wide variety of species. The subject proposal retains oak groves through the use of open-space tracts that cannot be developed.

Policy 4.2.2 states in part, "Natural features and areas determined to be significant shall be preserved, or have their losses mitigated, and/or reclaimed." Habitat areas do not have easily distinguishable boundaries, and development of any kind, and of any scale, will impact the natural habitat of the site. If the Council were to consider the entire site as a significant natural area, any loss of the area may be deserving of mitigation or reclamation in some form. Considering the findings in the biologists' letter, the true significant natural features or areas are the oak groves proposed to be preserved in tracts that account for approximately 42% of the total site. Preserving the oak groves is consistent with CCP 4.2.2, and also with CCP 4.10.9 because the habitat within the oak groves would also be preserved. In addition to habitat areas, CCP 4.10.9 refers to migration corridors for birds, wildlife, aquatic life, and on open space and recreation qualities of significant drainageways. There is no information in the record suggesting that the site is a migration corridor for birds or other wildlife. Negative impacts on open space have been minimized through the provision of large un-buildable tracts over 42% of the site, and there are no significant drainageways on this site which could provide recreational opportunities. For these reasons, the proposal is consistent with CCP 4.10.9.

The biologists' letter states that if the site cannot be conserved, measures should be taken to eliminate erosion, sedimentation, and siltation to watershed resources, and also that a biologist monitor the clearing phase of development to avoid unnecessary disturbance of the oak habitat. In approving the application, City Council applied Condition 4, which requires erosion control permits prior to grading and excavation. Council also applied Condition 5, which requires a 5 foot high, metal chainlink tree protection fence to be placed 5 feet outside the dripline for all trees to be preserved. Through these conditions, as well as stormwater quality/quantity standards, negative impacts to watershed resources and

trees to be preserved would be minimized. Applying these Conditions is consistent with the Oregon Department of Fish and Wildlife recommendations and CCP 4.2.2.

The applicant's response to the LUBA Final Opinion and Order also provides information regarding the presence of an upland prairie on the subject site. The applicant states on page 20 of the submittal **(Exhibit III)** that upland prairies are "dynamic environments" that were historically maintained by natural fires, or intentional fires set by Native Americans. Without episodic fires, which are prevented in urban areas, upland prairie areas succumb to the natural succession of shrubs and then trees.

The applicant included a photograph of the site in 1948 with a caption noting that at that time the site was being farmed. There were far fewer trees on the site in 1948, compared to today, supporting the idea that in the absence of fire, or farming, what is considered by petitioners to be upland prairie has naturally and increasingly become covered with trees. Without ongoing management, trees will continue to expand across the site, and the current landscape would be altered.

The record does not contain sufficient information to determine how the site came to be covered with a mix of native and non-native plants. Once removed from a site, some type of disturbance (fire, landslide, tilling, etc.) is typically needed for native plants to be re-established. Soil disturbed from farming could have supported the re-growth of native plants once farming was discontinued. Conversely, if the site had never been farmed, non-native grasses and other invasive species could grow among the native species and eventually dominate the site. If the site were never developed, continual management would be required to re-establish native plant species and minimize competition from non-native species. The applicant does not propose to manage the site in this way, and is not required to because it is zoned for low density residential development. However, the proposal does protect the majority of significant trees and only 14.88 acres of the 25.88 acre site are proposed for development. As such, nearly 42% of the site will be retained in tracts, protecting the habitat created, primarily, by the preserved oak groves. Protection of this habitat area is consistent with CCP 4.2.2 and 4.10.9.

***Significant Trees***

Petitioners argue that the City made inadequate findings regarding several Comprehensive Plan policies related to significant trees. In addition to CCP 4.2.2, listed above, petitioners cite:

**4.6.2 Development on hillsides shall not endanger life and property nor land and aquatic resources determined to be environmentally significant.**

**4.6.3 Tree-covered hillsides within the City Limits shall retain a tree-covered appearance prior to development review. Selective logging could be permitted with a City-approved plan that assures hillsides within the City Limits retain a tree-covered appearance. On these hillsides, clear-cuts and other significant tree removal should not be permitted prior to development.**

**4.6.5 On tree-covered hillsides, development shall be designed to preserve as many trees as possible and tree removal shall be consistent with the approved development plan.**

**4.6.6 On tree-covered hills, the design of dwellings and their placement shall be planned to retain a sufficient number of trees to preserve a green, tree-covered hillside appearance. If a proposed development pattern would result in the loss of a tree-covered hillside appearance, assuming the development plan has been designed to minimize the loss of existing trees to the extent that it is safe and practicable, the development may proceed, provided the following provisions are met: 1) the loss of trees is further minimized by development techniques such as clustering; and 2) a sufficient number of new trees are planted to recreate (at maturity) a green, tree-covered hillside appearance.**

**4.6.7 In areas where development is permitted, standards in the Land Development Code for hillside areas will achieve the following:**

**B. Preserve the most visually significant slopes and ridgelines in their natural state by utilizing techniques such as cluster development and reduced densities.**

**C. Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees.**

**E. Minimize soil disturbances and the removal of native vegetation and avoid these activities during winter months unless impacts can be mitigated.**

**G. Demonstrate a concern for the view of the hills as well as the view from the hills.**

**4.6.9 Where development of hillsides occurs, removal of vegetation will be minimized to control erosion. Vegetation disturbed during development shall be replaced or enhanced through landscaping.**

Significant trees are defined in 1993 LDC Section 4.2.20 as trees greater than 8-inches in diameter measured at a height of four feet above grade. Per LDC Section 4.2.20, significant trees *should* be preserved to the greatest *extent practicable*.

**LDC Section 4.2.20 - GENERAL PROVISIONS**

**c. Significant plant and tree specimens should be preserved to the greatest extent practicable and integrated into the design of a development. Trees of 8-in. or greater diameter measured at a height of 4 ft above grade and shrubs (excluding blackberries, poison oak, and similar noxious vegetation) over 3 ft in height are considered significant. Plants to be saved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees may be considered preserved only if no cutting, filling, or compaction of the soil takes place between the trunk of the tree and the area 5 ft outside the tree's dripline. In addition, the tree shall be protected from damage during construction by a construction fence located 5 ft outside the dropline.**

Land Development Code Section 4.2.20 is the standard for tree preservation, and this standard uses the words "should" and "extent practicable" to explain the degree to preserve significant trees. This standard permits Significant Tree removal, and decision making bodies are given discretion to determine what the "greatest extent practicable" means, on a case-by-case basis. The Comprehensive Plan policies, are, again, not standards but decision making guidelines. Even if the Comprehensive Plan policies cited by petitioners were standards, none require the preservation of all significant trees. Petitioners, citing CCP 4.6.2, argue that removing significant trees endangers an

environmentally significant land resource, and state that the oak trees are "entitled to even stricter protections." Petitioners do not propose stricter protections, and also do not seem to suggest that removal of significant trees should be prohibited. With regard to CCP 4.6.2, the Council should determine the environmentally significant land resources on the site. As discussed under the preceding Upland Prairie and Habitat section, Staff believe the significant resources on the site are the oak groves, and that these groves would not be endangered by the proposed development. Staff also believe that Significant Trees outside of the groves should be preserved to the greatest extent practicable, per LDC Section 4.2.20. The proposal would preserve oak groves by placing them within four tracts, and removing between 48-58 of 454 significant trees (88-90% of all Significant Trees would be preserved). Staff recommend revising **Condition of Approval 5** to prohibit the removal of trees within the four tracts unless a certified arborist determines that a tree is a hazard tree, or that trees need to be removed to improve the health and longevity of Oregon White Oaks.

Considering that, based on both Comprehensive Plan policies and LDC standards, significant trees may be removed, preserving 88-90% of trees in groves and on tracts that account for 42% of the site area, the proposed development would not endanger the site's environmentally significant land resources (oak groves), consistent with CCP 4.6.2. Preserving approximately 90% of the site's trees also complies with LDC Section 4.2.20 that requires trees to be preserved to the maximum extent practicable.

Petitioners also argue that removed Significant Trees, must be mitigated for per CCP 4.2.2, which calls for natural features to be preserved, or have their loss mitigated. Mitigation for tree removal is typically achieved by planting replacement trees. Approximately 172 street trees would be planted if the project is developed. Compared to the trees to be removed, the street trees would be smaller, of a different species, and planted in a more urban environment. However, adding three times the number of trees to be removed is a sufficient mitigating benefit.

**4.6.5 On tree-covered hillsides, development shall be designed to preserve as many trees as possible and tree removal shall be consistent with the approved development plan.**

**4.6.6 On tree-covered hills, the design of dwellings and their placement shall be planned to retain a sufficient number of trees to preserve a green, tree-covered hillside appearance. If a proposed development pattern would result in the loss of a tree-covered hillside appearance, assuming the development plan has been designed to minimize the loss of existing trees to the extent that it is safe and practicable, the development may proceed, provided the following provisions are met: 1) the loss of trees is further minimized by development techniques such as clustering; and 2) a sufficient number of new trees are planted to recreate (at maturity) a green, tree-covered hillside appearance.**

As discussed previously, and shown in the Revised Grading and Tree Preservation Plan **(Exhibits III and IV)**, the site layout was designed to preserve as many trees as possible. This was achieved by placing lots in relatively open areas, and setting aside common tracts that contained oak groves. By placing approximately 11 acres of the site in tracts, the minimum density requirement was based on the remaining 14.88 acres, reducing the minimum number or homes required to meet density standards. For example, 52 homes would be required to meet the minimum density requirement of two dwelling units per acre

on the whole 25.88 acre site. The applicant proposes to cluster 45 homes on the remaining 14.88 acres. This is within the permitted density range based on 14.88 acres of land outside of the proposed four tracts.

By placing lots in relatively open areas, and building below minimum density for the whole site, the proposal is consistent with CCP 4.6.5 and 4.6.6 which directs development to preserve as many trees as possible, and preserve a tree-covered hillside appearance. Also consistent with CCP 4.6.5, the applicant has prepared a detailed Grading and Tree Preservation Plan, and has submitted an arborists report that includes recommendations for both the removal and preservation of Significant Trees. City Council also applied Condition of Approval 5, which requires a second arborist report to identify Significant Trees approved to be removed, and preserved. Development consistent with approved plans and conditions of approval is consistent with 4.6.5, which requires the same. Consistent with CCP 4.6.7, a tree covered hillside appearance will be retained as only approximately 58 out of 454 Significant Trees will be removed, and the prominent oak groves will be preserved. The removal of approximately 58 trees will be compensated for by the required planting of approximately 172 street trees, and any trees planted on private lots.

**4.6.3 Tree-covered hillsides within the City Limits shall retain a tree-covered appearance prior to development review. Selective logging could be permitted with a City-approved plan that assures hillsides within the City Limits retain a tree-covered appearance. On these hillsides, clear-cuts and other significant tree removal should not be permitted prior to development.**

Comprehensive Plan Policy 4.6.3 states, in part that "tree covered hillsides within the City Limits shall retain a tree-covered appearance *prior to development review*" (emphasis added). The tree-covered appearance is not required by this policy to be maintained following development. Council may find that the development is under review, and between the time the application was submitted to the present, development has not occurred on the site that has substantially diminished its tree-covered appearance (Approximately 14 trees were removed during the construction of the short gravel road into the site. These 14 trees are included in the 58 trees proposed to be removed.)

**4.6.7 In areas where development is permitted, standards in the Land Development Code for hillside areas will achieve the following:**

**B. Preserve the most visually significant slopes and ridgelines in their natural state by utilizing techniques such as cluster development and reduced densities.**

**C. Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees.**

**E. Minimize soil disturbances and the removal of native vegetation and avoid these activities during winter months unless impacts can be mitigated.**

**G. Demonstrate a concern for the view of the hills as well as the view from the hills.**

Findings relative to CCP 4.6.7. B; C; E; and G are made previously under the Fifth Assignment of Error. Those findings are incorporated here by reference. In summary, the proposal is consistent with CCP 4.6.7.B because it has reduced densities, minimizing visual impacts of the site's hillside. Reduced density was achieved by clustering lots in relatively open areas, and setting aside common tracts that contained oak groves. By placing approximately 11 acres of the site in tracts, the minimum density requirement was based on the remaining 14.88 acres, reducing the minimum number or homes required to meet density standards. Use of tracts to protect the site's large oak groves preserves a tree-covered appearance and minimizes visual impacts that would be caused by the development. Additionally, the site is downslope of the ridgeline of the hill, hence, the proposed development would not occur on the ridgeline, minimizing potential visual impacts to it.

Consistent with CCP 4.6.7.C, the proposed development will protect nearly 90% of the site's Significant Trees, primarily through the creation of four common tracts. The common tracts equal approximately 11 acres of the total site and will contain the site's largest tree groves. Consistent with CCP 4.6.7.E, the applicant has stated that no grading will be done during winter months, but would occur between the months of June through October. Most of the preserved Significant Trees are Oregon White Oak trees. Any native vegetation within these tracts would be preserved along with the trees.

In determining if the proposed grading plan and overall development minimizes soil disturbances, the Council may consider the fact that the site has been zoned for development. Weighing this fact against the desire to preserve trees and a tree covered hillside, the applicant proposed lot grading and streets on 14.88 acres of the site, consisting mostly of open areas where impacts to trees would be minimized. Cuts and fills associated with mass grading would be 10 feet or less on approximately 95% of the 14.88 acres proposed to be developed, and between 10 and 20 feet on the remainder of the developed portion of the site to be mass graded **(Exhibits III and IV)**. At the time of application there was no standard in place limiting cuts and fills, though precedent decisions generally found that cuts/fills that did not exceed 8 feet were consistent with CCP 4.6.7 and related policies. Precedent decisions also permitted cuts/fills greater than 8-feet in some situations. On balance, the proposal minimizes soil disturbances, consistent with CCP 4.6.7.E.

Comprehensive Plan policy 4.6.7 directs development to demonstrate a concern for views to and from hills. The most distinct features of the hill when viewed from below are the oak groves and large canopy trees. The applicant proposes to leave most of the trees in open space tracts, and approximately 172 street trees would be planted. The combination of retaining most of the existing trees, and planting new trees will visually buffer development on the site. Development would occur downslope of adjacent lots to the north, and views from existing homes on these lots would not be significantly affected. Views from existing homes and lots west of the site would be more affected than homes north of the site. However, because the area abutting the lots to the west is open and contains relatively few trees, it is a more appropriate location for development compared to areas on the lower slopes of the hill that contain a large oak grove and several other Significant Trees. Considering the fact that the site has been zoned for low density residential development,

when balancing the desire to "demonstrate a concern" for views from the hill and the desire to protect significant natural features, tree covered hillsides, and tree groves, Staff believe that tree protection is the greater priority.

**4.6.9 Where development of hillsides occurs, removal of vegetation will be minimized to control erosion. Vegetation disturbed during development shall be replaced or enhanced through landscaping.**

Policy 4.6.9 does not define the term "minimize" with respect to vegetation removal. The applicant submitted a grading and excavation plan that was approved by Council, and as discussed previously in this report, the plan is consistent with applicable Comprehensive Plan policies. To implement the grading and excavation plan, removal of vegetation will occur. In approving the application, the City Council applied Condition 4, which requires the applicant to obtain erosion control permits prior to grading and excavation. Consonant with CCP 4.6.9, City standards governing erosion control encourage removal of vegetation to be minimized. Areas proposed to be disturbed during development are primarily the location of proposed streets and lots. Vegetation cannot be replaced where streets and homes will be constructed; however, development on lots will be subject to 2006 LDC Section 3.2.40 - Green Area Requirements (see below). This LDC provision requires at least 50% of the gross lot area be retained as green area, of which 15% must consist of landscaping or naturally preserved vegetation. As a result, vegetation disturbed during development will be replaced with landscaping, consistent with CCP 4.6.9.

**Section 3.2.40 - GREEN AREA REQUIREMENTS**

**a. A minimum of 50 percent of the gross lot area, and a minimum of 30 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.**

Given that City erosion control standards encourage vegetation removal to be minimized, and green area must comprise at least 50% of developed lots, the site will be developed according to CCP 4.6.9 guidelines.

***Wetlands***

Petitioners argue the City did not make sufficient findings regarding impacts to wetlands based on the Comprehensive Plan policies listed below.

**4.6.2 Development on hillsides shall not endanger life and property nor land and aquatic resources determined to be environmentally significant.**

**4.10.7 To minimize the negative impacts of development, stormwater runoff after development should be managed to produce no significant reduction of water quality than prior to development unless more appropriate provisions are identified in adopted comprehensive storm water management plans.**

**4.10.8 Grading and filling in drainageways shall be regulated to prevent negative impact on the channel, floodway and flood plain, riparian habitat, wetlands, and other properties. Where drainageways are disturbed through development, the developer shall return the drainageway to its natural state, to the extent practicable.**

**4.10.19 The Corvallis stormwater utility shall incorporate existing natural features such as streams and wetlands as a means of managing urban run-off. When using these natural features for urban stormwater needs, stormwater management shall follow the guiding principle of minimizing harm to these natural systems, maintaining the natural functions, and over time, repair any damage associated with past practices. (GP-1)**

**4.11.3 Lakes, wetlands, floodway, drainageways and other urban streams are part of the hydrological system and should be managed comprehensively.**

**4.11.11 Regarding significant wetlands downstream of development sites, the cumulative unavoidable losses of significant wetland acreage and function attributable to upstream development should be mitigated by the City. Such mitigation can be achieved, in part, through dedication of open space, drainageways, and related natural infrastructure.**

**4.11.12 Development upslope of wetlands shall minimize interference with water patterns discharging to wetlands, and shall minimize detrimental changes in water quality for waters discharging to wetlands.**

Regarding consistency with some of the above policies, Council made the following finding,

> The Council finds that the proposed detention ponds, drainage swales, and water quality manholes will remove pollutants and protect the quality of water entering the Marys River Natural Area, in compliance with CCP 4.10.7, 4.10.8, 4.10.19, 4.11.12, and 4.13.7, and provisions of the Corvallis Stormwater Master Plan."

Petitioners argue that this finding is not supported by substantial evidence in the record, and state, with respect to Condition of Approval 19, that "it is difficult to fathom how, without the information to be provided through this condition of approval, the applicant or the city has any idea whether the proposed detention ponds, drainage swales, and water quality manholes will adequately remove pollutants and protect the quality of water entering the Marys River Natural Area" **(Exhibit VII)**.

In response to petitioners argument, it should be noted that CCP 4.6.2 refers specifically to hillside development, and there are no wetlands on the hillside or subject site that would be affected. The Marys River Natural Area, which does contain wetlands is located south and downslope of the site, and is an environmentally significant area. As discussed above regarding the sixth assignment of error, the City has clear and objective water quantity standards that require detention of post-development rates to historical pre-development run-off rates for 2, 5, and 10-year storm events. Proposed detention ponds will temporarily store, and release stormwater into the wetlands through existing public facilities at the same locations and in the rates as pre-development scenarios. The application includes a Utility Plan illustrating how the stormwater facilities would function, and historical and post-development rates were determined using the standard TR-55 method with localized rainfall data **(Exhibit III)**. This is a City-accepted run-off prediction method. Based on this prediction method, the detention ponds must be able to detain approximately 30,000 cubic feet of water. The applicant submitted geotechnical reports that contained recommendations for detention pond construction, and the applicant is required through City Council Condition of Approval 19 to comply with those recommendations. Water quality standards require removal of 70% of total suspended solids from stormwater run-off

during the water quality design storm. The applicant proposes to meet this standard through the use of proprietary water quality facilities. The standards to be met are clear and objective. The designs for meeting these standards are produced using current, accepted professional engineering practices and are stamped by a Professional Engineer.

Policy 4.11.12 calls for development to minimize detrimental changes in water quality for waters discharging to wetlands. This Policy does not provide a measurable standard by which to evaluate consistency with the Policy. Lacking such a measurable standard, stormwater quality is considered acceptable, and consistent with CCP 4.11.12, if it meets water quality standards in the Stormwater Master Plan, which requires removal of 70% of Total Suspended Solids (TSS) from stormwater during the design storm. The applicant proposes to achieve this standard through the use of proprietary manhole based water quality facilities which traps pollutants until removed by routine maintenance. The use of manhole based water quality facilities is typically not allowed through the King County standards. However, the slopes associated with this site are too steep to feasibly implement the King County Facilities. In situations like this the City allows the use of proprietary water quality facilities, as long as they meet the City's performance standards. The applicant has submitted results from testing conducted by the University of Minnesota's St. Anthony Falls Laboratory and a Conditional Use Designation from the Washington State Department of Ecology for a BaySaver Technologies BaySeparator water quality facility as an example of a proprietary water quality facility. Staff have reviewed the submitted information and concluded that a facility such as the one submitted as an example will meet the City's standard of removing 70% of TSS during the water quality design storm. Staff also note there are manufacturers and products available, other than what was submitted, that will meet the City's water quality requirements.

Given that the applicant proposes to comply with City water quality and quantity standards, and compliance with these standards is required through **Conditions of Approval 18-20 and 26**, the rate and quality of water entering the wetland from the subject site will be handled such that the wetland will be protected. Petitioners argue that additional studies are necessary to prove the referenced Comprehensive Plan policies are satisfied. The referenced Comprehensive Plan policies contain no standards by which to measure compliance. Absent measurable standards in the Comprehensive Plan, the Council may concur with City staff and find that the proposed water detention and quality facilities comply with applicable City standards in the Stormwater Master Plan and King County Surface Water Design Manual. Council may also find that compliance with these standards is sufficient to prevent and minimize negative impacts to adjoining wetlands caused by post-development surface water run-off, consistent with policies 4.6.2, 4.10.7, 4.10.8, 4.10.19, 4.11.11, and 4.11.12. By preventing or minimizing negative impacts to adjacent wetlands consistent with the noted policies, the proposal is also consistent with 4.11.3, which states that "Lakes, wetlands, floodway, drainageways and other urban streams are part of the hydrological system and should be managed comprehensively."

***Western Pond Turtles***

Western pond turtles are listed as an Oregon Sensitive Species, and may be in the wetland areas south of the subject site. City Council found (Finding III-C-6) that the proposed development will not negatively impact the turtles breeding and nesting habitat or result in

significant changes in water volume or quality **(Exhibit II)**. Petitioners argue that City findings that stormwater runoff will not impact pond turtles is "pure conjecture." Petitioners assume an increase in water run-off from the site that may negatively impact turtle populations, and assert that the proposal is not consistent with CCP 4.10.9, below.

**4.10.9 Negative impacts on habitat and migration corridors for birds, wildlife, aquatic life, and on open space and the recreation qualities of significant drainageways shall be minimized.**

The record contains a document produced by ODFW that lists the most important habitat qualities for western pond turtles **(Exhibit XIII)**. They are:

- Permanent water bodies with slow moving waters for foraging;
- Shallow, near-shore waters with aquatic vegetation for hatchlings to hide from predators;
- Nearby, accessible, undisturbed upland sites with sparse vegetation and south-facing slopes for nests;
- Aquatic basking sites for temperature regulation;
- Corridors such as streams, rivers, and riparian areas that allow movement between populations.

The document identifies several causes for declining turtle populations, including:

- Loss of nesting and hatchling habitat;
- Predation on hatchlings from bullfrogs, opossums, and large mouth bass;
- Wetland draining;
- Urban development;
- Intensive agriculture;
- Spread of exotic species such as Himalayan blackberry and reed canary grass;
- Fewer floods and fires resulting in reduced quality and quantity of suitable habitat.

The applicant provided information taken from a western pond turtle recovery plan created by the Washington Department of Wildlife **(Exhibit III)**. The applicant notes that this report identifies primary concerns for turtles' protection include the control of predation by bullfrogs, racoons and opossums, and reduction of human impacts that inhibit basking.

Even assuming petitioners are correct, and there would be an increase in water in the wetlands caused by the proposed development, this would appear to improve turtle habitat by providing a more permanent supply of slow moving water. Other than conveying water to them, the proposed development would have no affect on the wetlands, and therefore, no affect on turtle habitat. However, as discussed above, the proposed development is required to comply with water quality and quantity standards in the Stormwater Master Plan. Compliance with City water quality and quantity standards is sufficient to minimize potential negative impacts to wetlands and wetland habitat, caused by draining the site's surface water to adjacent wetlands.

## SUMMARY AND RECOMMENDATIONS

In the Final Opinion and Order LUBA remanded the City Council's decision to approve the Brooklane Heights Conceptual and Detailed Development Plan and Tentative Subdivision Plat to address four of petitioners assignments of error. Briefly, the sustained assignments of error are:

- Fourth Assignment of Error– findings were inadequate for determining if the code and compatibility requirements are met without "typical building elevations" having been submitted.

- Fifth Assignment of Error (Subassignment B)– findings were inadequate for determining if the provisions of Comprehensive Plan policy 4.6.7 are met based on the imposition of Condition 27, which requires individual lots to be developed consistent with the hillside development provisions of Chapter 4.5 and the pedestrian-oriented design standards in Chapter 4.10 from the 2006 LDC.

- Sixth Assignment of Error (Subassignment B)– findings were inadequate for determining if the drainage plan adequately addresses Comprehensive Plan policy 4.11.12.

- Seventh Assignment of Error– findings were inadequate for determining if environmentally significant resource protections are consistent with Comprehensive Plan policies.

The applicant provided additional information to respond to the sustained assignments of error. Based in part on new information provided by the applicant, more robust preliminary findings were made demonstrating how the proposal, as conditioned by City Council, was consistent with applicable Comprehensive Plan policies. In reaching these preliminary findings Staff suggest revising Condition 27 to clarify that 2006 LDC Chapter 4.5 only applies to areas not approved to be mass graded and cuts and fill on these areas will be limited to 8-feet. Staff also recommend revising Condition 5 to clarify that trees in the four open space tracts are to be preserved unless they pose a hazard to abutting private property or should be removed to protect the health of existing Oregon White Oaks (Condition 5).

### Staff Recommendations

The City Council has three options with regard to the remanded issues.

Option 1: Reverse the original City Council decision to approve the application, thereby denying the application;

Option 2: Uphold the original City Council decision, including conditions of approval;

Option 3: Uphold the original City Council decision, with revised conditions of approval.

Staff recommend that the City Council pursue Option #3. This recommendation is based on the facts presented in this report and specific references to facts and findings contained

in City Council Order 2001-111, and the August 10, 2007, Memorandum from the Community Development Director to City Council, which includes the May 25, 2007, Staff Report to the Planning Commission

## Staff Revised Conditions of Approval

***Revised Condition 5***

Tree Preservation and Planting – Prior to issuance of any permits, the applicant shall submit a report by a certified arborist that identifies all significant trees proposed to be removed in this application. Identified trees shall include, those identified in the arborist report submitted with the subject application **(Attachments S and R.55 of the May 25, 2007, staff report to the Planning Commission),** trees impacted by construction of the pedestrian path between Badger Place and Wolverine Drive, trees impacted by construction of the stormwater swale in the north portion of the site, and trees potentially impacted by construction and use of the detention ponds in Tracts B and C.

Trees in Tracts A, B, C, and D, as identified in the approved Revised Tentative Subdivision Plat shall be preserved unless a tree is determined to be a hazard tree, or its removal is necessary to protect the health and longevity of an Oregon White Oak tree. Prior to removal of any tree a certified arborist's report shall be submitted to the Community Development Department for review, and trees shall only be removed if the City's Urban Forester concurs with the report's analysis and recommendations.

Regarding the pedestrian path, stormwater swale, and ponds, the arborist's report shall detail methods to preserve as many significant trees as possible in or adjacent to these site components. The applicant shall follow tree preservation methods outlined by the arborist. Unless already approved for removal, (any) significant trees may be removed only if a certified arborist recommends removal and the City Forester concurs with the arborist's recommendation.

The arborist's report shall also illustrate all trees approved/proposed to be preserved. To ensure protection of trees, there shall be no cutting, filling, trenching, nor compaction of the soil under tree canopies and to a minimum distance of 5 feet outside the canopy's dripline, consistent with Section 4.2.20.c of the Land Development Code. To assure this protection, a minimum 5-foot high construction fence (constructed of metal chain link, and supported by metal posts sunk into the ground) shall be installed 5 feet outside the canopy's dripline for all trees to be preserved, prior to any excavation and grading of the development site. An exception may occur upon inspection and a recommendation by a certified arborist.

Existing trees, including trees on adjacent properties with driplines within 10 feet of the subject site, and construction protection fences shall be illustrated on all site plans submitted for excavation, erosion control, PIPC, and building permits. Tree protection plans shall be submitted to the City for review and approval, and tree preservation fencing shall be installed and inspected, prior to issuance of any excavation and grading, erosion control, PIPC, or building permits.

***Original Condition 5, With Redline/Strike-out***

Tree Preservation and Planting – Prior to issuance of any permits, the applicant shall submit a report by a certified arborist that identifies all significant trees proposed to be removed in this application. Identified trees shall include, those identified in the arborist report submitted with the subject application **(Attachments S and R.55 of the May 25, 2007, staff report to the Planning Commission),** ~~and~~ trees impacted by construction of the pedestrian path between Badger Place and Wolverine Drive, ~~and~~ trees impacted by construction of the stormwater swale in the north

portion of the site, and trees potentially impacted by construction and use of the detention ponds in Tracts B and C.

Trees in Tracts A, B, C, and D, as identified in the approved Revised Tentative Subdivision Plat shall be preserved unless a tree is determined to be a hazard tree, or its removal is necessary to protect the health and longevity of an Oregon White Oak tree. Prior to removal of any tree a certified arborist's report shall be submitted to the Community Development Department for review, and trees shall only be removed if the City's Urban Forester concurs with the report's analysis and recommendations.

Regarding the pedestrian path, stormwater swale, and ponds, the arborist's report shall detail methods to preserve as many significant trees as possible in or adjacent to these site components. The applicant shall follow tree preservation methods outlined by the arborist. Unless already approved for removal, (any) significant trees may be removed only if a certified arborist recommends removal and the City Forester concurs with the arborist's recommendation.

The arborist's report shall also illustrate all trees approved/proposed to be preserved. To ensure protection of trees, there shall be no cutting, filling, trenching, nor compaction of the soil under tree canopies and to a minimum distance of 5 feet outside the canopy's dripline, consistent with Section 4.2.20.c of the Land Development Code. To assure this protection, a minimum 5-foot high construction fence (constructed of metal chain link, and supported by metal posts sunk into the ground) shall be installed 5 feet outside the canopy's dripline for all trees to be preserved, prior to any excavation and grading of the development site. An exception may occur upon inspection and a recommendation by a certified arborist.

Existing trees, including trees on adjacent properties with driplines within 10 feet of the subject site, and construction protection fences shall be illustrated on all site plans submitted for excavation, erosion control, PIPC, and building permits. Tree protection plans shall be submitted to the City for review and approval, and tree preservation fencing shall be installed and inspected, prior to issuance of any excavation and grading, erosion control, PIPC, or building permits.

***Revised Condition 27***

Lot Grading and Structures - Mass grading shall be limited to the areas shown on the grading plan identified as Attachments I.7 and I.8 of the August 10, 2007, Staff Memorandum to the City Council. Cuts and fills in the areas permitted to be mass graded shall not exceed the measurements shown in Attachment I.8. All mass graded areas, as shown in Attachment I.8, shall be engineered and constructed such that retaining walls are neither required nor used. Grading and excavation activities in areas not approved for mass grading as shown in Attachment I.8 shall comply with Section 4.5.80 - Hillside Development Standards of the 2006 LDC Chapter 4.5 - Natural Hazards and Hillside Development Provisions. Regardless of the presence of extenuating circumstances, cuts and fills in areas not mass-graded shall comply with the eight-foot standard as defined in LDC Section 4.5.80.03 - Definitions. Exceptions or alterations to these standards shall only be permitted through the Planned Development process, including any modifications to streets that would occur through the Capital Improvements Program.

Lots shall only be developed with single-family, detached homes and Accessory Structures consistent with conditions of approval and 2006 LDC Sections 3.2.30, 3.2.40, and Sections 4.3.30 and 4.3.40 for Accessory Structures. Development on all lots shall comply with 2006 LDC Chapter 4.10 - Pedestrian Oriented Design Standards.

Modifications to applicable LDC standards, or standards established through this approval may only occur through a public hearing process.

***Original Condition 27***

Lot Grading and Structures - All cuts and fills shown on the grading plan identified as Attachments I.7 and I.8 of the August 10, 2007, Staff Memorandum to the City Council shall be engineered and constructed such that retaining walls are not required. All lots shall be developed in accordance with Chapter 4.5 - Natural Hazards and Hillside Development Provisions and Chapter 4.10 - Pedestrian Oriented Design Standards from the December 31, 2006 Land Development Code.

## EXHIBITS

I. Comprehensive Plan, Zoning, and Vicinity Maps *(CC Exhibits IX.85 - 89)*

II. City Council Notice of Disposition and Findings (Order 2007-111)

III. Applicant's Response to LUBA Final Opinion and Order, includes:

- Tentative Subdivision Plat
- Utility Plan
- Grading and Tree Preservation Plan
- Cut / Fill Analysis
- Existing Drainage Patterns
- Information regarding proposed proprietary water quality facilities
- May 20, 2008, Geotechnical Report

IV. Applicant's Appeal letter to City Council

V. Applicant Submitted Arborist Report

VI. LUBA Final Opinion and Order

VII. Petition for Review (Petitioners Assignments of Error reviewed by LUBA)

VIII. 1993 LDC Chapter 3.1 Development Standards for RS-3.5 Zone

IX. Excerpt of Applicable and Referenced 2006 LDC Standards and Criteria

- LDC Chapter 3.2 - Low Density (RS-5) Zone
- LDC Chapter 4.5 - Natural Hazard and Hillside Development Provisions
- LDC Chapter 4.10 - Pedestrian Oriented Design Standards

X. Staff Identified Water Quality Standards, includes Appendix F of the Corvallis Stormwater Master Plan

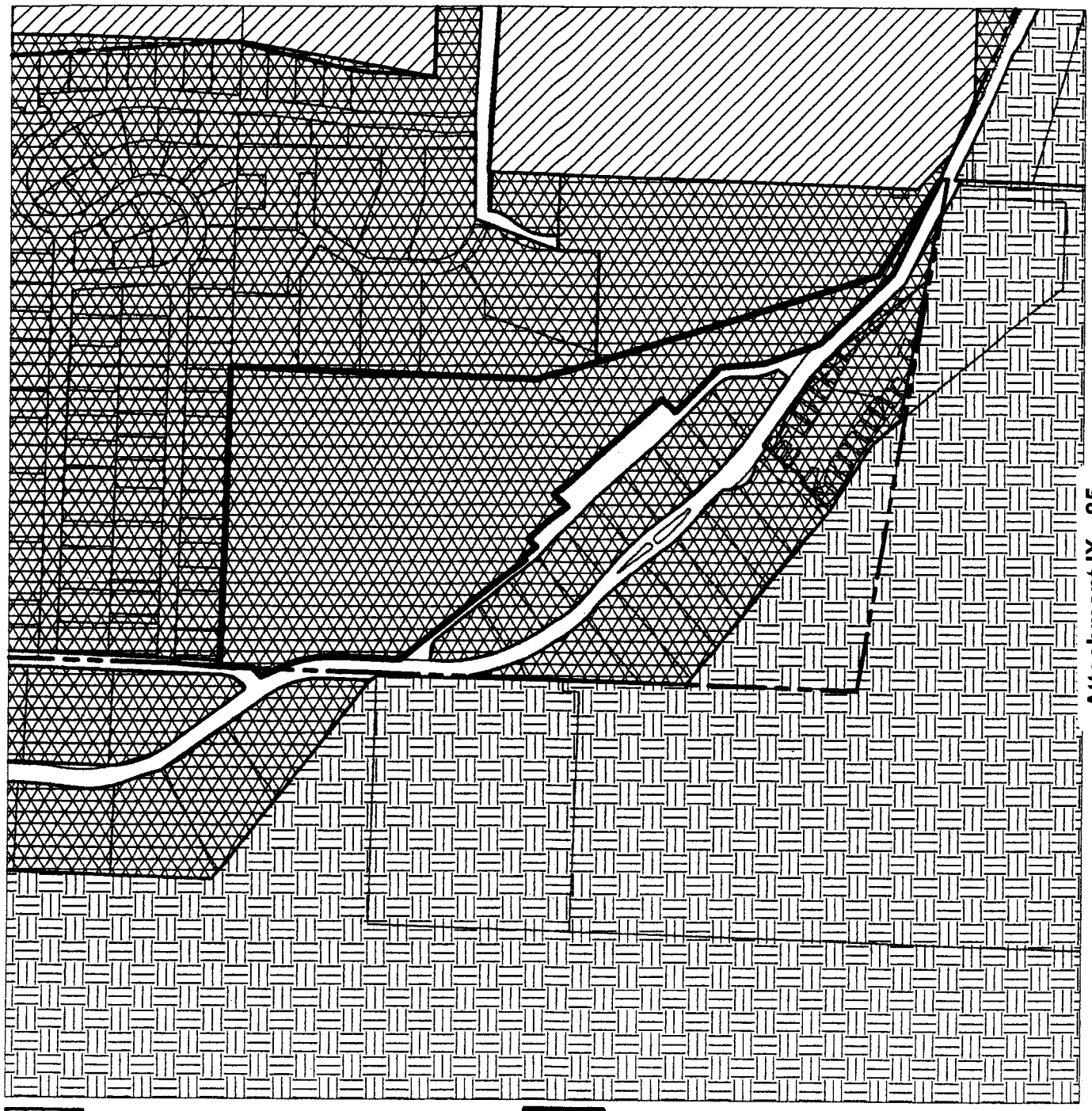
XI. Excerpt of 1983 Open Space Hillside Report

XII. Correspondence with ODF&W

XIII. ODF&W Document Regarding Western Pond Turtles

**Review and Concur:**
Ellen Volmert, Assistant City Manager

# EXISTING COMPREHENSIVE PLAN DESIGNATIONS



Residential-Low Density

Agricultural Open-Space

Open Space - Conservation

Subject Site

City Limits

N

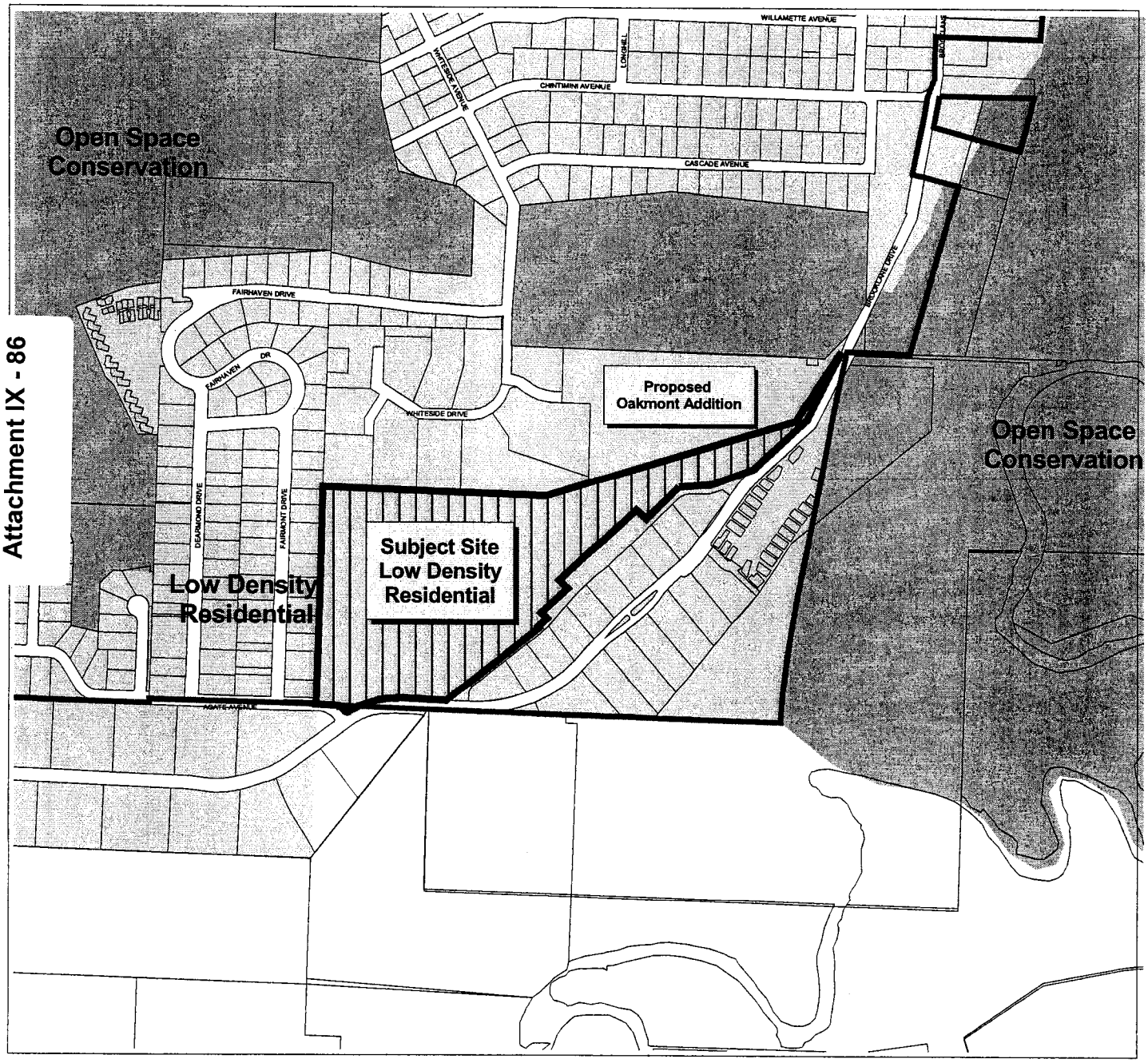
0 500 1000

Scale: 1" = 500'

EXHIBIT I.1
LUBA REMAND

Brooklane PLD06-00018
Attachment C

# Comprehensive Plan Map Designations 2007




Attachment IX - 86

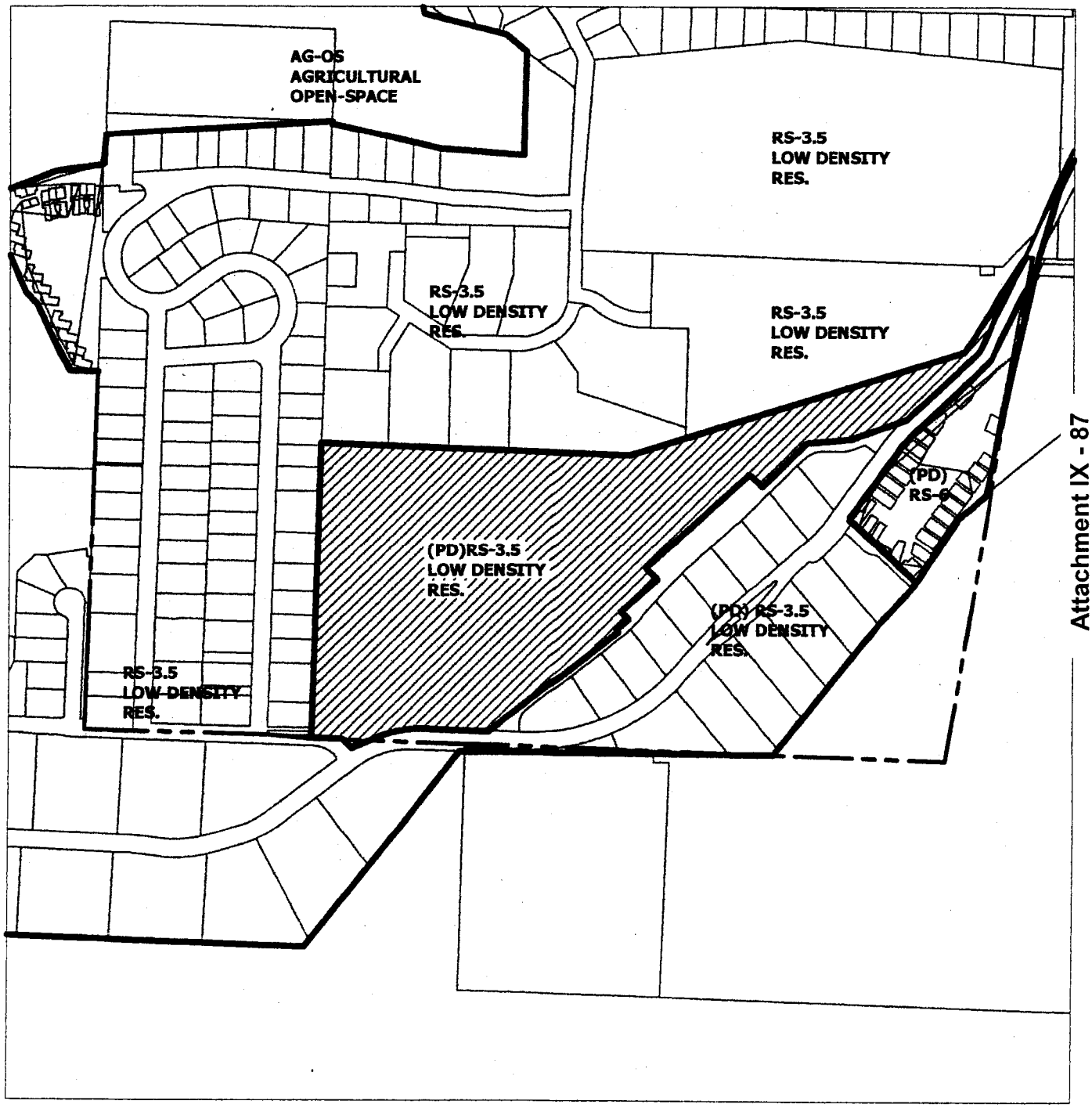
N

**EXHIBIT I.2**
**LUBA REMAND**

500 0 500 Feet

Brooklane PLD06-00018
Attachment D

# EXISTING ZONING DESIGNATIONS




Subject Property

City Limits

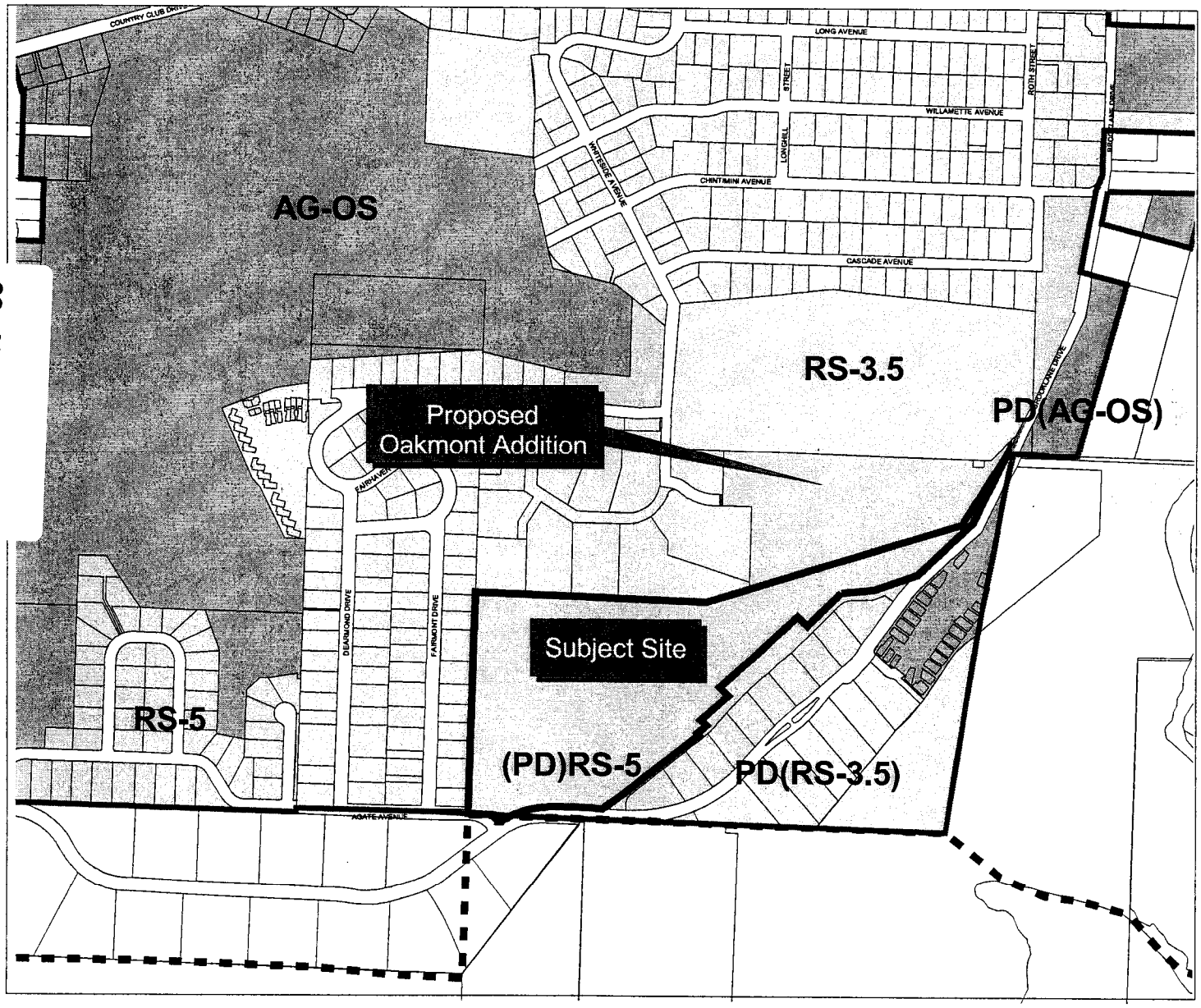
EXHIBIT I.3
LUBA REMAND

Brooklane PLD06-00018
Attachment E

0 500 1000

Scale: 1" = 500'

# Zoning Map - 2007




Attachment IX - 88

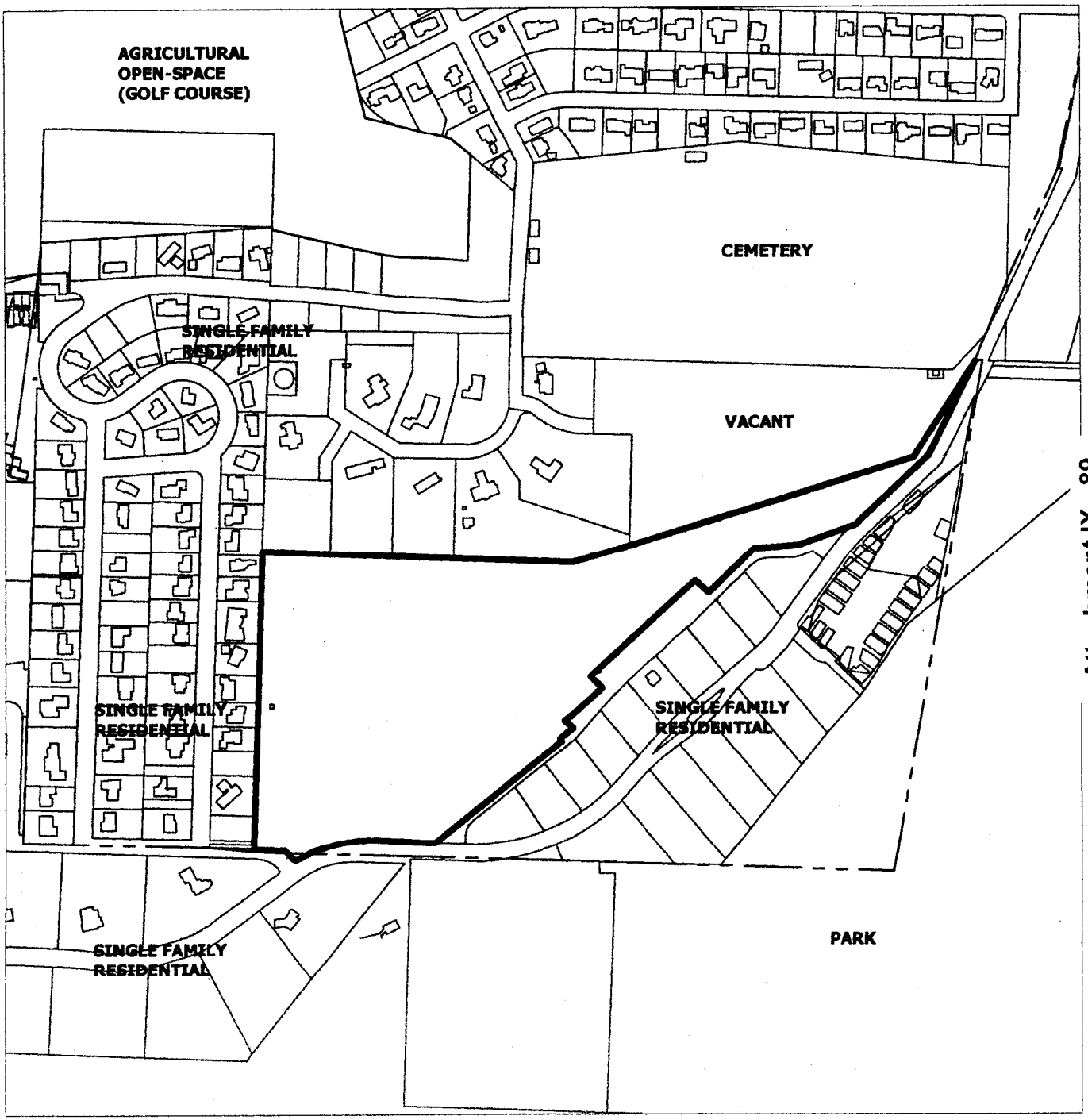
N

**EXHIBIT I.4**
**LUBA REMAND**

500 0 500 1000 Feet

**Brooklane PLD06-00018**
**Attachment F**

# SURROUNDING USES




Subject Property

City Limits

EXHIBIT 4.5
LUBA REMAND

Brooklane PLD06-00018
Attachment G

0 500 1000
Scale: 1" = 500'

# CITY COUNCIL
# NOTICE OF DISPOSITION

**ORDER: 2007-111**

**CASE:** **Brooklane Heights Planned Development**
(PLD06-00018, SUB06-00006)

**REQUEST:** An appeal of a Planning Commission decision to deny a Conceptual and Detailed Development Plan and Tentative Subdivision Plat to create 42 residential lots and 4 common tracts on 25.88 acres of land zoned PD(RS-3.5) at the time the application was submitted. The site was zoned PD(RS-5) as part of a legislative action implementing the 2006 Corvallis LDC. As part of the Planned Development request, the applicant is requesting to vary from a number of Land Development Code standards, mostly related to street design. The Conceptual and Detailed Development Plan proposes to develop lots for the construction of custom built single family detached homes on approximately 14.9 acres of the subject site. The remaining approximately 10.98 acres are proposed to be set aside as open space tracts that also incorporate public utilities. The tracts are proposed to be maintained by a Homeowners Association.

**APPLICANT/OWNER:** Stephen Schaberg
2535 SW Whiteside Drive
Corvallis, Oregon 97333

**LOCATION:** The 25.88 acre site is located northwest of Brooklane Drive and north of Agate Avenue, east of Fairmont Drive, and south of Whiteside Drive. The site consists of one parcel which is identified on Benton County Assessor's Map 12-5-01 C as Tax Lot 1000.

The City Council held a duly-advertised *de novo* public hearing on the appeal on August 20, 2007. The hearing was closed, and the City Council deliberated and reached a decision on the appeal on September 4, 2007. After consideration of all the testimony and evidence, the City Council voted to reverse the Planning Commission's decision to deny the request, and approved the Conceptual and Detailed Development Plan and Tentative Subdivision Plat requests, with conditions.

If you wish to appeal these decisions, an appeal must be filed with the State Land Use Board of Appeals within 21 days from the date of the decision.

The proposal, staff report, hearing minutes, memoranda to City Council, and findings and conclusions may be reviewed at the Community Development Department, Planning Division, City Hall, 501 SW Madison Avenue.

**EXHIBIT II.1**
**LUBA REMAND**

Hal Brauner
Acting Mayor, City of Corvallis

**Signed:** September 17, 2007
**Appeal Deadline:** October 8, 2007

Expiration Date(s) (If Not Appealed): October 8, 2010
(Conceptual and Detailed Development Plan)

October 8, 2009
(Tentative Subdivision Plat)

If no appeal is filed by the appeal deadline, the Conceptual and Detailed Development Plan shall be valid for three years. If the applicant has not begun construction of the development or its phases within this period, the approval shall expire on October 8, 2010. At its discretion, and without a public hearing, the Planning Commission may extend the approval one time for up to two additional years if it finds that conditions have not changed. If an extension is desired, the applicant is required to file a written request for the extension with the City's Planning Division prior to the expiration date.

If no appeal is filed by the appeal deadline, the Tentative Subdivision Plat shall be valid for two years. If the applicant has not submitted a final subdivision plat within two years (with appropriate assurances for improvements, if applicable), the approval shall expire on October 8, 2009. At its discretion, and without a public hearing, the Planning Commission may extend the approval one time for up to one additional year if it finds that conditions have not changed. If an extension is desired, the applicant is required to file a written request for the extension with the City's Planning Division prior to the expiration date.

**Attachments:** Conditions of Approval and City Council Adopted Formal Findings

**EXHIBIT II.2**
**LUBA REMAND**

**Conditions of Approval**
**Brooklane Heights (PLD06-00018, SUB06-00006)**

The page numbers in the table below reference pages where discussion relating to the Condition of Approvals occur in the May 25, 2007, Staff Report to the Planning Commission (Attachment VIII of the August 10, 2007, Staff Memorandum to Council).

| Page No. | Condition No. | Condition Language |
|---|---|---|
| **All** | **1** | **Consistency with Plans** – Development shall comply with the narrative and plans identified in or referenced in **Attachment IX** of the August 10, 2007, Memorandum to the City Council from Community Development Director, Ken Gibb, except as modified by the conditions below or unless a requested modification otherwise meets the criteria for a Planned Development Modification and/or a Tentative Plat Modification. Such changes may be processed in accordance with Chapters 2.4 and 2.5 of the Land Development Code. |
| **20** | **2** | **Secondary Access** - Per LDC section 4.0.70.c.3, development of lots shall be limited to Lot 1, and 18 additional lots on a street segment not to exceed 600 feet, or 150 feet beyond an emergency turn-around until secondary access, as proposed, is achieved. If development occurs on the 600 foot street segment, prior to development of secondary access, the street terminus shall be constructed with turn-arounds to accommodate emergency vehicles. The turn-around area shall comply with applicable Oregon Uniform Fire Codes, or as specified by the Corvallis Fire Marshall. |
| **23** | **3** | **Landscaping Construction and Maintenance** – The following landscaping provisions shall apply to overall development of the site:<br><br>Landscape Construction Documents – Prior to issuance of PIPC permits, the applicant shall submit to the Community Development Director, a Detailed Landscape Plan for this site that contains a specific planting plan (including correct plant names in the Latin format), construction plans, irrigation plans, details, and specifications for all required landscaped areas on the site in sufficient detail to show the |



**EXHIBIT II.3**
**LUBA REMAND**

| Page No. | Condition No. | Condition Language |
|---|---|---|
| | | relationship between required landscaping and public utilities, franchise utilities, driveways, and other streetscape elements such as light poles, signs and mailboxes. Where conflicts arise between landscaping and streetscape elements and public facilities, flexibility in the location of trees may be permitted. However, a reduction in the number of required streets trees shall not be permitted unless modified through a Planned Development Modification approval.<br><br>Plantings shall comply with LDC Section 4.2 and other conditions of this approval. Required street trees shall have at least a 1½-inch trunk diameter at the time of installation and shall be chosen from the list of species provided in LDC Section 4.2.60, or as approved by the Community Development Director. The plans must have been reviewed and approved prior to installation of landscape materials.<br><br>The landscape plans shall address the following additional requirements:<br><br><u>Landscape Installation and Maintenance</u> – Street trees and ground cover in planter strips in Brooklane Drive shall be installed with PIPC improvements, except for street trees adjacent to Lot 1. Street trees and ground cover in planter strips fronting Lot 1 shall be installed prior to issuance of Final Inspection for Lot 1. Street trees and ground cover in planter strips in other proposed local streets shall be installed on lot frontages as individual lots are developed, and shall be installed prior to Final Inspection for homes on the associated lot. Street trees on Wolverine Drive northeast of lot 13 shall be installed prior to Final Inspection for lot 45.<br><br>The locations of all required trees will be shown on all site plans submitted for public improvement design. A maintenance plan for all plantings shall be provided prior to the City's on-site approval of the landscape installation. This plan shall provide measures to assure all new plantings attain the minimum 90 percent ground cover |

| Page No. | Condition No. | Condition Language |
|---|---|---|
| | | required by LDC Section 4.2.20 within three years from the date of installation approval.<br><br>Security for Landscape Installation and Maintenance – Prior to the approval of the landscaping plan, a Performance Bond (or other LDC-approved financial security) will be provided to the City to secure installation of all required landscaping along new local streets and within Tracts. Prior to Final Plat approval, A 3-year maintenance Bond (or other LDC-approved financial security) shall be provided to the City to cover 50 percent of the costs for landscape materials and labor (plus costs for administration) associated with landscaping installed along all new local streets and Tracts.<br><br>Home Owners' Association Landscape Maintenance Responsibilities – After completion of the required three-year maintenance period, the Home Owners' Association created for this subdivision will be responsible for the perpetual maintenance of any landscaping and management of wooded areas within in Tracts. Prior to final plat approval, the applicant shall submit for approval by the Community Development Director, the Home Owners' Association's Codes, Covenants and Restrictions (CC&Rs) and or bylaws. The Homeowners' Association's CC&R's or bylaws shall include all language from this Condition of Approval. |
| **30** | **4** | **Erosion Control** - Prior to issuance of excavation and grading permits, the applicant shall obtain erosion control permits. Where required by Development Services staff, the applicant shall install an erosion control and re-vegetation product capable of functioning on a 2:1 slope, that will result in 90% vegetation coverage within 3 years, without using irrigation. |
| **35** | **5** | **Tree Preservation and Planting** – Prior to issuance of any permits, the applicant shall submit a report by a certified arborist that identifies all significant trees proposed to be removed in this application, including those identified in the arborist report submitted with the subject application (**Attachments S** and **R.55** of the May 25, 2007, staff report |

| Page No. | Condition No. | Condition Language |
|---|---|---|
| | | to the Planning Commission) and trees impacted by construction of the pedestrian path between Badger Place and Wolverine Drive, and trees impacted by construction of the stormwater swale in the north portion of the site, and trees potentially impacted by construction and use of the detention ponds in Tracts B and C.<br><br>Regarding the pedestrian path, stormwater swale, and ponds, the arborist's report shall detail methods to preserve as many significant trees as possible in or adjacent to these site components. The applicant shall follow tree preservation methods outlined by the arborist. Unless already approved for removal, (any) significant trees may be removed only if a certified arborist recommends removal and the City Forester concurs with the arborist's recommendation.<br><br>The arborist's report shall also illustrate all trees approved/proposed to be preserved. To ensure protection of trees, there shall be no cutting, filling, trenching, nor compaction of the soil under tree canopies and to a minimum distance of 5 feet outside the canopy's dripline, consistent with Section 4.2.20.c of the Land Development Code. To assure this protection, a minimum 5-foot high construction fence (constructed of metal chain link, and supported by metal posts sunk into the ground) shall be installed 5 feet outside the canopy's dripline for all trees to be preserved, prior to any excavation and grading of the development site. An exception may occur upon inspection and a recommendation by a certified arborist.<br><br>Existing trees, including trees on adjacent properties with driplines within 10 feet of the subject site, and construction protection fences shall be illustrated on all site plans submitted for excavation, erosion control, PIPC, and building permits. Tree protection plans shall be submitted to the City for review and approval, and tree preservation fencing shall be installed and inspected, prior to issuance of any excavation and grading, erosion control, PIPC, or building permits. |

| Page No. | Condition No. | Condition Language |
|---|---|---|
| 42 | 6 | **Wetland Determination** - Prior to issuance of PIPC permits, the applicant shall submit a wetland determination report indicating the presence of wetlands. If wetlands are found to be present on the site, prior to issuance of excavation and grading permits, the applicant shall submit documentation from the Department of State Lands verifying that the site development and wetland mitigation plans comply with all applicable local, state, and federal wetland regulations. |
| 46 | 7 | **Archaeological Resources** - Prior to issuance of excavation and grading permits, the applicant shall have the site surveyed by a State Historic Preservation Office (SHPO) qualified archaeologist to determine the presence of archaeological resources on the site, in addition to those identified as site 35-BE-67. The archaeologist shall submit findings and recommendations regarding site development to the applicant/developer, Corvallis Development Services Division, and SHPO for review. The applicant shall comply with all State and Federal regulations pertaining to archaeological, cultural, and historic materials. Prior to issuance of grading and excavation permits and any earth disturbing activities the applicant shall submit a letter from the SHPO verifying that the proposed development complies with applicable State and Federal regulations relative to archaeological, cultural, and historic materials. During construction of the site, the applicant shall continue to comply with applicable regulations. |
| 50, 61 | 8 | **Public Improvement Plans** - Any plans for public improvements referenced within the application or this staff report shall not be considered final engineered public improvement plans. Prior to issuance of any structural or site utility construction permits, the applicant shall obtain approval of, and permits for, engineered plans for public improvements from the City's Engineering Division. The applicant shall submit necessary engineered plans and studies for public utility and transportation systems to ensure that adequate street, water, sewer, storm drainage and street lighting improvements are provided. Final utility alignments (including locations for detention facilities) that maximize separation from adjacent utilities and street trees |

| Page No. | Condition No. | Condition Language |
|---|---|---|
| | | shall be engineered with the plans for public improvements in accordance with all applicable LDC criteria and City, DEQ and Oregon Health Division requirements for utility separations Public improvement plan submittals will be reviewed and approved by the City Engineer under the procedures outlined in Land Development Code Section 4.0.90. **Note:** Land Development Code Section 4.0.70 has been amended to establish street lights as public utilities. Under the revised Code Section, developers shall provide an engineered design for street light installation; obtain appropriate electrical permits from the Development Services Division; and install the street light system concurrent with public improvements. |
| **50, 51** | **9** | **Right-of-Way Dedication** - As part of Phase I, additional ROW shall be dedicated along SW Brooklane Drive in order to achieve the minimum half street standard width of 33 ft from the original ROW centerline.<br><br>Also as part of Phase I, 50 ft of ROW shall be dedicated in Tract D to allow the proposed Oakmont Addition to construct Hawkeye Avenue between the Oakmont Addition subdivision and SW Brooklane Drive.<br><br>In addition, an environmental assessment for all land to be dedicated must be completed in accordance with LDC Section 4.0.110.h. |
| **55** | **10** | **Frontage Improvements** - At the time of development, curbside sidewalk shall be installed along the north side of SW Brooklane Drive between SW Agate Avenue and the private alley located along the northwest portion of Brooklane Park Estates. The sidewalk will connect to existing sidewalk located at SW Agate Avenue to the west. Curb cuts will be provided on both sides of SW Brooklane Drive just west of the private alley described above. New and existing curb cuts shall be constructed or re-constructed to meet current ADA standards. |
| **52** | **11** | **Public Improvements** - Prior to Final Plat approval the applicant shall construct or secure all public improvements within the subject site. |

| Page No. | Condition No. | Condition Language |
|---|---|---|
| 51 | 12 | **Vision Clearance** - The City's Off-Street Parking and Access Standards require a vision clearance triangle be maintained between an elevation of 2 feet and 8 feet above the roadway height for all intersecting streets. The legs of the vision clearance triangle shall be determined from table 3 of the City of Corvallis Off-Street Parking and Access Standards. Site plans showing an unobstructed vision clearance triangle as outlined shall be submitted concurrent with application for public improvement permits. |
| 52 | 13 | **Construction Traffic Plan** - Prior to issuance of excavation and grading permits, the applicant shall prepare a detailed construction traffic plan that outlines proposed hours of operation, route maps, and direction of travel for loaded and empty trucks. This plan shall prohibit construction traffic from using Local Streets as classified in the 1996 Corvallis Transportation Plan. Additionally, construction traffic on the new section of SW Brooklane Drive shall be limited to vehicles of less than 12,000 lbs loaded weight. The construction traffic plan shall be submitted to the City of Corvallis, Development Review for review and approval. |
| 56 | 14 | **Public Sidewalk/Landscape Strip Improvements** - At the time of development, park strips and setback sidewalks shall be constructed adjacent to Tracts A, B, and C. All other park strips and setback sidewalks will be constructed when individual lots are developed as specified in the LDC 4.0.40.a.3.b. |
| 57 | 15 | **Transit Improvements** - The applicant shall place a bus shelter easement and provide a flat, graded pad, adjacent to the Brooklane Drive ROW. The location should be selected in cooperation with City of Corvallis, Transportation Division. |
| 59 | 16 | **Looped Waterline** - City standards are to loop all waterlines to eliminate dead-end runs. The waterline in Buckeye Place shall be looped. When the waterline leaves the ROW, it shall installed in an utility easement. A 15 ft utility easement will be required with a single utility, and a |

| Page No. | Condition No. | Condition Language |
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| | | 20 ft utility easement will be required if two utilities run parallel to each other. |
| 60 | 17 | **Deed Restrictions for Pressure Reducing Valves** - In order to ensure that future owners of lots 33 thru 36 are aware of the need to install pressure reducing valves (PRV), and as part of the building permit process, the developer shall record deed restrictions outlining this need against lots 33 thru 36 concurrent with the final plat. All costs related to PRV installation and maintenance shall be borne by the property owners. |
| 43, 60, 62 | 18 | **Public Drainage** - All public storm drainage facilities located outside of ROW shall be placed in public drainage easements. This includes pipes, water quality manholes, drainageways, swales, and detention ponds. The minimum required easement width is 15 ft for a single utility and 20 ft for two utilities, or, for drainageways, the 1.5X + 5 LDC 4.5.80 (d)(3) formula. The easement must fully encompass drainageways, swales, and detention ponds. All weather accesses must also be provided to the water detention facilities. |
| 62 | 19 | **Public Detention Facility Design & Maintenance Agreement** - The design of the storm water detention facilities shall incorporate all recommendations of the March 16, 2007, Geotechnical report that was conducted by Foundation Engineering, Inc. The geomembrane liner recommended in the Geotechnical report shall be placed on a slope of 3(h):1(v), or flatter and it shall be covered with at least 12 inches of soil. The detention pond shall remain in the same location and footprint as shown on the submitted Utility Plan. Any alteration to the placement of the pond and its associated structural features may require a Planned Development Modification.<br><br>As part of the plans for public improvements the applicant shall provide engineered calculations for pre-development and post-development peak storm water run-off flows, and demonstrate that the storm drainage facilities are designed to match pre and post development flows based on the 2- |



**EXHIBIT II.10**
**LUBA REMAND**

| Page No. | Condition No. | Condition Language |
|---|---|---|
| | | year, 5-year, and 10-year storm events. The detention facilities shall be designed consistent with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington, Surface Water Design Manual. Infiltration facilities are a recommended means of meeting detention requirements where soil and slope conditions (not more that 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The detention analysis shall contain a discussion on the feasibility of implementing infiltration during both wet and dry seasons.<br><br>The design for the public detention facilities shall include a landscape plan that details all landscaping essential to ensure the proper function of the detention facilities. This functional landscape plan shall be submitted as part of the plans for public improvements. All associated functional landscaping shall be installed and well established prior to any paving activity on the development site.<br><br>All detention facilities that are part of the public storm drainage system shall be dedicated to the public and shall be subject to a maintenance agreement requiring the developer to maintain the facilities for one year after build-out of all portions of the site that drain to the facilities. The maintenance agreement shall be executed prior to acceptance of public improvements and shall incorporate a maintenance plan and a maintenance bond. The maintenance plan shall be submitted as part of the plans for public improvements and shall be consistent with maintenance requirements for stormwater facilities identified in the King County, Washington, Surface Water Design Manual. The maintenance bond shall be submitted with the maintenance agreement and shall reference the maintenance plan. The maintenance bond shall remain in effect until the detention facilities are accepted by the City. |



**EXHIBIT II.11**
**LUBA REMAND**

| Page No. | Condition No. | Condition Language |
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| 62 | 20 | **<u>Public Water Quality Facility Design & Maintenance</u>** - As part of the plans for public improvements the applicant shall provide engineered calculations for storm water quality facilities demonstrating compliance with both criteria outlined in Appendix F of the Storm Water Master Plan, and criteria outlined in the King County, Washington, Surface Water Design Manual. Infiltration facilities are a recommended means of meeting water quality requirements where soil and slope conditions (not more that 10%) permit the use of infiltration facilities and where the facilities will not have an adverse impact on the subject site or adjacent or downhill properties. The water quality analysis shall contain a discussion on the feasibility of implementing infiltration during both wet and dry seasons.<br><br>All water quality facilities that are part of the public storm drainage system shall be dedicated to the public and shall be subject to a maintenance agreement requiring the developer to maintain the facilities for one year after build-out of all portions of the site that drain to the facilities. The maintenance agreement shall be executed prior to acceptance of public improvements and shall incorporate a maintenance plan and a maintenance bond. The maintenance plan shall be submitted as part of the plans for public improvements and shall be consistent with maintenance requirements for stormwater facilities identified in the King County, Washington Surface Water Design Manual. The maintenance bond shall be submitted with the maintenance agreement and shall reference the maintenance plan. The maintenance bond shall remain in effect until the water quality facilities are accepted by the City.<br><br>The design for the public water quality facilities shall include a landscape plan that details all landscaping essential to ensure the proper function of the water quality facilities. This functional landscape plan shall be submitted as part of the plans for public improvements. All associated functional landscaping shall be installed and well established prior to any paving activity on the development site. |



**EXHIBIT II.12**
**LUBA REMAND**

| Page No. | Condition No. | Condition Language |
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| | | |
| | 21 | **Tree Protection on Private Lots** - Homes on lots 1, 2, 5, 13, 24, and 43 shall be designed to minimize impacts to trees. Prior to issuance of permits for excavation and grading for home construction, a minimum 5-foot high, metal, chain-link construction fence, supported by metal poles sunk into the ground, shall be installed 5-feet outside the tree canopy driplines. If an alteration proposed by a certified arborist is reviewed and approved by City staff, an exception to this fencing location standard may occur. |
| 9 -14 | 22 | **House Size Deed Restrictions** - Concurrent with final plat approval, the applicant shall record a deed restriction on lots 19-29 that restricts dwelling size to 1,200 square feet or less. |
| All | 23 | **Tentative Subdivision Plat and Grading Plans** - The approved Tentative Subdivision Plat shall be the revised Plat submitted with the July 5, 2007, appeal letter (Attachment I.6 of the August 10, 2007, Staff Memorandum to the City Council). The approved grading plan shall be the revised grading plan submitted with the July 5, 2007, appeal letter (Attachments I.7, 8 of the August 10, 2007, Staff Memorandum to the City Council). |
| 19 - 51 | 24 | **Cul-de-Sac Length** - As reflected in the revised Tentative Subdivision Plat submitted on July 5, 2007, the length of cul-de-sacs shall be limited to 600 feet. |
| 53 - 56 | 25 | **Trail Width** - The width of the paved portion of the pedestrian and bicycle trail between Badger Place and Wolverine Drive shall be 8 feet. |
| 38- 45 | 26 | **Off-Site Drainage** - Prior to final plat approval, the applicant shall develop a storm water drainage plan that ensures site surface drainage is captured in area drains before it crosses the Brooklane Park Estates alleyway. If new off-site area drains are required above the alleyway, the applicant will utilize the existing utility easements, which were specifically designed for storm drainage and sanitary sewer, and will construct such facilities to discourage storm water from crossing the alleyway. |



**EXHIBIT II.13**
**LUBA REMAND**

| Page No. | Condition No. | Condition Language |
|---|---|---|
| 26-47 | 27 | Lot Grading and Structures - All cuts and fills shown on the grading plan identified as Attachments I.7 and I.8 of the August 10, 2007, Staff Memorandum to the City Council shall be engineered and constructed such that retaining walls are not required. All lots shall be developed in accordance with Chapter 4.5 - Natural Hazards and Hillside Development Provisions and Chapter 4.10 - Pedestrian Oriented Design Standards from the December 31, 2006 Land Development Code. |

## DEVELOPMENT RELATED CONCERNS

A. **Mailbox Locations** - Mailbox locations shall be coordinated between the developer and the Post Office as part of the public improvements construction process.

B. **Excavation and Grading Plans** - Prior to issuance of any construction permits, the applicant shall submit an excavation and grading plan, including erosion control methods, to the City's Development Services Department for review and approval.

C. **Other Permits** - Prior to issuance of any construction permits, the applicant shall be required to obtain a National Pollutant Discharge Elimination System (NPDES) permit if construction activity will disturb, through clearing, grading, and/or excavation, one acre of the site. Additionally, any permits required by other agencies such as the Division of State Lands; Army Corps of Engineers; Railroads; County; or Oregon Department of Transportation, shall be approved and submitted to the City prior to issuance of any City permits.

D. **Infrastructure Cost Recovery** - Where it is determined that there will be Infrastructure Cost Recovery payments from past public improvements the developer shall pay their required share of the costs prior to receiving any building permits in accordance with Corvallis Municipal Code 2.18.040.

E. **Franchise Utility Plans** - Prior to issuance of public improvement permits, the applicant shall submit, as part of the public improvement plan set, an overall site utility plan that shows existing and proposed franchise utility locations, including vaults, poles, and pedestals. The proposed franchise utilities shall conform to



**EXHIBIT II.14**
**LUBA REMAND**

requirements outlined in Land Development Code Section 4.0.100 - Franchise Utility Installations, including provision of appropriate public utility easements.

F. **Streetscape Plan** - As part of the public improvement plans, the applicant shall include a "streetscape" plan that incorporates the following features: composite utility plan; street lights; proposed driveway locations; vision clearance triangles for each intersection; street striping and signing (in conformance with the MUTCD); and proposed street tree locations.

G. **Development Standards** - Construction of homes on the site will be subject to the development standards of the 2006 LDC, including, but not limited RS-5 Development Standards and development standards in Article IV, to, Chapter 4.10-Pedestrian Oriented Design Standards, Chapter 4.11-Minimum Assured Development Area, and Chapter 4.12-Significant Vegetation Provisions

H. **Spring** - Application materials reference a spring that is believed to be located in the East Drainage. Development on the site should be designed with consideration given to the spring and its potential impacts to future buildings and infrastructure.

**BEFORE THE CITY COUNCIL**

**OF THE CITY OF CORVALLIS**

# FINDINGS – BROOKLANE HEIGHTS CONCEPTUAL AND DETAILED DEVELOPMENT PLAN / TENTATIVE SUBDIVISION PLAT

| | | |
|---|---|---|
| In the matter of a City Council decision to **approve a Conceptual and Detailed Development Plan / Tentative Subdivision Plat**; and to overturn the Planning Commission's decision, and upholding the appeal. | ) ) ) ) ) ) ) ) | PLD06-00018/ SUB06-00006 |

## PREAMBLE

This matter before the Corvallis City Council is a decision regarding an appeal of the Planning Commission's denial of a Conceptual and Detailed Development Plan and Tentative Subdivision Plat to create 45 residential lots and 4 common tracts within 25.88 acres of land zoned PD(RS-3.5) (Low Density Residential with a Planned Development Overlay). Approximately 10.98 acres of the site (42%) would be retained as open space and set aside in 4 common tracts. The Detailed Development Plan proposes to construct single family homes within the portions of the site identified for development. Certain Land Development Code standards, such as for street designs, are proposed to be modified through the Detailed Development Plan.

The subject 25.88 acre property is currently undeveloped, except for an underground sanitary sewer line that runs along the western and southwestern boundary. The site is located northwest of Brooklane Drive, northeast of Agate Avenue, east of Fairmont Drive, and south of Whiteside Drive. The site is composed of Tax Lot 1000 from Benton County Assessor's Map 12-5-10C. The current owner of the property is Stephen J. Schaberg.

The Corvallis Planning Commission conducted a review of the above referenced Conceptual and Detailed Development Plan / Tentative Subdivision Plat on June 6, 2007. On June 20, 2007, the Planning Commission deliberated and voted to deny the Conceptual and Detailed Development Plan / Tentative Subdivision Plat. A notice of decision was signed on June 22, 2007 (Order #2007-075).



**EXHIBIT II.16**
**LUBA REMAND**

On July 5, 2007, Mr. Stephen J. Schaberg and his representative, David J. Dodson of Willamette Valley Planning (hereinafter referred to as "Appellants") jointly filed an appeal of the Planning Commission's decision to deny the Conceptual and Detailed Development Plan and Tentative Subdivision Plat. The Land Development Code ("LDC") specifies that the City Council hear appeals of Planning Commission decisions regarding these land use applications.

The City Council held a duly-advertised *de novo* public hearing on the application on August 20, 2007. The public hearing was closed; however the written record was held open for seven additional days, and the City Council deliberated and reached a tentative decision on the appeal on September 4, 2007. After consideration of all the testimony and evidence, the City Council voted to overturn the Planning Commission's decision, denying the request and upholding the appeal, thereby approving the Conceptual and Detailed Development Plan and Tentative Subdivision Plat requests with conditions.

**Applicable Criteria**

All applicable legal criteria governing review of this application are identified in the public notices for the June 6 and August 20 public hearings, the staff report to the Planning Commission dated May 25, 2007, the minutes of the Planning Commission hearing and deliberations dated June 6 and June 20, 2007, the staff memo to the City Council dated August 10, 2007, and the minutes of the City Council hearing and deliberations dated August 20 and September 4, 2007.

## FINDINGS AND CONCLUSIONS RELATING TO THE APPEAL OF BROOKLANE HEIGHTS CONCEPTUAL AND DETAILED DEVELOPMENT PLAN / TENTATIVE SUBDIVISION PLAT (PLD06-00018 / SUB06-00006)

**1.** The City Council accepts and adopts those findings made in the staff report to the Planning Commission, dated May 25, 2007, that support approval of the Conceptual and Detailed Development Plan / Tentative Subdivision Plat. The City Council adopts as findings those portions of the Minutes of the Planning Commission meetings, dated June 6 and June 20, 2007, that demonstrate support for approving the Conceptual and Detailed Development Plan / Tentative Subdivision Plat. The City Council accepts and adopts those findings made in the August 10, 2007, staff memorandum to the City Council, that support approving the Conceptual and Detailed Development Plan / Tentative Subdivision Plat, as conditioned. The City Council also adopts as findings those portions of the Minutes of the City Council hearings dated August 20 and September 4, 2007, that demonstrate support for approving the Conceptual and Detailed Development Plan / Tentative Subdivision Plat. The City Council specifically accepts and adopts as findings the rationale given during



**EXHIBIT II.17**
**LUBA REMAND**

deliberations in the September 4, 2007, meeting by Council Members expressing their support for approving the Conceptual and Detailed Development Plan / Tentative Subdivision Plat. The City Council rejects statements made during deliberations in the September 4, 2007, meeting by Council Members expressing opposition to the proposed Conceptual and Detailed Development Plan and Tentative Subdivision Plat. All of the above-referenced documents shall be referred to in these findings as the "Incorporated Findings." The findings below, (the "supplemental findings") supplement and elaborate on the findings contained in the materials noted above, all of which are incorporated herein, by reference. When there is a conflict between the supplemental findings and the Incorporated Findings, the supplemental findings shall prevail.

**2.** The City Council notes that the August 10, 2007, staff memorandum to Council presents information on Attachments VIII-1 through VIII-13 regarding the need for imposing Conditions of Approval 1 through 26. Additionally, the Council notes that the Minutes from the September 4, 2007, City Council deliberations on the subject application contain the rationale for modifying condition 13 and imposing Condition of Approval 27. The Council finds that all of the approved Conditions of Approval are reasonable conditions that are necessary to satisfy the applicable criteria presented through the August 10, 2007, staff memorandum to Council, and through the supplemental findings presented below. The Council notes that COA 21 – 27 have been applied by the City Council, and are illustrated in Attachments I.6 – I.9 of the August 10, 2007, staff memorandum to Council.

**3.** The City Council notes that the record contains all information needed to evaluate the Conceptual and Detailed Development Plan / Tentative Subdivision Plat decision for compliance with the relevant criteria.

**4.** The City Council notes that the Council considered the grounds of the appeal and other issues raised through public testimony.

**5.** To approve a Conceptual and Detailed Development Plan, LDC Sections 2.5.20 and 2.5.40.04 require that the proposal be consistent with the applicable provisions of the Corvallis Comprehensive Plan ("CCP"), LDC, and other polices and standards adopted by the City Council. The Incorporated Findings list all of the applicable approval criteria, and demonstrate compliance with these approval criteria. These supplemental findings elaborate upon and clarify the Incorporated Findings, and primarily address issues raised on appeal. These supplemental findings, like the Incorporated Findings, are grouped into nine categories, which facilitate a comprehensive and cohesive review of the applicable criteria. The categories include Land Use, Compatibility, Natural Features, Circulation, Public Facilities and Services, Franchise Utilities, Solar Access, and Tentative Subdivision Plat. Additionally, some categories include sub-categories. For example, Compatibility includes Basic Site Design & Visual Elements, and



**EXHIBIT II.18**
**LUBA REMAND**

Landscaping for Buffering and Screening etc. The issue categories are identified with a roman numeral, sub-categories are identified by letter, and findings are assigned chronological numbers.

## I. Land Use

Applicable Criteria (CCP and LDC): CCP 3.2.1; 4.13.6; 9.3.2; 9.3.5; 9.3.6; 9.5.1; 9.5.2; and 9.5.13. LDC 3.1.10; 3.1.20.01.

Relevant Conditions of Approval ("COA"): COA 22.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-9 through IX-14 and Page 14 and 15 of the August 10, 2007, staff memorandum to the City Council.

2. The City Council notes that at the time the application was submitted, the subject site was designated on the Corvallis Comprehensive Plan Map for Low Density Residential Development. The Council notes that the site was zoned PD(RS-3.5), Low Density Residential with a Planned Development Overlay. Council notes that as of December 31, 2006, the subject site was rezoned to PD(RS-5), low density residential with a Planned Development Overlay, through a legislative action as part of the implementation of the 2006 Land Development Code.

3. The Council finds that the subject site may be developed with low density residential uses per the Comprehensive Plan Map and Zoning Map designations.

4. The City Council notes that, as presented to the Planning Commission, the application did not comply with any portion of CCP 9.5.13. Corvallis Comprehensive Plan Policy 9.5.13 requires new subdivisions and planned developments of more than 5 acres in low density districts to incorporate two or more of the following elements in at least 10% of the total acreage:

   - Zero lot line or attached dwellings (where allowed);
   - Minimum allowed lot area; or
   - Dwelling size less than 1,200 square feet.

5. The City Council notes that one reason the Planning Commission denied the application was because it failed to comply with CCP 9.5.13. The City Council notes that during the Planning Commission hearing, the applicant offered to make 11 lots along Buckeye Place comply with the 8,000 sq ft minimum lot size and limit the house size to 1,200 square feet to comply with Policy 9.5.13. The City Council notes that because plans reflecting this change were not provided by the applicant, the Planning Commission was not comfortable imposing such a condition.



**EXHIBIT II.19**
**LUBA REMAND**

6. The City Council notes that, on appeal, the appellants provided plan modifications associated with conditions of approval 22 and 23 to ensure that 10% of the developed area would have the minimum allowed lot area (8,000 square feet) and dwellings on these lots would be less than 1,200 square feet, per CCP 9.5.13. The City Council notes that the appellant's traffic engineer submitted a supplemental letter in support of the conditions of approval indicating the three additional lots, created as a result of providing smaller lots, would not affect the findings of the original traffic impact analysis. This traffic impact analysis concluded that the existing public vehicular circulation network can accommodate the proposed development consistent with applicable criteria.

7. The City Council finds that the appellants adequately addressed CCP 9.5.13 by ensuring 10% of the developed area would have lots less than or equal to, the minimum allowed lot area and that dwellings on these lots would be less than 1,200 square feet. The City Council finds that as conditioned, and as illustrated in graphics on Attachments I.6 and I.7 of the August 10, 2007, staff memorandum to Council, the proposal is consistent with the criteria applicable to the Land Use category given the conclusions in the Incorporated Findings and the supplemental findings.

## II. Compatibility

### A. Basic Site Design & Visual Elements

Applicable Criteria (CCP and LDC): CCP 3.2.2; 3.2.3; 3.2.4; 3.2.7; 9.2.1; 9.2.2; 9.2.4; 9.2.5; 11.6.3; 11.6.4; 11.6.6; and 11.6.7. LDC 2.5.40.04; 3.1.30; 4.0.70; and 4.2.30.

Relevant Condition(s) of Approval ("COA"): COA 2, 24, and 27.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-15 through IX-21 and Pages 5, 6, 15, and 16 of the August 10, 2007, staff memorandum to the City Council.

2. The City Council notes that during public hearings and through public testimony in opposition to the proposed Conceptual and Detailed Development Plan and Tentative Subdivision Plat application, concerns were raised that the proposal did not comply with LDC 4.0.70.3. The Council notes that LDC 4.0.70.3 states that cul-de-sacs should not exceed 600 feet nor serve more than 18 dwelling units. The Council notes that the application reviewed by the Planning Commission proposed a cul-de-sac that was 630 feet in length. The City Council notes that the Planning Commission was unwilling to impose a condition of approval requiring the 630 foot cul-de-sac to be shortened because the Planning



**EXHIBIT II.20**
**LUBA REMAND**

Commission was not provided with a site plan that would illustrate the change and potential impacts to the overall site design resulting from reducing the street length.

3. The City Council notes that on appeal, the appellant suggested reducing the length of the subject cul-de-sac to 600 feet, and provided a revised site plan illustrating the proposed change.

4. The Council finds that applying a condition of approval requiring cul-de-sacs to be a maximum of 600 feet in length would have no negative impacts to the site or site design, as illustrated by the appellant's graphics submitted on appeal. The Council finds that requiring cul-de-sacs to be less than 600 feet as shown in the appellant's graphics submitted on appeal would bring the proposal into compliance with LDC 4.0.70.3. The City Council finds that COA 23 and COA 24 in Attachment VIII of the August 10, 2007, Memorandum to City Council sufficiently address concerns regarding the length of proposed cul-de-sacs.

5. The City Council notes that CCP 9.2.5 describes neighborhood characteristics that should guide the planning of development, which includes both the decision-making process for zoning a site and the development form that implements the zoning. The City Council notes that CCP 9.2.5 recognizes that not every neighborhood characteristic is appropriate for each site or area. Regarding the Brooklane Heights development site, the City Council notes the following site characteristics are most relevant: the site's topography (which includes some steep areas), patterns of existing low density residential development in the area, and the preservation of natural features.

6. The Council notes that the application does not propose typical building elevations, floor plans, or building footprints to demonstrate compliance with the neighborhood characteristics outlined in CCP 9.2.5. The Council notes that the absence of typical building elevations, floor plans, and building footprints was raised as a concern by the Planning Commission and in public testimony. The Council notes that as stated in Development Related Concern G of the Council approved conditions of approval, construction of homes on the site will be subject to development standards in the 2006 LDC, including LDC Chapter 4.10 - Pedestrian Oriented Design Standards. Council notes that LDC Chapter 4.10 provides a menu of Code permitted design options that development will be required to adhere to. Council notes that Condition of Approval 27, which was proposed by the appellant, also requires compliance with the building design standards in 2006 LDC Chapter 4.10 – Pedestrian Oriented Design Standards and 2006 LDC Chapter 4.5 Natural Hazard and Hillside Development Provisions.

7. The Council finds that the proposed site design responds to the prevalent site characteristics noted above, and to the desired neighborhood characteristics



**EXHIBIT II.21**
**LUBA REMAND**

specified in CCP 9.2.5 through the use of new separated sidewalks, and a multi-use trail. The City Council also finds that when homes are constructed per the standards in LDC Chapters 4.10 and 4.5, the development will be pedestrian oriented, will conform to the natural topography of the site, and will provide the desired neighborhood characteristics outlined in CCP 9.2.5. Given these findings, and the similarity of the proposed development to adjacent developments relative to housing type and density, the City Council finds that the Brooklane Heights development is compatible with the housing types in the surrounding neighborhood, including adjacent one and two-story detached single family housing to the north, south, and west.

8. The City Council notes that concerns were raised through public testimony that building heights would be excessive and would negatively impact views from and of the hillside of the proposed development. Council notes that the application does not seek to vary from LDC standards for building heights. The City Council notes that nearly 90% of the trees on the site will be preserved, most in open space tracts.

9. The City Council finds that building to permitted heights of the underlying low density residential zone will not result in negative visual impacts and will protect views from the hill to the maximum extent practicable given the desire to locate development outside of tree groves. The Council finds that the preservation of the majority of the site's trees, and the installation of street trees will buffer views of development when looking at the site from points off the subject site.

10. As discussed in the Incorporated Findings and the supplemental findings, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Basic Site Design and Visual Elements subcategory.

B. Noise Attenuation, Odors & Emissions, Lighting and Signage

Applicable Criteria (CCP and LDC): LDC 7.2.6.

Relevant Condition(s) of Approval ("COA"):

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachment IX-21 of the August 10, 2007, staff memorandum to the City Council. The City Council notes that the analysis in this Attachment concluded that relative to Noise Attenuation, Odors and Emissions, Lighting, and Signage, the proposal is consistent with applicable CCP policies and LDC criteria. The City Council notes that the Planning Commission did not express any compatibility concerns regarding the ability of the proposal to comply with the above criteria. The City Council notes that at least one person expressed



**EXHIBIT II.22**
**LUBA REMAND**

concerns regarding an increase in noise should the site be developed as proposed.

2. As discussed in the Incorporated Findings, the City Council finds that as conditioned, the proposal is consistent with the criteria applicable to Noise Attenuation, Odors and Emissions, and the Lighting and Signage subcategory.

C. Landscaping for Buffering and Screening

Applicable Criteria (CCP and LDC): CCP 3.2.2; 9.2.5; and 4.6.7. LDC 4.2.20; 4.2.40; and 4.2.50.

Relevant Condition(s) of Approval ("COA"): COA 3.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-22 through IX-23 of the August 10, 2007, staff memorandum to the City Council. The Council notes that analysis presented in these Attachments concludes that, as conditioned, the proposal satisfies applicable CCP policies and LDC criteria regarding Landscaping for Buffering and Screening.

2. In support of its decision to approve the proposed Conceptual and Detailed Development Plan and Tentative Subdivision Plat, the Council finds that the conclusions presented in the May 25, 2007, staff report to the Planning Commission demonstrate how the proposal, as conditioned, is consistent with the criteria applicable to the Landscaping for Buffering and Screening subcategory.

D. Off-Site Parking Impacts

Applicable Criteria (CCP and LDC): LDC 4.1.30(a).

Relevant Condition(s) of Approval ("COA"): none.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-23 through IX-24 of the August 10, 2007, staff memorandum to the City Council. The City Council notes that analysis in the referenced Attachments concludes that, as conditioned, the proposal is consistent with applicable CCP policies and LDC criteria regarding off-site parking impacts.

2. In support of its decision to approve the proposed Conceptual and Detailed Development Plan and Tentative Subdivision Plat, the Council finds that the conclusions presented in the May 25, 2007, staff report to the Planning



**EXHIBIT II.23**
**LUBA REMAND**

Commission demonstrate how the proposal is consistent with the applicable criteria cited above.

3. As discussed in the Incorporated Findings, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Off-Site Parking Impacts subcategory.

E. Effects on Air and Water Quality

Applicable Criteria (CCP and LDC): CCP 4.6.2; 4.10.7; 4.11.12; and 7.2.6(A).

Relevant Condition(s) of Approval ("COA"): none.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on pages 12 and 13, and Attachments IX-24 through IX-26 of the August 10, 2007, staff memorandum to the City Council. The City Council notes that analysis in the referenced Attachments concludes that, as conditioned, the proposal is consistent with applicable CCP policies and LDC criteria.

2. In support of its decision to approve the proposed Conceptual and Detailed Development Plan and Tentative Subdivision Plat, the Council finds that the analysis presented in the May 25, 2007, staff report to the Planning Commission demonstrates how the proposal is consistent with the applicable criteria cited above, or is conditioned to that effect.

3. As discussed in the Incorporated Findings, the City Council finds that the proposal is consistent with the criteria applicable to the Effects on Air and Water Quality subcategory.

4. As discussed in the Incorporated Findings and the supplemental findings provided above, with the associated COA, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Compatibility category.

## III. Natural Features

A. Hillside Development and Tree Preservation

Applicable Criteria (CCP and LDC): CCP 4.2.2; 4.6.1; 4.6.2; 4.6.3; 4.6.5; 4.6.6; 4.6.7; 4.6.9; 51.5(a). LDC 2.15.10; 4.2.20(c).

Applicable Planning Documents: Corvallis Stormwater Master Plan



**EXHIBIT II.24**
**LUBA REMAND**

Relevant Condition(s) of Approval ("COA"): COA 4, 5, 21, 23, and 27.

1. The City Council notes that findings in response to the applicable criteria cited above are presented in Attachments IX-26 through IX-47 and Pages 6 through 12 of the August 10, 2007, staff memorandum to the City Council.

2. The Council notes that public testimony raised concerns regarding impacts to natural features on the site. Council notes that of specific concern were impacts to the oak savanna and upland prairie habitat. Council notes that public testimony recommended that the City of Corvallis purchase the subject site for the purposes of habitat and open space preservation, and park and recreation uses.

3. The City Council finds that the subject site is privately owned and has been designated for low density residential development on current and previous Comprehensive Plan Maps, Zoning Maps, and Planning documents such as the 1983 Hillsides Report. The Council finds that, given the potential for development to occur on the subject site, the most appropriate location for development is outside of the oak groves and tree covered areas. The Council finds that the proposal would build at a lower density than the maximum permitted in the underlying zone, and avoids to the maximum extent practicable, impacts to the existing oak groves and tree covered areas. The Council finds that the common tracts where the oak groves and tree covered areas are located will be maintained by a Homeowners Association, except for public utilities in the tracts, which will be maintained by the City of Corvallis. Given the above, the Council finds that short of not developing at all, the proposed development protects the site's most significant natural features and associated habitat to the maximum extent practicable.

4. The Council finds consideration was given to the potential need for a new neighborhood park in southwest Corvallis, but that the subject site was not a suitable location for a neighborhood park. The Council finds that there are no applicable review criteria to evaluate the proposal with regards to public testimony that recommended the City offer to purchase the property for open space preservation.

5. The Council notes that concerns regarding impacts to identified archeological resources on the site were raised in testimony and during public hearings on the subject application. The Council notes that the State Historic Preservation Office (SHPO) has identified an archeological site on the subject site, and the applicants are aware of the archeological site as evidenced by reference to it in the application. The City Council also notes that SHPO staff are aware of the proposed development and its relationship to the identified archeological site.

6. The City Council notes that COA 7 in Attachment VIII of the August 10, 2007, Memorandum to City Council requires the subject site to be surveyed by a SHPO qualified archeologist to determine the presence of archeological resources. The City Council notes that COA 7 notifies the developer of the need to comply with all State and Federal regulations pertaining to archaeological, cultural, and historic materials.

7. The City Council finds that as conditioned, archeological resources on the site will be protected by state and federal regulations. As such, Council finds the proposal complies with applicable CCP policies governing historic and archeological resources.

8. The Council notes that concerns regarding the extent of grading were raised during public hearings and in public testimony regarding the subject proposal. Specific concerns were raised regarding impacts to slope stability and erosion. The Council notes that three grading plans were submitted for review and consideration. The three plans consisted of the Grading and Tree Preservation Plan, the Alternative Grading and Utility Plan, and the Revised Grading and Tree Preservation Plan, which was submitted on appeal to illustrate the appellant's suggested methods for resolving some concerns raised during the Planning Commission public hearing. The City Council notes that the latter plans and COA 21, 23, and 27 were not presented to the Planning Commission, but were proposed suggested on appeal by the appellant.

9. The Council finds that the plans and graphics submitted on appeal were submitted to illustrate appellant proposed conditions of approval and to address concerns raised during the Planning Commission public hearing and deliberations regarding the extent of grading.

10. The City Council notes that City Staff and the Planning Commission emphasized the relevance and importance of CCP Policy 4.6.7 to the proposed development. The City Council notes that analysis in the May 25, 2007, staff report to the Planning Commission indicated that the applicant's preferred site design and grading plan complied with CCP Policies 4.6.3, 4.6.5, and 4.6.7, with regards to tree preservation and protection of tree covered hillsides.

11. The City Council notes cuts and fills eight feet or less have been found, in past Corvallis land use decisions, to comply with CCP policies regarding hillside development, such as CCP Policy 4.6.7. The City Council notes that analysis in the May 25, 2007, staff report to the Planning Commission indicated that neither of the applicant's grading plans submitted to the Planning Commission satisfied CCP 4.6.7 relative to designing development to minimize cuts and fills and align with the natural contours and topography of the site. This determination was



**EXHIBIT II.26**
**LUBA REMAND**

based on the fact that significant portions of the site would require cuts or fills greater than eight feet.

12. The City Council notes that the Planned Development process may allow for flexibility with LDC standards and CCP policies. The City Council notes that the Planning Commission did not believe the applicants provided compelling reasons for exceeding eight foot cuts and fills to the degree proposed, and did not believe the application articulated off-setting benefits to compensate for any negative impacts caused by cuts and fills greater than eight feet. The Council notes that the Planning Commission found that the proposed plans did not comply with applicable CCP policies directing development to minimize cuts and fills and soil disturbances on hillsides.

13. The City Council notes that on appeal, the appellants submitted a revised grading plan to limit grading activities to only areas necessary for construction of roads and for lots that are lower than roadways. The Council notes that the plans submitted on appeal minimize cuts and fills compared to the plans submitted to the Planning Commission. The City Council notes that in their final written response to public testimony presented to the City Council, the appellants suggested COA 27, which requires all lots to be developed in accordance with standards for hillside development, found in the 2006 LDC Chapter 4.5 – Natural Hazards and Hillside Development Provisions. The City Council notes that provisions in LDC Chapter 4.5 limit cuts and fills to eight feet unless extenuating circumstances are present, in which case cuts and fills may be as great as twelve feet. The Council notes that the appellant proposed COA 27 corresponds to the graphics and plans submitted on appeal.

14. The Council finds that COA 27 permits mass grading to occur according to the plans identified as Attachments I.7 and I.8 of the August 10, 2007, Memorandum to the City Council. The Council finds that following the grading of the site based on the Revised Grading and Tree Preservation Plan and Cut / Fill Analysis in the just noted Attachments, all lots will be subject to the provisions in LDC Chapters 4.5 and 4.10 and other applicable development standards.

15. The City Council notes that the appellants' final written response states there are a number of compensating benefits that result from the Revised Grading & Tree Preservation Plan. The Council notes that the proposed site plan and grading plan preserve the majority of significant trees and places them in separate tracts and not within individual lots. The City Council notes that grading and developed areas avoid the steepest slopes on the site to the maximum extent practicable. The Council notes the project has been designed with considerably fewer lots than the maximum allowed, preserving over 42% of the site as open space tracts. The Council notes the grading plan associated with COA 27 in Attachments I.6 – I.8 of the August 10, 2007, staff memorandum to City Council,



**EXHIBIT II.27**
**LUBA REMAND**

minimizes rear yard utility easements. Council finds rear yard utility easements may be more costly and difficult for the City and property owners to maintain as opposed to grading pads which allow sewer and storm water lines to flow directly into the public utilities in the streets. The Council finds that COA 27 as illustrated in the referenced plans satisfies applicable LDC criteria and CCP policies.

16. The City Council finds that that after grading the site based on the Revised Grading and Tree Preservation Plan, COA 27 will generally limit cuts and fills to eight feet. Therefore, the Council finds that the proposal complies with CCP Policy 4.6.7, which directs development to minimize cuts and fills and soil disturbances on hillsides.

17. In balancing the planned urbanization of the property and minimization of impacts to the tree-covered hillside, the Council finds that the Revised Grading and Tree Preservation Plan demonstrates how the proposal is consistent with the applicable criteria cited above, or is conditioned to that effect. The Council finds that the Revised Grading and Tree Preservation Plan also removes fewer trees than the other two plans, and minimizes the amount of cut and fill required to construct the proposed roads and lots.

18. As discussed in the Incorporated Findings and the supplemental findings provided above, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Hillside Development and Tree Preservation subcategory.

B. Natural Hazards

Applicable Criteria (CCP and LDC): CCP 4.7.1; 4.7.3.

Relevant Condition(s) of Approval ("COA"): COA 19.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-36 through IX-38 of the August 10, 2007, staff memorandum to the City Council.

2. The Council notes concerns were raised during public hearings and in submitted public testimony regarding negative impacts to slope stability and erosion as a result of the proposed development.

3. The City Council notes that the preliminary geotechnical investigation found that the site has low landslide hazard risk and also found that the "high landslide risk" area identified on the City's Natural Hazard Map consists of natural drainages with no visible movement or instability, (see Attachment IX-446 of the August 10, 2007 staff memorandum to the City Council). The Council notes it was the

geotechnical engineers opinion that it was possible to mitigate any risks associated with slope instability by constructing subsurface drainage elements and that the risk of rapid soil erosion was relatively low, (see Attachment IX-447 of the August 10, 2007 staff memorandum to the City Council). The Council notes that the geotechnical engineers provided a standard bench detail showing how benches and toe drains are typically constructed on hillsides to address these concerns, (see Attachment IX-478 of the August 10, 2007 staff memorandum to the City Council).

4. The City Council finds that the geotechnical data demonstrates that the proposed development can be constructed consistent with the applicable LDC criteria and CCP policies.

5. As discussed in the Incorporated Findings and the supplemental findings provided above, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Natural Hazards subcategory.

C. Drainages, Springs, Wetlands and Hydric Soils

Applicable Criteria (CCP and LDC): CCP 4.10.3; 4.10.4; 4.10.7; 4.10.8; 4.10.9; 4.10.19; 4.11.3; 4.11.11; 4.11.12; 4.13.7; 5.4.7. LDC 1.6.30; 4.0.110(a); 4.5.80; 4.5.110; 4.5.120.

Applicable Planning Documents: Corvallis Stormwater Master Plan

Relevant Condition(s) of Approval ("COA"): COA 6, 7, 18, and 26.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-38 through IX-47 and pages 17 through 20 of the August 10, 2007, staff memorandum to the City Council.

2. The Council notes that concerns were raised during public hearings and through public testimony that natural springs and subsurface water would adversely impact site development and would cause negative off-site impacts. Council notes that concerns were also raised that the proposed development would alter surface water runoff quantity and quality, adversely affecting western pond turtles and natural features downslope of the subject site.

3. The Council notes that other than the reported observation that surface water was present in the area identified by the Geotechnical report as the east drainage, there is no City documentation indicating that the site contains natural drainageways. However, because the east drainage contains a spring and will



**EXHIBIT II.29**
**LUBA REMAND**

be used to convey stormwater runoff, the Council notes that a drainageway dedication will be required, consistent with LDC 4.5.80.

4. The Council notes that springs are not considered by the LDC, CCP or other Corvallis planning documents as wetlands or streams. The Council finds that springs are not specifically regulated by LDC 4.5. The Council finds that, to the extent that springs contribute to wetlands and riparian areas, the springs on the property were considered in the evaluation of the criteria related to wetlands and riparian areas. The Council finds that the spring referenced in the application materials was adequately addressed in the geotechnical report, and as discussed in the Natural Hazards findings, above, the City Council finds that standard engineering practices will be able to address the presence of subsurface water in accordance with applicable City standards.

5. The Council notes that no portion of the proposed development is within the 100 or 500 year flood plain, and no wetlands or riparian corridors are present on the site. The Council notes that hydric soils are present on the northeast corner of the site. The Council notes that as a COA, a wetland determination will be required in compliance with applicable local, state, and federal wetland regulations.

6. The City Council notes that the Oregon Department of Fish and Wildlife has indicated Western Pond Turtles (listed on the Oregon Sensitive Species List) may be present in the ponds within the Marys River Natural Area, downstream from the proposed development. The Council finds that the proposed detention ponds, drainage swales, and water quality manholes will remove pollutants and protect the quality of water entering the Marys River Natural Area, in compliance with CPP 4.10.7, 4.10.8, 4.10.19, 4.11.12, and 4.13.7, and provisions of the Corvallis Stormwater Master Plan. The Council finds that the proposed development will not negatively impact the turtles breeding and nesting habitat or result in significant changes in water volume or quality.

7. As discussed in the Incorporated Findings and the supplemental findings, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Drainages, Springs, Wetlands, and Hydric Soils subcategory.

8. As discussed in the Incorporated Findings and the supplemental findings, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Natural Features category.

## IV. Circulation

### A. Vehicular Circulation



**EXHIBIT II.30**
**LUBA REMAND**

Applicable Criteria (CCP and LDC): CCP 11.2.1; 11.2.2; 11.3.4; 11.3.9; 11.7.4 LDC 4.0.70(a), (c)-(d), (i), and (l); 4.0.110(e)-(f), and (h).

Relevant Conditions of Approval ("COA"): COA 8, 9, 11, 12, 13, and 24.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-48 through IX-53 and Pages 15 and 16 of the August 10, 2007, staff memorandum to the City Council.

2. The City Council notes that concerns regarding traffic impacts of the proposed development were raised in public hearings and public testimony. The Council notes that specific concerns were related to street and intersection capacity, street grades, speed bumps along Brooklane Drive, and construction traffic should the development be approved. The Council notes that concerns regarding the length of cul-de-sacs were addressed in the Compatibility section of this document. The Council finds that Findings in the Compatibility section regarding street lengths are incorporated here by reference.

3. The Council notes that all street grades are proposed to be less than or equal to a 15% grade in compliance with LDC section 4.0.70.i. The Council notes that the applicant submitted a Traffic Impact Analysis that considered cumulative impacts of the proposed Brooklane Heights development and two other proposed developments along Brooklane Drive. The Council notes that speed bumps are not proposed to be added or removed from Brooklane Drive as part of the subject development. The Council notes that to minimize impacts to surrounding neighborhoods as a result of construction traffic, COA 13 prohibits construction traffic from using local streets.

4. The Council finds that the proposed street design satisfied applicable LDC standards and CCP policies, including provisions that limit street grades on local streets to 15%. The Council finds that the Traffic Impact Analysis provided calculations indicating that the public vehicular circulation network can accommodate traffic generated by the Brooklane Heights development. The Council finds that based on data in the Traffic Impact Analysis, intersections will continue to operate at an acceptable level of service after build out of the Brooklane Heights site. The Council finds that the proposed development will have no effect on the existence or functionality of the speed bumps on portions of Brooklane Drive. The Council finds that COA 13 minimizes impacts from construction traffic to adjacent neighborhoods to the maximum extent practicable.

5. As discussed in the Incorporated Findings and the supplemental findings the Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Vehicular Circulation subcategory.



**EXHIBIT II.31**
**LUBA REMAND**

B. Bicycle and Pedestrian Circulation

Applicable Criteria (CCP and LDC): CCP 11.5.2. LDC 4.0.40(a)-(b); and 4.0.50 (a)-(b).

Relevant Condition(s) of Approval ("COA"): COA 10, 14, and 25.

1. The City Council notes that findings in response to the applicable criteria cited above are presented in Attachments IX-53 through IX-56 and Page 16 and 17 of the August 10, 2007, staff memorandum to the City Council.

2. The City Council notes that a concern raised during the Planning Commission public hearing and in public testimony, was that the proposed multi-use trail connecting the Badger Place cul-de-sac to Wolverine Drive was five feet wide rather than the LDC standard eight feet for this type of trail. The Council notes that, on appeal, the appellants submitted a revised Tentative Subdivision Plat to be applied as a COA that provided an eight foot wide trail. The Council notes that a concern raised in public testimony was that the proposed street grades were too steep to accommodate bicycle traffic, and concerns were raised that adjacent neighborhoods were not developed with pedestrian sidewalks.

3. The City Council finds that on appeal, the applicant proposed to provide an eight foot wide multi-use trail as shown in the revised Tentative Subdivision Plat, Attachment I.6 of the August 10, 2007, staff report to City Council. The Council finds that COA 25 ensures the multi-use path is eight feet wide per LDC standards. The Council finds that, as conditioned, the trail complies with applicable LDC standards, specifically LDC 4.0.50.c.1.

4. The Council finds that the proposed development will incorporate streets with a maximum grade of 15%, in compliance with LDC 4.0.70.i. The Council finds that pedestrian sidewalks will be provided along all streets to provide pedestrian connections within the subject site and to connecting street sidewalks.

5. As discussed in the Incorporated Findings and supplemental findings, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Bicycle and Pedestrian Circulation subcategory.

C. Transit

Applicable Criteria (CCP and LDC): CCP 11.7.1. LDC 4.0.60(a)-(b).



**EXHIBIT II.32**
**LUBA REMAND**

Relevant Conditions of Approval ("COA"): COA 15.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-56 and IX-57 of the August 10, 2007, staff memorandum to the City Council.

2. In support of its decision to approve the proposed Conceptual and Detailed Development Plan and Tentative Subdivision Plat, the Council notes that the analysis and conclusions presented in the May 25, 2007, staff report to the Planning Commission demonstrate how the proposal, as conditioned, is consistent with the applicable criteria cited above.

3. As discussed in the Incorporated Findings, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Transit subcategory.

4. As discussed in the Incorporated Findings and the supplemental findings provided above, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Circulation category.

## V. Public Facilities and Services

### A. Water

Applicable Criteria (CCP and LDC): CCP 10.2.4; 10.2.6; 10.2.12. LDC 4.0.80; 4.0.110(a); 4.2.30.

Relevant Conditions of Approval ("COA"): COA 16, and 17.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-59 and IX-60 of the August 10, 2007, staff memorandum to the City Council.

2. In support of its decision to approve the proposed Conceptual and Detailed Development Plan and Tentative Subdivision Plat, the Council notes that the analysis and conclusions presented in the May 25, 2007, staff report to the Planning Commission demonstrate how the proposal, as conditioned, is consistent with the applicable criteria cited above.

3. As discussed in the Incorporated Findings, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Water subcategory.

B. Sanitary Sewer

Applicable Criteria (CCP and LDC): CCP 10.2.4; 10.2.6; 10.2.12. LDC 4.0.80; 4.0.110(a); 4.2.30.

Relevant Conditions of Approval ("COA"): none.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-60 and IX-61 of the August 10, 2007, staff memorandum to the City Council.

2. In support of its decision to approve the proposed Conceptual and Detailed Development Plan and Tentative Subdivision Plat, the Council notes that analysis and conclusions presented in the May 25, 2007, staff report to the Planning Commission demonstrate how the proposal, as conditioned, is consistent with the applicable criteria cited above.

3. As discussed in the Incorporated Findings, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Sanitary Sewer subcategory.

C. Storm Drainage

Applicable Criteria (CCP and LDC): CCP 10.2.4; 10.2.6; 10.2.12. LDC 4.0.80; 4.0.110(a); 4.2.30; 4.5.90.

Relevant Conditions of Approval ("COA"): COA 8, 18, 19, and 20.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-61 through IX-63 and Page 12 and 13 of the August 10, 2007, staff memorandum to the City Council.

2. The City Council notes that concerns regarding the proposed detention ponds and impacts to, and from drainages, springs and wetlands, were raised during public hearings and in written testimony. The Council notes that specific concerns were related to the discrepancies between the detention pond design recommended by the applicant's geotechnical engineer and the proposed pond design. Other specific concerns include potential increased volumes of surface and stormwater runoff and the impacts of runoff to downslope properties and to the Mary's River Natural Area.



**EXHIBIT II.34**
**LUBA REMAND**

3. The City Council notes that the Planning Commission found the 2:1 detention pond side slopes to be in conflict with the recommendations of the geotechnical report, which called for 3:1 side slopes. The Council notes that in response to the apparent conflict between the detention pond design and the recommendation contained within the geotechnical site investigation by Foundation Engineering, the appellant proposed to revise COA 19 according to the geotechnical report, which called for a geomembrane to be placed on a slope of 3(h):1(v), or flatter and covered with at least 12 inches of soil.

4. The Council finds the proposed detention ponds can be constructed to the specifications recommended by the geotechnical engineer. The City Council finds that if constructed to the specifications recommended by the geotechnical engineer as required by COA 19, the proposal will comply with applicable LDC standards, CCP policies and the Corvallis Stormwater Master Plan.

5. The City Council notes that concerns were raised during the Planning Commission and City Council public hearings regarding impacts of stormwater runoff on downhill properties. The Council notes documentation provided by the appellants with their final written response illustrates the existence of stormwater easements downhill and adjacent to the subject site, which were intentionally installed below the proposed development to accommodate anticipated runoff. The Council notes that the proposal, as conditioned, would provide public storm drainage facilities, including pipes, water quality manholes, drainageways, swales and detention ponds.

6. The Council finds that the proposed detention ponds, drainage swales, and water quality manholes will remove pollutants and protect the quality of water entering the Marys River Natural Area, in compliance with CPP 4.10.7, 4.10.8, 4.10.19, 4.11.12, and 4.13.7, and provisions of the Corvallis Stormwater Master Plan. The Council finds that water levels in the Marys River Natural Area and adjacent wetlands are not expected to change significantly as a result of the proposed development. Therefore, the Council finds that flooding and damage to private property caused by flooding in the Marys River Natural Area would not be caused by the development as proposed.

7. The Council finds that, as conditioned, the proposed storm drainage facilities satisfy criteria outlined in the Corvallis Stormwater Master Plan, and will be designed to capture runoff so that runoff rates from the site after development will not exceed the pre-developed conditions based on 2-year, 5-year, 10-year, and 24-hour storm events. The Council finds that analysis and conclusions in the August 10, 2007, staff report to the City Council and its Attachments, and the documentation presented to the City Council by the appellants regarding the existence of downslope easments, ensure downhill properties will not be negatively impacted by stormwater runoff.



**EXHIBIT II.35**
**LUBA REMAND**

8. As discussed in the Incorporated Findings, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Storm Drainage subcategory.

9. As discussed in the Incorporated Findings and the supplemental findings provided above, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Public Facilities and Services category.

## VI. Franchise Utilities

Applicable Criteria (CCP and LDC): LDC 4.0.100(a) and (b); and 4.0.110(b).

Relevant Conditions of Approval ("COA"): none.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-63 and IX-64 of the August 10, 2007, staff memorandum to the City Council.

2. In support of its decision to approve the proposed Conceptual and Detailed Development Plan and Tentative Subdivision Plat, the Council notes that the analysis and conclusions presented in the May 25, 2007, staff report to the Planning Commission demonstrate how the proposal is consistent with the applicable criteria cited above, or is conditioned to that effect.

3. As discussed in the Incorporated Findings, the City Council finds that the proposal, as conditioned, is consistent with the criteria applicable to the Franchise Utilities category.

## VII. Solar Access

Applicable Criteria (CCP and LDC): CCP 12.2.3. LDC 4.6.20.

Relevant Conditions of Approval ("COA"): none.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-64 and IX-65 of the August 10, 2007, staff memorandum to the City Council.

2. In support of its decision to approve the proposed Conceptual and Detailed Development Plan and Tentative Subdivision Plat, the Council notes that the analysis and conclusions presented in the May 25, 2007, staff report to the



**EXHIBIT II.36**
**LUBA REMAND**

Planning Commission demonstrate how the proposal is consistent with the applicable criteria cited above, or is conditioned to that effect.

3. As discussed in the Incorporated Findings, the City Council finds that the proposal is consistent with the criteria applicable to the Solar Access category.

4. As discussed in the Incorporated Findings and the supplemental findings, the City Council finds that the proposal, as conditioned, complies with the criteria applicable to the Conceptual and Detailed Development Plan.

## VIII. Tentative Subdivision Plat

Applicable Criteria (LDC): LDC 2.4.20; 2.4.30.04; and Chapters 2.5, 3.1, 4.0, 4.1, 4.2, 4.5, 4.6, and 4.7.

Relevant Conditions of Approval ("COA"): 23

### A. Consistency with the LDC Chapter 2.4 – Subdivisions and Major Replats

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachment IX-66 and IX-67 of the August 10, 2007, staff memorandum to the City Council.

2. The City Council notes that the Planning Commission denied the proposed Conceptual and Detailed Development Plan because the Commission found it did not satisfy applicable CCP policies and LDC criteria. The Council notes that the Planning Commission also denied the Tentative Subdivision Plat because the Plat was predicated on approval of the Conceptual and Detailed Development Plan.

3. The City Council finds that on appeal and through proposed conditions of approval, reasons stated by the Planning Commission for denying the Conceptual and Detailed Development Plan and Tentative Subdivision Plat were resolved, and concerns raised in public testimony were addressed.

4. The City Council notes that in resolving the reasons for denying the Conceptual and Detailed Development Plan, the Tentative Subdivision Plat was revised to illustrate appellant proposed conditions of approval.

5. The City Council finds that as revised and as discussed in the Incorporated Findings, the proposal is consistent with the purposes of LDC Chapter 2.4 and applicable LDC standards for Tentative Subdivision Plats.



**EXHIBIT II.37**
**LUBA REMAND**

B. Consistency with LDC Chapter 4.4 – Land Division Standards

Applicable Criteria (LDC): LDC 4.4.10; 4.4.20.

Relevant Conditions of Approval ("COA"): none.

1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-67 through IX-69 of the August 10, 2007, staff memorandum to the City Council. The City Council finds that the proposal is consistent with the LDC Chapter 4.4.

2. Considering the findings in the Incorporated Findings and the supplemental findings herein, the City Council finds that the proposed tentative subdivision plat is consistent with the applicable LDC criteria.

**SUMMARY CONCLUSION**

As the body charged with hearing appeals of a Conceptual and Detailed Development Plan / Tentative Subdivision Plat decision, the City Council having reviewed the record associated with the Conceptual and Detailed Development Plan / Tentative Subdivision Plat application, considered evidence supporting and opposing the application, finds that the proposal, as conditioned, adequately addresses the review criteria and is found to be consistent with the City's Comprehensive Plan, applicable sections of the Land Development Code, and other applicable approval criteria. The City Council finds that Conditions of Approval are necessary to achieve compliance with the applicable criteria, and the conditions adequately address impacts related to the development. Therefore, the appeal is APPROVED, and the City Council overturns the Planning Commission decision to deny the Conceptual and Detailed Development Plan / Tentative Subdivision Plat application (PLD06-00018/SUB06-00006).

DATED: September 17, 2007

Hal Brauner, ACTING MAYOR

**ATTACHMENTS**

**City Council Notice of Disposition**

**Conditions of Approval**



**EXHIBIT II.38**
**LUBA REMAND**

METOLIUS
CONSULTING
*"Natural solutions in a changing environment"*

November 24, 2008

Fred Towne
City of Corvallis
Planning Department
PO Box 1083
Corvallis, Oregon 97339

**SUBJECT: Response to LUBA remand of Brooklane Heights (PLD06-00018, SUB06-0006).**

Mr. Towne,

To facilitate both your department and City Council in reviewing the Brooklane Heights remand issues, we have prepared a brief overview of the application process we have followed since the onset of the project. Also included are copies of the site plans and drawings that were approved by City Council last year.

**PROJECT GOALS**

The proposed Brooklane Heights development is an in-fill project designed with an emphasis on preserving significant white oak trees and creating home lots in areas without significant trees. This development pattern is consistent with surrounding development and helps the project "fit into" the surrounding area. Most of the trees on the site were identified on the City's 2004 Natural Features Inventory as highly protected significant vegetation. There are a total of 454 significant trees currently on the property, of which 98% are white oaks. The Applicants plan calls for the removal of 34 trees in order to develop the proposed roads and lots. A certified arborist has evaluated the health and safety of the trees and provided guidance as to which ones should be removed. This results in the project having more than 42% of the site set aside as permanent open space in private tracts. The high degree of sensitivity towards these trees ensure the project is in compliance with the hillside and tree preservation provisions found in Comprehensive Plan Policies 4.2.2, 4.6.2, 4.6.3, 4.6.5, 4.6.6, 4.6.9, and 4.6.12.

One of the more challenging aspects of designing this project was providing vehicular access. There is only one location at the southwest corner of the property where vehicles can access the property from Brooklane Drive. At the same time, the only viable location for the required secondary point of access is off-site through the adjacent property to the north. The main road (Wolverine Drive) extends from the southwest corner of the property, winds up the ravine along the eastern edge of the oak stand, and eventually heads east above the oak stand in the middle of the site and eventually connects with a new road that is proposed with the adjacent subdivision (Oakmont Addition). The road layout and lot layout was designed to fit with the existing topography and proposed open spaces. Therefore, roads follow the natural grades, storm water drainage is

**ATTACHMENT III - 1**
**LUBA REMAND**

provided in existing drainage corridors, tree canopies are preserved and provide a natural corridor throughout the development, and the streets are primarily rectilinear.

The Tentative Plat includes two phases, the first of which is development of Tract D which contains a short segment of roadway between Brooklane Drive and Oakmont Addition Subdivision. Wolverine Drive has been designed with a maximum grade of 15%, in compliance with the City's maximum allowable road grade. Two new cul-de-sacs extend east from Wolverine Drive to provide additional access to the remaining developable portions of the site that are generally void of significant trees. The roadway and lot layout pattern allows for development of the homes in compliance with the 2006 LDC while minimizing impacts to the existing trees. An 8-foot wide trail has been extended from Badger Place to Wolverine Drive in order to enhance pedestrian connectivity. A minimum 50-foot wide vegetative buffer has been retained along the southern project boundary (between the new lots and the alley below) to provide a buffer to the existing homes in Brooklane Park Estates.

When developed, each lot and home will have to comply with the 2006 Land Development Code. This code outlines pedestrian oriented design standards (PODS) that necessitate compliance with this policy of keeping building close to the street with an orientation that is conducive to pedestrians.

## APPLICATION HISTORY

The following section contains an overview of the past applications and current state of the application. The 25-acre site has had two previous projects approved:

> **1980** - The Planning Commission approved Secret Gardens, a 101-lot conceptual development plan.
>
> **1997** - The Planning Commission approved Oakmont Subdivision, a 69-lot detailed development plan and tentative subdivision plat.

Neither of the prior approvals moved forward with construction of the approved projects. Since these prior approvals had expired a new application was submitted in 2007. The following timeline summarizes the various actions since submittal of the application currently under remand to the City of Corvallis:

> **April 10, 2007** – Steve Schaberg (Applicant) requests approval from the Planning Commission (PC) of a conceptual and detailed development plan for a 42 lot tentative subdivision plat, Brooklane Heights, on 25.9 acres. This application is submitted at the same time as the Oakmont Subdivision that is adjacent to the property on 10.7 acres and was designed and planned with the Brooklane Heights Subdivision. The 24-lot Oakmont Subdivision (SUB06-00007) is approved by the PC on June 22, 2007 and is not appealed; thus, making way for necessary road connections and utilities for the Brooklane Heights project.
>
> **June 22, 2007** – Planning Commission denies the Brooklane Heights application (order 2007-075) based on several items that they felt needed more clarification to help determine whether the application met development standards.

**July 5, 2007** – Applicant appeals the Planning Commission's decision to the City Council based on the fact that the PC could have imposed conditions of approval to address their outstanding concerns. The applicant submits updated drawings to further clarify recommended plan modifications including lot size reductions to meet affordable housing standards and thus make 45 lots in the plan.

**September 17, 2007** – After consideration of all the testimony and evidence, the City Council voted to overturn the Planning Commission's decision, denying the request and upholding the appeal, thereby approving the Conceptual and Detailed Development Plan and Tentative Subdivision Plat requests with conditions.

**September 2007** – A group of citizens appeal the City Council's decision to the state Land Use Board of Appeals (LUBA). LUBA reviews seven "assignment of errors" brought about by the appellants. After reviewing, LUBA denies three assignment of errors and remands portions of the other four assignment of errors back to the City of Corvallis for clarification and a final decision. The assignments of errors are summarized below:

- *Fourth Assignment of Error - This assignment of error primarily deals with a lack of typical building elevations and their absence to identify a sufficient basis to conclude that the development complies with applicable 1993 Corvallis Land Development Code (LDC) 2.5.40.04 criteria for compatibility.*

- *Fifth Assignment of Error - In summary, this assignment of error was* ***partially*** *remanded due to the lack of evidence supporting compliance with the 2000 Comprehensive Plan Policy 4.6.7 (hillside development).*

- *Sixth Assignment of Error - This assignment of error was* ***partially*** *remanded due to the apparent lack of drainage plan and compliance with Corvallis Comprehensive Plan 4.11.12. The 2000 Comprehensive Plan Policy states that "development upslope of wetlands shall minimize interference with water patterns discharging to wetlands, and shall minimize detrimental changes in water quality for waters discharging to wetlands."*

- *Seventh Assignment of Error - This assignment of error was remanded due to the lack of minimizing negative impacts on environmentally significant resources that are dealt with in various comprehensive plan policies. This overarching generalization was specifically applied to protection of upland prairie, trees, wetlands and pond turtles.*

**CURRENT STATUS**

The Brooklane Heights council-approved plan was remanded by LUBA back to the City of Corvallis for clarification. The City Council must make a decision on the four remanded issues to enable the project to move forward. The Applicant has provided specific responses to each of the Assignment of Errors at the end of this letter to provide further

clarity. Likewise, the approved planning drawings and project layout are attached to help summarize the current approved plan. The next step in the process will be to hold a public hearing that deals specifically with these four remanded issues to make a final decision for the project.

If you would like additional information or have questions please feel free to contact Scott Wright or Steve Schaberg at your convenience.

Respectfully,

Scott Wright, P.E.
Project Manager

**Fourth Assignment of Error (pg. 6)**

*This assignment of error primarily deals with a lack of typical building elevations and their absence to identify a sufficient basis to conclude that the development complies with applicable 1993 Corvallis Land Development Code (LDC) 2.5.40.04 criteria for compatibility.*

The 1993 LDC requires specific responses to various compatibility criteria to ensure that a Detailed Development meets the intent of the LDC and is compatible with surrounding development. The primary concern from LUBA's remand was compatibility with visual elements and neighborhood characteristics. The following discussion is provided to help elaborate on visual elements (scale, structural design and form, materials, and so forth) of the proposed design to ensure that basic site design is compatible with surrounding development.

Existing land use surrounding Brooklane Heights consists of low-density residential on all sides. The lots sizes range from approximately 10,000 square feet to larger than 1 acre on the northern boundary. All of the land to the north, west, and south is fully developed with existing residential homes that range from 1-story ranch style homes to 2-story homes and 2-story homes with a third floor daylight basement. The surrounding homes have square footage ranges on the order of 1,900 to 5,600 square feet. Land to the east has an approved subdivision that will be built in conjunction with this project.

When looking at the overall scale and magnitude of the Brooklane Heights Subdivision it is almost identical with the surrounding land uses. The majority of proposed lots in the Brooklane Heights Subdivision range between 10,000 and 12,000 square feet. Surrounding homes are very diverse in size and character and the only observation that can be made is that homes are varied in size and shape. The existing homes utilize various outside exteriors such as wood, brick and rock as well as a range of roof pitches. Figure 1 illustrates examples of the varied roof slopes, structure heights, architectural styles and materials used in existing homes that abut the western project boundary. Likewise, most of the surround roads in the existing development are sub-standard with no curbs or sidewalks and road widths of 15' to 20'.

**Figure 1.** House on left has a roof peak over 30 feet with no windows on the main wall. House on right illustrates a flatter roof pitch and mostly single level home with large windows. These homes are located next door to each other.

Condition 27 and Development Related Concern G from the Conditions of Approval require that all lots be developed in accordance with the 2006 Land Development Code. Specifically, development of the lots are subject to chapters 4.5 (Natural Hazards and Hillside Development), 4.10 (Pedestrian Oriented Design Standards), 4.11 (Minimum Assured Development Area, 4.12 (Significant Vegetation Provisions) and RS-5 (Lot Development Standards). These development standards have very specific requirements that ensure sound development of the site with new homes.

Homes on the site will require custom designs to fit the existing topography and natural features. Figures 2, 3, 4 and 5 illustrate some typical building elevations that could be built on the lots and meet the 2006 LDC requirements. These are good examples that show how the garages and floor levels can be laid out to meet the 2006 LDC.

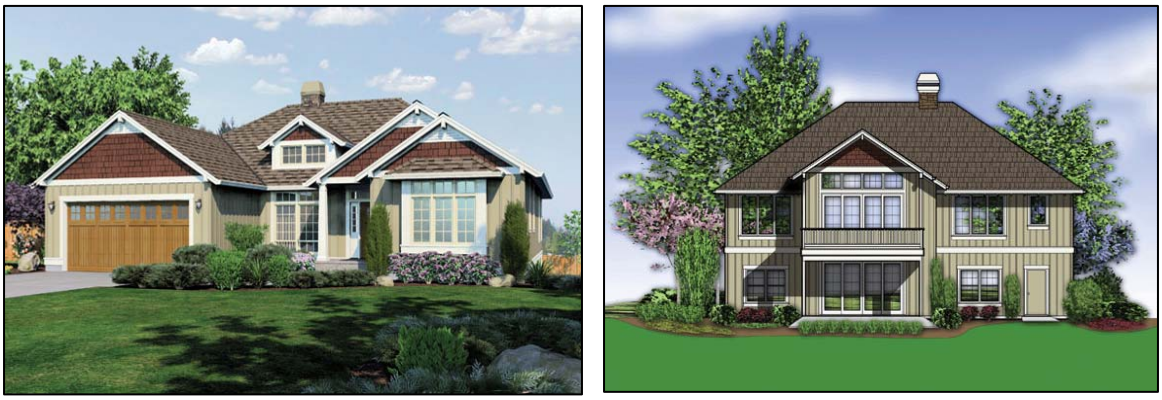


**Figure 2.** Alan Mascord design for downhill sloping lot showing (left) front elevation and (right) rear elevation with a daylight basement/living room on downhill side of lot.

**Figure 3.** Example plan for garage on bottom level and main living floor on top level primarily used for uphill sloping lots (Northwest Home Designs, Inc.).

**Figure 4.** Both pictures are of the same house and show an example daylight basement concept in the recently developed Timberhill area that abuts public roads on two sides.

**Figure 5.** Recent home built in the Timberhill area that meets 2006 LDC and has a daylight basement / living area on a lot similar to the proposed Brooklane Heights.

The 2000 CCP Section 9.2.5 states that "development shall reflect neighborhood characteristics appropriate to the site and area." In particular, the following responses are provided for each item in 2000 CCP Section 9.2.5:

*CCP9.2.5.A "Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes."*
The proposed project is an infill development that has already been zoned by past city planning decisions. No zone change is being requested and the development is utilizing the existing city planning strategy for the area.

*CCP9.2.5.B "Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities."*
The project is located along and connects directly to Brooklane Drive which is designated as a neighborhood collector street. All other roads associated with the development are local roads that connect directly to the existing neighborhood collector. The project also proposes to provide a wide range of densities throughout with some small lots less than 8,000 square feet with house size restrictions of 1,200 square feet and large lots that exceed 15,000 square feet.

*CCP9.2.5.C "Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities."*
Over 40% of the project area is dedicated open space with the majority of open space containing mature oak trees. This open space creates significant diversity in land use and breaks up long tracts of single family homes. This type of planning will also promote better views of the hillside from a distance and create a clear structure for the neighborhood.

*CCP9.2.5.D "Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation."*
As previously stated, surrounding development and homes are very diverse in size and character and the only observation that can be made is that homes are varied in size and shape. When looking at the overall scale and magnitude of the Brooklane Heights Subdivision it is almost identical with the surrounding land uses. The majority of proposed lots in the Brooklane Heights Subdivision range between 10,000 and 12,000 square feet and are similar in form to existing neighborhood development.

*CCP9.2.5.E "Neighborhoods have a mix of densities, lot sizes, and housing types."*
Lot sizes range from less than 8,000 square feet to more than 16,000 square feet. Inherent to this large variability in lot sizes are the variability of future homes that will be built on the lots. Since all new homes will comply with the low density lot development requirements, simple compliance will dictate that homes are variable in size and scale. Likewise, each lot will have a custom home built on it that must comply with newer development standards as set forth in the 2006 land development code.

*CCP9.2.5.F "Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways."*

The neighborhood to the west, Fairmont Drive, has block lengths of 1,200 feet with no pedestrian or bicycle facilities. The neighborhood to the north, Whiteside Drive, has a cul-de-sac length of 1,200 feet with no pedestrian or bicycle facilities. The neighborhood to the south has a private drive that is over 1,500 feet and has no pedestrian or bicycle facilities. The surrounding neighborhoods have no bicycle or pedestrian facilities with the exception of Brooklane Drive that has both bike lanes and sidewalks. The proposed project will provide a direct connection to Brooklane Drive and will provide full pedestrian facilities throughout the project to ensure pedestrian connectivity. A multi-use path is proposed at the end of the longest cul-de-sac to shorten the block size and ensure bicycle and pedestrian ways. Cul-de-sacs meet the city's length requirements.

*CCP9.2.5.G "Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. The street pattern is rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape."*

The road layout and lot layout was designed to fit with the existing topography and proposed open spaces. Therefore, roads follow the natural grades, storm water drainage is provided in existing drainage corridors, tree canopies are preserved and provide a natural corridor throughout the development, and the streets are primarily rectilinear.

*CCP9.2.5.H "Neighborhoods have buildings that are close to the street, with their main entrances oriented to the public areas."*

When developed, each lot and home will have to comply with the 2006 Land Development Code. This code outlines pedestrian oriented design standards (PODS) that necessitate compliance with this policy of keeping building close to the street with an orientation that is conducive to pedestrians.

*CCP9.2.5.I "Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night."*

When developed, each lot and home will have to comply with the 2006 Land Development Code. This code outlines pedestrian oriented design standards (PODS) that necessitate compliance with this policy by creating homes that are directed towards the street.

*CCP9.2.5.J "Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized."*

When developed, each lot and home will have to comply with the 2006 Land Development Code. This code outlines pedestrian oriented design standards (PODS) that are established to do the following: foster human-scale development that emphasizes pedestrian rather than vehicular features, promote pedestrian oriented buildings, pedestrian amenities, and landscaping that contribute positively to an appealing streetscape, promote an environment where developed areas, recreational areas, and multi-use paths are accessible to all, promote pedestrian safety by increasing the visibility and vitality of pedestrian areas, ensure direct and convenient access and connections for pedestrians and bicyclists, augment the sidewalk and multi-use path system for pedestrians, provide a connected network of sidewalks and multi-use paths, encourage street activity to support livable neighborhoods and vital commercial areas, ensure that developments contribute to the logical continuation of the City's street and block form

and/or establish block patterns in parts of the City where they do not exist, provide a sense of diversity and architectural variety, especially in residential areas, through the use of varied site design layouts and building types and varied densities, sizes, styles, and materials, encourage development and building designs that promote crime prevention and personal and community safety, and encourage development and building designs that maintain some level of privacy for individual dwelling units. Therefore, necessary compliance with Section 4.10 of the 2006 land development code will ensure compliance with this comprehensive plan policy .

*CCP9.2.5.K "Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic."*
The proposed development is consistent with City of Corvallis street standards and no variance is requested. The proposed street with for all the local streets is 28 feet and is typical of narrow street standards.

*CCP9.2.5.L "Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure."*
The development is similar to the surrounding areas and provides a similar scale to the existing development.

*CCP9.2.5.M "Neighborhoods have street trees in planting strips in the public right-of-way."*
The proposed project complies with current development standards that require street trees planted in a public right-of-way. Typical street sections are shown on the drawings submitted with the application and a landscaping plan is provided.

In addition to specific responses to section 9.2.5 above, CCP 3.2.2 states that primary uses permitted outright are considered compatible with each other when conforming to all standards of the district. Since the project is not asking for modifications to district requirements, the future homes built on the site will comply with the district and be compatible with surrounding land uses according to the comprehensive plan policy. A summary of development standards is included in the table below:

| Criteria | 2006 RS – 5 Standard | Proposed Project Standard |
|---|---|---|
| Minimum Lot Area<br>Single Family House | 8,000 sq. ft. minimum | 7,600 sq. ft. minimum |
| Min Avg Lot Width<br>Single Detached | 65' | 65' |
| Setbacks<br>Front Yard | 15' minimum | 15' minimum |
| Rear Yard | 15' minimum | 15' minimum |
| Side Yard | 5' minimum | 5' minimum |
| Garage/Carport Entrance | 19' entrance parallel to street<br>15' entrance perp. to street | 19' entrance parallel to street<br>15' entrance perp. To street |
| Structure Height | 30' maximum | 30' maximum |
| Lot Coverage | 50% | 50% |

In addition to meeting the Comprehensive Plan Policy guidance, the project design must take into account Section 2.5.40.04 of the LDC. This section requires that the following compatibility factors be considered for approval of the plan:

- **Basic site design (the organization of uses on a site);**

This project has been designed with an emphasis on preserving the majority of the significant white oak trees on the site. This development pattern is consistent with surrounding development and helps the project "fit into" the surrounding area. Most of the trees on the site were identified on the City's 2004 Natural Features Inventory as highly protected significant vegetation. There are a total of 454 significant trees currently on the property, of which 98% are white oaks. The applicants plan calls for the removal of 34 trees in order to develop the proposed roads and lots. A certified arborist has evaluated the health and safety of the trees and provided guidance as to which ones should be removed. This results in the project having more than 42% of the site set aside as permanent open space in private tracts. The high degree of sensitivity towards these trees ensure the project is in compliance with the hillside and tree preservation provisions found in Comp Plan Policies 4.2.2, 4.6.2, 4.6.3, 4.6.5, 4.6.6, 4.6.9, and 4.6.12.

One of the more challenging aspects of designing this project was providing vehicular access. There is only one location at the southwest corner of the property where vehicles can access the property from Brooklane Drive. At the same time, the only viable location for the required secondary point of access is off-site through the adjacent property to the north. The main road (Wolverine Drive) extends from the southwest corner of the property, winds up the ravine along the eastern edge of the oak stand, and eventually heads east above the oak stand in the middle of the site and eventually connects with a new road that is proposed with the adjacent subdivision (Oakmont Addition). The Tentative Plat includes two phases, the first of which is development of Tract D which contains a short segment of roadway between Brooklane Drive and Oakmont Addition Subdivision. Wolverine Drive has been designed with a maximum grade of 15%, in compliance with the City's maximum allowable road grade. Two new cul-de-sacs extend east from Wolverine Drive to provide additional access to the remaining developable portions of the site that are generally void of significant trees. The roadway and lot layout pattern allows for development of the homes in compliance with the 2006 LDC while minimizing impacts to the existing trees. An 8-foot wide trail has been extended from Badger Place to Wolverine Drive in order to enhance pedestrian connectivity. A minimum 50-foot wide vegetative buffer has been retained along the southern project boundary (between the new lots and the alley below) to provide a buffer to the existing homes in Brooklane Park Estates.

- **Visual elements (scale, structural design and form, materials, and so forth)**

The new lots will accommodate small to large single family homes. The homes will be designed and placed on the lots similar to the homes in Fairway View Subdivision, just west of this site. The predominant landscape feature will be the existing white oaks, most of which are slated for preservation. Approximately 23 of the 42 lots (55%) will be adjacent to or across from an open space tract, where the trees have been preserved. Those portions of the street that are not covered by an oak tree canopy will be planted with new street trees as shown on Attachment K.

- **Noise attenuation, noxious odors, lighting and signage**

Noise and odors on the site are anticipated to be similar to those permitted on adjacent residential lands. The proposed homes will have garbage cans for their refuse and recyclables within their individual garages or behind a screen wall or fenced within the side yard. Therefore, no noxious odors are anticipated.

Exterior lighting on the buildings will be provided near the front entry of each house and for patios or decks. No other exterior lighting is proposed. All exterior lighting will be shielded so as not to produce glare onto adjacent properties. Lighting will provide added safety and security for both residents and visitors.

Signage will be typical street signs that will have street names and traffic control devices in accordance with the Manual on Uniform Traffic Control and city standards. Signs will be the same as surrounding neighborhoods.

- **Landscaping for buffering and screening**

New 1.5-inch caliper street trees will be installed within new park strips, unless the existing tree canopy will be impacted, (Attachment K). Where existing tree canopy exists, no new street trees will be provided. Street trees will also be installed 5-feet behind a portion of the new sidewalk along Brooklane Drive, where the existing tree canopy does not exist. The new street trees will be installed or financially guaranteed prior to the issuance of a Certificate of Occupancy and will be designed to ensure 90% coverage within a 3-year period. Landscaping of home sites will be in accordance with the 2006 LDC.

- **Traffic**

The applicant has submitted a traffic impact analysis for the proposed development to determine the traffic impacts that will result from this development as well as the other two Brooklane subdivisions currently under consideration, (Oakmont Addition and Cascade Crest). The study evaluated the new vehicle trips that would be generated by the Brooklane Heights Subdivision and the impacts to nearby intersections. The results of the study found that when the site is developed, all three study area intersections would operate at acceptable levels of service and no adverse effects will be created.

- **Effects on off-site parking**

The proposed development will have no effect on off-site parking since there is no off-site parking around the development. The proposed project will have adequate garage, driveway, and street parking along the new local roads for typical residential use and gathering events.

- **Effects on air and water quality**

The City has clear and objective water quantity and water quality standards as described below in the Sixth Assignment of Error. It has been demonstrated through standard engineering calculations and product performance standards that the proposed drainage and water quality plan meets the City's stormwater detention and water quality standards for new development. By meeting these standards, the project minimizes detrimental changes in water quality for waters discharging into the

public storm drainage system and further minimizes detrimental changes in water quality downstream of the site. Effects on air quality will be typical of residential development and nothing is proposed that would have an abnormal effect.

In conclusion, the proposed grading plan (Exhibit X) submitted in our July 5, 2007 response puts forth a grading plan that is compatible with the 2006 LDC home development requirements and reduces grading limits to primarily the roads and utilities necessary to support the development. The physical nature of the site will ensure homes are varied and designed to the existing topography similar to surrounding homes. The grading plan, mix of proposed lot sizes (~7,600 – 21,000 square feet), preservation of 42% open space, preservation of most mature trees with tree canopies, and City's Conditions to meet 2006 LDC provisions (sections 4.5, 4.10, 4.11, and 4.12) for the homes will ensure that the site and homes are compatible with surrounding development.

**Fifth Assignment of Error (pg. 9)**

*In summary, this assignment of error was **partially** remanded due to the lack of evidence supporting compliance with the 2000 CCP 4.6.7 (hillside development).*

*CCP4.6.7.A "Plan development to fit the topography, soil, geology, and hydrology of hillsides and to ensure hillside stability both during and after development."*

Multiple geotechnical investigations have been performed on the site that included several on-site visits, laboratory soil sampling and slope stability analyses. Eighteen on-site test pits were excavated throughout the site in key locations to determine soil properties and characteristics. Based on the geotechnical properties of the soils and the site characteristics, there is a low potential for landslides or instability of the area and development of the site will not change this scenario. A more detailed geotechnical investigation was performed in May 2008 and a copy of that geotechnical report is attached to this letter that outlines their recommendations to ensure the creation of a stable site during and after development. This geotechnical report already meets the intent of the 2006 LDC Section 4.5 – Hillside Development as described below.

The Site Assessment (**2006 LDC Section 4.5.60.04.b**) is an overview of site conditions, as well as a professional evaluation of whether or not additional studies are needed prior to development on a property. The Site Assessment shall be completed and stamped by either a Certified Engineering Geologist or by a Licensed Civil Engineer, licensed in the Specialty of Geotechnical Engineering. At a minimum, the Site Assessment shall include the following elements:

1. A field investigation of the site and vicinity;
2. A discussion of geologic hazards, if any;
3. Suitability of the site for proposed development, from a geologic standpoint; If applicable, discussion of any unusual or extreme geologic processes at work on the site, such as rapid erosion, Landslide Hazard, flood hazard, rockfall, subsidence, debris run-out, or other features;
5. A list of any geologic hazards that may affect the proposed land use, including slope stability, debris flow, flooding, topography, erosion hazard, shallow groundwater, springs, expansive soils, subsidence, fault rupture, or any other geologic hazard discovered by the investigation;

6. If applicable, an identification of any areas of the site recommended to be avoided for human-occupied structures;
7. If necessary, identification of mitigation measures needed to address any anticipated geologic problems;
8. A discussion regarding the need for follow-up studies that should be conducted, such as engineering geotechnical reports, additional subsurface exploration, or more extensive soil reports; and
9. Feasibility of the site for the proposed development.

The geotechnical reports and field exploration of the site have addressed the site assessment requirements in the 2006 LDC Section 4.5.60.04 as well as Section 4.5.60.05 that requires a geotechnical engineering report for the site. These field exploration efforts and geotechnical studies provide specific details and recommendations that create a safe and stable development pattern for the proposed project.

To further enhance the compatibility of the site and maintain existing stormwater routing, drainage corridors have been maintained and utilized for stormwater routing. The main drainage corridor on the west side of the property is utilized for a detention and water quality treatment area. By maintaining the open drainage corridor with large scale roughness (i.e. grass) the potential for removing suspended sediment is maximized.

*CCP4.6.7.B "Preserve the most visually significant slopes and ridgelines in their natural state by utilizing techniques such as cluster development and reduced densities."*
The proposed development has no impacts to the ridgeline as there is already development upslope and around the area. The upslope development consists of residential homes on large lots that exceed 1-acre.

*CCP4.6.7.C "Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees."*
The existing site is approximately 26 acres and of that area over 42% (11 acres) is set aside as open space to protect existing natural features that include tree groves and existing oak woodlands. There is over 3 acres provided for public right-of-way. The remaining developed area for residential development is 11 acres, which is less than half of the 26 acre parcel. This policy also **emphasizes the priority** for hillside development to preserve and protect trees to enhance variability in home development and provide contrast for the view looking at the hillside.

The proposed development pattern utilizes existing open areas, that don't have trees, to cluster the new home lots. These existing open areas have been referred to as upland prairies. Actual upland prairies are dynamic environments that do not remain static and require regular maintenance to be maintained in prairie habitat. Upland prairies were historically maintained by natural fires or intentional human caused fires. In the absence of these episodic events, the succession of upland prairie is shrubs and then trees. This has already happened at the project site based on historical photos (Figure 8) and eyewitness accounts of neighbors. Therefore, preservation of the existing tree groves and developing the open areas is the best alternative from the standpoint of long-term maintenance and

sustainability. This type of development pattern is also consistent with CCP 4.6.3, 4.6.5, 4.6.6, and 4.6.7.

*CCP4.6.7.D "Align the built surface infrastructure, such as roads and waterways, with the natural contours of terrain and minimize cutting and filling in developments."*
The site has several competing issues that require balancing improvements with preserving natural resources. It has been decided that the natural oak woodlands are the primary area to be preserved with the majority of development taking place in open areas that do not have trees and only have degraded meadows. Likewise, it was decided to maintain natural drainage patterns as much as possible; therefore, drainage facilities were located in the areas of natural drainage corridors where detention and water quality could be created.

Roads were designed to minimize impacts to existing oak woodlands and at the same time meet the City's criteria for maximum slopes and maximum cul-de-sac lengths. The primary road entrance to the site is located on the west side in an area that minimizes disturbance and grading of the existing slopes. The road is run upslope at the maximum allowable 15% grade to access the northwest portion of the site where the lots are clustered in an area that has no trees. Two cul-de-sacs were utilized to minimize the use of roads while still accessing isolated areas that were created while trying to minimize impacts to oak woodlands.

The July 5, 2007 grading plan (Drawing X and Y) for the site was approved with the City Council's decision. The grading plan nearly eliminates grading on the lots and grades only the areas necessary to build roads and utilities to support the development. Likewise, sidewalks are curbside in areas near trees and at drainage corridors to help reduce impacts and minimize the overall footprint of the cuts and fills.

Although there is no cut and fill standard in the 2000 LDC that this project is reviewed under, the design for public infrastructure tries to minimize cuts and fills. A precedence standard for prior projects has moved towards a maximum cut and fill of 8 feet and the majority of the approved grading plan meets this standard. Likewise, the approved grading plan promotes compliance with the 2006 LDC Section 4.5.80.04.d - Individual Lot Grading Standards. These standards apply to lots which contain slopes equal to or greater than 10 percent, as mapped on the Natural Hazards Map. The maximum cut and fill height is 8 feet for circumstances with no extenuating conditions. It is anticipated that some of the lots will qualify for one extenuating circumstance based on the desire to protect significant trees and in this case the cut and fill height would be limited to 10 feet around the tree.

*CCP4.6.7.E "Minimize soil disturbances and the removal of native vegetation and avoid these activities during winter months unless impacts can be mitigated."*
Soil disturbances are minimized by providing over 40% open space areas that will not be impacted by ground disturbances. Likewise, no grading will be done during winter months to help reduce erosion and soil impacts. Grading for the streets and utilities would take place during summer months, likely during June through October.

*CCP4.6.7.F "Design developments and utilize construction techniques that minimize erosion and surface water runoff."*

The primary surface water drainage corridor is proposed to remain in place and provide a natural filtering system for the majority of storm water runoff. This drainageway will be improved with a detention pond and water quality facilities that utilizes above ground detention and vegetation to improve water quality by removing suspended sediment. Construction will be required to comply with city and state erosion control standards through the NPDES 1200-C construction permit. Under this permit, erosion control measures must be designed and installed to ensure sediment and sediment laden waters do not leave the site during and after construction. Erosion control measures would include silt fences, silt screens around drainage structures, vegetated buffer strips to filter stormwater runoff, seeding and mulching disturbed slopes and similar erosion control practices approved by the city and state.

*CCP4.6.7.G "Demonstrate a concern for the view of the hills as well as the view from the hills."*

Looking at the hill from the south the most distinct feature is the canopy of oak trees in and around the site. The development plan protects the tree canopy by providing over 40% open space primarily protecting trees and developing the space where no trees are present. The existing grass area is severely degraded as a meadow due to the fact that it is mowed on a regular basis during summer months and the City's Municipal Code requires that grass and weeds be kept under 10 inches in height from June 1 through September 30.

The tree canopy provides contrast when looking at the hillside. The proposed development aims to protect the existing trees to the maximum extent possible by locating roads, homes, and infrastructure outside the treed areas. This will ensure that distant views looking at the hillside will see a break up of homes and patches of tree cover that are existing, mature trees. The development will create lots that require custom homes that are contoured to the existing terrain. This will be created by meeting the requirements of the 2006 LDC for home construction.

**Sixth Assignment of Error (pg. 14)**

*This assignment of error was partially remanded due to the apparent lack of drainage plan and compliance with CCP 4.11.12. The 2000 CCP policy states that "development upslope of wetlands shall minimize interference with water patterns discharging to wetlands, and shall minimize detrimental changes in water quality for waters discharging to wetlands."*

The existing drainage patterns for the project site are illustrated in Drawing 1.9. This drawing shows the predominant overland drainage pattern is downhill into an existing public storm drainage system along the north side of an existing private road. From this public storm drainage system the water is routed under Brooklane Drive and has several outfalls into a historic drainage ditch along the Marys River Natural Park. The historic drainage ditch has been documented as a wetland and restoration around the drainage ditch has focused on creating wet prairie that is most sensitive to water levels and not water quality.

With regards to the first part of the comprehensive plan policy that requires development upslope of wetlands to minimize interference with water patterns discharging to wetlands, the proposed project does not interfere with the existing drainage patterns. **The proposed development utilizes the existing public storm drain system and maintains existing storm drain outfalls to the wetland area.**

The 2000 CCP also requires the project to minimize detrimental changes in water quality for waters discharging into wetlands. In order to meet this requirement, the City of Corvallis has developed a Stormwater Master Plan. The City's plan requires that storm water be treated for quantity (i.e. detention) and quality based on a combination of the King County Surface Water Design Requirements and the City's Stormwater Master Plan.

Drainage plans were developed for the project and are contained in exhibit N (Brooklane Heights Utility Plan) of the original application. The City's surface water runoff criteria requires that post-development runoff from the entire site be limited to pre-developed conditions for the 2, 5 and 10-year rainfall events. In order to maintain historical runoff rates the site must incorporate detention facilities that will allow the excess runoff to be temporarily stored and metered out at historical rates. Historical and post-development rates were determined using the standard TR-55 method with localized rainfall data, an acceptable runoff prediction method accepted by the City of Corvallis. The required detention for the site is approximately ±30,000 cubic feet with minor variability based on final configuration of the detention storage pond. The inflow and outflow hydrograph were generated and are illustrated in Figure 6.

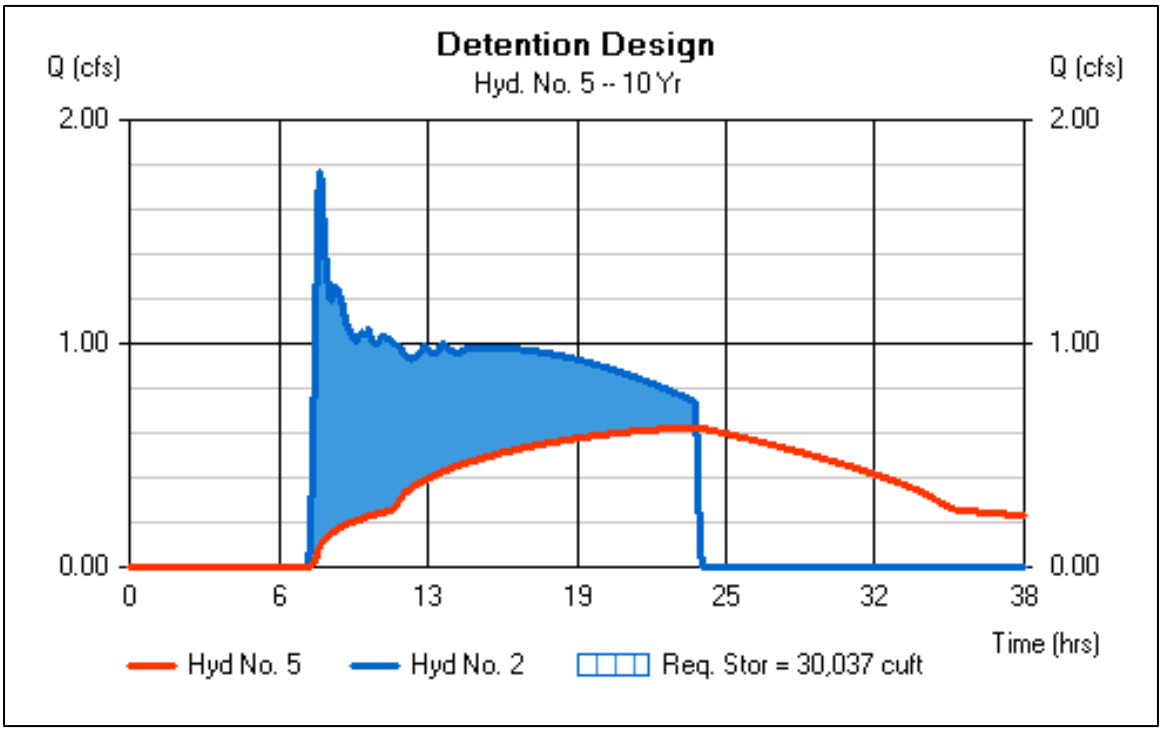



**Figure 6.** Pre and post-development hydrographs for the 10-year storm event showing how the detention facility will limit outfall to historical rates. Hyd No. 2 is the developed conditions inflow hydrograph and Hyd No. 5 is the controlled flow rate that leaves the detention system.

The proposed detention facilities consist of at-grade detention ponds located in the existing drainage corridor on the west side of the development as illustrated in exhibit N. These detention facilities will be built in accordance with geotechnical requirements and will include a pond liner to ensure long-term structural stability and safety.

In order to collect stormwater runoff and direct it into the detention ponds, new public storm drain pipes will be installed in the streets. For homes that do not directly drain into the public street and storm drain pipes, private easements will be provided to drain them directly to the open spaces and overland flow into the detention facilities. For homes below the detention facilities they will be piped to the nearest public storm drain system below the site. Off-site public storm drain systems will be upsized to provide adequate carrying capacity for the 25-year runoff event as recommended in the City's design criteria. In addition, a 100-year runoff event will be routed through the system to ensure no structural damage is done to downstream development.

The basic water quality requirement from the 2005 King County Storm Design Manual is 80% removal of Total Suspended Solids (TSS) for flows up to the water quality design flow; however, the City of Corvallis water quality criteria requires 70% removal of TSS. For fairly flat sites that have less than 5% slopes, at-grade bioswales and similar water quality treatment facilities are appropriate. In contrast, steep sites with slopes greater than 5% are not conducive to typical "open-swale" type water quality facilities because the runoff moves too rapidly and suspended solids are not able to settle out of the flow. One alternative to provide removal of suspended solids that has been used successfully in the City of Corvallis is hydrodynamic separators. Hydrodynamic separators rely on density differences and gravity to remove suspended solids and floatables (hydrocarbons, floating debris, etc.) from stormwater runoff to improve water quality.

We are proposing the trademarked BaySeparator system be installed for the project as illustrated in Figure 7. The BaySeparator has been used in Corvallis on similar development projects for water quality. The proposed BaySeparator system splits water between two different manholes for optimal removal efficiency, responding to changes in the influent flow rate. Pollutants are trapped in the two manholes until they are removed by routine maintenance. BaySeparator systems are designed as a stand alone, full treatment (80% annual aggregate removal efficiency) systems that meet the TSS removal requirments.

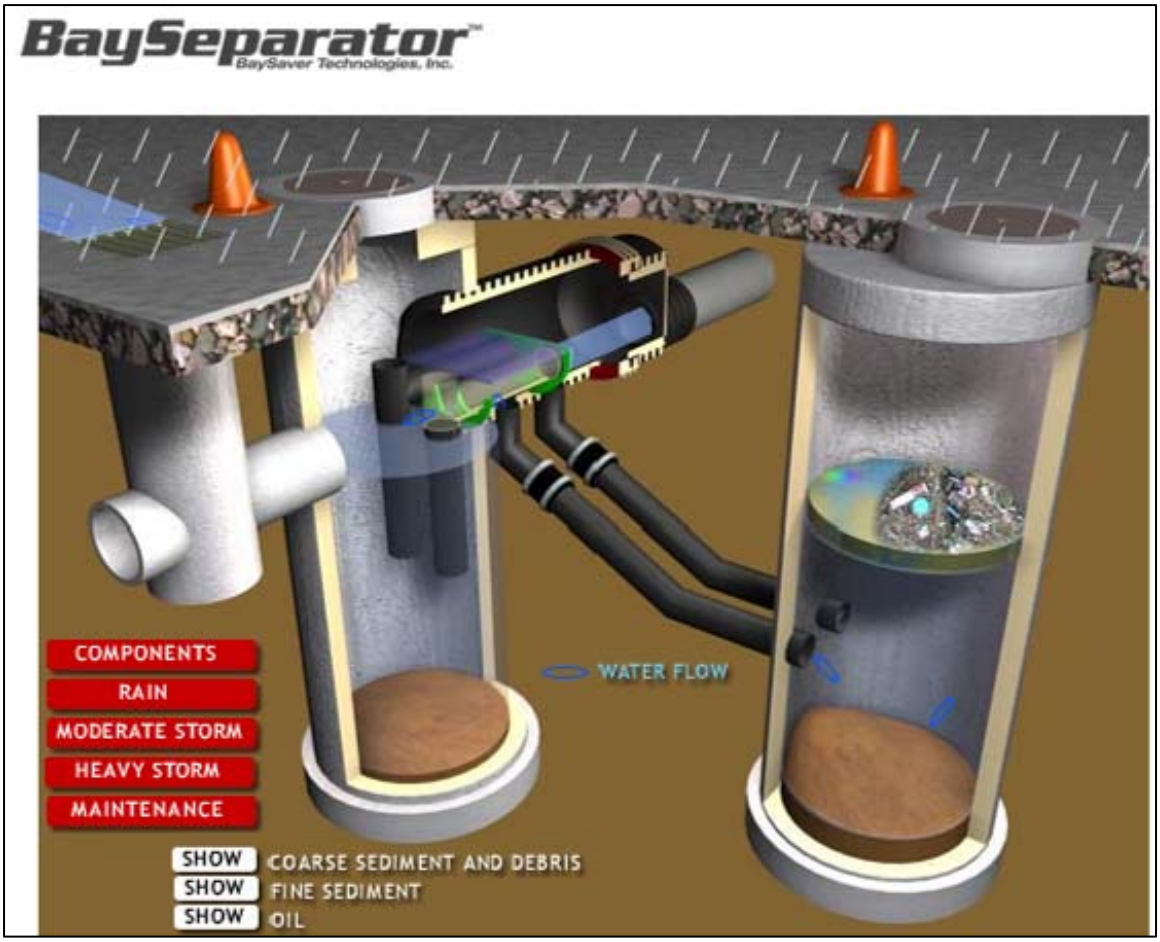



**Figure 7**. Example of BaySeparator proposed for water quality requirements on the site.

In summary, the City has clear and objective water quantity standards that require detention of post-development flows to historical pre-developed runoff rates for the 2, 5, and 10-year storm events. Likewise, the City has a clear water quality standard that requires removal of 70% TSS for the water quality storm event. It has been demonstrated through standard engineering calculations and product performance standards that the proposed drainage and water quality plan meets the City's stormwater detention and water quality standards for new development. By meeting these standards, the project minimizes detrimental changes in water quality for waters discharging into the public storm drainage system and further minimizes detrimental changes in water quality downstream of the site. Hence, it can be concluded that the project meets the intent of the 2000 CCP 4.11.12.

**Seventh Assignment of Error (pg. 16)**

*This assignment of error was remanded due to the lack of minimizing negative impacts on environmentally significant resources that are dealt with in various comprehensive plan policies. This* ***overarching generalization*** *was specifically applied to protection of upland prairie, trees, wetlands and pond turtles.*

The 2000 Comprehensive Plan has several policies that deal with trees, specifically:

> *CCP4.6.3 "Tree-covered hillsides within the City Limits shall retain a tree-covered appearance prior to development review."*
> *CCP4.6.5 "On tree-covered hillsides, development shall be designed to preserve as many trees as possible and tree removal shall be consistent with the approved development plan."*
> *CCP4.6.6 "On tree-covered hillsides, the design of dwellings and their placement shall be planned to retain a sufficient number of trees to preserve a green, tree-covered hillside appearance."*
> *CCP4.6.7.C "Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees."*

The Comprehensive Plan clearly puts an emphasis on maintaining trees and tree-covered hillsides when development is allowed. The proposed development undoubtedly saves the large treed areas by creating protected open space areas around the existing tree groves (42% of the property).

On the other hand, the Comprehensive Plan has little to say about upland prairies. Upland prairies are dynamic environments that do not remain static and require regular maintenance to be maintained in prairie habitat. Upland prairie sites are difficult to maintain in a natural setting let alone in an urban environment. For instance, upland prairies were historically maintained by natural fires or intentional human caused fires created by Native Americans. In the absence of these episodic events, the succession of upland prairie is shrubs and then trees. This has already happened at the project site as the historical photos (Figure 8) and eyewitness accounts of neighbors describe the continual advancement of shrubs and oak trees into the prairie area.

**Figure 8.** Left photos shows the site in1948 with predominantly open meadow area that was being farmed. Right photo shows current condition with significant encroachment of shrubs and expansion of oak trees in the southern portion of the site reducing the upland prairie and creating an isolated patch of meadow (Google Earth 2005).

Without fire, plant litter accumulates on the soil surface, which alters nutrient and water availability, disease and herbivory incidence, and patterns of seedling establishment (Facelli and Pickett 1991). In addition, the entire site is surrounded by fully developed land with residential homes that will not allow for natural fires and natural processes to remain in place. Therefore, the existing meadow area will simply succeed into shrub and tree environment if left alone.

Tree protection and open space areas that protect trees have been the primary focus for the development pattern being proposed. This development pattern was chosen based on the overall emphasis on tree protection that has been established in the City of Corvallis and specifically in the 2000 CCP policy 4.6.7.C that emphasizes the protection of tree groves and woodlands. Likewise, the natural features committee identified oak woodlands as a primary resource to be preserved. By carefully designing the roads and lot layouts, we have been able to minimize the number of trees to be removed and preserve over 40% of the area that consists primarily of trees. It can be concluded that the development pattern of the proposed project meets the intent of the Comprehensive Plan by protecting the existing tree groves to the maximum extent possible.

In addition to upland prairie and tree concerns, western pond turtles were brought up as a concern due to perceived water quality degradation as a result of the residential development. The following Comprehensive Plan Policies address aquatic species such as pond turtles.

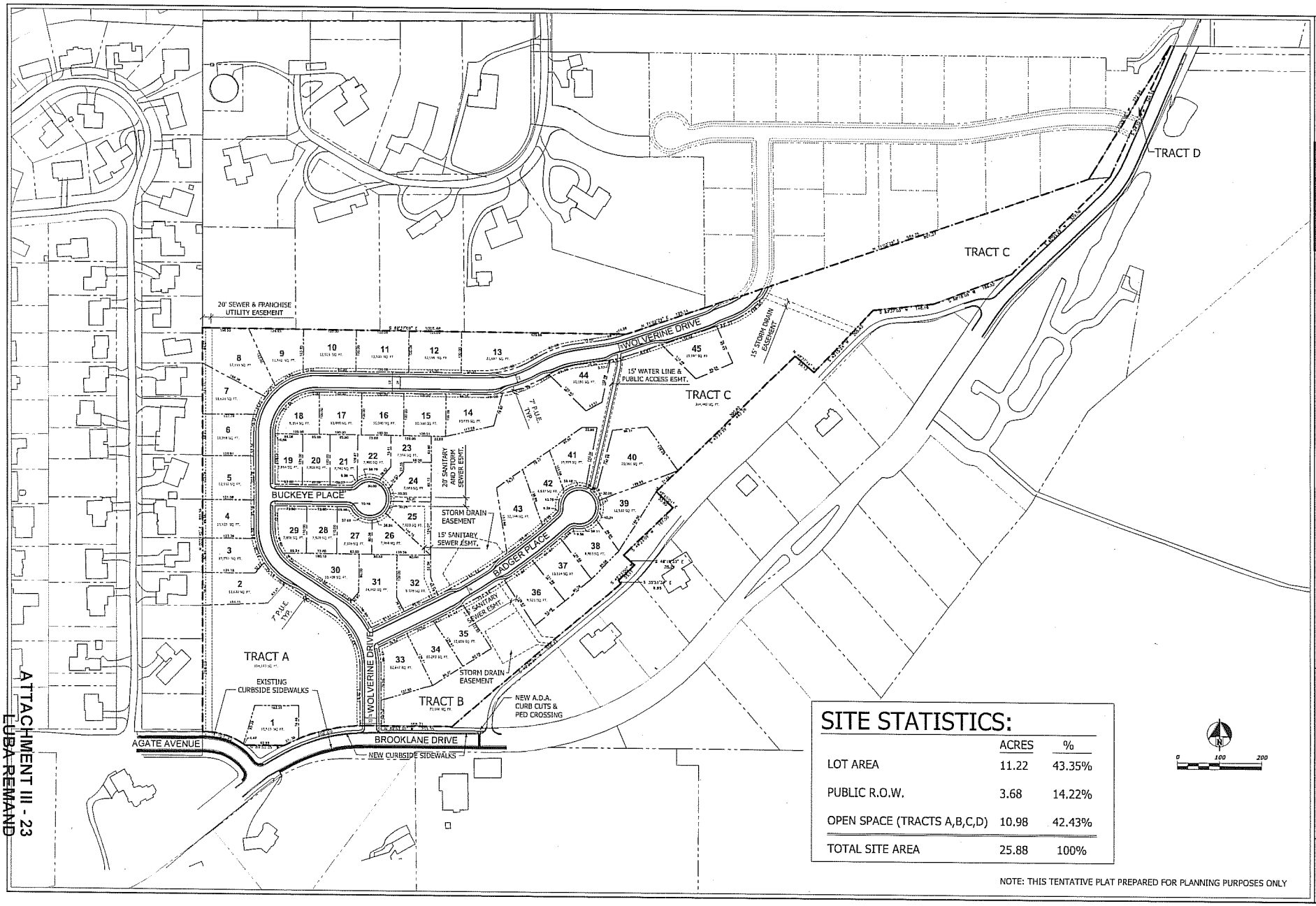
> *CCP4.2.2 "Natural features and areas determined to be significant shall be preserved, or have their losses mitigated, and/or reclaimed."*
> *CCP4.10.8 "Negative impacts on habitat and migration corridors for birds, wildlife, aquatic life, and open space and the recreation qualities of significant drainageways shall be minimized."*
> *CCP4.11.3 "Lakes, wetlands, floodway, drainageways and other urban streams are part of the hydrological system and should be managed comprehensively."*

The City and protesters do not have specific information for limiting factors, existing populations, and quality of existing habitat for pond turtles in the area. Hence, there is no baseline data to evaluate potential impacts of upstream development. Therefore, the best approach to minimizing impacts to downstream water quality consists of Best Management Practices (BMP) and on-site practices like the BaySeparator system being proposed. BMP's consist of erosion control plans during construction of the new roads and homes. In accordance with the Oregon Department of Environmental Quality and the City of Corvallis requirements, erosion control plans will be prepared and submitted for permits. This will ensure that erosion and sediment laden waters are minimized and closely regulated through permits. It has been demonstrated through standard engineering calculations and product performance standards that the proposed drainage and water quality plan meets the City's stormwater detention and water quality standards for new development. By meeting these standards, the project minimizes detrimental changes in water quality for waters discharging into the public storm drainage system and further minimizes detrimental changes in water quality downstream of the site.

The Washington Department of Wildlife created a recovery plan for the Western pond turtle in 1999 (WDFW 1999). In this recovery plan they point out the main concerns for

turtles include 1) control of predation by bullfrogs to increase survival of turtle hatchlings, 2) control nest predation by raccoons and opossums and other predators and 3) reduce human impacts that inhibit basking. Turtles usually nest in open areas with good sun exposure that are dominated by grasses and herbaceous vegetation, with few shrubs or trees nearby. In addition, pond turtles are adaptable to their surroundings and are dietary generalists (WDFW 1999). The existing pond/drainageway where turtles are located include walking paths and an existing sidewalk that directly conflicts with recommended recovery recommendations. Water quality does not appear to be a significant concern or limiting factor for turtle protection and production. Since the proposed project meets the City's requirements for water quality and the plan includes BMP's with on-site treatment of stormwater runoff there will be no significant impacts to downstream water quality.

In summary, the proposed project layout and methods of construction meet the intent of the Comprehensive Plan for resource preservation and environmental impacts. By complying with state and local erosion control measures, short-term impacts to water quality will be minimized. Long-term water quality will be achieved by providing stormwater treatment facilities and maintaining tree canopies and natural drainage patterns. Likewise, aquatic species and off-site wetland habitat will be preserved by implementing water quality measures. Since the project clearly meets City stormwater and water quality standards, no off-site disturbance or impacts to existing pond turtle habitat will take place.




## SITE STATISTICS:

| | ACRES | % |
|---|---|---|
| LOT AREA | 11.22 | 43.35% |
| PUBLIC R.O.W. | 3.68 | 14.22% |
| OPEN SPACE (TRACTS A,B,C,D) | 10.98 | 42.43% |
| TOTAL SITE AREA | 25.88 | 100% |

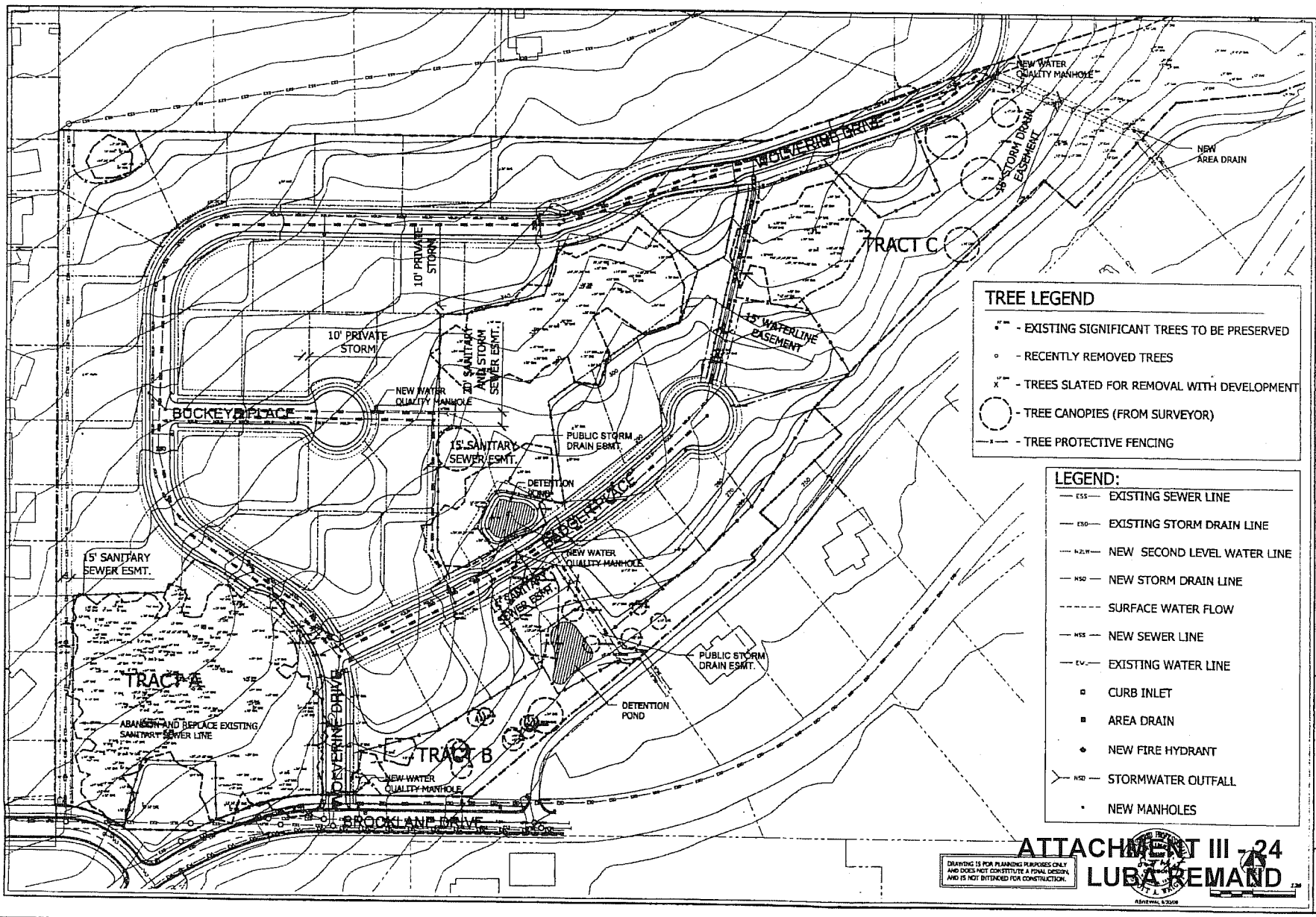
NOTE: THIS TENTATIVE PLAT PREPARED FOR PLANNING PURPOSES ONLY

Designed: DD
Drafted: HS
Checked: DD
Date: June 21, 2007
Revision:

METOLIUS CONSULTING

# BROOKLANE HEIGHTS
## REVISED TENTATIVE SUBDIVISION PLAT

WILLAMETTE VALLEY PLANNING
330 N.W. POLK AVENUE
CORVALLIS, OR. 97330
541-753-1987



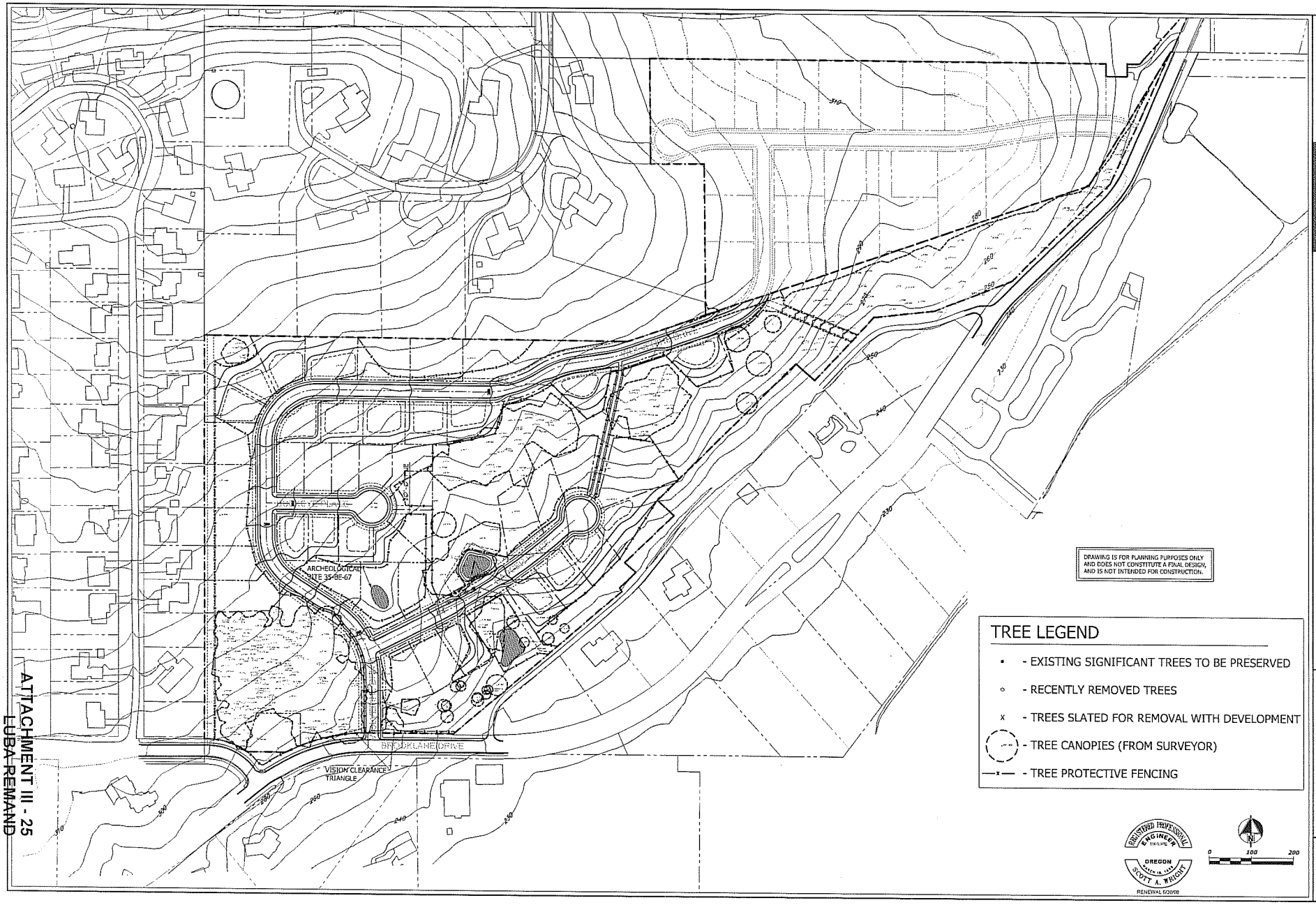

METOLIUS CONSULTING

Designed: DD
Drawn: HB
Checked: DD
Date: October 6, 2004
Revision

BROOKLANE HEIGHTS
UTILITY PLAN

WILLAMETTE VALLEY PLANNING
350 N.W. POLK AVENUE
CORVALLIS, OR. 97330
541-753-1987

ATTACHMENT III - 24
LUBA REMAND


ARCHEOLOGICAL SITE 35-BE-67
BROOKLANE DRIVE
VISION CLEARANCE TRIANGLE
DRAWING IS FOR PLANNING PURPOSES ONLY AND DOES NOT CONSTITUTE A FINAL DESIGN, AND IS NOT INTENDED FOR CONSTRUCTION.
TREE LEGEND
- EXISTING SIGNIFICANT TREES TO BE PRESERVED
- RECENTLY REMOVED TREES
- TREES SLATED FOR REMOVAL WITH DEVELOPMENT
- TREE CANOPIES (FROM SURVEYOR)
- TREE PROTECTIVE FENCING
REGISTERED PROFESSIONAL ENGINEER
OREGON
SCOTT A. WRIGHT
RENEWAL 6/30/08
0 100 200
N
METOLIUS CONSULTING
Designed DD
Drafted HS
Checked DD
Date: June 27, 2007
Revision:
BROOKLANE HEIGHTS
REVISED GRADING & TREE PRESERVATION PLAN
WILLAMETTE VALLEY PLANNING
350 N.W. POLK AVENUE
CORVALLIS, OR. 97330
541-753-1987

METOLIUS CONSULTING

Designed: DD
Drafted: HB
Checked: DD
Date: June 21, 2007
Revision:

# BROOKLANE HEIGHTS CUT/FILL ANALYSIS

WILLAMETTE VALLEY PLANNING
350 N.W. POLK AVENUE
CORVALLIS, OR 97330
541-753-1987

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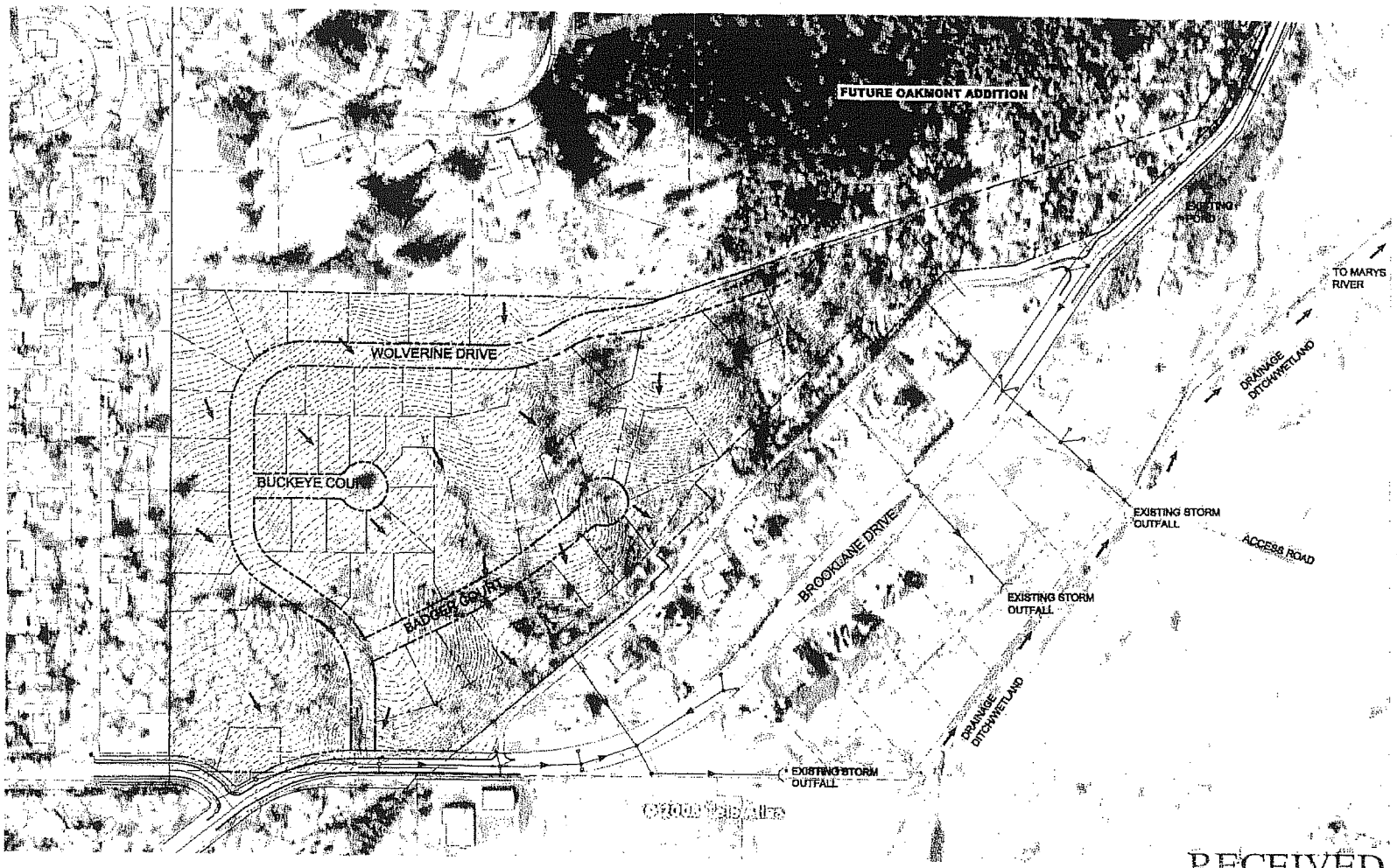
ATTACHMENT III - 26
LUBA REMAND




1/1.9 **EXISTING DRAINAGE PATTERNS**
*Scale: 1" = 100'*

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OCT - 3 2008
Community Development
Planning Division

METOLIUS CONSULTING

**EXISTING DRAINAGE PATTERNS**
ATTACHMENT
LUBA REM
BROOKLANE HEIGHTS
BROOKLANE DEVELOPMENT, CORVALLIS, OREGON

REGISTERED PROFESSIONAL ENGINEER
OREGON
SCOTT A. WRIGHT
RENEWAL 5/30/10

| REVISION | DATE |
|---|---|
| 0 | 7/21/08 |

DRAWING NUMBER
**1.9**
Drawing 10 of 20

# BaySeparator™ System: F-95 Sediment Removal Efficiency Data

During 2004, BaySaver Technologies, Inc. began a thorough series of laboratory tests with the University of Minnesota's St. Anthony Falls Laboratory (SAFL). SAFL is an internationally known hydraulics laboratory that has extensive experience in academic-industrial partnerships. The project was conducted by Dr. Omid Mohseni, the laboratory's Associate Director of Applied Research.

SAFL researchers began testing the standard BaySaver system using an F-95 sediment gradation in August, 2004. At the same time, researchers created an empirical model of the system based on experimental data. This model was used to quantify the flow rates through the different system components under varying flow conditions. After the model and initial testing were completed, research was focused on optimizing the design. After two years of work with SAFL, BaySaver is introducing the BaySeparator™ System

The BaySeparator™ system is based on the same principles and protected by the same patent as the original BaySaver Separation System. However, modifications to the separator unit have improved both the flow capacities and the sediment removal efficiencies of the system. The system has been extensively modeled and tested in the laboratory, and this research program has resulted in a superior product.

A 24″ system was constructed in the laboratory. This system comprised the 24″ separator unit as well as two fiberglass manholes. The system was tested with both 48″ and 60″ manholes. Tests were run at varying flow rates to establish the efficiency under a range of operating conditions. Once flow began, the system was run until steady state conditions (verified with a salt tracer) were established. After steady state was reached, sediment was introduced into the inlet pipe by a metered sediment feeder. The target influent concentration was 200 mg/l, and this concentration was confirmed by grab samples taken from the influent water. The system was allowed to run for a given length of time before the flow was cut off. Following the test run, the manholes were dewatered and the mass of collected sediment was measured. This mass was compared to the total influent sediment load to calculate removal efficiency.

F-95 sediment is a commercially available mix that contains sediments ranging in size from 53 microns to 425 microns. The bulk of the sediment (87%) is between 75 microns and 212 microns in diameter. Table 1 shows the sediment grain size distribution for F-95 mix used during the tests. The F-95 sediment gradation has a $d_{50}$ of 125 microns.

| Sediment Size (μm) | % by Mass |
|---|---|
| 300 – 425 | 1 |
| 212 - 300 | 9 |
| 150 - 212 | 30 |
| 106 - 150 | 42 |
| 75 - 106 | 15 |
| 53 – 75 | 3 |
| 0 - 53 | 0 |

**TABLE 1: F95 SEDIMENT GRADATION**

A number of tests were run on the 24″ laboratory installation. The first of these series of tests was run on the 24″ BaySeparator™ system with two 72″ manholes. Six tests were conducted on this configuration: two tests at 100% of the unit's maximum treatment rate (MTR); two tests at 50% MTR; and two tests at 25% MTR. MTR is defined as the maximum flow the unit can treat without bypassing any water during high intensity storm events. The influent concentration of all tests was set at about 200mg/l with the F-95 gradation.

The second series of tests featured the same 24″ Separator Unit and 72″ Storage Manhole, but with a 48” Primary Manhole. Four tests were conducted in this configuration, two at 100% MTR and two at 15% MTR. Each test again had an influent concentration of approximately 200 mg/l of F-95 sediment gradation.

For each test run, three removal values were calculated: the fraction of sediment removed by the Primary Manhole; the fraction of sediment removed by the Storage Manhole; and the overall removal efficiency of the system. The fraction of sediment removed in each manhole is calculated by dividing the total mass of sediment introduced by the mass of sediment retained in each manhole. The overall efficiency of the system is calculated by dividing the total mass of sediment introduced by the total mass of sediment collected in *both* manholes. A brief summary of the test results can be found in Table 2.

| Q/Qmax | Primary MH (inches) | Storage MH (inches) | System Efficiency (percent) |
|---|---|---|---|
| 0.25 | 72 | 72 | 84 |
| 0.50 | 72 | 72 | 70 |
| 1.00 | 72 | 72 | 55 |
| 0.15 | 48 | 72 | 94 |
| 1.00 | 48 | 72 | 46 |
| 0.15 | 48 | 72 | 95 |
| 0.25 | 48 | 72 | 90 |
| 0.50 | 48 | 72 | 76 |
| 0.75 | 48 | 7 | 64 |
| 1.00 | 48 | 72 | 53 |

**TABLE 2: TEST DATA SUMMARY**

Calculating these numbers using mass balances rather than grab samples or composite samples provides a much more robust and accurate dataset and reduces to a large extent the potential for sampling errors common in stormwater sampling projects.

SAFL researchers established a relationship between the sediment removal in each manhole and the Peclet Number in that structure. The Peclet Number is a dimensionless characteristic number of fluid flow that represents the ratio of advection to diffusion within a fluid system. In the case of the BaySeparator™ system, advection is the settling of sediment particles, while diffusion is measured with a turbulence factor [1]. The Peclet Number for a manhole is a function of the manhole dimensions (depth and diameter), the settling velocity of the target sediment particle, and the flow rate through the manhole. Note that, for a given flow rate, each manhole in the BaySeparator™ system will have a different Peclet Number.

Separate sediment removal functions were developed for each manhole. The sediment removal in each manhole is expressed as a function of the Peclet Number, which is in turn a function of the flow rate through the manhole. These functions can be combined with the hydraulic model developed by SAFL to determine the removal efficiency of a given system over a range of flow rates. Because of the variability of manhole sizes and flow rates, each configuration has a slightly different flow rate vs. efficiency function. However, all of the functions are of the form shown in Equation 1 and Figure 2 below.

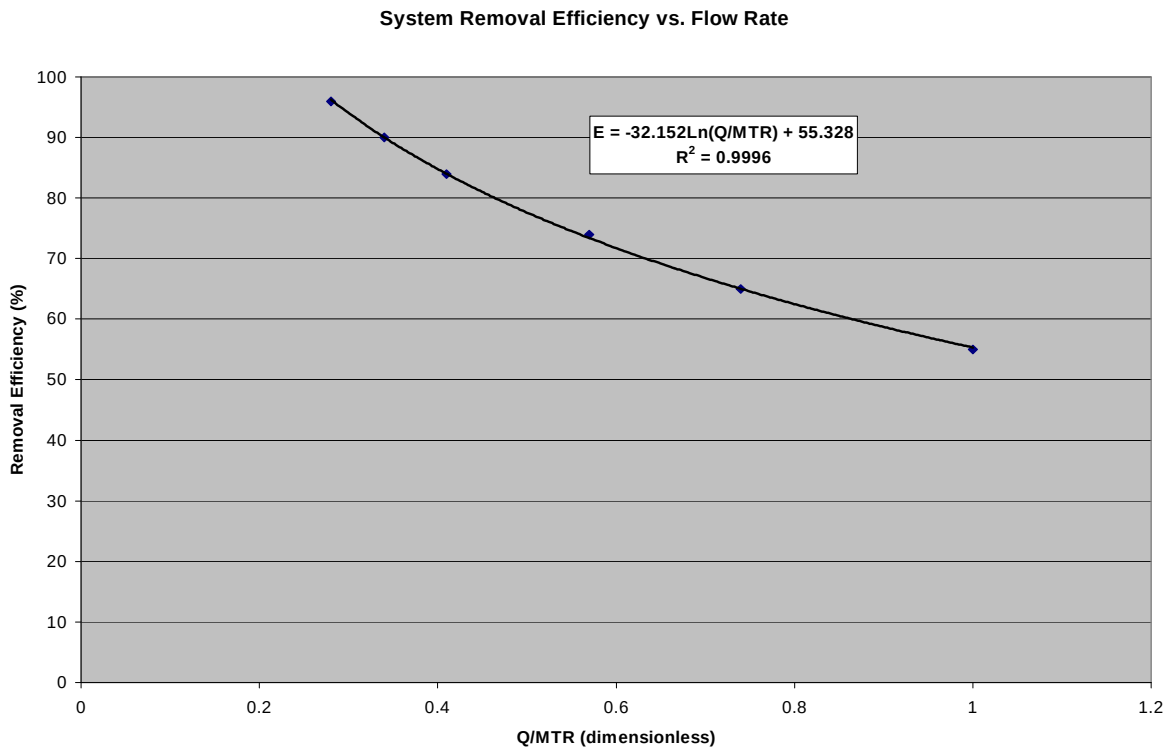



**FIGURE 2: TYPICAL BAYSEPARATOR™ FUNCTION**

In Equation 1, *E* is the removal efficiency of the system, *Q* is the flow rate through the system, *MTR* is the maximum treatment rate of the BaySeparator™ unit, and *m* and *b* are constants that depend on the configuration of the BaySeparator™ system. The value of *m* varies between -0.261 and -0.386 while *b* falls between -0.105 and 0.825. For each BaySeparator™ configuration, this function describes the performance of the system over the range of design flows. A typical function is shown above in Figure 2.

As expected, the function indicates that the BaySeparator™ system's sediment removal efficiency increases as the flow rate through the system decreases. Low flow rates typically correspond to the more frequent, low intensity storms on the site. As the flow rate through the system increases, the system's performance decreases. At the same time, low intensity storms represent 90% or more of the storm events on a site. To quantify the rainfall patterns on a site, BaySaver uses precipitation databases going back more than 45 years. These databases have been reviewed for integrity and consistency by BaySaver Technologies' engineers. This distribution of storm events is

the basis for BaySaver Technologies' recommended Annual Aggregate Removal Efficiency sizing methodology.

Cost-effective BaySeparator™ systems can be designed for most sites by taking advantage of the frequency of low-intensity storms. In most jurisdictions, BaySeparator™ systems are designed to remove 80% of the suspended sediment load on an annual aggregate basis. In addition to the 80% annual aggregate removal, the system must also be capable of conveying the peak design flow rate during bypass, and the head loss through the system must be low enough to avoid backing up the flow upstream.

The peak design capacity of the BaySeparator™ determines the minimum separator size. Each separator unit has a maximum treatment rate (MTR) associated with it as well. Using the Rational Method, this MTR flow can be translated into rainfall intensity on the design site. The Rational Method, show below in Equation 2, is a hydrologic computation used to relate

$$Q = ciA \qquad \textit{Equation 2}$$

runoff flow rate to rainfall intensity and the characteristics of the site. In Equation 2, $Q$ is the runoff flow rate; $c$ is the runoff coefficient (a constant between 0 and 1 that represents the fraction of total precipitation that runs off the site); $i$ is the rainfall intensity on the site, and $A$ is the drainage area of the site. Given $Q$ (the MTR of the selected BaySeparator™), $c$, and $A$, we can rearrange Equation 2 and solve for i, as shown in Example 1.

<u>Example 1</u>

Site Description:
A 3.8 acre site in Nashville, Tennessee
$c$ = 0.85
Peak design flow (bypass) = 12.6 cfs

The 12.6 cfs bypass flow requires a BaySeparator SA30, since the BaySeparator SA24 cannot handle flows greater than 9.4 cfs. The BaySeparator SA30 has an MTR of 2.32 cfs. Substituting $Q$=2.32 cfs, $c$=0.85, and $A$=3.8 acres into Equation 2 returns a rainfall intensity $i$ of 0.71 inches per hour. This rainfall intensity corresponds to the MTR of the BaySeparator unit.

On a typical site, the vast majority of precipitation comes at intensities far below the calculated intensity of 1.01 inches per hour. Figure 3, for example, shows the precipitation distribution for Nashville, Tennessee. As that plot demonstrates, approximately 90% of the total precipitation in Nashville falls at an hourly intensity below 0.71 inches per hour.

To include the distribution of precipitation in the sizing methodology, it is necessary to determine the fraction of precipitation falling at incremental intensities between 0 and the intensity associated with the MTR of the BaySeparator™. Example 2 shows this calculation, using the rainfall data from Nashville shown in Figure 3. The total amount of precipitation falling on the site is divided into 10 intensity increments. The lowest intensity increment, which corresponds to rainfalls between 0.01 and 0.10 inches per hour, contains more than 30% of the total precipitation that falls on the site. The second increment, rainfalls between 0.11 and 0.20 inches per hour, contains over 20% of the total precipitation, and subsequent increments contain less. For each increment, the fraction of total precipitation falling at that intensity is determined from the rainfall record.

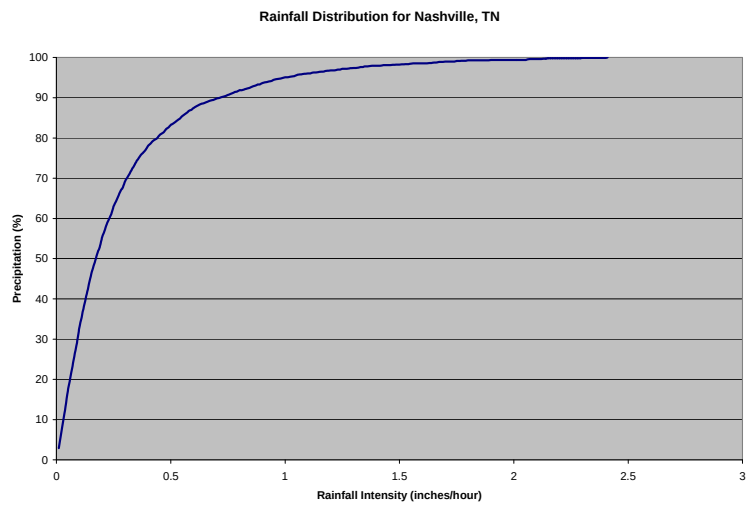



**FIGURE 3: PRECIPITATION DISTRIBUTION FOR NASHVILLE, TN**

The removal efficiency of the system is determined for the flow rate associated with each particular increment, and the percent of the sediment load for that increment is calculated by multiplying the fraction of precipitation by the incremental removal efficiency. In Example 2, 23.2% of the total precipitation falls within the intensity range between 0.01 and 0.10 inches per hour. According to the efficiency function for a BaySeparator SA30457.0 system, runoff generated by precipitation in this intensity range is treated at an efficiency of 99%. Therefore,

Example 2

| Q/MTR | i(Q/MTR) | % of Precip. | E(Q/MTR) | Incremental Efficiency |
|---|---|---|---|---|
| 0.10 | 0.07 | 23.2 | 99.0 | 22.9 |
| 0.20 | 0.14 | 19.7 | 99.0 | 19.5 |
| 0.30 | 0.21 | 13.8 | 97.1 | 13.3 |
| 0.40 | 0.28 | 9.9 | 87.7 | 8.6 |
| 0.50 | 0.36 | 7.4 | 80.5 | 5.9 |
| 0.60 | 0.43 | 4.9 | 74.6 | 3.6 |
| 0.70 | 0.50 | 3.4 | 69.6 | 2.3 |
| 0.80 | 0.57 | 3.2 | 65.3 | 2.0 |
| 0.90 | 0.64 | 2.7 | 61.5 | 1.6 |
| 1.00 | 0.71 | 1.3 | 58.1 | 0.7 |
| | | **Annual Aggregate Removal Efficiency:** | | **80.4** |

22.9% of the total sediment load (23.2% * 99%) is removed from these flows. The annual aggregate removal efficiency of the system is calculated by adding together the ten incremental load reductions.

For sites in ecologically sensitive areas or those with particular runoff concerns, the BaySeparator™ system may be designed to remove a given fraction of the sediment load at a specified flow rate. This methodology is usually reserved for sites that discharge into wetland watersheds, fish spawning areas, or other critically sensitive drainages.

*Dhamotharan, S., Gulliver, J., Stephan, H., Unsteady One-Dimensional Settling of Suspended Sediment, Water Resources Research, Vol. 17 (4), pp 1125-1132 (1981)*

WASHINGTON STATE DEPARTMENT OF ECOLOGY

**April 2008**

# CONDITIONAL USE LEVEL DESIGNATION FOR PRETREATMENT (TSS)
# For
# BaySaver Technologies™ BaySeparator

**<u>Ecology's Decision</u>:**

**Based on BaySaver Technologies™ application submissions and recommendations by the Technical Review Committee (TRC), Ecology hereby issues the following use level designation for the BaySaver Technologies™ BaySeparator units:**

1. **Conditional Use Level Designation (CULD) for pretreatment, as defined in the Ecology Manual Volume I, (a) ahead of infiltration treatment, or (b) to protect and extend the maintenance cycle of a basic or enhanced treatment device (e.g., sand or media filter). This CULD applies to BaySeparator units sized at an operating rate of no more than 0.82 gpm/ft$^2$ of manhole area (primary plus storage) at the water quality design flow rate as determined using the Western Washington Hydrology Model (WWHM).**

**This CULD expires on October 1, 2010 unless extended by Ecology.**

**All designations are subject to the conditions specified below.**

**Properly designed and operated BaySeparator systems may also have applicability in other situations (example: low-head situations such as bridges or ferry docks), for TSS and oil/grease removal where, on a case-by-case basis, it is found to be infeasible or impracticable to use any other approved practice. Jurisdictions covered under the Phase I or Phase II municipal stormwater permits should use variance/exception procedures and criteria as required by their NPDES permit.**

**Ecology finds that the BaySaver system could also provide water quality benefits in retrofit situations.**

**<u>Ecology's Conditions of Use</u>:**

**BaySeparators shall be designed, installed, and maintained to comply with these conditions:**

1. **BaySeparators must be designed, assembled, installed, operated, and maintained in accordance with BaySaver Technologies™ applicable manuals and documents and the Ecology decision and conditions specified herein.**

2. **On or before October 1, 2008, BaySaver Technologies™ shall submit a Quality Assurance Project Plan (QAPP) that meets the TAPE requirements for attaining a general use level designation (GULD) for pretreatment.**

3. **Discharges from the BaySeparator unit shall not cause or contribute to water quality standards violations in receiving waters.**

4. **BaySaver Technologies™ shall complete all required testing and submit a TEER for pretreatment for TRC and Ecology review by April 1, 2010.**

5. **BaySaver Technologies™ may request Ecology to grant deadline or expiration date extensions, upon showing cause for such extensions.**

**Applicant:** BaySaver Technologies™, Inc.

**Applicant's Address:** 1302 Rising Ridge Road, Suite 1
Mount Airy, Maryland, 21771

**Application Documents:**

- "Baysaver Technologies, Inc. Technical Evaluation Engineering Report", Baysaver Technologies Inc., Revised 2008
- "Baysaver Technologies, Inc. Technical Evaluation Engineering Report", Baysaver Technologies Inc., August 2006
- "Baysaver Technologies, Inc. Technical Evaluation Engineering Report", Baysaver Technologies Inc., June 2005
- "Baysaver Technologies™ Separation System Technical and Design Manual", Baysaver Technologies Inc.", March 2004
- "Estimating the Maximum Treatment Rate and the Maximum Hydraulic Rate of the Baysaver Units", Omid Mohensi, September 2005
- List of Units Sold and Units Installed in Washington State, June, 2005

A CD-ROM of the submittal reports may be requested from BaySaver Technologies™.

**Applicant's Use Level Requests:**

- General use level designation (GULD) for pretreatment.

**Applicant's Performance Claims:**

BaySeparator units can be designed and sized such that they remove 125 micron particles at an efficiency of 80%. Specifically, BaySeparator units: remove and retain sediment particles from stormwater runoff.

- Achieve an instantaneous removal efficiency if 80% or greater when properly sized for a selected design flowrate.
- Retain material through intense storms and do not resuspend previously-trapped pollutants.
- Are easily maintained.

**Technical Review Committee Recommendations:** The TRC, based on the weight of the evidence and using its best professional judgment, finds that:

- The BaySaver units, sized according to this designation document can achieve, at a minimum, equivalent performance to a presettling basin as defined in the most recent *Stormwater Management Manual for Western Washington, Volume V, Chapter 6*.

**Findings of Fact:**

- Full-scale laboratory test have been conducted on three series of tests. The first series of tests were conducted on a 24" separator unit with two 72" manholes. On average at 25% of the maximum treatment rate the unit can achieve 84% TSS removal of F-95 sand. The second series of tests were conducted on a 24" separator unit with a 48" primary manhole and a 72" storage manhole. On average at 15% of the maximum treatment rate the unit can achieve 94% removal of F-95 sand. The third series of tests were conducted on a 24" separator unit with a 48" primary manhole and a 72" storage manhole with water at 20° Celsius (the first two series were conducted with water at near-freezing temperatures). On average at 25% of the maximum treatment rate the unit can achieve 89.5% removal of F-95 sand.

**Technology Description:**

Design Manual and technical bulletins can be downloaded from company's web site.

**Recommended Research and Development:**

Ecology encourages BaySaver Technologies™ to pursue continuous improvements to the BaySeparator unit. To that end, the following actions are recommended:

- Conduct field-testing to reliably ascertain the BaySaver's ability to remove the finer particles (based on the TAPE) comprising TSS found on local highways, parking lots, and other high-use areas.

- Conduct field testing to verify that maintenance practices are appropriate.

- Conduct testing on various sized BaySeparator units to verify the sizing technique is appropriate.

- Conduct testing to determine the flowrates that trigger maximum treatment operation and bypass operation.

- Conduct testing to determine the flowrate at which resuspension occurs.

**Contact Information:**

| | |
|---|---|
| Applicant: | Mr. Brad Gianotti<br>BaySaver Technologies<br>(301) 829-6470<br>BGianotti@baysaver.com |
| Applicant website: | http://www.baysaver.com |

Ecology web link: http://www.ecy.wa.gov/programs/wq/stormwater/newtech/index.html

| | |
|---|---|
| Ecology Contact: | Mieke Hoppin<br>Water Quality Program<br>mhop461@ecy.wa.gov<br>(360) 407-6435 |
| Technical Review Committee: | Dave Tucker, P.E.<br>Kitsap County<br>dtucker@co.kitsap.wa.us<br>(360) 337-7292 |

# DRAFT - Geotechnical Investigation

RECEIVED

OCT - 3 2008

Community Development
Planning Division

**Brooklane Heights and Oakmont Addition**

**Corvallis, Oregon**

**Prepared for:**

**TC2 Investments, LLC**
**Corvallis, Oregon**

**May 20, 2008**

Scott Sanders
TC2 Investments, LLC
4411 SW Golf View Drive
Corvallis, Oregon 97333

May 20, 2006

**Brooklane Heights and Oakmont Addition**
**Geotechnical Investigation - DRAFT**
**Corvallis, Oregon**

**Project 2081024**

Dear Mr. Sanders:

We have completed the requested geotechnical investigation for the above-referenced project. Our report includes a description of our work, a discussion of the site conditions, a summary of laboratory testing and a discussion of engineering analyses. Recommendations for site preparation, foundation design and construction, and pavement construction are enclosed.

It has been a pleasure assisting you with this phase of your project. Please do not hesitate to contact us if you have any questions or if you require further assistance.

Sincerely,

FOUNDATION ENGINEERING, INC.

David L. Running, P.E., G.E.
Project Manager

DLR/jd
enclosure

*GEOTECHNICAL INVESTIGATION - DRAFT*
*BROOKLANE HEIGHTS AND OAKMONT ADDITION*
*CORVALLIS, OREGON*

## BACKGROUND

Two residential subdivisions are planned for a ±36.3-acre parcel in Corvallis, Oregon. The site is located in steeply (10 to 30%) sloping terrain on the northwest side of Brooklane Drive. The location is shown on Figure 1A (Appendix A). The proposed site layout for Brooklane Heights and Oakmont Addition are shown on Figures 2A and 3A (Appendix A), respectively.

The proposed grading plans indicate cuts and fills up to ±23 feet are planned for Brooklane Heights. Cuts up to ±20 feet and fills up to ±6 feet are planned for Oakmont Addition. Retaining walls will be constructed at several locations. We understand most retaining structures will be rockery walls 4 feet or less in height. A storm water detention pond will be constructed at the northeast corner of Oakmont Addition, next to the existing City of Corvallis pump station. A second pond will be constructed within an existing drainage in the southwest portion of Brooklane Heights.

Foundation Engineering, Inc. (FEI) completed a preliminary geotechnical investigation for the project in 2005. The focus of that investigation was to record the depth of practical (digging) refusal in the bedrock and provide information for others to assess the feasibility of deep cuts at the site. A reconnaissance-level geologic hazard study of the site was also completed to address the City of Corvallis standards for development on steeply-sloped areas. The findings of that work were summarized in a report dated January 25, 2006.

FEI completed a supplemental geotechnical investigation at the site in 2007 to evaluate the subsurface conditions for proposed improvements in existing drainages in the southwest portion of Brooklane Heights. The findings of that work were summarized in a letter report dated March 16, 2007.

FEI's current scope of work is to provide design and construction recommendations for site-grading, pavements, residential foundations, retaining walls, and storm water detention ponds. This work scope is consistent with the recommendations for additional work in our 2006 report. Information from our previous site investigations is included in this report. References to our previous reports are made where appropriate.

TC2 Investments, LLC (TC2) is the project developer. Metolius Consulting (Metolius) is providing civil engineering services for the project. FEI was retained by TC2 to provide geotechnical services for the project. Our scope of work for this phase was outlined in a proposal dated March 31, 2008, and was authorized by a signed Professional/Technical Services agreement dated April 1, 2008.


ATTACHMENT III - 40
LUBA REMAND

## FIELD EXPLORATION

A summary of the field explorations for our various phases of work is provided below. The test pit locations are shown on Figures 2A and 3A (Appendix A). These locations were determined by pacing and are approximate only.

### *Preliminary Geotechnical Investigation - 2006*

Twelve exploratory test pits (TP-1 through TP-12) were dug at the site on November 15, 2005, using a John Deere 490E tracked excavator. The purpose of the exploration was to determine the subsurface profile and examine the soil and rock variability.

The test pits extended to maximum depths ranging from ±2 to 15 feet. Torvane measurements were made on the test pit sidewalls, where practical to estimate the shear strength of the soils. All of the explorations terminated in bedrock. The John Deere 490E excavator encountered practical digging refusal on sandstone at several locations at ±1 to 4.5 feet below the bedrock surface. The subsurface profiles, sampling depths and strength measurements are summarized on the appended test pit logs (Appendix B).

### *Supplemental Geotechnical Investigation - 2007*

Six exploratory test pits (TP-1A through TP-6A) were dug at the site on February 23, 2007, using a CAT 312C tracked excavator. Five of the explorations were completed to better characterize the subsurface profile within the East Drainage, where detention ponds and the Badger Place road embankment were planned. One test pit was dug in the West Drainage near the proposed alignment of Wolverine Drive.

The test pits extended to maximum depths ranging from ±1.5 to 11 feet. Torvane measurements were made on the test pit sidewalls where practical to estimate the shear strength of the soils. All of the explorations terminated in bedrock. The CAT 312C excavator encountered practical digging refusal in TP-5A and TP-6A at ±1 to 3.5 feet below the bedrock surface. The subsurface profiles, sampling depths and strength measurements are summarized on the appended test pit logs (Appendix B).

### *Supplemental Geotechnical Investigation - 2008*

Six exploratory test pits (TP-1B through TP-6B) were dug at the site on April 3, 2008, using a Komatsu PC150LC tracked excavator. The explorations were completed to supplement the previous subsurface investigations and obtain samples for laboratory testing.

The test pits extended to maximum depths ranging from ±4 to 19 feet. Torvane measurements were made on the test pit sidewalls to estimate the shear strength of the soils. Most of the test pits extended to bedrock. The Komatsu PC150LC excavator encountered practical digging refusal in TP-3B and TP-4B at ±5 to 7 feet below the bedrock surface. Samples were retained for possible laboratory testing. The subsurface profiles, sampling depths and strength measurements are summarized on the appended test pit logs (Appendix B).

Three additional test pits and two borings were planned as part of the supplemental investigation. However, the fieldwork was halted prior to completion due to possible archeological conflicts. It is assumed this work will be completed at a later date.

## SITE CONDITIONS

### *Topography and Vegetation*

The parcel contains a south to southeast-facing, steep to moderate slope. According to the provided topographic map, the elevation ranges from ±El. 230 at the northeast corner to ±El. 410 at the northwest property corner. Two drainages are located in the southwest portion of the property. These features are illustrated by the topographic contours on Figure 2A (Appendix A) and are referenced as the West Drainage and East Drainage in this report.

The northwest portion of the property is the most open and contains tall grass with few scattered trees. The central portion of the property contains steeper slopes with several sandstone outcrops, trees (oak and fir), scotch broom, blackberry bushes, and low-ground scrub vegetation including poison oak. Similar vegetation was observed in the Oakmont Addition during our investigations in 2006 and 2007. This portion of the property was cleared prior to our 2008 investigation.

### *Subsurface Conditions*

A general description of the soil and rock conditions encountered in the test pits is provided below. More detailed descriptions of conditions encountered in individual test pits are summarized on the logs (Appendix B).

*Brooklane Heights*. TP-1, TP-2, TP-3, TP-5, TP-6, TP-3B, TP-4B and TP-5B were dug in the western uphill portion of Brooklane Heights. The explorations typically encountered ±2.5 to greater than 16 feet of residual soil underlain by sandstone. The residual soil consists of brown to orange-brown, medium stiff to stiff, medium plasticity, clayey silt. The sandstone is decomposed to moderately weathered, and iron and manganese-stained. TP-1 and TP-3 were terminated in extremely weak (R0) sandstone at depths of ±15 feet, the maximum reach of the excavator. TP-2, TP-5 and TP-6 were terminated in extremely weak to very weak (R0 to R1) sandstone at ±6.5 to 9.5 feet. TP-5B encountered residual soil to ±16 feet (the limit of the exploration).

TP-4, TP-7, TP-8 and TP-9 were dug along the southeast portion of the site, in the area of steep slopes and/or rock outcrops. The test pits encountered ±0.5 to 4.0 feet of residual soil underlain by sandstone. The test pits were terminated in very weak to weak (R1 to R2), moderately to slightly weathered sandstone at ±2 to 7 feet.

TP-1A was dug in the West Drainage, near the proposed Wolverine Drive, and encountered a few inches of roots and sod underlain by extremely weak to very weak (R0 to R1) sandstone. The sandstone is grey to orange-brown and moderately weathered to decomposed.

TP-3A, TP-4A and TP-5A were dug in the East Drainage along the planned alignment of the proposed Badger Place embankment. TP-3A and TP-5A were dug on the side slopes of the drainage swale at the west and east ends of the planned embankment, respectively. TP-3A encountered medium stiff to stiff, brown, medium plasticity, clayey silt to ±3 feet, followed by stiff silt with trace sand to ±4 feet. Sandstone was encountered below ±4 feet, extending to ±4.5 feet (the limits of the exploration). TP-5A encountered ±6 inches of medium stiff, brown, clayey silt (topsoil) followed by sandstone.

TP-4A was dug near the bottom of the East Drainage, towards the center of the planned embankment. TP-4A encountered ±6 feet of brown, medium plasticity, clayey silt. The silt is soft to a depth of 3 feet and then becomes stiff. Stiff, brown to grey, low to medium plasticity clay with trace rock fragments was encountered from ±6 to 8 feet. Sandstone was encountered from ±8 to 10 feet (the limits of the exploration).

TP-2A was dug within the lower-lying portion of the East Drainage. Soft to medium stiff, dark brown, medium plasticity, clayey silt was encountered to a depth of ±2.5 feet, followed by soft, light brown, medium plasticity, silty clay to ±7 feet. Stiff, brown to grey clay with trace rock fragments extended from ±7 to 10 feet and was underlain by extremely weak (R0) sandstone that extended to the bottom of the test pit (±11 feet).

TP-6A was dug within the East Drainage, in the vicinity of the proposed detention pond. The test pit encountered ±6 inches of medium stiff, brown, clayey silt (topsoil) followed by sandstone.

TP-6B was excavated near a spring in upper portion of the East Drainage. The test pit encountered ±2 feet of medium plasticity silt topsoil followed by extremely weak to very weak (R0 to R1) sandstone. The excavation was terminated in extremely weak (R0) sandstone at ±4 feet due to possible archaeological conflicts.

*Oakmont Addition*. TP-1B and TP-2B were excavated in the northwest portion of the site near the proposed roadway alignment. TP-1B encountered residual soil to a depth of ±19 feet (the limit of the exploration). TP-2B encountered ±3.5 feet of residual soil followed by extremely weak to very weak (R0 to R1) sandstone. TP-2B was also terminated at a depth of ±19 feet.

TP-10 through TP-12 were dug along the southeast portion of the site, in the area of steep slopes and/or rock outcrops. The test pits encountered ±0.5 to 4.0 feet of residual soil underlain by sandstone. The test pits were terminated in very weak to weak (R1 to R2), moderately to slightly weathered sandstone at depths of ±2 to 7 feet.

***Ground Water***

No ground water infiltration or seepage was encountered in any of the test pits dug on November 15, 2005. However, the residual soils were damp to moist and some of the joints in the sandstone also appeared to be moist. During our December 6, 2005, reconnaissance, we observed an active spring, wet conditions, and/or standing water at various locations in the East Drainage. The West Drainage appeared moist to wet with no visible surface water or flowing water.

On February 23, 2007, we noted water flowing in the East Drainage and relatively wet ground conditions in the low-lying area adjacent to the drainage. TP-2A and TP-4A, dug near the bottom of the drainage, encountered infiltration at depths of ±1.5 feet and ±3 feet, respectively. The infiltration rate in those test pits ranged from moderate to rapid. Slow seepage was also noted at ±5.5 feet in TP-1A.

During our April 3, 2008 exploration, rapid seepage was observed in TP-1B at ±16 feet. Slow seepage was observed in TP-5B at ±2 feet and in TP-6B between ±3 and 4 feet. No infiltration was observed in any of the other test pits. Wet conditions and/or standing water was noted at various locations in the East Drainage.

## LABORATORY TESTING

The laboratory work included natural water content and Atterberg limits tests to classify the foundation soils and estimate their overall engineering properties. Results of these tests are summarized on Table 1C (Appendix C). Moisture-density (ASTM D698) and California Bearing Ratio (CBR) tests were also completed on bulk samples from TP-5B to establish compaction characteristics of the pavement subgrade. The results of these tests are summarized in Figures 1C and 2C (Appendix C).

## DISCUSSION OF GEOTECHNICAL ISSUES

### *Slope Stability*

A brief discussion of slope stability is provided below. More detailed discussions are provided in our 2006 and 2007 reports.

Our subsurface investigation suggests the site is typically mantled with a thin layer of topsoil underlain by medium stiff to stiff residual soil that grades to bedrock at relatively shallow depths. The presence of a thin soil mantle and shallow bedrock typically precludes the formation of large-scale, deep rotational failures. Failures in these slope conditions are generally limited to shallow, surficial events known as debris flows.

The Corvallis Natural Hazards Map designates two locations on the site as "high landslide risk" areas. However, during our site reconnaissance, we determined that these mapped hazard areas represent natural drainages. Our reconnaissance noted no visible movement, instability or existing scarps within the drainages or elsewhere on the property. The ground surface along the drainages is vegetated, and tree trunks within the property were generally straight. The drainage swales were predominantly moist to wet at the time of our site investigation, with flowing water and standing water at some locations in the East Drainage. No other seeps or springs were observed on the site.

Based on our observations, we have concluded there is a low potential for landslides or instability of natural slopes due to the absence of identifiable landslide features, the lack of seeps or springs (except for existing drainages), and the presence of relatively stiff residual soil and shallow bedrock beneath mature slopes.

*Cuts and Fills*

Cuts will likely expose residual soil underlain by decomposed to highly weathered sandstone. Relatively deep utility trenching will be required in some areas. Trenching through extremely weak to very weak (RO to R1) sandstone should be anticipated. Weak (R2) rock may also be encountered in some areas.

The strength and weathering of the bedrock varies with location and depth. Consequently, difficulty excavating the rock should be expected to vary with location. Three different excavators were used in our field explorations. A John Deere JD490E excavator encountered practical digging refusal at ±1 to 4.5 feet below the bedrock surface. A CAT 312C excavator encountered practical digging refusal at ±1 to 3.5 feet below the bedrock surface. A Komatsu PC150LC excavator encountered practical digging refusal at ±5 to 7 feet below the bedrock surface.

Deep cuts and utility excavations made in very weak to weak (R1 to R2), shallow sandstone will either require heavier equipment than the excavators used for our explorations, pre-drilling and splitting or use of a hydraulic ram. We anticipate blasting is not a feasible option due to nearby residences. Contractors bidding on the work should be provided a copy of this report to qualitatively evaluate the difficulty of the excavations for their own estimates and to select the most appropriate method of excavation.

Fill material for embankment construction may be generated from cuts. Fill that includes high plasticity clay or silt should not be used as subgrade for roads or placed beneath structures. Fill should be placed on terrain that is properly stripped. Fill placement in areas steeper than 5:1 (H:V) will require benching and a key trench into stiff residual soil or bedrock. A standard benching detail for embankment construction is shown on Figure 4A (Appendix A). We recommend overbuilding the slopes and subsequently trimming the fill to allow adequate compaction at the face of the finish slope. Fill should be density tested frequently to verify the required compaction.

The proposed grading will require building an embankment across the East Drainage. At that location it will be necessary to add a drain to the toe of the embankment to intercept seepage. A benching detail including a toe drain is shown on Figure 5A (Appendix A).

It is possible that concentrated seepage or springs may develop in cut slopes at isolated locations. If so, a slope drain may be required to collect the moisture and reduce the risk of localized slope instability. The need for slope drains and details for their construction should be established by FEI once the cuts are exposed.

*Site Drainage*

The observed iron-staining of the surficial soils suggests that rainfall perches within a few feet of the ground surface during the wet portion of the year. It is difficult to predict where seepage may be encountered during construction. However, ground water infiltration should be anticipated in deep cuts and excavations.

Permanent mitigation of seeps and springs, which daylight along the face of cut slopes may be required as they are encountered during construction to reduce the risk of localized slope instability. Run-off from streets should be directed to the nearest storm drain or drainage swale. We recommend perimeter-footing drains be placed around the homes to reduce the risk of weakening the foundation soils due to repeated wetting and drying.

Shallow ground water can accumulate in granular trench backfill. In long segments of trenches extending down sloping terrain, the water can develop significant pressure that can be detrimental to pavements. Therefore, drainage should be provided for utility trenches extending down slope roadways. Drainage may consist of filter-fabric wrapped sections of perforated drain pipe placed at appropriate intervals and discharging into manholes.

### *Topsoil*

The topsoil is typically ±6 inches to 2 feet thick and is comprised of blocky-structured, soft to medium stiff, medium plasticity, clayey silt. Topsoil that is relatively free of organic debris may be moisture-conditioned and reused as subgrade beneath the proposed roads. However, this recommendation is predicated on dry-weather construction.

### *Plastic Soils*

The plasticity of the residual soil varies with location and depth. Our test pits encountered predominantly low to medium plasticity soils. However, medium to high plasticity soils may also be encountered at some locations. Such soils typically have moderate to high potential to shrink and swell with seasonal changes in moisture content. Shrinkage or swelling of the subgrade could cause cracking and distress in slabs, foundations and structures if not properly mitigated.

Satisfactory performance of the residential foundations will depend on proper mitigation of any high plasticity soils and foundation drainage to reduce fluctuations in the moisture content of the foundation soils. High plasticity soils encountered beneath foundations and slabs should be completely removed if practical. We recommend that a representative of FEI be present during the initial site grading to identify high plasticity soils. We should also observe the foundation subgrade for individual residences to help identify if expansive soils are present and determine the limits of the required overexcavation.

## ENGINEERING ANALYSIS

### *Bearing Capacity for Residential Foundations*

Torvane measurements in the residual soils indicated undrained shear strengths ranging from ±0.3 tsf to >1.0 tsf and we noted that the residual soil was typically medium stiff to stiff at the time of our explorations. An allowable bearing pressure was calculated assuming an undrained soil shear strength of 0.35 tsf. The calculations suggest an allowable bearing pressure of 1,500 psf with a typical factor of safety of 3. This analysis assumes that foundations will be placed at

least 24 inches below the ground surface. In addition, we assumed the footings will bear on a minimum of 6 inches of compacted crushed rock (Select Fill) extending a minimum of 6 inches outside the footprint of the footing. Foundations should not be constructed on soft soils or high plasticity soils.

***Settlement***

Based on the stiffness of the soil, the shallow depth to rock and the assumed footing loads, we anticipate that settlement due to consolidation of the foundation soils will be relatively small (i.e., ½-inch or less). Larger foundation movements may occur due to shrinking and swelling if high plasticity soils are left beneath foundations and slabs.

***Basement Walls***

Lateral earth pressures for basement retaining walls were estimated assuming at-rest ($K_o$) conditions. An equivalent fluid density of 55 pcf is recommended for wall design based on the assumed rigidity of the wall and the method of backfill compaction. We recommend that temporary cuts for wall construction be no steeper than ½:1 (H:V). However, this recommendation will have to be verified at the time of construction based on the soil conditions exposed on the cut slopes. In some cases, flatter slopes may be required.

Recommendations assume the walls will be backfilled with compacted Select Fill. Additionally, it is assumed that an appropriate drainage system will be installed behind the wall to alleviate the build up of hydrostatic pressure. Figure 6A (Appendix A) provides a schematic of the assumed basement wall construction.

***Rockery Retaining Walls***

We understand rockery walls (typically 4 feet tall or shorter) may be constructed associated with the site grading work. The actual heights and locations were not established at the time this report was prepared. Therefore, we have limited our work to providing general recommendations. We assume the actual design of rockery walls will be by others.

Figure 7A (Appendix A) provides a typical wall section of the major wall elements. The base of the rock wall should be embedded a minimum of 12 inches below the finish grade for walls at the toe of a slope. For walls constructed on a slope, where the ground in front of the wall is sloping away, the embedment depth should be increased to 24 inches and, where practical, extend to weathered bedrock. Walls should be designed and constructed with a batter no steeper than 1:6 (H:V). The walls should be backfilled with open-graded, angular, crushed rock (typically 4 to 6-inch rock is used). A filter fabric should be provided on the cut slope behind the backfill and a foundation drain should be provided near the base of the wall as shown on Figure 7A.

Site fill that will be retained by the rockery wall should be constructed by placing the material in lifts (<8 inches loose thickness) adjusting the moisture content to near optimum values and compacting the material to a minimum of 95% relative

compaction as defined by ASTM D 698. The fill at the wall location should initially be overbuilt at a 1.5:1 (H:V) slope extending ±3 feet beyond the top of the wall and trimmed back at the time of wall construction. Table 1 summarizes the recommended distance from the face of the wall to the toe of the temporary fill slope for a range of wall heights.

**Table 1. Distance from Wall Facing to the Toe of the Temporary Fill Slope.**

| Wall Height (ft) | Toe of Wall to Toe of Fill Slope (ft) |
|---|---|
| 4 | 9 |
| 6 | 12 |
| 8 | 15 |

We recommend designing walls using an allowable bearing pressure of 1,500 psf. This bearing pressure assumes a typical factor of safety of 3. Settlement of the wall facing is expected to be less than ½ inch.

Appropriate lateral earth pressures for rockery walls will depend upon the height of the walls and the materials they support. We understand the rockery walls may be tiered to construct slopes with a series of benches. Surcharge loads from upslope walls should be considered where tiered walls are constructed closer than ±6 feet apart. FEI is available to provide additional recommendations for these walls if needed as the design progresses. We assume that information would be provided as an addendum to this report.

***Pavement Analysis and Design***

Detailed traffic information was not available for the development at the time this report was prepared. Therefore, pavement design was completed with assumed traffic. Based on the proposed number of lots (i.e., 42 lots at Brooklane Heights and 24 lots at Oakmont Addition), we assumed a daily traffic of ±360 cars and light pickup trucks, ±5 medium size delivery trucks and/or service vehicles and up to 1 heavy truck per day. We also included construction traffic at the beginning of the development including 5 concrete trucks, 10 dump trucks, and 10 material delivery trucks per lot. A total of 3 moving vans were assumed per lot over the 20-year design period. We assumed that traffic would be divided evenly between the two ingress/egress points. Our calculations suggest a total of 72,000 equivalent single (18-kip) axle loadings (ESAL's) is appropriate for a 20-year design life.

We assumed a reliability of 85%, a standard deviation of 0.45, and initial and terminal serviceability ratings of 4.2 and 2.0, respectively. The minimum AC thickness was established based on the AASHTO 1993 method using the assumed traffic and a resilient modulus ($M_r$) of 20,000 psi for the base course. A laboratory CBR value of 1.8 was calculated for a bulk sample from TP-5B. A resilient

modulus ($M_r$) value of 3,000 psi was selected for our pavement analysis based on available correlations and an assumed CBR value of 2. We calculated a required structural number ($S_N$) of 2.96 for the overall pavement section.

A structural strength coefficient of 0.42 and a drainage coefficient of 1.0 was assumed for the AC. A structural strength coefficient of 0.14 and a drainage coefficient of 0.8 was assumed for the base rock. Our analysis indicates the new streets should have a minimum flexible pavement section consisting of a nominal 3.5 inches of AC over 13.5 inches of base rock consisting of Select Fill. The minimum pavement section assumes the streets will be built on a firm, non-yielding subgrade prepared as recommended herein and any high plasticity, expansive soils encountered at the subgrade level will be removed.

A 20-year design life was assumed for the analysis. However, grinding and a nominal 2-inch overlay should be planned at about 12 years. The Asphalt Institute (TAI) recommends overlaying flexible pavements when 60% of the structure life is used. Research has shown that overlaying pavements at that time is more cost-effective than a full-depth repair after the pavement has failed. The pavement should be inspected by an experienced engineer every 5 to 7 years to determine its condition and need for rehabilitation.

The subgrade soils are sensitive to moisture, will soften when wet, and pump under construction traffic. Wet weather construction will likely require subgrade stabilization in the form of additional base rock (or granular subbase) and a geotextile. We should be contacted to provide wet weather construction recommendations if the earthwork and roadway construction is delayed into the winter months.

## RECOMMENDATIONS

The following recommendations assume the earthwork will be completed during dry weather. Excavations will be difficult during wet weather due to water infiltration and stabilization of the subgrade. In addition, compaction of the on-site soils will be impractical during wet weather and may require substitution with a higher quality imported material. The contractor may still experience pumping problems in the summer if the surficial soils have not adequately dried. Therefore, we recommend an on-site conference with the contractor prior to the grading work to review the site conditions.

### *Material and Compaction Recommendations*

1. Select Fill as defined in this report should consist of 1 or ¾-inch minus, clean (i.e., less than 5% passing the #200 U.S. Sieve), well-graded, crushed gravel or rock. We should be provided a sample of the intended fill for approval, prior to delivery to the site.

2. On-Site Fill should consist of low to medium plasticity silt, clay, rock, or mixtures of the above that are free of high plasticity clay, organics or construction debris. Unless approved by FEI, silts or clays should not be placed under foundation areas or under settlement-sensitive structures.

16. Subgrade stabilization (where required) should include placement of a Separation Geotextile over relatively undisturbed subgrade. An initial ±12 to 18-inch thick lift of Stabilization Rock should be spread over the geotextile prior to any compaction of the fill.

17. Construct permanent cut and fill slopes no steeper than 2:1 (H:V).

18. Periods of wet weather or isolated showers may prevent adequate compaction of the fine-grained On-Site Fill. Therefore, if showers occur, the work may have to be delayed or a higher quality material may be required to allow the work to continue in these conditions. In addition, surficial fill that softens due to exposure to wet weather may have to be aerated and recompacted or excavated and replaced.

19. The finished grades should be seeded, watered and maintained as soon as possible following earthwork to provide mature vegetation prior to the onset of wet weather and reduce the risk of erosion.

***Site Preparation for Foundation Construction***

It is assumed that daylight basements or stepped foundations will be typical for residential construction within the development. We recommend that FEI be present to confirm the minimum embedment depth of footings, in particular those on the downhill portion of the site, where basement excavations will "daylight". Individual home sites should be evaluated by FEI to confirm the absence of expansive soils or unexpected ground water, and the need for subslab drainage.

We recommend that the foundation area under new residences be prepared during dry weather as follows:

20. Strip the existing ground ±3 to 6 inches, or as required to remove roots and sod. Deeper excavations may be required to remove larger tree roots. Dispose of all strippings outside of construction areas.

21. Site grading for residential construction should be limited to full cut or fill benches to provide uniform foundation support. Constructing residences on combination cut and fill benches should be avoided. The appropriate set back for residential foundations from fill slopes depends on the height of the embankments and quality of the fill material. We recommend that all foundation setbacks for new residences be confirmed in the field by FEI.

22. Appropriate temporary cut slopes for basements will have to be evaluated at the time of construction. Temporary cuts should be no steeper than ½:1 (H:V). Concentrated seepage from the slope will tend to destabilize the slope. Therefore, grading should direct surface water away from the slopes.

23. Excavate to the planned grades for slabs and footings using a hoe equipped with a smooth bucket to reduce subgrade disturbance. The excavations should be deep enough to accommodate a ±6-inch granular leveling pad of compacted Select Fill beneath the footings and


ATTACHMENT III-50
LUBA REMAND

slabs. The Select Fill should extend at least 6 inches outside the edges of the footings. The Select Fill may be eliminated if the footings bear on weathered bedrock.

24. High plasticity soils may be encountered in some areas. If practical, foundation excavations should extend deep enough to bypass the plastic soils. Where deep deposits of plastic soils are encountered, these materials should be overexcavated as required to provide at least 24 inches of Select Fill between the bottom of the footing and the subgrade. The excavations should be backfilled with compacted Select Fill. The footing excavations should be evaluated by an FEI representative prior to backfilling.

25. Compact building pad Select Fill as specified in Item 7. Staging construction traffic on the completed pad will increase the risk of subgrade disturbance and is not recommended.

26. Design all continuous wall footings and isolated column footings using an allowable bearing pressure of 1,500 psf. This value assumes that all footing excavations will terminate in medium stiff, residual soil or in decomposed to highly weathered bedrock.

27. Assume the walls could experience maximum total and differential settlements of ½ inch and ¼ inch, respectively. These values assume the foundations would be designed and constructed as recommended herein.

28. Provide a minimum footing width of 18 inches for continuous wall footings and isolated column footings. Place the base of all exterior footings at least 24 inches below the finished grade or paved surface. Shallower embedment may be used for interior footings that are poured monolithically with the slab. Construct footings along slopes with a minimum 5 feet of horizontal distance between the edge of the footing and the face of the slope as shown on Figure 5A (to be confirmed in the field by FEI).

29. Use Select Fill for backfill behind basement walls. Wall backfill should be compacted using a light, hand-operated compactor. Use an equivalent fluid density of 55 pcf to represent lateral earth pressure for the design of basement walls.

30. Grade the ground surface surrounding all buildings to promote runoff away from the foundations.

***Rockery Wall Construction***

We anticipate that rockery walls will be constructed using large diameter boulders individually selected and placed to create steep rock-faced slopes. Wall locations, sizes and lengths are not currently known. General recommendations for wall design and construction are summarized below. These recommendations are

provided for general planning and preliminary layout of rockery walls. It is assumed that others will provide the actual design of the walls.

31. Design and construct the walls as shown in Figure 7A (Appendix A). Batter the walls no steeper than 1:6 (H:V).

32. In areas where rockery walls will retain fill, the fill slopes should be overbuilt to 1.5:1 (H:V) at least 3 feet beyond the facing at the top of the wall and subsequently trimmed back prior to constructing the rockery walls. Recommended distances between the toe of the wall and the toe of the temporary cut slope are shown on Table 1.

33. Use appropriate sized boulders to construct the walls. The size of the boulders will depend upon the wall height. Use relatively clean, open-graded, angular crushed rock to backfill the walls. Line the cut slope with Filter Fabric prior to backfilling as shown on Figure 7A.

34. Embed the base of the rock wall a minimum of 12 inches below the finish grade for the walls at the toe of the slope. Increase the minimum embedment depth to 24 inches for walls constructed with a slope below the toe of the wall.

35. Excavate for the wall foundation using a hoe equipped with a smooth bucket to reduce subgrade disturbance. The excavations should be deep enough to accommodate a ±6-inch granular leveling pad of compacted Select Fill beneath the wall.

36. Design the walls using an allowable bearing pressure of 1,500 psf. This value assumes that all footing excavations will terminate in medium stiff, residual soil or in decomposed to highly weathered bedrock.

***Foundation and Wall Drainage***

We recommend that drainage for the site be constructed as follows.

37. Install foundation drains along the perimeter of the buildings as shown on Figure 6A. The drains should consist of 3 or 4-inch diameter, perforated or slotted, PVC pipe. The flowline of the pipe should be set near the bottom of the foundation at least 18 inches below the ground surface. The pipe should be bedded in at least 4 inches of Drain Rock. The entire mass of Drain Rock should be wrapped in a filter fabric that laps at least 12 inches at the top.

38. Install drains behind the rockery walls. The drain should consist of a 4-inch diameter, perforated or slotted PVC pipe. The flowline of the pipe should be set near the base of the wall. The pipe should be bedded in at least 4 inches of Drain Rock and the wall should be backfilled with open-graded, angular crushed rock. A filter fabric should be placed over the cut slope (as shown on Figure 7A) to reduce the risk of fine-grained soils intruding into the granular backfill.

39. Provide clean-outs at appropriate locations for future maintenance of the drainage systems.

40. Discharge the drains by gravity flow into the nearest storm drain, if practical. Otherwise, discharge the water into the nearest natural drainage. Roof drains may be discharged onto the property at least ±15 feet away from the foundations. If roof drains discharge onto sloping ground, provide an energy dissipater at the outlet to reduce surface erosion. Roof drains should not be connected to foundation drains.

***Pavement Construction***

41. Strip the ground surface as required to remove roots and sod. Dispose of all strippings outside of construction areas.

42. Prepare, compact and density test the subgrade as specified in Item 7. Compaction should be verified for both native soils and embankment fill.

43. Proof-roll the completed subgrade to identify any soft or pumping areas. Overexcavate and replace any pumping subgrade with compacted Select Fill. High plasticity soils should also be overexcavated and replaced with compacted Select Fill or Granular Site Fill to a minimum depth of 24 inches below the finished grade.

44. Maintain the moisture in the compacted subgrade to prevent excessive drying and cracking. Immediately cover the subgrade with compacted Select Fill.

45. Provide a minimum flexible pavement section of 3.5 inches of AC over 13.5 inches of base rock (Select Fill). Compact the base rock as specified in Item 7.

46. Compact the AC to a minimum of 91% relative compaction according to the theoretical maximum density calculated from the Rice specific gravity.

**DESIGN REVIEW/CONSTRUCTION OBSERVATION/TESTING**

We should be provided the opportunity to review all drawings and specifications that pertain to site preparation, foundation construction and pavements. Site preparation will require field confirmation of foundation soils and road subgrade, as well as proper mitigation of high plasticity soils or unexpected ground water, where present. Mitigation of any subgrade pumping will also require engineering review and judgment. That judgment should be provided by one of our representatives. Frequent field density tests should be run on all engineered fill, subgrade and base rock. We recommend that we be retained to provide the necessary construction observations.

## VARIATION OF SUBSURFACE CONDITIONS, USE OF THIS REPORT AND WARRANTY

The analysis, conclusions and recommendations contained herein are based on the assumption that the soil profiles and the ground water levels encountered in the test pits are representative of the overall site conditions. The above recommendations assume that we will have the opportunity to review final drawings and be present during construction to confirm assumed foundation conditions. No changes in the enclosed recommendations should be made without our approval. We will assume no responsibility or liability for any engineering judgment, inspection or testing performed by others.

This report was prepared for the exclusive use of TC2 Investments, LLC, Metolius Consulting and their design consultants for Brooklane Heights and Oakmont Addition in Corvallis, Oregon. Information contained herein should not be used for other sites or for unanticipated construction without our written consent. This report is intended for planning and design purposes. Contractors using this information to estimate construction quantities or costs do so at their own risk. Our services do not include any survey or assessment of potential surface contamination or contamination of the soil or ground water by hazardous or toxic materials. We assume that those services, if needed, have been completed by others.

Climate conditions in western Oregon typically consist of wet weather for almost half of the year (typically between mid-October and late May). The recommendations for site preparation and foundation drainage are not intended to represent any warranty (expressed or implied) against the growth of mold, mildew or other organisms that grow in a humid or moist environment.

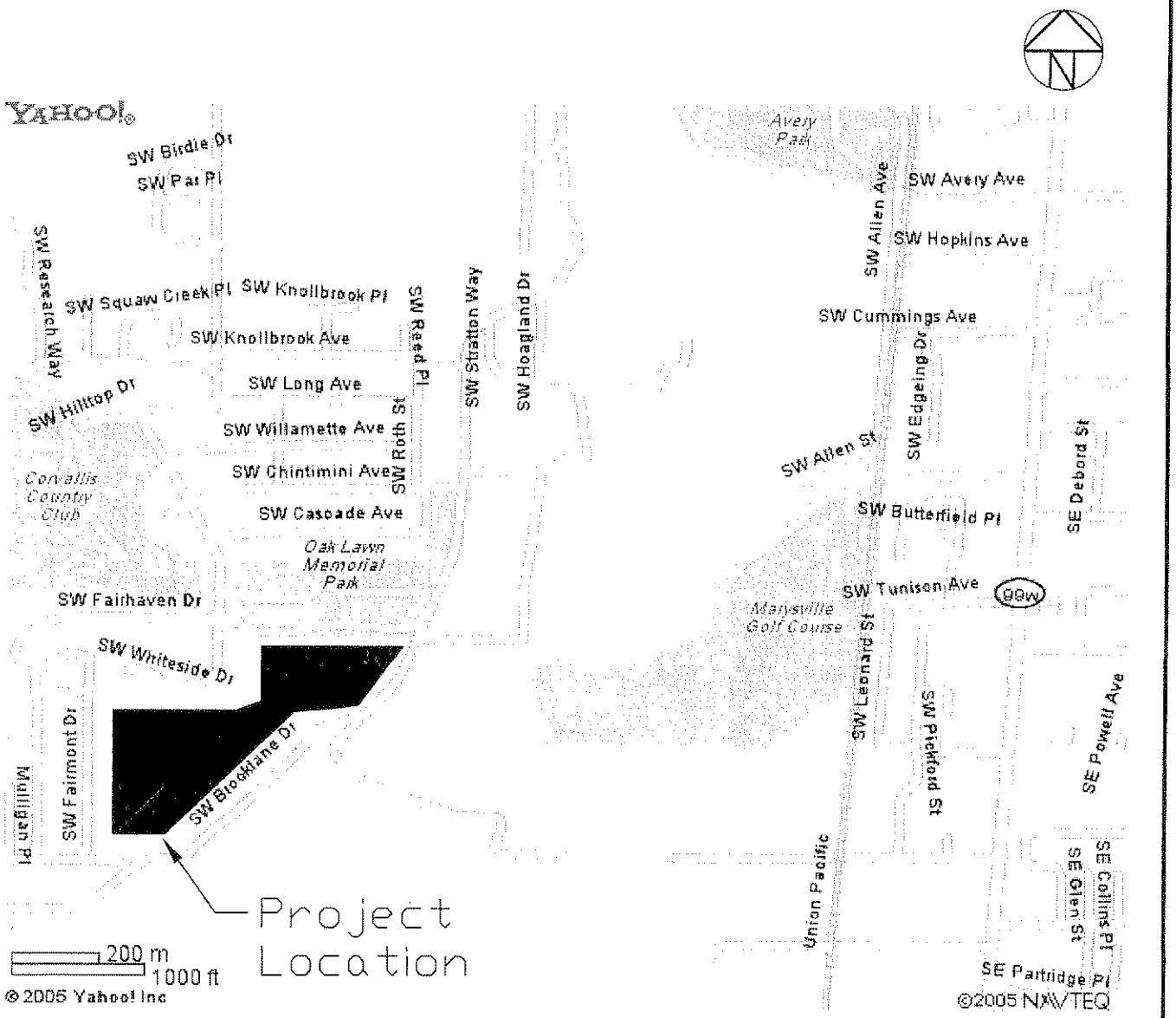
Our work was done in accordance with generally accepted soil and foundation engineering practices. No other warranty, expressed or implied, is made.

# Appendix A

## *Figures*

*Professional*
*Geotechnical*
*Services*

Foundation Engineering, Inc.




| | |
|---|---|
| DATE | MAY 2008 |
| DWN. | DLR |
| APPR. | |
| REVIS. | |
| PROJECT NO. | 2081024 |


**FOUNDATION ENGINEERING INC.**
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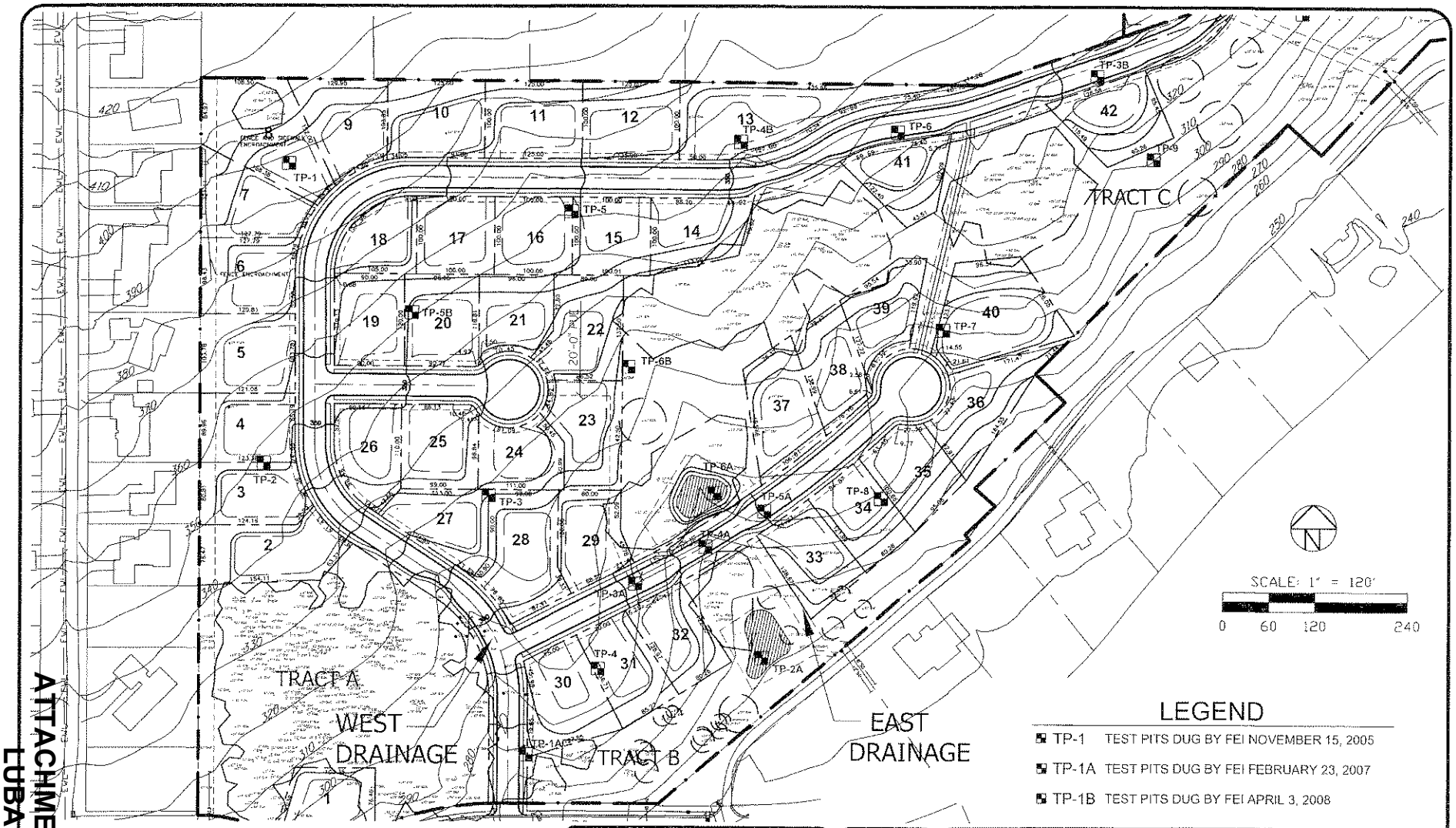
**VICINITY MAP**

BROOKLANE HEIGHTS AND OAKMONT ADDITION
CORVALLIS, OREGON

FIGURE NO.
**1A**




## LEGEND

- TP-1 TEST PITS DUG BY FEI NOVEMBER 15, 2005
- TP-1A TEST PITS DUG BY FEI FEBRUARY 23, 2007
- TP-1B TEST PITS DUG BY FEI APRIL 3, 2008

NOTES:
1. TEST PIT LOCATIONS WERE ESTABLISHED BY PACING AND VISUAL REFERENCE AND ARE APPROXIMATE ONLY.
2. SEE REPORT FOR A DISCUSSION OF SUBSURFACE CONDITIONS.
3. BASE MAP WAS PROVIDED BY METOLIUS CONSULTING.

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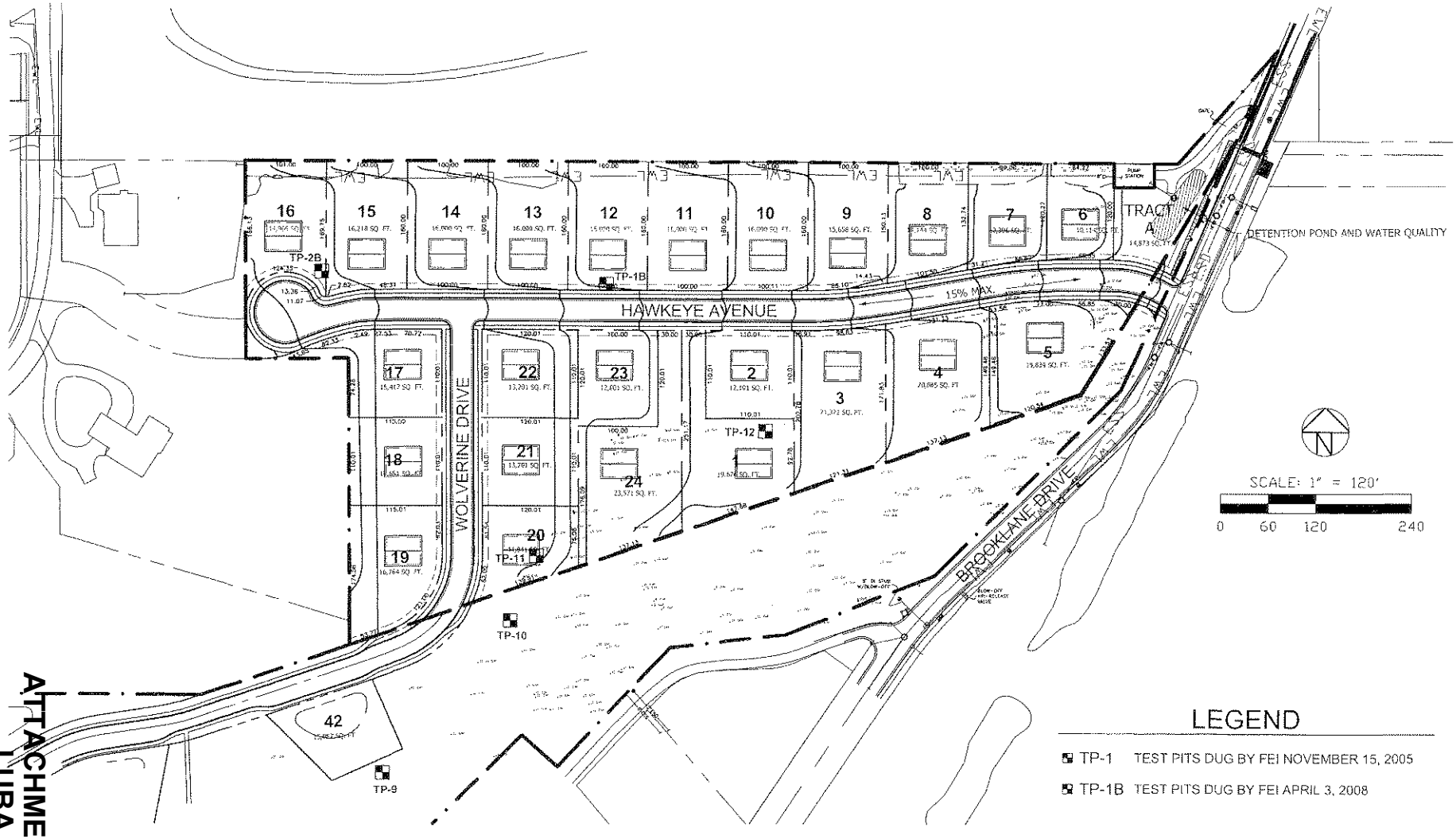
**SITE LAYOUT & TEST PIT LOCATIONS**
**BROOKLANE HEIGHTS**
BROOKLANE HEIGHTS AND OAKMONT ADDITION
CORVALLIS, OREGON

FIGURE NO. 2A




NOTES:
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SEE REPORT FOR A DISCUSSION OF SUBSURFACE CONDITIONS.
BASE MAP WAS PROVIDED BY METOLIUS CONSULTING.

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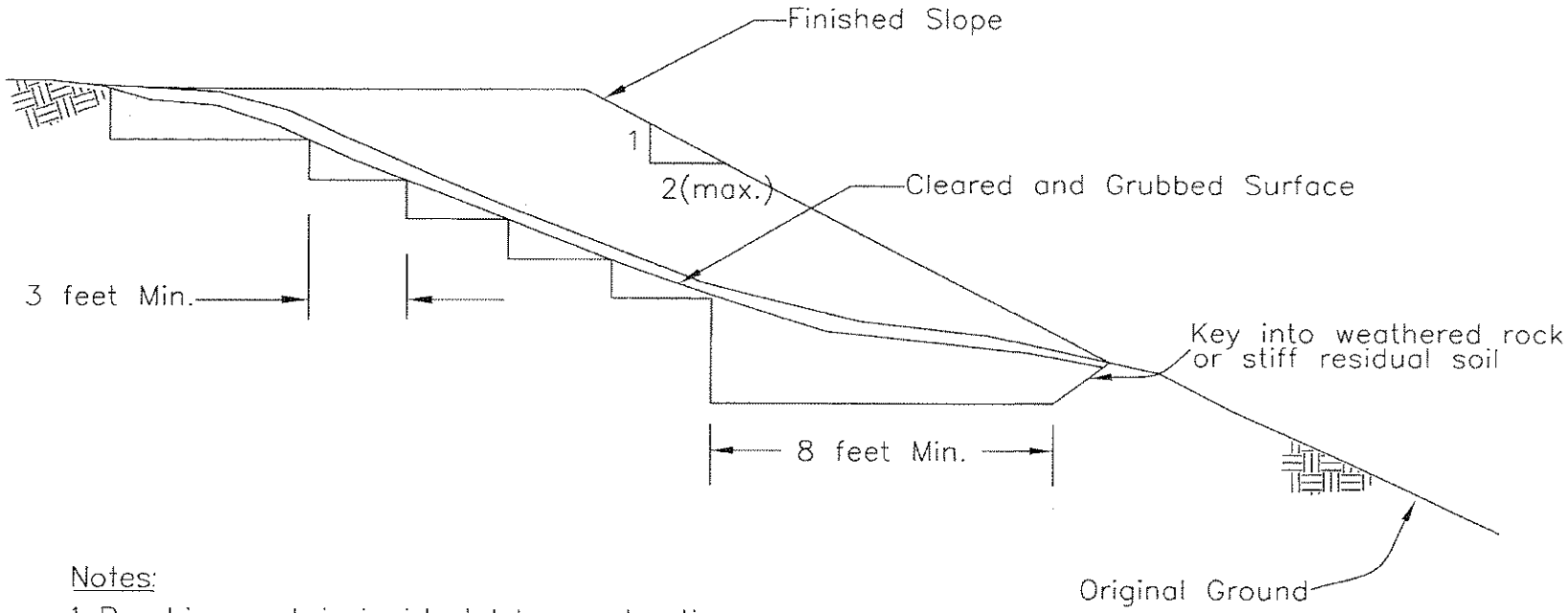
**SITE LAYOUT & TEST PIT LOCATIONS**
**OAKMONT ADDITION**
BROOKLANE HEIGHTS AND OAKMONT ADDITION
CORVALLIS, OREGON

FIGURE NO. 3A




Notes:

1. Benching work is incidental to construction.
2. Bench all new fill into existing ground.
3. Individual lifts should be constructed at slopes 10(h):1(v) or flatter.
4. See report for discussion of embankment soils.

Not to Scale

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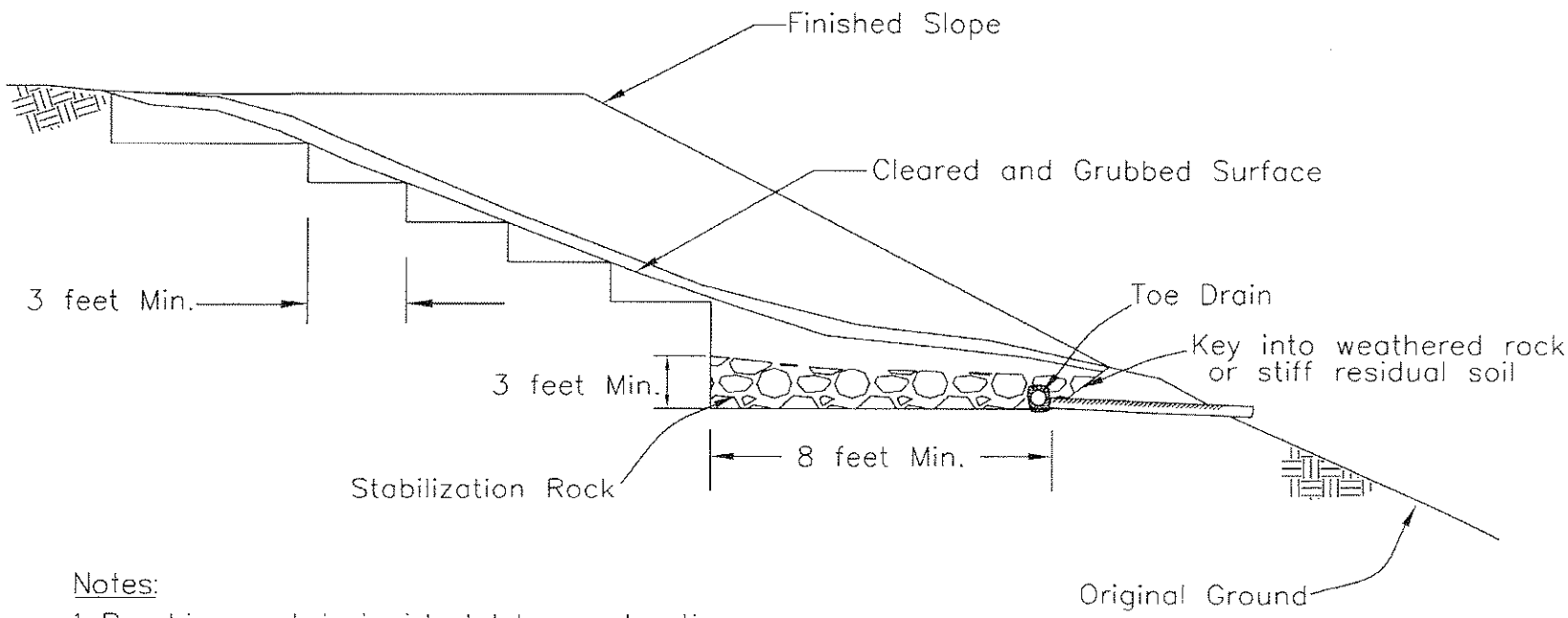
**STANDARD BENCHING DETAIL**

BROOKLANE HEIGHTS AND OAKMONT ADDITION
CORVALLIS, OREGON

FIGURE NO.
**4A**




Notes:

1. Benching work is incidental to construction.
2. Bench all new fill into existing ground.
3. Individual lifts should be constructed at slopes 10(h):1(v) or flatter.
4. See report for discussion of embankment soils, Stabilization Rock and toe drain.

Not to Scale

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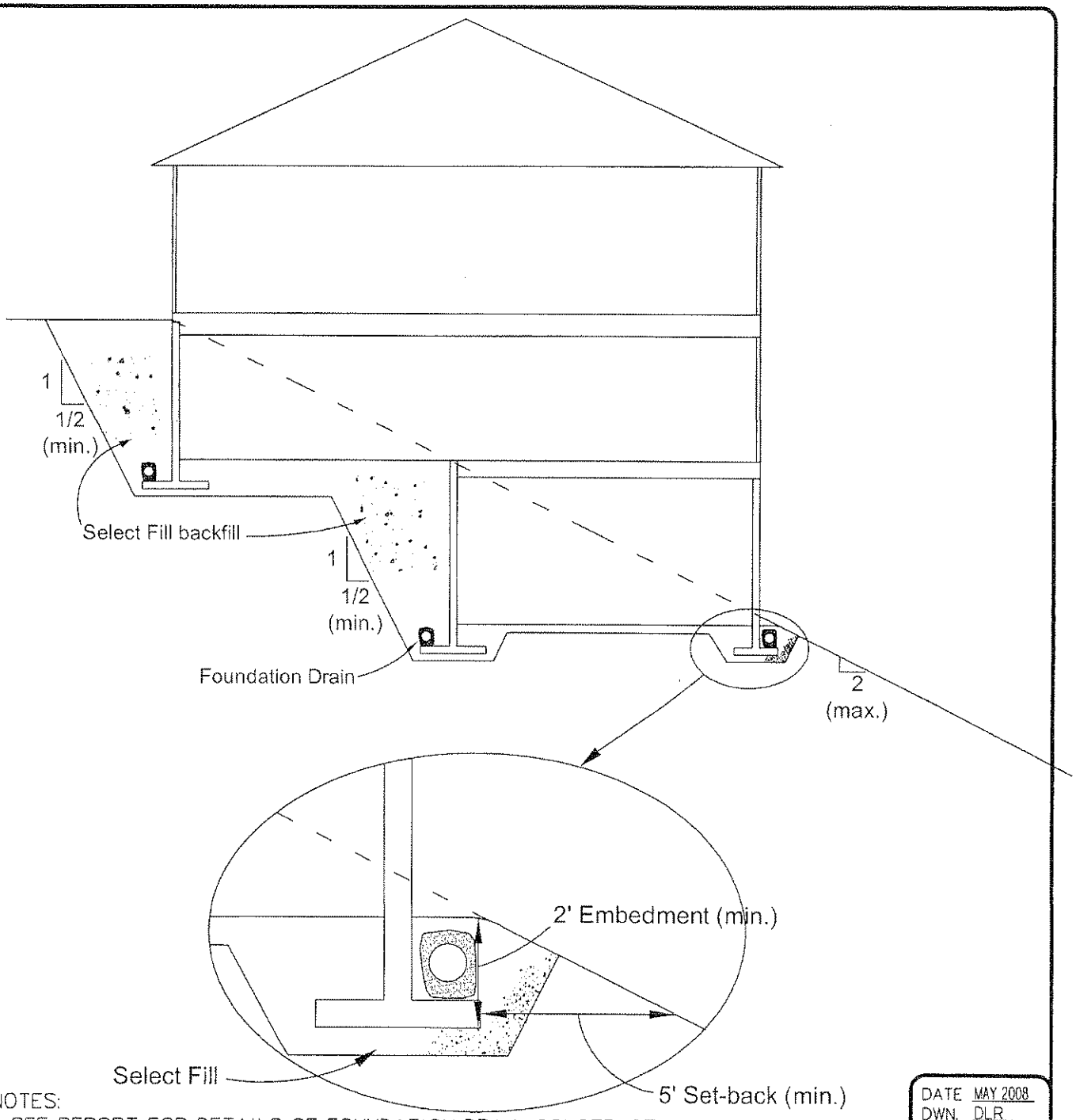
**BENCHING DETAIL WITH TOE DRAIN**

BROOKLANE HEIGHTS AND OAKMONT ADDITION
CORVALLIS, OREGON

FIGURE NO.
5A




NOTES:
1. SEE REPORT FOR DETAILS OF FOUNDATION DRAIN CONSTRUCTION AND MATERIAL SPECIFICATIONS.
2. MAXIMUM CUT SLOPES WILL NEED TO BE VERIFIED IN THE FIELD.

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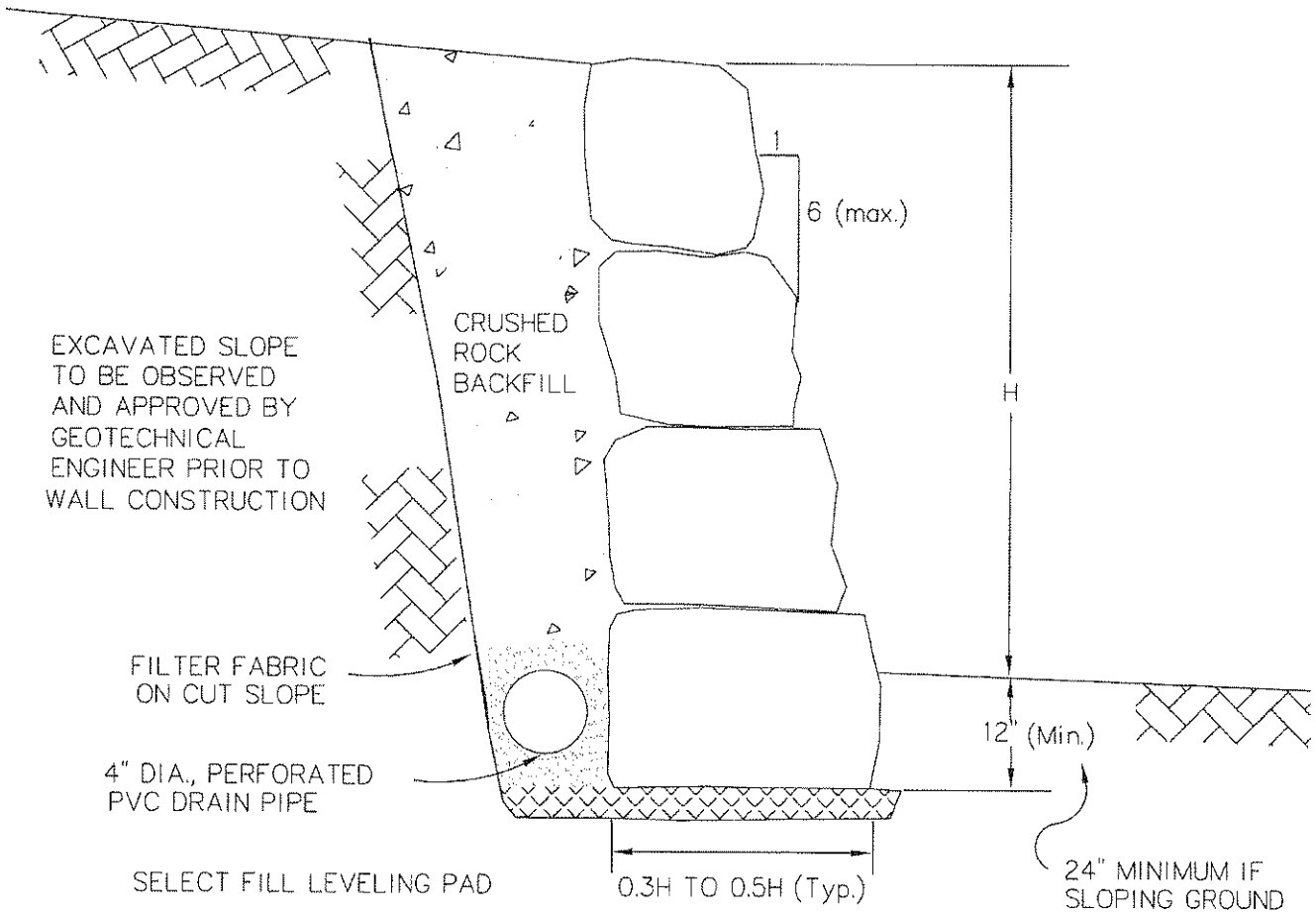
**TYP. FOOTING DETAIL/SLOPE EXCAVATION**

BROOKLANE HEIGHTS AND OAKMONT ADDITION
CORVALLIS, OREGON

FIGURE NO.
6A




NOTES:
1. DRAWING IS SCHEMATIC ONLY AND IS NOT TO SCALE.
2. REQUIRED ROCK SIZES WILL DEPEND UPON THE WALL HEIGHT.
3. ACTUAL DESIGN BY OTHERS.

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**TYPICAL ROCKERY WALL DETAIL**

BROOKLANE HEIGHTS AND OAKMONT ADDITION
CORVALLIS, OREGON

FIGURE NO.
7A

# Appendix B

## *Test Pit Logs*

*Professional*
*Geotechnical*
*Services*

Foundation Engineering, Inc.

## DISTINCTION BETWEEN FIELD LOGS AND FINAL LOGS

A field log is prepared for each boring or test pit by our field representative. The log contains information concerning sampling depths and the presence of various materials such as gravel, cobbles, and fill, and observations of ground water. It also contains our interpretation of the soil conditions between samples. The final logs presented in this report represent our interpretation of the contents of the field logs and the results of the laboratory examinations and tests. Our recommendations are based on the contents of the final logs and the information contained therein and not on the field logs.

## VARIATION IN SOILS BETWEEN TEST PITS AND BORINGS

The final log and related information depict subsurface conditions only at the specific location and on the date indicated. Those using the information contained herein should be aware that soil conditions at other locations or on other dates may differ. Actual foundation or subgrade conditions should be confirmed by us during construction.

## TRANSITION BETWEEN SOIL OR ROCK TYPES

The lines designating the interface between soil, fill or rock on the final logs and on subsurface profiles presented in the report are determined by interpolation and are therefore approximate. The transition between the materials may be abrupt or gradual. Only at boring or test pit locations should profiles be considered as reasonably accurate and then only to the degree implied by the notes thereon.

## SAMPLE OR TEST SYMBOLS

SH-3-4

- Sample Number
- Boring or Test Pit Number
- Sample Type

- Top of Sample Attempt
- Recovered Portion
- Unrecovered Portion (large circle indicates no recovery)
- Bottom of Sample Attempt

S – Grab Samples
SS – Standard Penetration Test Sample (split–spoon)
SH – Thin–walled Shelby Tube Sample
C – Core Sample
CS – Continuous Sample

▲ Standard Penetration Test Resistance equals the number of blows a 140 lb. weight falling 30 in. is required to drive a standard split–spoon sampler 1 ft. Practical refusal is equal to 50 or more blows per 6 in. of sampler penetration.

● Water Content (%).

### UNIFIED SOIL CLASSIFICATION SYMBOLS

| | |
|---|---|
| G – Gravel | W – Well Graded |
| S – Sand | P – Poorly Graded |
| M – Silt | L – Low Plasticity |
| C – Clay | H – High Plasticity |
| Pt – Peat | O – Organic |

### FIELD SHEAR STRENGTH TEST

Shear strength measurements on test pit side walls, blocks of soil or Shelby tube samples are typically made with Torvane or pocket penetrometer devices.

### TYPICAL SOIL/ROCK SYMBOLS

| | |
|---|---|
| Sand | Silt |
| Clay | Gravel |
| Basalt | Siltstone |

### WATER TABLE

▼ Water Table Location

(1/31/00) Date of Measurement

Piezometer Tip Location (if used)

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**SYMBOL KEY**

**BORING AND TEST PIT LOGS**

# Explanation of Common Terms Used in Soil Descriptions

| Field Identification | Cohesive Soils | | | Granular Soils | |
|---|---|---|---|---|---|
| | SPT | $S_u$* (tsf) | Term | SPT | Term |
| Easily penetrated several inches by fist. | 0 – 1 | < 0.125 | Very Soft | 0 – 4 | Very Loose |
| Easily penetrated several inches by thumb. | 2 – 4 | 0.125–0.25 | Soft | 5 – 10 | Loose |
| Can be penetrated several inches by thumb with moderate effort. | 5 – 8 | 0.25 – 0.50 | Medium Stiff (Firm) | 11 – 30 | Medium Dense |
| Readily indented by thumb but penetrated only with great effort. | 9 – 15 | 0.50 – 1.0 | Stiff | 31 – 50 | Dense |
| Readily indented by thumbnail. | 16 – 30 | 1.0 – 2.0 | Very Stiff | > 50 | Very Dense |
| Indented with difficulty by thumbnail. | 31 – 60 | > 2.0 | Hard | | |

* Undrained shear strength

| Term | Soil Moisture Field Description |
|---|---|
| Dry | Absence of moisture. Dusty. Dry to the touch. |
| Damp | Soil has moisture. Cohesive soils are below plastic limit and usually moldable. |
| Moist | Grains appear darkened, but no visible water. Silt/clay will clump. Sand will bulk. Soils are often at or near plastic limit. |
| Wet | Visible water on larger grain surfaces. Sand and cohesionless silt exhibit dilatancy. Cohesive silt/clay can be readily remolded. Soil leaves wetness on the hand when squeezed. "Wet" indicates that the soil is wetter than the optimum moisture content and above the plastic limit. |

| Term | PI | Plasticity Field Test |
|---|---|---|
| Nonplastic | 0 – 3 | Cannot be rolled into a thread. |
| Low Plasticity | 3 – 15 | Can be rolled into a thread with some difficulty. |
| Medium Plasticity | 15 – 30 | Easily rolled into thread. |
| High Plasticity | > 30 | Easily rolled and rerolled into thread. |

| Term | Soil Structure Criteria |
|---|---|
| Stratified | Alternating layers at least 1 inch thick – describe variation. |
| Laminated | Alternating layers at less than 1 inch thick – describe variation. |
| Fissured | Contains shears and partings along planes of weakness. |
| Slickensides | Partings appear glossy or striated. |
| Blocky | Breaks into lumps – crumbly. |
| Lensed | Contains pockets of different soils – describe variation. |

| Term | Soil Cementation Criteria |
|---|---|
| Weak | Breaks under light finger pressure. |
| Moderate | Breaks under hard finger pressure. |
| Strong | Will not break with finger pressure. |

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COMMON TERMS
SOIL DESCRIPTIONS

# Explanation of Common Terms Used in Rock Descriptions

| Field Identification | | UCS (psi) | UCS (MPa) | Strength (Hardness) |
|---|---|---|---|---|
| Indented by thumbnail. | R0 | < 100 | 0.25–1.0 | Extremely Weak (Extremely Soft) |
| Crumbles under firm blows with geological hammer, can be peeled by a pocket knife. | R1 | 100–1000 | 1.0–5.0 | Very Weak (Very Soft) |
| Can be peeled by a pocket knife with difficulty, shallow indentations made by firm blow with geological hammer. | R2 | 1000–4000 | 5.0–25 | Weak (Soft) |
| Cannot be scraped or peeled with a pocket knife, specimen can be fractured with a single blow of geological hammer. | R3 | 4000–8000 | 25–50 | Medium Strong (Medium Hard) |
| Specimen requires more than one blow of geological hammer to fracture it. | R4 | 8000–16000 | 50–100 | Strong (Hard) |
| Specimen requires many blows of geological hammer to fracture it. | R5 | 16000–36000 | 100–250 | Very Strong (Very Hard) |
| Specimen can only be chipped with geological hammer. | R6 | > 36000 | > 250 | Extremely Strong (Extremely Hard) |

| Term | Weathering Field Identification |
|---|---|
| Fresh | Crystals are bright. Discontinuities may show some minor surface staining. No discoloration in rock fabric. |
| Slightly Weathered | Rock mass is generally fresh. Discontinuities are stained and may contain clay. Some discoloration in rock fabric. |
| Moderately Weathered | Significant portions of rock show discoloration and weathering effects. Crystals are dull and show visible chemical alteration. Discontinuities are stained and may contain secondary mineral deposits. |
| Highly Weathered | Rock can be excavated with geologist's pick. All dicontinuities exhibit secondary mineralization. Complete discoloration of rock fabric. Surface of core is friable and usually pitted due to washing out of highly altered minerals by drilling water. |
| Decomposed | Rock mass is completely decomposed. Original rock "fabric" may be evident. May be reduced to soil with hand pressure. |

| Spacing (meters) | Spacing (feet) | Spacing Term | Bedding/Foliation |
|---|---|---|---|
| < 0.06 | < 2 in. | Very Close | Very Thin |
| 0.06 – 0.30 | 2 in. – 1 ft. | Close | Thin |
| 0.30 – 0.90 | 1 ft. – 3 ft. | Moderately Close | Medium |
| 0.90 – 3.0 | 3 ft. – 10 ft. | Wide | Thick |
| > 3.0 | > 10 ft. | Very Wide | Very Thick (Massive) |

| Vesicle Term | Volume |
|---|---|
| Some | 3 – 20% |
| Highly | 20 – 50% |
| Scoria | > 50% |

| Stratification Term | Description |
|---|---|
| Lamination | < 1 cm thick beds |
| Fissile | Preferred break along laminations |
| Parting | Preferred break direction |
| Foliation | Metamorphic layering of minerals |

| RQD % | Designation | RQD % | Designation |
|---|---|---|---|
| 0 – 25 | Very Poor | 75 – 90 | Good |
| 25 – 50 | Poor | 90 – 100 | Excellent |
| 50 – 75 | Fair | | |

Rock Quality Designation (RQD) is the percent of a core run with intact lengths greater than 0.1 m excluding breaks caused by drilling.

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COMMON TERMS
ROCK DESCRIPTIONS

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: grass and weeds. | 1- | | | | | | | Medium stiff, clayey SILT; light brown, damp to moist, medium plasticity, semi-blocky structure, (topsoil/residual soil). |
| Fine roots extend to ±1.5 feet. | 2- | | | | | | | |
| | 3- | | | | | | | |
| | 4- | | | | | 0.50 | | |
| | 5- | | | | | 0.60 | | Medium stiff to stiff, clayey SILT; light brown to orange-brown, iron and manganese-stained, damp to moist, medium plasticity, relict structure, (residual soil). Gravel-sized sandstone corestones noted below ±6 feet. |
| | 6- | | | | | | | |
| | 7- | | | | | | | |
| | 8- | | | | | | | |
| | 9- | | | | | | | |
| Slightly harder digging noted below ±9 feet. | 10– | | | | | | | Cobble to boulder-sized sandstone corestones noted below ±9 feet. |
| | 11- | | | | | | | |
| | 12- | | | | | | | |
| | 13- | | | | | | | |
| | 14- | | | | | | | |
| No ground water encountered to the limit of excavation. | 15- | | | | | | | Extremely weak (R0) SANDSTONE; light brown to orange-brown, iron and manganese-stained, decomposed to highly weathered, fine sand, (Spencer Formation). |
| | 16- | | | | | | | BOTTOM OF TEST PIT |

Project No.: 2051129

Surface Elevation: N/A (Approx.)

Date of Test Pit: November 15, 2005

**Test Pit Log: TP- 1**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: grass and weeds. | 1- | | | | | | | Medium stiff, clayey SILT; light brown to orange-brown, damp to moist, medium plasticity, semi-blocky structure, (topsoil/residual soil). |
| Fine roots extend to ±1 foot and along bedrock contact. | 2- | | | | | | | |
| | 3- | S-2-1 | | | | | | Extremely weak to very weak (R0 to R1) SANDSTONE; light brown, highly weathered, fine sand, micaceous, very close to close joints. Joints are irregular, rough, closed with some iron and manganese-staining, (Spencer Formation). |
| | 4- | | | | | | | |
| | 5- | | | | | | | |
| | 6- | | | | | | | |
| Digging refusal encountered at ±7 feet. | 7- | | | | | | | |
| No ground water encountered to the limit of excavation. | 8- | | | | | | | BOTTOM OF TEST PIT |
| | 9- | | | | | | | |
| | 10– | | | | | | | |
| | 11- | | | | | | | |
| | 12- | | | | | | | |
| | 13- | | | | | | | |
| | 14- | | | | | | | |
| | 15- | | | | | | | |
| | 16- | | | | | | | |

Project No.: 2051129

Surface Elevation: N/A (Approx.)

Date of Test Pit: November 15, 2005

**Test Pit Log: TP- 2**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: grass and weeds. Fine roots extend to ±6 inches. | 1 | | | | | | | Medium stiff SILT, trace to some clay; brown, damp, low to medium plasticity, (topsoil). |
| | 2 | | | | | 0.65 | | Stiff, clayey SILT, scattered roots; light brown to orange-brown, damp to moist, medium plasticity, (residual soil). |
| | 3 | | | | | | | Becomes very stiff and grey mottled orange below ±2.7 feet. |
| | 4 | | | | | | | |
| | 5 | | | | | >1.0 | | Relict structure noted below ±5 feet. |
| | 6 | | | | | | | |
| | 7 | | | | | | | |
| | 8 | | | | | | | |
| | 9 | | | | | | | |
| | 10 | S-3-1 | | | | | | Extremely weak (R0) SANDSTONE; light brown, iron and manganese-stained, close joints, fine sand, silty and micaceous, (Spencer Formation). |
| | 11 | | | | | | | |
| | 12 | | | | | | | |
| | 13 | | | | | | | Less staining and becomes light brown-grey, moderately weathered below ±12.5 feet. |
| | 14 | S-3-2 | | | | | | |
| No ground water encountered to the limit of excavation. | 15 | | | | | | | |
| | 16 | | | | | | | BOTTOM OF TEST PIT |

Project No.: 2051129

Surface Elevation: N/A (Approx.)

Date of Test Pit: November 15, 2005

**Test Pit Log: TP- 3**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: grass, scotch broom, blackberries and wild rose. | 1 | | | | | | | Medium stiff SILT, trace to some clay, scattered roots; brown, damp, medium plasticity, (topsoil/residual soil). |
| | 2 | | | | | 0.85 | | Medium stiff to stiff to stiff SILT, some clay; orange-brown, iron-stained, damp, low to medium plasticity, relict structure, (residual soil to decomposed rock). |
| | 3 | | | | | | | |
| | 4 | | | | | | | |
| | 5 | | | | | | | Extremely weak to very weak (R0 to R1) SANDSTONE; light brown to orange, iron stained, highly weathered, fine sand, close joints. Joints are irregular, rough, closed with some manganese-staining, (Spencer Formation). |
| | 6 | | | | | | | |
| Digging refusal encountered at ±7 feet. | 7 | S-4-1 | | | | | | |
| No ground water encountered to the limit of excavation. | 8 | | | | | | | Becomes very weak (R1), orange-grey with iron and manganese-staining and highly to moderately weathered below ±6 feet. |
| | 9 | | | | | | | BOTTOM OF TEST PIT |
| | 10 | | | | | | | |
| | 11 | | | | | | | |
| | 12 | | | | | | | |
| | 13 | | | | | | | |
| | 14 | | | | | | | |
| | 15 | | | | | | | |
| | 16 | | | | | | | |

Project No.: 2051129

Surface Elevation: N/A (Approx.)

Date of Test Pit: November 15, 2005

**Test Pit Log: TP- 4**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: grass. | 1- | | | | | 0.30 | | Medium stiff SILT, some to trace clay, scattered roots; dark brown to brown, damp, medium plasticity, (topsoil/residual soil). |
| | 2- | | | | | | | Stiff to very stiff SILT, some clay; light brown, damp, low plasticity, relict structure, (residual soil). |
| | 3- | | | | | | | |
| | 4- | | | | | | | Extremely weak (R0) SANDSTONE; light brown, damp, iron-stained, decomposed to highly weathered, very close to close joints. Joints are irregular, rough, closed, (Spencer Formation). |
| | 5- | | | | | | | |
| Digging refusal encountered at ±6.5 feet. | 6- | | | | | | | |
| No ground water encountered to the limit of excavation. | 7- | | | | | | | Becomes very weak (R1), grey and moderately weathered below ±5 feet. |
| | 8- | | | | | | | BOTTOM OF TEST PIT |
| | 9- | | | | | | | |
| | 10- | | | | | | | |
| | 11- | | | | | | | |
| | 12- | | | | | | | |
| | 13- | | | | | | | |
| | 14- | | | | | | | |
| | 15- | | | | | | | |
| | 16- | | | | | | | |

Project No.: 2051129

Surface Elevation: N/A (Approx.)

Date of Test Pit: November 15, 2005

**Test Pit Log: TP- 5**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: grass. | 1- | | | | | | | Medium stiff SILT, trace clay; brown, damp to moist, medium plasticity, (topsoil). |
| Fine roots extend to ±6 inches. | 2- | | | | | 0.35 | | |
| | 3- | S-6-1 | | | | | | Medium stiff SILT, trace to some clay, scattered roots; brown, dry to moist, low to medium plasticity, (residual soil). |
| | 4- | | | | | | | |
| | 5- | | | | | | | Stiff to very stiff SILT, some clay; brown, damp to moist, medium plasticity, relict structure, (residual soil). |
| | 6- | | | | | | | |
| | 7- | | | | | | | |
| Digging refusal encountered at ±8.5 feet. | 8- | S-6-2 | | | | | | Extremely weak to very weak (R0 to R1) SANDSTONE; orange-brown to grey, iron and manganese-stained, highly to moderately weathered, manganese-stained joints, fine sand, (Spencer Formation). |
| No ground water encountered to the limit of excavation. | 9- | | | | | | | |
| | 10- | | | | | | | BOTTOM OF TEST PIT |
| | 11- | | | | | | | |
| | 12- | | | | | | | |
| | 13- | | | | | | | |
| | 14- | | | | | | | |
| | 15- | | | | | | | |
| | 16- | | | | | | | |

Project No.: 2051129

Surface Elevation: N/A (Approx.)

Date of Test Pit: November 15, 2005

**Test Pit Log: TP- 6**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: grass and oak leaves. | | S-7-1 | | | | | | Soft to medium stiff SILT, some to trace clay; dark brown, medium plasticity, (topsoil). |
| Fine roots extend to ±1 foot. | 1 | S-7-2 | | | | | | Very weak to weak (R1 to R2) SANDSTONE; green-grey, moderately to slightly weathered, fine sand, close joints. Joints are irregular, smooth to rough, closed, (Spencer Formation). |
| Digging refusal encountered at ±2 feet. | 2 | | | | | | | BOTTOM OF TEST PIT |
| No ground water encountered to the limit of excavation. | 3 | | | | | | | |
| | 4 | | | | | | | |
| | 5 | | | | | | | |
| | 6 | | | | | | | |
| | 7 | | | | | | | |
| | 8 | | | | | | | |
| | 9 | | | | | | | |
| | 10 | | | | | | | |
| | 11 | | | | | | | |
| | 12 | | | | | | | |
| | 13 | | | | | | | |
| | 14 | | | | | | | |
| | 15 | | | | | | | |
| | 16 | | | | | | | |

Project No.: 2051129

Surface Elevation: N/A (Approx.)

Date of Test Pit: November 15, 2005

**Test Pit Log: TP- 7**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: grass and weeds. | | | | | | | | Soft to medium stiff SILT, some clay, scattered roots; dark brown, damp to moist, medium plasticity, (topsoil). |
| | 1 | | | | | | | Very weak to weak (R1 to R2) SANDSTONE; dark grey moderately to slightly weathered, fine to medium sand, close joints. Joints are irregular to planar, smooth to rough, closed with some manganese-staining, (Spencer Formation). |
| Digging refusal encountered at ±3 feet. | 2 | S-8-1 | | | | | | BOTTOM OF TEST PIT |
| No ground water encountered to the limit of excavation. | 3 | | | | | | | |
| | 4 | | | | | | | |
| | 5 | | | | | | | |
| | 6 | | | | | | | |
| | 7 | | | | | | | |
| | 8 | | | | | | | |
| | 9 | | | | | | | |
| | 10 | | | | | | | |
| | 11 | | | | | | | |
| | 12 | | | | | | | |
| | 13 | | | | | | | |
| | 14 | | | | | | | |
| | 15 | | | | | | | |
| | 16 | | | | | | | |

Project No.: 2051129

Surface Elevation: N/A (Approx.)

Date of Test Pit: November 15, 2005

**Test Pit Log: TP- 8**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: grass, scotch broom and blackberries. | 1 | | | | | | | Soft to medium stiff SILT, abundant fine roots; brown to dark brown, damp, medium plasticity, (topsoil). |
| | 2 | | | | | | | Very weak to weak (R1 to R2) SANDSTONE; light brown, moderately weathered, fine sand, close joints. Joints are irregular to planar, smooth to rough, closed with some manganese-staining, (Spencer Formation). |
| Digging refusal encountered at ±3.5 feet. | 3 | S-9-1 | | | | | | |
| No ground water encountered to the limit of excavation. | 4 | | | | | | | BOTTOM OF TEST PIT |
| | 5 | | | | | | | |
| | 6 | | | | | | | |
| | 7 | | | | | | | |
| | 8 | | | | | | | |
| | 9 | | | | | | | |
| | 10 | | | | | | | |
| | 11 | | | | | | | |
| | 12 | | | | | | | |
| | 13 | | | | | | | |
| | 14 | | | | | | | |
| | 15 | | | | | | | |
| | 16 | | | | | | | |

Project No.: 2051129

Surface Elevation: N/A (Approx.)

Date of Test Pit: November 15, 2005

**Test Pit Log: TP- 9**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: scotch broom and wild rose. | 1 | | | | | | | Medium stiff SILT, trace to some clay, scattered roots; brown to orange-brown, damp to moist, low to medium plasticity, (topsoil/residual soil). |
| | 2 | | | | | | | |
| | 3 | | | | | | | Very weak (R1) SANDSTONE; light brown, moderately weathered, fine sand, very close to close joints. Joints are irregular, rough, closed with some manganese-staining, (Spencer Formation). |
| | 4 | | | | | | | |
| Digging refusal encountered at ±5.5 feet. | 5 | S-10-1 | | | | | | |
| No ground water encountered to the limit of excavation. | 6 | | | | | | | BOTTOM OF TEST PIT |
| | 7 | | | | | | | |
| | 8 | | | | | | | |
| | 9 | | | | | | | |
| | 10 | | | | | | | |
| | 11 | | | | | | | |
| | 12 | | | | | | | |
| | 13 | | | | | | | |
| | 14 | | | | | | | |
| | 15 | | | | | | | |
| | 16 | | | | | | | |

Project No.: 2051129

Surface Elevation: N/A (Approx.)

Date of Test Pit: November 15, 2005

**Test Pit Log: TP-10**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: blackberries and scotch broom.<br>Digging refusal encountered at ±2 feet.<br>No ground water encountered to the limit of excavation. | 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16 | | | | | | | Medium stiff SILT, some clay, scattered roots; orange-brown, damp to moist, medium plasticity, (topsoil).<br>Very weak to weak (R1 to R2) SANDSTONE; green-grey, moderately to slightly weathered, fine sand, close to moderately close joints. Joints are irregular, rough, closed with some manganese-staining, (Spencer Formation).<br>BOTTOM OF TEST PIT |

Project No.: 2051129

Surface Elevation: N/A (Approx.)

Date of Test Pit: November 15, 2005

**Test Pit Log: TP-11**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: scotch broom, blackberries.<br>Digging refusal encountered at ±7 feet.<br>No ground water encountered to the limit of excavation. | 1<br>2<br>3<br>4<br>5<br>6<br>7<br>8<br>9<br>10<br>11<br>12<br>13<br>14<br>15<br>16 | | | | | | | Soft to medium stiff SILT, some clay, scattered roots; dark brown, moist, medium plasticity, (topsoil).<br>Stiff to very stiff SILT, some clay; light brown, dry to damp, low to medium plasticity, relict structure, (residual soil).<br>Extremely weak (R0) SANDSTONE; light brown, trace iron and manganese-staining, highly to moderately weathered, fine sand, close joints. Joints are irregular, rough, closed with manganese-staining, (Spencer Formation).<br>Becomes very weak (R1) below ±5.5 feet.<br>BOTTOM OF TEST PIT |

Project No.: 2051129

Surface Elevation: N/A (Approx.)

Date of Test Pit: November 15, 2005

**Test Pit Log: TP-12**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: short grass, blackberry bushes and rock fragments. | | | | | | | | ROOTS and SOD. |
| | 1 | | | | | | | Extremely weak to very weak (R0 to R1) SANDSTONE; grey to orange-brown, moderately weathered to decomposed, highly fractured, (Spencer Formation). |
| | 2 | | | | | | | |
| | 3 | | | | | | | |
| | 4 | | | | | | | |
| Slow seepage noted at ±5.5 feet. | 5 | | | | | | | |
| | 6 | | | | | | | BOTTOM OF TEST PIT |
| | 7 | | | | | | | |
| | 8 | | | | | | | |
| | 9 | | | | | | | |
| | 10 | | | | | | | |
| | 11 | | | | | | | |
| | 12 | | | | | | | |

Project No.: 2051129-101

Surface Elevation: N/A (Approx.)

Date of Test Pit: February 23, 2007

**Test Pit Log: TP-1A**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: tall grass and blackberry bushes. | | | | | | | | Soft to medium stiff, clayey SILT; dark brown, moist, medium plasticity, blocky structure, (topsoil/alluvium). |
| | 1 | | | | | | | |
| | 2 | | | | | | | |
| Moderate seepage noted at ±3 feet. | 3 | S-2A-1 | | | | 0.25 | | Soft, silty CLAY; light brown, trace iron-staining, wet, medium plasticity, micaceous, (alluvium). |
| | 4 | | | | | | | |
| | 5 | | | | | | | |
| | 6 | | | | | | | |
| | 7 | | | | | | | Stiff CLAY, some gravel-sized rock fragments; brown to grey, trace iron-staining, moist to wet, medium plasticity, (residual soil). |
| | 8 | | | | | | | |
| | 9 | | | | | | | |
| | 10 | | | | | | | Extremely weak (R0) SANDSTONE; brown to grey, decomposed to highly weathered, highly fractured, (Spencer Formation). |
| | 11 | | | | | | | BOTTOM OF TEST PIT |
| | 12 | | | | | | | |

Project No.: 2051129-101

Surface Elevation: N/A (Approx.)

Date of Test Pit: February 23, 2007

**Test Pit Log: TP-2A**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: grass and tall shrubs. | 1 | | | | | | | Medium stiff to stiff, clayey SILT; brown, moist, medium plasticity, micaceous, (possible alluvium). |
| | 2 | | | | | | | |
| | 3 | | | | | | | Stiff SILT, trace fine sand; orange, dry to damp, low plasticity, (residual soil). |
| No ground water encountered to the limit of excavation. | 4 | | | | | | | Very weak (R1) SANDSTONE; grey-brown, moderately weathered, very close to moderately close joints, (Spencer Formation). |
| | 5 | | | | | | | BOTTOM OF TEST PIT |
| | 6 | | | | | | | |
| | 7 | | | | | | | |
| | 8 | | | | | | | |
| | 9 | | | | | | | |
| | 10 | | | | | | | |
| | 11 | | | | | | | |
| | 12 | | | | | | | |

Project No.: 2051129-101

Surface Elevation: N/A (Approx.)

Date of Test Pit: February 23, 2007

**Test Pit Log: TP-3A**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: grass and short brush. | 1 | | | | | | | Soft, clayey SILT; brown, wet, medium plasticity, (alluvium). |
| Rapid seepage noted at ±1.5 feet. | 2 | | | | | | | |
| | 3 | | | | | | | Stiff, clayey SILT; brown, wet, medium plasticity, (alluvium). |
| | 4 | | | | | | | |
| | 5 | | | | | | | |
| | 6 | | | | | | | Stiff CLAY, some gravel-sized rock fragments; brown to grey, wet, low to medium plasticity, (residual soil). |
| | 7 | | | | | | | |
| | 8 | | | | | | | Extremely weak (R0) SANDSTONE; orange-brown, decomposed to highly weathered, highly fractured, (Spencer Formation). |
| | 9 | | | | | | | |
| | 10 | | | | | | | BOTTOM OF TEST PIT |
| | 11 | | | | | | | |
| | 12 | | | | | | | |

Project No.: 2051129-101

Surface Elevation: N/A (Approx.)

Date of Test Pit: February 23, 2007

**Test Pit Log: TP-4A**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: grass and shrubs. | | | | | | | | Medium stiff, clayey SILT, some organics; brown, damp, low plasticity, blocky structure, (topsoil). |
| Practical refusal encountered at ±1.5 feet. No ground water encountered to the limit of excavation. | 1 | | | | | | | Weak (R2) SANDSTONE; light brown, moderately to highly weathered, very close to moderately close joints, (Spencer Formation). |
| | 2 | | | | | | | BOTTOM OF TEST PIT |
| | 3 | | | | | | | |
| | 4 | | | | | | | |
| | 5 | | | | | | | |
| | 6 | | | | | | | |
| | 7 | | | | | | | |
| | 8 | | | | | | | |
| | 9 | | | | | | | |
| | 10 | | | | | | | |
| | 11 | | | | | | | |
| | 12 | | | | | | | |

Project No.: 2051129-101

Surface Elevation: N/A (Approx.)

Date of Test Pit: February 23, 2007

**Test Pit Log: TP-5A**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Surface: | | | | | | | | Medium stiff, clayey SILT, some organics; brown, iron-stained, damp, low plasticity, blocky structure, (topsoil). |
| | 1 | | | | | | | Extremely weak (R0) grading to moderately strong (R2) SANDSTONE; grey to brown, decomposed to slightly weathered, very close to moderately close joints, (Spencer Formation). |
| | 2 | | | | | | | |
| | 3 | | | | | | | |
| Practical refusal encountered at ±4 feet. No ground water encountered to the limit of excavation. | 4 | | | | | | | BOTTOM OF TEST PIT |
| | 5 | | | | | | | |
| | 6 | | | | | | | |
| | 7 | | | | | | | |
| | 8 | | | | | | | |
| | 9 | | | | | | | |
| | 10 | | | | | | | |
| | 11 | | | | | | | |
| | 12 | | | | | | | |

Project No.: 2051129-101

Surface Elevation: N/A (Approx.)

Date of Test Pit: February 23, 2007

**Test Pit Log: TP-6A**

**Brooklane Heights**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| | 1 | | | | | | | Soft to medium stiff SILT, some clay; brown, wet, medium plasticity, (topsoil). |
| | 2 | S-1B-1 | | | | 0.43 | | Soft to stiff SILT, some clay; brown, iron and manganese-stained, moist, medium plasticity, (residual soil). |
| | 3 | | | | | | | |
| | 4 | | | | | 0.65 | | |
| Bulk samples taken at ±5 to 6 feet. | 5 | S-1B-2 | | | | | | Becomes light brown, iron and manganese-stained and relict structure at ±4.5 feet. |
| | 6 | S-1B-3 | | | | | | |
| | 7 | | | | | | | Very stiff, clayey SILT; red-brown, iron and manganese-stained, moist to wet, medium plasticity, relict structure, (residual soil). |
| | 8 | S-1B-4 | | | | | | |
| | 9 | | | | | | | |
| | 10 | S-1B-5 | | | | | | |
| | 11 | | | | | | | |
| | 12 | | | | | | | |
| | 13 | S-1B-6 | | | | | | |
| | 14 | | | | | | | |
| | 15 | | | | | | | |
| | 16 | | | | | | | |
| Rapid seepage noted at ±16 feet. | 17 | S-1B-7 | | | | 0.40 | | Becomes medium stiff to stiff, light brown, iron and manganese-stained, and wet at ±16 feet. |
| | 18 | | | | | | | |
| | 19 | | | | | | | |
| | 20 | | | | | | | BOTTOM OF TEST PIT |

Project No.: 2081024

Surface Elevation: N/A (Approx.)

Date of Test Pit: April 3, 2008

**Test Pit Log: TP-1B**

**Brooklane Heights and Oakmont Addition**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| | 1 | | | | | 0.40 | | Soft to medium stiff SILT, some clay; brown, moist, medium plasticity, (topsoil). |
| | 2 | S-2B-1 | | | | 0.40 | | |
| | 3 | S-2B-2 | | | | | | Medium stiff to stiff SILT, some clay; brown, moist, medium plasticity, (residual soil). |
| | 4 | S-2B-3 | | | | 0.40<br>0.55 | | Becomes iron and manganese-stained below ±2 feet. |
| | 5 | | | | | | | Relict structure noted below ±2.5 feet. |
| | 6 | | | | | | | Extremely weak (R0) SANDSTONE; light grey to orange, iron-stained, highly weathered to decomposed, fine sand. |
| Moderate to difficult digging encountered below ±6 feet. | 7 | S-2B-4 | | | | | | Becomes manganese-stained below ±5 feet. |
| | 8 | | | | | | | |
| | 9 | | | | | | | |
| | 10 | | | | | | | |
| | 11 | | | | | | | |
| | 12 | | | | | | | |
| Komatsu PC150LC excavator encountered hard digging below ±12.5 feet. | 13 | S-2B-5 | | | | | | |
| | 14 | | | | | | | |
| | 15 | | | | | | | |
| | 16 | | | | | | | |
| | 17 | S-2B-6 | | | | | | Becomes extremely weak to very weak (R0 to R1) and highly weathered below ±16 feet. |
| | 18 | | | | | | | |
| No ground water encountered to the limit of excavation. | 19 | S-2B-7 | | | | | | Becomes extremely weak (R0) and decomposed at ±18 feet. |
| | 20 | | | | | | | BOTTOM OF TEST PIT |

Project No.: 2081024

Surface Elevation: N/A (Approx.)

Date of Test Pit: April 3, 2008

**Test Pit Log: TP-2B**

**Brooklane Heights and Oakmont Addition**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Trace fine roots extend to ±18 inches. | 1- | | | | | | | Medium stiff SILT, some clay and organics; brown, moist, medium plasticity, (topsoil). |
| | 2- | S-3B-1 | | | | 0.40 | | Medium stiff to stiff, clayey SILT/silty CLAY; brown, moist, medium plasticity, (residual soil). |
| | 3- | | | | | | | |
| | 4- | S-3B-2 | | | | | | Extremely weak to very weak (R0 to R1) SANDSTONE; grey, manganese-stained, highly weathered, fine sand. |
| | 5- | | | | | | | |
| | 6- | | | | | | | |
| Komatsu PC150LC excavator encountered practical digging refusal at ±8 feet. | 7- | | | | | | | |
| | 8- | | | | | | | |
| No seepage or ground water encountered to the limit of excavation. | 9- | | | | | | | BOTTOM OF TEST PIT |
| | 10— | | | | | | | |
| | 11- | | | | | | | |
| | 12- | | | | | | | |
| | 13- | | | | | | | |
| | 14- | | | | | | | |
| | 15- | | | | | | | |
| | 16- | | | | | | | |
| | 17- | | | | | | | |
| | 18- | | | | | | | |
| | 19- | | | | | | | |
| | 20— | | | | | | | |

Project No.: 2081024

Surface Elevation: N/A (Approx.)

Date of Test Pit: April 3, 2008

**Test Pit Log: TP-3B**

**Brooklane Heights and Oakmont Addition**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| | 1- | S-4B-1 | | | | | | Stiff SILT, some clay; brown, moist, medium plasticity, (topsoil/residual soil). |
| | 2- | S-4B-2 | | | | | | Stiff to very stiff, clayey SILT; brown, iron-stained, moist, medium plasticity, (residual soil). |
| Fine roots extend to ±2.5 feet. | 3- | S-4B-3 | | | | | | |
| | 4- | | | | | | | Extremely weak to very weak (R0 to R1) SANDSTONE; brown, iron and manganese-stained, highly weathered, fine sand. Becomes very weak (R1) below ±5 feet. |
| | 5- | | | | | | | |
| | 6- | | | | | | | |
| | 7- | | | | | | | |
| | 8- | | | | | | | |
| Komatsu PC150LC excavator encountered practical digging refusal at ±9.5 feet. | 9- | | | | | | | |
| | 10— | | | | | | | BOTTOM OF TEST PIT |
| No seepage or ground water encountered to the limit of excavation. | 11- | | | | | | | |
| | 12- | | | | | | | |
| | 13- | | | | | | | |
| | 14- | | | | | | | |
| | 15- | | | | | | | |
| | 16- | | | | | | | |
| | 17- | | | | | | | |
| | 18- | | | | | | | |
| | 19- | | | | | | | |
| | 20— | | | | | | | |

Project No.: 2081024

Surface Elevation: N/A (Approx.)

Date of Test Pit: April 3, 2008

**Test Pit Log: TP-4B**

**Brooklane Heights and Oakmont Addition**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Slow seepage noted at ±2 feet.<br>Bulk samples taken at ±3.5 to 4.5 feet. | 1-<br>2-<br>3-<br>4-<br>5-<br>6-<br>7-<br>8-<br>9-<br>10-<br>11-<br>12-<br>13-<br>14-<br>15-<br>16-<br>17-<br>18-<br>19-<br>20- | S-5B-1<br>S-5B-2<br>S-5B-3 | | | | 0.50<br>0.43<br>0.38 | | Soft to medium stiff, clayey SILT; brown, moist, medium plasticity, slightly blocky structure, (topsoil).<br>Medium stiff, clayey SILT; brown, moist, medium plasticity, (residual soil).<br>Becomes iron and manganese-stained below ±2 feet.<br>Medium stiff to stiff, clayey SILT; light brown, iron-stained, moist, medium to high plasticity, relict structure, (residual soil).<br>Plasticity decreses with depth.<br>Becomes iron and manganese-stained below ±13 feet.<br>BOTTOM OF TEST PIT |

Project No.: 2081024

Surface Elevation: N/A (Approx.)

Date of Test Pit: April 3, 2008

**Test Pit Log: TP-5B**

**Brooklane Heights and Oakmont Addition**

**Corvallis, Oregon**

| Comments | Depth, Feet | Sample # | Location | Class Symbol | Water Table | C, TSF | Symbol | Soil and Rock Description |
|---|---|---|---|---|---|---|---|---|
| Trace roots extend to ±2 feet.<br>Slow seepage encountered from ±3 to 4 feet. | 1-<br>2-<br>3-<br>4-<br>5-<br>6-<br>7-<br>8-<br>9-<br>10-<br>11-<br>12-<br>13-<br>14-<br>15-<br>16-<br>17-<br>18-<br>19-<br>20- | S-6B-1<br>S-6B-2 | | | | | | Stiff SILT, some clay; brown, moist, medium plasticity, blocky structure, (topsoil).<br>Extremely weak to very weak (R0 to R1), silty SANDSTONE; grey-light brown, iron and manganese-stained, medium plasticity, highly weathered, fine sand.<br>Extremely weak (R0) SANDSTONE; light grey, iron and manganese-stained, highly weathered to decomposed, fine sand.<br>BOTTOM OF TEST PIT |

Project No.: 2081024

Surface Elevation: N/A (Approx.)

Date of Test Pit: April 3, 2008

**Test Pit Log: TP-6B**

**Brooklane Heights and Oakmont Addition**

**Corvallis, Oregon**

# Appendix C

## *Laboratory Test Results*

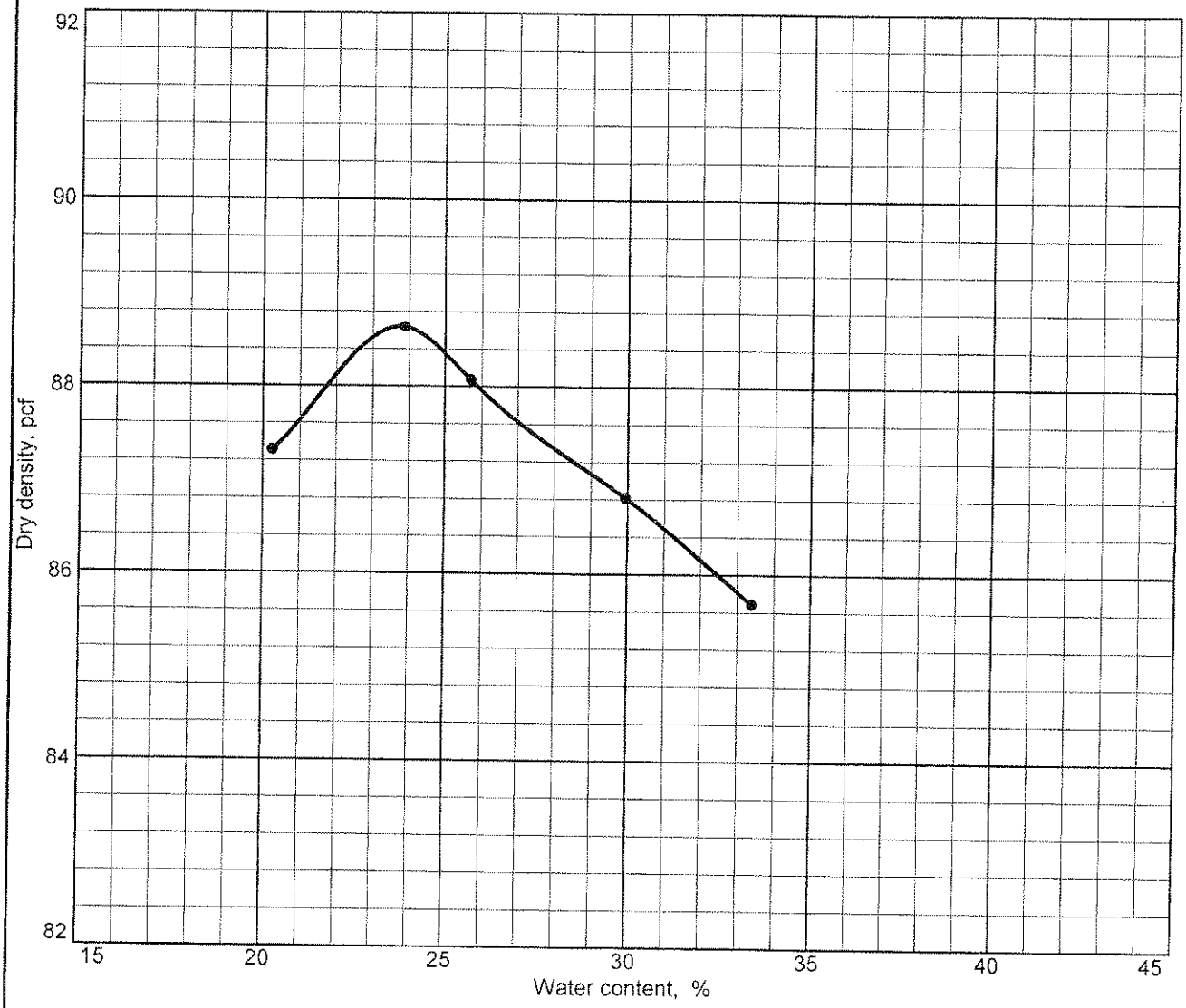
*Professional*
*Geotechnical*
*Services*

**Foundation Engineering, Inc.**

## Table 1C. Natural Water Contents and Atterberg Limits

| Sample Number | Sample Depth (ft) | Natural Water Content (percent) | LL | PL | PI | USCS Classification |
|---|---|---|---|---|---|---|
| S-1B-1 | 1½ - 2 | 23.1 | | | | |
| S-1B-3 | 5 - 6 | 36.0 | 48 | 34 | 14 | ML |
| S-2B-1 | 1 - 1½ | 23.8 | | | | |
| S-2B-2 | 2½ - 3 | 34.7 | | | | |
| S-3B-1 | 1½ - 2 | 19.8 | 28 | 19 | 9 | CL |
| S-4B-1 | ½ - 1 | 22.5 | | | | |
| S-5B-2 | 3½ - 4½ | 37.7 | 79 | 36 | 43 | MH |

# MOISTURE - DENSITY RELATIONSHIP TEST




Test specification: ASTM D 698-00a Method A Standard

| Elev/ Depth | Classification | | Nat. Moist. | Sp.G. | LL | PI | % > No.4 | % < No.200 |
|---|---|---|---|---|---|---|---|---|
| | USCS | AASHTO | | | | | | |
| 3.5-4.5' | MH | | 37.7% | | 79 | 43 | 0.5 | |

| TEST RESULTS | MATERIAL DESCRIPTION |
|---|---|
| Maximum dry density = 88.6 pcf<br>Optimum moisture = 23.8 % | Light Brown Clayey SILT |

**Project No.** 2086001-520 **Client:** Foundation Engineering Inc.; Project# 208-1-024
**Project:** Brooklane Heights & Oakmont Addition Corvallis, Oregon

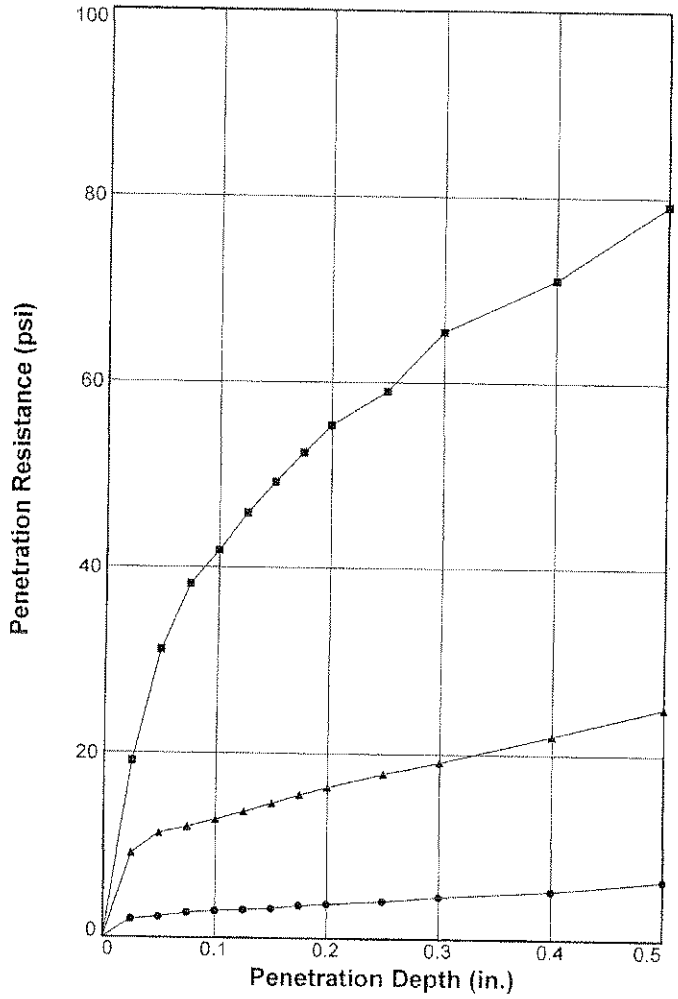
● **Source:** 3880 **Sample No.:** S-5 B-2 **Elev./Depth:** 3.5-4.5'

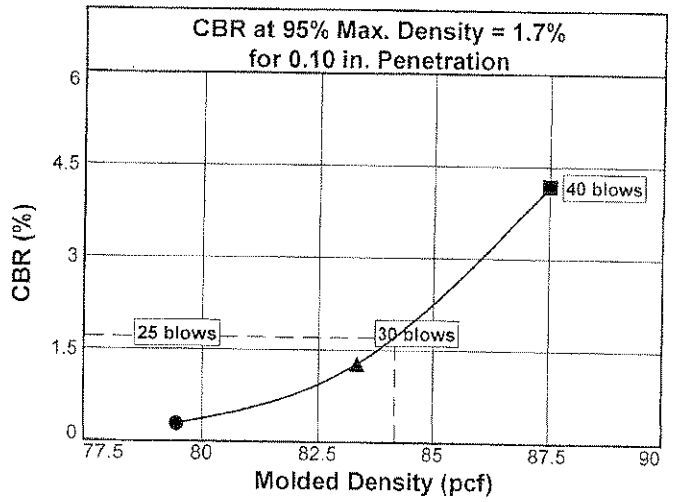
MOISTURE - DENSITY RELATIONSHIP TEST
**FEI Testing & Inspection, Inc.**
**Corvallis, OR**

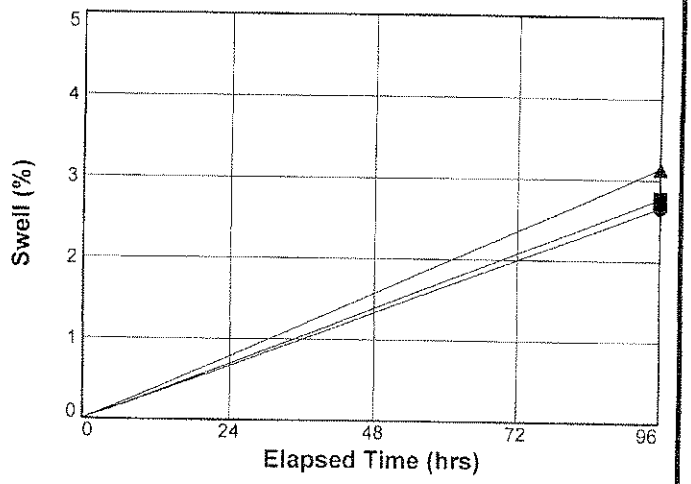
**Remarks:**
Date: 4-17-2008

Figure C

# BEARING RATIO TEST REPORT
## ASTM D 1883-05




| | Molded | | | Soaked | | | CBR (%) | | Linearity Correction (in.) | Surcharge (lbs.) | Max. Swell (%) |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Density (pcf) | Percent of Max. Dens. | Moisture (%) | Density (pcf) | Percent of Max. Dens. | Moisture (%) | 0.10 in. | 0.20 in. | | | |
| 1 ○ | 79.5 | 89.7 | 24.4 | 77.4 | 87.4 | 47.0 | 0.3 | 0.2 | 0.000 | 27 | 2.7 |
| 2 △ | 83.3 | 94 | 25.4 | 80.8 | 91.2 | 41.9 | 1.3 | 1.1 | 0.000 | 27 | 3.1 |
| 3 □ | 87.5 | 98.8 | 25.2 | 85.1 | 96.1 | 37.8 | 4.2 | 3.7 | 0.000 | 27 | 2.8 |

| Material Description | USCS | Max. Dens. (pcf) | Optimum Moisture (%) | LL | PI |
|---|---|---|---|---|---|
| Light Brown Clayey SILT | MH | 88.6 | 23.8 | 79 | 43 |

**Project No:** 2086001-520

**Project:** Brooklane Heights & Oakmont Addition Corvallis, Oregon

**Source of Sample:** 3880 **Depth:** 3.5-4.5'

**Sample Number:** S-5 B-2

**Date:** 4/23/08

**Test Description/Remarks:**

BEARING RATIO TEST REPORT
FEI Testing & Inspection, Inc.
Corvallis, OR

Figure 2C

WILLAMETTE VALLEY PLANNING

RECEIVED

July 5, 2007

RECEIVED
JUL - 5 2007
Community Development
Planning Division

RECEIVED
JUL 05 2007
TIME 4 pm
CITY RECORDER'S OFFICE

Ms. Kathy Louie, City Recorder
Corvallis City Managers Office
501 SW Madison Avenue
Corvallis, OR 97333

**Subject: Appeal of Brooklane Heights (PLD06-00018, SUB06-00006)**

Dear Ms. Louie:

On behalf of Stephen Schaberg, we wish to appeal the Planning Commissions June 20th decision on the Brooklane Heights Conceptual and Detailed Development Plan and Tentative Subdivision Plat. As a participant in the public hearing, Stephen Schaberg and I are affected parties with standing.

The grounds for this appeal are as follows:

1. The Planning Commission erred in denying the Phase 1 improvements, considering this phase of the project was entirely in compliance with the City's approval criteria.

2. The Planning Commission erred by not imposing conditions of approval to address their outstanding concerns. Included with this appeal are recommended plan modifications and additional conditions of approval that would be consistent with the City's approval criteria.

Attached to this letter is the $240 appeal fee. We would appreciate your thoughtful consideration of the additional testimony contained within this letter.

Respectfully Submitted,

David j. Dodson, AICP
President

cc: Bob Richardson

Appellants Names and Addresses:

David j. Dodson
350 NW Polk Avenue
Corvallis, OR 97330
541-753-1987

Stephen Schaberg
2535 SW Whiteside Drive
Corvallis, OR 97333
541-754-8179

Attachment I-1

LUBA 2007-200
EXHIBIT IV - 1
LUBA REMAND



350 N.W. Polk Avenue • Corvallis, Oregon 97330 • 541-753-1987 • fax 541-738-9460

PHASE 1 IMPROVEMENTS

Phase 1 improvements consist of a 30-foot street segment at the northern end of the property that would allow the Oakmont Addition Subdivision access to Brooklane Drive as shown on Attachment J2. The proposed road is a standard local street (see street section on Attachment J2) and has less than 15% grade as required by the City's approval criteria. Tract D would be dedicated to the City along with the adjacent pump station tract for detention and water quality purposes.

GRADING

The Planning Commission made findings that the proposal was not in compliance with Policy 4.6.7. Specifically, the development did not fit the topography (A), and did not minimize cuts and fills (D).

*4.6.7 In areas where development is permitted, standards in the Land Development Code for hillside areas will achieve the following:*

*A. Plan development to fit the topography, soil, geology, and hydrology of hillsides and to ensure hillside stability both during and after development.*
*B. Preserve the most visually significant slopes and ridgelines in their natural state by utilizing techniques such as cluster development and reduced densities.*
*C. Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees.*
*D. Align the built surface infrastructure, such as roads and waterways, with the natural contours of terrain and minimize cutting and filling in developments.*
*E. Minimize soil disturbances and the removal of native vegetation and avoid these activities during winter months unless impacts can be mitigated.*
*F. Design developments and utilize construction techniques that minimize erosion and surface water runoff.*
*G. Demonstrate a concern for the view of the hills as well as the view from the hills.*
*H. Provide landscaping that enhances the identified open space resources.*
*I. Design developments that consider landscaping management that will minimize the threat of fire on improved property spreading to wildland habitat.*

Attachment I-3

The appellant has revised the grading plan to limit grading activities to only those areas necessary for construction of the roads and for lots that are lower than the roadway, (Attachment X). A colored cut/fill analysis has been prepared to show that 95% of the site will have cuts and fills less than 10-feet, (Attachment Y). This ensures that gravity fed sewer and storm drain lines can be located in the street and not within a separate rear yard easement. Therefore, 25 lots will remain undisturbed, while the remaining 20 will be graded or partially graded. These grading provisions will allow 8 additional trees to be preserved on lots 1, 2, 5, 13, 24, and 43. Most of the lots along the western boundary will be left undisturbed. Lots 7-10 have been graded into the hillside as it's the only way they can be built on, otherwise they will have a 10 to 15-foot 2:1 slope bank adjacent to the road as shown in Section "CA" from Attachment P. Lowering the grade for lots 7 and 8 will preserve views for the neighbors to the west. To address preservation of the 8 existing significant trees on private lots, the appellant recommends the following condition of approval be imposed:

**21. Tree Protection on Private Lots** – Homes on lots 1, 2, 5, 13, 24, and 43 shall be designed to minimize impacts to trees. Prior to issuance of permits for excavation and grading for home construction, a minimum 5-foot high, metal, chain-link construction fence, supported by metal poles sunk into the ground, shall be installed 5-feet outside the tree canopy driplines. If an alteration proposed by a certified arborist is reviewed and approved by City staff, an exception to this fencing location standard may occur.

GEOTECHNICAL CONSISTENCY

During Planning Commission deliberations, staff was asked if they could develop a condition of approval to address the geotechnical concerns associated with the proposed detention ponds. Staff implied they could, however such a condition was never formulated for consideration.

In response to the apparent conflict between the detention pond design and the recommendation contained within the geotechnical site investigation by Foundation Engineering, the appellant recommends the following additional language be added to condition of approval #19:

> **19. Public Detention Facility Design & Maintenance Agreement** - The design of the stormwater detention facilities shall incorporate all recommendations of the March 16, 2007 Geotechnical report that was conducted by Foundation Engineering, Inc. The geomembrane liner recommended in the Geotechnical report shall be placed on a slope of 3(h):1(v), or flatter and it must be covered with at least 12 inches of soil. The detention pond shall remain in the same location and footprint as shown on the submitted Utility Plan. Any alteration to the placement of the pond and its associated structural features may require a Planned Development Modification.

Attachment I-4

DIVERSITY IN HOUSING TYPES

During the Planning Commission hearing, the applicant offered to make 11 lots along Buckeye Place comply with the minimum lot size and limit the house size to 1,200 square feet in order to comply with Policy 9.5.13. Since plans reflecting this change were not provided by the applicant, the Planning Commission felt uncomfortable imposing such a condition.

> *9.5.13 New subdivisions and planned developments of more than 5 acres in low density districts shall incorporate two or more of the following elements in at least 10% of the total acreage:*
>
> *A. Zero lot line or attached dwellings (where allowed);*
> *B. Minimum allowed lot area; or*
> *C. Dwelling size less than 1,200 square feet.*

As shown on Attachment W, the appellant has revised the Tentative Subdivision Plat so that lots 19-29 are less than the minimum lot size of 8,000 square feet. The traffic engineer has submitted a supplemental letter indicating the three additional lots will not affect the findings of their traffic impact analysis. We ask that the City Council impose the following condition of approval to ensure dwellings on these lots are less than 1,200 square feet.

> **22. House Size Deed Restriction** – Concurrent with final plat approval, the applicant shall record a deed restriction on lots 19 through 29 that restricts dwelling size to 1,200 square feet or less.

CUL-DE-SAC LENGTH

The Planning Commission found that the cul-de-sac exceeded the standard length by 30-feet and that the applicant did not provide sufficient justification for why the standard should be modified.

Section 4.0.70.c - STREET REQUIREMENTS

3. Cul-de-sacs should not exceed 600 ft nor serve more than 18 dwelling units.

The appellant has modified the Tentative Subdivision Plat and shortened the cul-de-sac to 600-feet as shown on Attachment W, in compliance with Section 4.0.70.c.3 above.

TRAIL WIDTH

The Planning Commission found that the pedestrian/bicycle trail connecting the Badger Place cul-de-sac to Wolverine Drive was 3-feet narrower than the 8-foot standard and that the applicant did not provide sufficient justification for why the standard should be modified.

Section 4.0.50 - BICYCLE REQUIREMENTS

c. Adequate widths for pedestrian/bicycle facilities shall be provided in accordance with the following standards:

1. 8 ft bikepaths should be used where long term bicycle and pedestrian usage is expected to be relatively low (a neighborhood facility rather than a community-wide facility) and with proper alignment to ensure adequate sight distance.

The appellant has modified the Tentative Subdivision Plat and widened the trail to 8-feet as shown on Attachment W, in compliance with Section 4.0.50.c.1 above.

Attachment I-5

HILLSIDE DRAINAGE CONCERNS

The Planning Commission found that the applicant did not adequately address existing drainage problems that exist for Brooklane Park Estates residents who live along the alleyway. When Brooklane Park Estates Phase I was platted, six 10-foot utility easements were established between lots 1-10 to accommodate uphill storm drainage and sewer lines. In response to this concern, the appellant recommends the following condition of approval be imposed:

**23. Off-Site Drainage** – Prior to final plat approval, the applicant shall develop a stormwater drainage plan that ensures site surface drainage is captured in area drains before it crosses the Brooklane Park Estates alleyway. If new off-site area drains are required above the alleyway, the applicant will utilize the existing utility easements, which were specifically designed for storm drainage and sanitary sewer, and will construct such facilities to discourage stormwater from crossing the alleyway.

Attachment I-6

TREE LEGEND
- EXISTING SIGNIFICANT TREES TO BE PRESERVED
- RECENTLY REMOVED TREES
- TREES SLATED FOR REMOVAL WITH DEVELOPMENT
- TREE CANOPIES (FROM SURVEYOR)
- TREE PROTECTIVE FENCING
BROOKLANE HEIGHTS
REVISED GRADING & TREE PRESERVATION PLAN
WILLAMETTE VALLEY PLANNING
METRO CONSULT
EXHIBIT IV-7
REMAND
200
Page -283-

EXHIBIT IV - 8
NETTLES DEMAND
CONSULTING
BROOKLANE HEIGHTS
CUT/FILL ANALYSIS
CUT/FILL LEGEND
0' - 10' CUT
10' - 20' CUT
0' - 10' FILL
10' - 20' FILL
BROOKLANE DRIVE
ARCHEOLOGICAL SITE 35-BR-61
VISION CLEARANCE TRIANGLE
DRAWING IS FOR PLANNING PURPOSES ONLY AND DOES NOT CONSTITUTE A FINAL DESIGN AND IS NOT INTENDED FOR CONSTRUCTION

# ATTACHMENT Z



# PLAT OF BROOKLANE PARK ESTATES PHASE I

IN
SW 1/4 AND NW 1/4 SEC 10,
T12S, R5W, W.M.
JAMES A. BENNETT D.L.C. No. 45
CITY OF CORVALLIS
BENTON COUNTY, OREGON
JULY 8, 1996
PAGE 1 OF 4

| LINE | BEARING | DISTANCE |
|---|---|---|
| L1 | N89°57'23"W | 23.86 |
| | (N89°57'23"W | 23.86) |
| L2 | N49°32'59"E | 26.42 |
| L3 | N49°32'59"E | 43.11 |
| L4 | N48°32'59"E | 123.88 |
| L5 | N35°51'12"W | 9.96 |
| | (N35°51'12"W | 9.96) |
| L6 | N46°17'21"E | 53.10 |
| | (N46°17'21"E | 53.10) |
| L7 | N46°18'34"W | 35.22 |
| | (N46°19'34"W | 35.22) |
| L8 | N46°20'20"E | 181.47 |
| | (N46°20'20"E | 181.47) |
| L9 | N46°43'02"W | 53.90 |
| | (N46°43'02"W | 53.90) |
| L10 | S46°41'14"E | 69.10 |
| | (N46°41'14"W | 69.10) |
| L11 | N53°31'15"E | 146.09 |
| | (N53°31'15"E | 146.09) |
| L12 | N88°15'52"E | 189.57 |
| L13 | N88°15'52"E | 11.50 |
| L14 | N88°57'07"E | 45.83 |
| | <S08°57'07"W | 65.82> |
| L15 | S24°32'59"W | 18.15 |
| | (S24°32'59"W | 18.15) |
| L16 | S24°32'59"W | 43.84 |
| | (S24°32'59"W | 43.84) |
| L17 | S24°32'59"W | 103.89 |
| | <S24°32'59"W | 103.89> |
| L18 | S48°45'04"W | 119.64 |
| | (S48°45'04"W | 119.64) |
| L19 | S31°18'55"W | 255.41 |
| L20 | S31°18'55"W | 20.58 |
| L21 | S40°03'33"W | 4.73 |
| L22 | S36°40'09"W | 6.58 |
| L23 | S36°40'09"W | 24.93 |
| L24 | N89°57'23"W | 147.87 |
| L25 | N89°57'23"W | 93.11 |
| L26 | N89°57'23"W | 193.41 |
| L27 | N89°57'23"W | 114.50 |
| L28 | N89°57'23"W | 185.34 |
| L29 | N89°57'23"W | 288.47 |
| | (N89°57'23"W | 288.47) |
| L30 | S08°57'41"W | 38.63 |
| L31 | N89°57'07"E | 27.60 |
| L32 | N89°57'07"E | 34.32 |
| L33 | N89°58'40"W | 101.16 |
| L34 | S00°04'21"W | 25.14 |
| L35 | N89°58'40"W | 12.84 |
| L36 | S48°31'48"W | 71.81 |
| L37 | N43°11'35"E | 28.06 |
| L38 | N67°04'30"E | 37.79 |
| L39 | S56°01'38"E | 44.51 |
| L40 | S33°58'22"W | 46.84 |
| L41 | S33°58'22"W | 33.33 |
| L42 | S46°10'31"W | 41.84 |
| L43 | N23°48'19"W | 56.85 |
| L44 | N50°37'03"E | 56.69 |
| L45 | N50°37'03"E | 67.45 |
| L46 | S46°10'31"W | 20.29 |
| L47 | S46°10'31"W | 14.02 |
| L48 | S48°31'28"E | 69.67 |
| L49 | S48°31'28"E | 153.23 |
| L50 | N48°31'28"W | 135.77 |
| L51 | N89°57'45"W | 54.00 |
| L52 | S41°28'34"W | 6.00 |
| L53 | N48°31'28"W | 69.67 |
| L54 | S37°48'31"W | 11.55 |
| L55 | N50°37'03"E | 101.47 |
| L56 | N41°10'37"W | 4.38 |
| L57 | N41°40'37"W | 7.93 |
| L58 | S40°26'21"E | 39.00 |
| L59 | N39°22'58"W | 39.00 |
| L60 | S80°54'40"E | 146.57 |
| L61 | N45°16'61"E | 92.88 |
| L62 | N52°59'31"E | 11.12 |

## LEGEND

- ⊙ SET 5/8"x30" LR. W/ YPC STAMPED 'SEAGERS 1014'
- ● SET 5/8"x30" LR. W/ YPC STAMPED 'SEAGERS 1014' - TO BE POST-MONUMENTED
- ●YPC1 FD 5/8" LR. W/ YPC STAMPED 'SEAGERS 1014' AS PER C.S.9004
- ●YPC2 FD 5/8" LR. W/ YPC STAMPED 'SEAGERS 1014' AS PER C.S.9012
- ●YPC3 FD 5/8" LR. W/ YPC STAMPED 'SEAGERS 1014' AS PER C.S.9015
- ●YPC4 FD 5/8" LR. W/ YPC STAMPED 'SEAGERS 1014' AS PER C.S.9102
- ●YPC5 FD 5/8" LR. W/ YPC STAMPED 'J TACCHINI PLS 2287' AS PER C.S.8591
- ●BC1 FD 3 1/4" BRASS CAP NW CORNER D.L.C. 45 AS PER CORNER RESTORATION 1250&3060
- ●BC2 FD 3" BRASS CAP SW CORNER D.L.C. 45 AS PER CORNER RESTORATION 3526
- ●NC1 FD 5/8" LR. NO RECORD N37°23'48"E 4.08 OF CORNER AS PER C.S.9004
- ●NC2 FD 5/8" LR. AS PER C.S.8925
- ●NC3 FD 5/8" LR. REFERENCED BY M-92056 AS PER C.S.9005
- ●YPC1A FD 5/8" LR. W/ YPC STAMPED 'SEAGERS 1014' ALSO FD 5/8" LR. REFERENCED BY M-11249-89 N29°51'24"E 0.81 OF CORNER AS PER C.S.9004 ALSO FD 1/2" I.D. IRON PIPE - DISTURBED
- ●IP1 FD 1/2" I.D. IRON PIPE AS PER C.S.8925
- ●IP2 FD 3/4" I.D. IRON PIPE AS PER C.S.8928
- ●IP3 FD 3/4" I.D. IRON PIPE AS PER C.S.5832
- ●IP4 FD 1/2" I.D. IRON PIPE AS PER C.S.3172
- ●IP5 FD 3/4" I.D. IRON PIPE AS PER C.S.3172
- ●IP6 FD 1" I.D. IRON PIPE AS PER C.S.3175
- ●IP7 FD 1/2" I.D. IRON PIPE AS PER C.S.2253 ALSO FD 1/2" I.D. IRON PIPE - BENT N87°19'47"W 0.10 - ACCEPTED THE NON-BENT PIPE
- ●MB1 FD 1/2" BOLT AS PER C.S.3172

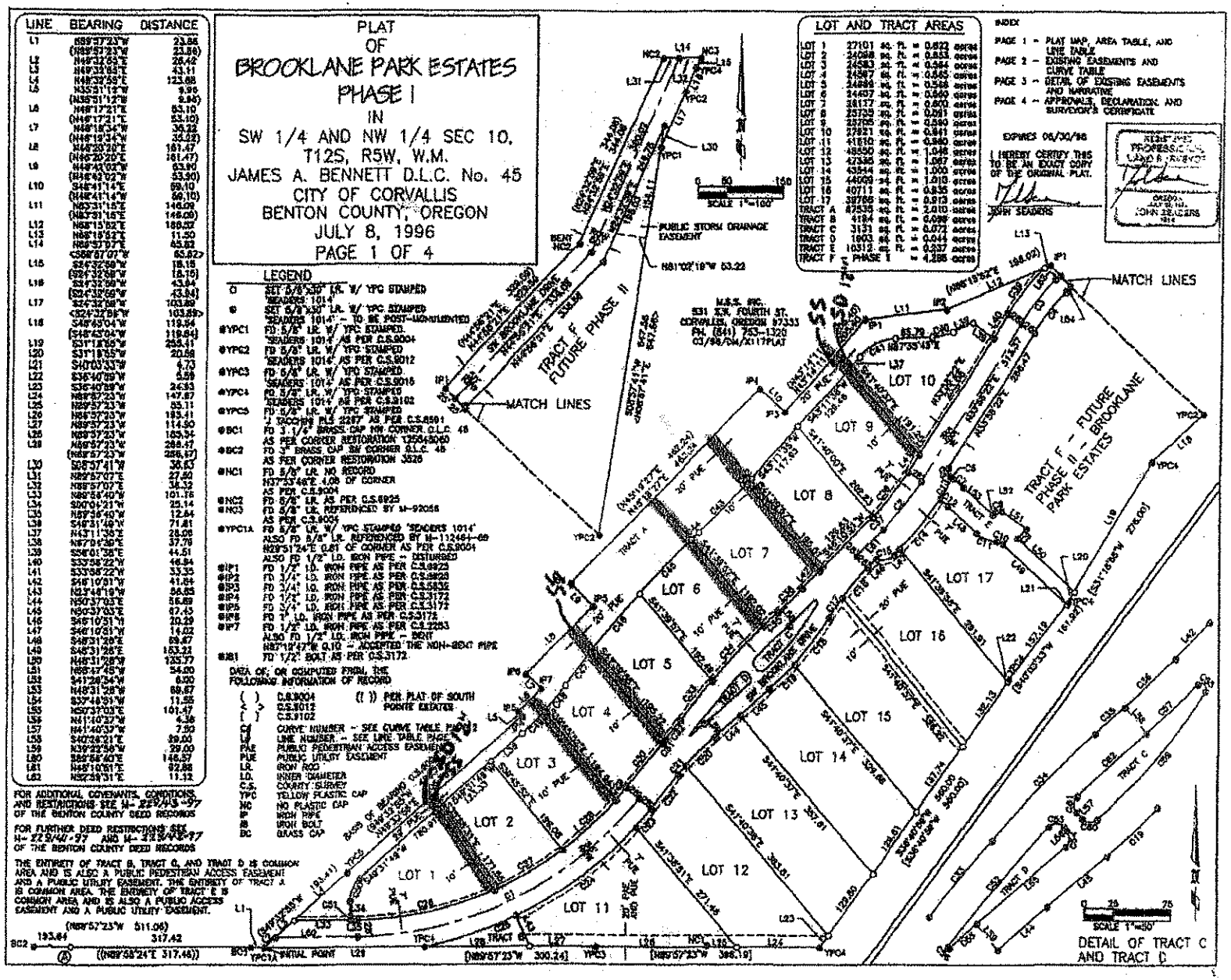
DATA OF, OR COMPUTED FROM, THE FOLLOWING INFORMATION OF RECORD

- ( ) C.S.9004
- < > C.S.9012
- { } C.S.9102
- (( )) PER PLAT OF SOUTH POINTE ESTATES
- CV CURVE NUMBER - SEE CURVE TABLE PAGE 2
- LN LINE NUMBER - SEE LINE TABLE PAGE 2
- PAE PUBLIC PEDESTRIAN ACCESS EASEMENT
- PUE PUBLIC UTILITY EASEMENT
- LR. IRON ROD
- I.D. INNER DIAMETER
- C.S. COUNTY SURVEY
- YPC YELLOW PLASTIC CAP
- NC NO PLASTIC CAP
- IP IRON PIPE
- MB IRON BOLT
- BC BRASS CAP

FOR ADDITIONAL COVENANTS, CONDITIONS, AND RESTRICTIONS SEE M- 22940-97 OF THE BENTON COUNTY DEED RECORDS

FOR FURTHER DEED RESTRICTIONS SEE M- 22940-97 AND M- 22940-97 OF THE BENTON COUNTY DEED RECORDS

THE ENTIRETY OF TRACT B, TRACT C, AND TRACT D IS COMMON AREA AND IS ALSO A PUBLIC PEDESTRIAN ACCESS EASEMENT AND A PUBLIC UTILITY EASEMENT. THE ENTIRETY OF TRACT A IS COMMON AREA. THE ENTIRETY OF TRACT E IS COMMON AREA AND IS ALSO A PUBLIC ACCESS EASEMENT AND A PUBLIC UTILITY EASEMENT.



**Planning Commission/Land Development Hearings Board Meetings - Tentative**
(Updated 7/20/07)

| PC Meetings | Planner | Case Name | Subject |
|---|---|---|---|
| Aug. 1, 2007 | Kevin | Palazzo | Delibs. |
| Aug. 15, 2007 | | | |
| Sept. 5, 2007 | Kevin | 26th St. Commons | Hearing |
| Sept. 19, 2007 | Kevin<br>Kevin | CHS Master Plan<br>26th St. Commons | Hearing<br>Delibs? |
| Oct. 3, 2007 | Kevin | CHS Master Plan | Delibs? |
| Oct. 17, 2007 | Bob | Evanite | Hearing |
| Nov. 7, 2007 | Bob | Evanite | Delibs? |
| Nov. 21, 2007 | | | |

Land Use Applications/Major Work Assignments:

| Eric | Sarah | Bob | Kevin |
|---|---|---|---|
| Witham Oaks Appeal<br>Will. Ldg. Min. Mod.<br>LDIR<br>Landscape/GIS/Web | CCI<br>DCA/EID<br>Cascade Crest<br>MLPs, counter help for Dev. Svs. | Wilson Woods at CC<br>Brooklane Heights<br>Whiteside @ LUBA<br>Historic | 26th St. Commons<br>CHS Master Plan<br>Palazzo<br>Supervision |

Attachment I-10

WILLAMETTE VALLEY PLANNING

July 16, 2007

Ms. Kathy Louie, City Recorder
Corvallis City Managers Office
501 SW Madison Avenue
Corvallis, OR 97333

**Subject: Additional Testimony on the Brooklane Heights Appeal (PLD06-00018, SUB06-00006)**

Dear Ms. Louie:

The attached updated table from the original application narrative should accompany our appeal letter dated July 5, 2007. The Revised Grading & Tree Preservation Plan, (Attachment X) and the Cut / Fill Analysis, (Attachment Y) shows that the maximum fill slope has been reduced from 21-feet to 13-feet. This is only one foot above the maximum fill slope on the Alternative Plan where the roadway was graded and the lots were left at natural grade. The maximum cut slope on the revised plan is only two feet above the maximum cut proposed with the minimal grading alternative, (14' compared to 12'). In addition, the revised plan preserves the greatest amount of trees when compared to the other plans.

We appreciate your thoughtful consideration as you evaluate the concessions that Steven Schaberg has offered in order to comply with the City's Comprehensive Plan policies.

Respectfully Submitted,

David j. Dodson, AICP
President

cc: Bob Richardson

Attachment I-11

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Community Development
Planning Division

EXHIBIT IV - 11
LUBA REMAND



350 N.W. Polk Avenue • Corvallis, Oregon 97330 • 541-753-1997 • fax 541-752-0462

# Revised Table Comparing Meadowridge and the Brooklane Heights Plans

| | Meadowridge at Timberhill (Road Grading Only) | Brooklane Heights Alternative (Road Grading Only) | Brooklane Heights Proposed (Grades Road and Pads) | Brooklane Heights Revised Plan (Grades Roads and Downslope Pads) |
|---|---|---|---|---|
| Project Acreage | 72.6 | 25.88 | 25.88 | 25.88 |
| Total Lots | 93 | 60 | 42 | 45 |
| Max Cut | 16' | 12' | 14' | 14' |
| Max Fill | 20' | 12' | 21' | 13' |
| Max Dev. Slopes | 29% | 27% | 27% | 27% |
| % Open Space | 25%[1] | 22% | 42% | 42% |
| Significant Trees Removed | 185[2] | 131 | 48 | 40 |

[1] Includes through lot landscape tracts with no significant trees.

[2] Estimate based on OTAK plans showing trees in the roadway and the 5 tree rule.



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Planning Division

# Tree Preservation Plan

This tree protection plan is written to provide the developers with a proactive attempt at preserving the trees that merit preservation on or around their development. Most trees in this report are Oregon White Oaks. We used some abbreviations in this report you need to be familiar with, for example, TPF (Tree protection fence) and TPZ (Tree protection zone). The tree protection fence is the fence that is installed to protect each tree or grove of trees for preservation. The tree protection zone is the entire area of preservation; not just one individual tree, but the entire restricted area. Restrictions enforced within both areas. We also use reference to hazard tree evaluation; this is a guide and standard set forth by the International Society of Arboriculture and adopted by consulting arborists.

Any tree that the drip line was encroached on, we recommend Mycholrzea inoculations. This is a root stimulant proven to be beneficial to the Oregon white oaks. At least one application of summer watering is necessary in July, August, and September. Additional watering may be recommended by the consulting arborist during the duration of the project. Moreover, wood chips may be recommended as mulch under some of the trees that will be impacted.

TREE PROTECTION ZONE

Most of these trees are located within large oak groves, which in most cases will be protected by a single TPF around the perimeter of each grove. The fence is established 5' beyond the tree's drip line, unless otherwise stated by the consulting arborist (see measurements below in the tree inventory.)

TREE PROTECTION FENCE

1. Chain link/metal fence with T posts is the standard tree protection fencing for Buena Vista Arbor Care Co., Inc. preservation projects. The traditional orange plastic safety fence will not suffice.
2. Once the tree protection zone is established, no machinery, construction, storage, or grade change is allowed.
3. The fence is not to be moved or tampered with. Unless approved by the projects consulting arborist.
4. If there is no measurement for the TPF, it is to be 5' outside the tree's drip line.

RESTRICTIONS

1. No dumping of any materials where it could saturate the soil within the tree protection zone(s).
2. No admittance of any kind into the tree protection zone(s).
3. No removing the fence for any reason without the consulting arborist prior permission.
4. Consulting arborist needs to be notified immediately if there is a violation, accidental or otherwise. He can be reached on his cell @541-990-1773 or office 541-757-TREE, M-F 7:00am-3:00pm. The phone numbers are also available on the tree protection signs.

PRUNING

Some trees have pruning requirements due to equipment access issues. (These are identified above.) These cuts need to be done by a certified arborist and approved by the consulting arborist handling the preservation. Many of these trees could use tip weight reduction to further improve preservation. This would reduce the likelihood of breakages; thinning and large deadwood would also help with preservation. No root pruning at this point is necessary.

ARBORIST MONITORING

If the project's consulting arborist is not installing the tree protection fence, the consulting arborist must inspect the fence before any work begins. The consulting arborist will randomly inspect the site for violations and the progress of tree preservation throughout the duration of the project. If any violations are found, depending on the severity, the consulting arborist will work with the contractor to find solutions. If the contractor is found grossly negligent or incorporative, the consulting arborist will then turn the violations over to the City of Corvallis.

TREE INVENTORY

In the tree inventory you'll find the minimum requirements in feet for the tree protection fence. Where there is no measurement, it is encompassed in a grove protected by the proposed tree protection zone. The N, E, S, W, stands for the direction of the measurement.

TREE INVENTORY

| TREE # | N | E | S | W | Recommendations |
|---|---|---|---|---|---|
| 1 | | 18 | 8 | | No grading done on oak from the top of existing bank to the trunk of the tree. Hand dig if grade changes need to occur. These specifications should encompass the entire length of Brooklane Drive from Wolverine Drive to Eagle Street. Approx. 5 trees. Arborist should be on site for evaluation along Brooklane. Tree merits preservation. |
| 2 | | | | 16 | |
| 3 | | | | | Three stemmed oak tree. Could be preserved. Cable for preservation. Hazardous in present condition. Cabling won't guarantee any failures, but will help prevent them. |
| 4 | | No >10 | | | |
| 5 | | 15 | 15 | | |
| *Trees # 4-5 On the current plans submitted, the tree preservation fencing needs to be moved East to the stated minimum. *Needs to be revised on the plan. | | | | | |
| 6 | | | | 10 | Within tree protection zone. |
| 7 | | 12 | 15 | | Within tree protection zone. |
| 8 | | | | | Large Oregon White Oak needs further investigation. I need to know exact grade to determine acts of preservation. This tree is typical for its age and species. Merits preservation. |
| The designers have narrowed and moved the street and sidewalk in attempt to preserve this tree. There is to be no construction at this tree without the consulting arborist present. The TPF should be erected at the drip line first, and then can be moved after the arborist has had a chance to review preservation tactics and grading. The fence can only be moved by the consulting arborist. | | | | | |
| 9 | | 20 | | | |
| 10 | X | X | X | X | Remove. Will not pass a hazard tree evaluation. Large buttress wounds. |
| 11 | | | | No >15' | This tree needs to be revisited after the plot staking happens. I need to know specifics for trenching and sidewalk provisions. |
| 12 | | | | 15 | Signs of armillaria. |
| 13 | X | X | X | X | Remove. Severe lean. A typical. Would not pass a hazard tree evaluation. |
| 14 | X | X | X | X | Remove. Will not pass a hazard tree evaluation. Large basil wounds. Rot. |
| 15 | | | | | If a target is present, this tree will not pass a hazard tree evaluation. According to the plans, no target is present. |
| 16 | 18 | 18 | 18 | 18 | Remove two limbs. |
| 17 | 23 | 23 | 23 | 23 | |
| 18 | X | X | X | X | Remove. A typical shape. |
| 19 | X | X | X | X | Remove. Does not merit preservation. |
| 20 | X | X | X | X | Remove. Hazardous.- |
| **Trees # 18-20 Recommend removal to preserve the stand to the East.** | | | | | |
| 21 | | | | | Hazardous if target is present. Could be preserved if no target is present. |
| 22 | | | | | Structural issues. Structural cabling and pruning necessary. Need to extend TPF to 20'. "Neat Old Tree" |
| 23 | X | X | X | X | Remove. Dead center stem. Would not pass hazard tree evaluation. |
| 24 | X | X | X | X | Remove. Would not pass hazard tree evaluation. Susceptible to wind through. Half of the tree is already split out. |
| 25 | X | X | X | X | Remove. Would not pass hazard tree evaluation. Low attachment. Lost one significant stem already. |
| 26 | | | | | This tree is growing in a small moving creek. This is not typical for this species; generally this tree would die in this habitat. I am interested to learn how long the tree has been growing this way and am interested in learning the more about it. This tree merits preservation. |

| | | | | | |
|---|---|---|---|---|---|
| | | | | | *This TPZ still needs to be adjus *Needs to be revised on the plan. |
| 28 | X | X | X | X | Remove. This tree is a stump sprout. Poor attachment. MAPLE TREE. |

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

AUTHUR BOUCOT, BARBARA BOUCOT,
LANCE CADDY, JOE CASPROWIAK,
PAM CASPROWIAK, LAURI CHILDERS,
THERESA HANOVER, WILLIAM KOENITZER,
SUSAN MORRE, JEFF MORRE, ROBERT SMYTHE,
JUSTIN SOARES, LINA SOARES,
GEORGE TAYLOR, LUCINDA TAYLOR
and CAROLYN ver LINDEN,
*Petitioners*,

vs.

CITY OF CORVALLIS,
*Respondent.*

LUBA No. 2007-200

FINAL OPINION
AND ORDER

Appeal from City of Corvallis.

Anne C. Davies, Eugene, filed the petition for review and argued on behalf of petitioners.

David E. Coulombe, Corvallis, filed the response brief and argued on behalf of respondent. With him on the brief was Fewel, Brewer & Coulombe.

RYAN, Board Chair; BASSHAM, Board Member, participated in the decision.

HOLSTUN, Board Member, did not participate in the decision.

REMANDED 05/30/2008

You are entitled to judicial review of this Order. Judicial review is governed by the provisions of ORS 197.850.



**EXHIBIT VI - 1**
**LUBA REMAND**

Opinion by Ryan.

**NATURE OF THE DECISION**

Petitioners appeal a city decision approving conceptual and detailed development plans and a tentative subdivision plat for a 45-lot subdivision.

**FACTS**

The subject property is an approximately 26-acre parcel located on the southeast slope of Country Club Hill in southwest Corvallis near the confluence of the Marys River and Willamette River. The property is zoned Low Density Residential with a Planned Development Overlay (PD RS 3.5). The property is currently vacant except for gravel roads. The applicant originally proposed to create 42 residential lots and four common tracts. The planning commission denied the application, and the applicant appealed to the city council. After filing the local appeal, the applicant revised the application to include three additional residential lots as well as revised plot, grading/excavation, and tree preservation plans. The city council overturned the planning commission decision and approved the application with conditions. This appeal followed.

**MOTION TO FILE REPLY BRIEF AND MOTION TO STRIKE**

Petitioners move to file a reply brief to respond to new matters raised in the response brief. The city objects to the reply brief and moves that portions of the reply be stricken. The reply brief contains three sections (A, B, and C) that respectively address: (1) the statement of facts in the petition for review, (2) whether comprehensive plan policies are approval criteria, and (3) whether issues were waived because they were not raised below.

In the statement of facts in the petition for review, petitioners stated that the subject property was located on a significant hillside under the city code. In the response brief, the city argues that the subject property is not located on a significant hillside. In the reply brief, petitioners respond to that argument. We agree with the city that that is not a new matter as

required under OAR 661-010-0039 to file a reply brief. We will not consider section A of the reply brief.

In the petition for review, petitioners treated certain comprehensive plan policies as applicable approval criteria because they were listed as applicable criteria in the city's notice. In the response brief, the city argues that while the policies may be "applicable criteria" they are not "approval" criteria. This is a new matter that petitioners may respond to in a reply brief. We will consider section B.

Section C replies to waiver arguments raised in the response brief. The city argues that portions of section C should be stricken because petitioners should have anticipated a waiver challenge. We do not agree. The reply to the waiver challenge properly responds to a new matter. We will consider section C.

**FIRST ASSIGNMENT OF ERROR**

Prior to the planning commission hearings, planning staff prepared a staff report recommending denial of the application. The planning commission adopted that staff report as its final decision. After the applicant appealed the planning commission decision to the city council, planning staff prepared a second staff report that again recommended denial. In approving the application, the city council adopted the findings from both staff reports that support the application, but not the findings in the staff reports adverse to the application. The city also adopted as findings the minutes of the two planning commission hearings and two city council hearings that support the application, but not the portions adverse to the application. Petitioners argue that the city improperly attempted to adopt and incorporate portions of the staff reports and minutes in approving the application. The city responds that it has adequately identified the documents that were adopted.

**A. Staff Reports**

In *Ellis v. City of Bend*, 28 Or LUBA 332, 333 (1994), we held that the city's denial of an application was not supported by adequate findings, where the city council

incorporated as findings a hearings officer's decision *approving* the application, purporting to reject any findings in the hearings officer's decision inconsistent with the city's denial. We remanded because we could not tell which portions of the hearings officer's decision had been incorporated and which rejected, and concluded that the incorporation failed and the city's decision was not supported by adequate findings. Similarly, in the present case, both staff reports recommended denial of the application, but the city council approved the application based on the staff reports, without identifying which portions of those staff reports are incorporated and which are rejected. We agree with petitioners that incorporation of the staff reports fails and the findings are inadequate.

**B. Minutes**

Petitioners also argue that the city erred in incorporating those portions of the minutes that support the application. This case is similar to *Soares v. City of Corvallis*, ___ Or LUBA ___ (LUBA No. 2007-232, May 8, 2008), in that the city council attempted to incorporate the portions of the minutes that support the application as findings while rejecting those adverse to the application, without adequately identifying which portions are incorporated and which are rejected. As we explained in *Soares*, the limitation to those portions of the minutes that support the application is too imprecise and is therefore ineffective. *Id*. at slip op 5.

In *Soares*, however, we also explained that an ineffective incorporation of documents or minutes is not necessarily an independent basis for reversal or remand. If there are other findings that are adequate to demonstrate compliance with applicable approval criteria, the ineffective incorporation of other findings may be harmless error. In the first assignment of error, petitioners' only reference to applicable approval criteria concerns solar access standards. That reference is insufficiently developed to constitute an argument in support of the first assignment of error, and is insufficient for our review.

We address petitioners' challenges to other adopted findings below, and sustain some of those challenges. However, petitioners' arguments under the first assignment of error do not add anything to those bases for remand or provide an independent basis for remand. Therefore, the first assignment of error provides no independent basis for reversal or remand.

The first assignment of error is denied.

**SECOND ASSIGNMENT OF ERROR**

Petitioners argue that the city erred in failing to provide proper notice of the amended proposal for a 45-lot subdivision. According to petitioners, the city violated ORS 197.830(5) because the change from a 42-lot subdivision to a 45-lot subdivision occurred after the appeal from the planning commission and that fact was not provided in the notice for the city council hearing.[1]

Even assuming petitioners are correct that the notice was inadequate, the remedy under ORS 197.830(5) is a tolling of the usual 21-day deadline for appealing final limited land use decisions to LUBA. There is no issue regarding the timeliness of petitioners' appeal. ORS 197.830(5) does not provide a basis for reversal or remand, and petitioners do not provide any other authority for reversal or remand for inadequate notice.

The second assignment of error is denied.

---

[1] ORS 197.830(5) provides:

> "If a local government makes a limited land use decision which is different from the proposal described in the notice to such a degree that the notice of the proposed action did not reasonably describe the local government's final actions, a person adversely affected by the decision may appeal the decision to the board under this section:
>
> "(a) Within 21 days of actual notice where notice is required; or
>
> "(b) Within 21 days of the date a person knew or should have known of the decision where no notice is required."

**THIRD ASSIGNMENT OF ERROR**

Petitioners argue that that the city's findings are inadequate because the city organized the findings into general categories and failed to specifically address individual approval criteria. Although petitioners reference in this assignment of error their later challenges to findings of compliance with individual approval criteria under separate assignments of error, an allegation of improper organization of the findings is not in itself an independent basis for reversal or remand.

The third assignment or error is denied.

**FOURTH ASSIGNMENT OF ERROR**

The applicant filed applications for both Conceptual Development Plan (CDP) and Detailed Development Plan (DDP) approvals. Corvallis Land Development Code (LDC) 2.5.50.01.a.3 requires the applicant to provide as part of DDP application "[ty]pical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development[.]" Under LDC 2.5.50.04, a DDP is deemed to conform to the CDP provided the DDP complies with the review standards for CDP approval, at LDC 2.5.40.04.

LDC 2.5.40.04 requires that a CDP must be consistent with the city's comprehensive plan.[2] Corvallis Comprehensive Plan (CCP) 4.6.7(G) requires in relevant part that development "demonstrate a concern" for views from and to the hillside. CCP 9.2.5

---

[2] LDC 2.5.40.04 provides in relevant part:

> "Requests for approval of a Conceptual Development Plan shall be reviewed to assure consistency with the purposes of this chapter, policies and density requirements of the Comprehensive Plan, and any other applicable policies and standards adopted by the City Council. In addition, the following compatibility factors shall be considered:
>
> "* * * * *
>
> "Visual elements (scale, structural design and form, materials, and so forth)
>
> " * * * * *"

requires development to "reflect neighborhood characteristics." CCP 9.2.5 provides that "[d]evelopment shall reflect neighborhood characteristics appropriate to the site and area," and CCP 9.2.1 provides that land use decisions "protect and maintain" these neighborhood characteristics.

In their fourth assignment of error, petitioners argue that the city's findings regarding the applications' compliance with visual compatibility and neighborhood characteristics compatibility criteria found in the CCP are not supported by substantial evidence because the applicant was required to but did not provide a graphic of typical elevations for the proposed houses. Absent that graphic, petitioners argue, the city could not find that the development complies with code and comprehensive plan visual and neighborhood compatibility requirements. Petitioners also argue that the city's findings regarding visual and neighborhood compatibility are inadequate because the findings rely in part on the applicant's agreement to comply with inapplicable 2006 LDC provisions. We address each argument in turn.

In supplemental findings adopted by the city council, the city found in relevant part:

> "The Council notes that the application does not propose typical building elevations, floor plans, or building footprints to demonstrate compliance with the neighborhood characteristics outlined in CCP 9.2.5. The Council notes that the absence of typical building elevations, floor plans, and building footprints was raised as a concern by the Planning Commission and in public testimony. The Council notes that * * * construction of homes on the site will be subject to development standards in the 2006 LDC. * * * Council notes that LDC 4.10 provides a menu of Code permitted design options that development will be required to adhere to. * * *
>
> "The Council finds that the proposed site design responds to the prevalent site characteristics noted above, and to the desired neighborhood characteristics specified in CCP 9.2.5 * * * Given these findings, * * * the City Council finds that the * * * development is compatible with the housing types in the surrounding neighborhood, including one and two-story detached single family housing to the north, south and west.
>
> "The City Council notes that concerns were raised through public testimony that building heights would be excessive and would negatively impact views from and of the hillside of the proposed development. Council notes that the

> application does not seek to vary from LDC standards for building heights. The City Council notes that nearly 90% of the trees on the site will be preserved, most in open space tracts.
>
> "The City Council finds that building to permitted heights of the underlying low density residential zone will not result in negative impacts and will protect views from the hill to the maximum extent practicable given the desire to locate development outside of tree groves. The Council finds that the preservation of the majority of the site's trees, and the installation of the street trees will buffer views of development when looking at the site from points off the subject site." Record 29-30.

The city does not dispute that the required typical building elevation drawings are intended to help demonstrate compliance with the criteria at LDC 2.5.40.04, including consistency with the cited CCP policies regarding neighborhood characteristics. However, the city relies in large part on the applicant's agreement to demonstrate, in a future review proceeding, compliance with Section 4.10 of the 2006 LDC standards governing design to conclude that the development complies with LDC 2.5.40.04, including the requirements for compatible visual elements and compatibility with neighborhood characteristics. *See* n 4, *infra*. As we explain below in our discussion of the fifth assignment of error, the city's reliance on the applicant's agreement to comply in the future with inapplicable 2006 LDC design standards is insufficient to show that the development currently meets the applicable code and comprehensive plan requirements regarding compatibility with neighborhood characteristics.

The city's remaining findings do not demonstrate a basis to conclude that the proposed development complies with the code and plan compatibility requirements, in the absence of the required typical building elevations. On remand, the city must either require submission of the typical building elevations, or in their absence identify a sufficient evidentiary basis to conclude that the development complies with applicable criteria. *See Save Oregon's Cape Kiwanda v. Tillamook Cty.*, 177 Or App 347, 362, 34 P3d 745 (2001) (failure to submit required application materials may be a basis to remand a permit approval

if the record as a whole does not contain information sufficient to support a finding of compliance with applicable approval criteria).

The fourth assignment of error is sustained.

**FIFTH ASSIGNMENT OF ERROR**

Petitioners argue that the city misapplied the applicable criteria relevant to hillside development and that the findings addressing those criteria are inadequate and not supported by substantial evidence. The applicant submitted two possible grading and excavation plans before the planning commission. The planning commission found neither plan was adequate to demonstrate compliance with CCP 4.6.7.[3] After filing its local appeal with the city council, the applicant submitted a revised grading plan that staff again recommended denying for failure to comply with CCP 4.6.7. The city council approved the revised grading plan

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[3] CCP 4.6.7 provides:

> "In areas where development is permitted, standards in the Land Development Code for hillside areas will achieve the following:
>
> "A. Plan development to fit the topography, soil, geology, and hydrology of hillsides and to ensure hillside stability both during and after development.
>
> "B. Preserve the most visually significant slopes and ridgelines in their natural state by utilizing techniques such as cluster development and reduced densities.
>
> "C. Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees.
>
> "D. Align the built surface infrastructure, such as roads and waterways, with the natural contours of terrain and minimize cutting and filling in developments.
>
> "E. Minimize soil disturbances and the removal of native vegetation and avoid these activities during winter months unless impacts can be mitigated.
>
> "F. Design developments and utilize construction techniques that minimize erosion and surface water runoff.
>
> "G. Demonstrate a concern for the view of the hills as well as the view from the hills.
>
> "H. Provide landscaping that enhances the identified open space resources.
>
> "I. Design developments that consider landscaping management that will minimize the threat of fire on improved property spreading to wildland habitat."

with conditions, in particular, condition 27. We address each of petitioners' subassignments of error in turn.

**A. Whether City Applied the Correct Standard**

Petitioners argue that the city applied the wrong standard to evaluate whether the revised grading plan complied with the applicable CCP provisions. According to petitioners, the city council found that the revised plan was acceptable because it minimized cuts and fills "compared to the plans submitted to the Planning Commission." Record 35.

If that were the only finding made by the city council, we would agree with petitioners that the city failed to apply the correct approval criteria, the CCP policies. As petitioners recognize, however, the city also adopted other findings explaining why it believed the applicable CCP provisions were satisfied. Petitioners state that those findings are conclusory and not supported by substantial evidence and challenge them in a separate subassignment of error. We address those findings in turn. The city's finding regarding the difference between the revised and original plans is surplusage, however, and does not provide an independent basis for reversal or remand.

This subassignment of error is denied.

**B. Adequacy of Condition 27**

The 2006 LDC hillside development standards are not applicable to the challenged decision. Rather, CCP 4.6.7 is applicable.[4] After the planning commission denied the application for noncompliance with CCP policies including CCP 4.6.7, the applicant proposed what became condition 27, requiring the lots to be developed in accordance with

[4] The 2006 version of the LDC was adopted to implement the policies of the 1998 CCP, but the challenged decision was deemed complete before the 2006 LDC went into effect. Thus the 2006 LDC is not directly applicable. The city explains that the 1998 CCP is applicable to the challenged decision, and that CCP anticipated that there would be a period of time between the effective date of the CCP and the effective date of the 2006 LDC where the CCP policies to be implemented by the 2006 LDC would be directly applicable.

2006 LDC Chapter 4.5 – Natural Hazards and Hillside Development Provisions and 2006 LDC Chapter 4.10 – Pedestrian Oriented Design Standards. Record 21. The city council accepted that condition, and based on the condition and a future demonstration of compliance with the 2006 LDC hillside development standards found that the proposed grading plan complies with applicable criteria, including CCP 4.6.7.

According to petitioners, the city cannot demonstrate that CCP 4.6.7 is satisfied by imposing a condition that the 2006 LDC hillside provisions will be complied with in the future, for two reasons. First, petitioners argue, that condition amounts to an unlawful deferral of a finding of compliance with an applicable approval criterion under *Rhyne v. Multnomah County*, 23 Or LUBA 442 (1992). Second, petitioners argue, even if such a condition did not amount to an unlawful deferral of a finding of compliance with an applicable approval criterion, the revised grading plan does not and cannot comply with the 2006 LDC hillside development standards.

We need not address the numerous challenges that petitioners raise regarding whether the application can satisfy all the requirements of the 2006 LDC hillside development provisions, because we agree with petitioners that the city's findings regarding whether the provisions of CCP 4.6.7 are satisfied are inadequate. First, the city's adopted findings do not address compliance with each of the provisions of CCP 4.6.7. Instead, the city appears to have concluded that compliance with the 2006 LDC hillside development provisions in a future review process will suffice to demonstrate compliance with CCP 4.6.7. However, even assuming that is the case, the city cannot defer such a demonstration of compliance with CCP 4.6.7 to a future review process that does not provide notice or opportunity for public participation. *Rhyne*, 23 Or LUBA at 447-48.[5] If the city is going to

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[5] In *Rhyne*, we stated:

> "Where the evidence presented during the first stage approval proceedings raises questions concerning whether a particular approval criterion is satisfied, a local government essentially

rely on compliance with the 2006 hillside development standards to demonstrate compliance with CCP 4.6.7, it must address those 2006 standards in a process that provides notice and opportunity for public participation.

Second, even if the city had addressed the 2006 hillside development standards in this proceeding or required that those standards be addressed as part of a review process that provides notice and opportunity for public participation, it is not clear why the city believes that compliance with the 2006 LDC will suffice to demonstrate compliance with CCP 4.6.7. The city states in its brief that the 2006 LDC hillside development provisions implement CCP 4.6.7. However, the findings do not state that position, and the relationship between the CCP policy and the 2006 code standards is not clear to us. Because the city's findings do not specifically address the CCP policies and do not explain how compliance with 2006 LDC hillside development standards is sufficient to demonstrate compliance with those policies, the city's findings are inadequate.

This subassignment of error is sustained.

**C. DOGAMI or Department of Forestry Review**

Petitioners argue that the city failed to comply with ORS 195.260(1)(b), which provides that a local government:

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has three options potentially available. First, it may find that although the evidence is conflicting, the evidence nevertheless is sufficient to support a finding that the standard is satisfied or that feasible solutions to identified problems exist, and impose conditions if necessary. Second, if the local government determines there is insufficient evidence to determine the feasibility of compliance with the standard, it could on that basis deny the application. Third, if the local government determines that there is insufficient evidence to determine the feasibility of compliance with the standard, instead of finding the standard is not met, it may defer a determination concerning compliance with the standard to the second stage. In selecting this third option, the local government is not finding all applicable approval standards are complied with, or that it is feasible to do so, as part of the first stage approval (as it does under the first option described above). Therefore, the local government must assure that the second stage approval process to which the decision making is deferred provides the statutorily required notice and hearing, even though the local code may not require such notice and hearing for second stage decisions in other circumstances. *Holland v. Lane County*, 16 Or LUBA 583, 596-97 (1988)." (footnotes omitted).

> "May require a geotechnical report and, if a report is required, shall provide for a coordinated review of the geotechnical report by the State Department of Geology and Mineral Industries [DOGAMI] or the State Forestry Department, as appropriate, before issuing a building permit for a site in a further review area."

Petitioners argue that the subject property is identified as having high landslide risks. According to petitioners, because the city required a geotechnical report and that report was not reviewed by DOGAMI, the city violated ORS 195.260(1)(b).

While it is true that the city required a geotechnical report and that DOGAMI did not review that report, petitioners do not contend and it does not appear to be the case that the subject property is a "site in a further review area." OAR 632-007-0010(1) provides the definition for a "further review area":

> "'Further review area' for the purpose of this division, means an area of land that may be subject to rapidly moving landslides as specifically mapped by [DOGAMI] for the purpose of implementing ORS 195.260(4)(a)."

While petitioners' experts testified that the subject property is in a high landslide risk area, there is no dispute that DOGAMI has not identified the subject property as a further review area pursuant to ORS 195.260. Because the subject property is not in a "further review area" the city was not required to have DOGAMI review the geotechnical report and the city did not violate ORS 195.260(1)(b).[6]

This subassignment of error is denied.

**D. Whether Grading Will Exceed Eight Feet**

In order to demonstrate compliance with CCP 4.6.7(D), the city found that the revised grading plan "will generally limit cuts and fills to eight feet." Record 36. Petitioners argue that that finding is not supported by substantial evidence. While petitioners appear to be correct, the city will need to adopt new findings on remand that either explain how the 2006

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[6] We also agree with the city that ORS 195.260(1)(b) applies to the issuance of building permits, not the issuance of land use permits. Because the challenged decision does not issue any building permits, it would not violate ORS 195.260 even if the statute were applicable.

LDC hillside grading standards implement each of the CCP 4.6.7 provisions or find compliance with each of the provisions of CCP 4.6.7. Because the city will have to adopt new findings, it would serve no purpose to address petitioners' substantial evidence challenge to the current findings.

We do not reach this subassignment of error.

The fifth assignment of error is sustained, in part.

**SIXTH ASSIGNMENT OF ERROR**

Petitioners argue that the city misapplied the criteria applicable to stormwater drainage and that the findings addressing those criteria are not supported by substantial evidence.

**A. Whether the City Erred in Allowing Activities Within Natural Drainageways**

The applicant's geotechnical report identified two potential "drainages" on the subject property – the east drainage and the west drainage. The city found that the east drainage met the LDC definition of natural drainageway and therefore certain restrictions apply to development in the drainageway. The city found that the west drainage did not meet the LDC definition of natural drainageway and thus development in that area was not subject to the same restrictions. Petitioners first argue that the city erred in determining that the west drainage was not a natural drainageway.

The city responds that this issue is waived under ORS 197.763(1) and 197.835(3) because the issue was not raised below with sufficient specificity for the city to address the issue. Petitioners respond that there were substantial discussions regarding development in drainageways and that the city itself specifically raised the issue of whether the west drainage was a natural drainageway. We have reviewed the record citations provided by petitioners regarding where they argue they raised the issue below. While petitioners are correct that the issue of development in drainageways was discussed, we see nothing indicating that the issue of whether the west drainage met the definition of a natural drainageway under the LDC was

ever raised. We have also reviewed the record citation where petitioners argue the city raised the issue. In the staff report to the planning commission, staff discusses the applicable criteria and explains why the east drainage is a natural drainageway and why the west drainage is not a natural drainageway. The staff report does not consider alternative points of view or conflicting evidence in making the determination that the west drainage is not a natural drainageway. As far as we are directed, the only position taken by the applicant, staff, or opponents below was that the west drainageway was not a natural drainageway. That is not sufficient to raise the issue below. The issue is waived.

Petitioners also argue that the city misapplied LDC 4.5.110(b), which prohibits most activities in drainageways and wetlands, and LDC 4.5.120, which requires mitigation for disturbances to drainageways and wetlands. The city allowed crossings to be constructed in drainageways when the drainageways must be crossed to allow appropriate development of the property. The city interpreted the LDC to allow such crossings when necessary despite the restrictions of LDC 4.5.110(b), as long as mitigation occurred pursuant to LDC 4.5.120. While we are inclined to agree with the city's interpretation, we also agree with the city that the issue was not raised below with sufficient specificity to preserve the issue at LUBA. ORS 19.763(1); ORS 197.835(3).

This subassignment of error is denied.

**B. Compliance With Drainage Criteria**

Petitioners argue that the city's findings of compliance with CCP 4.11.12 are inadequate and are not supported by substantial evidence. CCP 4.11.12 provides:

> "Development upslope of wetlands shall minimize interference with water patterns discharging to wetlands, and shall minimize detrimental changes in water quality for waters discharging to wetlands."

According to petitioners, due to the steep slopes on the subject property, drainage is especially important due to the potential for flooding on downslope properties. Because the applicant did not submit a drainage plan, petitioners argue there is no way to demonstrate

that CCP 4.11.12 is satisfied. The city relies on the supplemental findings at Record 42-44 and conditions of approval imposed regarding drainage, including conditions 8, 18, 19, and 20. In particular, condition 19 requires that the applicant submit engineered calculations demonstrating that the storm drainage facilities will match pre-and post-development flows.

The problems with the city's findings are similar to the problems identified by petitioners in the first and third assignments of error. While there are a page and a half of supplemental findings regarding drainage, it is difficult to tell which findings concern CCP 4.11.12. A greater problem is that the supplemental findings also repeatedly reference the "incorporated findings" in which the city attempted to incorporate the portions of staff reports and minutes that were favorable to the application. As we discussed in the first assignment of error, that purported incorporation was ineffective. Further, the city appears to have completely deferred consideration of proposed drainage plans and facilities to a subsequent review process that does not provide for notice or opportunity for public input. As we explained above in our resolution of the fifth assignment of error, such a deferral is inadequate to justify a finding of compliance with an applicable criterion.

Because the supplemental findings themselves do not adequately demonstrate that CCP 4.11.12 is satisfied, and the purportedly incorporated findings cannot bolster the city's determination, the city's finding that CCP 4.11.12 is satisfied is inadequate. This subassignment of error is sustained.

The sixth assignment of error is sustained, in part.

**SEVENTH ASSIGNMENT OF ERROR**

Petitioners argue that the city's findings regarding protection of environmentally significant resources, including upland prairie and habitat, tree preservation, wetlands, and pond turtles, are inadequate and not supported by substantial evidence.

A number of CCP policies cited by petitioners require that city minimize negative impacts on environmentally significant resources. As in the second subassignment of the

sixth assignment of error, the findings addressing these CCP policies lump numerous approval criteria together in a manner that makes it difficult to determine which findings are applicable to which approval criteria. An even greater problem is that the city relies on purportedly incorporated findings from staff reports and minutes. As discussed earlier, those purported incorporations were ineffective, and because the findings rely on those ineffective incorporations, the findings are inadequate.

The seventh assignment of error is sustained.

The city's decision is remanded.

BEFORE THE LAND USE BOARD OF APPEALS

OF THE STATE OF OREGON

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|---|---|---|
| ARTHUR BOUCOT, BARBARA BOUCOT, LANCE CADDY, JOE CASPROWIAK, PAM CASPROWIAK, LAURIE CHILDERS, THERESA HANOVER, WILLIAM KOENITZER, SUSAN MORRÉ, JEFF MORRÉ, ROBERT SMYTHE, JUSTIN SOARES, LINA SOARES, GEORGE TAYLOR, LUCINDA TAYLOR AND CAROLYN VER LINDEN, | ) | |
| Petitioners, | ) | LUBA No. 2007-200 |
| vs. | ) | |
| CITY OF CORVALLIS, | ) | |
| Respondent. | ) | |

# PETITION FOR REVIEW

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ADDENDUM TO PETITION FOR REVIEW (LUBA No. 2007-200)

**Compatibility:**

LDC2.5.20.h Provide greater compatibility with surrounding land uses than what may occur with a conventional project.(This proposed development lies between an existing neighborhood of homes built with low rooflines in harmony with the topography and the Marys River Natural Area wetland reserve, both of which will be negatively impacted by this development.)

LDC2.5.40.04 Compatibility factors (Basic site design fails to preserve site amenities; scale and structural design of homes not provided to demonstrate neighborhood compatibility; effects on water quality not addressed—this area has seeps and springs that are hydrologically connected to the preserved wetland below, and this project fails to demonstrate how it will avoid negatively impacting that area.)

LDC 4.0.40.b Safe and convenient pedestrian facilities that strive to minimize travel distance to the greatest extent practicable shall be provided with new development within and between new....(no provision for existing neighborhood to have minimized travel distance is made)

CCP 3.2.1.F neighborhoods with a mix of uses, diversity of housing types, pedestrian scale, a defined center, and shared public areas (No provisions included for any shared public area for the surrounding neighborhood or any pedestrian access for homes )

CCP 7.2.6 Avoid significant negative impacts on air and water quality, noise or light pollution (How will 42 lots on a steep slope avoid these negative impacts? In addition to the Marys River Natural Area below, there are two other preserved riparian and wetland parcels just across the Marys River from this hill—the Caldwell Property and the Herbert Property. How will this lowland preserve be impacted by development of the only nearby upland?)

**Cuts and fills/grading:**

LDC 4.0.70.1.2 grades not to exceed 15% on local streets (many portions of the site have grades over 30%)LDC 4.6.7 cut and fill thresholds (limit is 8 ft., but this project proposes up to 20 ft. cut and fill)

CCP4.2.2 Natural features and areas determined to be significant shall be preserved, or have their losses mitigated or reclaimed. The City may use conditions placed on development, private nonprofit efforts, and City, State, and Federal government programs to achieve this objective. (Note significance already established by Natural Features Inventory and the Hillside Report (1983).

**Drainageways:**

LDC 4.5.80 lead paragraph and 4.5.80.a Drainageway "The drainageways within the City are intended to function as a holistic natural system....to ensure that unnecessary negative impacts to this system are minimized...new development proposed on land containing an open, natural drainageway shall require granting of an easement over lands suitable for conveying storm waters and for maintaining and operating an effective open drainageway system.

LDC 4.5.80.b easement restrictions on use (prohibits alteration of existing vegetative cover, regrading, filling, structural improvements) and 4.5.110 limitations within drainageways (prohibits vegetation removal, building, paving, or grading)

CCP 4.11.12 Development upslope of wetlands shall minimize interference with water patterns and detrimental changes in water quality discharging to wetlands. (Many of the other portions of section 4.1 of the Comp Plan are ignored in this proposal, relating to keeping drainageways in a natural state, minimizing negative impacts on wildlife habitat and migration corridors, open space, wetlands below site; fails to address protecting the springs, only mentions them as a threat to new houses that must be minimized.)

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## I. STANDING OF PETITIONERS

Petitioners have standing to appeal this land use decision under ORS 197.830(2).

## II. STATEMENT OF THE CASE

### A. Nature of the Land Use Decision and Relief Sought

Petitioners seek review of the approval by the City of Corvallis (the "city") of an application for Conceptual and Detailed Development Plan and Tentative Subdivision Plat. Petitioners seek reversal or remand of the challenged decision. See also Relief Sought section infra.

### B. Summary of Arguments

1. The challenged decision purports to approve a 45-lot subdivision. The challenged decision incorporates the substance of two staff reports, the minutes of two planning commission hearings and two city council hearings. The decision, however, purports only to incorporate the portions of those reports and minutes that support approval of the application; it does not incorporate any portions of those documents that do not support approval. Because much of the incorporated material addresses a 42-lot subdivision, instead of the 45-lot one that was approved, and because it is impossible to determine which of the documents are actually incorporated, the decision must be remanded.

2. The findings fail to specifically address each criterion. They make general conclusions that groups of criteria are satisfied. Accordingly, the findings are inadequate.

3. The applicant failed to submit typical elevations of the proposed development, as is required by the Land Development Code (LDC). Accordingly, there was not substantial evidence in the record that would enable the city to conclude that compatibility criteria related to hillside views and neighborhood compatibility were satisfied.

4. The subject property lies on the southeast side a very steep hill. Accordingly, the slopes on the subject property are exceedingly steep. In order to build houses on the property, the applicant would be required to conduct excessive cutting and filling, just to create flat areas on which to build. The challenged decision imposed a condition of approval that the applicant would be required to comply with recently adopted hillside development standards. However, the city fails to determine that under the revised grading plan submitted by the applicant, those standards can be complied with. To the extent it does make that finding, it is unsupported by substantial evidence. The development standards would prohibit mass grading on many of the lots that the revised grading plan proposes to mass grade.

The city failed to require that applicant's geotechnical report be reviewed by DOGAMI, as required by ORS 195.253.

5. In order to justify construction of a roadway on a piece of the property that serves as a natural drainageway on the west side of the property, the city concluded that the drainage was not a "drainageway" as defined by the LDC. The Code prohibits construction activities, including cut and fill, within drainageways, and without the construction of the road in the existing drainage, the applicant would not be able to obtain approval of his development. Accordingly, the city adopted a finding, unsupported by substantial evidence, that this West Drainage was not a drainageway.

Even with regard to the other drainage, East Drainage, which the city concluded was a "drainageway," the city approved building, paving and grading activities to be conducted within that drainageway, in violation of LDC 4.5.110(b).

The applicant did not hire a hydrogeologist or hydrologist to provide information on the extent of stormwater runoff that would occur as a result of the development.

Accordingly, its findings of compliance with numerous drainage- and stormwater-related criteria are unsupported by substantial evidence.

6. The city's findings of compliance with criteria applicable to preservation of environmentally significant resources; upland prairie habitat, significant oak woodland, wetlands and western pond turtles, are inadequate and unsupported by substantial evidence.

**C. Summary of Material Facts**

The subject property is a single 25.88-acre parcel on the southeast slope of Country Club Hill in southwest Corvallis. Rec. 529. It is the largest hill in south Corvallis, is located near the confluence of the Marys and Willamette Rivers, and its eastern slope is highly visible to all who enter the southern gateway to the city on Highway 99. It lies just above the 74-acre Marys River Natural Area, designated by the City of Corvallis as a highly significant wetland reserve jointly managed by the USDA Natural Resources Conservation Service, City of Corvallis, and Benton County. Three previously identified seeps and springs are located in two drainageways that are hydrologically connected to the wetland below, Rec. 321, and over four dozen species of birds, wild turkeys, deer, western pond turtles, frogs, field mice, and other wildlife use both the wetland and upland portions of this connected ecosystem for their habitat. Rec. 529-33.

Country Club Hill has been identified by the City of Corvallis as a significant hillside (Comprehensive Plan map). Ten years ago, this hill had only a small amount of residential development, concentrated on the north side. Most of the houses are of unique designs custom-built from the late 1950's to early 1970's, and nestled among the existing oak trees. Rec. 529. The natural slope of the hill was preserved as well through the use of daylight basement-style construction methods instead of large-scale cut and fill. Rec. 530. Most of

the east, south, and west sides of the hill were open space composed of Oregon oak and Douglas-fir woodlands and open grasslands (upland prairies). Rec. 530. However, over the past six years several new subdivisions have been built on the south, west, and north sides of the hill and along its base, using a heavy-handed mass grading construction method that removed almost all native trees and understory vegetation. Rec. 530.

The subject property has very steep slopes, much of them between 20% and 35% slope and some over 35%.[1] Portions of the property are identified as high landslide risks. *See* App-39-41.[2] The only remaining undeveloped open space on the hill, the steepest portion of the hill, is the southeast quadrant, the location of this proposed subdivision, where a large proportion of the site has slopes of 15 to 35%. Rec. 424.

The original application sought approval of a Conceptual and Detailed Development Plan and Tentative Subdivision approval for a 42-lot subdivision. Rec. 601. The existing topography of the hillside would have been altered by the original proposal. Rec. 393. In order to allow residential development of the site, the applicant proposed to mass grade the individual lots and other areas for roadways in order to create flat building areas for roads and homes. Rec. 393. The proposed maximum cut was originally 21 feet, and the proposed maximum fill was also 21 feet. Rec. 393.

The Planning Commission considered the application and conducted a public hearing on June 6, 2007 and June 20, 2007. The planning commission denied the request. The bases for denial that are relevant to this appeal include: 1) failure to comply with policies related to

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[1] OAR 660-008-0005 defines slopes of 25% or greater as "unbuildable." The 1983 Open Space – Hillsides Report defines steep slopes as 20% and greater. The Soil Survey of Benton County (USDA SCS 1972) associates slopes of 20% or greater with "severe" limitations for building construction. Rec. 83.

hillside development, 2) failure to comply with applicable drainage and stormwater criteria, and 3) failure to provide typical elevations sufficient to indicate the architectural intent and character of the proposed development, thus limiting the planning commission's ability to evaluate compatibility impacts, specifically those related to hillside views and hillside development. Rec. 256. The applicant appealed the planning commission denial to the city council. Rec. 277.

After it filed its local appeal, the applicant submitted a revised plot plan and a revised grading/excavation and tree preservation plan. Rec. 282-84. The revised plot plan, in order to comply with a lot size requirement that is not relevant to this appeal, added three more lots around the cul-de-sac of Buckeye Place. Rec. 282. The applicant also submitted a revised cut/fill analysis. Rec. 284.

The city council conducted a *de novo* public hearing, dated August 20, 2007 and September 4, 2007, and on September 14, 2007 deliberated on the matter. On September 17, 2007, the city council adopted findings approving the proposed application. This appeal followed.

## III. JURISDICTION

LUBA has jurisdiction under ORS 197.015(10)(a)(A) and ORS 197.825(1).

## IV. ASSIGNMENTS OF ERROR

### A. FIRST ASSIGNMENT OF ERROR

[2] Attached to this brief as App-39-45 are maps from the Corvallis Comprehensive Plan. App-41, 43, and 45 are blown up versions of the other maps showing a more detailed view of the subject property. Petitioners move that LUBA take official notice of these maps, which were adopted as part of the Corvallis Comprehensive Plan.

**Respondent erred in attempting to adopt as findings deliberations of one of its meeting and findings from a staff report that addressed a different proposal**

## ARGUMENT

Prior to the planning commission hearings on this application, city staff prepared a staff report, dated May 25, 2007. Rec. 389 et seq. The findings in that staff report recommended denial based on a number of inadequacies in the application. The planning commission adopted those findings as its final decision. Rec. 903. After applicant filed its local appeal, and after staff had reviewed the revised plans, it prepared a staff report for city council consideration (the August 10, 2007 memo). Rec. 253. That memo also recommended denial based, in part, on the application's failure to satisfy applicable hillside requirements. The city council purports to adopt only those findings from the staff reports dated May 25, 2007 (Rec. 389 et seq.) and August 10, 2007 (Rec. 253 et seq.) that support approving the challenged decision.[3] The city council also purported to adopt as findings those portions of

[3] The challenged decision provides:

> "The City Council accepts and adopts those findings made in the staff report to the Planning Commission, dated May 25, 2007, that support approval of the Conceptual and Detailed Development Plan/Tentative Subdivision Plat. The City Council adopts as findings those portions of the Minutes of the Planning Commission meetings, dated June 6 and June 20, 2007, that demonstrate support for approving the Conceptual and Detailed Development Plan/Tentative Subdivision Plat. The City Council accepts and adopts those findings made in the August 10, 2007, staff memorandum to the City Council, that support approving the Conceptual and Detailed Development Plan/Tentative Subdivision Plat, as conditioned. The City Council also adopts as findings those portions of the Minutes of the City Council hearings dated August 20 and September 4, 2007, that demonstrate support for approving the Conceptual and Detailed Development Plan/Tentative Subdivision Plat. The City Council specifically accepts and adopts as findings the rationale given during deliberations in the September 4, 2007, meeting by Council Members expressing their support for approving the Conceptual and Detailed Development Plan/Tentative Subdivision Plat. The City Council rejects statements made during deliberations in the September 4, 2007 meeting by Council Members expressing opposition to the proposed Conceptual and Detailed Development Plan/Tentative Subdivision Plat. All of the above-referenced documents shall be referred to in these findings as the 'Incorporated Findings.' The findings below, (the 'supplemental findings') supplement and elaborate on the findings contained in the materials noted above, all of which are incorporated herein, by reference. When there is a conflict between the supplemental findings and the Incorporated Findings, the supplemental findings shall prevail." Rec. 25-26.

minutes of two planning commission meetings and two city council meetings that support approval of the Conceptual and Detailed Development Plan and Tentative Subdivision Plat application. *See* n 3.

Local governments often incorporate other documents as findings supporting the challenged decision. *See Holladay Investors, Ltd. v. City of Portland*, 18 Or LUBA 271, 275 (1989), *aff'd* 100 Or App 551 (1990). The best example of this is the local government's decision to incorporate findings from a staff report. Such incorporation is generally appropriate. However, the city's purported attempt to incorporate portions of findings from two staff reports in this case is not appropriate. This Board has previously determined that it is not sufficient to adopt findings consistent with approval and reject findings that are not consistent with approval. *Ellis v. City of Bend*, 28 Or LUBA 332, 333 (1994). That is exactly what the city council did in this case in adopting only the staff findings that supported the challenged decision and rejecting the staff findings that were contrary to it. The local government must more clearly identify which incorporated findings are adopted and which are not.

Regarding the attempted incorporation of minutes, where the local government starts incorporating minutes or broad descriptions of testimony, there is often a problem. *See, e.g., Cecil v. City of Jacksonville*, 19 Or LUBA 446, 455 (1990). Here, the city council not only attempted to incorporate minutes of public meetings--it also attempted to incorporate ONLY those minutes that supported approval of the subject application. *See* n 3.

The combined minutes of those deliberations are multiple single-spaced pages of print. Rec. 301-311 (minutes of June 6, 2007 planning commission meeting); Rec. 296-300 (minutes of June 20, 2007 planning commission meeting); Rec. 197-210 (minutes of August

20, 2007 city council meeting); Rec. 55-63 (minutes of September 4, 2007 city council meeting).. It would be a Herculean task to sift through those pages to pick out the rationale that could or might have been adopted as findings in support of the city's decision. *See Gonzales v. Lane County*, 24 Or LUBA 251, 259 (1992); *DLCD v. Tillamook County*, 33 Or LUBA 604 (1997) (the incorporation may not leave parties guessing as to which findings are incorporated); *see also Ellis v. City of Bend*, 28 Or LUBA 332, 333 (1994), cited above.

Finally, the incorporated findings in the May 25, 2007 staff report are findings in response to an entirely different proposal. Those findings address a plot plan for 42 instead of 45 lots and two alternative grading plans that were different than the grading plan that was ultimately the basis for the city council's decision. Where the application changes in the significant ways that this proposal did between the time of the incorporated findings and the final decision, such incorporation is not appropriate.

A clear example demonstrating why this incorporation is inadequate is found in the findings on compliance with the solar access standards. LDC 4.6.20.c requires that planned developments on parcels of more than one acre be designed to provide solar access protection to a minimum of 80% of the buildings with sufficient east/west dimension to allow the long axis of the building to utilize solar energy. The applicant submitted a solar study, Rec. 610, to demonstrate compliance with the solar standard for the original 42-lot subdivision. Staff concluded that the proposal complied with the standard. Rec. 452.

However, the applicant subsequently revised the plot plan and added three additional lots and three additional houses. The supplemental findings rely exclusively on the incorporated findings:

"1. The City Council notes that findings in response to the applicable criteria cited above are presented on Attachments IX-64 and IX-65 of the August 10, 2007, staff memorandum to the City Council.

"2. In support of its decision to approve the proposed Conceptual and Detailed Development Plan and Tentative Subdivision Plat, the Council notes that the analysis and conclusions presented in the May 25, 2007, staff report to the Planning Commission demonstrate how the proposal is consistent with the applicable criteria cited above, or is conditioned to that effect.

"3. As discussed in the Incorporated Findings, the City Council finds that the proposal is consistent with the criteria applicable to the Solar Access category.

"4. As discussed in the Incorporated Findings and the supplemental findings, the City Council finds that the proposal, as conditioned, complies with the criteria applicable to the Conceptual and Detailed Development Plan." Rec. 44-45.

The incorporated solar access findings, however, address the original 42-lot subdivision, not the revised 45-lot development. There is therefore not substantial evidence in the record to support a conclusion that the development as revised satisfies the applicable criteria. *See also* discussion under fifth and sixth assignments of error for further support that this incorporation constitutes error that requires remand.

## B. SECOND ASSIGNMENT OF ERROR

### The county erred in failing to provide notice of the 45-lot subdivision

ORS 197.830(5) provides that where a local government makes a decision that differs from the proposal described in the notice to such a degree that the notice of the proposed action did not reasonably describe the local government's final action, then a person adversely affected by the decision may appeal the decision to LUBA.[4] The purpose of the

[4] ORS 197.830(5) provides:

"If a local government makes a limited land use decision which is different from the proposal described in the notice to such a degree that the notice of the proposed action did not reasonably describe the local government's final actions, a person adversely affected by the decision may appeal the decision to the board under this section:

statute is to protect the statutory rights of an individual to receive adequate notice of a public hearing in order to be able to fully participate. *Kevedy, Inc. v. City of Portland*, 28 Or LUBA 227, 232 (1994). In this case, the decision adopted by the city council, approval of a 45-lot subdivision, differs from the proposal described in the notice to such a degree that it did not reasonably describe the local government's action. *See* notice of city council hearing, Rec. 881.[5] *See also* challenged decision, Rec. 3, 4.[6] ORS 197.763(3) requires the notice to "[e]xplain the nature of the application and the proposed use or uses which could be authorized." The use that was approved is different than the use described in the notice. Accordingly, the matter must be remanded.

### C. THIRD ASSIGNMENT OF ERROR

**The Findings are Inadequate to Demonstrate Compliance with Applicable Approval Criteria Because the City Lumped Them into General Subject Matters and Failed to Specifically Address Each Criterion and How it Was Satisfied**

The challenged findings are divided into general subject matters; e.g., Natural Resources, Compatibility, etc. The approval criteria applicable to each particular general subject are set forth at the beginning of each section, followed by general

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"(a) Within 21 days of actual notice where notice is required; or

"(b) Within 21 days of the date a person knew or should have known of the decision where no notice is required."

[5] The notice provides, in relevant part:

"The applicant is requesting approval of a Conceptual and Detailed Development Plan and Tentative Subdivision Plat to create a 42-lot subdivision on the subject site." Rec. 881

[6] The challenged decision itself is actually confusing regarding the proposal being approved. The only indication in the Notice of Disposition is that the proposal is for a 42-lot subdivision. *See* Rec. 9-10. The supplemental findings erroneously describe the matter as an appeal of the planning commission's denial of "a Conceptual and Detailed Development Plan and Tentative Subdivision Plat to create 45 residential lots * * *." Rec. 24. The planning commission's denial was of the 42-lot proposal.

findings addressing the subject matter at issue. In many instances, as set forth below, the findings fail to specifically address particular criteria, fail to explain the applicable criteria, and then conclude that all applicable criteria are satisfied. While the division of the findings by subject matter is appropriate and, in some instances, beneficial, the approach taken by the city is, in many instances, inadequate to demonstrate compliance with the applicable criteria. *See* discussion under the next assignment of error; see also

## D. FOURTH ASSIGNMENT OF ERROR

**The challenged findings addressing compatibility are inadequate and unsupported by substantial evidence**

The Planning Commission denied the proposal in part because the application did not include a graphic of the "typical elevations" as required by LDC 2.5.50.01.a.3.[7] The supplemental findings provide:

> "6. The Council notes that the application does not propose typical building elevations, floor plans, or building footprints to demonstrate compliance with the neighborhood characteristics outlined in CCP 9.2.5. The Council notes that the absence of typical building elevations, floor plans, and building

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[7] LDC 2.5.50.01 provides the information required for the Detailed Development Plan.:

> "a. **Graphic Requirements**
>
> "In addition to the graphic requirements specified for a Conceptual Development Plan in .5.40.01, a Detailed Development Plan shall include:
>
> "1. Topographic contours at 2-ft intervals for slopes under 20 percent and at 5-ft intervals for slopes at or greater than 20 percent. Where the grade exceeds 10 percent or where the development site abuts existing developed lots, the Director may require a grading plan. If a grading plan is required, it shall show how runoff or surface water from the subject property will be managed, including ultimate disposal of surface waters;
>
> "2. Location and floor area of existing and proposed structures and other improvements, including maximum heights, building types, and gross density per acre (for residential developments) and location of fire hydrants, overhead lines in the abutting right of way, easements and walkways;
>
> "3. Typical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development[.]"

footprints was raised as a concern by the Planning Commission and in public testimony. The Council notes that as stated in Development Rated Concern G of the Council approved conditions of approval, construction of homes on the site will be subject to development standards in the 2006 LDC, include LDC Chapter 4.10 – Pedestrian Oriented Design Standards. Council notes that LDC Chapter 4.10 provides a menu of Code permitted design options that development will be required to adhere to. Council notes that Condition of Approval 27, which was proposed by the appellant, also requires compliance with the building design standards in 2006 LDC Chapter 4.10 – Pedestrian Oriented Design Standards and 2006 LDC Chapter 4.5 Natural Hazard and Hillside Development Provisions.

"7. The Council finds that the proposed site design responds to the prevalent site characteristics noted above, and to the desired neighborhood characteristics specified in CCP 9.2.5 through the use of new separated sidewalks, and a multi-use trail. The City Council also finds that when homes are constructed per the standards in LDC Chapters 4.10 and 4.5, the development will be pedestrian oriented, will conform to the natural topography of the site, and will provide the desired neighborhood characteristics outlined in CCP 9.2.5. Given these findings, and the similarity of the proposed development to adjacent developments relative to housing type and density, the City Council finds that the Brooklane Heights development is compatible with the housing types in the surrounding neighborhood, including adjacent one and two-story detached single family housing to the north, south and west.

8. The City Council notes that concerns were raised through public testimony that building heights would be excessive and would negatively impact views from and of the hillside of the proposed development. Council notes that the application does not seek to vary from LDC standards for building heights. The City Council notes that nearly 90% of the trees on the site will be preserved, most in open space tracts.

9. The City Council finds that building to permitted heights of the underlying low density residential zone will not result in negative visual impacts and will protect views from the hill to the maximum extent practicable given the desire to locate development outside of tree groves. The Council finds that the preservation of the majority of the site's trees, and the installation of the street trees will buffer views of development when looking at the site from points off the subject site." Rec. 29-30.

In reviewing a Conceptual Development Plan, the city is required to address numerous compatibility factors:

a. Basic site design (the organization of uses on a site);

b. Visual elements (scale, structural design and form, materials, and so forth);
c. Noise attenuation;
d. Noxious odors;
e. Lighting;
f. Signage;
g. Landscaping for buffering and screening;
h. Traffic;
i. Effects on off-site parking;
j. Effects on air and water quality. LDC 2.5.40.04.

Two key compatibility issues raised by petitioners below were the issue of views to and from the hill (Visual Elements) and compatibility of housing type. Each issue will be discussed separately below.

Views

The planning commission review of the 42-lot subdivision included extensive discussion of the applicant's failure to supply sample elevations, as required by LDC 2.5.50.01.a.3, and the resulting inadequacy of information necessary to make a determination whether views to and from the hill would be adversely impacted. *See* CCP 4.6.7[8]. The August 10, 2007 memo describes the planning commission's determination on this issue as follows:

> "Failure to provide typical elevations sufficient to indicate the architectural intent and character of the proposed development per LDC section 2.5.50.a, thereby limiting the ability of the Planning Commission to evaluate compatibility impacts, especially those related to hillside views and hillside development. Rec. 256.

In short, it found that, without the required elevations, it could not determine whether the views would be impacted to such a degree that the development could not be considered

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[8] CCP 4.6.7.G provides:

> "In areas where development is permitted, standards in the Land Development Code for hillside areas will achieve the following: * * * G. Demonstrate a concern for the view of the hills as well as a view from the hills."

compatible. The city council declined to require those elevations and determined that a condition of approval requiring the applicant to comply with development standards in the 2006 LDC was sufficient to address this criterion. *See* findings set forth in full above.

The challenged findings do not explain, and petitioners do not understand, how the imposition of Condition 27 requiring construction to comply with development standards in the 2006 LDC is adequate to address compatibility impacts, specifically related to hillside views. The 2006 LDC maximum height limitation in both the RS-3.5 and RS-5 zones is 30 feet. LDC (2006) 3.1.30.[9] That development standard does not insure that the compatibility criterion are satisfied with regard to hillside views. When combined with the proposed 14-20 foot fills, houses could rise 50 feet above the existing grade, totally blocking the view of existing neighbors and making these houses dominate the view of the hill from the 99 S gateway into the city.

There is a reason that the code requires, as part of a detailed development plan, submittal of elevations. LDC 2.5.50.01.a.3. Without that information, it is impossible to determine the impact of proposed construction on views from the hills. Accordingly, the city's decision to waive that requirement resulted in a determination of compliance with compatibility criteria that is unsupported by substantial evidence. The decision must be remanded to allow the applicant to prepare the documentation necessary for a determination on the impact on views.

Compatibility of Housing Types

[9] The subject application was submitted before the 2006 LDC was adopted. Accordingly, many citations in this brief are to the previous version of the LDC.

CCP 9.2.5 provides, in general, "Development shall reflect neighborhood characteristics appropriate to the site and area."[10] CCP 9.2.1 requires land use decisions to

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[10] CCP 9.2.5 provides, in full:

> "Development shall reflect neighborhood characteristics appropriate to the site and area. New and existing residential, commercial, and employment areas may not have all of these neighborhood characteristics, but these characteristics shall be used to plan the development, redevelopment, or infill that may occur in these areas. These neighborhood characteristics are as follows:
>
> "A. Comprehensive neighborhoods have a neighborhood center to provide services within walking distance of homes. Locations of comprehensive neighborhood centers are City Council Approved Corvallis Comprehensive Plan December 21, 1998 125 determined by proximity to major streets, transit corridors, and higher density housing. Comprehensive neighborhoods use topography, open space, or major streets to form their edges.
>
> "B. Comprehensive neighborhoods support effective transit and neighborhood services and have a wide range of densities. Higher densities generally are located close to the focus of essential services and transit.
>
> "C. Comprehensive neighborhoods have a variety of types and sizes of public parks and open spaces to give structure and form to the neighborhood and compensate for smaller lot sizes and increased densities.
>
> "D. Neighborhood development provides for compatible building transitions in terms of scale, mass, and orientation.
>
> "E. Neighborhoods have a mix of densities, lot sizes, and housing types.
>
> "F. Neighborhoods have an interconnecting street network with small blocks to help disperse traffic and provide convenient and direct routes for pedestrians and cyclists. In neighborhoods where full street connections cannot be made, access and connectivity are provided with pedestrian and bicycle ways. These pedestrian and bicycle ways have the same considerations as public streets, including building orientation, security-enhancing design, enclosure, and street trees.
>
> "G. Neighborhoods have a layout that makes it easy for people to understand where they are and how to get to where they want to go. Public, civic, and cultural buildings are prominently sited. The street pattern is roughly rectilinear. The use and enhancement of views and natural features reinforces the neighborhood connection to the immediate and larger landscape.
>
> "H. Neighborhoods have buildings (residential, commercial, and institutional) that are close to the street, with their main entrances oriented to the public areas. I. Neighborhoods have public areas that are designed to encourage the attention and presence of people at all hours of the day and night. Security is enhanced with a mix of uses and building openings and windows that overlook public areas.
>
> "J. Neighborhoods have automobile parking and storage that does not adversely affect the pedestrian environment. Domestic garages are behind houses or otherwise minimized (e.g., by setting them back from the front facade of the residential structure.) Parking lots and structures are located at the rear or side of buildings. On-street parking may be an appropriate location for a portion of commercial, institutional, and domestic capacity. Curb cuts for driveways are limited, and alleys are encouraged.

"protect and maintain" these neighborhood characteristics. Rec. 404. The challenged findings note that CCP 9.2.5 recognizes that not all neighborhood characteristics are appropriate for each site. Rec. 29. The findings identify the site's topography, patterns of existing low density residential development and the preservation of natural features as the site's relevant characteristics. Rec. 29.

Once again, the planning commission denied the proposal because the applicant's failure to supply typical elevations indicating the architectural intent and character of the proposed development made it impossible to determine whether the proposal was compatible. Rec. 256. As opponents testified below, other development in the neighborhood includes predominantly daylight-basement homes with shallow roof pitches. Rec. 530. The challenged findings in this regard are wholly conclusory and unsupported by substantial evidence in large part because the city lacked the required typical elevations.[11]

Compliance with the provisions of LDC 4.5 and 4.10 will not alone assure that the development conforms to the natural topography of the site. It is clear from a quick review of

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"K. Neighborhoods incorporate a narrow street standard for internal streets which slows and diffuses traffic.

"L. Neighborhood building and street proportions relate to one another in a way that provides a sense of enclosure.

"M. Neighborhoods have street trees in planting strips in the public right-of-way."

[11] The challenged findings state:

"The Council finds that the proposed site design responds to the prevalent site characteristics noted above, and to the desired neighborhood characteristics specified in CCP 9.2.5 through the use of new separated sidewalks, and multi-use trail. The City Council also finds that when homes are constructed per the standards in LDC Chapters 4.10 and 4.5, the development will be pedestrian oriented, will conform to the natural topography of the site, and will provide the desired neighborhood characteristics outlined in CCP 9.2.5. Given these findings, and the similarity of the proposed development to adjacent developments relative to housing type and density, the City Council finds that the Brooklane Heights development is compatible with the housing types in the surrounding neighborhood, including adjacent one and two-story detached single-family housing to the north, south, and west." Rec. 29-30.

the hillside development standards that they have more to do with erosion control and minimizing grading and impacts of grading during construction. They do not assure that *the structure* conforms to the natural topography. For instance, it contains no restrictions on the height of buildings. More importantly, though, the city does not explain how it believes those code provisions assure such conformity.

## E. FIFTH ASSIGNMENT OF ERROR

**The city misapplied applicable criteria relevant to hillside development, and the findings addressing them are inadequate and not supported by substantial evidence**

### ARGUMENT

The subject property is a 25.88-acre parcel with very steep slopes, much of them between 20% and 35% slope and some over 35%.[12] Before the planning commission, applicant submitted two grading and excavation plans: the preferred grading plan and the alternative grading plan. Rec. 417-18. The preferred plan proposed mass grading on the site to create flat areas for building roads and flat building sites for houses. The alternate plan proposed 55 instead of 42 lots, and individual lot grading for those 55 lots. Rec. 607. It apparently did not propose mass grading, but proposed structures covering a more significant portion of the site, leaving it failing to comply with the tree preservation and other applicable criteria. The city staff and the planning commission concluded that neither plan was adequate to demonstrate compliance with CCP 4.6.7(A), (D) and (E). *See* Rec. 418-24. In summary, the May 25, 2007 staff report concluded that the preferred plan

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[12] OAR 660-008-0005 defines slopes of 25% or greater as "unbuildable." The 1983 Open Space – Hillsides Report defines steep slopes as 20% and greater. The Soil Survey of Benton County (USDA SCS 1972) associates slopes of 20% or greater with "severe" limitations for building construction. Rec. 83.

> "results in maximum cuts and fills of approximately 20 feet, and multiple cuts and fills that exceed 8 feet. Given the size and extent of the cuts and fills in the applicant's preferred grading plan, and the lack of off-setting benefits of the cuts and fills, staff believe this grading plan does not comply with Policy 4.6.7 sections (A), (D), and (E)." Rec. 424.

It also found that the alternative plan did not satisfy relevant approval criteria relative to tree protection and that the application narrative did not explain how the alternative plan satisfied the approval criteria. Rec. 424.

The planning commission adopted the staff's analysis and denied the proposal, based in large part on the failure to comply with the applicable hillside development approval criteria—specifically, CCP 4.6.7(A), (D) and (E), which provide:

> "Plan development to fit the topography, soil, geology, and hydrology of hillsides and to ensure hillside stability both during and after development." CCP 4.6.7(A).
>
> "Align the built surface infrastructure, such as roads and waterways, with the natural contours of terrain and minimize cutting and filling in developments." CCP 4.6.7(D).
>
> "Minimize soil disturbances and the removal of natural vegetation and avoid these activities during winter months unless impacts can be mitigated." CCP 4.6.7(E).[13]

After filing its local appeal, the applicant submitted a revised plot plan and a revised grading plan. Rec. 284. The revised grading plan proposed mass grading, as did the original preferred plan. The August 10, 2007 staff report to the city council recommended denial of the application, based on the inadequacy of the revised grading plan:

> "As noted previously in this Memorandum, previous land use decisions have determined that one way to demonstrate compliance with Policy 4.6.7(A),(D) and (E) is to limit cuts and fills to a maximum of 8 feet. Cuts and fills that exceed 8 feet may be permitted, and may be found to comply with Policy 4.6.7, if the applicant demonstrates that physical

[13] While the challenged decision does not set forth the language of the applicable comprehensive plan and code provisions, it does cite the applicable plan and code numbers. The full language of those policies and provisions are set forth in full in the staff memorandum dated May 25, 2007. Rec. 389-470. The comprehensive plan and code provisions specifically applicable to hillside development are set forth at Rec. 415-17.

characteristics of the site warrant greater cuts and fills and would result in benefits that would off-set negative impacts of increased hillside disturbance.

"The appellant's July 5, 2007, appeal letter states that 95% of the site will have cuts and fills less than 10 feet. This is illustrated in the revised grading plan **(Attachment I.8)**. The revised plan does not show where cuts and fills will be greater than 8-feet, or indicate how many cuts and fills will be greater than 8-feet. Staff analysis of the revised grading plan found that approximately 16 of the 45 lots, or just over a third of lots where grading is proposed in the revised plan, would require cuts and fills greater than 8-feet. This includes lots 15 and 16, which would require more than 10 feet of fill, though the revised plan indicates it would require less than 10 feet. Information provided by the appellant in **Attachment I.12**, states that the maximum cut in the revised plan is 14 feet, and the maximum fill is 13 feet. It is difficult to more precisely know the range of cuts and fills because the appellant's plans use 10-foot contours rather than 2-foot contours."

"* * *

"* * * the appellant has not provided new standards, or set parameters for lot grading on the 25 lots not proposed for mass grading, sufficient to demonstrate impacts to the hillside. Therefore, it is impossible to know if grading on these lots would require cuts and fills greater than 8 feet, the circumstances that would necessitate 8 foot cuts or fills, or how much of each lot would need to be graded to develop each lot.

"* * *

"* * * in this case, where the appellant is proposing to exceed 8 foot cuts and fills on 16 lots, and the extent of necessary cuts and fills on remaining lots is not known, it is important to provide specific techniques or designs to demonstrate how development will respect the topography of the hillside and minimize impacts to it.

"The appellant has not proposed such techniques or designs and it is clear that cuts and fills will exceed 8 feet on one third of the lots and the street. Also, the degree to which lots not mass graded would need to be graded to later be developed is unknown. It is possible that lots proposed for individual grading may not comply with applicable hillside development standards of the 2006 LDC, or with other building design standards in place to ensure compatibility with surrounding uses. For these reasons, Staff does not believe the appellant's revised grading plan complies with applicable

> Comprehensive Plan policies regarding hillside development, and Staff recommend that the City Council deny the appeal." Rec. 262-64.[14]

One of the main reasons the planning commission denied the application and staff recommended denial was the conclusion that the application did not demonstrate compliance with the criteria applicable to Hillside Development. The first finding in the challenged decision applicable to the hillside development criteria references the staff findings in both the May 25, 2007 and August 10, 2007 staff reports:

> "The City Council notes that findings in response to the applicable criteria cited above are presented in Attachments IX-26 through IX-47 [the findings from the May 25, 2007 staff report] and Pages 6 through 12 of the August 10, 2007, staff memorandum to the City Council." Rec. 33.

As explained above under the First Assignment of Error, it is unclear which of those findings the city council adopts as its own findings. One would assume that if the city council meant not to adopt any of those findings, and only intended to adopt the "supplemental findings" as pertains to the hillside standards, it could have easily said so. The confusion regarding what findings are incorporated with regard to hillside development criteria demonstrates why the city's purported incorporation is erroneous.

### 1. First Subassignment of Error

**The City used wrong standard**

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[14] In the Conclusion to staff's May 25, 2007 memo, staff finds:

> "Staff does not believe the proposed Conditions of Approval as reflected in the revised grading plan satisfy the hillside development criteria of the Comprehensive Plan Policy 4.6.7. Further, insufficient detail regarding the extent of grading that will be necessary on the non-mass-graded lots, and insufficient detail regarding building design on all lots, lead Staff to believe the Conceptual and Detailed Development Plan proposal does not comply with applicable hillside development standards. This also results in uncertainty regarding the compatibility of future development including impacts to surrounding properties' views. For these reasons, Staff recommend that the City Council deny the appeal and the proposed Conceptual and Detailed Development Plans. Because the proposed Tentative Subdivision Plan Plat is predicated on

Of utmost importance among the above-cited applicable comprehensive plan provisions is the provision that requires minimizing cut and fill. CCP 4.6.7(D). The city used the wrong standard and compared the grading plan to the previous grading plans to support its conclusion that the development minimizes cut and fill: "The Council notes that the plans submitted on appeal minimize cuts and fills *compared to* the plans submitted to the Planning Commission." Rec. 35 (emphasis added). The proper standard does not call for a comparison to other plans that the city staff and planning commission already determined failed to satisfy the standard. The supplemental findings do go on to conclude that the proposal minimizes cut and fill, generally. However, those findings are conclusory or otherwise not supported by substantial evidence, as is explained further below.

**2. Second Subassignment of Error**

**Condition 27 is not adequate to insure compliance with applicable criteria**

In 2006, the city adopted what it refers to as its Hillside Development Standards. LDC 4.5. Those standards do not apply directly to this application because the application was deemed complete prior to the date those provisions became effective. In an attempt to demonstrate compliance with the applicable hillside development comprehensive plan provisions, the applicant proposed, and the city council adopted, Condition #27:

> "All cuts and fills shown on the grading plan identified as Attachments I.7 and I.8 of the August 10, 2007, Staff Memorandum to the City Council shall be engineered and constructed such that retaining walls are not required. All lots shall be developed in accordance with Chapter 4.5 – Natural Hazards and Hillside Development Provisions and Chapter 4.10 – Pedestrian Oriented Design Standards from the December 31, 2006 Land Development Code." Rec. 21.

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approval of the proposed Conceptual and Detailed Development Plan, it is also recommended that the City Council deny the proposed Tentative Subdivision Plat." Rec. 274.

The applicant, and apparently the city council, are of the belief that imposing a condition that the Hillside Development Standards *will be complied with in the future* somehow gets them off the hook for determining compliance with the applicable hillside development approval criteria from the comprehensive plan. It does not.

First, in general the 2006 hillside development standards apply at the time of tentative subdivision approval; i.e., now. *See* 4.5.40. Section 4.5.40.b sets forth information that is required for all "development applications." "Development applications" include "Excavation and Grading Permits, Building Permits, Public Improvements by Private Contract Permits (PIPC), and any land use application identified in Chapter 2.1 – Comprehensive Plan Amendment through Chapter 2.14 – Partitions, Minor Replats, and Lot Line Adjustments." 4.5.40.a. Chapter 2.4 is entitled Subdivisions and Major Replats. Accordingly, under the 2006 hillside development standards, compliance is required PRIOR to tentative subdivision approval. A mere imposition of a condition that the hillside development standards will be complied with in the future is not sufficient to demonstrate compliance with the applicable criteria now.

Second, the city has failed to make a demonstration that compliance with the 2006 hillside development standards is even feasible. *See Rhyne v. Multnomah County*, 23 Or LUBA 442, 447-47 (1992). The 2006 hillside standards are extremely detailed and complex. There is no reason to believe that the grading plan that was rejected by planning staff under the comprehensive plan provisions would pass muster under the more detailed code-based hillside development standards. In fact, a brief review of those provisions demonstrates that the revised grading plan does not comply with those standards, and that the grading plan is

not sufficient to demonstrate that compliance with applicable comprehensive plan criteria is feasible.

- LDC 4.5.60.03 requires, for properties containing areas of 15% slope or greater, a topographic map showing 2-foot contours. *See also* LDC 4.5.40.b.7. The applicant's materials only show 10-foot contours. Rec. 283.
- LDC 4.5.80.04.c.3 prohibits mass grading on lots that are greater than or equal to 10,000 sq. ft. Many of the proposed lots exceed 10,000 sq. ft. Rec. 282, 602. The grading plan does not make clear where the mass grading will occur. It is not clear that the development can be completed as proposed in the revised grading plan and still comply with the hillside development standards
- LDC 4.5.80.04.d sets forth the maximum cut and fill standards on individual lots. It adopts an 8-foot limitation unless there are extenuating conditions, in which case larger cuts and fills may be justified. The subject application does not appear to satisfy any of the extenuating conditions listed.[15]

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[15] LDC 45..80.04.d(1)(a) lists the extenuating conditions that may be considered:

"Extenuating Conditions - Exceptions to the Eight-ft. Standard for Individual Lot Grading shall be based on the following specific extenuating conditions:

"1) Street/Pedestrian Alignment - Additional Cut/Fill provides for the alignment of a necessary street or pedestrian connection. A necessary street or pedestrian connection is one which is needed to create a block perimeter of approximately 1,600 ft., or which is identified in an adopted City Master Plan document.

"2) Significant Natural Feature: Additional cut/fill is necessary to protect a Significant Natural Feature, which is defined as a feature subject to a Natural Hazards (except slopes) and/or Natural Resource 4.5 - 38 LDC December 31, 2006; revised June 18, 2007 Overlay on the Comprehensive Plan Map; or a Significant Tree, as defined in Chapter 1.6 - Definitions. In the case of a preserved tree, a Certified Arborist must find that the proposed cut/fill exception would preserve the viability of a Significant Tree that would otherwise have been damaged by the application of the Cut and Fill Standards.

"3) Maintain Driveway Slope - Additional Cut/Fill is necessary to allow for the construction of a driveway at a slope of 15 percent or less. It must be demonstrated, to the satisfaction of the

Further, while the supplemental findings state that Condition 27 "corresponds to the graphics and plans submitted on appeal," Rec. 35, that statement is not supported by substantial evidence. First, the supplemental findings note that the hillside standards allow cut and fill as great as 12 feet if there are extenuating circumstances. Rec. 35, LDC 4.5.80.04.d.1. However, the revised grading plan itself proposes maximum cuts of 14 feet and maximum fills of 13 feet. Rec. 288. Second, the condition prohibits retaining walls, yet the proposal calls for retaining walls. Rec. .

Finally, the applicant's grading cut and fill analysis appears to depict only the mass grading that is proposed. That analysis depicts broad ranges of cut and fill depths: 0 – 10' cuts and fills, and 10' – 20' cuts and fills. It also proposes mass grading on individual lots, some of which are in excess of 10,000 sq. ft. Rec. 602. The hillside development standards do not allow mass grading in those circumstances. LDC 4.5.80.04.c.3. Even where lots are less than 10,000 sq. ft., the hillside standards only allow grading on a portion of the property; i.e., 6,500 sq. ft. The proposed grading cut and fill analysis proposes mass grading of all of at least 14 of the proposed lots. *See* Grading and Cut and Fill Analysis.

As is clear from a brief review of the hillside standards, the proposed grading plan most certainly does not comply with those standards. Accordingly, it is not possible for the applicant to both comply with its revised grading plan while simultaneously complying with the hillside development standards, as is required by Condition 27. The condition is inadequate and the city's findings that it is adequate are not supported by substantial evidence.

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Building Official, that other driveway alignments have been considered and are not feasible before additional Cut/Fill is authorized."

Under *Rhyne*, a local government may defer a finding of compliance with an applicable criterion if it imposes a condition and determines that it is feasible to satisfy the applicable criterion. Otherwise, a local government may defer a finding of compliance to a later stage only if, at that later stage, the local government provides the same opportunity for public participation. The city has not determined that it is feasible to comply with the applicable criteria, and there is nothing in the challenged decision that insures that there will later be the same requisite public comment provided that is available at this stage.

Finally, the city does not explain how compliance with the hillside development standards demonstrates compliance with the applicable CCP approval criteria. For example, CCP 4.6.7(A) requires that proposed development "fit the topography, soil, geology and hydrology of hillsides." Further, CCP 4.6.7(E) requires minimization of soil disturbances and the requirement of mitigation if the activities must be done during winter months. The findings do not specifically address these criteria and do not explain how compliance with the hillside development standards is adequate to demonstrate compliance with these criteria.

### 3. Third Subassignment of Error

**The city failed to require a coordinated review of the applicant's geotechnical report by DOGAMI or the State Forestry Department, as required by ORS 195.260.**

ORS 195.250 is entitled Landslide Hazard Areas. ORS 195.253(1) provides:

> "Each property owner, each highway user and all federal, state and local governments share the responsibility for making sound decisions regarding activities that may affect landslide hazards and the associated risks of property damage or personal injury."

The legislature found:

> "Activities that require sound decisions to mitigate rapidly moving landslide hazards and risks include but are not limited to * * * siting or constructing

> homes or other structures in areas prone to rapidly moving landslides." ORS 195.256(4)(a).

In furtherance of that state policy on landslide areas, ORS 195.260(1)(b) requires that where a local government requires a geotechnical report, it "**shall** provide for a coordinated review of the geotechnical report by the [DOGAMI] or the State Forestry Department, as appropriate, **before** issuing a building permit for a site in a further review area."

Petitioners raised this issue before the city council, and the issue was ignored. The purpose of the requirement for coordinated review is obvious—the risk of serious bodily injury or death resulting from landslides is too grave a matter to leave in the hands of a scientist who is being paid by the developer to conduct a study on the potential hazards of development. A portion of the property is identified as having high landslide risks. Rec. 88. While the applicant submitted a geotechnical report, that report was not reviewed by DOGAMI, as required by ORS 195.260(1)(b). The challenged decision should be remanded to allow DOGAMI to conduct the requisite review. At the very least, the city must impose a condition that would require such review prior to issuance of a building permit.[16]

**4. Fourth Subassignment of Error**

**The City's finding that grading will generally not exceed eight feet is not supported by substantial evidence**

In order to demonstrate compliance with CCP 4.6.7(D), the city found that "**after grading the site based on the Revised Grading and Tree Preservation Plan,** COA 27 will generally limit cuts and fills to eight feet." Rec. 36, Finding 16 (emphasis added). It appears the city is not considering the complete cuts and fills. The city determines that **once the**

[16] If, for some reason, the city believes that ORS 195.260 does not apply, it must adopt findings explaining the basis for such a position.

**mass grading is complete**, the grading of individual lots will generally not create cuts or fills greater than eight feet. Given the massive mass grade proposed, the combined cuts and fills (mass grading and individual lot grading) will obviously far exceed eight feet. The city erred in ignoring the mass grading when it determined that the cuts and fills would generally not exceed 8 feet.

## F. SIXTH ASSIGNMENT OF ERROR

**The city misapplied the criteria applicable to stormwater drainage, the findings addressing the criteria are inadequate and are unsupported by substantial evidence**

The criteria applicable to the stormwater drainage issue include criteria addressing both public facilities, Rec. 446-51, and drainageways under the Natural Features section of the staff's May 25, 2007 staff report, Rec. 426-33.[17]

### 1. First Subassignment of Error

**The city erred in allowing certain activities within natural drainageways, in violation of LDC 4.5.110**

a. Finding that West Drainage is not a "drainageway" is not supported by substantial evidence

[17] Specifically relevant to drainage are the following applicable criteria:

> CCP 4.10.3— "Significant drainageways shall be kept in a natural state to protect tree lines, maintain their natural functions, and enhance native plant species, to the maximum extent practicable."
>
> CCP 4.10.7—"To minimize the negative impacts of development, stormwater runoff after development should be managed to produce no significant reduction of water quality than prior to development unless more appropriate provisions are identified in adopted comprehensive storm water management plans."
>
> CCP 4.10.8—"Grading and filling in drainageways shall be regulated to prevent negative impact on the channel, floodway and flood plain, riparian habitat, wetlands, and other properties. Where drainageways are disturbed through development, the developer shall return the drainageway to its natural state, to the extent practicable."

The applicant's geotechnical report identified two "Drainages" on the property—the East Drainage and the West Drainage. Rec. 853. The report states:

> "Our previous investigation identified two mapped hazard areas (designated in The Corvallis Natural Hazards Map) as existing drainage in the south half of the Brooklane Heights portion of the development. We distinguished these features as the West Drainage and East Drainage." Rec. 853.

The West Drainage coincides with the westernmost high-risk landslide area. Rec. 431. The application proposes to locate the southernmost portion of Wolverine Drive and portions of lots 1 and 33[18] in this area. However, because the city erroneously concluded that the West Drainage is not a "drainageway," it failed to apply LDC Chapter 4.5. *See* Rec. 431.[19] The code defines a "drainageway" as a "natural or artificial watercourse, including adjacent riparian vegetation, that transmits natural stream or stormwater runoff from a higher elevation to a lower elevation." LDC 1.6.30. To the extent the findings conclude that the West Drainage is not a "drainageway," any such finding is unsupported by substantial evidence.

The applicant urged the city not to treat these drainages as drainageways, and thus not subject to LDC Chapter 4.5 because they have no defined banks or channels. Rec. 430. The

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[18] The findings reference lots 1 and 30; however that reference related to the original plot plan. What was identified as lot 30 is now lot 33. Rec. 431.

[19] The findings provide:

> "The application narrative refers to these drainages as ravines that should not be subject to the provisions in LDC Chapter 4.5 that regulate drainageways, because the subject drainages have no defined banks or channels. Staff concurs with the applicant that the drainages do not have well defined banks or channels. Despite the observation of flowing water in the East Drainage on December 6, 2006, reported in the Preliminary Geotechnical report, it is not clear if LDC defined drainageways exist on the site. The drainages identified in the Geotechnical reports are not identified on any City maps as streams, fish bearing or otherwise, and are not identified as riparian corridors. However, because overland water flow was observed in the East Drainage, and because sotrmwater would be conveyed through the East Drainage from, and to, the public stormwater system after development, the East Drainage would, after development, transmit "natural stream or stormwater runoff from a higher elevation to a lower elevation" consistent with the definition of 'drainageway' in LDC Chapter 1.6. Because the East Drainage will carry public stormwater, a drainageway easement is necessary, consistent with the provisions of LDC Chapter 4.5. Because the 'West Drainage' has not been

city identified the East Drainage as a drainageway, but declined to identify the West Drainage as such because it "has not been identified with flowing water." Rec 431. The definition of "drainageway" is broader than the applicant proposed, as staff noted. However, the definition is also broader than acknowledged by staff in the above finding. The mere fact that applicant's geotechnical expert failed to observe water flowing in the West Drainage on a particular day is not substantial evidence to support of finding that the West Drainage does not qualify as a "drainageway." If the West Drainage carries stormwater runoff from a higher elevation to a lower elevation, then it is a drainageway. The applicant's expert identified it as an existing drainageway, and it coincides with a high risk landslide area. Rec. 853. The identification as a drainage is also supported by a cultural resource survey that was conducted for a previously proposed subdivision on the subject property. *See* Rec. 106 ("The [archeological] site is situated on a small north-south knoll with two spring-fed intermittent drainages lying to the east and west."). *See also* Rec. 107 (map from cultural resource survey that identifies springs in both the East and West drainages).

Substantial evidence exists to support a finding of fact when the record, viewed as a whole, would permit a reasonable person to make that finding. *Dodd v. Hood River County*, 317 Or 172, 179, 855 P2d 608 (1993). Even if there is some supporting evidence, that evidence may not be substantial when viewed together with the countervailing evidence in the whole record. *Canfield v. Yamhill County*, 142 Or App 12, 17-18, 920 P2d 558 (1996). Given the identification by two separate experts that two separate drainageways that carry water exist on the property, the city's conclusion that the West Drainage is not a drainageway is not supported by substantial evidence.

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identified with flowing water, it is not be [sic] considered a drainageway that is subject to LDC Chapter

b. The city misapplied LDC 4.5.110(b)

LDC 4.5.110(b) provides:

"Building, Paving, and Grading Activities: Within drainageway and wetland areas, the placement of structures or impervious surfaces, including grading, excavation, and the placement of fill, is **prohibited** except as stated below. Exceptions to the drainageway and wetland restrictions may be made for the purposes identified in items 1-6 [sic] of this section, provided they are designed and constructed to minimize adverse impacts to the riparian or wetland area, In the case of wetlands, no development shall be permitted until the City has received verification of DSL approval for development on the subject site, or written indication from DSL that the department is not concerned with the development.

1. Replacement of existing structures with structures located on the original building footprint, provided replacement does not disturb additional riparian surface area;
2. Construction of streets, roads, and pedestrian connections that are included in the City of Corvallis Transportation Plan;
3. Development of water-related and water-dependent uses, including associated drainage facilities, water and sewer utilities, flood control projects, and drainage pumps;
4. In-channel erosion control or flood control measures that have been approved by the Oregon Division of State Lands (DSL), the U.S. Army Corps of Engineers, or other state or federal regulatory agency, and that utilize bio-engineering methods (rather than rip rap)."

Clearly, except as specifically provided by the four exceptions set forth above, "placement of structures or impervious surfaces, including grading, excavation, and the placement of fill," is expressly **prohibited** in drainageways. The staff findings acknowledge that none of the four exceptions applies in this case. Rec. 431-32. However, it then goes on to allow exactly that. The findings seem to interpret 4.5.120 to completely eviscerate the prohibition set forth in LDC 4.5.110(b). LDC 4.5.120, entitled Mitigation for Disturbances to Drainageways and Wetlands, provides:

"Developers are encouraged to avoid impacts to drainageways and wetland areas. Where impacts cannot be avoided, mitigation of impacts shall be required. Mitigation

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4.5 regulations. * * *."

shall be done in accordance with local, state, and federal wetland laws and the following provisions:

a. Where a drainageway must be crossed or otherwise encroached upon to allow appropriate development of property, crossings shall be constructed in accordance with engineering standards adopted by the City."

The only reasonable interpretation of those two provisions, and the only one that gives any meaning to LDC 4.5.110(b), is that 4.5.120 does not relate to actual development or cut and fill in drainageways. It merely references impacts to drainageways during construction. Impacts associated with activities during construction should be avoided and must be mitigated. This provision in no way provides an exemption to the prohibition set forth in LDC 4.5.110(b). Accordingly, the city's conclusion allowing building paving and grading activities within the natural drainageways on the property is contrary to the code. The city erred in allowing such activities, which violate LDC 4.5.110(b).[20]

**2. Second Subassignment of Error**

**The city's findings of compliance with relevant drainage criteria are not supported by substantial evidence because the applicant's geotechnical report does not address drainage**

CCP 4.11.12 provides:

"Development upslope of wetlands shall minimize interference with water patterns discharging to wetlands, and shall minimize detrimental changes in water quality for waters discharging to wetlands."

As discussed below, the city's findings of compliance with this criterion are inadequate and unsupported by substantial evidence in the record.

The applicant's geotechnical report identified two "Drainages" on the property—the East Drainage and the West Drainage. Rec. 853. The subject property is located within the

[20] The city did not adopt an explicit interpretation of LDC 4.5.110(b) and 4.5.120. LUBA can provide its own interpretation or remand to the city to provide an interpretation.

Marys River Storm Drainage Basin. Water from the subject property flows southeast down the hill and eventually drains into the Marys River Natural Area and the designated wetland found there. In describing the proposed drainage improvements, the city found:

> "The site is located within the Marys River Storm Drainage Basin. The applicant is proposing to install curb inlets and a 12 inch water pipe in the northern section of Wolverine Drive. This will direct water to a water quality manhole located near where Wolverine Drive turns north to connect with Oakmont Addition. The water quality manhole will outlet next to the road and allow the water to flow overland to an existing field inlet located near the property line with Brooklane Park Estates, near the northeast end of the private alley. This is connected to a 12 inch public storm drain that is located in an easement through a portion of Brooklane Park Estates. The applicant has proposed to excavate a channel or swale in order to direct the storm water from the water quality manhole to the existing field drain (Attachment R.50) **(City Council Attachment IX.61)**.
>
> "* * *
>
> "Additional curb inlets will be placed in Wolverine Drive between Badger Place and Buckeye Place, and in Badger Place. These will direct water to a new 12 inch public storm drain line in Wolverine Drive and Badger Place. The storm drain line will then direct the water to the second water quality manhole as outlined in the above paragraph.
>
> "Curb inlet catch basins will also be installed at the south end of Wolverine Drive, at the intersection with SW Brooklane Drive. The water will be directed to a water quality manhole and then into the existing 12 inch public storm drain line located in SW Brooklane Drive." Rec. 269-70.

Due to the steep slopes and high landslide potential on the property, drainage is a critical concern, especially because there are homes downslope from the property that are at risk of landslides and flooding.

The revised site plan proposes two detention ponds, located as shown on the cut and fill analysis at Rec. 284. However, the applicant has not as yet supplied a drainage plan. Condition 19 references the geotechnical report and requires that the stormwater detention

facilities incorporate all recommendations of that report. Rec. 17. That report, however, is not a drainage plan.[21] As the scope of work language makes clear:

> "The focus of this investigation was to record the depth of practical (digging) refusal in the bedrock and provide information for others to assess the feasibility of deep cuts at the site. We also completed a reconnaissance-level geologic hazard study of the site to address the City of Corvallis standards for development on steeply sloped areas." Scope of work description for January 25, 2006 study, Rec. 831.

> "The focus of this investigation was to evaluate the feasibility of proposed improvements (i.e., roadways and water detention basins) within the existing site drainages. * * * Our current work focused on identifying geotechnical issues related to embankment construction within the East Drainage, as well as design and construction of the proposed detention ponds." Scope of work description for March 16, 2007 supplemental study, Rec. 853.

The geotechnical study is limited in scope, as described above. What is missing from this report and from the entire record is a study of the drainage patterns on the property. Nowhere in the record is there a discussion of the estimated impacts of the increased run-off resulting from the proposed development. Accordingly, the following finding is unsupported by substantial evidence:

> "As discussed in more detail in the Public Facilities section of this report, storm water from the subject site is proposed to be conveyed into the Marys River Natural Area, and per the Corvallis Stormwater Master Plan and criteria in the King County, Washington, Surface Water Design Manual, the volume of water entering the Marys River Natural Area will approximate pre-development volumes." Rec. 433.

The finding that water entering the Mary's River natural area will approximate pre-development volumes is entirely unsupported by the record because the estimations required to make such a determination have not yet been conducted.

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[21] Nor is it prepared by a hydrologist who is familiar with the hydrological components of the proposal.

The applicant's and the city's solution to the very real threat of increased flooding to downhill properties and negative impacts to natural resources in the wetland below was the imposition of Condition 19. Condition of approval 19 provides, in part:

> "As part of the plans for public improvements the applicant shall provide engineered calculations for pre-development and post-development peak storm water run-off flows, and demonstrate that the storm drainage facilities are designed to match pre and post development flows based on the 2-year, 5-year, and 10-year storm events." Rec. 17-18.

The city's findings and imposition of Condition 19 fail to demonstrate compliance with CCP 4.11.12 or CCP 4.10.7 and 4.10.8. *See* n 17. While the challenged findings state that the post development flows will approximate the pre development flows, that finding in not supported by substantial evidence. The applicant does not yet have the numbers necessary to the make a determination of compliance. Neighbors to the south submitted testimony explaining the potential impacts of increased run-off from the property and the potential impacts of the increase in water run-off on properties to the south. Rec. 79-81, 314, 320, 343.

Imposing a condition of approval that requires applicant to obtain the required numbers necessary to refute the neighbors' testimony at some later date, when there is no opportunity for public comment, is not permissible. *See Rhyne v. Multnomah County*, 23 Or LUBA 442, 447-48 (1992). The condition that city imposed, requiring a future study, in no way assures compliance with the applicable approval citeria. There is no determination that it is feasible to comply with the applicable criteria. In fact, the findings concede that it may not be feasible: "The detention analysis shall contain a discussion on the feasibility of implementing infiltration during both the wet and dry seasons." Rec. 18.

The condition of approval is not adequate to demonstrate compliance with the applicable criteria or even that it is feasible to comply. Accordingly, remand is appropriate.

## G. SEVENTH ASSIGNMENT OF ERROR

**The city failed to demonstrate compliance with criteria applicable to protection of environmentally significant resources, findings addressing those criteria are inadequate and unsupported by substantial evidence**

It is the applicant's burden to demonstrate compliance with all criteria that are applicable to the proposed development. There are several environmentally significant resources on and near the subject property that must be addressed and a determination made that the proposed development will not endanger them. Generally, CCP 4.2.2 provides:

> "Natural features and areas determined to be significant shall be preserved, or have their losses mitigated, and/or reclaimed. The City may use conditions placed upon development of such lands, private nonprofit efforts, and City, State, and Federal government programs to achieve this objective."

### 1. Upland Prairie and Habitat

CCP 4.10.9 provides:

> "Negative impacts on habitat and migration corridors for birds, wildlife, aquatic life, and on open space and the recreation qualities of significant drainageways shall be minimized."

Before the planning commission and city council, opponents of the proposed subdivision provided testimony regarding the significance of the upland prairie habitat located on the subject property. Rec. 517; 328, 321, 313, 308. The challenged findings provide:

> "On May 2, 2007, Ann Kreager, a Habitat Conservation Biologist for the Oregon Department of Fish and Wildlife (ODF&W) and Carolyn Menke from the Institute for Applied Ecology surveyed the Brooklane Heights site. Ms. Kreager submitted an email to Planning staff on May 4, 2007, that summarized the survey findings and provided additional information regarding the flora and fauna of the site. During their visit, Ms. Kreager and Ms. Menke documented a pair of bald

> eagles, and noted that a resident in the adjacent neighborhood had identified pileated woodpeckers on site. Both bird species were identified as 'sensitive animal species' in Ms. Kreager's email comments and in a phone conversation, Ms. Kreager stated that the eagles were not nesting on the site. Ms. Kreager also stated in her correspondence, that the site has 'experienced relatively little disturbance historically, as evidenced by the presence of native strawberry, buttercup, oatgrass and Roemer's fescue'. Ms. Kreager also noted that While Oak stands, similar to those on the site, provide benefit to a number of species including, western gray squirrel, California mytosis (bat), Kindcaid's lupine, Willamette daisy, and Fender's blue butterfly. To address these issues, Ms. Kreager recommended that measures to eliminate erosion, sedimentation, and siltation to watershed resources be taken. Should the application be approved, the developer would be required to obtain an erosion control permit which would minimize erosion and prevent negative impacts to adjacent properties." Rec. 414-15.

As discussed above, the challenged decision does not adequately address the impacts of the increase in water flow over the property--to the stability of the slopes on the subject property, to downhill properties that would be the most likely to experience adverse impacts, and on significant resources such as the significant wetland just below the subject property. The findings do not anywhere address how the proposal will comply with the above-cited relevant criterion regarding the wildlife and habitat identified in the biologists' letters. Accordingly, the findings are inadequate to demonstrate compliance with CCP 4.2.2, CCP 4.10.9 and other relevant criteria.

**2. Tree Preservation**

The city's findings regarding tree preservation are lumped in with the findings addressing hillside development. The criteria applicable to tree preservation include CCP 4.6.3, (Rec. 415), CCP 4.6.5 (Rec. 416), CCP 4.6.6, CCP 4.6.7B, C, E, G, CCP 4.6.9, LDC 4.2.20.c (Rec. 417). The general applicable criterion quoted above, CCP 4.2.2, also must be complied with regarding tree preservation.

The site is covered by wooded areas that contain approximately 450 white oaks that meet the LDC Significant Tree definition. Rec 584. The city's conclusion that the revised plans comply with the applicable criteria listed above relating to preservation of trees on hillsides is not supported by substantial evidence. The tree preservation plan is not legible. Rec. 283. It is not just a matter of a legible copy of the document in the LUBA record. The city council did not have before them an enlarged copy of the tree preservation plan. See Record Objection. City staff and the applicant's representative presented the revised plans to the city council via a powerpoint presentation. There was no legible tree preservation plan before them on which they could base the decision they made regarding the tree preservation criteria. Accordingly, the decision is not supported by substantial evidence.

CCP 4.6.2 provides:

> "Development on hillsides shall not endanger life and property nor land and aquatic resources determined to be environmentally significant."

This provision protects environmentally significant land resources from being endangered. Unlike the criteria quoted above, this criterion does not allow a balancing of harm done to significant resources. It does not allow for "minimization" of impacts or for mitigation of such impacts. It provides that significant resources shall not be endangered. The trees on the subject hillside are not merely entitled the protection afforded run-of-the-mill trees on hillside. The oak trees are a "significant" resource and, pursuant to CCP 4.6.2, are entitled to even stricter protections.

Even if significant resources can be disturbed, CCP 4.2.2 requires that where a significant resource is not preserved, the losses must be mitigated. The findings do not demonstrate how the loss of in excess of 48 significant trees has been mitigated. If the

applicant believes that the open space that is set aside is mitigation, it is wrong. The open space that applicant so generously provided is a result of the inability to build on significant portions of the site, not of some set-aside as mitigation for removing 48 significant trees. Furthermore, the applicant's choice to spare the remainder of the trees cannot be considered a mitigation of the loss of those that will be, and already have been, removed.

**3. Wetlands**

Applicable criteria:

CCP 4.6.2--"Development on hillsides shall not endanger life and property nor land and aquatic resources determined to be environmentally significant.

CCP 4.10.7—"To minimize the negative impacts of development, stormwater runoff after development should be managed to produce no significant reduction of water quality than prior to development unless more appropriate provisions are identified in adopted comprehensive storm water management plans."

CCP 4.10.8—"Grading and filling in drainageways shall be regulated to prevent negative impact on the channel, floodway and flood plain, riparian habitat, wetlands, and other properties. Where drainageways are disturbed through development, the developer shall return the drainageway to its natural state, to the extent practicable."

CCP 4.10.19—"The Corvallis stormwater utility shall incorporate existing natural features such as streams and wetlands as a means of managing urban run-off. When using these natural features for urban stormwater needs, stormwater management shall follow the guiding principle of minimizing harm to these natural systems, maintaining the natural functions, and over time, repair any damage associated with past practices."

CCP 4.11.3—"Lakes, wetlands, floodway, drainageways and other urban streams are part of the hydrological system and should be managed comprehensively."

CCP 4.11.11—"Regarding significant wetlands downstream of development sites, the cumulative unavoidable losses of significant wetland acreage and function attributable to upstream development should be mitigated by the City. Such mitigation can be achieved, in part, through dedication of open space, drainageways, and related natural infrastructure."

CCP 4.11.12—"Development upslope of wetlands shall minimize interference with water

> patterns discharging to wetlands, and shall minimize detrimental changes in water quality for waters discharging to wetlands."

The findings addressing the applicable criteria as they relate to wetlands and specifically the applicable criteria listed above are exceedingly scarce. The findings do acknowledge, however, that the Marys River Natural Area park is located southeast of the site. Rec. 433. The park is identified as a significant wetland. *See* Rec. 86, 89; *see also* App-42-43. Accordingly, the applicant must demonstrate that the proposed development will "minimize interference with water patterns discharging to wetlands" and will "minimize detrimental changes in water quality for waters discharging to wetlands." CCP 4.11.12. The findings state that "stormwater entering the public utility system on the Brooklane Heights property will be treated to remove pollutants prior to its conveyance into the Marys River Natural Area." Rec. The supplemental findings conclude:

> "The Council finds that the proposed detention ponds, drainage swales, and water quality manholes will remove pollutants and protect the quality of water entering the Marys River Natural Area, in compliance with CCP 4.10.7, 4.10.8, 4.10.19, 4.11.12, and 4.13.7, and provisions of the Corvallis Stormwater Master Plan." Rec. 38.[22]

That conclusion, however, is not supported by substantial evidence in the record. It relies, at least in part on the finding that the post-development flows will approximate the pre-development flows. Rec. 433. As explained above, that finding is not based on any evidence in the record. Rather, Condition 19 requires that AFTER tentative subdivision approval, applicant will provide "engineered calculations for pre-development and post-development peak storm water run-off flows, and demonstrate that the storm drainage facilities are designed to match pre and post development flows based on the 2-year, 5-year, and 10-year

[22] Although the city purports to apply provisions in the Corvallis Stormwater Master Plan, it is a mystery what the provisions provide, as the findings do not cite to a specific provision from that master plan.

storm events." Rec. 17-18. It is difficult to fathom how, without the information to be provided through this condition of approval, the applicant or the city has any idea whether the proposed detention ponds, drainage swales, and water quality manholes will adequately remove pollutants and protect the quality of water entering the Marys River Natural Area. The only testimony provided by an expert was the geotechnical report that, as discussed above is limited to certain issues, and does not address the issue of the quality of water discharged to the significant wetlands located south and downslope from the proposed development. The city's finding is merely conjecture or wishful thinking that the proposed drainage improvements will adequately preserve the quality of the Marys River Natural Area. Accordingly, the decision must be remanded to the city to do the studies necessary to obtain the factual information required in order to make a determination that the above-listed criteria are satisfied.

**4. Pond Turtles**

Approval criteria:

> "Negative impacts on habitat and migration corridors for birds, wildlife, aquatic life, and on open space and the recreation qualities of significant drainageways shall be minimized." CCP 1.10.9.

Similarly, the city's conclusion that the stormwater runoff will not impact the pond turtles located south of the site is pure conjecture. Testimony from ODFW confirms that the Western Pond Turtle may be present in private ponds on property south of the subject property, and in the Marys River Natural Area. Rec. 433; Rec. 111.

The challenged findings provide: "Given the above, the proposed development is not expected to negatively impact turtle or other wildlife habitat through water reduction." Rec. 434. What is needed in order to assure that the increase flows will not impact the pond

turtles is qualified information upon which a reasonable person could rely in making such a determination, not a conclusory and conjectural statement that the proposed development is not "expected" to negatively impact the turtle.[23]

## RELIEF SOUGHT

Where a decision violates a provision of applicable law and is prohibited as a matter of law, the Board must reverse the decision. OAR 661-010-0071(1)(c). The Board must remand a decision under any of the following situations: (a) the findings are insufficient to support the decision, except as provided in ORS 197.835(9)(b); (b) the decision is not supported by substantial evidence in the whole record; (c) the decision is flawed by procedural errors that prejudice the substantial rights of the petitioner; or (d) the decision improperly construes the applicable law. OAR 661-010-0071(2). Petitioners request that the challenged decision be remanded based on all of the reasons set forth in OAR 661-010-0071(2) and the arguments set forth above.

## CONCLUSION

The subject property is undoubtedly a jewel of Corvallis. It is a significant hillside, it contains significant vegetation, it drains into a significant wetland, virtually everything about it is significant. While the property is zoned for low density residential use, it is this process, the Conceptual and Detailed Development Plan and Tentative Subdivision Plan process, that is designed to determine whether the constraints on the property actually make it unsuitable for development. If the property is suitable, the applicant and the city have not made the requisite inquiries to determine that it is. It remains unclear whether the steep slopes on the

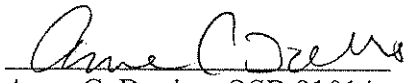
[23] One of the petitioners included criterion by criterion analysis demonstrating why the proposed development fails to comply with applicable criteria. Rec. 145-47. That analysis is hereby incorporated as part of this petition for review.

property can safely permit the level of development that is proposed. It also remains unclear whether the applicant will be able to assure that the stormwater runoff from the hillside will make the slopes unstable and/or negatively impact the wetland and habitat that lies below. Of utmost importance is the city's failure to identify a drainageway on the property, thus allowing development in a natural drainageway, in violation of the city regulations.

For all of the reasons discussed above, petitioners request that LUBA remand the challenged decision.

DATED this 31st day of January, 2008.

Respectfully submitted,



Anne C. Davies, OSB 91014
Attorney for Petitioners

# CHAPTER 3.1
# RS-3.5 (LOW DENSITY) DISTRICT

## Section 3.1.10 - PURPOSE

This district implements the Low Density Comprehensive Plan designation, which allows a range of 2-6 dwelling units per acre. It is intended to provide low density family residential areas together with a full range of urban services in order to maintain stable residential neighborhoods.

## Section 3.1.20 - PERMITTED USES

### 3.1.20.01 - General Development

**a. Primary Uses Permitted Outright**

1. (a) Residential Use Types:
   - Family

   (b) Residential Building Types
   - Single Detached

2. Civic Use Types:
   - Community Recreation
   - Public Safety Services

**b. Accessory Uses Permitted Outright**

1. Essential Services
2. Family Day Care, as defined in Chapter 1.6
3. Home Business, as defined in Chapter 1.6
4. Horticulture (personal use)
5. Model Dwelling Units (to be reviewed and approved at time of project approval)
6. Sports and Recreation (personal use)
7. Tree, Row, and Field Crops (personal use)
8. Required off-street parking for uses permitted in this district in accordance with Chapter 4.1
9. Other development customarily incidental to the primary use in accordance with Chapter 4.3
10. Accessory Dwelling Units subject to provisions in Chapter 4.9.40.
11. Colocated/attached wireless telecommunication facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9

EXHIBIT VIII - 1
LUBA REMAND

**3.1.20.02 - Special Development - Uses Allowed through Discretionary Review**

**a.** **Type I: Conditional Development** - Subject to review in accordance with Chapter 2.3 and all other applicable provisions of this Code.

1. Cultural Exhibits and Library Services
2. Funeral and Interment Services (interring and cemeteries only)
3. Lodges, Fraternal and Civil Assembly
4. Major Services and Utilities
5. Minor Utilities subject to standards in Chapter 4.9
6. Planned Developments in accordance with Chapter 2.5
7. Religious Assembly
8. Sports and Recreation (Participant and Spectator - General)
9. Colocated/attached wireless telecommunication facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9.
10. Freestanding wireless telecommunication facilities, subject to the standards in Chapter 4.9.

**b.** **Type II: Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 and other applicable provisions of this Code.

1. Projections, such as chimneys, spires, domes and towers not used for human occupancy exceeding 75 ft in height, in accordance with Section 4.9.50. *Note: Flagpoles are subject to height requirements of Section 4.7.70.b.*

**Section 3.1.30 - RS-3.5 DEVELOPMENT STANDARDS**

| | **Standard** |
|---|---|
| a. Lot Area | 8,000 sq. ft (minimum) |
| b. Lot Width | 65 ft - (minimum average) |
| c. Setbacks<br>Front yard<br>Rear yard<br>Side yard (interior)<br>Corner Lot | <br>25 ft minimum<br>25 ft minimum<br>8 ft minimum<br>20 ft on side abutting the street |
| d. Structure Height | 30 ft maximum - nor shall it exceed a solar envelope approved under Chapter 2.18 or 4.6 |
| e. Building Site Coverage | No maximum |
| f. Off-Street Parking | See Chapter 4.1 |

**EXHIBIT VIII - 2**
**LUBA REMAND**

# CHAPTER 3.2
# LOW DENSITY (RS-5) ZONE

## Section 3.2.10 - PURPOSE

This zone implements the Low Density Residential Comprehensive Plan designation, which allows from two to six dwelling units per acre. The RS-5 Zone is retained to provide land use and development standards for areas of the City that were zoned RS-5 and platted to urban densities as of December 31, 2006. Additionally, the RS-5 Zone is retained for areas of the City that were zoned RS-5 as of December 31, 2006, and are less than or equal to one acre in size.

The RS-5 Zone also applies to single-family residential areas greater than one acre in size and that were zoned RS-3.5 at the time of adoption of this Code. The RS-5 Zone is intended to provide opportunities for a broader range of lot sizes and Housing Types, consistent with Comprehensive Plan policies that support comprehensive neighborhoods and affordable housing.

## Section 3.2.20 - PERMITTED USES

### 3.2.20.01 - Ministerial Development

**a. Primary Uses Permitted Outright**

1. Residential Use Types - Family

2. Residential Building Types -

   a) Single Detached

   b) Single Detached - Zero Lot Line

   c) Single Attached - Zero Lot Line, two units

   d) Attached - Townhouse, three units

   e) Duplex

   f) Multi-dwelling - Triplex only

3. Civic Use Types -

a) Community Recreation

b) Postal Services - Customer

c) Public Safety Services

**b. Accessory Uses Permitted Outright**

1. Accessory Dwelling Units subject to provisions in Section 4.9.40 of Chapter 4.9 - Additional Provisions

2. Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that do not increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions

3. Essential Services

4. Day Care, Family, as defined in Chapter 1.6 - Definitions

5. Home Business, as defined in Chapter 1.6 - Definitions

6. Horticulture - personal use

7. Model Dwelling Units

8. Other development customarily incidental to the Primary Use in accordance with Chapter 4.3 - Accessory Development Regulations

9. Required off-street parking for Uses permitted in this zone in accordance with Chapter 4.1 - Parking, Loading, and Access Requirements

10. Sports and Recreation - personal use

11. Tree, Row, and Field Crops - personal use

### 3.2.20.02 - Special Development

**Conditional Development** - Subject to review in accordance with Chapter 2.3 - Conditional Development and all other applicable provisions of this Code.

**a.** Colocated/attached Wireless Telecommunication Facilities on nonresidential structures that increase the height of the existing structures, subject to the standards in Chapter 4.9 - Additional Provisions

**b.** Day Care, Commercial Facility, as defined in Chapter 1.6 - Definitions

**c.** Cultural Exhibits and Library Services

**d.** Freestanding Wireless Telecommunication Facilities, subject to the standards in Chapter 4.9 - Additional Provisions

**e.** Funeral and Interment Services - Interring and Cemeteries

**f.** Group Residential

**g.** Group Residential/Group Care

**h.** Lodges, Fraternal and Civic Assembly

**i.** Major Services and Utilities

**j.** Minor Utilities subject to standards in Chapter 4.9 - Additional Provisions

**k.** Participant Sports and Recreation - Indoor and Outdoor

**l.** Religious Assembly

**m.** Residential Care Facilities

**n.** Schools

### 3.2.20.03 - General Development

**Plan Compatibility Review** - Subject to review in accordance with Chapter 2.13 - Plan Compatibility Review and other applicable provisions of this Code.

Projections such as chimneys, spires, domes, and towers not used for human occupancy and exceeding 20 ft. over the height of the structure or 40 ft. in height, whichever is less, in accordance with Section 4.9.50 of Chapter 4.9 - Additional Provisions. Note: Flagpoles are subject to height requirements in Section 4.7.70.b of Chapter 4.7 - Sign Regulations.

## Section 3.2.30 - RS-5 DEVELOPMENT STANDARDS

**Table 3.2-1**

| | | Standard |
|---|---|---|
| **a.** | Minimum Density | 2 units per acre for existing platted lots as of December 31, 2006; however, all new Residential Subdivisions and Planned Developments in this zone shall achieve a minimum density of 3 units per dwelling acre. |
| **b.** | Maximum Density | 6 units per acre |
| **c.** | Minimum Lot Area | |
| | 1. Single Detached and Attached | 6,000 sq. ft. |
| | 2. Duplex | 8,000 sq. ft. |
| | 3. Triplex | 12,000 sq. ft. |
| **d.** | Minimum Lot Width | |
| | 1. Single Detached and Attached | 60 ft. |
| | 2. Duplex | 80 ft. |
| | 3. Triplex | 120 ft. |

| | Standard |
|---|---|
| **e.** Minimum Setbacks (all Building Types) | |
| 1. Front yard | 15 ft. Also, unenclosed porches may encroach into front yards up to a maximum of 6 ft. |
| 2. Rear yard | 15 ft. |
| 3. Side yard | |
| a) Single Detached | 5 ft. minimum each side yard |
| b) Single Attached and Zero Lot Line Detached | 0 ft. one side; 8 ft. minimum on opposite side[1] |
| c) Duplex and Triplex | 10 ft. minimum each side<br><br>Also, interior attached townhouses exempt from interior side yard setbacks. |
| 4. Corner lot<br><br>See also "k," and "l," below. | 15 ft. on side abutting the street and vision clearance in accordance with Section 4.1.40.c of Chapter 4.1 - Parking, Loading, and Access Requirements. |
| **f.** Minimum Garage/Carport Setbacks | |
| 1. Garage/carport entrance parallel to street | 19 ft. |
| 2. Garage/carport entrance sideways/perpendicular to street<br><br>See also "k," and "l," below. | 15 ft.<br><br>Setbacks from alleys in accordance with Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development.<br><br>Garages/carports are also subject to the provisions in Chapter 4.10 - Pedestrian Oriented Design Standards. |

[1] For Detached Zero Lot Line dwelling units, prior to Building Permit approval, the applicant shall submit a recorded easement between the subject property and abutting lot next to the yard having the zero setback. This easement shall be sufficient to guarantee rights for maintenance purposes of structures and yard, but in no case shall it be less than five ft. in width.

| | | Standard |
|---|---|---|
| **g**. | Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land<br><br>See also “k,” and “l,” below. | When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant’s responsibility to provide this buffer.<br><br>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.<br><br>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development. |
| **h.** | Maximum Structure Height | 30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits, or Chapter 4.6 - Solar Access. |
| **i.** | Maximum Lot Coverage | 50 percent of lot area maximum; interior attached townhouses exempt from this provision |
| **j.** | Off-street Parking | See Chapter 4.1 - Parking, Loading, and Access Requirements. |
| **k.** | Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures | Shall not be placed within any required setback area.<br><br>When located outside a setback area, but within five to 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.<br><br>When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening. |
| **l.** | Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures | Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. |
| **m.** | Minimum Assured Development Area (MADA) | See Chapter 4.11 - Minimum Assured Development Area (MADA). |
| **n.** | Natural Hazards and Hillsides | See Chapter 4.5 - Natural Hazard and Hillside Development Provisions. |
| **o.** | Significant Vegetation | See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions. |



EXHIBIT IX - 6

| | | Standard |
|---|---|---|
| **p.** | Riparian Corridors & Locally Protected Wetlands | See Chapter 4.13 - Riparian Corridor and Wetland Provisions. |
| **q.** | Landscaping | See Section 3.2.40, below, and Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. |
| **r.** | Required Green Area and Private Outdoor Space | See Section 3.2.40, below. |

## Section 3.2.40 - GREEN AREA REQUIREMENTS

**a.** A minimum of 50 percent of the gross lot area, and a minimum of 30 percent for center-unit townhouses on interior lots, shall be retained and improved or maintained as permanent Green Area, as defined in Chapter 1.6 - Definitions. A minimum of 15 percent of the gross lot area shall consist of vegetation consisting of landscaping or naturally preserved vegetation.

**b.** Landscaping within the required Green Area shall be permanently maintained in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. Landscaping shall primarily consist of ground cover, ferns, trees, shrubs, or other living plants with sufficient irrigation to properly maintain all vegetation. Drought-tolerant plant materials are encouraged. Design elements such as internal sidewalks, pedestrian seating areas, fountains, pools, sculptures, planters, and similar amenities may also be placed within the permanent Green Areas.

**c.** Within the required Green Area for single-family dwellings (attached and detached) and duplexes, a Private Outdoor Space equal to at least 10 percent of the total lot area per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. Within the required Green Area for Multi-dwellings, a Private Outdoor Space equal to at least 48 sq. ft. per dwelling unit shall be designed to be viewable and accessed by the interior space via doors and windows. These Private Outdoor Space requirements may be met by providing private side or rear yard areas, patios, and/or balconies for dwelling units.

## Section 3.2.50 - MIX OF HOUSING TYPES

A mix of permitted Housing Types is encouraged in the RS-5 Zone and shall be required for larger development projects in the zone. To promote such a mix, developments greater than five acres in size shall comply with the variety of Housing Types requirements outlined in Chapter 4.9 - Additional Provisions.

## Section 3.2.60 - COMPLIANCE WITH CHAPTER 4.10 - PEDESTRIAN ORIENTED DESIGN STANDARDS

The requirements in Chapter 4.10 - Pedestrian Oriented Design Standards shall apply to the following types of development in the RS-5 Zone:

**a.** All new buildings or structures for which a valid permit application has been submitted after December 31, 2006;

**b.** Developments subject to Conditional Development and/or Planned Development approval, as required by a Condition(s) of Approval(s); and

**c.** Independent or cumulative expansion of a nonresidential structure in existence and in compliance with the Code on December 31, 2006, or constructed after December 31, 2006 pursuant to a valid Conceptual or Detailed Development Plan approved on or before December 31, 2006, shall comply with the pedestrian requirements of Chapter 4.10 - Pedestrian Oriented Design Standards as outlined in Section 4.10.70.01.

## Section 3.2.70 - VARIATIONS

Except as limited by provisions within the chapters listed in Section 3.2.30 “m” through “q”, variations from development and design standards, such as standards in this Chapter and in other chapters of this Code that discuss parking, landscaping, public improvements, and Pedestrian Oriented Design Standards, may be allowed through the processes outlined in Chapter 2.5 - Planned Development and Chapter 2.12 - Lot Development Option.

## Section 4.5.80 - HILLSIDE DEVELOPMENT STANDARDS

### 4.5.80.01 - Purposes -

Hillside Development standards have been developed for the following purposes:

**a.** To plan development to fit the topography, soil, geology, and hydrology of hillsides;

**b.** To align the built surface infrastructure, such as streets and waterways, with the natural contours of terrain; and to minimize cutting and filling in developments;

**c.** To minimize soil disturbances and the removal of native vegetation, and to avoid these activities during winter months, unless impacts can be mitigated;

**d.** To encourage the design of developments and the utilization of construction techniques that minimize erosion and surface water runoff;

**e.** To balance a view of the hills with the view from the hills;

**f.** To provide or maintain landscaping that enhances the identified open space resources; and

**g.** To design developments that consider landscaping management that will minimize the threat of fire on improved property and the spreading of fire to wildland habitat.

**d.** **Individual Lot Grading Standards** - These standards are in addition to Section 4.5.80.04.c, above, and apply to lots which contain slopes equal to or greater than 10 percent, as mapped on the Natural Hazards Map.

1. Maximum Allowed Cut Depth and Fill Height - The following standards govern the maximum cut depth and fill height:

| Extenuating Conditions | Maximum Cut and Fill Height |
|---|---|
| No Extenuating Conditions | Eight-ft. Standard |
| One Extenuating Condition | 10-ft. Standard only where allowed to work around extenuating condition |

| Extenuating Conditions | Maximum Cut and Fill Height |
|---|---|
| Two Extenuating Conditions | 12-ft. Standard only where allowed to work around extenuating conditions |
| If lot would otherwise be unbuildable | The least extensive cut and fill necessary, not to exceed the 12-ft. Standard, to reach the Minimum Assured Development Area, as defined by Chapter 4.11 - Minimum Assured Development Area (MADA). |

a) Extenuating Conditions - Exceptions to the Eight-ft. Standard for Individual Lot Grading shall be based on the following specific extenuating conditions:

1) Street/Pedestrian Alignment - Additional Cut/Fill provides for the alignment of a necessary street or pedestrian connection. A necessary street or pedestrian connection is one which is needed to create a block perimeter of approximately 1,600 ft., or which is identified in an adopted City Master Plan document.

2) Significant Natural Feature: Additional cut/fill is necessary to protect a Significant Natural Feature, which is defined as a feature subject to a Natural Hazards (except slopes) and/or Natural Resource Overlay on the Comprehensive Plan Map; or a Significant Tree, as defined in Chapter 1.6 - Definitions. In the case of a preserved tree, a Certified Arborist must find that the proposed cut/fill exception would preserve the viability of a Significant Tree that would otherwise have been damaged by the application of the Cut and Fill Standards.

3) Maintain Driveway Slope - Additional Cut/Fill is necessary to allow for the construction of a driveway at a slope of 15 percent or less. It must be demonstrated, to the satisfaction of the Building Official, that other driveway alignments have been considered and are not feasible before additional

Cut/Fill is authorized.

b) Locational Standards -

1) Within the portion of each lot within 50 ft. of the edge of public right-of-way, the combination of cuts and fills may not exceed 16 ft. from Natural Grade, as measured within a linear distance perpendicular from the edge of right-of-way to the 50-ft. boundary; and

2) All retaining walls must be located at least four ft. from any property line or easement line.

# CHAPTER 4.10
# PEDESTRIAN ORIENTED DESIGN STANDARDS

## Section 4.10.50 - STANDARDS FOR DETACHED SINGLE-FAMILY, TWO-UNIT ATTACHED SINGLE-FAMILY, AND DUPLEX RESIDENTIAL BUILDING TYPES

### 4.10.50.01 - Building Orientation, Privacy, and Facades Adjacent to Pedestrian Areas

**a. Orientation of Dwellings** - All dwellings shall be oriented to existing or proposed public or private streets, as outlined in this provision and in Chapter 4.4 - Land Division Standards, with the exception that Accessory Dwelling Units constructed in accordance with Chapter 4.9 - Additional Provisions may be accessed from an alley. Private streets used to meet this standard must include the elements in Chapter 4.0 - Improvements Required with Development. See Chapter 4.0 for public and private street standards.

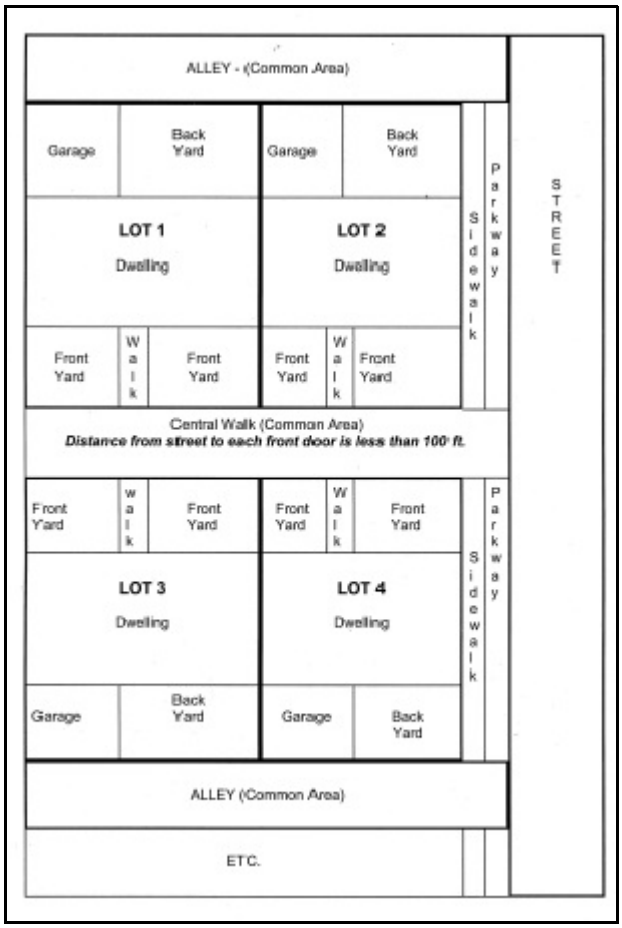



Figure 4.10-1 - Allowed Access to Single-family Development When Lots Do Not Front Directly on a Street

The orientation standard of this Section is satisfied when the provisions in "1," and "2," below, are met. See Figure 4.10-1 - Allowed Access to Single-family Development When Lots Do Not Front Directly on a Street.

1. Primary building entrances face the streets or are directly accessed by a sidewalk or multi-use path less than 100 ft. long; and

2. Primary dwelling unit entrances open directly to the outside and do not require passage through a garage or carport to gain access to the dwelling.

**b. Privacy** - If the side wall of a dwelling or accessory dwelling is on or within three ft. of the property line, ground floor

windows or other openings that allow for visibility into the side yard of the adjacent lot shall not be allowed. Windows that do not allow visibility into the side yard of the adjacent lot, such as a clerestory window or a translucent window, are allowed.

**c.** **Windows and Doors** - Any facade facing streets, sidewalks, and multi-use paths shall contain a minimum area of 15 percent windows and/or doors. Facades referenced in this provision include garage facades. Gabled areas need not be included in the base wall calculation when determining this minimum 15 percent requirement.

**d.** **Grading (Cuts and Fills)** - Structures and on-site improvements shall be designed to fit the natural contours of the site and be consistent with the Natural Hazards and Natural Resource Provisions of Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting, Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions.

**4.10.50.02 - Maximum Widths of Street-facing Garages/Carports, Placement, and Materials**

**a. Maximum Widths of Street-facing Garages/Carports**

1. Lots ≥ 50 Ft. in Width - For dwellings with front-loaded garages/carports, the width of the garage wall or carport facing the street shall be no more than 50 percent of the width of the dwelling's street-facing facade. Front-loaded garages/carports are attached garages/carports with entrances facing the same street as the dwelling's entrance. Additionally, the term garage wall pertains to the whole wall and not just the doors. See Figure 4.10-2A - Unacceptable Width of Street-facing Garage on a Lot ≥50 ft. and Figure 4.10-2B - Acceptable Width of Street-facing Garage on a Lot ≥50 ft.

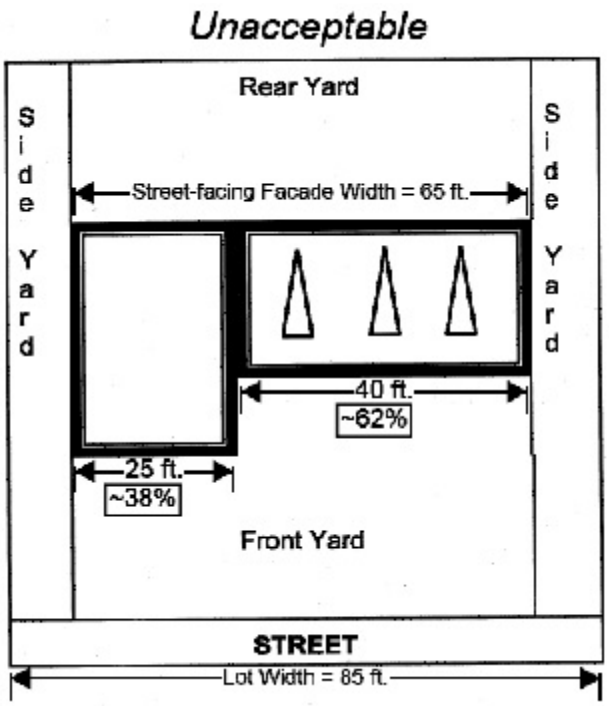



Figure 4.10-2A - Unacceptable Width of Street-facing Garage on a Lot >50 ft. Wide

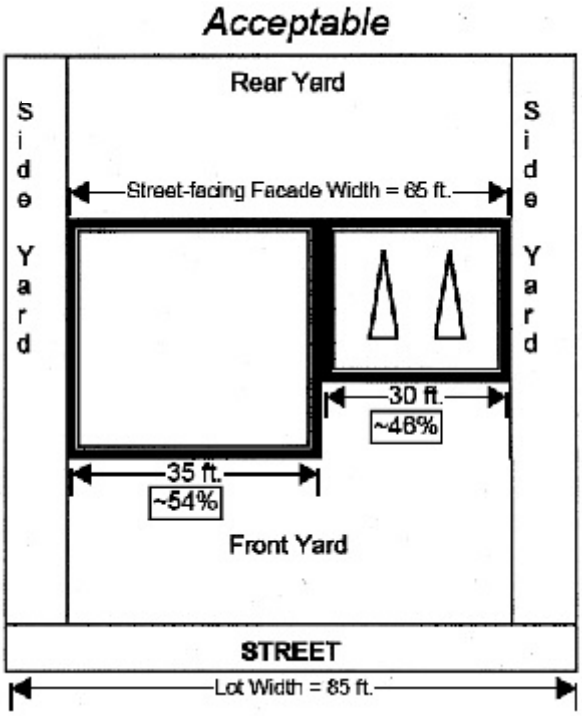
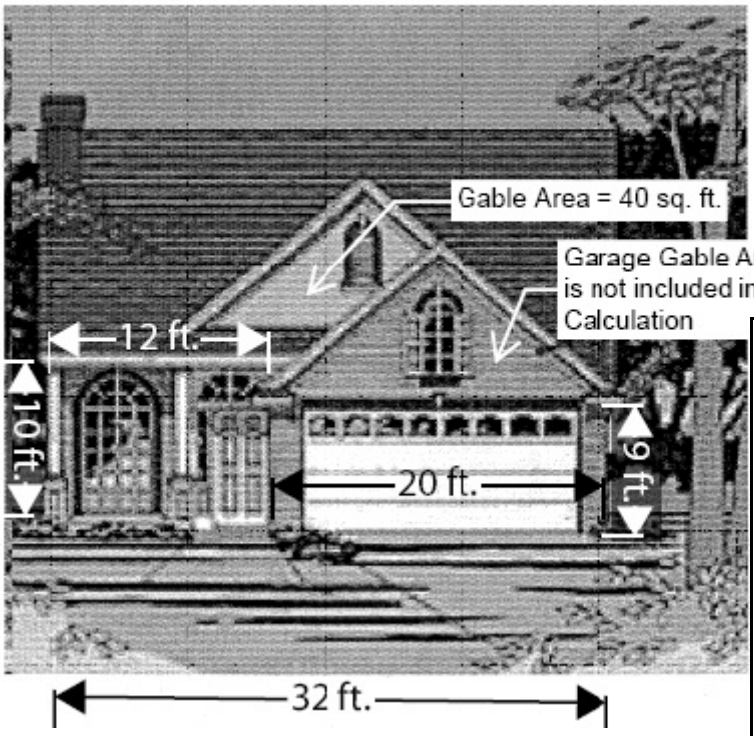



Figure 4.10-2B - Acceptable Width of Street-facing Garage on a Lot >50 ft. Wide

2. Lots < 50 Ft. in Width - For dwellings with front-loaded garages, the area of the garage wall facing the street shall be no more than 50 percent of the area of the dwelling's street-facing facade. Front-loaded garages/carports are attached garages/carports with entrances facing the same street as the dwelling's entrance. The area shall be measured in sq. ft. and, with the exception of gabled areas and second stories, the entire facade of the garage shall be measured. The interior of the garage determines the width of the garage facade, not just the garage doors. See Figure 4.10-3A - Unacceptable Street-facing Garage Area and Figure 4.10-3B - Acceptable Street-facing Garage Area. Both of these figures are located on the next page. For dwellings with front-loaded carports, the carports shall be subject to the same restrictions outlined in "1," above.

## Unacceptable




Garage Facade Area =
20 ft. X 9 ft. = **180 sq. ft.**

Other Facade Area =
10 ft. X 12 ft. = 120 sq. ft.
Plus 40 sq. ft.
= **160 sq. ft.**

**Garage Facade Area of 180 sq. ft. is GREATER than the Other Facade Area of 160 sq. ft.**

Figure 4.10-3A - Unacceptable Street-facing Garage Facade Area

## Acceptable

Garage Facade Area =
20 ft. X 11 ft. = **220 sq. ft.**

Other Facade Area =
18 ft. X 11 ft. = 198 sq. ft.
Plus 164 sq. ft.
= **362 sq. ft.**

**Garage Facade Area of 220 sq. ft. is LESS than the Other Facade Area of 362 sq. ft.**

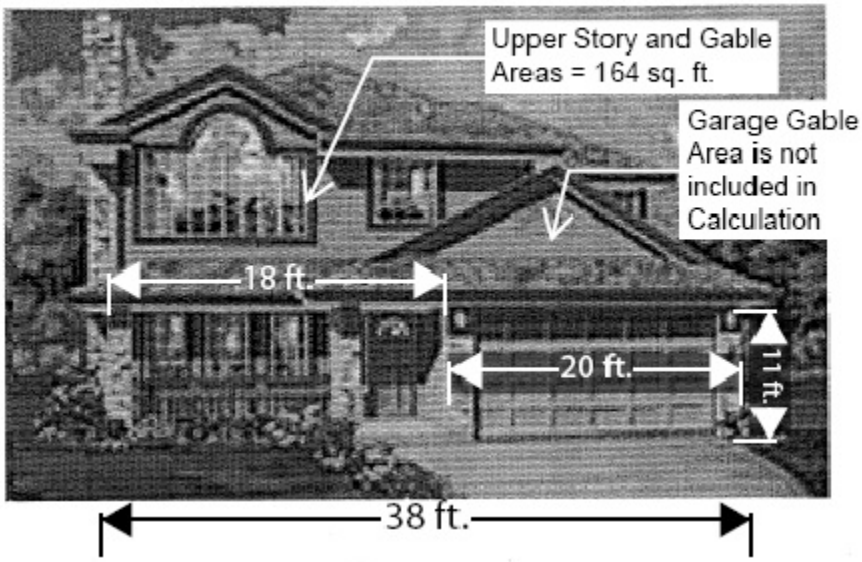



Figure 4.10-3B - Acceptable Street-facing Garage Facade Area

3. Exception - Where the street-facing facade of a dwelling is less than 24 ft. wide, the garage wall facing the street may be up to 12 ft. wide if the garage meets one of the following:

   a) Interior Living Area above the Garage - The living area is not set back more than four ft. from the street-facing garage wall; or

   b) Covered Balcony - A covered balcony above the garage is:

      1) At least the same width as the street-facing garage wall;

      2) At least six ft. deep; and

      3) Accessible from the interior living area of the dwelling unit.

**b. Garage and Carport Placement** - Garages and carports shall be placed only as indicated in the options below. The applicant shall indicate the proposed option(s) on plans submitted for building permits. Additionally, measurements may be taken from the second floor of homes, provided the second floor spans across the entire garage/carport.

Garage/Carport Placement Options -

1. Rear Garage Accessed From the Street - Vehicular entrances are at the rear of a dwelling unit and accessed from the street, as shown in Figure 4.10-4 - Rear Garage Accessed from the Street, below. The garage may be attached to or detached from the dwelling unit. Where two adjacent dwelling units use this option, a shared driveway is encouraged.

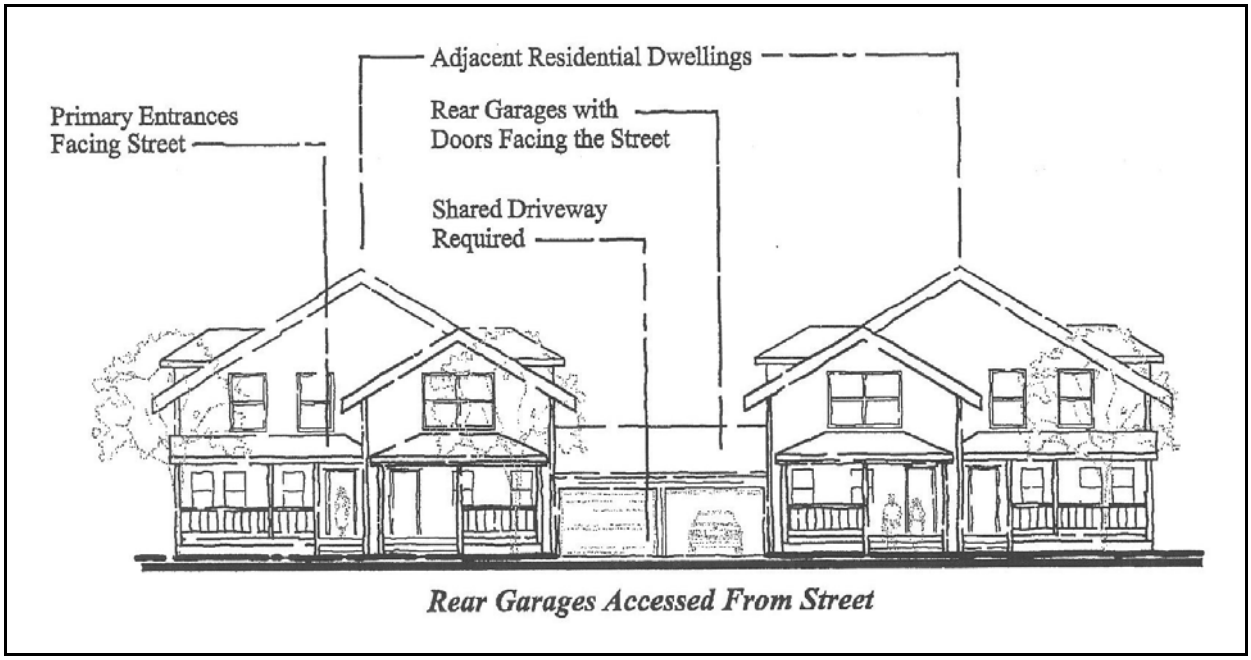



Figure 4.10 - 4 - Rear Garage Accessed from the Street

2. Front Accessed Garage with Four-ft. Recess - Vehicular entrances face the street and are recessed at least four ft. from the front wall of the dwelling as shown in Figure 4.10-5 - Garage Facing Street and Recessed at Least Four Ft., on the next page. The recess from the front wall of the dwelling shall be measured from the front wall of the living space area, not from the front porch, a bay window, or other projection or architectural feature.

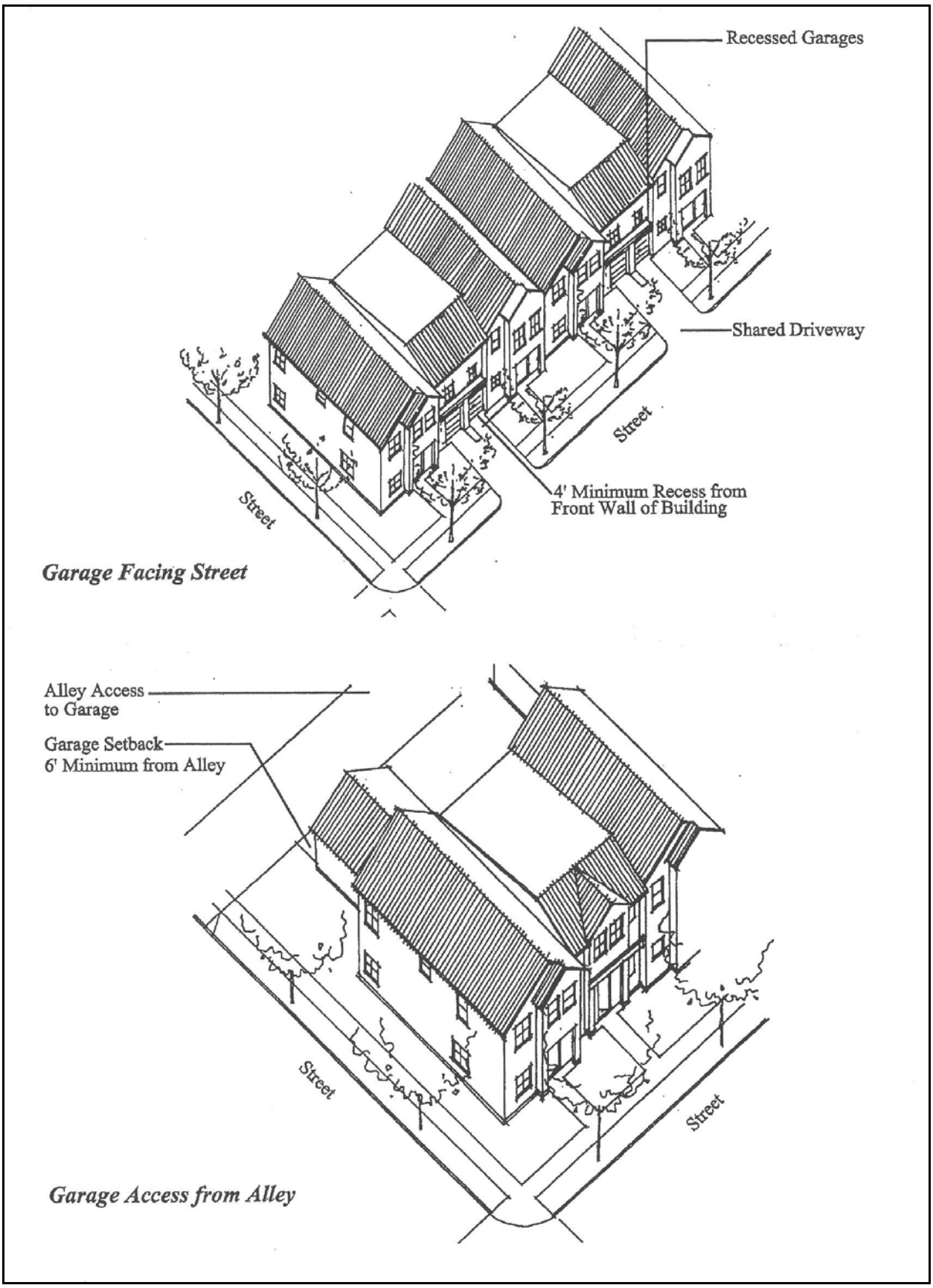



Figure 4.10-5 - Garage Facing Street and Recessed at Least Four Ft.; and
Figure 4.10-6 - Garage with Alley Access

3. Garage Accessed From an Alley - Vehicular entrances are accessed from an alley, as shown in Figure 4.10-6 - Garage with Alley Access. Garage/carport setbacks from alleys are outlined in Section 4.0.60.j of Chapter 4.0 - Improvements Required with Development. Garage/carport entrances may be located parallel to (facing) an alley, perpendicular to (not facing) an alley, or angled up to 45 degrees to an alley.

4. Garage Entrance Perpendicular to Street - Vehicular entrances are perpendicular to the street, as shown in Figure 4.10-7 - Garages Perpendicular to the Street, below. This option pertains to the situation where the garage/carport is sideways. The garage wall facing the street shall provide a minimum area of 15 percent windows and/or doors.

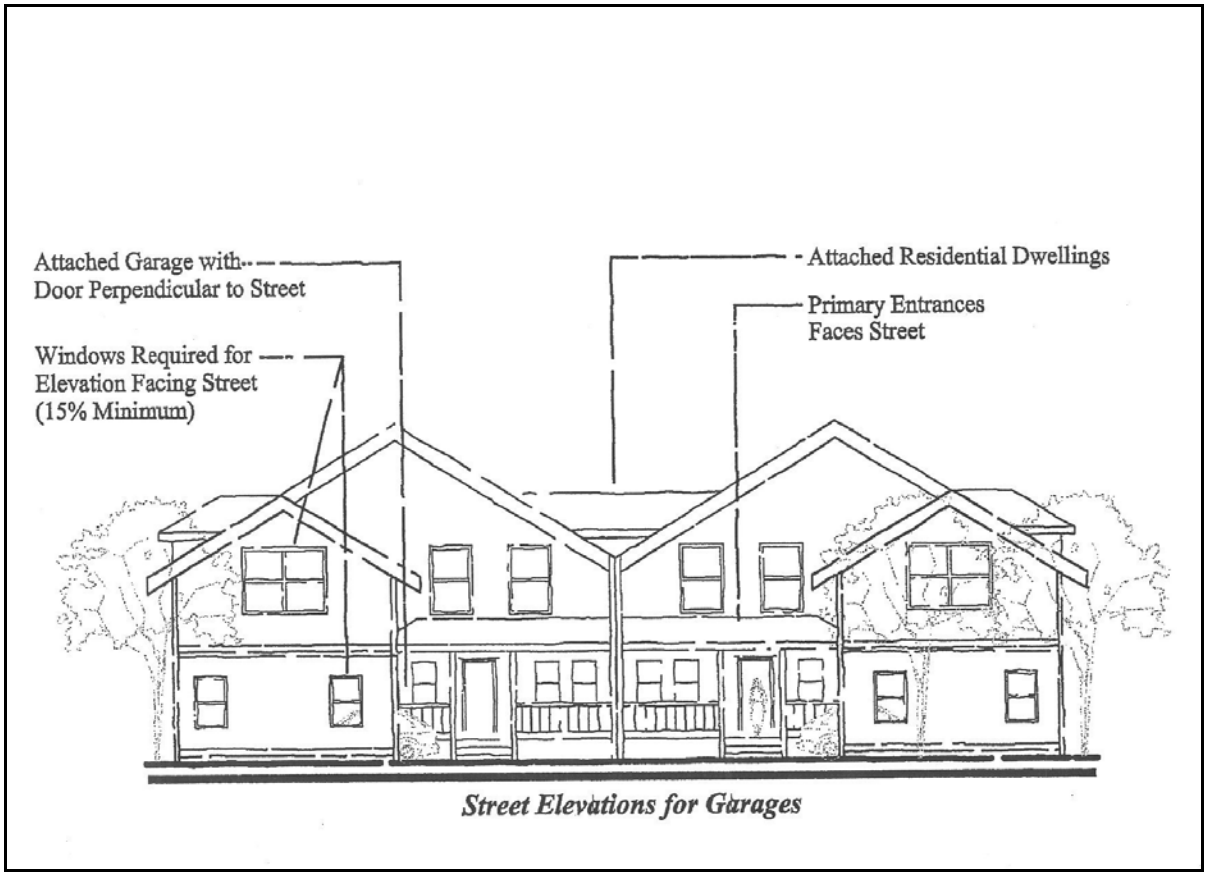



Figure 4.10-7 - Garages Perpendicular to the Street

5. Garage Access Diagonal to the Street - Vehicular entrances are oriented diagonally to the street, as shown in Figure 4.10-8 - Garage Access Diagonal to the Street, below. The garage wall facing the street shall provide a minimum area of 15 percent windows and/or doors. To determine whether the portion of the garage that faces the street complies with Section 4.10.50.2.a, the width of the front garage wall shall be measured as the length of the leg of a right triangle parallel to the street, where the hypotenuse of the triangle is the front of the garage.

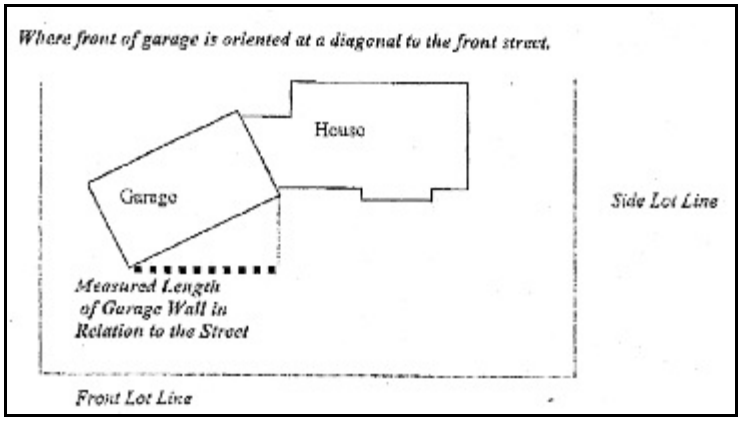



Figure 4.10-8 - Garage Access Diagonal to the Street

6. Basement Garage - Vehicular entrances face the street and garages are located beneath the main floor and front door entrance to the dwelling unit, provided the garage/carport entrances are flush with or set behind the front wall of the dwelling unit, as shown in Figure 4.10-9A - Flush Basement Garage and Figure 4.10-9B - Recessed Basement Garage, below. This option addresses the basement garage scenario in hillside areas.

Figure 4.10-9A - Flush Basement Garage

Figure 4.10-9B - Recessed Basement Garage

7. Flush Garage with Porch - Vehicular entrances face the street and are flush with or recessed up to four ft. from the front wall of the dwelling, and a front porch is provided with a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.). A minimum of 60 percent of the porch shall be covered to provide weather protection.

8. Flush or Recessed Single Car Garage - Vehicular entrances face the street and are flush with or recessed up to four ft. from the front wall of the dwelling, and the garage/carport is a single-car garage/carport that is a maximum of 12 ft. wide. These options are shown below in Figure 4.10-10 - Single Car Garage Access Recessed from Front Wall of Dwelling and in Figure 4.10-11 - Single Car Garage Flush from Front Wall of Dwelling.

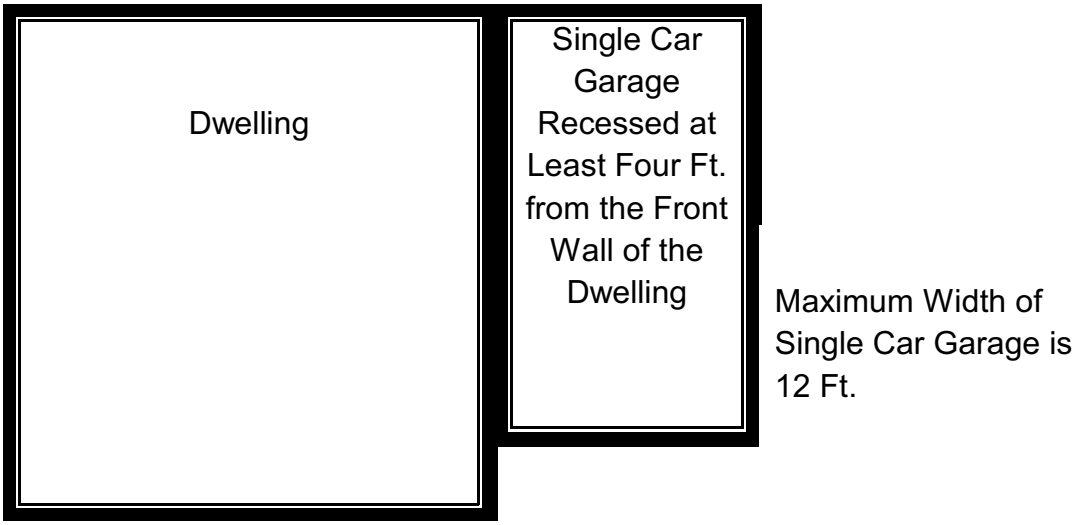



Figure 4.10-10 - Single Car Garage Recessed from Front Wall of Dwelling

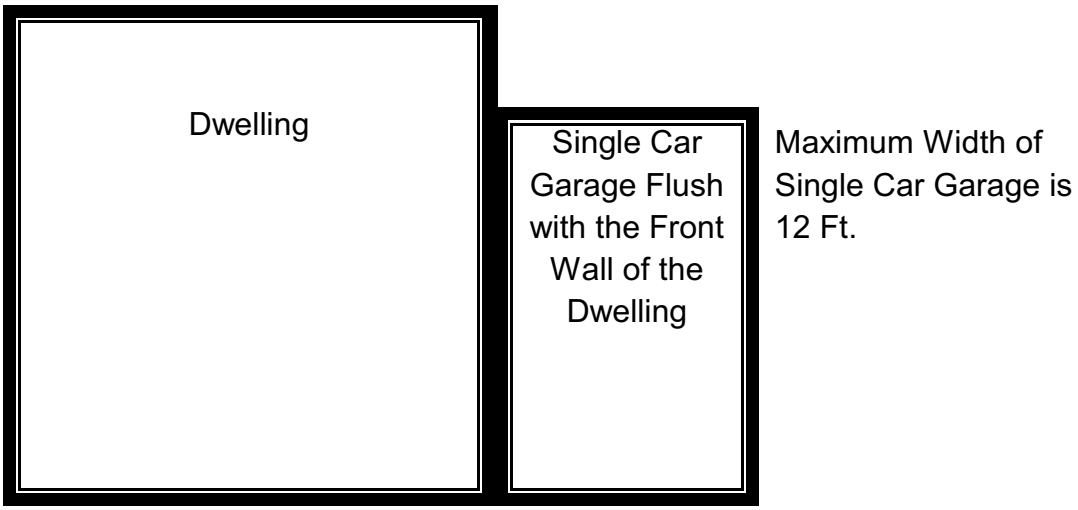



Figure 4.10-11 - Single Car Garage Flush with Front Wall of Dwelling

9. Recessed Garage with Cantilevered Second Story - Vehicular entrances face the street and are recessed at least two ft. from the front wall of the dwelling, and the dwelling includes a second floor that cantilevers over the garage/carport at least two ft. This option is shown in Figure 4.10-12 - Garage Recessed and Upper Floor Cantilevers Over It, below. The recess from the front wall of the dwelling shall be measured from the front wall of the living space area, not from the front porch, a bay window, or other projection or architectural feature. Additionally, the second floor that cantilevers over the garage/carport shall run the full length of the garage/carport.

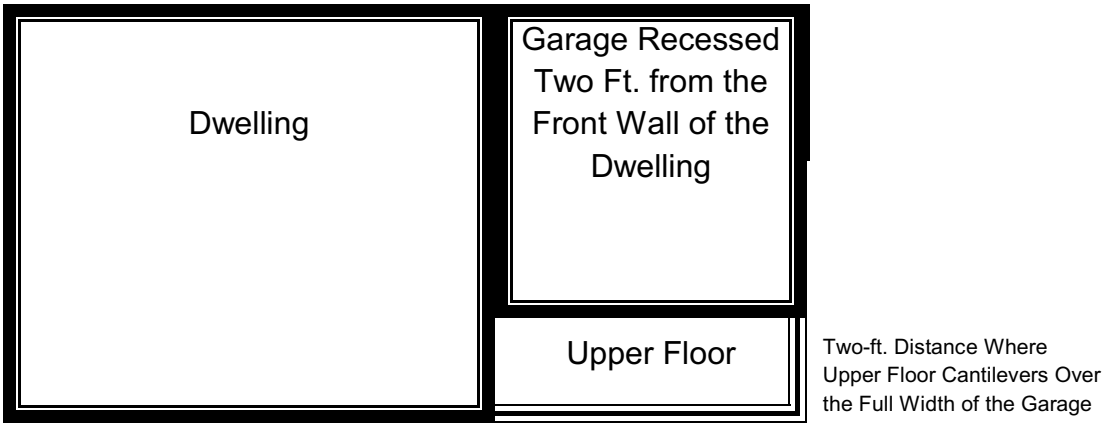



Figure 4.10-12 - Garage Recessed and Upper Floor Cantilevers Over It

c. **Garage and Carport Materials** - Garages and carports, when provided, shall be constructed of the same building materials as the dwelling.

**4.10.50.03 - Menus for Pedestrian Features and Design Variety**

a. **Pedestrian Features Menu** - Each home shall incorporate a minimum of one of the following three pedestrian features. The applicant shall indicate the proposed options on plans submitted for building permits. While not all of the pedestrian features are required, the inclusion of as many as possible is strongly encouraged.

1. Elevated Finished Floor - An elevated finished floor a minimum of two ft. above the grade of the nearest street sidewalk or streetside multi-use path.

2. Front Porches/Patios - A front porch or front patio a minimum size of six ft. deep by 10 ft. wide (60 sq. ft.), and covered by a minimum of 60 percent to provide weather protection.

3. Sidewalk/Walkway to Front Door - A minimum three-ft.-wide walkway constructed of a permanent hard surface that is not gravel and that is located directly between the street sidewalk and the front door. This walkway shall not be part of the driveway area.

**b. Design Variety Menu** - Roof forms shall be at least a 4:12 pitch. Additionally, each home shall incorporate a minimum of three of the following seven 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. Increased Roof Pitch - A minimum 6:12 roof pitch.

2. Eaves - Eaves with a minimum 18-in. overhang.

3. Building Materials - At least two different types of building materials including but not limited to stucco and wood, brick and stone, etc.. Alternatively, 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. 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.

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. Architectural Features - At least one architectural feature included on dwelling facades that face the street. Architectural features are defined as bay windows, covered porches greater than 60 sq. ft. in size, balconies above the 1st floor, dormers related to living space, or habitable cupolas. If a dwelling is oriented such that its front facade, which contains 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.

7. Architectural Details - Architectural details used consistently on dwelling facades. Architectural details are defined as exposed rafter or beam ends, eave brackets, windows with grids or divided lights, or pergolas/trellis work integrated into building facades. If a dwelling is oriented such that its front facade, which contains 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.

# Staff Identified Applicable Water Quality Standards

**1993 LDC, 4.0.80.e**. All public utility installations required with development shall conform to the City's adopted facilities master plans.

**Appendix F of the Storm Water Master Plan**, IV. Storm Drainage, B. Design Criteria, 2. Detention Facilities, and 3. Water Quality Facilities. (IV.B.2 and IV.B.3)

**2. Detention Facilities**
a. The maximum design storm for detention facilities shall be based on the 10-year return event with 24-hour duration based on the standard SCS Type 1A rainfall distribution. The Soil Conservation Service (SCS) TR-55 or TR-20 are recommended. The use of alternative hydrograph methods may be allowed, but require pre-approval by the City. The use of alternative techniques may require additional development review time. The use of the Rational Method for designing detention facilities is not permitted.

**3. Water Quality Facilities**
a. The design storm for water quality facilities (vegetated swales, water quality ponds, sedimentation ponds, water quality vaults, etc.) shall be based on two-thirds of the 2-year, 24-hour SCS Type 1A design storm. The analysis and design shall be based on a hydrograph method. The Soil Conservation Service (SCS) TR-55 or TR-20 are recommended. The use of alternative hydrograph methods may be allowed, but require pre-approval by the City. The use of alternative techniques may require additional development review time. The use of the Rational Method for designing water quality facilities is not permitted.

**Detention Facilities** - Appendix F of the Storm Water Master Plan, IV. Storm Drainage, K. Detention Facilities, 1. When Required; 2. Exemptions; 3. Standards; 4. Access and Maintenance Responsibility (IV.K.1, IV.K.2, IV.K.3, and IV.K.4) IV.K.3. Standards is where King County is referenced for facility design criteria.

**K. Detention Facilities**

**1. When Required**
All new development and redevelopment shall require detention unless specifically exempted from this requirement. When required, stormwater detention facilities shall be designed to capture runoff so the run-off rates from the site after development do not exceed the predeveloped conditions, based on the 2-year through 10-year, 24-hour design storms.

**2. Exemptions**
a. Detention is not required for sites draining directly into Mary's River or the Willamette River.

b. Detention is not required if infiltration methods can be demonstrated to be feasible. A soil map or geotechnical report is required to document the infiltration rates of the soils

in the area of the proposed infiltration facility. Infiltration shall not be allowed in areas with slopes over 10 percent.

c. Detention is not required for single family residences not developed as part of a planned development.

d. Detention is not required for areas specifically identified as exempt (not requiring detention) in the Corvallis Stormwater Master Plan.

**3. Standards**

a. Detention facilities shall be designed in accordance with criteria as established in the King County, Washington Surface Water Design Manual, September 1998 or the most recent finalversion.

b. Parking areas should not be used as detention facilities except for larger storm events. Up to 6-inches of water depth is allowed to be detained in parking areas for storm events larger than the 10 year return event.

c. Detention of storm water shall be limited to a single facility, rather than a series of smaller detention facilities, whenever possible. Detention facilities may be designed as combination detention and water quality facilities. Detention facilities may be designed "in-line" with water quality facilities.

d. The detention facility must be designed to safely pass storms up to the 100-year, 24-hour event.

**4. Access and Maintenance Responsibility**

a. Detention facilities must be located on a site dedicated for public use. Access tracts, easements or permanent right-of-ways are required when the facilities do not abut the public right-of-way. The minimum width of an access easement is 15 feet. All-weather road(s) shall provide maintenance vehicle access to the facility and the control structures.

b. The City will assume maintenance and operation responsibility for detention facilities within the improved public right-of-way for any residential subdivision with two or more lots, and any similar development or redevelopment where at least two-thirds of the developed contributing area is from single family or duplex residential structures on individual lots. Detention facilities for the above mentioned land uses shall be located in a tract or right-ofway dedicated to the City.

c. The City does not accept maintenance responsibility for private storm water conveyance, detention, or water quality systems. Private systems include single family residential (not associated with a subdivision or multiple lot residential development), multifamily development, industrial, or commercial and all redevelopment for the above mentioned land uses.

d. Maintenance requirements for stormwater facilities are identified in the King County Manual. A maintenance plan shall be submitted to the City for approval along with the design and analysis calculations prepared for the construction permit application.

e. For public facilities, the City will assume maintenance responsibility two years after final construction approval by the City and upon passing an inspection by City inspectors to ensure the facility has been properly maintained, the vegetation clearly established, and the facility is operating as designed. The site developer/owner shall provide a maintenance bond to the City that shall remain in effect until the facilities are accepted by the City.

f. The City reserves the right to perform maintenance on private facilities if those facilities are found to have the potential to have a negative impact on public facilities or water quality. The City will charge the owner for all expenses incurred from City performed maintenance.

**Water Quality Facilities** - Appendix F of the Storm Water Master Plan, IV. Storm Drainage, L. Water Quality Facilities, 1. When Required; 2. Standards; 3. Access and Maintenance Responsibility (IV.L.1, IV.L.2, and IV.L.3) IV.L.2. Standards is where King County is referenced for facility design criteria.

**L. Water Quality Facilities**

**1. When Required**
All new development and redevelopment are required to construct quality facilities to reduce the contaminants entering the storm collection and surface water systems. The stormwater facilities shall be designed to remove 70 percent of the total suspended solids (TSS) entering the facility during the water quality design storm. This policy may require the use of a combination of water quality facilities to achieve the designed removal rate.

**2. Standards**
a. Water quality facilities shall be designed in accordance with criteria as established in the King County, Washington Surface Water Design Manual, September 1998 or the most recent final version.

b. Acceptable water quality facilities include vegetated swales, water quality ponds, sedimentation ponds, water quality inlets, and infiltration facilities.

c. The use of infiltration facilities is recommended where soil and slope conditions permit the use of this type of facility and the facilities do no have an adverse impact to adjacent or downhill properties.

d. The use of multiple water quality facilities may be required to meet the performance standard. Chapter 6 of the King County Manual identifies seven types of treatment facilities that will meet the performance standards.

e. Water quality facilities must be designed to safely pass without damage to the facility flows in excess of the water quality design storm up to the 100-year, 24-hour event. For some facilities, a bypass system will be required.

**3. Access and Maintenance Responsibility**

a. Water quality facility access tracts, easements or permanent right-of-ways are required when the facilities do not abut the public right-of-way. All-weather road(s) shall provide access to the facility and the control structure as required for vehicular maintenance access.

b. The City will assume maintenance and operation responsibility for water quality facilities within the improved public right-of-way for any residential subdivision with two or more lots, and any similar development or redevelopment where at least two-thirds of the developed contributing area is from single family or duplex residential structures on individual lots. Water quality facilities for the above mentioned land uses shall be located in a tract or right-of-way dedicated to the City.

c. The City does not accept maintenance responsibility for private storm water quality systems. Private systems include single family residential (not associated with a subdivision or multiple lot residential development), multifamily development, industrial, or commercial and all redevelopment for the above mentioned land uses.

d. Maintenance requirements for the facilities are identified in the King County Manual. A maintenance plan shall be submitted to the City for approval along with the design and analysis calculations prepared for the construction permit application. The maintenance plan shall describe the maintenance activity and frequency of execution.

e. For public facilities, the City will assume maintenance responsibility two years after final construction approval by the City and upon passing a City inspection to ensure the facility has been properly maintained and is operating as designed. The site developer/owner shall provide a maintenance bond to the City that shall remain in effect until the facilities are accepted by the City.

f. The City reserves the right to perform maintenance on private facilities if those facilities are found to have the potential to have a negative impact on public facilities or water quality. The City will charge the owner for all expenses incurred from City performed maintenance.

# TECHNICAL MEMORANDUM NO. 4

November 10, 1999 53-15989

TO: Bruce Moser,
City of Corvallis

FROM: James Hansen,
Brown and Caldwell

PROJECT: City of Corvallis
Recommendations to Development Standards

## CONTENTS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Major Categories of Development Standards ..... 2
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Proposed Changes to the Design Criteria Manual ..... 4


## Introduction

This technical memorandum was prepared to assist the City of Corvallis with updating of the existing stormwater development standards. The recommendations provided below should be considered as interim measures that should be implemented until a more detailed evaluation can be performed later in the stormwater master planning process. However, the interim recommendations will improve the City's ability to manage both stormwater quantity and quality from new development or redevelopment.

A more detailed analysis of the development standards should be based on citywide definition of the stormwater problems and potential solutions as determined from the master planning process. The adoption of new development standards will have a major impact on future stormwater management within the city. The standards will impact many different interest groups, including citizens, environmental groups, developers, builders, realtors, engineers, landscape architects, and city staff. City departments affected by the standards include planning, engineering, development assistance, legal, and operations/maintenance. Private and public representatives should participate in the development of the modified development standards, policies, and ordinances in order to develop an effective stormwater management program.

**EXHIBIT X - 5**
**LUBA REMAND**

## Major Categories of Development Standards

The major categories of stormwater development standards addressed by this technical memorandum include:

1. Design storm and method
2. Detention policy
3. Water quality policy
4. Acceptable types of water management facilities
5. Operation and maintenance requirements

The above noted categories are discussed in the following sections and are represented in the recommended design standards at the end of this document.

## Design Storm and Method

Pipe sizing. The Design Criteria Manual requires the use of the Rational Method for a 10-year storm event. Most cities use either a 10-year or a 25-year design storm for sizing drainage facilities. The decision is based on the level of flood protection desired by the community along with the cost of providing the additional level of protection. Modifying the design criteria with a longer return period (i.e., 25-year) design storm would create a situation where the collection systems in the newly developed areas of the city would have greater capacity than older downstream sections of the system, thus creating greater downstream flooding situations in both open channels and pipes. We recommend that the city stay with the 10-year design storm using the Rational Method for most conveyance facilities.

We recommend that additional guidance be provided with the use of the Rational Method. The method should not be used for drainage areas larger than 25 acres or have times of concentration that exceed 100 minutes. A hydrograph technique should be used for either of these situations. Flow routes should be identified for storms larger than the 10-year, up to and including the 100-year storm. The City should adopt or establish runoff coefficients and an intensity-duration-frequency curve for use on projects within the City's jurisdiction. This approach would help provide consistency in the design of stormwater facilities.

Detention Facilities. The design storm for detention facilities should be based on the 10-year return event with 24-hour duration based on the standard SCS type 1A rainfall distribution. A hydrograph approach provides the most accurate rainfall model for this analysis. The SCS TR-55/20 method or the Santa Barbara Urban Hydrograph (SBUH) method are recommended options. We understand that most of the Corvallis development community uses the SCS method rather than the SBUH method; therefore, use the SCS method as the approved city standard. We do not recommend the use of the Rational Method for designing detention facilities.

Water Quality Facilities. The design storm for water quality facilities should be based on two-thirds of the two year storm with a 24-hour duration. This is similar to the design storm used by King County and is slightly more conservative than the storms used by City of Portland and the Unified Sewerage Agency. The more conservative approach will better prepare the city for future TMDL, NPDES Phase II and Endangered Species Act requirements. Water quality facilities should be designed using a hydrograph technique as recommended for detention facilities.

## Detention Policy

The existing level of development throughout the city has altered the natural drainage characteristics of the major surface water systems. These streams are under stress due to an increase in the volume and duration of stormwater runoff. In addition, some of the older piped collection systems and culverts are becoming undersized as additional development generates increased flows and durations. Detention and other types of stormwater management techniques are required to prevent these problems from getting worse.

## Water Quality Policy

Urban development creates a wide range of stormwater management related problems, including higher flow rates and increased water pollution. Surface water collects a variety of pollutants as it travels through the drainage system, including nutrients, suspended solids, organic matter, bacteria, hydrocarbons, trace metals, pesticides, thermal pollution and trash and debris. Water quality facilities constructed in new and redeveloped areas will help lessen the negative impacts associated with increased urban development.

## Acceptable Types of Water Management Facilities

Our letter dated May 13, 1999 identified five facility types that should be considered for immediate use for new development or redevelopment, including detention ponds, water quality ponds, sedimentation ponds, vegetated swales, and water quality inlets. The King County Manual should be used as guidance for the basis of design of these facilities. The City should consider the adoption of the other treatment facilities identified in the manual. A toolbox of acceptable facilities would allow developers to customize the design of detention and water quality systems to best meet the constraints of the site.

The City should consider developing a guidance manual for the design of stormwater quantity and quality facilities. A custom manual would address the specific needs of the Corvallis community. A manual specifically prepared for the City of Corvallis would provide the greatest ease of use for City staff and design professionals in the community. A minimum of $75k would be required to produce such a manual. The total effort required would be dependent on the level of detail provided by the manual. Several of the manuals in use throughout the northwest cost many times that to produce.

## Operation and Maintenance Requirements

Detention and water quality facilities require routine maintenance to ensure the desired performance of the facility. The efficiency of most types of water quality facilities will drop significantly in the absence of routine maintenance. The maintenance requirements identified in the King County Manual should be followed for these facilities. Inspection of major stormwater facilities, including detention ponds, water quality ponds, vegetated swales, trash racks, etc. should be conducted annually. The City should develop and manage an inspection program to ensure that the maintenance is being performed for both public and privately owned facilities. The cost of the inspection program needs to be determined and an appropriate funding mechanism established for implementing the inspection program.

Support of the inspection program needs to be written into City code. The code needs to be modified to provide for enforcement actions to address maintenance deficiencies for privately owned facilities. Using the King County model, the City would perform the maintenance and charge the owner if the owner did not perform the required maintenance within a specified timeframe.

Facility access is a major complaint of many municipalities charged with maintaining storm water facilities. Where possible an all-weather access road should be provided to the site. This requirement is particularly important for those facilities requiring routine maintenance, such as, detention and water quality facilities. The City shall ensure during design review that adequate access to the facility is provided through a maintenance easement or other form of permanent legal transfer of the right-of-access to the City.

## Proposed Changes to the Design Criteria Manual

The following sections represent interim replacement or additional sections to the existing *Design Criteria Manual for Public Improvements*. The changes affect Section IV. STORM DRAINAGE. Only the subsections shown below are modified.

### IV. STORM DRAINAGE

B. Design Criteria

1. <u>Conveyance Facilities</u>

   a. Capacity

      1) Conveyance facilities shall be designed to convey and contain the peak runoff flow from the 10-year design event. No surcharging of the system is allowed for the 10-year storm event. Conveyance system capacity shall be determined for most conveyance facilities using the Rational Method.

A hydrograph technique shall be used for designing facilities draining areas larger than 25 acres or for sites that have a time of concentration longer than 100 minutes. Acceptable hydrograph techniques include the Soil Conservation Service (SCS) TR-55 or TR-20 methods. The SCS Type 1A rainfall distribution for the 10-year, 24-hour storm shall be used with the hydrograph techniques.

2) The 10-year design shall be supplemented with an overland conveyance component demonstrating the safe passage of the 100-year, 24-hour SCS type 1A storm event. The overland component shall not be allowed to flow through or inundate existing buildings.

3) Sufficient capacity shall be designed into the system to account for the future growth potential of the area served as identified in the Comprehensive Plan.

b. Sizing

1) Minimum pipe size for storm drain mains is twelve (12) inches.
2) Minimum pipe size for lines leading from curb inlets or catch basins to the main lines is ten (10) inches.

c. Grades

1) All storm drains shall be designed at a grade that will produce a mean velocity when flowing full or half-full of at least two (2) feet per second.

d. Separation

1) New combined sanitary sewer and storm drain systems will only be permitted in the existing combined sewer areas of the city.

2. Detention Facilities

a. The maximum design storm for detention facilities shall be based on the 10-year return event with 24-hour duration based on the standard SCS Type 1A rainfall distribution. The Soil Conservation Service (SCS) TR-55 or TR-20 are recommended. The use of alternative hydrograph methods may be allowed, but require pre-approval by the City. The use of alternative techniques may require additional development review time. The use of the Rational Method for designing detention facilities is not permitted.

3. Water Quality Facilities

a. The design storm for water quality facilities (vegetated swales, water quality ponds, sedimentation ponds, water quality vaults, etc.) shall be based on two-thirds of the 2-year, 24-hour SCS Type 1A design storm. The analysis and design shall be based on a hydrograph method. The Soil Conservation Service (SCS) TR-55 or TR-20 are recommended. The use

of alternative hydrograph methods may be allowed, but require pre-approval by the City. The use of alternative techniques may require additional development review time. The use of the Rational Method for designing water quality facilities is not permitted.

K. Detention Facilities

1. When Required

All new development and redevelopment shall require detention unless specifically exempted from this requirement. When required, stormwater detention facilities shall be designed to capture run-off so the run-off rates from the site after development do not exceed the predeveloped conditions, based on the 2-year through 10-year, 24-hour design storms.

2. Exemptions

a. Detention is not required for sites draining directly into Mary's River or the Willamette River.

b. Detention is not required if infiltration methods can be demonstrated to be feasible. A soil map or geotechnical report is required to document the infiltration rates of the soils in the area of the proposed infiltration facility. Infiltration shall not be allowed in areas with slopes over 10 percent.

c. Detention is not required for single family residences not developed as part of a planned development.

d. Detention is not required for areas specifically identified as exempt (not requiring detention) in the Corvallis Stormwater Master Plan.

3. Standards

a. Detention facilities shall be designed in accordance with criteria as established in the King County, Washington Surface Water Design Manual, September 1998 or the most recent final version.

b. Parking areas should not be used as detention facilities except for larger storm events. Up to 6-inches of water depth is allowed to be detained in parking areas for storm events larger than the 10 year return event.

c. Detention of storm water shall be limited to a single facility, rather than a series of smaller detention facilities, whenever possible. Detention facilities may be designed as combination detention and water quality facilities. Detention facilities may be designed "in-line" with water quality facilities.

d. The detention facility must be designed to safely pass storms up to the 100-year, 24-hour event.

4. Access and Maintenance Responsibility

a. Detention facilities must be located on a site dedicated for public use. Access tracts, easements or permanent right-of-ways are required when the facilities do not abut the public right-of-way. The minimum width of an access easement is 15 feet. All-weather road(s) shall provide maintenance vehicle access to the facility and the control structures.

b. The City will assume maintenance and operation responsibility for detention facilities within the improved public right-of-way for any residential subdivision with two or more lots, and any similar development or redevelopment where at least two-thirds of the developed contributing area is from single family or duplex residential structures on individual lots. Detention facilities for the above mentioned land uses shall be located in a tract or right-of-way dedicated to the City.

c. The City does not accept maintenance responsibility for private storm water conveyance, detention, or water quality systems. Private systems include single family residential (not associated with a subdivision or multiple lot residential development), multifamily development, industrial, or commercial and all redevelopment for the above mentioned land uses.

d. Maintenance requirements for stormwater facilities are identified in the King County Manual. A maintenance plan shall be submitted to the City for approval along with the design and analysis calculations prepared for the construction permit application.

e. For public facilities, the City will assume maintenance responsibility two years after final construction approval by the City and upon passing an inspection by City inspectors to ensure the facility has been properly maintained, the vegetation clearly established, and the facility is operating as designed. The site developer/owner shall provide a maintenance bond to the City that shall remain in effect until the facilities are accepted by the City.

f. The City reserves the right to perform maintenance on private facilities if those facilities are found to have the potential to have a negative impact on public facilities or water quality. The City will charge the owner for all expenses incurred from City performed maintenance.

L. Water Quality Facilities

1. When Required

All new development and redevelopment are required to construct quality facilities to reduce the contaminants entering the storm collection and surface water systems. The stormwater facilities shall be designed to remove 70 percent of the total suspended solids (TSS) entering the facility during the water quality design storm. This policy may require the use of a combination of water quality facilities to achieve the designed removal rate.

2. Standards

   a. Water quality facilities shall be designed in accordance with criteria as established in the King County, Washington Surface Water Design Manual, September 1998 or the most recent final version.

   b. Acceptable water quality facilities include vegetated swales, water quality ponds, sedimentation ponds, water quality inlets, and infiltration facilities.

   c. The use of infiltration facilities is recommended where soil and slope conditions permit the use of this type of facility and the facilities do no have an adverse impact to adjacent or downhill properties.

   d. The use of multiple water quality facilities may be required to meet the performance standard. Chapter 6 of the King County Manual identifies seven types of treatment facilities that will meet the performance standards.

   e. Water quality facilities must be designed to safely pass without damage to the facility flows in excess of the water quality design storm up to the 100-year, 24-hour event. For some facilities, a bypass system will be required.

3. Access and Maintenance Responsibility

   a. Water quality facility access tracts, easements or permanent right-of-ways are required when the facilities do not abut the public right-of-way. All-weather road(s) shall provide access to the facility and the control structure as required for vehicular maintenance access.

   b. The City will assume maintenance and operation responsibility for water quality facilities within the improved public right-of-way for any residential subdivision with two or more lots, and any similar development or redevelopment where at least two-thirds of the developed contributing area is from single family or duplex residential structures on individual lots. Water quality facilities for the above mentioned land uses shall be located in a tract or right-of-way dedicated to the City.

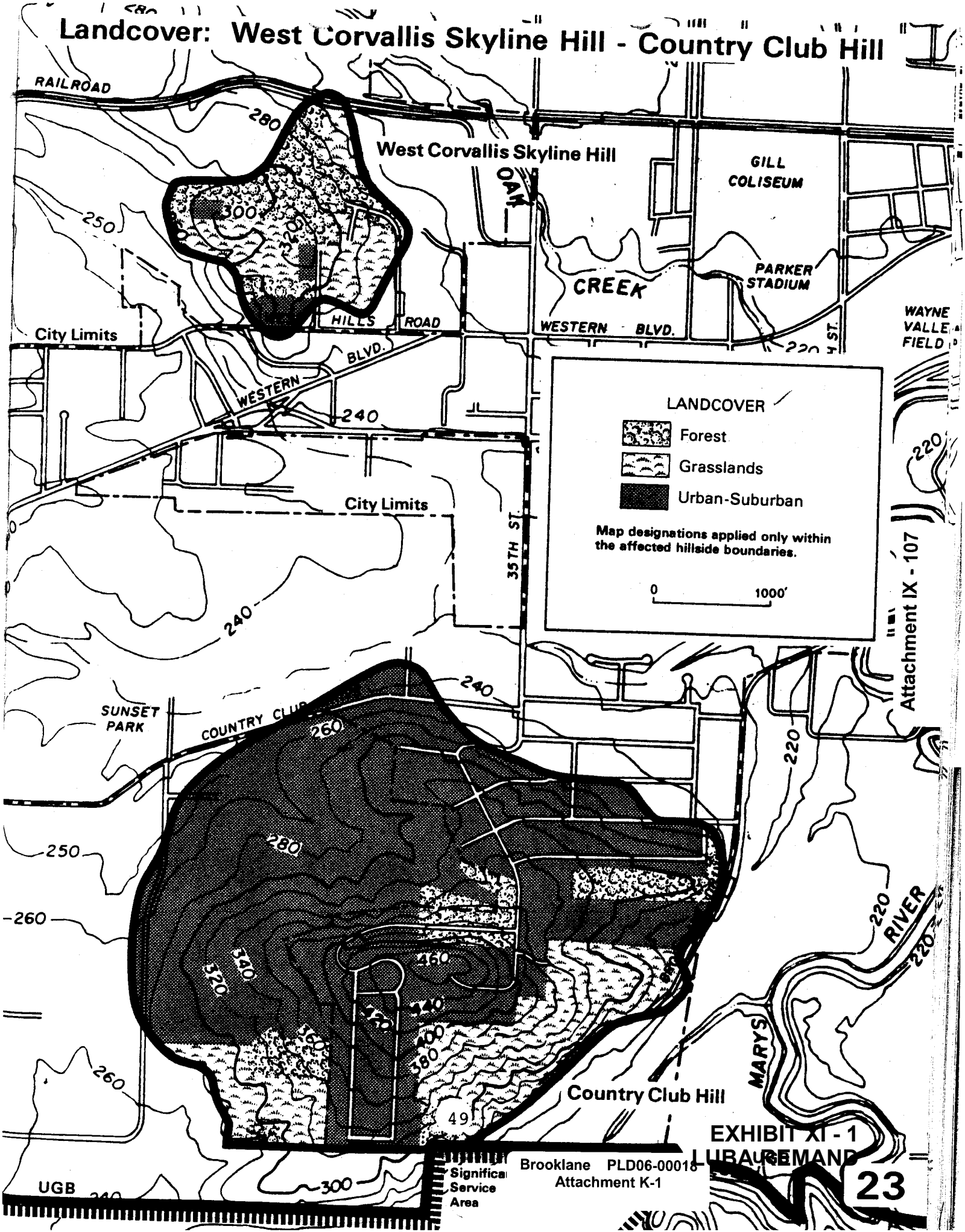
   c. The City does not accept maintenance responsibility for private storm water quality systems. Private systems include single family residential (not associated with a subdivision or multiple lot residential development), multifamily development, industrial, or commercial and all redevelopment for the above mentioned land uses.

   d. Maintenance requirements for the facilities are identified in the King County Manual. A maintenance plan shall be submitted to the City for approval along with the design and analysis calculations prepared for the construction permit application. The maintenance plan shall describe the maintenance activity and frequency of execution.

e. For public facilities, the City will assume maintenance responsibility two years after final construction approval by the City and upon passing a City inspection to ensure the facility has been properly maintained and is operating as designed. The site developer/owner shall provide a maintenance bond to the City that shall remain in effect until the facilities are accepted by the City.

f. The City reserves the right to perform maintenance on private facilities if those facilities are found to have the potential to have a negative impact on public facilities or water quality. The City will charge the owner for all expenses incurred from City performed maintenance.

# Landcover: West Corvallis Skyline Hill - Country Club Hill



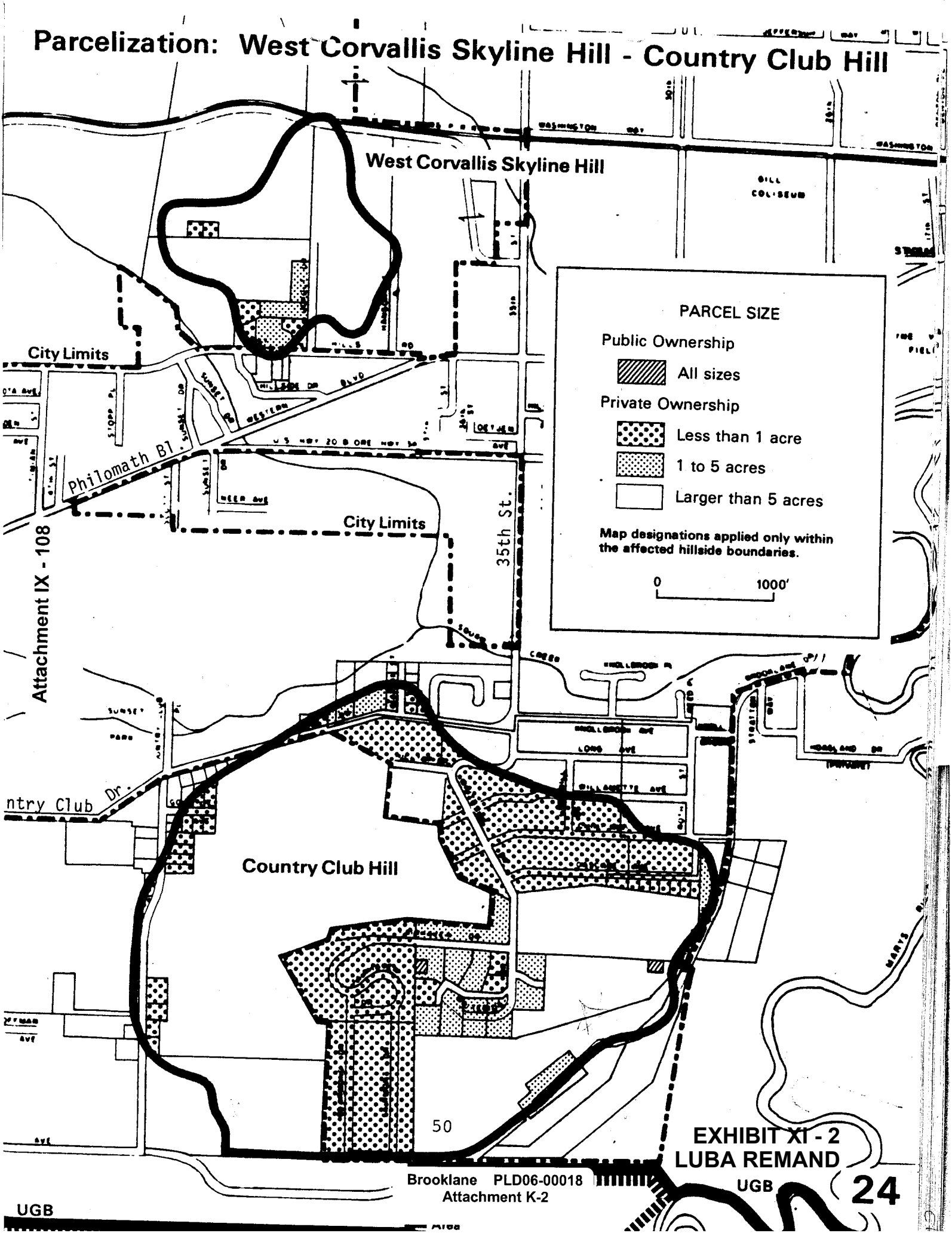

Attachment IX - 107

Significant Service Area

Brooklane PLD06-00018
Attachment K-1

EXHIBIT XI - 1
LUBA REMAND

# Parcelization: West Corvallis Skyline Hill - Country Club Hill




Attachment IX - 108

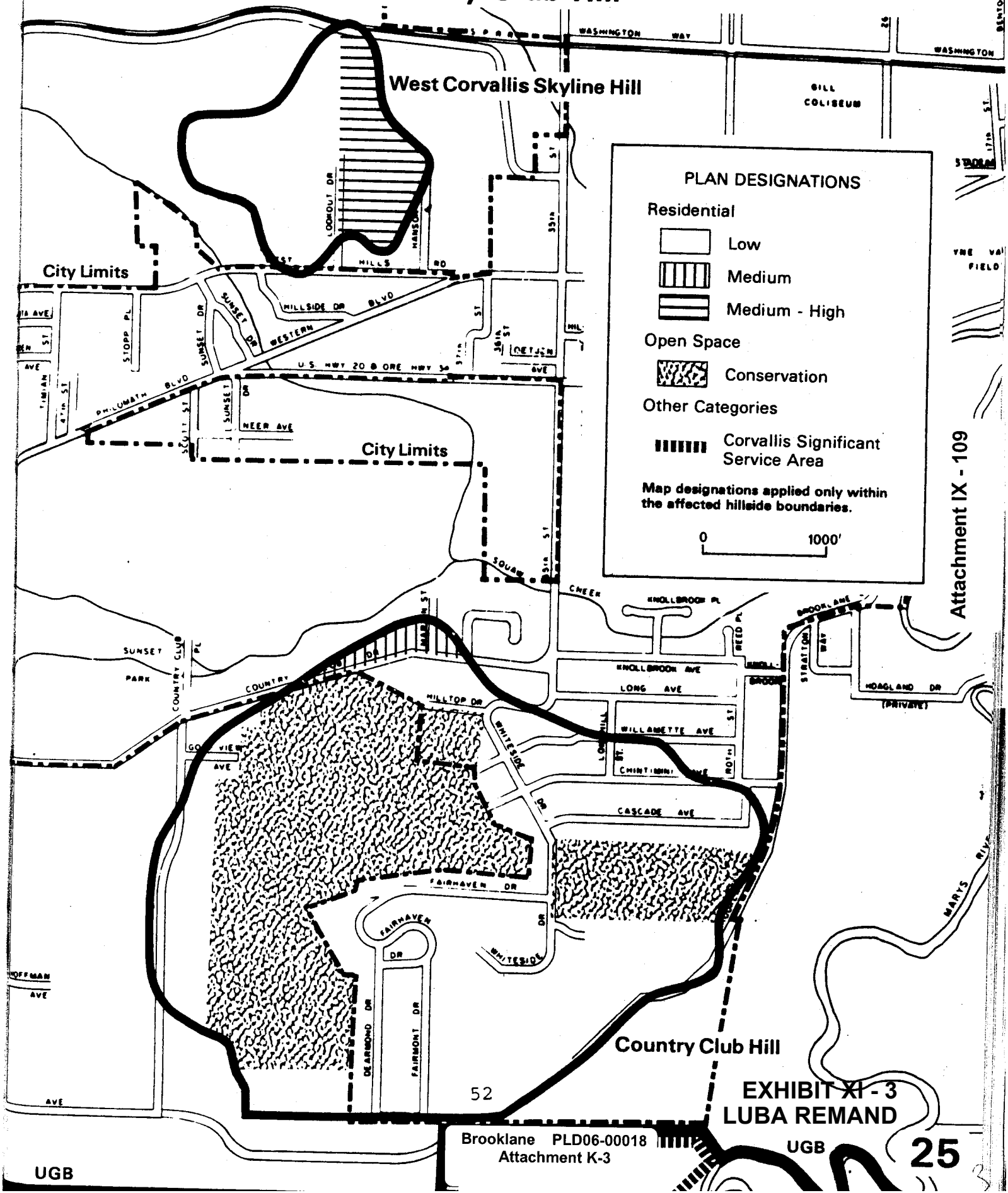
50

EXHIBIT XI - 2
LUBA REMAND

Brooklane PLD06-00018
Attachment K-2

24

# Existing Comprehensive Plan: West Corvallis Skyline Hill - Country Club Hill




Attachment IX - 109

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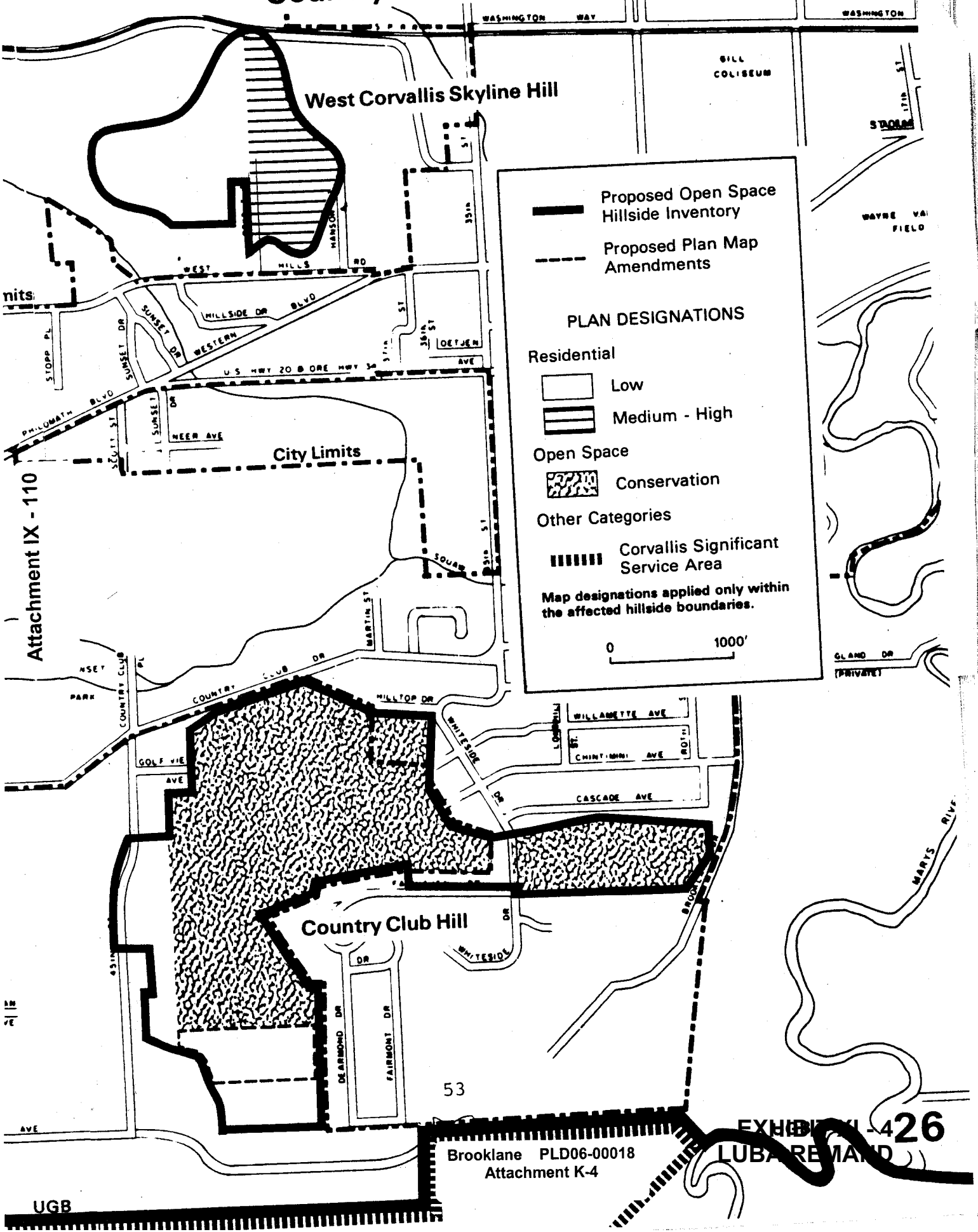
EXHIBIT XI - 3
LUBA REMAND

Brooklane PLD06-00018
Attachment K-3

# Proposed Comprehensive Plan Amendments: Country Club Hill




Attachment IX - 110

Brooklane PLD06-00018
Attachment K-4

EXHIBIT K-4
LUBA REMAND

The potential adverse social and environmental consequences of the loss of open space can be mitigated by development of housing on the lower west and south slopes and by retention of desirable native vegetation. The potential negative impacts of residential development could be further minimized by encouraging retention of a small park or viewpoint near the summit of the hill to provide public access.

E. RECOMMENDATIONS

1. Remove built-up portions of the hill on the south slope from the City's Open Space Inventory.

2. ~~Establishment of a~~ ENCOURAGE PROVISION of A PUBLIC VIEWPOINT public ~~park~~ of approximately 1 acre in size for the purpose of providing views from the hill shall be considered at the time of site development. Residential development shall be located so as to preserve the views from the park.

## 11. COUNTRY CLUB HILL

A. RESOURCE INVENTORY

The Open Space Report notes that the Country Club Hill is an important feature at the south entrance of Corvallis because of elevation and vegetation. The Report indicates that the existing vegetation offers a buffer between agricultural land to the south and urban development on the hill.

B. REFINEMENT OF THE INVENTORY

Maps 23 and 24 provide the topography, landcover, and parcelization inventories for Country Club Hill. As indicated in the Open Space Report, the hill includes a substantial amount of existing urban development. In contrast to most of the other Corvallis hill areas, the most extensively parcelized and developed portion of the hill includes the summit. Currently, there are approximately 125 residential lots of sizes up to 1 acre located within the resource area. It is anticipated that low density residential development will continue to expand in the area.

The area's major open space resources are associated with the Country Club Golf Course (111 acres) and a cemetery (21 acres). Both are currently designated in the Comprehensive Plan as Open Space/Conservation.

There does appear to be a Comprehensive Plan Map error in designating a portion of a privately-owned property adjacent to the golf course as Open Space/Conservation.

Based on the preceding discussion of area resources, it is recommended that the City's inventory be modified to recognize the cemetery and the portion of the golf course currently designated Open Space/Conservation as the only significant hillside open space resources.

C. IDENTIFICATION OF CONFLICTING USES

There are no conflicting uses identified for the cemetery and golf course since they have been designated for Open Space/Conservation.

D. RECOMMENDATIONS

1. Modify the Open Space Inventory to delete reference to the built-up portions of Country Club Hill.

2. Amend the Comprehensive Plan Future Land Use Map as shown in Map 26 to redesignate privately-owned property south of the golf course as Low Density Residential.

## PROPOSED COMPREHENSIVE PLAN FINDINGS AND POLICIES

The following section provides recommended Comprehensive Plan findings and policies. In most cases the proposed Plan findings and policies were originally adopted as part of the December 1980 Comprehensive Plan. Proposed deletions from language in the existing Comprehensive Plan is indicated by the use of brackets; proposed additions are indicated in bold type.

### 4.3 OPEN SPACE

FINDINGS

4.3.a. A properly planned and managed system of open space and recreation lands reduces the impact of urbanization and serves the leisure and aesthetic needs of all residents. The system needs to recognize the relationship between urban uses and the natural character of the land and drainageways.

4.3.b. Citizens have expressed a desire to have parks and open space serve to shape and guide urban development.

4.3.c. Citizens have indicated a desire to have a coordinated system of open spaces linked as a greenbelt around the planning area. A greenbelt system would link park and natural features and provide recreation corridors.

## Richardson, Robert

**From:** Ann Kreager [Ann.Kreager@state.or.us]
**Sent:** Friday, May 04, 2007 11:53 AM
**To:** Richardson, Robert
**Cc:** James Young
**Subject:** Brooklane Heights and Oakmont Addition Subdivision

Hello Bob,

Thanks for this opportunity to provide comment on the above referenced plan. I had the opportunity to survey the site on Wednesday, May 2 with botanist Carolyn Menke from the Institute for Applied Ecology. No listed plant species were documented but the site provides exceptional habitat value on numerous scales. Sensitive animal species that were documented include a pair of bald eagle (no sign of nesting was observed but the pair were in the immediate vicinity for the duration of the survey). Pileated woodpecker(s) (*Dryocopus pileatus*), a State-Sensitive (Vulnerable Category) and Strategy Species under the Oregon Conservation Strategy (Strategy) have been documented on-site (Susan Morre, pers. comm).

While the majority of the grasses on-site are non-native grasses, the overall structure and composition of the forb layer is excellent. The site has experienced relatively little disturbance historically, as evidenced by the presence of native strawberry (*Fragaria vesca*), buttercup (*Ranunculus occidentalis*), oatgrass (*Danthonia sp.*), and Roemer's fescue (*Festuca idahoensis* ssp. *roemeri).* As acknowledged in the application, the stand of Oregon white oak is significant and increasingly rare not only the Valley, but in Corvallis as well. Oak woodlands and savanna are habitats identified for conservation in the Strategy and provide benefit to a suite of species also identified in the plan, including western gray squirrel, California myotis (bat), Kindcaid's lupine, Willamette daisy, and Fender's blue butterfly. Sites of this size and composition, as well as its proximity to other natural resources, are rapidly diminishing resources, especially within the City limits.

Efforts are currently underway to secure sites for preservation and restoration of Strategy species and habitats. The Brooklane Heights property would serve as a vital stepping stone to other off-site resources such as Lupine Meadows and Bald Hill, where efforts to restore Kincaid's lupine and the Fender's blue butterfly will be contingent on surrounding conserved habitat. The site could also be utilized for restoration of Taylor's checkerspot habitat. It is our understanding that the owner of the proposed development site is willing to consider conservation of the property in lieu of development. Because of the importance of this site to the overall conservation design for the City of Corvallis, ODFW would strongly support any effort toward this alternative.

If the site cannot be conserved, ODFW recommends that measures to eliminate erosion, sedimentation, and siltation to watershed resources onsite as well as offsite be ensured. Further, because of the sensitivity of the oak habitat, a biologist should be onsite during the clearing phase of the project to monitor construction activity so that unnecessary impacts to the resources are avoided. In addition, the applicant should be aware of any federal laws that may affect the action, such as the Migratory Bird Treaty Act (MBTA) which governs the taking, killing, possession, transportation, and importation of migratory birds, their eggs, parts and nests. MBTA's regulations govern the take of all migratory birds (such as ground nesting birds). Any federal, state, county, or city police officers can implement enforcement of MBTA laws. Consequently, it is recommended that any clearing of habitat be conducted during the non-breeding season (April 15 to August 15).

Thank you again for this opportunity to comment. If you have any questions or need additional assistance, please don't hesitate to contact me.

Sincerely,

*Ann Kreager*

*Habitat Conservation Biologist*

*Oregon Department of Fish and Wildlife*
*Southwest Willamette Watershed District*
*7118 NW Vandenberg Ave*
*Corvallis, OR 97330-9446*
*541.757.4186 x 246*

**EXHIBIT XII - 1**
**LUBA REMAND**
**Brooklane PLD06-00018**
**Attachment O-1**

## Richardson, Robert

**From:** Nancy Taylor [Nancy.C.Taylor@state.or.us]
**Sent:** Friday, April 13, 2007 4:11 PM
**To:** Richardson, Robert; Crowell, Sharon
**Subject:** FW: Subdivisions and western pond turtles near Brooklane Drive

Bob-

Comments regarding the western pond turtles on Brooklane Drive

Nancy

---

**From:** Nancy Taylor
**Sent:** Friday, April 13, 2007 4:02 PM
**To:** 'robert.richardson@ci.corvalllis.or.us'
**Cc:** Nancy Taylor; Brian Wolfer
**Subject:** Subdivisions and western pond turtles near Brooklane Drive

Bob,

Thank you for forwarding the proposed plans for the Oakmont Addition Subdivision and Brooklane Heights Planned Development and Subdivision in Corvallis, Oregon.

As discussed, it will be important to protect the water quality that flows into the turtle ponds. Water should be pre-treated prior to entering the natural ravines and drainages.

The long term survival of this turtle population depends on a cooperative effort to identify and fence the turtle nesting habitat. I will coordinate with the City of Corvallis Parks Department, Mr. Wolfgang Dilson and others to further discuss this issue.

Sincerely,

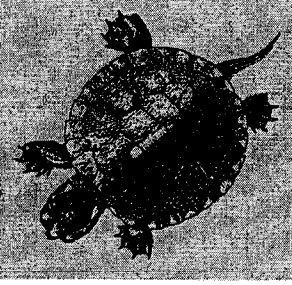
Nancy Taylor
District Wildlife Biologist
Oregon Dept. of Fish and Wildlife
SWWD-Corvallis Office
7118 NE Vandenberg Ave
Corvallis, OR 97330
541 757-4186 ext 226

Oregon Department of Fish and Wildlife
3406 Cherry AVE NE
Salem, OR 97303

*Living with Wildlife* — *Clemmys marmorata*

OREGON DEPARTMENT OF FISH AND WILDLIFE

# WESTERN POND TURTLE



The western pond turtle is one of two native turtle species in Oregon. From a distance the western pond turtle looks uniformly dark green or brown from head to tail. Up close the head and neck are flecked with cream and brown markings. Populations of western pond turtles and their habitats have been declining. As a result, the species is on Oregon's Sensitive Species List.

Turtles are declining because of loss of nesting habitat, loss of hatchling habitat and predation on hatchlings. In the early 20th century, commercial trapping for food and pets reduced turtle populations. Habitat loss from wetland draining, urban development and intensive agriculture has led to reduced distribution and numbers of turtles. Spread of exotic plant species such as Himalayan blackberry and reed canary grass, and fewer floods and fires have reduced the quality and quantity of turtle habitat. Introduction of turtle-eating exotic predators such as bullfrogs, opossums and largemouth bass reduced turtle populations.

Most western pond turtle populations consist primarily of large, old turtles. Few young turtles are surviving to replace the aging adults. Many turtle populations have 20 individuals or less and are separated from each other by several miles, especially those in the Willamette Valley. Isolation of turtle populations is increased by barriers such as roads, development and drained wetlands. As a result, genetic diversity is lost as small turtle populations become inbred.

Private landowners are key to the survival of western pond turtles because most of the best turtle habitat is privately owned. If you have western pond turtles on or near your land, your habitat improvement and management efforts can play a major role in conserving turtles.

## Western Pond Turtle FACTS

POPULATION STATUS
- One of two native turtle species in Oregon.
- Declining because of habitat loss and introduction of non-native predators.
- Can be helped by private landowners who provide suitable habitat.

HABITAT NEEDS
- Use both land and water throughout the year.
- Key habitat needs to include permanent slow-moving water with both deep and shallow areas, hiding and basking sites, nearby undisturbed nesting habitat, minimal impacts from non-native predators, and travel corridors.

ODFW: 8/00

# A Year in the Life of the Western Pond Turtle

Western pond turtles use both land and water during their life cycle. The turtles spend much of the year in water, living in slow-moving parts of rivers and streams or in ponds, lakes and wetlands. Pond turtles also spend a part of each year in grassy, sunny areas for nesting, and in wooded or brushy thickets for winter hibernation.

***Spring:*** Turtles emerge from winter hibernation in spring, then move to wetlands and search for food. Turtles locate their food by sight and smell, and are often seen "cruising" along the bottom or banks of a wetland. They eat small aquatic insects, crustaceans or dead meat. Turtles eat underwater because they are unable to swallow in air. Pond turtles can remain under water 60 minutes or more, but usually rise to the surface every few minutes to breathe.

Turtles often "haul out" and bask in the sun on logs, rocks, banks or floating vegetation, especially in the spring when water temperatures are cool. Turtles are cold-blooded; thus the environment controls their temperature. Turtles can be seen stacking on top of each other or in a line if basking sites are limited. If there are too few basking sites, turtles will exhibit aggressive behavior that may include an open-mouthed gesture, lunging or biting.

***Summer:*** Pond turtles can lay eggs after they are 10-12 years old, or greater than 6 inches long. Larger turtles carry more eggs, while smaller turtles may carry only one. The average number of eggs is eight. When the female is ready to lay her eggs in June or July, she empties her bladder onto the ground, then digs a nest with her hind legs in the moistened, loose soil. The completed nest takes about 10 hours to dig and is pear-shaped, 4 inches deep and 1 inch wide. When the nest is complete, the female deposits the eggs, then kneads the vegetation and soil in to the neck of the nest to form a plug. The female returns to the water and the eggs are incubated by the summer sun. Short, sparse grass or weeds on south-facing slopes are important to nest success.

***Fall:*** The eggs hatch in September and October (about 75 days) in warm, sunny weather, or as much as 125 days in cool weather or shady conditions. If the eggs don't get enough warmth, they may not hatch at all. The fully formed turtles survive on the yolk sac which they slowly absorb as they grow. When the temperatures drop in the fall, the hatchlings enter a state of hibernation in the nest. The hatchlings emerge, then travel to water. Because the hatchlings stay in the nest for almost one year, the key to their survival is an undisturbed nest from early summer through the following spring.

Hatchlings leave the nest when they are about the size of a quarter, and will live in shallow water, hiding among vegetation, to avoid predators like bullfrogs, herons and fish. It takes two to three years for them to grow large enough (about 3 inches long) that most predators can't eat them. Adult female offspring may return to their home nest area to lay their eggs.

***Winter:*** During winter, turtles hibernate in mud at the bottom of ponds, or buried on land in duff, the top layer of vegetation and soil. Some turtles travel more than a half mile to overwinter on land.

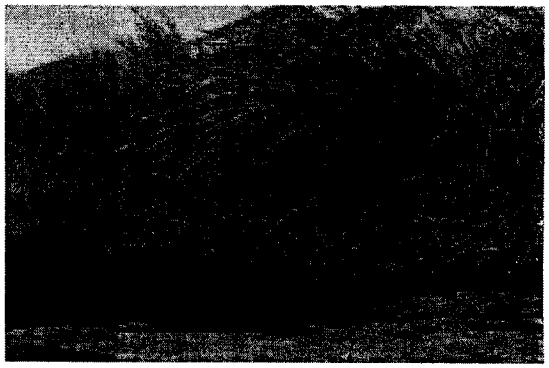
# Habitat Assessment

The most important habitats for western pond turtles are:

- Permanent water bodies with slow-moving waters for foraging;
- Shallow, near-shore waters with aquatic vegetation for hatchlings to hide from predators;
- Nearby, accessible, undisturbed upland sites with sparse vegetation and south-facing slopes for nests;
- Aquatic basking sites for temperature regulation; and
- Corridors such as streams, rivers and riparian areas that allow movement between populations.

You can help the western pond turtle by considering the following five habitat elements to determine the suitability of your land as habitat:

- ***Water body:*** A permanent body of still or slow-moving water with emergent and submergent aquatic vegetation, limited chemical application or runoff. Both shallow and deep areas will provide suitable habitat for turtles. Sizes of permanent wetlands range from small 1/4-acre sites to hundreds of acres. Small ponds that dry in the summer may be used seasonally by turtles. However, ponds are most effective when located near other ponds or streams.
- ***Hiding and basking sites:*** Habitat quality increases as the number of basking sites, especially those with underwater cover, increase. In addition to logs and rocks, vegetation and stream



banks can provide good basking habitat. A combination of good basking habitat and underwater hiding cover improves habitat quality.

- ***Hatchling Habitat:*** Hatchlings need shores with gentle gradients and water less than 12 inches deep to

survive. At least 25 percent of the edge of a water body should contain shallow habitat for hatchlings to regulate their body temperature. Mats of vegetation and other structure are important for cover to hide.

•***Nesting Habitat:*** Quality nesting habitat consists of short, grassy or weedy areas in hard, compacted, clay soil on south or southwest-facing slopes. The nests must be undisturbed almost year-round. Nesting areas must be outside winter floodplains and must not contain steep slopes or barriers to travel.

•***Nest and Hatchling Predators:*** Raccoons, skunks, opossums, coyotes, red foxes and dogs are turtle nest predators. One individual predator can destroy all of the turtle nests near a water body because predators can detect turtle urine in nests. Bullfrogs, largemouth and smallmouth bass, river otter, mink and raccoon eat turtle hatchlings in wetlands. The best defense mechanism from predators is to hide, thus extensive shallow water with aquatic vegetation and other hiding cover is critical.

•***Corridors:*** Rivers, streams and irrigation canals are safer and quicker routes for turtles than land travel. Turtles may take several days to a few weeks to complete a dispersal or migration, thus food and cover provided by aquatic and riparian vegetation is critical.

## Actions Landowners Can Take to Improve Habitat

You can improve your land for western pond turtles by:

•Managing water bodies to provide forage, basking and hiding sites;

•Maintaining shallow wetlands for hatchlings;

•Managing uplands to provide nesting habitat; and

•Controlling non-native predators, especially bullfrogs and bass.

***Water body:*** Create a water body with different types of emergent and submergent aquatic vegetation. Restrict chemical application within 30 feet of the water. Place logs or rocks in the water if water flow is rapid with few pools. Increase the number of sunny areas along the edge of the pond. Create 2 to 6 foot deep areas throughout the pond.

***Basking/Cover:*** Place abundant basking structures with root wads and attached limbs throughout the water body. Establish a diversity of vegetation.

***Hatchling Habitat:*** Create a diversity of vegetation and place small root wads or tree branches in shallow areas for hiding cover. Create near-shore habitat less than 12 inches deep if your water body lacks shallow areas. Plant wetland vegatation such as reeds and sedge.

***Existing Nest Areas:*** Locate existing nesting areas and protect them. Search for nests within 500 feet of water bodies from May 15 through July 31. Suitable habitat is any sunny site with short, sparse vegetation on south or southwest-facing aspects. Look for trampled vegetation the size and shape of a turtle, disturbed soil and a small clod of mud or dried soil about 2-3 inches long. If you see a turtle nesting, leave immediately and observe from a distance with binoculars. Keep woody vegetation such as blackberry and Scotch broom from encroaching on the nest site. Protect the site from human and animal disturbance.

***Creating Nest Areas:*** You can improve existing habitat or create new habitat a number of ways.

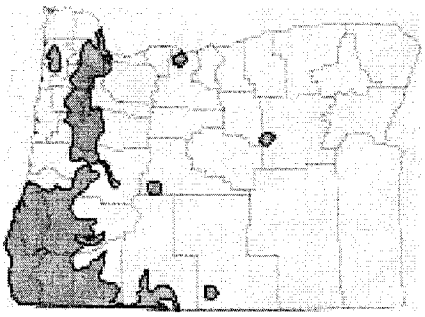
•Create a clear visual and travel path between the water and a large sunny spot at least 20 x 20 feet in low grass. Turtles often use existing hiking trails or roads because they are easy to negotiate.

•Mow grass and create bare soils for nesting by hand-pulling, scraping or "spot" applicating herbicide in areas 1 to 2 feet across. Import soil that is primarily silt or clay and deposit in mounds 2 to 3 feet high and at least 10 feet wide. Nest mounds can be built on flat ground or on ground that has a slight north or east slope, as long as you create a south-facing slope suitable for nesting.

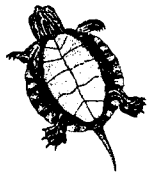
•Create 5 to 10 foot buffers around nest sites and protect these areas from grazing and agricultural practices.

***Predators:*** Eliminate or control exotic fish populations in the water body by short-term dewatering, angling and screening of water intake and outflow structures to prevent re-invasion of fish. Be careful to use chemicals aimed at controlling vegetation or animals as these may affect the food turtles need to survive.

•Control bullfrogs by allowing the pond to dry up late in the summer or by removing egg masses, tadpoles and large frogs over 3.5 inches on a yearly basis. Bullfrog eggs are laid in a broad, frothy sheet of "jelly;" they look like



Distribution of the Western Pond Turtle in Oregon



poppy seeds scattered on a patch of slime. The egg mass is laid on the water surface in shallow water or on vegetation. Tadpoles are up to 5 inches in length and adult bullfrogs have large eardrums with a ridge or groove. Juvenile frogs squeak when they are scared.

•Reduce predation by providing large nesting areas. Biologists have developed small cages you can place over the nests to exclude predators, maximize sun exposure and allow hatchlings to emerge. If you find a nest, call ODFW for a free nest cage and instructions. You can also reduce predation by obtaining ODFW approval to trap and relocate nest predators prior to and during the turtle egg-laying period.

Please contact an ODFW office if you find evidence of turtle nesting on your property and if you would like to obtain a free turtle nest protection cage.

Clackamas ..... 503-657-2000
Corvallis ..... 541-757-4186
Roseburg ..... 541-440-3353
Medford ..... 541-826-8778
Charleston ..... 541-888-5515
Springfield ..... 541-726-3515
Bend ..... 541-388-6340

Attachment IX - 134

## DEPARTMENT REGION OFFICES

| REGION | ADDRESS | TELEPHONE |
|---|---|---|
| Northwest | 17330 SE Evelyn Street, Clackamas, OR 97015 | 503-657-2000 |
| Southwest | 4192 N Umpqua Hwy, Roseburg, OR 97470 | 541-440-3353 |
| High Desert | 61374 Parrell Road, Bend, OR 97702 | 541-388-6363 |
| Northeast | 107 20th Street, La Grande, OR 97850 | 541-963-2138 |
| Portland HQ | 2501 SW First Avenue, Portland, OR 97201 | 503-872-5268 |

ODFW Internet site address: www.dfw.state.or.us

ODFW: 8/00

The Oregon Department of Fish and Wildlife prohibits discrimination in all of its programs and services on the basis of race, color, national origin, age, sex or disability. If you believe that you have been discriminated against as described above in any program, activity, or facility, please contact the ADA Coordinator, P.O. Box 59, Portland, OR 97207, 503-872-5262.

This material will be furnished in alternate format for people with disabilities if needed. Please call 503-872-5264 (voice) or 503-872-5259 (Portland TTY) to request

**EXHIBIT XIII - 4**
**LUBA REMAND**

**Brooklane PLD06-00018**
**Attachment O-6**

# ADMINISTRATIVE SERVICES COMMITTEE
# MINUTES
# December 18, 2008

Present
Councilor Jeanne Raymond, Chair
Councilor Dan Brown
Councilor Bill York

Visitors
John Hope-Johnstone, Corvallis Tourism
Joan Wessell. Downtown Corvallis Association
Bruce Hecht, Oregon Natural Step Network
Joleen Schilling, Corvallis Environmental Center

Staff
Jon Nelson, City Manager
Ken Gibb, Community Development Director
Nancy Brewer, Finance Director
Kathleen Matthews, Community Dev Mgt Asst
Karen Emery, Parks and Recretaion Director
Steve Degehetto, Acting Recreation Director
Mary Steckel, Public Works Administrative Divn Mgr
Kathy Louie, Assistant to City Manager/City Recorder
Ellen Volmert, Assistant City Manager
Carla Holzworth, City Manager's Office

## SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Economic Development Allocations First Quarter Reports | | | Accept the First Quarter Economic Development Allocations Reports |
| II. Funding Agreement Annual Report: Corvallis Environmental Center | | | Accept the Corvallis Environmental Center's Funding Agreement Annual Report |
| III. First Quarter Operating Report | | | Accept the First Quarter Operating Report for Fiscal Year 2008-09 |
| IV. Council Policy Review: 04-1.09, "Public Access Television" | | | Affirm Council Policy 04-1.09, "Public Access Television" |
| V. Council Policy Review: 91-2.01, "Meeting Procedures" | | | Incorporate the Committee's suggested changes and bring the updated policy back to the Committee for further review |
| VI. Council Policy Review: 91-3.01, "Appointment of Acting City Manager" | | | Affirm Council Policy 91-3.01, "Appointment of Acting City Manager" |
| VII. Council Policy Review: 91-3.02, "City Compensation Policy" | | | Amend Council Policy 91-3.02, "City Compensation Policy" as recommended by staff |
| VIII. Other Business | * | | |

Chair Raymond called the meeting to order at 12:00 p.m.

**CONTENT OF DISCUSSION**

I. Economic Development Allocations First Quarter Report (Attachment)

Mr. Gibb reviewed the staff report and noted that Finance personnel found agency financial information to be in compliance.

In response to Councilor Brown's inquiry, Mr. Gibb said Willamette Neighborhood Housing Services' reports are reviewed by Human Services Committee because they match up with other housing activities and programs already discussed by that group.

John Hope-Johnstone, Corvallis Tourism (CT), thanked the Committee and Council for their work regarding funding for fairs and festivals. In response to Councilor York's inquiry, Mr. Hope-Johnstone said hotel numbers started to decline in large destination cities around October. While Corvallis is doing better than expected, he still anticipates declines. Mr. Hope-Johnstone noted that CT is taking advantage of package deals that offer reduced advertising rates.

Joan Wessell, Downtown Corvallis Association (DCA), said the recent snowstorm slowed business activity downtown, but people are coming back out to finish last minute holiday shopping. The DCA has received positive comments about the outdoor musical entertainment it has been providing for shoppers. DCA is distributing "Thanks for Shopping Locally" signs for downtown businesses to display in their windows; a similar ad will be placed in the Gazette-Times to show merchant appreciation for keeping dollars local. The Downtown Directory has been updated and the new dentist's office will move into the old Fagan's Beauty School building in July. Ms. Wessell thanked the Committee and Council for dedicating funding to fairs and festivals.

Bruce Hecht, Corvallis Chapter of the Oregon Natural Step Network (ONSN), said his office is seeking a new coordinator to fill Andrea Norris' vacancy. Dr. Hu Tao with the Chinese Environmental Protection Agency presented information in a public event at the Library in November. ONSN is working with the College of Business to co-sponsor another program in January; Country Natural Beef will discuss their sustainability efforts. Mr. Hecht said his organization has been marketing the Enterprise Zone and they are working on a local food processing business idea.

The Committee unanimously recommends that Council accept the Economic Development Allocations First Quarter reports.

II. Funding Agreement Annual Report: Corvallis Environmental Center (Attachment)

Ms. Emery introduced Acting Recreation Director Steve Deghetto and Corvallis Environmental Center (CEC) Director Joleen Schilling. Mr. Deghetto reviewed the staff report.

In response to Councilor York's inquiry, Ms. Emery said she will speak to Finance Director Brewer about whether including financial information in the report is useful, even thought it is not required.

In response to Chair Raymond's inquiry, Ms. Schilling said the CEC has partnered with Oregon State University graduate student interns. Projects include the Farm to School program and the Edible Corvallis Initiative, which includes a youth garden component. More internship opportunities will be available for students interested in sustainable agriculture.

The Committee unanimously recommends that Council accept the Corvallis Environmental Center's Funding Agreement Annual Report.

III. First Quarter Operating Report (Attachment)

Ms. Brewer said the City's first quarter finances were generally as staff expected. Exceptions include declines in the Development Services Fund due to a standstill in residential permits and lower Systems Development Charges (SDC) revenues. A continued decrease in SDC revenue will impact capital improvement programs and could delay future projects. Ms. Brewer explained that expenditures are higher than 25% in the City Manager's Office due to insurance premiums being paid at the beginning of the year and in and Parks and Recreation due to summer program expenses. Capital projects are in the design and bidding phase for spring and summer construction.

The Committee unanimously recommends that Council accept the First Quarter Operating Report for FY 2008-09.

IV. Council Policy Review: 04-1.09, "Public Access Television" (Attachment)

Ms. Steckel said the City's cable franchise agreement requires Comcast to provide funding for equipment purchases that support public, education, and government television channels. Ms. Steckel said the operating rules in Exhibit A meet the needs of the public and the City has an intergovernmental agreement with the 509J School District to manage public access channel 29. The station manager, Amy Hunter, has expanded programming and implemented an upgraded bulletin board that displays meeting and event information. Staff does not recommend changes to the policy.

In response to Councilor Brown's inquiry about using the bulletin board to show the Sustainability Coalition's calendar of events, Ms. Steckel said the bulletin board functions similar to a PowerPoint slide show that a traditional calendar. She indicated that the Sustainability Coalition's events could be accommodated on Channel 29 through a non-calendar format.

The Committee unanimously recommends that Council to affirm Council Policy 04-1.09, "Public Access Television."

V. Council Policy Review: 91-2.01, "Meeting Procedures" (Attachment)

Ms. Louie said staff recommends two modifications to the policy. Updated language regarding meeting recordings is recommended in 2.01.025 to maintain flexibility and keep pace with changing technology. Compliance with State records laws will be maintained. Staff also suggests adding a new section, 2.01.033, that provides a suggested meeting script for boards and commissions chairs. The format is based on a simplified version used for land use hearings and will help ensure meeting procedure consistency. The script will also assist the Mayor with the upcoming training for new chairs.

In response to Councilor York's inquiry, Mr. Nelson said Executive Session is used by other groups, including the Airport Commission and the Community Police Review Board. Use of the script is encouraged, but not mandated.

Councilor Brown distributed a hand out (Attachment 1) with additional suggestions to improve constituent participation in City meetings. He said citizens have told him they are confused by meeting processes and procedures. Councilor Brown suggested focusing on audience needs, including introduction of those in attendance so Councilors and City staff are identified; explaining the purpose of the meeting, especially during quasi-judicial processes; and explaining the participation process so citizens understand public testimony procedures. Ms. Louie thanked Councilor Brown for his suggestions and said staff would be happy to review them for incorporation into the policy. Staff will also create a separate script for Standing Committee meetings.

The Committee unanimously recommends that staff incorporate suggested changes and bring the updated policy back to the Administrative Services Committee for further review.

VI. Council Policy Review: 91-3.01, "Appointment of Acting City Manager" (Attachment)

Ms. Volmert said the policy covers limited periods of time when an Acting City Manager is needed. Absence of the City Manager for more than 14 days requires Council action. The policy has worked well and staff does not recommend changes.

The Committee unanimously recommends that Council affirm Council Policy 91-3.01, "Appointment of Acting City Manager."

VII. Council Policy Review: 91-3.02, "City Compensation Policy" (Attachment)

Ms. Volmert said most City employees are governed by State collective bargaining law. The Council policy provides direction and guidance for exempt employee compensation. The policy was last updated in 2006 to include sustainability components. No major changes are recommended.

Minor language changes are suggested to make the policy more clear and to better align it with overarching Council values. Examples include referencing State bargaining laws, stressing the importance of maintaining positive labor relations, and using the mean of comparitors to establish compensation guidelines, recognizing market forces may also impact compensation.

The Committee unanimously recommends that Council amend Council Policy 91-3.02, "City Compensation Policy" as recommended by staff.

VIII. Other Business

Chair Raymond thanked Councilor York for his service on the 2007-2008 Council.

The next regular Administrative Services Committee meeting is scheduled for 12 pm, Thursday, January 8, 2009 in the Madison Avenue Meeting Room.

Meeting adjourned at 12:53 pm.

Respectfully submitted,

Jeanne Raymond, Chair

# MEMORANDUM

**DATE:** **December 9, 2008**

**TO:** **Administrative Services Committee**

**FROM:** **Ken Gibb, Community Development Director**

**SUBJECT:** **First Quarter FY 08-09 Economic Development Program Review**

## I. Issue

Review and acceptance of the quarterly reports from the following economic development agencies: Corvallis Tourism, Corvallis-Benton Chamber Coalition, Business Enterprise Center, Downtown Corvallis Association, and Oregon Natural Step Network, as well as overall program summary.

## II. Background

The City Economic Development Policy's (CP 96-6.03) primary purpose is to preserve and support community livability by encouraging economic stability and sustainable economic opportunities. To provide a stable funding source for activities to support this goal, 50% of the transient room tax (TRT) revenue collected in the previous calendar year is allocated for City sponsored economic development activity. Through the annual Economic Development Allocation process, eight entities were allocated non-dedicated (20% of TRT) economic development funds of $225,300. Corvallis Tourism was allocated a dedicated amount (30% of TRT) of $337,950.

| Agency | Amount Allocated | Disbursed 1st Quarter |
|---|---|---|
| Corvallis Tourism Dedicated Funding | $337,950 | $84,487.50 |
| Business Enterprise Center | $25,000 | $6,250.00 |
| Corvallis-Benton Chamber Coalition | $73,000 | $18,250.00 |
| Corvallis Chapter, Oregon Natural Step Network | $7,300 | $7,300.00 |
| Downtown Corvallis Association | $54,000 | $54,000.00 |
| Corvallis Fall Festival [1] | $7,500 | $7,500.00 |
| da Vinci Days [1] | $15,000 | $15,000.00 |
| Willamette Neighborhood Housing Services [2] | $43,500 | $10,875.00 |
| **Total** | **$563,250** | **$203,662.50** |

1 Corvallis Fall Festival and da Vinci Days are monitored by the Parks and Recreation Department and reviewed by the Human Services Committee.

2 WNHS's quarterly reports are evaluated by the Housing Programs Division and monitored through the Human Services Committee. WNHS was allocated funds for two programs - Housing and MicroBusiness.

All agencies entered into contractual agreements with the City of Corvallis. Two of the contracts are managed by the Parks and Recreation Department, with the remainder managed by the Community Development Department.

Reporting to the Human Services Committee are Willamette Neighborhood Housing Services (WNHS), Corvallis Fall Festival and da Vinci Days. WNHS reports on a quarterly basis to Community Development Housing Division, and the event organizations provide annual reports through the Parks and Recreation Department.

Quarterly reports are required to be submitted by Corvallis Tourism, Business Enterprise Center (BEC), Corvallis Chapter Oregon Natural Step Network (ONSN), Corvallis-Benton Chamber Coalition (CBCC), and Downtown Corvallis Association (DCA) for ASC review. Attached are copies of the first quarter reports as submitted by Corvallis Tourism, BEC, ONSN, CBCC and DCA.

**III. General Discussion**

Each agency meets goals identified in CP 96-6.03. Corvallis Tourism focuses their efforts on promoting Corvallis as a visitor/tourism/meeting location. CBCC and BEC direct their efforts towards business assistance, retention and development of existing businesses within the City and County. DCA works to make downtown Corvallis a vital commercial, cultural and social center. Oregon Natural Step Network encourages sustainable economic activities that reduce environmental impacts. All of the efforts listed above are geared toward making Corvallis more livable.

Each agency will be provided with a copy of this report and invited to attend and address the Committee.

**IV. Financial Analysis**

Quarterly reporting requirements for FY 98-99 were modified so that only those agencies receiving more than 50% of their funding from the City are required to submit financial information on a quarterly basis. Corvallis Tourism is the only agency that meets that criterion. Financial statements submitted by Corvallis Tourism were reviewed by Finance Office staff and found to be in compliance with their agreement. A copy of the Finance staff review is attached.

**V. Action Requested**

That the Administrative Services Committee consider this report and recommend City Council approve acceptance of the first quarter report.

**REVIEW AND CONCUR:**

**Nancy Brewer, Finance Director**

**REVIEW AND CONCUR:**

**Jon S. Nelson, City Manager**

**Finance Department**
500 SW Madison Avenue
Corvallis, OR 97333
541-766-6990
541-754-1729

MEMORANDUM

October 28, 2008

TO: Kathleen Matthews, Community Development

FROM: Mindy Perez, Accounting

SUBJECT: Corvallis Tourism Quarterly Report - Q1, FY08-09

This review consists of inquiries and analytical procedures and is very limited in its nature. The quarterly financial statements have not been reviewed by a Certified Public Accountant and are the representation of the management of Corvallis Tourism.

During the first quarter of fiscal year 2008/2009, Corvallis Tourism reported revenues of $92,387 and expenditures of $93,387, resulting in a net loss of $1,000. This is $4,610 better than the Q1 budgeted net loss of $5,610. Corvallis Tourism maintains a strong cash position, with Net Assets of $51,800 only slightly below Q408.

The City of Corvallis funded $84,488 of economic development funds to Corvallis Tourism in the first quarter of FY08/09. This represents approximately 91% of total revenues for the quarter. Corvallis Tourism has accounted for this funding appropriately.

Nothing has come to my attention in this review that would be cause for further review or concern. Acceptance of the Corvallis Tourism annual report is recommended.

CORVALLIS TOURISM

Corvallis, Oregon Convention & Visitors Bureau

# First Quarter Report 2008/2009
# (July-Sept 2008)

CORVALLIS TOURISM
Corvallis, Oregon Convention & Visitors Bureau

# Quarterly Report

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Work Plan Completion Report

CORVALLIS TOURISM
Corvallis, Oregon Convention & Visitors Bureau

Monthly Statistics
Update 9-22-08

## Transient Occupancy Tax

| | J | A | S | O | N | D | J | F | M | A | M | J | Adj |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 96/97 | 71985 | 66166 | 59788 | 59762 | 50999 | 39056 | 39,154 | 52019 | 43573 | 56436 | 57085 | 64594 | |
| 97/98 | 69945 | 62584 | 66510 | 56683 | 44626 | 39038 | 43,186 | 47847 | 48288 | 50038 | 56500 | 64801 | |
| 98/99 | 69483 | 65744 | 60567 | 53239 | 49318 | 33855 | 37,393 | 49291 | 54139 | 52820 | 54638 | 64862 | |
| 99/00 | 67802 | 69,850 | 69,801 | 62,282 | 59587 | 37232 | 41,621 | 49671 | 62372 | 54386 | 59,753 | 72076 | |
| 00/01 | 76,239 | 67,012 | 76,907 | 70,502 | 55,009 | 42,213 | 42,226 | 49,750 | 69,427 | 58,992 | 69,299 | 75,800 | |
| 001/02 | 78,614 | 69,308 | 67,596 | 68,984 | 53,301 | 35,638 | 43,133 | 45,326 | 63,230 | 62,114 | 72,523 | 82,940 | 3,393 |
| 02/03 | 79302 | 76089 | 73342 | 66877 | 57666 | 42545 | 46,390 | 53,969 | 63,352 | 57221 | 60160 | 77171 | |
| "03/04 | 74754 | 75689 | 91875 | 79,583 | 64290 | 43826 | 50,372 | 63,379 | 79,673 | 77835 | 81,230 | 91954 | |
| 04/05 | 91,294 | 88255 | 76190 | 85455 | 80449 | 49478 | 62,247 | 70838 | 83715 | 79,587 | 81572 | 97714 | |
| 05/06 | 103,709 | 90,859 | 102722 | 84,993 | 80,000 | 48990 | 56,476 | 72297 | 89101 | 82,578 | 93405 | 97115 | |
| 06/07 | 104,693 | 106,498 | 105290 | 97,063 | 83729 | 60484 | 64,100 | 87723 | 92671 | 88,934 | 97043 | 115404 | |
| 07/08 | 106,556 | 109,124 | 106063 | 104,942 | 84967 | 60762 | 63,388 | 83535 | 89198 | 93,022 | 100400 | 119287 | |
| 08/09 | | | | | | | | | | | | | |

## Percentage Occupancy

| | J | A | S | O | N | D | J | F | M | A | M | J | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 04/05 | 61.82 | 59.3 | 51.5 | 51.2 | 44.9 | 32.2 | 36 | 46.3 | 51.6 | 47.8 | 49 | 59.3 | 49.24 |
| 05/06 | 63.5 | 60.4 | 56.7 | 47.7 | 46.1 | 30.6 | 34.4 | 47.3 | 52.6 | 48.2 | 48.7 | 60.5 | 49.73 |
| 06/07 | 62.8 | 64.7 | 59.4 | 49 | 44.4 | 36 | 40.2 | 58.5 | 60.1 | 56.7 | 57 | 71 | 54.98 |
| 07/08 | 70.5 | 68 | 62.8 | 59 | 51 | 39 | 40.1 | 53 | 55 | 54 | 57 | 66 | 56.28 |
| 08/09 | 66.9 | 68 | | | | | | | | | | | |

## Room Demand

| | J | A | S | O | N | D | J | F | M | A | M | J | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 04/05 | 18078 | 17362 | 14594 | 14988 | 12704 | 9410 | 10524 | 12243 | 15100 | 13531 | 14349 | 16791 | 169674 |
| 05/06 | 18586 | 17677 | 16211 | 13858 | 13034 | 8980 | 10045 | 12566 | 15310 | 13644 | 14796 | 17584 | 172291 |
| 06/07 | 17375 | 17727 | 15902 | 13872 | 11827 | 9808 | 10226 | 13072 | 15021 | 13571 | 13964 | 17371 | 169736 |
| 07/08 | 17231 | 16922 | 15017 | 14677 | 12196 | 9794 | 9872 | 11819 | 13595 | 12943 | 13965 | 15814 | 163845 |
| 08/09 | 16560 | 16812 | | | | | | | | | | | 33372 |

## Average Daily Rate

| | J | A | S | O | N | D | J | F | M | A | M | J | Annual |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 98/99 | 60.39 | 59.74 | 63.79 | 58.06 | 58 | 53.4 | 42 | 55.47 | 61.45 | 59.44 | 53.58 | 61 | 57.19 |
| 99/00 | 63.1 | 62 | 60 | 63.23 | 63.39 | 67.4 | 58.16 | 60.06 | 60.01 | 59.44 | 60.3 | 63 | 61.67 |
| 00/01 | 63.6 | 62.18 | 63.51 | 64.22 | 63.89 | 62.13 | 60.44 | 61.8 | 61.79 | 61.4 | 64.63 | 63.89 | 62.79 |
| 01/02 | 63.55 | 63.27 | 64.81 | 66.6 | 65.4 | 61.51 | 62.76 | 62.9 | 62.29 | 62.79 | 64.81 | 67.89 | 64.05 |
| 02/03 | 66.61 | 66.64 | 66.84 | 68.24 | 66.78 | 62.85 | 64.9 | 64.03 | 64 | 64.45 | 68.39 | 68.59 | 66.03 |
| 03/04 | 67.93 | 67.12 | 74.7 | 72.78 | 72.44 | 67.19 | 68.83 | 69.56 | 69.42 | 73.3 | 74.89 | 75.58 | 71.15 |
| 04/05 | 68.89 | 70.76 | 69.55 | 66.52 | 73.13 | 62.04 | 65.4 | 67.93 | 66.64 | 70.31 | 68.69 | 71.51 | 68.45 |
| 05/06 | 74.75 | 73.74 | 78.54 | 72.9 | 70.02 | 64.63 | 66.53 | 69.09 | 69.91 | 71.69 | 76.17 | 77.68 | 72.14 |
| 06/07 | 76.61 | 76.86 | 82.33 | 79.66 | 83.63 | 72 | 71.96 | 75.17 | 74.91 | 79.13 | 81 | 82.83 | 78.01 |
| 07/08 | 84.51 | 86.85 | 86.07 | 86.58 | 83.58 | 75.39 | 77.04 | 79.48 | 80.28 | 85.22 | 88.48 | 91.54 | $84 |
| 08/09 | 89.76 | 90.52 | | | | | | | | | | | $15 |

## Walk In Visitors (Actual count)

| | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 05/06 | 774 | 651 | 510 | 297 | 238 | 169 | 267 | 217 | 576 | 606 | 478 | 561 |
| 06/07 | 522 | 596 | 390 | 378 | 224 | 180 | 212 | 236 | 355 | 575 | 434 | 1462 |
| 07/08 | 1095 | 1346 | 997 | 917 | 464 | 348 | 480 | 478 | 602 | 785 | 1796 | 1871 |
| 08/09 | 1590 | 1294 | 980 | | | | | | | | | |

## Advertising Inquiries

| | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 97/98 | 737 | 715 | 822 | 422 | 334 | 274 | 307 | 275 | 436 | 847 | 1428 | 1972 |
| 98/99 | 1611 | 832 | 1007 | 403 | 419 | 247 | 295 | 710 | 2689 | 3473 | 1521 | 1298 |
| 99/00 | 888 | 671 | 1045 | 650 | 494 | 623 | 666 | 836 | 1742 | 3479 | 1719 | 1013 |
| 00/01 | 500 | 700 | 493 | 379 | 194 | 126 | 2157 | 710 | 1916 | 2725 | 1598 | 2342 |
| 01/02 | 1360 | 749 | 687 | 631 | 395 | 146 | 411 | 1363 | 1753 | 1646 | 956 | 1997 |
| 02/03 | 497 | 459 | 307 | 631 | 404 | 759 | 242 | 1252 | 2661 | 4742 | 746 | 656 |
| 03/04 | 589 | 171 | 291 | 369 | 185 | 113 | 231 | 292 | 2389 | 1602 | 1372 | 1920 |
| 04/05 | 430 | 343 | 245 | 403 | 241 | 263 | 457 | 568 | 1530 | 2174 | 4494 | 2354 |
| 05/06 | 1026 | 859 | 2332 | 1586 | 960 | 436 | 576 | 700 | 1184 | 4462 | 2355 | 2054 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 06/07 | 3537 | 3642 | 1602 | 1479 | 603 | 293 | 525 | 671 | 1178 | 1205 | 2063 | 2242 |
| 07/08 | 417 | 596 | 829 | 428 | 429 | 142 | 1270 | 391 | 1385 | 11299 | 3956 | 2285 |
| 08/09 | 956 | 1049 | 501 | | | | | | | | | |

## On-line Ad Responses (Sub Domains)

| | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 07/08 | | 31 | 618 | 467 | 676 | 1572 | 1953 | 1359 | 1321 | 2148 | 3090 | 2982 |
| 08/09 | 3113 | 3198 | 1844 | | | | | | | | | |

## Google Campaigns (Click Through rates)

| | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 08/09 | 223 | 158 | 155 | | | | | | | | | |

## E-Brochure Responses

| | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 08/09 | 472 | 276 | | | | | | | | | | |

## Web Conversion Activities

| | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 08/09 | NA | NA | NA | | | | | | | | | |

## Web Site Unique Users

| | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 98/99 | 2302 | 2232 | 1320 | 1286 | 1522 | 1389 | 2348 | 2352 | 2502 | 2630 | 2667 | 2606 |
| 99/00 | 3074 | 2792 | 2887 | 1285 | 2727 | 2153 | 3105 | 3821 | 5410 | 4569 | 4399 | 4500 |
| 00/01 | 5877 | 6190 | 5731 | 5607 | 5582 | 4714 | 6499 | 6624 | 7689 | 10696 | 10,617 | 9449 |
| 01/02 | 9764 | 8957 | 8294 | 9050 | 8255 | 6779 | 8522 | 8156 | 10116 | 10696 | 10,617 | 9449 |
| 02/03 | 11745 | 11947 | 12323 | 11415 | 9874 | 9588 | 10976 | 8443 | 5781 | 12499 | 12360 | 12041 |
| 03/04 | 12558 | 9488 | 10171 | 9782 | 8334 | 8025 | 10237 | 9661 | 12459 | 11578 | 11618 | 11613 |
| 04/05 | 12559 | 14290 | 13794 | 12989 | 12895 | 12300 | 15004 | 15089 | 17941 | 18764 | 18633 | 18542 |
| 05/06 | 19340 | 20121 | 19148 | 19446 | 17259 | 15607 | 19135 | 18918 | 26319 | 22348 | 22896 | 23612 |
| 06/07 | 23870 | 20813 | 20837 | 22160 | 20063 | 19966 | 22405 | 21276 | 25007 | 23427 | 25571 | 31497 |
| 07/08 | 26262 | 26244 | 22156 | 21129 | 17386 | 15776 | 18757 | 16285 | 19488 | 24872 | 27242 | 24088 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 08/09 | 24110 | 20725 | | | | | | | | | | |

## On-Line Reservations

| | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 01/02 | 0 | 25 | 27 | 26 | 11 | 10 | 32 | 22 | 61 | 98 | 84 | 49 |
| 02/03 | 39 | 42 | 59 | 36 | 24 | 27 | 46 | 58 | 72 | 117 | 92 | 63 |
| 03/04 | 61 | 88 | 70 | 52 | 18 | 17 | 44 | 62 | 110 | 56 | 87 | 35 |
| 04/05 | 70 | 75 | 32 | 34 | 27 | 9 | 22 | 56 | 124 | 44 | 84 | 49 |
| 05/06 | 64 | 86 | 90 | 50 | 47 | 24 | 61 | 75 | 141 | 67 | 88 | 84 |
| 06/07 | 90 | 73 | 111 | 94 | 72 | 25 | 69 | 82 | 128 | 69 | 78 | 97 |
| 07/08 | 78 | 83 | 107 | 71 | 70 | 20 | 37 | 68 | 78 | 77 | 62 | 72 |
| 08/09 | 73 | 67 | | | | | | | | | | |

## Group Leads

| | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 01/02 | 10 | 5 | 15 | 26 | 11 | 10 | 13 | 4 | 6 | 23 | 17 | 9 |
| 02/03 | 14 | 42 | 23 | 38 | 23 | 27 | 34 | 43 | 20 | 25 | 39 | 12 |
| 03/04 | 13 | 6 | 24 | 32 | 12 | 17 | 22 | 32 | 43 | 39 | 32 | 20 |
| 04/05 | 22 | 32 | 14 | 18 | 23 | 9 | 14 | 12 | 7 | 18 | 22 | 15 |
| 05/06 | 12 | 14 | 8 | 26 | 29 | 2 | 18 | 15 | 4 | 17 | 22 | 18 |
| 06/07 | 25 | 35 | 16 | 35 | 14 | 7 | 18 | 14 | 22 | 32 | 41 | 23 |
| 07/08 | 33 | 18 | 22 | 14 | 18 | 31 | 18 | 17 | 22 | 14 | 18 | 23 |
| 08/09 | 2 | 3 | | | | | | | | | | |

## Group Bids

| | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 01/02 | 1 | 1 | 2 | 3 | 5 | 0 | 2 | 4 | 6 | 3 | 5 | 3 |
| 02/03 | 0 | 2 | 4 | 3 | 1 | 1 | 3 | 4 | 7 | 3 | 9 | 4 |
| 03/04 | 3 | 4 | 2 | 3 | 6 | 1 | 2 | 4 | 12 | 3 | 2 | 7 |
| 04/05 | 4 | 3 | 6 | 2 | 3 | 0 | 3 | 4 | 7 | 4 | 6 | 3 |
| 05/06 | 2 | 1 | 1 | 4 | 3 | 3 | 9 | 4 | 3 | 5 | 3 | 6 |
| 06/07 | 2 | 3 | 4 | 7 | 9 | 3 | 6 | 4 | 2 | 2 | 5 | 3 |
| 07/08 | 3 | 3 | 4 | 6 | 4 | 7 | 9 | 4 | 2 | 2 | 1 | 4 |
| 08/09 | 2 | 1 | 0 | | | | | | | | | |

## Group Bookings

| | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 01/02 | 0 | 0 | 1 | 2 | 0 | 0 | 2 | 3 | 5 | 3 | 2 | 1 |

| | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 02/03 | 1 | 0 | 1 | 2 | 0 | 1 | 2 | 4 | 7 | 1 | 1 | 3 |
| 03/04 | 0 | 2 | 1 | 3 | 3 | 2 | 1 | 2 | 4 | 2 | 3 | 5 |
| 04/05 | 1 | 0 | 0 | 1 | 3 | 2 | 1 | 4 | 2 | 3 | 3 | 1 |
| 05/06 | 0 | 0 | 0 | 1 | 2 | 1 | 4 | 2 | 0 | 0 | 1 | 1 |
| 06/07 | 2 | 1 | 0 | 0 | 2 | 0 | 0 | 1 | 4 | 6 | 2 | 1 |
| 07/08 | 1 | 1 | 2 | 4 | 2 | 3 | 2 | 2 | 1 | 1 | 3 | 0 |
| 08/09 | 4 | 2 | 2 | | | | | | | | | |

## Group Bookings Room Nights

| | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 9-Aug | 151 | 160 | 2000 | | | | | | | | | |

## Group Lost Opportunities

| | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 01/02 | 0 | 0 | 2 | 1 | 3 | 2 | 0 | 0 | 3 | 2 | 1 | 3 |
| 02/03 | 1 | 1 | 0 | 0 | 0 | 1 | 3 | 2 | 1 | 1 | 2 | 1 |
| 03/04 | 2 | 1 | 0 | 0 | 2 | 1 | 3 | 2 | 1 | 0 | 2 | 3 |
| 04/05 | 2 | 1 | 1 | 2 | 0 | 1 | 2 | 1 | 2 | 1 | 1 | 0 |
| 05/06 | 2 | 1 | 1 | 4 | 3 | 3 | 9 | 4 | 3 | 5 | 3 | 6 |
| 06/07 | 2 | 3 | 4 | 7 | 9 | 3 | 6 | 4 | 2 | 2 | 5 | 3 |
| 07/08 | 3 | 3 | 4 | 6 | 4 | 7 | 9 | 4 | 2 | 2 | 1 | 4 |
| 08/09 | 2 | 1 | 0 | | | | | | | | | |

# CCVB ADVERTISING STATISTICS 2008-2009

| | Jul | Aug | Sept | Oct | Nov | Dec | Jan | Feb | Mar | Apr | May | June | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| **Our Advertising** | | | | | | | **2009** | | | | | | **Totals** |
| Good Housekeeping | http://www0.adhost.com/g/o/good.visitcorvallis | | | | | | | | | | | | |
| Hits | 1,881 | 2,894 | 1,547 | | | | | | | | | | 6,322 |
| Visits | 499 | 793 | 448 | | | | | | | | | | 1,740 |
| Total Unique Sites | 122 | 265 | 114 | | | | | | | | | | 501 |
| Sunset Magazine | http://www0.adhost.com/s/u/sun.visitcorvallis | | | | | | | | | | | | **Totals** |
| Hits | 3,487 | 3,575 | 1,867 | | | | | | | | | | 8,929 |
| Visits | 912 | 1,000 | 479 | | | | | | | | | | 2,391 |
| Total Unique Sites | 213 | 312 | 132 | | | | | | | | | | 657 |
| Madden | http://www0.adhost.com/p/r/pre.visitcorvallis | | | | | | | | | | | | **Totals** |
| Hits | 4,996 | 4,597 | 3,751 | | | | | | | | | | 13,344 |
| Visits | 1,509 | 1,240 | 916 | | | | | | | | | | 3,665 |
| Total Unique Sites | 383 | 280 | 256 | | | | | | | | | | 919 |
| Travel 50 | http://www0.adhost.com/t/r/travel.visitcorvallis | | | | | | | | | | | | **Totals** |
| Hits | 253 | - | 87 | | | | | | | | | | 340 |
| Visits | 3 | - | 1 | | | | | | | | | | 4 |
| Total Unique Sites | 2 | - | 1 | | | | | | | | | | 3 |
| **Website Users** | | | | | | | | | | | | | **Totals** |
| **CCVB site** | http://stats.visitcorvallis.com | | | | | | | | | | | | |
| Hits | 1,032,407 | 893,066 | - | | | | | | | | | | 1,925,473 |
| Visits | 24,110 | 20,725 | - | | | | | | | | | | 44,835 |
| Total Unique Sites | 14,165 | 12,327 | - | | | | | | | | | | 26,492 |
| **Oregon birding** | http://stats.oregonbirding.org | | | | | | | | | | | | **Totals** |
| Hits | 265 | 252 | 230 | | | | | | | | | | 747 |
| Visits | 190 | 175 | 168 | | | | | | | | | | 343 |
| Total Unique Sites | 129 | 125 | 124 | | | | | | | | | | 249 |

# CCVB ADVERTISING STATISTICS 2008-2009

**Reservations/Room Nights** http://partners.travelhero.com/affiliates/secure/login.cfm

| Best Western 73668 | Jul | Aug | Sept | Oct | Nov | Dec | 39,814.00 | Feb | Mar | Apr | May | June | Totals |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Reservations | 3 | 5 | 2 | | | | | | | | | | 10 |
| Room Nights | 5 | 8 | 3 | | | | | | | | | | 16 |
| Est. Revenue | $559.95 | $864.92 | $379.97 | | | | | | | | | | $1,804.84 |
| **Budget Inn 73679** | | | | | | | | | | | | | |
| Reservations | 8 | 11 | 11 | | | | | | | | | | $30.00 |
| Room Nights | 12 | 16 | 20 | | | | | | | | | | $48.00 |
| Est. Revenue | $751.93 | $973.96 | $1,260.98 | | | | | | | | | | $2,986.87 |
| **Days Inn 73673** | | | | | | | | | | | | | |
| Reservations | 17 | 9 | 8 | | | | | | | | | | 34 |
| Room Nights | 38 | 13 | 25 | | | | | | | | | | 76 |
| Est. Revenue | $3,337.00 | $1,085.00 | $1,665.00 | | | | | | | | | | $6,087.00 |
| **Econolodge 73675** | | | | | | | | | | | | | |
| Reservations | 10 | 9 | 12 | | | | | | | | | | 31 |
| Room Nights | 39 | 19 | 19 | | | | | | | | | | 77 |
| Est. Revenue | $2,399.71 | $1,369.91 | $1,504.04 | | | | | | | | | | $5,273.66 |
| **Hilton Garden Inn 144499** | | | | | | | | | | | | | |
| Reservations | 4 | 8 | 12 | | | | | | | | | | 24 |
| Room Nights | 10 | 13 | 22 | | | | | | | | | | 45 |
| Est. Revenue | $1,358.00 | $1,837.00 | $3,068.00 | | | | | | | | | | $6,263.00 |
| **Holiday Inn Express 132304** | | | | | | | | | | | | | |
| Reservations | 6 | 1 | 2 | | | | | | | | | | 9 |
| Room Nights | 22 | 3 | 5 | | | | | | | | | | 30 |
| Est. Revenue | $2,742.00 | $312.00 | $672.00 | | | | | | | | | | $3,726.00 |
| **Super 8 73674** | | | | | | | | | | | | | |
| Reservations | 14 | 5 | 4 | | | | | | | | | | 23 |
| Room Nights | 48 | 13 | 4 | | | | | | | | | | 65 |
| Est. Revenue | $2,058.64 | $923.44 | $295.52 | | | | | | | | | | $3,277.60 |
| **Galaxie 73822** | | | | | | | | | | | | | |
| Reservations | 0 | 0 | 0 | | | | | | | | | | 0 |
| Room Nights | 0 | 0 | 0 | | | | | | | | | | 0 |
| Est. Revenue | $0.00 | $0.00 | $0.00 | | | | | | | | | | $0.00 |
| Tot. Res. | 62 | 48 | 51 | 0 | 0 | 0 | **0** | 0 | 0 | 0 | 0 | 0 | 161 |
| Tot. RN | 174 | 85 | 98 | 0 | 0 | 0 | **0** | 0 | 0 | 0 | 0 | 0 | 357 |
| TOTAL $ | $13,207.23 | $7,366.23 | $8,845.51 | $0.00 | $0.00 | $0.00 | **$0.00** | $0.00 | $0.00 | $0.00 | $0.00 | $0.00 | $29,418.97 |

2:08 PM
10/15/08
Cash Basis

Corvallis Tourism

# Balance Sheet Prev Year Comparison

As of September 30, 2008

| | Sep 30, 08 | Sep 30, 07 | $ Change | % Change |
|---|---|---|---|---|
| ASSETS | | | | |
| Current Assets | | | | |
| Checking/Savings | | | | |
| Checking | 31,073.50 | 28,062.30 | 3,011.20 | 10.7% |
| Money Marketing Account | 20,112.54 | 15,051.59 | 5,060.95 | 33.6% |
| Total Checking/Savings | 51,186.04 | 43,113.89 | 8,072.15 | 18.7% |
| Accounts Receivable | | | | |
| Accounts Receivable | 909.10 | 200.00 | 709.10 | 354.6% |
| Total Accounts Receivable | 909.10 | 200.00 | 709.10 | 354.6% |
| Total Current Assets | 52,095.14 | 43,313.89 | 8,781.25 | 20.3% |
| Fixed Assets | | | | |
| Accumulated Depreciation | -24,071.33 | -22,724.00 | -1,347.33 | -5.9% |
| Office Equipment & Furniture | 25,840.36 | 25,840.36 | 0.00 | 0.0% |
| Total Fixed Assets | 1,769.03 | 3,116.36 | -1,347.33 | -43.2% |
| TOTAL ASSETS | **53,864.17** | **46,430.25** | **7,433.92** | **16.0%** |
| LIABILITIES & EQUITY | | | | |
| Liabilities | | | | |
| Current Liabilities | | | | |
| Other Current Liabilities | | | | |
| Corvallis 150th Birthday | | | | |
| Contingency | 0.00 | 1,184.17 | -1,184.17 | -100.0% |
| Event Assistance | 0.00 | 196.00 | -196.00 | -100.0% |
| June Birthday Picnic | 0.00 | 516.86 | -516.86 | -100.0% |
| Newspaper & Radio Advertising | 0.00 | 1,735.50 | -1,735.50 | -100.0% |
| Total Corvallis 150th Birthday | 0.00 | 3,632.53 | -3,632.53 | -100.0% |
| Corvallis Book Sales | 1,358.46 | 0.00 | 1,358.46 | 100.0% |
| Oregon Business Magazine | 0.00 | 248.55 | -248.55 | -100.0% |
| Payroll Liabilities | 705.32 | 840.58 | -135.26 | -16.1% |
| Total Other Current Liabilities | 2,063.78 | 4,721.66 | -2,657.88 | -56.3% |
| Total Current Liabilities | 2,063.78 | 4,721.66 | -2,657.88 | -56.3% |
| Total Liabilities | 2,063.78 | 4,721.66 | -2,657.88 | -56.3% |
| Equity | | | | |
| Net Assets | 52,800.80 | 44,644.15 | 8,156.65 | 18.3% |
| Net Income | -1,000.41 | -2,935.56 | 1,935.15 | 65.9% |
| Total Equity | 51,800.39 | 41,708.59 | 10,091.80 | 24.2% |
| TOTAL LIABILITIES & EQUITY | **53,864.17** | **46,430.25** | **7,433.92** | **16.0%** |

2:11 PM
10/15/08
Cash Basis

Corvallis Tourism

# Profit & Loss Budget vs. Actual

July through September 2008

| | Jul - Sep 08 | Budget | $ Over Budget | % of Budget |
|---|---|---|---|---|
| **Income** | | | | |
| Beginning Fund Balance | 0.00 | 3,000.00 | -3,000.00 | 0.0% |
| City of Corvallis | 84,487.50 | 84,489.00 | -1.50 | 100.0% |
| Co-op Advertising Revenues | -500.00 | | | |
| Co-op Promotions Income | 3,026.00 | 0.00 | 3,026.00 | 100.0% |
| Commissions | 679.19 | 996.00 | -316.81 | 68.2% |
| Corvallis Travel Store | 10.00 | | | |
| Information packets | 0.00 | 627.00 | -627.00 | 0.0% |
| Interest Income | 0.00 | 24.00 | -24.00 | 0.0% |
| Membership | 25.00 | 250.00 | -225.00 | 10.0% |
| Relo Packets | 9.00 | 0.00 | 9.00 | 100.0% |
| Souvenir Income | 493.90 | 150.00 | 343.90 | 329.3% |
| Ticket Sales | 4,156.00 | 3,800.00 | 356.00 | 109.4% |
| **Total Income** | 92,386.59 | 93,336.00 | -949.41 | 99.0% |
| **Expense** | | | | |
| Administration | 12,534.68 | 14,095.85 | -1,561.17 | 88.9% |
| Conferences/Education | 1,377.54 | 1,257.00 | 120.54 | 109.6% |
| Direct Mail | 983.00 | 0.00 | 983.00 | 100.0% |
| Marketing/Advertising | 6,101.59 | 6,655.00 | -553.41 | 91.7% |
| Marketing/Dues | 1,810.00 | 1,625.00 | 185.00 | 111.4% |
| Marketing/Entertainment | 647.22 | 525.00 | 122.22 | 123.3% |
| Marketing/Internet | 8,398.44 | 8,433.30 | -34.86 | 99.6% |
| Marketing/Post.Ship | 1,765.00 | 4,475.25 | -2,710.25 | 39.4% |
| Marketing/Printing | 1,602.58 | 1,809.51 | -206.93 | 88.6% |
| Marketing/Promotions | 948.95 | 1,400.00 | -451.05 | 67.8% |
| Marketing/Public Relations | 0.00 | 200.00 | -200.00 | 0.0% |
| Marketing/Research | 2,345.65 | 2,252.00 | 93.65 | 104.2% |
| Marketing/Sales Trips | 1,261.76 | 600.00 | 661.76 | 210.3% |
| Marketing/Telephone | 567.69 | 468.75 | 98.94 | 121.1% |
| Marketing/Visitor Services | 2,495.69 | 3,044.20 | -548.51 | 82.0% |
| Personnel | 50,547.21 | 52,104.89 | -1,557.68 | 97.0% |
| **Total Expense** | 93,387.00 | 98,945.75 | -5,558.75 | 94.4% |
| **Net Income** | **-1,000.41** | **-5,609.75** | **4,609.34** | **17.8%** |

2008-2009 Work Plan

| x=action month | c=completed | N=Not done | | | | | | W=Working | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| SECTION | ACTIVITY | J | A | S | O | N | D | J | F | M | A | M | J |
| Group | | | | | | | | | | | | | |
| G1 | MPI Advertising | | | | c | | | | | | | | |
| G2 | SGMP Advertising | | | | c | | | | | | | | |
| G3 | Quarterly Meeting e-news | | | c | | | x | | | x | | | x |
| G4 | New Meeting Brochure | | | | | | | x | | | | | |
| G5 | Conference Template | | | | | | | | x | | | | |
| G6 | Monthly Members Report | | | c | c | x | x | x | x | x | x | x | x |
| G7 | Meeting Trade Shows | | | | | x | | | x | | | | |
| G8 | Monthly Sales Reports | | | n | n | x | x | x | x | x | x | x | x |
| G9 | Quarterly Sales Missions | | | c | | | x | | | x | | | x |
| G10 | Meeting Managers Toolbox | | | | | c | | | | | | | |
| G11 | Client Site Inspections | | c | n | x | x | | x | x | x | x | x | x |
| G12 | Develop Low Season Action Plan | | | | x | | | | | | | | |
| G13 | Update key account list | | | | | x | | | | | | | |
| G14 | Improve RFP on-line download | | | | x | | | | | | | | |
| | | | | | | | | | | | | | |
| SECTION | ACTIVITY | J | A | S | O | N | D | J | F | M | A | M | J |
| Leisure | | | | | | | | | | | | | |
| L1 | Birding Brochure | | | | c | | | | | | | | |
| L2 | Purchase Binoculars | | | | | x | | | | | | | |
| L3 | Audbon Advertising | | | | | | x | | | | | | |
| L4 | Corvallis Restaurant Week | | | | | | | | x | | | | |
| L5 | YouTube Interviews | c | | c | | | x | | | x | | | |
| L6 | Promote the Scene | | | | x | | | | | | | | |
| L7 | Trolley Tours | c | c | | | | | | | | | | |
| L8 | Historic Brochure Printing | | | | | x | | | | | | | |
| L9 | Launch New Website | | | c | | | | | | | | | |
| L10 | Launch Online Gift Shop | | | | | x | | | | | | | |
| L11 | E-Brochure | | | | | | | | | x | | | |
| L12 | New Destination Guide | | | | | | | | x | | | | |
| L13 | Advertising | | | | | | | | x | x | x | x | x |
| L14 | KEZI Festival Campaign | c | c | c | | | | | | | | | |
| L15 | On-Line Ticket Sales | c | c | c | | | | | | | | | |
| L16 | Launch 2nd Phase of Site | | | | | | | x | | | | | |
| L17 | Obtain DMAI Certification | | | | | x | | | | | | | |
| L18 | Launch GoSeeCorvallis | | c | | | | | | | | | | |
| L19 | Launch Oregon Bike tours | | | | | | | | | x | | | |
| L20 | Google Adword Campaigns | c | c | c | c | x | x | x | x | x | x | x | x |
| L21 | Hold Festival & Events Meeting | | | | | x | | | | x | | | |
| L22 | Festival Surveys | c | c | c | | | | | | | | | |
| L23 | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |
| | | | | | | | | | | | | | |

2008-2009 Work Plan

| SECTION | ACTIVITY | J | A | S | O | N | D | J | F | M | A | M | J |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Public Relations | | | | | | | | | | | | | |
| P1 | Upgrade Media Page | | | | | | | x | | | | | |
| P2 | Upgrade Photogallery | | | | x | | | | | | | | |
| P3 | Create Publicity Hooks | | | c | | x | | x | | x | | x | |
| P4 | Obtain Editorial Calendars | | | x | | x | | x | | x | | x | |
| P5 | Meeting Magazine Articles | | | | x | | x | | x | | x | | |
| P6 | Speaking Engagements | | | | | x | | x | | x | | | |
| P7 | Tourism Awards Luncheon | | | | | | | | | | | x | |
| P8 | Quarterly Style E-Newsletters | | | c | | | x | | | x | | | x |
| P9 | Restaurant Week Publicity | | | | | | | x | | | | | |
| P10 | Update Media List | | | | | | | | x | | | | |
| P11 | Maintain entry into GoSee | | | | | | | | | | | | |
| P12 | Maintain entry into Social Network | | | c | c | x | x | x | x | x | x | x | x |
| P13 | Microsite support campaign | | | | | | | x | | | | | |
| P14 | Re-design e-newsletter | | | | | | | x | | | | | |
| Sports Commission | | | | | | | | | | | | | |
| S1 | Create as separate identity | | | | | | | x | | | | | |
| S2 | Obtain proper backing | | | | | | | | | x | | | |
| S3 | Sales Blitz of OSU Coaches | | | | x | | | | | | | | |
| S4 | Peak to Corvallis Rally Org | | | | | x | | | | | | | |
| S5 | Sports Equipment Sponsors | | | | | | | | | x | | | |
| S6 | Update Sports Data Base | | | | | x | | | | | | | |
| S7 | | | | | | | | | | | | | |
| SECTION | ACTIVITY | J | A | S | O | N | D | J | F | M | A | M | J |
| Visitor Services | | | | | | | | | | | | | |
| V1 | Have visitors contribute to GoSee | | | c | x | x | x | x | x | x | x | x | x |
| V2 | Disseminate leads to membership | | | c | x | x | x | x | x | x | x | x | x |
| V3 | Maintain Satelite Stations Monthly | | | c | x | x | x | x | x | x | x | x | x |
| V4 | Lodging Availability Report Weekly | | | c | x | x | x | x | x | x | x | x | x |
| V5 | Relocation Boxes | | | c | x | x | x | x | x | x | x | x | x |
| V6 | Table Tent Cards | | | c | | x | | x | | x | | x | |
| V7 | Visitor Profile Study | | | c | c | x | x | x | x | x | x | x | x |
| V8 | All volunteers Q Certified | | | | | | | | x | | | | |
| V9 | Free dessert coupons | | | | | | x | x | x | x | x | x | x |
| V10 | Expand distribution by 5 new outlets | | | | | | | | | x | | | |
| V11 | Luggage Tags | | | | | x | | | | | | | |
| V12 | Monthly Statistical Report | c | c | c | c | x | x | x | x | x | x | x | x |
| V13 | Website Surveys | | | n | x | x | x | x | x | x | x | x | x |
| V14 | Obtain 7 Train new volunteers | | | | x | | | x | | | x | | |
| Administration | | | | | | | | | | | | | |
| A1 | Obtain DMAI Certification | | c | | | x | | | | | | | |
| A2 | Paint interio of offices | | | | | x | | | | | | | |
| A3 | Membership Satisfaction Survey | | | | | | x | | | | | | |
| A4 | Board Ballot | | c | | | | | | | | | | |
| A5 | Membership Renewal | | | | | x | x | x | | | | | |

2008-2009 Work Plan

| | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| SECTION | ACTIVITY | J | A | S | O | N | D | J | F | M | A | M | J |
| WVVA | | | | | | | | | | | | | |
| W1 | Membership | | | | x | | | | | | | | |
| W2 | WVVA Phone | c | c | c | x | x | x | x | x | x | x | x | x |
| W3 | Bookeeping | c | c | c | x | x | x | x | x | x | x | x | x |

***The Business Enterprise Center, Inc.***

*Mid-Willamete Valley's*
*Business Accelerator*
***"Success Starts Here"***

December 3, 2008

City of Corvallis
Attention: Kathleen Matthews
PO Box 1083
Corvallis, OR 97339-1083

Dear Ms. Matthews,

In accordance with the reporting requirements of the funding agreement between the City of Corvallis and The Business Enterprise Center executed on July 1, 2006, please accept the following as a summary of the activities for the first quarter of FY 08 – 09 (July – September 2008).

The Business Enterprise Center (BEC) continues to fulfill it's mission: "To stimulate and support the development of emerging businesses resulting in the creation and retention of jobs in the region". The BEC is achieving this by engaging in the following activities.

Providing advisory team for each resident and affiliate client of The BEC. Our advisory teams are comprised of one mentor who is on our board of directors and two advisors who may or may not be members of The Bec's board of directors. The advisory teams meet regularly with "their mentee businesses" . The team guides the new business through the start-up and growth process and then on to identifying potential funding resources as appropriate.

During the last quarter we served 15 businesses, either as residents or affiliates – two "graduated" from The BEC and have opened offices in Corvallis and have hired additional staff.

The BEC has provided training for residents and the business community through our brown bag seminars and SCORE workshops each month.

We have continued our efforts to recruit new businesses to The BEC and our community.

Through a grant from Benton County we have hired an Executive Director who started at the beginning of the 2nd quarter.

Thank you for your continued support of local entrepreneurs & economic development!

Regards,

Kathleen Hutchinson,

Executive Director – Business Enterprise Center

CORVALLIS-BENTON
CHAMBER
COALITION

*Thank you to our Platinum Star Members*

AlphaGraphics
The Arc of Benton County
ATS Systems Oregon Inc.
The Ball Studio
Blackledge Furniture
CH2M HILL
The Corvallis Clinic
Dr. Debra Ringold, Ph.D., Inc.
Hewlett-Packard
Jeanne Smith & Associates, P.C.
KeyBank
LandAmerica Lawyers Title
Michelle Kellison, CPA, CFP, P.C.
O'Brien Dental Lab, Inc.
OSU Federal Credit Union
Pope & Talbot, Inc.
Prudential
Real Estate Professionals
Pam Gordon, Broker
R3 Engraving & Signs
Samaritan Health Services
The SCORE Association
Chapter #460
Starker Forests, Inc.
Stover, Neyhart & Co., P.C.
Total Merchant Services
of Oregon
Town & Country Realty

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

# Corvallis Economic Development

for June-Aug, 2008
John Sechrest

## Executive Summary

The summer of 2008 was a busy summer for outreach and connections. Several significant changes occured over the summer, including the hiring of a director for the BEC, a commitment to the Willamette Angel Conference, and progress on the available industrial land inventory.

## Introduction

Following the Start, Move, Grow model for approaching economic development, a majority of the efforts are focused on the "Start" side of the discussion. Using the Corvallis Business Ecosystem diagram (attached) as a guide, we made progress in all aspects of the process:

- Outreach
- Business Facilitation
- Funding
- Acceleration
- Clusters

## OUTREACH

An ongoing program of connecting to Economic Development efforts around the NorthWest and within the community continued. The Greenlight Portland project is a project worthy of paying attention to.

Outreach efforts included:

- CHS Student meeting
- Greenlight Portland
- Oregon Business Plan
- David Kenny of BEST
- Eugene Smartups
- Ignite Portland
- Seattle Live Pitch

- OSU engineering
- Corvallis Co-Working
- City Club - Town and Gown
- Corvallis Entrepreneurs Forum

**ENTREPRENEUR SUPPORT**

Met with 17 entrepreneurs looking at business startups in one on one meetings

.

**BUSINESS FACILITATION**

SWOT Business Facilitation met regularly through the quarter, seeing four proposals.

Biodiesel Plant

ADASA - RFID

Zaps Technologies
- Water Quality Monitoring

Alpzite
- Pet Tracking device

**FUNDING**

After evaluating several possible projects for the year, the Economic Development committee at the Chamber of Commerce selected the Willamette Angel Conference as the primary task of the year. After several weeks of due dilligence to evaluate if it would be possible to run an effective event, the committee concluded that it was would be possible to create an Angel Investing Conference to be held in Corvallis at the CH2M Alumni Center on May 14th.

The Conference will provide a venue for local investors and local entrepreneurs to connect. It will have an award of a $150,000 investment to the best company presentation. The conference also provides a center of focus for several other activities that will amplify the Corvallis Business Ecosystem process. Classes for new investor and for budding entrepreneurs will be targeted for the first quarter of 2009. This is targeted as being a regional conference that will engage the surrounding six counties. More information is available at http://www.willametteconference.com

## ACCELERATION

Over the summer, the Business Enterprise Center started recruiting for and hired a new director. Kathleen Hutchinson has previous non-profit experience and brings a great deal of energy to the position.

## CLUSTERS

Cluster support activities continue. There were regular meetings of the Etailing peer support group. The EVP 12.2 Sustainable Industries Cluster support effort continued to meet, drawing up plans for additional actions that could be taken. A series of meetings to connect with potential partners was outlined.

In collaboration with the Benton County Wine Association, we provided support and guidence for the creation of a Wine Industry Poster
(attached).

## AIRPORT INDUSTRIAL PARK MANAGEMENT

Discussions with 3 companies about land at AIP
. No specific progress was made. Two companies were not eligable for the Enterprise Zone. Over the summer, all of the buildings at the AIP are leased and unavailable for new prospects. There were discussions over the summer around a build to suit program.

## RECRUITMENT

Several recruitment leads were provided by the OECDD program. The projects remain heavily dominated by Solar requests. The requirements to provide more than 10MW of power makes responses difficult.

Project BOSS - BioScience/Pharmacutical

Project MIT - Solar - Silicon manufacturer

Project Ferro - Solar manufacturer

Project Redbird - Food processing

Project Pine - Solar - 63MW growing to 90MW

Project Go - Manufacturing and Distribution - 12MW

Food Processing project – (unnamed)
recieved 8/26 2:14pm, response due 8/27 4:00pm

**ADVOCACY**

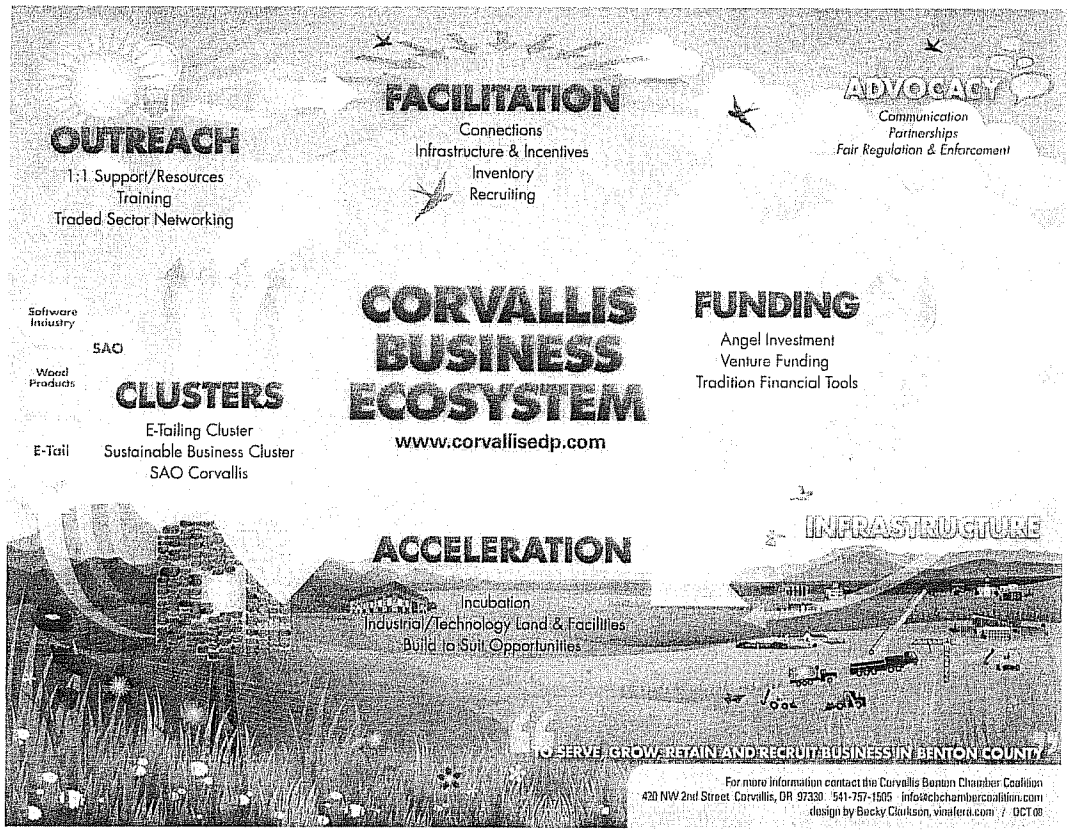
Provided support for two companies applying for Angel Funding in the Portland Angel Community

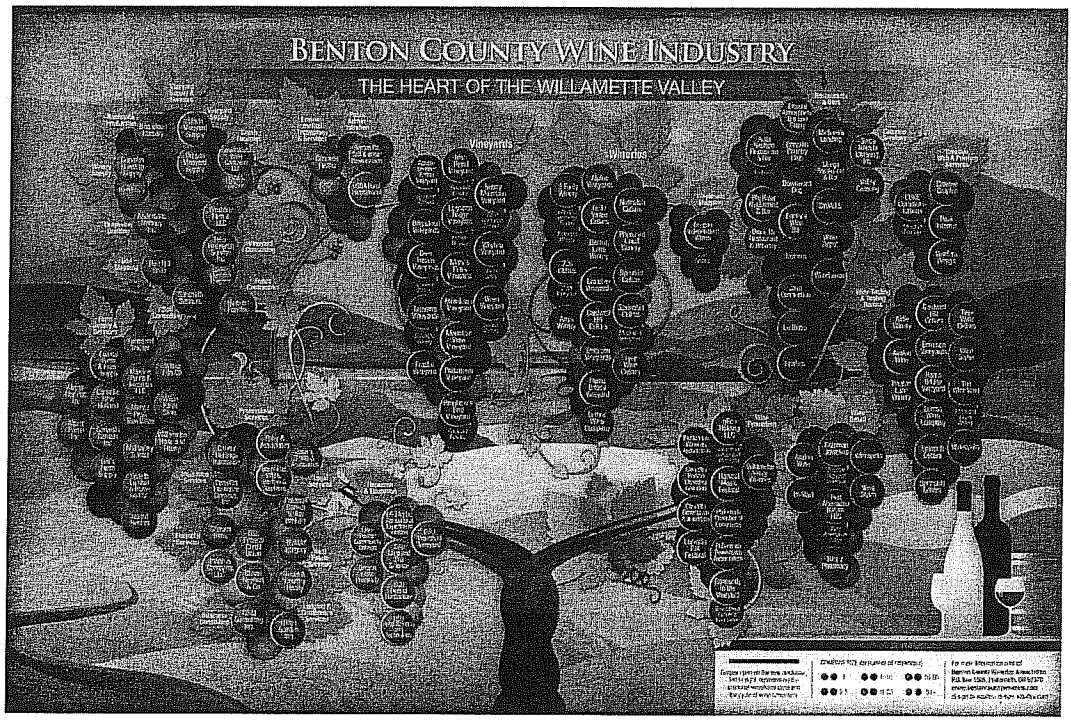
**INFRASTRUCTURE**

Over the summer months, an intern was able to make significant progress on an available lands inventory and a collecting data about traded-sector companies. The Land inventory and company data connect to EVP goals 5.1 and 5.3

The Benton Corvallis Enterprise Zone
became official in June. A few inquiries about the zone came in, but no applications were made to the program.

Significant energy was put into supporting the Corvallis Sustainability Coalition
efforts to provide a public process around sustainability.


FACILITATION
Connections
Infrastructure & Incentives
Inventory
Recruiting
ADVOCACY
Communication
Partnerships
Fair Regulation & Enforcement
OUTREACH
1:1 Support/Resources
Training
Traded Sector Networking
Software Industry
SAO
Wood Products
E-Tail
CLUSTERS
E-Tailing Cluster
Sustainable Business Cluster
SAO Corvallis
CORVALLIS BUSINESS ECOSYSTEM
www.corvallisedp.com
FUNDING
Angel Investment
Venture Funding
Tradition Financial Tools
ACCELERATION
Incubation
Industrial/Technology Land & Facilities
Build to Suit Opportunities
INFRASTRUCTURE
TO SERVE, GROW, RETAIN AND RECRUIT BUSINESS IN BENTON COUNTY
For more information contact the Corvallis Benton Chamber Coalition
420 NW 2nd Street Corvallis, OR 97330 541-757-1505 info@cbchambercoalition.com
design by Becky Clarkson, vinaflora.com / OCT 08


BENTON COUNTY WINE INDUSTRY
THE HEART OF THE WILLAMETTE VALLEY
Vineyards
Wineries

To: Ken Gibb
From: Bruce Hecht
Date: November 20, 2008

Subject: Oregon Natural Step Network Economic Development Grant 1st Quarter Report FY08 - 09

***Finances:***
During the period from July 1st, 2008 to October 15th, 2008 we completed 50 hours of labor and had $176.21 of expenses for copies, journals, office supplies, and event fees. At our contract-billing rate we have spent $1176.21 for work associated with our submitted plan this quarter. Year to date expenditures are $1176.21 or 18% of total grant monies with 25% of the contract period completed.

**Staffing Update:** Unfortunately Andrea Norris has decided to leave the position of coordinator for the local chapter of The Natural Step. Andrea was working two other jobs that recently increased their responsibilities and felt like she was unable to devote the time necessary to The Natural Step position. We wish her continued success. Bruce Hecht and Maureen Beezhold are working to determine next steps for the organization.

Here is an update on our work in alignment with our submitted plan:

***Support retention, expansion and development of professional service, commercial and manufacturing firms that are compatible with the community and that provide for a diverse economic base.***

- The 12.2 Sustainable Business Cluster Prosperity That Fits team continues to be led by ONSN. Items on the team's agenda include meeting with regional sustainability experts for guidance, connecting with the Corvallis Sustainability Coalition economic work group to leverage our work together, developing a marketing plan for our Sustainable Enterprise Zone and convening a local food cluster.

***Support programs, projects and activities, which encourage local spending, thereby sustaining the local economy.***

- We continue to start Northwest Earth Institute (NWEI) courses at a rate of about 6 per quarter including Choices for Sustainable Living, which promotes supporting local business and Menu for the Future which promotes local food purchasing through farms and markets.

***Support education and training programs that enhance the availability and productivity of the local work force.***

- We have scheduled two Fall events, "Blue Skies for the Beijing Olympics: A Look at the Big Sustainability Issues in Modern China" Presented by Dr. Hu Tao, Chief Economist of the Policy Research Center, State Environmental Protection Administration of China and a co-sponsored event with the OSU College of Business presented by Country Natural Beef and their sustainability efforts. http://www.oregoncountrybeef.com/ .

***Support financial and technical assistance programs that are available to business startups, small business development, local product development and environmentally responsible modernization***

- Because of the loss of Andrea as coordinator we have been delayed on engaging a business advisory team. We plan to work with the local business and sustainability community over the next month to determine a direction for this specific project.

***Facilitate partnerships with public, non-profit, educational and private sector organizations to maximize the effectiveness of economic development resources.***

- We continue to participate in efforts to ensure the success of the Corvallis Sustainability Coalition (CSC) by participating as part of the Health / human services workgroup and the executive committee.
- We participated all three days at DaVinci Day's Green Town area providing information regarding The Natural Step Framework as well has making available a hands on Ecological Footprint computer calculator.

***Next Quarters Focus***

- Continue to move forward the sustainable business cluster action item (12.2) from the Prosperity That Fits plan.
- Continue to support the Corvallis Sustainability Coalition in its efforts to develop a community wide sustainability initiative.
- Regroup regarding the leadership and direction of the organization with support from the local business and sustainability community.
- Execute our Fall events

Sincerely,

Bruce Hecht

DOWNTOWN CORVALLIS ASSOCIATION

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

**Board Members**
Amy Childers, President, Starbucks
Jerry Groesz, Vice-President, 1st American Title
Les Boudreaux, Treasurer, Downtown Property Owner
Deanna Carr, co-Treasurer, Elements Building
John Coleman, Secretary, Coleman Jewelers
Robin Brown, Brown House
Cloud Davidson, Cloud 9/Downward Dog
Rob Gandara, Pipemakers Union
Catherine Holdorf, Sibling Revelry
Mr. Cary Stephens
Barnhisel, Willis, Barlow & Stephens
Scott Stoller
Benton County Fairgrounds

**Staff**
Joan Wessell, Executive Director
joan@downtowncorvallis.org

**Ex-Officio**
Sarah Johnson, City Planning
Trish Daniels, City Council
Dave Henslee, Corvallis Police Department
Dianna Simpson, Benton County Sheriff
Corvallis Tourism
Corvallis Chamber
ASOSU

**Date:** October 15, 2008
**To:** Administrative Services Committee
**From:** Joan Wessell, Executive Director
**Subject:** First Quarter Report FY 2008-2009

This report includes updates on the following Downtown Corvallis Association projects: Downtown Image Marketing Campaign, Economic Enhancement, Red White & Blue Riverfront Festival 2008, Holiday Pole Ornaments, DCA Website Enhancement and Economic Improvement District.

The Downtown Corvallis Association continues efforts to produce quality programs and events in response to requests from the City, and Corvallis area citizens, always in keeping with DCA's mission: "to improve and promote the aesthetic and cultural vitality of Downtown Corvallis as a regional center". DCA's first quarter was fruitful and productive with efforts focused on supporting and enhancing the local economy and enhancing Downtown Corvallis, the heart of our community.

The Downtown Corvallis Association continues developing programs to introduce and continue drawing OSU faculty, students, and staff to Downtown. The DCA maintains connections with representatives from various OSU departments to strategize for ways to attract the OSU population to Downtown Corvallis. In addition to currently working with OSU Alumni Association to bring back the traditional Homecoming parade, the DCA recently sponsored another successful, "A Slice of Downtown Corvallis 2008", welcoming OSU's new and transfer students Downtown during New Student Week with free food samples, music, "Beaver BINGO".

**Image Marketing Campaign:** To effectively market Downtown Corvallis, the DCA utilizes "branding" and "top of mind awareness" strategies with frequent repetition in various media, to targeted audiences, to encourage people to think of Downtown for dining, shopping, meetings and entertainment. The DCA markets Downtown on radion, televion, YouTube, the DCA's website, Corvallis City Guide, local and regional print media, the DCA's Downtown Directory/historic walking map, and the "Experience Corvallis" brochure/map (a collaborative effort of the DCA, daVinci Days, Fall Festival, and the Benton County Fair). The strategic and complementary mix of print and broadcast media conveys the Downtown message to a broad range of potential customers and users of the countless amenities available in Downtown Corvallis.

**Downtown Economic Enhancement:** Throughout the year, the DCA offers business education opportunities to community entreprenuers, including an informative five-six part seminar series. After surveying DCA Members, seminar topics are selected by Economic Enhance Committee members. The series is developed through a partnership between the DCA and Linn-Benton Community College Small Business Development Department's Alan Fudge, who helps secure speakers. Through the seminars, the DCA is able to deliver business development strategies to strengthen Corvallis' business community. In an effort to draw a larger crowd and provide beneficial training for Corvallis businesses, registration fees are kept low and discounts are offered to those registering for the entire series. DCA's 2009 5-part seminar series, titled "Staying Alive in 2009" will run from January 27 through March 3. This series will focus on how to strengthen your business through the current market condition. Seminar titles will include: "Keep Your Best Customers (customer retention strategies)", "Delivering Legendary Service", "Hunker Down & Stay Smart", "Energize Your Workplace", and "How to Make Tough Employee Decisions".

DCA's Economic Enhancement Committee continues contacting and recruiting businesses to complement existing Downtown businesses, marketing Downtown vacancies and coordinating efforts with commercial Realtors and property owners to help maintain a healthy mix in Downtown Corvallis. Committee recruitment efforts include paying visits to prospective tenants, hand-delivering and mailing recruitment packets to targeted businesses, and conducting preference surveys of community members.

The DCA's Executive Director continues working in collaboration with LBCC Small Business Development Department, WNHS MicroBusiness, CIBA, and the Chamber on a Business Mentoring program to help strengthen the business acumen of entrepreneurs in Corvallis and surrounding communities. The program provides mentoring to startup business owners wishing to expand their business knowledge, resource base and networking opportunities.

**Red White & Blue Riverfront Festival 2008**: For the 2007 and 2008 Festivals, the DCA honored the city's request to drop the admission fee for DCA's largest fundraiser of the year. Although Festival organizers were concerned that the move might be problematic, we were pleasantly surprised, that through generous sponsorships and gate donations from most attendees, Festival earnings, although lower than when there was an entry fee, were respectable. The venture was a leap of faith that the community would support the Festival through their generous donations and sponsorship of the event. In an effort to continue offering the Festival without a gate, the RW&B Committee will solicit both individual and business/corporate sponsors for the 2009 Festival. In a move to attract a broader audience and greater variety of musical talent, in 2008 the Committee voted to change the name of the event to "Red White & Blue Riverfront Festival".
In support of the DCA and Downtown enhancement programs, Members of the Downtown business community generously donate isignificant hours to this DCA-sponsored event.

**Downtown Holiday Pole Ornaments:** The beautiful new snowflake Holiday Pole ornaments have been warmly received by the community, and their presence enhances the community's Holiday environment. Prior to Thanksgiving, the snowflakes are installed in Downtown and along 9th Street in early November, and remain in place through the first of the year. Besides adding a special elegance to Corvallis through the Holidays, the snowflake lights provide additional security by casting soft lighting on streets and sidewalks during darker winter nights.

**DCA Website Enhancement:** The DCA is pleased with with progress on development of DCA's new website. We are working with web-design technicians Jeff Jimerson, of Madison Avenue Collective and Rebecca Badger, of Edge Design under the capable direction of web-design specialis Micah Dougherty, owner of Mighty Refreshing. Anticipated completion date is early-mid November.

**Economic Improvement District:** The Downtown Corvallis Association is satisfied with the 54% collection rate from billing for 2007-2011 Economic Improvement District. The EID provides the DCA with stable funding, which allows the organization to continue to focus on nurturing and maintaining a robust, vibrant and healthy Downtown commercial and residential district. The DCA is grateful to City staff for assistance with collection/distribution of EID funds.

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

# MEMORANDUM

**To:** Administrative Services Committee
Karen Emery, Director
**From:** Steve DeGhetto, Recreation Division Manager AIC
**Date:** October 13, 2008
**Subject:** Corvallis Environmental Center 2007-2008 Annual Report

**Issue**:
To review and recommend the City Council accept the annual report from the Corvallis Environmental Center (CEC) in compliance with the FY 2007-2008 funding agreement.

**Background:**
The City Council approved a funding allocation of $15,000 to CEC in FY 2007-2008. According to the agreement between the City and CEC, the funds were to be applied to the cost of nature education programs to Corvallis residents that compliment the Parks and Recreation program, serve as leverage to obtain grants, and provide staff a living wage.

**Discussion:**
The CEC annual report and financial statements reflect a net income of $14,362 at the end of December, 2007. The $15,000 allocation from the City is 12.5% of its total income.

The following are highlights from FY 07-08:

- Expanded Avery House Nature Center's early childhood environmental education programs
- Increased enrollment in both youth and adult nature education classes at Avery House Nature Center by 20%
- Participated in Kid's Day for Conservation and create an interactive nature-based learning activity
- Provided opportunities for the Youth Volunteer Corps to work at the youth Garden project and learn about sustainable agriculture
- Hosted EarthFaire and Procession of Species
- Created the Youth Garden Project's new Farm to School project. This program is aimed at increasing the amount of local foods available for Corvallis school breakfast and lunch menus
- Produced an Eco-Film Festival

**Recommendation:**
Staff recommends the Administrative Services Committee recommend City Council accept the CEC FY 2007-2008 annual report, as written.

**Review and Concur:**

Jon S. Nelson, City Manager

Nancy Brewer, Finance Director

Attachments: Financial Review, Finance Department
CEC Annual Report
CEC Fall/Winter Newsletter
Funding Agreement, City of Corvallis and CEC

**Finance Department**
500 SW Madison Avenue
Corvallis, OR 97333
541-766-6990
541-754-1729

MEMORANDUM

October 28, 2008

TO: Alice Renner, Parks and Recreation

FROM: Cynthia Chavez, Accounting

SUBJECT: Review of Corvallis Environmental Center Annual Report, FY 2007

After thorough review of the services contract between the City of Corvallis and Corvallis Environmental Center, there are no contractual provisions that currently exist that require CEC to furnish financial statements to the City. This review is done per the request of Alice Renner after receiving annual financial statements from Corvallis Environmental Center.

This review consists of inquiries and analytical procedures and is very limited in its nature. The annual financial statements have not been audited or reviewed by a Certified Public Accountant and are the representation of the management of Corvallis Tourism.

During the fiscal year 2007, Corvallis Environmental Center reported revenues of $117,561 and expenditures of $104,422, resulting in a net income of $13,139. Corvallis Environmental Center maintains a strong cash position, with unrestricted Net Assets of $36,777.

Per verification of financial records, the City of Corvallis has funded $55,000 over a period of 3 years to Corvallis Environmental Center as follows: $20,000 on in August 2006, $20,000 in July 2007 per addendum 1, and 15,000 in August 2008 per contract addendum 2. The City has provided CEC with 17% of its annual income for year ended December 31, 2007 and CEC has accounted for this funding appropriately.

Nothing has come to my attention in this review that would be cause for further review or concern. Acceptance of the Corvallis Environmental Center annual report is recommended.

# CORVALLIS environmental center

Joleen Schilling
*Director*

Meika Vingelen
Denise Knaebel
Anne Yemaya
*Avery House Nature Center*

Jen Brown
Leslie Van Allen
Jen Myers
*Youth Garden Project*

Sue Domingues
*Community Gardens*

Jeanette Hardison
Cassandra Robertson
Petrina Egar
*Resource Efficiency Program*

Erin Popelka
*Office and Outreach*

**Board of Directors**

Brad Probst
*President*

John Lambrinos
*Vice President*

Diana Cook
*Secretary/Treasurer*

Jessica Sandrock

Diana Christofersen

Stephen DeGhetto
City of Corvallis
Parks and Recreation Department
1310 SW Avery Park Dr.
Corvallis, OR 97333

RE: Annual Report on use of City Funds

September 19, 2008

Dear Stephen,

The Corvallis Environmental Center (CEC) would like to thank the City of Corvallis for its continued financial support of our programs during 2007/2008. The City's valuable contribution makes it possible for the Corvallis Environmental Center to continue its efforts to provide learning opportunities and resources for our community to pursue ecologically, socially, and economically sustainable practices.

Recognition of the City's support was graciously acknowledged in our Fall/Winter 2008 newsletter (*enclosed*).

Throughout 2007/2008, the Corvallis Environmental Center used City funding to:

- Expand Avery House Nature Center's early childhood environmental education programs. This included preschool classes, parent involvement with exploration of local natural areas, and plans for a new outdoor educational play area;
- Increase enrollment in both youth and adult nature education classes at Avery House Nature Center by 20%;
- Allow Avery House Nature Center to participate in Kids Day for Conservation and create an interactive nature-based learning activity;
- Launch the Youth Garden Project's new Farm to School project. This program is aimed at increasing the amount of local foods available for Corvallis school breakfast and lunch menus;
- Host Aliza Sandberg, a junior in Civil Engineering at Tuft's University, as an intern for the Youth Garden Project;
- Provide opportunities for the Youth Volunteer Corp to work at the Youth Garden Project and learn about sustainable agriculture;

P.O. Box 2189, 214 SW Monroe Ave. Corvallis, OR 97339
(541) 753-9211 www.corvallisenvironmentalcenter.org

- Support the Resource Efficiency Program through outreach and education materials in conjunction with Energy Trust of Oregon;
- Incorporate the Corvallis Community Gardens as a new program of the Corvallis Environmental Center;

— Focus on outreach and education activities that included:

- Distribution of a monthly e-calendar of local sustainability events to 400+ local residents. Calendars contained between 15-25 local and regional events, and many were free;
- Significant progress on the Willamette River Water Quality Map, a map of our watershed. The map listed point-source permittees, Oregon Water Quality Index scores, mixing zones, 303(d) information, and impermeable surfaces, among many other details. The final version is available in print through the CEC and online at http://water.oregonstate.edu/projects/willwq.htm. To date, map orders include City of Portland Bureau of Environmental Services, middle and high school teachers throughout the Willamette Valley, Oregon State University, and public service organizations;
- The Annual February Eco-Film Festival, which celebrated with five Fridays in 2008's Leap Year. Our movies were shown to audiences of 60-110, and each screening was followed by an informal discussion. Friday, February 22's festival was a showing of four short films, and two of the filmmakers were able to attend and answer questions afterwards;
- The 10th annual EarthFaire celebration in downtown Corvallis. This year's event included 35 organizations focused on sustainability and environmental issues;
- Coordination, in partnership with the City of Corvallis, of the annual Procession of the Species;
- Partnering with Northwest Earth Institute to create "Your Green Home" for daVinci Days' "Green Town;"
- Representing the CEC on the steering committee of the Corvallis Sustainability Coalition and participating in the Town Hall Meetings.

In closing, the City's financial support allowed the Corvallis Environmental Center to provide public outreach and education through our downtown office. Many out of town visitors routinely mention, "I wish we had a downtown environmental center like this one in our home town!"

On behalf of the Corvallis Environmental Center and its board, thank you for your continued support!

Sincerely,

Joleen Schilling

Joleen Schilling, Director
Corvallis Environmental Center

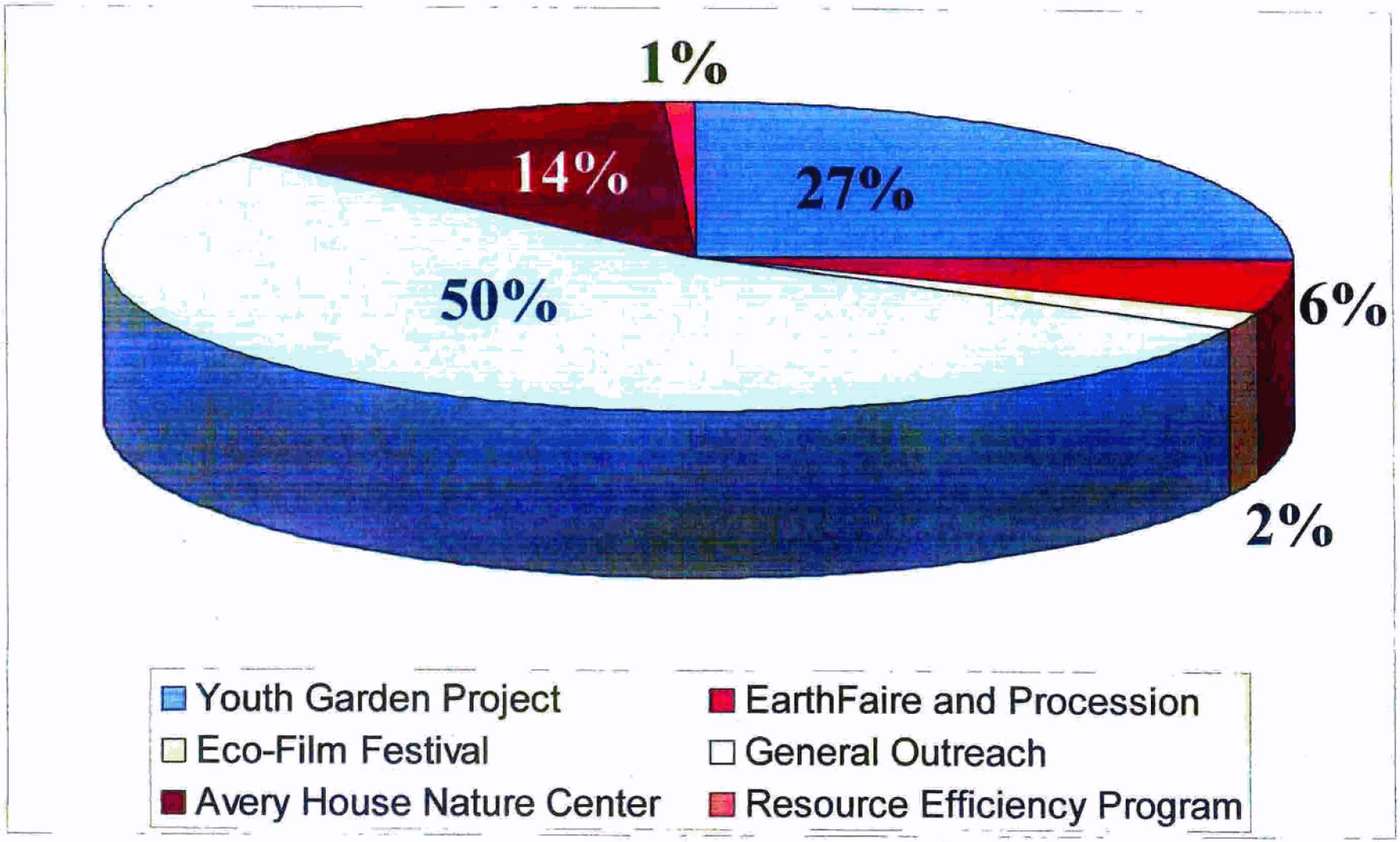
P.O. Box 2189, 214 SW Monroe Ave. Corvallis, OR 97339
(541) 753-9211 www.corvallisenvironmentalcenter.org

09/09/08
Cash Basis

# Corvallis Environmental Center
## Year-to-Date Income & Expenses
January through December 2007

| | TOTAL |
|---|---|
| Income | |
| Donations | 17,034 |
| Grants | 67,617 |
| Contract Income | 16,537 |
| Program Fees | 14,102 |
| Rent Income | 1,828 |
| Special Events | 2,575 |
| Sales | 421 |
| Interest Income | 6 |
| Total Income | 120,119 |
| Expense | |
| Fund Transfer | 2,537 |
| Accounting Fees | 600 |
| Bank Service Charges | 98 |
| Contract Services | 21,422 |
| Displays & Exhibits | 129 |
| Dues & Subscriptions | 606 |
| Equipment Rental & Maintena... | 562 |
| Insurance | 2,428 |
| Internet/Web expenses | 2,371 |
| Miscellaneous | 1,797 |
| Payroll Expenses | 56,312 |
| Postage | 689 |
| Printing & Reproduction | 2,261 |
| Rent | 2,080 |
| Small Equipment | 25 |
| Supplies | 6,411 |
| Telephone | 1,414 |
| Training | 386 |
| Transportation | 505 |
| Utilities/ Occupancy | 3,125 |
| Total Expense | 105,757 |
| Net Income | 14,362 |

# Distribution of City of Corvallis Funds Received by the Corvallis Environmental Center in 2007



# CORVALLIS ENVIRONMENTAL CENTER

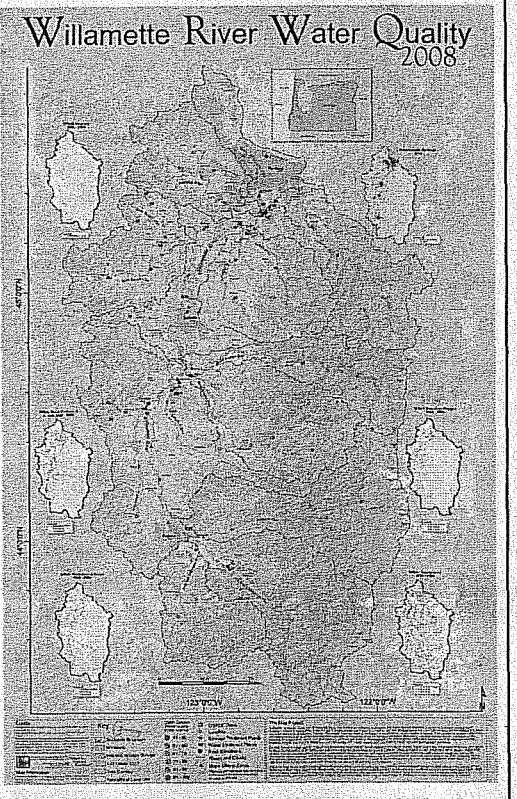
**Fall Newsletter**

**September 2008**

## After 11 years, a new Willamette River Water Quality Map is complete!

For over a year, the Corvallis Environmental Center has been researching and compiling a new Willamette River Water Quality Map. First created in 1997, our new map is a partnership with the Institute for Water and Watersheds at Oregon State University. The results of this map update are astounding. Complete with layers representing city boundaries, agriculture, tree cover, National Wildlife Refuges and wetlands, this map gives a detailed and essential view of our watershed. Beyond the images, the back of the map offers comprehensive text explaining the Oregon Water Quality Index, major point source permittees, and non-point source pollution, among other topics. This map is truly a resource that every resident of the Willamette River Basin should review.

The map is available online at http://water.oregonstate.edu or you can order a hard copy for $10 from our downtown office: 753-9211 or email info@corvallisenvironmentalcenter.org.




**Order your copy today.**

### Inside this issue:


*Avery House Fall Programs* 2

*Avery House Adult Classes and Registration Form* 3

*Letter from the Director* 4

*Take Action!* 4

*Youth Garden Project Updates* 5

*Mark your Calendar* 6

*Join Earth Share of Oregon* 6

We're a Beans for Bags recipient at First Alternative Co-op! Remember to bring your own bags.

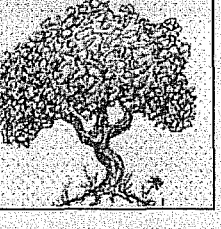
## "Naturescaping in the City" still has openings

We are thrilled to present "Naturescaping in the City," a design workshop and lecture series with instructor Beth Young, a local landscape designer. "Naturescaping" is sustainable landscaping, with no need for pesticides, synthetic fertilizers, or excessive summer watering. This class focuses on city lots up to 1/2 acre with city water supply.

The class will meet six Tuesday evenings from 7-9pm starting on September 16. There will be a design studio / field trip on Saturday, October 25 from 9am-1pm. The class is held at Fire Station #5 off Walnut Blvd, and the fee is $75 per student or $100 for two people from the same household.

New this year are local nursery sponsors! White Oak Farm, Willamette Gardens, Dancing Oaks, Garland, Home Grown, Morning Wood, and Shonnard's Nursery have agreed to donate coupons or gift certificates to aid students in revamping their lawn. Thank you to our partners: Benton Soil and Water Conservation District, the Institute for Applied Ecology, and Corvallis Public Works.

**To register**, call 753-9211 or visit our website: corvallisenvironmentalcenter.org.



# Fall Classes at Avery House

Avery House Nature Center is located in Avery Park, 1200 Avery Park Lane. Ask us about low income scholarships.

## NATURE PLAY PRESCHOOL – for ages 2-6

Each session includes games, nature art, sensory exploration, hands-on activities, and imaginative stories.

**Teacher-guided Class**
**Every Tuesday, 11:30-12:30, ages 4-6.**
**Cost: $6/class.**

**Parent-guided Activities**
**Every Tuesday, 10-11am, ages 2-6.**
**Cost: $4/visit.**

**Monthly themes:**

**September:** Harvest party
**October:** Monsters and Mysteries
**November:** Fall Forest Fun
**January:** Stars and Stones

## School In-Service Programs – for ages 5-8

**October 29-31: Nature's Mysterious Creatures**
Slimy slugs, jelly fungus, spooky spiders, and night's scariest noises reveal the mysteries behind the things that scare us.

**November 10-11: Weird & Wacky Wildlife**
Discover the strangest and funniest animals, lifestyles, adaptations and relationships in nature.

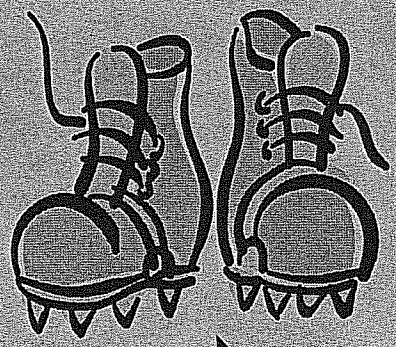
**January 26-27: Winter Survival**
From hibernation to migration, learn how different animals have adapted to deal with the cold.

## Family Hikes – for ages 2 and up with a parent

**Saturdays, 1:00-2:00pm. Free!**

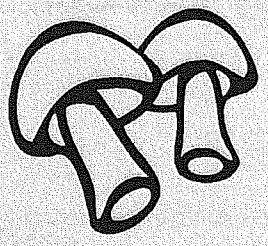
- **September 27: Insect Investigation,** Marys River Natural Area (in S. Corvallis off Brooklane Dr.)
- **October 18: Why Migrate?** Finley Wildlife Refuge off 99S
- **November 8: Mushroom Exploring,** Peavy Arboretum off HWY 99N

**All hikes meet at hike location.**
Suggested donation: $3/person or $5/family.



**To register for any Avery House class, use this registration form:**

# Adult Classes at Avery House



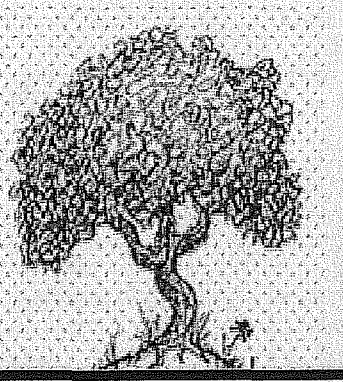
## Joy of Mushrooms

**For beginner and intermediate mushroomers. Cost: $24**

**Wednesday, October 15, 7-9pm.** Classroom session at Avery House Nature Center.

**Sunday, October 19*, 1-5pm.** Field trip in the Coast Range (must attend class to participate in field trip). *Could be rescheduled due to weather.

## Naturescaping in the City



Design Workshop and Lecture Series focusing on "city lots."

**Naturescaping is sustainable landscaping.**

Class meets six Tuesday evenings, 7-9pm, beginning September 16, 2008. Design studio and field trip on Saturday, October 25, 9am-1pm.

**Instructor:** Beth Young with guest lecturers.
**Location:** Fire Station #5 off Walnut Blvd.
**Fee:** $75/participant or $100/household (2 max).

## Avery House Nature Center Programs Registration Form

Please fill out, sign and return to Corvallis Environmental Center along with payment.
Mail to PO Box 2189, Corvallis, OR 97339, or drop off at 214 SW Monroe. Check, cash, and credit cards accepted.
For more information: call 753-9211 or visit: www.corvallisenvironmentalcenter.org. Ask us about scholarships.

Participant Name (last, first):_____ Age (if minor) :_____
Guardian (if participant is a minor):_____
Address: _____
City: _____ State: _____ Zip:_____
Home Phone: _____ Cell or Work Phone: _____
Emergency Phone:_____ Email:_____
Program: _____ Date:_____ Fee:_____

Program: _____ Date:_____ Fee:_____

Allergies/Medical Info:_____ Total Fees:_____

How did you find out about our programs?: ___ P&R Ad ___ GT Calendar ___ Mailing ___ School Flier ___ E-mail _____ Other

I understand and assume the risks of participation in this program. For myself, my heirs and assigns I agree to waive, release and forever discharge any claim for injury or damage, and hold harmless the Corvallis Environmental Center, its officers agents and employees against any claim, loss, liability or expense including attorney's fees, resulting directly/indirectly from participation. If participant is a minor, I hereby certify that I am the legal parent or guardian of the child.

Signature:_____ Date:_____

I hereby grant permission to AHNC to photograph the AHNC participant during activities to use the photos in printed materials or online without compensation or approval rights.

Initial here: _____

## From the Director:

In the four months that I have been the new Director of the Corvallis Environmental Center, many exciting and encouraging things have happened.

The City of Corvallis graciously supported the Corvallis Environmental Center for the third year in a row. The City's support enables us to provide learning opportunities and technical outreach through our signature programs. **Thank you, City of Corvallis!**

The **Youth Garden Project** received a grant from Spirit Mountain Community Fund to support a new Farm to School initiative. This program will increase the amount of local foods available on school breakfast and lunch menus, provide sustainable agriculture education through experiential learning opportunities, and provide students and low-income families with access to locally grown produce through the Youth Garden 1-acre farm. **Thank you, Spirit Mountain Community Fund!**

The Gray Family Fund of the Oregon Community Foundation awarded **Avery House Nature Center** a grant to expand their early childhood environmental education programs. This will include preschool classes, increasing parent involvement with exploration of local natural areas, and developing plans for a new outdoor educational play area. **Thank you, Gray Family Fund of the Oregon Community Foundation!**

The **Resource Efficiency Program** partnered with Energy Trust of Oregon and the Corvallis Sustainability Coalition to provide local area businesses with free energy assessments. These reviews help businesses identify the ways they use power, then pinpoints ways to save energy, therefore saving money. Businesses that are Pacific Power or NW Natural customers are eligible to participate. **Thank you, Energy Trust of Oregon!**

We look forward to keeping up this good work in the seasons to come,

**Joleen Schilling**

**Corvallis Environmental Center Director**

# TAKE ACTION!

**Three easy ways to help the CEC:**

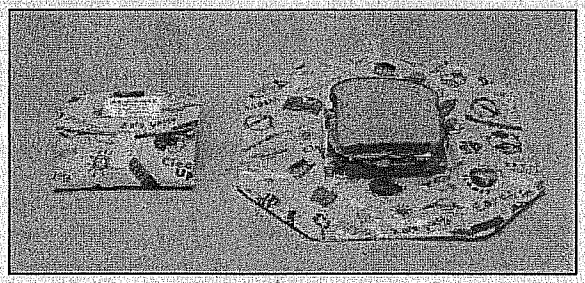
## 1. SEARCH THE INTERNET

Use **www.goodsearch.com**, and every internet search will earn the CEC one penny! All those searches add up! Make sure you designate "Corvallis Environmental Center" in the charity line.

Our cause earns money... GoodSearch.com

## 2. EAT A SANDWICH

Dress up your sandwich in a **Wrap N Mat**, a reusable sandwich holder! These are available at Avery House and the downtown CEC office for **only $6**.



## 3. COME VISIT OUR BOOTH AT:

*Kid's Day for Conservation*

**Saturday, September 20, 2008**
**10 a.m. to 4 p.m.**
**Benton County Fairgrounds - Arena Building**

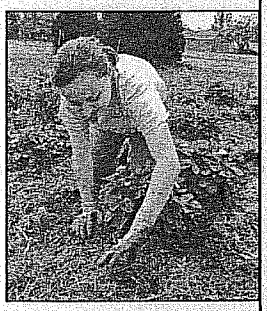
*Free • Fun • Hands-on activities for the whole family!*

Show a KDC bookmark to ride for free on the Corvallis Transit System (available at the OSU Benton County Extension Office).

Questions - extension.oregonstate.edu/benton/KDC.htm or call 766-6730. Food available onsite.

# Youth Garden Project

This year, the Youth Garden Project has been able to reach out to many children in the Corvallis area, educating them about food security. At Lincoln Elementary School, we ran an after-school gardening club where students learned the ins and outs of gardening and helped maintain the school garden. Every other Friday, YGP went to different classes to introduce the students to the importance of gardening/farming and allowed them to participate in a fun activity in the garden. At the end of the school year, YGP hosted a "Tasting Table" in the main cafeteria featuring food from the Lincoln Garden and the Farmer's Market. The Youth Garden Project has also been involved in promoting the Farm to School program, which focuses on getting more sustainably grown food into the cafeteria meals.



**Thank you, volunteers!** This summer YGP was fortunate to recruit an intern, Aliza Sandberg, to lead a great summer school curriculum at the Lincoln Elementary Garden, allowing students to participate in the summer growing season. Our main YGP garden site has also been very busy with volunteers, including the **Youth Volunteer Corps** and many others.

**Thank you to our local grant supporters!** The OSU Thrift Store funded a new grape arbor at Lincoln School; the Evening Garden Club has promoted a beautification effort at YGP; and Slow Food Corvallis has donated a bike trailer to assist with produce deliveries.

**Welcome to our new YGP staff!** The garden is growing and changing with the seasons! Leslie Van Allen and Jen Brown have joined the CEC as co-directors of the YGP and our new Farm to School initiative. Our 2007-2008 AmeriCorps volunteer extraordinaire, Pami Monnette, will be moving on to graduate school this fall— thank you for all your hard work this year, and good luck! Our new AmeriCorps intern, Jenny Myers, starts in September. We have exciting plans for our 1-acre garden at Starker Arts Park and our new Farm to School program. Stay tuned!

## YGP Wish List

Cleaning out your garden shed or thinking of making a donation to the YGP?
We need:

- Min/Max Thermometer
- Rain gauge
- Plastic totes for delivering produce to food banks
- Scale for weighing produce
- Digging Forks
- Y-Connector Hose Shut-off valves

**Farm to School** (F2S) programs are taking root in communities across the country. These programs connect schools to local farms with the objectives of serving healthy meals in school cafeterias, providing nutrition and sustainable agriculture education opportunities, and supporting local small farmers. As part of the Ten Rivers Food Web's Farm to School committee, the CEC has been working with the Corvallis School District, local farmers, Slow Food Corvallis, parents, teachers and others to increase the amount of local foods available at schools. Thanks to a generous grant from the Spirit Mountain Community Fund, the CEC is piloting a F2S program at Lincoln School beginning this fall, including cooking and garden education classes, farm field trips, seasonal tasting tables, and a harvest celebration. For more information on F2S, contact jen@corvallisenvironmentalcenter.org

**We need volunteers!** We can always use a few extra hands at the garden. Come join us the last Saturday of every month from 10:00-2:00. If you or your group would like to volunteer any other day please contact Leslie at leslie@corvallisenvironmentalcenter.org.

CORVALLIS ENVIRONMENTAL CENTER

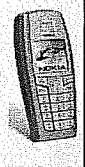
P.O. Box 2189
214 SW Monroe Avenue
Corvallis, OR 97339

Phone: 541-753-9211
E-mail: info@corvallisenvironmentalcenter.org
www.corvallisenvironmentalcenter.org

NON-PROFIT ORG.
US POSTAGE
**PAID**
CORVALLIS, OR
PERMIT NO. 55

DO YOU HAVE AN OLD CELL PHONE YOU DON'T USE?

DROP YOUR OLD CELL PHONE AT OUR DOWNTOWN OFFICE TO ENSURE THEY ARE REUSED & RECYCLED.



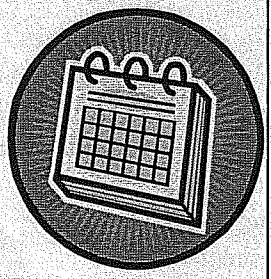
Earth Share of Oregon

The Corvallis Environmental Center is a group member of Earth Share of Oregon and a 501(c)(3) non-profit organization.

## Mark your calendar!

**Saturday, September 20, 10am-4pm: Kid's Day for Conservation** at the Benton County Fairgrounds. Bring your family and join us for free, fun, hands-on natural resource activities at the Benton County Fairgrounds Arena Building.

**Tuesday, October 7, Corvallis Sustainability Coalition Town Hall Meeting** at the CH2M Hill Alumni Center. A Sustainability Fair, featuring exhibits by the Coalition's partner organizations, will run from 5:30 to 7:00 pm, followed by the town hall meeting from 7:00 to 9:00 pm.



**See you there!**

## Contribute to ESOR at your workplace: it's so easy!

Earth Share of Oregon

As summer comes to a close, we can think back on the beautiful places we had the chance to enjoy – the beaches, high desert, crystal rivers and craggy mountains. The treasures of this state endure because we protect them.

The Corvallis Environmental Center is a proud member of Earth Share of Oregon. This means that you and your fellow employees can choose to have contributions sent automatically to your favorite Oregon conservation groups, including the CEC. Through Earth Share, your contribution is spread out over the course of a year, and all gifts are fully tax deductible. You can make a difference!

**Contribute through your workplace today!**

For more information,
visit www.earthshare-oregon.org.

## CONTRACT ADDENDUM #2

This contract addendum, dated the 1st day of July 2008, amends the contract entered into on June 14, 2006 between the City of Corvallis, a municipal corporation of the State of Oregon, hereafter called "CITY" and The Corvallis Environmental Center, an Oregon not for profit corporation, hereafter called "CEC."

1 The City and CEC agree to modify the original contract as follows:

Modify the notifications line:

Corvallis Environmental Center
Attn: Joleen Schilling
PO Box 2189
Corvallis, OR 97339-2189
541-753-9211

Extend TERM:

1.1 Contract is extended July 1, 2008 through June 30, 2009.

Modify REPORTS:

2.3.2 CEC agrees to provide the City an annual report corresponding to the term of this addendum, by September 1, 2009 regarding the amount and kinds of services provided to the community as measured through the CEC's progress toward achieving the goals of their request submitted to the City and approved by City Council.

Modify DISBURSEMENT OF FUNDS:

3.1 The City agrees to pay to the CEC the sum of $15,000, to be applied to the cost of the programs as described in the Scope of Service.

In the event that funds from this Program cease to exist, either because of fiscal constraints or City Council action, and/or replacement funding is not available through Federal or State Agencies, it is understood that the City of Corvallis will use no other monies to provide this grant without specific City Council authorization.

3.2 City agrees to disburse monies corresponding to this Addendum within 30 days of both CEC and City signing the Addendum.

2 All other terms and conditions in the original agreement remain as originally identified.

IN WITNESS WHEREOF, the parties have herewith executed their signatures.

CITY OF CORVALLIS:

Jon S. Nelson, City Manager

CORVALLIS ENVIRONMENTAL CENTER:

Joleen Schilling, Director

Printed name and title

Approved as to Form:

City Attorney

# CITY OF CORVALLIS and CORVALLIS ENVIRONMENTAL CENTER FUNDING AGREEMENT

This funding agreement, hereinafter referred to as the "Agreement", dated this 14th day of June, 2006 is made and entered into by and between the **CITY OF CORVALLIS**, a municipal corporation, hereinafter referred to as the "City" and **THE CORVALLIS ENVIRONMENTAL CENTER,** a 501(c)3 Oregon non-profit organization, hereinafter referred to as the "CEC".

All notifications necessary under this contract shall be addressed to:

| | |
|---|---|
| City of Corvallis | Corvallis Environmental Center |
| Attention: Karen Emery | Attention: Tracy Noel |
| 1310 SW Avery Park Dr | PO Box 2189 |
| Corvallis, OR 97333 | Corvallis, OR 97339-2189 |
| Telephone: 541.754.1703 | Telephone: 541.753-9211 |

## RECITALS

A. The City of Corvallis desires to provide financial assistance to the Corvallis Environmental Center for a period of one year so that the Corvallis Environmental Center may provide indoor and outdoor environmental educational activities and staffing.

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, 2006 through June 30, 2007.

1.2 If this agreement crosses fiscal years, funding for future years is contingent upon the City Council adopting appropriations.

**2 GRANTEE OBLIGATIONS:**

As a condition of receiving this grant, the CEC agrees to undertake each of the following activities (the "Program") during the entire term of this Agreement:

2.1 Scope of Service:

2.1.1 Provide indoor and outdoor nature education classes and programs to Corvallis residents targeting pre-K-12 and adults.

2.1.2 Provide educational programs and activities addressing sustainability.

2.1.3 Provide nature education programs, classes and activities that compliment the Parks and Recreation program.

2.1.4 Work cooperatively with other agencies who provide environmental and sustainability education.

2.1.5 Leverage the City's contribution to assist in obtaining grants.

2.1.6 Acknowledge the City's contribution through Parks and Recreation in CEC publications, as appropriate. Include in the annual report how this was completed.

2.1.7 Provide staff a living wage.

2.1.8 Provide an annual report by March 1st of each year describing how the scope of service was accomplished for the previous Fiscal Year.

2.2 CEC Administration:

2.2.1 Handle all organizational administrative duties and pay all bills.

2.2.2 Provide policies and guidelines for proposed programs and projects, including eligibility and program requirements, as may be requested by the City.

2.2.3 Hire staff and train volunteers to perform the duties of the CEC.

2.2.4 Maintain personnel policies for CEC employees and volunteers which include a statement that the CEC will not discriminate against any applicant or employee on the basis of age, race, color, sex, familial status, marital status, religion, physical or mental disability, national origin or ancestry, source of income, or sexual orientation.

2.2.5 Obtain and maintain all required licenses, registrations, accreditations, and inspections from any and all agencies governing the operations of the CEC. The CEC shall ensure that its staff and volunteers shall also obtain and maintain required licenses, registrations, accreditations, and inspections from all agencies governing the CEC's operations hereunder.

2.2.6 Maintain in good standing the status of the CEC as a 501(c)(3) not-for-profit corporation, without suspension by the Oregon Secretary of State or Internal Revenue Service. Any change in or suspension of such status shall be reported immediately to the City.

2.2.7 Without prejudice to any other provisions of this agreement, the CEC shall, where applicable, maintain the confidential nature of information provided to it concerning participants in its various programs in accordance with the requirements of federal and state law. However, the CEC shall submit to the City all records requested, including audit, examinations, monitoring, and verifications of reports submitted by the CEC, costs incurred and services rendered hereunder. All CEC disbursements of funds provided by the City pursuant to this agreement shall comply with applicable laws, rules, and regulations pertaining thereto. Any such disbursement which is inconsistent with such standards shall be refunded to the City within thirty (30) days of notice by the City or may be withheld from future disbursements to the CEC by the City.

2.3 Reports:

2.3.1 CEC agrees to keep monthly records of all statistics requested by the City with respect to the persons and families benefitted by the CEC in the performance of its obligations under this agreement.

2.3.2 The CEC agrees to provide to the City an annual report on September 1, 2007 regarding the amount and kinds of services provided to the community as measured through the CEC's progress toward achieving the goals of their request submitted to the City and approved by City Council.

2.3.3 All accounting records and evidence pertaining to all costs of the CEC and all documents related to this agreement shall be kept available at the CEC's 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.

2.3.4 The CEC shall provide for an independent financial and compliance audit **or** a financial review performed by an independent accounting firm 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 with the annual report.

2.3.5 In the event the CEC does not make the above-referenced documents available to the City of Corvallis, the CEC 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. The City and its authorized representatives shall, at all times, have access for the purpose of audit or inspection to any and all books, documents, papers, records, property,

and premises of the CEC which in any manner relate to or affect City-funded CEC programs, activities and property. The CEC's staff shall cooperate fully with authorized auditors when they conduct audits and examinations of the CEC's City-funded programs. If indications of misappropriation or misapplication of the funds of this Agreement cause the City to require a special audit, the cost of the audit shall be deducted from the amount of the Grant. Should the special audit confirm misappropriation or misapplication of funds, the CEC shall reimburse the City the amount of the misappropriated or misapplied funds.

2.3.6 The CEC also warrants that it will comply, as applicable, with:

2.3.6.1 Requirements relating to equal employment opportunities.

2.3.6.2 Requirements forbidding interests in this agreement by City and local officials. No employee or representative of the City of Corvallis, no designee or agent, and no other public official who exercises any functions or responsibilities with respect to the Program during his/her tenure or for one year thereafter, may have any interest, direct or indirect, in this Agreement or in the proceeds of any contract or subcontract for work to be performed in connection with the Program assisted under this Agreement.

## 3 DISBURSEMENT OF FUNDS:

3.1 The City agrees to pay to the CEC the sum of $20,000, to be applied to the cost of the programs as described in the Scope of Service.

In the event that funds from this Program cease to exist, either because of fiscal constraints or City Council action, and/or replacement funding is not available through Federal or State Agencies, it is understood that the City of Corvallis will use no other monies to provide this grant without specific City Council authorization.

3.2 The City agrees to disburse funds to the CEC within thirty days of signing the Agreement.

3.3 The CEC acknowledges that the cost of performing the activities required by this Agreement may exceed the amount of this grant, but agrees that any costs it incurs above and beyond the amount of this grant shall be its sole responsibility and shall not be the responsibility of the City of Corvallis or any person or entity affiliated with the City.

3.4 No funds provided to the CEC by the City under this agreement, or by the City under any other agreement or arrangement, shall be deemed by either the City or the CEC to be eligible for consideration or use as a matching cash contribution for any other City funding not anticipated within the scope or time frame of this agreement.

## 4 LIABILITY:

4.1 CEC 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 The CEC shall provide insurance as indicated:

4.2.1 Workers' compensation insurance in compliance with ORS 656.017, which requires subject employers to provide Oregon workers' compensation coverage for all their subject workers.

4.2.2 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 CEC's services to be provided under this agreement. In addition, policies must not specifically exclude coverage for sexual abuse and molestation. If sexual abuse and molestation coverage is excluded under Contractor's Commercial General Liability coverage, evidence of separate sexual abuse and molestation coverage and the limits of that coverage must be shown in the form of an insurance certificate, and be provided to the City prior to the execution of any agreement.

4.3 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.

## 5 GENERAL PROVISIONS:

5.1 Termination:

5.1.1 The City may terminate this Agreement upon five (5) days written notice to the CEC for failure of the CEC to fulfill its obligations under this Agreement, if such violation remains uncured after five (5) days from the CEC's receipt of such written notice. All City-provided funds which have not been expended or irrevocably committed at the termination or expiration of the Agreement shall be promptly refunded to the City.

5.1.2 In the event this agreement is terminated prior to completion of the tasks identified in the agreement, the City's funding will be applied pro rata to the work completed. The CEC shall return any pro rata share of funds which have been provided in excess of those expended to provide services. In the event that more services have been provided than funded, the City will pay The CEC for the pro rata share of services provided.

5.1.3 In the event CEC should be dissolved for any reason, any unexpended funds provided under this contract, or otherwise identifiable assets that were purchased with funding provided under this contract, shall be assigned to the City.

5.2 Independence: The CEC 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. The CEC 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 the CEC may be required by law or contract to provide to its employees, officers, agents, or contractors. The CEC agrees that it shall not sue or file a claim, petition or application therefore against the City of Corvallis or any of their officers, employees, agents, representatives or sureties with respect to such benefits. The CEC 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.

5.3 Service: Service of summons and complaint on the CEC shall be deemed complete five (5) days after the date that the City Attorney deposits the summons and complaint in the U.S. Mail, postage prepaid, to the CEC at the CEC's address as set out above. Other notices and communication sent to the parties shall be deemed to have been received five (5) days after the notice or communication has been deposited in the U.S. mail.

5.4 Authority of Signatories: The CEC and the CEC'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 the CEC and to bind the CEC hereto.

5.5 Attorney 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.

5.6 Assignability: If the CEC 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.

5.7 Prevailing Law: This agreement is to be governed by, and construed in accordance with, the laws of the State of Oregon.

5.8 Venue: Any disputes about the terms of this agreement will be brought before the Benton County Circuit Court.

5.9 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.

5.10 Compliance with federal and state laws: The CEC 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 the CEC should lead to liability or government enforcement action against the City, the CEC 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 of Corvallis will not assume responsibility for compliance with federal or state environmental requirements relating to the CEC's performance under this contract, but will cooperate to the extent practical and consistent with Council Policy.

5.11 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.

5.12 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.

**CITY OF CORVALLIS**

By_____

Jon S. Nelson, City Manager

Date of Execution:

**CORVALLIS ENVIRONMENTAL CENTER**

By_____

Tracy Noel, Director

Date of Execution:

APPROVED AS TO FORM:

By:_____

City Attorney

By:_____

David Zahler, President

Board of Directors

Corvallis Environmental Center

Date of Execution_____

**MEMORANDUM**

December 2, 2008

TO: Administrative Services Committee

FROM: Nancy Brewer, Finance Director NB

SUBJECT **First Quarterly Operating Report**

## I. Issue

To review and accept the First Quarterly Operating Report for FY 08-09.

## II. Discussion

The First Quarterly Operating Report has been published on the City's web site and is available for review. Operating revenues in the first quarter were at 14.58% of budgeted total revenues, which was reasonable based on property tax revenue not anticipated until November. Operating expenditures were also on target at 22.9% of the amended budget.

Assessed value for the 2008 tax year is 15 basis points higher than anticipated, and will likely result in around $30,000 more in property tax revenue that the adopted budget anticipated. As usual, there are no current year property tax revenues received in the first quarter. Most of the revenue is received in the second quarter. The Development Services Fund is continuing to show declining balances as residential development is at a virtual standstill. Staff is taking action to reduce expenditures and ensure that the fund remains viable. The lack of new residential development is also leading toward Systems Development Charge (SDC) revenue being below anticipated levels. As noted with the Fourth Quarterly Operating Report, SDC revenue is used for infrastructure projects associated with expanded capacity; reduced revenue streams may lead to delays in implementing some capital projects. In all other cases, all funds are performing as expected at the end of the first quarter.

Departmental expenditures are generally on target. The City Manager's Office budget is 38.37% expended based on insurance premium spending being weighted to the first quarter for the Risk Management Fund. Parks & Recreation seasonal spending for summer activities explains the fact that this department is over 28% expended by the end of September; this mirrors prior year experience.

The Capital Project budget is 12.73% expended at the end of the first quarter, with the major construction season winding down. Major projects that are at or near completion include Walnut Boulevard (Street Reconstruction) and the Storm Drain Replacement and Rock Creek Backwash Tank Replacement.

The Quarterly Operating Report also includes an update on the status of City Council Goals as of September 30, 2008.

## III. Requested Action

Review the First Quarterly Operating Report, and recommend the City Council accept the report.

Review & Concur:

City Manager

Attachments

November 19, 2008

City Manager, Mayor, and City Council
City of Corvallis
501 S.W. Madison Ave.
Corvallis, OR 97330

*RE: Fiscal Year 2008-09 1st Quarter Operating Report*

I am pleased to present the City of Corvallis' First Quarterly Operating Report for the 2008-09 Fiscal Year. The Quarterly Operating Report provides the Budget Commission and City Council with information about how the quarter ended.

This Quarterly Operating Report begins with highlights of the City's total budget which is followed by a reader's guide to the income statement.

The Financial Information section summarizes the revenue and expenditure performance for each of the operating funds in an income statement format that includes operating and non-operating revenues, expenditures and total fund activities. There is an income statement combining all property tax funds at the beginning of that section of the report.

The status of the City's finances was generally as expected at the end of the first quarter. Year-to-date operating revenues of $12,732,149 are at 14.58% of the Amended Operating Revenue Budget of $87,299,785. Non-operating revenues which include transfers and proceeds from sale of fixed assets totaled $3,943,040 or 32.37% of the $12,182,445 Amended Non-Operating Budget. The Amended Budget reflects the adopted budget, plus any amendments approved by the City Council via resolution during the course of the fiscal year. Significant revenue highlights include:

- **Property taxes** totaled $121,108 for the first quarter which equals 0.59% of the budgeted property tax revenue. Current year property taxes are primarily collected in the second quarter of the fiscal year. The FY 08-09 result year-to-date is in line with last year's delinquent collections for the first quarter of the year.
- **Licenses, Fees and Permits** totaled $1,319,533 which represents 17.97% of the amended budget and is a lower dollar amount than collected over the same period in FY 07-08 based partly on Development Services fees remaining under target still this year due to the slowing of residential construction in the latter part of FY 07-08. Franchise fees, which are the largest portion of this category, are ahead of last year's collections year-to-date, and generally at targeted levels.
- **Charges for Services** were $9,650,716 which represents 24.40% of the amended budget. These revenues are very slightly lower than in the first quarter of FY 07-08, but on target with expected receipts year-to-date.
- **Intergovernmental** revenues are below target but comparable to last year's first quarter actuals at $581,120 or 4.36% year-to-date. The receipt of grant monies tends to be volatile and highly dependent on timing of related expenditures. It should be noted that the majority of these revenues tend to be collected late in the fiscal year.
- **Interest earnings** totaled $321,101 which represents 20.97% of the budgeted interest and is nearly $200 thousand lower than received over the same period in FY 07-08, due to the significant and continued decline of interest rates.

Operating expenditures for all funds totaled $17,690,913 or 22.92% of the Amended Operating Expenditure Budget. Non-operating expenditures, which include capital projects, transfers, debt service, and contingency, totaled $6,551,202 or 20.33% of the $32,224,245 Amended Non-Operating Budget. In total, expenditures for the first quarter were $24,242,115 or 22.16% of the $109,402,880 budgeted compared to 23.39% at the same time last year. The total dollars expended is marginally lower than in FY 07-08 due primarily to a lower volume of capital project spending and related transfers this fiscal year-to-date. Expenditure highlights include:

- **Personal services** totaled $10,269,633 or 24.87% of the amended budget of $41,295,960 and is right on target as well as in line with spending in FY 07-08, though more than $600,000 higher due to cost of living increases.
- **Supplies and Services** totaled $7,335,654 or 22.18% of the amended budget of $33,079,999 . The percentage spent thus far in FY 08-09 is very comparable to the amount spent in the same period in FY 07-08.
- **Capital projects** totaled $1,388,277 or 12.73% of the amended budget of $10,902,090. Capital projects expenditures tend to fluctuate year-over-year, frequently coming in under budget based on savings and/or deferrals due to prioritization of resources and workplans or delay in grant or other funding awards. See the Capital Improvement Program section for more information on the status of capital projects.
- **Debt service** payments totaled $1,219,885 or 16.39% of the amended budget of $7,443,110. The amount spent this year is very close to the same period in FY 07-08 due to no new debt issuances, refundings or payoffs having occurred.

- **Transfers** totaled $3,943,040 or 32.37% of the amended budget of $12,182,445. The majority of the transfers are related to capital projects. See the Capital Improvement Program section for information on the status of capital projects.

A table comparing year-to-date actuals to budget for all funds in both FY08-09 and FY07-08 is shown below:

| REVENUE | AMENDED BUDGET | UNAUDITED FY 08-09 | FY 08-09 % REC/EXPEND | AMENDED BUDGET | Y-T-D FY 07-08 | FY 07-08 % REC/EXPEND |
|---|---|---|---|---|---|---|
| Budgeted Fund Balance | $40,494,356 | | | | | |
| Property Taxes | $20,509,610 | $121,108 | 0.59% | $19,402,680 | $140,467 | 0.72% |
| Other Tax | 1,220,930 | 201,991 | 16.54% | 1,032,490 | 226,508 | 21.94% |
| Licenses/Permits | 7,343,480 | 1,319,533 | 17.97% | 6,732,720 | 1,403,170 | 20.84% |
| Charges for Service | 39,544,320 | 9,650,716 | 24.40% | 37,178,590 | 9,662,102 | 25.99% |
| Intergovernmental | 13,339,765 | 581,120 | 4.36% | 12,029,510 | 503,655 | 4.19% |
| Fines/Forfeitures | 1,253,270 | 242,513 | 19.35% | 1,180,720 | 288,323 | 24.42% |
| Miscellaneous | 4,088,410 | 615,167 | 15.05% | 4,205,646 | 1,079,476 | 25.67% |
| Other Financing Sources/Transfers in | 12,182,445 | 3,943,040 | 32.37% | 13,748,665 | 4,827,361 | 35.11% |
| TOTAL CURRENT REVENUE | $99,482,230 | 16,675,188 | 16.76% | $95,511,021 | $18,131,062 | 18.98% |
| **EXPENDITURE BY DEPARTMENT** | | | | | | |
| City Manager's Office | $2,961,160 | $1,136,185 | 38.37% | $2,879,230 | $1,076,418 | 37.39% |
| Community Development | 7,783,040 | 1,448,402 | 18.61% | 7,132,540 | 1,278,856 | 17.93% |
| Finance | 4,814,640 | 1,162,233 | 24.14% | 4,597,170 | 1,057,258 | 23.00% |
| Fire | 10,638,570 | 2,318,841 | 21.80% | 9,356,130 | 2,166,051 | 23.15% |
| Library | 6,193,510 | 1,610,876 | 26.01% | 5,990,730 | 1,472,335 | 24.58% |
| Park & Recreation | 5,695,870 | 1,616,230 | 28.38% | 5,491,216 | 1,569,406 | 28.58% |
| Police | 11,430,027 | 2,846,919 | 24.91% | 10,932,550 | 2,692,581 | 24.63% |
| Public Works | 25,916,408 | 5,084,729 | 19.62% | 26,116,010 | 5,524,569 | 21.15% |
| Non-Departmental | 1,745,410 | 466,497 | 26.73% | 1,758,940 | 437,711 | 24.88% |
| **TOTAL OPERATING EXPENDITURES** | $77,178,635 | $17.690,912 | 22.92% | $74,254,516 | $17,275,185 | 23.26% |
| Debt Service | $7,443,110 | $1,219,885 | 16.39% | $7,533,710 | $1,196,987 | 15.89% |
| Capital Projects | 10,902,090 | 1,388,277 | 12.73% | 11,197,000 | 1,705,242 | 15.23% |
| Transfers Out | 12,182,445 | 3,943,040 | 32.37% | 12,338,665 | 4,824,329 | 39.10% |
| Contingencies/Reserves | 1,696,600 | 0 | 0.00% | 1,584,350 | 0 | 0.00% |
| TOTAL ALL EXPENDITURES | $109,402,880 | $24,242,114 | 22.16% | $106,908,241 | $25,001,743 | 23.39% |
| **CURRENT REVENUES LESS TOTAL EXPENDITURES** | ($9,920,650) | ($7.566,926) | | ($11,397,220) | ($6,870,681) | |

This Quarterly Operating Report also includes an expenditure summary by classification for each department, performance indicators by department, a Vacancy Report, a Capital Improvement Program summary and an update of City Council Values and Goals.

As always, if you have questions or concerns about the information in this report, please do not hesitate to contact me at (541) 766-6990 or via e-mail at nancy.brewer@ci.corvallis.or.us.

Nancy Brewer
Finance Director

# THE CITY'S BUDGET HIGHLIGHTS

## *REVENUES*

A total of 16.76% of budgeted revenue has been collected as of the end of the first quarter. Of this amount, operating revenue is 14.58% collected and 32.37% of non-operating revenue has been collected.

*Property Tax Revenues* - 0.59% collected. Property taxes provide about half of the operating revenue for General Fund supported programs. Property taxes are found in the General, Parks and Recreation, Fire and Rescue, Transit, Library and General Obligation Debt Service Funds. The majority of the property tax revenues are received in the second quarter.

*Other Taxes* - 16.54% collected. Transient Room Taxes are taxes on hotel and motel occupancy and reflect their usage rate. The City currently levies a room tax of 9% of the room costs on all transient lodging in the City limits. Receipts in this category are a bit lower than normal year-to-date due to a combination of a late OSU school year start, including a later home game schedule as well as the recent economic downturn. It is currently anticipated that collections will recover by fiscal year-end to budgeted levels.

*License, Fees & Permits* - 17.97% collected. Franchise Fees provide approximately 39% of the operating revenue in the General Fund. In addition to right-of-way fees charged to local utility companies, franchise fees are also assessed against and paid for by the City's water, wastewater, and storm water utilities. Revenues for parks, sound and camping permits are received in the Parks & Recreation Fund, and tend to be seasonal in nature. Building permit revenue is recorded in the Development Services Fund. Parking lot space fees and residential parking permits are received in the Parking Fund while transportation maintenance fees and right of way permits are received in the Street Fund.

*Charges for Services* - 24.40% collected. General Fund charges include development review charges and rental charges for City owned buildings. The Parks and Recreation Fund generates revenue from recreation programs and System Development Charges (SDC's). Charges for Police and Fire 911 services are received in the 911 Emergency Fund. Water, sewer and drainage user fees and SDC's are received in the Water, Wastewater, and Storm Water Funds. The Airport Fund receives revenues for hangar rentals, fuel sales, and seed crops. The Internal Service Funds (Technology and Communications, Administrative Services, Fleet, Facility Maintenance, and Risk Management) receive payments for services provided to other city departments. It should be noted that so far in FY 08-09 System Development Charges in all funds are coming in considerably lower than anticipated due to the lack of new construction with the current economic downturn.

*Intergovernmental* - 4.36% collected. State sharing revenues include cigarette, liquor, 9-1-1 and highway taxes and currently make up approximately 33.79% of amended budget intergovernmental revenues. Benton County Intergovernmental funds for Library support make up approximately 17.55% of intergovernmental revenues and are normally received in the second quarter since they are tied to property tax turnovers. Projected grant revenue makes up nearly 44.85% of the intergovernmental revenue amended budget. The receipt of grant monies tends to be volatile and highly dependent on timing of related expenditures; this accounts for lower than target revenues collected to date. The remaining 3.81% of budget is for other revenue items such as 911 system cost share from other government agencies.

*Fines and Forfeitures* - 19.35% collected. Revenues include fines imposed through Municipal Court for traffic and parking violations, library fines and violations of the Uniform Fire Code. Revenues are also derived from property damage restitution payments, asset seizures and forfeitures through court action. Fines and forfeitures are mainly found in the following funds: General, Parking and Library. Municipal court fines are also lower than usual for the first quarter due to a combination of Police Officer vacancies and the previously noted late start to OSU home games and student arrivals.

*Miscellaneous Revenues* - 15.05% collected. Miscellaneous revenues include donations, housing and assessment loan repayment proceeds, business energy tax credits for transit, gifts/contributions, insurance proceeds, bad debts recovered and investment interest revenues. Interest revenues represent approximately 37% of the total miscellaneous revenue budget and are currently over 52% of actual miscellaneous revenues collected year to date.

*Other Financing Sources* - 32.37% collected. Other Financing Sources consist mainly of "interfund" and "intrafund" transfers that are primarily for capital construction projects and debt service requirements. The FY 07-08 budget included budget for a bank loan to support the proposed purchase of the Pacific-Power street light system. At the end of the second quarter, City Council determined that the acquisition plan would not proceed, so no loan or associated transfers occurred after

all. The Capital Improvement Program section presents an analysis by project and information on year to date expenditures related to transfers.

## *EXPENDITURES*

The City's total budget was 22.16% spent at the end of the first quarter, with operating expenditures at 22.92% of the operating budget and non-operating expenditures at 20.33%.

The following information summarizes first quarter FY 08-09 expenditures by classification and identifies any significant variances:

*Wages and Benefits** - 24.87% spent. Includes amounts paid to both permanent and temporary City employees, including personnel substituting for those in permanent positions.

*Services & Supplies** - 22.18% spent. Includes amounts paid for supplies used in operations and services rendered by organizations or personnel not on the City's payroll, including repair and maintenance-related services, professional contractual services and utilities.

*Capital Outlay** - 3.06% spent. Most capital outlay purchases consist of machinery, equipment and vehicles over $5,000. Expenditures in this category are typically lower in the first part of the year based on cash flow management and the time it takes between order and delivery for large vehicles. In both FY 08-09 and FY 07-08, the percentage spent in this category is particularly low in the first quarter. For FY 08-09, this is due to the budgeted acquisition of an aerial ladder Fire Engine at $714,000 not yet acquired. In FY 07-08 it is due to a budgeted $1.4 million street light acquisition (representing about 33% of the total capital outlay budget) that did not proceed.

*Capital Projects* - 12.73% spent. Capital Projects occur in the Capital Construction, Water Construction, Wastewater Construction, Storm Water Construction and Airport Construction Funds. The Capital Improvement Program Section presents an analysis by project and information on year-to-date expenditures.

*Debt Service* - 16.39% spent. Budgeted debt service payments of $1,995,510 are supported by specific property tax levies. Debt service incurred in support of enterprise operations (Water, Wastewater, Storm Water and Airport) totals $3,361,320 and is paid from revenues derived from charges for services within each fund. Pension obligation bond annual debt service of $2,086,190 is primarily funded by current revenue proportionate to each City Fund's respective PERS liability.

*Transfers* - 32.37% spent. Transfers represent Intra-fund and Inter-fund transfers for capital projects and debt service contributions. These can fluctuate depending on the progress of construction projects.

* See the following table for a summary of operating expenditures by Department.

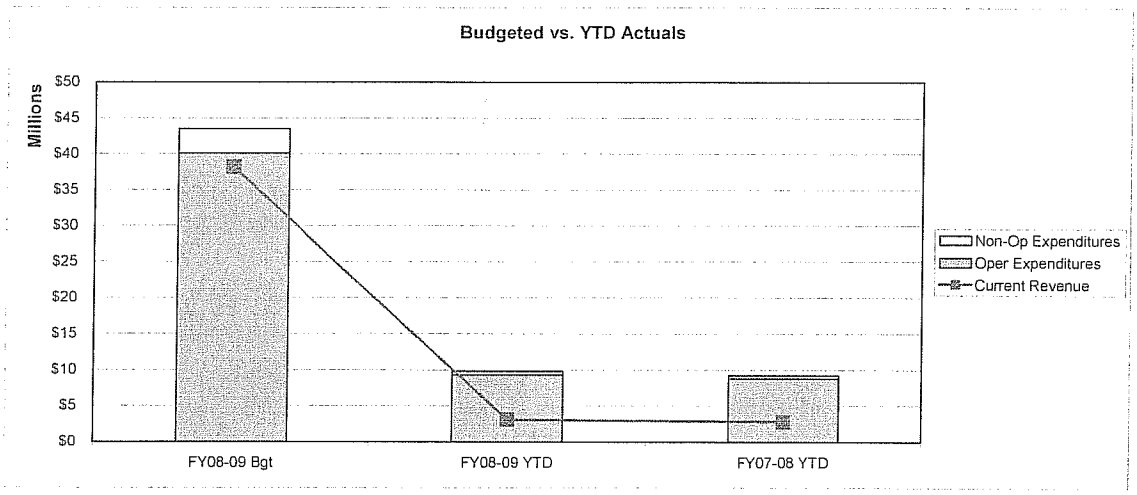
**OPERATING EXPENDITURES BY DEPARTMENT**

| DEPARTMENT | AMENDED BUDGET | PERSONAL SERVICES | SUPPLIES & SERVICES | CAPITAL OUTLAY | TOTAL EXPENDITURES | % OF AMENDED BUDGET |
|---|---|---|---|---|---|---|
| City Manager's Office | $2,961,160 | $275,437 | $860,748 | $0 | $1,136,185 | 38.37% |
| Community Development | 7,783,040 | 825,451 | 622,951 | 0 | 1,448,402 | 18.61% |
| Finance | 4,814,640 | 771,728 | 390,505 | 0 | 1,162,233 | 24.14% |
| Fire | 10,638,570 | 1,871,954 | 443,284 | 3,602 | 2,318,841 | 21.80% |
| Library | 6,193,510 | 932,934 | 617,593 | 60,349 | 1,610,876 | 26.01% |
| Parks & Recreation | 5,695,870 | 1,071,468 | 544,762 | 0 | 1,616,230 | 28.38% |
| Police | 11,430,027 | 2,114,801 | 726,099 | 6,019 | 2,846,919 | 24.91% |
| Public Works | 25,916,408 | 2,405,859 | 2,663,214 | 15,656 | 5,084,729 | 19.62% |
| Non Department | 1,745,410 | 0 | 466,497 | 0 | 466,497 | 26.73% |
| TOTAL | $77,178,635 | $10,269,633 | $7,335,654 | $85,626 | $17,690,913 | 22.92% |

# PROPERTY TAX FUNDS COMBINED*

| REVENUE | AMENDED BUDGET | 1st Quarter FY 08-09 | UNAUDITED FY 08-09 | FY 08-09 % REC/EXPEND | 1st Quarter FY 07-08 | Y-T-D FY 07-08 | FY 07-08 % REC/EXPEND |
|---|---|---|---|---|---|---|---|
| Budgeted Fund Balance | $10,275,426 | | | | | | |
| Property Taxes | $18,544,610 | $121,108 | $121,108 | 0.65% | $140,468 | $140,468 | 0.80% |
| Other Tax | 1,220,930 | 201,991 | 201,991 | 16.54% | 226,508 | 226,508 | 21.94% |
| Licenses/Permits | 5,582,740 | 933,496 | 933,496 | 16.72% | 895,153 | 895,153 | 18.16% |
| Charges for Service | 5,537,680 | 1,233,311 | 1,233,311 | 22.27% | 1,160,196 | 1,160,196 | 21.86% |
| Intergovernmental | 5,091,515 | 177,507 | 177,507 | 3.49% | -104,891 | -104,891 | -2.27% |
| Fines/Forfeitures | 877,770 | 163,960 | 163,960 | 18.68% | 212,014 | 212,014 | 25.69% |
| Miscellaneous | 1,322,530 | 209,353 | 209,353 | 15.83% | 246,460 | 246,460 | 18.38% |
| Other Financing Sources | 0 | 0 | 0 | 0.00% | 13,841 | 13,841 | 0.93% |
| **TOTAL CURRENT REVENUE** | $38,177,775 | $3,040,726 | $3,040,726 | 7.96% | $2,789,749 | $2,789,749 | 7.51% |
| **EXPENDITURE BY DEPARTMENT** | | | | | | | |
| Community Development | $1,693,390 | $324,122 | $324,122 | 19.14% | $342,201 | $342,201 | 23.09% |
| Finance | 590,050 | 137,929 | 137,929 | 23.38% | 124,151 | 124,151 | 23.71% |
| Fire | 10,638,570 | 2,318,841 | 2,318,841 | 21.80% | 2,166,051 | 2,166,051 | 23.15% |
| Library | 6,140,510 | 1,606,713 | 1,606,713 | 26.17% | 1,429,327 | 1,429,327 | 24.34% |
| Parks and Recreation | 5,695,870 | 1,616,230 | 1,616,230 | 28.38% | 1,569,406 | 1,569,406 | 28.58% |
| Police | 9,403,427 | 2,303,807 | 2,303,807 | 24.50% | 2,174,897 | 2,174,897 | 24.26% |
| Public Works | 4,192,088 | 516,730 | 516,730 | 12.33% | 595,859 | 595,859 | 11.40% |
| Non-Departmental | 1,744,060 | 466,497 | 466,497 | 26.75% | 436,861 | 436,861 | 30.00% |
| **TOTAL OPERATING EXPENDITURES** | $40,097,965 | $9,290,869 | $9,290,869 | 23.17% | $8,838,754 | $8,838,754 | 23.04% |
| Debt Service | $0 | $0 | $0 | 0.00% | $0 | $0 | 0.00% |
| Transfers | 2,660,390 | 485,792 | 485,792 | 18.26% | 398,305 | 398,305 | 18.99% |
| Contingencies/Reserves | 727,050 | 0 | 0 | 0.00% | 0 | 0 | 0.00% |
| TOTAL ALL EXPENDITURES | $43,485,405 | $9,776,661 | $9,776,661 | 22.48% | $9,237,059 | $9,237,059 | 22.34% |
| **CURRENT REVENUE LESS TOTAL EXPENDITURES** | ($5,307,630) | ($6,735,935) | ($6,735,935) | | ($6,447,310) | ($6,447,310) | |

* Includes General, Parks & Recreation, Fire & Rescue, Transit and Library Funds



# MEMORANDUM

TO: Administrative Services Committee

FROM: Steve Rogers, Public Works Director

DATE: October 27, 2008

SUBJECT: Council Policy CP 04-1.09 Public Access Television

## ISSUE

The Public Access Television Policy is reviewed bi-annually by the Public Works Department and is updated as appropriate by the City Council.

## BACKGROUND

The Public Access Television Policy was adopted in September 2004 to establish guidelines related to the operation of a City of Corvallis-managed public access television channel. In 2006, the City entered into an Intergovernmental Agreement (IGA) with the Corvallis School District (509J) for the operation of the public access channel. The channel is housed and operated at Corvallis High School. The guidelines established in Council Policy 04-1.09 continue to provide guidance to 509J and the City staff that administrate the IGA.

## DISCUSSION

Staff has reviewed the policy and has no recommended changes.

## RECOMMENDATION

Staff recommends the Administrative Services Committee recommend City Council to reaffirm the policy as written.

Reviewed and Concur:

Jon S. Nelson, City Manager

# CITY OF CORVALLIS

# COUNCIL POLICY MANUAL

## POLICY AREA 1 - GENERAL

**CP 04-1.09** **Public Access Television**

**Adopted September 7, 2004**
Affirmed October 16, 2006

1.09.010 Purpose

To establish a Council policy for rules and procedures related to the operation of a City of Corvallis (City)-managed public access television channel. This policy will be guided by efforts that support the principles of public access and desires that such a forum be provided, allowing for the diverse voices of the community to be heard including local community-based groups and non-profit organizations.

1.09.020 Definitions

1.09.021 Public access television channel refers to a specific channel on the cable television system available to Corvallis residents for either the distribution and playback of local programming produced by local residents, community-based groups, or non-profit organizations, or the playback of programming produced elsewhere but sponsored by a local resident, community-based group, or non-profit organization.

1.09.022 A designated access provider means the entity or entities designated by the City to manage or co-manage a public access television channel and facilities. The City may be a designated access provider.

1.09.030 Policy

Public access is intended to encourage the development of a forum for diverse community organizations and individuals to present programming and information that would not otherwise be shown on the cable system. This policy will provide the necessary guidance and support to ensure the availability of public access to residents, require capital support from local cable operators, and establish operating rules and procedures (Exhibit A) to facilitate the ongoing operation of a public access channel.

1.09.040 Objectives

1.09.041 Support franchise provisions that require a public access channel(s) be made available for use by local residents, community-based groups, and non-profit organizations.

1.09.042 Support a public access fee to be paid by providers of commercial cable television services in the community to facilitate the operation of a public access channel.

1.09.043 Develop public access operating rules and procedures consistent with federal, state and local laws to provide residents, community-based groups, or non-profit organizations access on a first-come, first-served, non-discriminatory basis, subject to specific rules, program restrictions, regulations, and procedures as approved by Council.

1.09.044 Require program producers to take complete creative control of the content of each program and to assume full responsibility for their productions when submitted for playback on the public access television channel.

1.09.045 Ensure the City will be held harmless from any claim which may arise out of the cablecast of any program submitted for playback on the public access television channel.

1.09.070 Review and Update

This policy shall be reviewed every two years by the Public Works Director and updated as appropriate.

Exhibit A

# CITY OF CORVALLIS
# CORVALLIS COMMUNITY TELEVISION CHANNEL 29
# OPERATING RULES AND PROCEDURES

## 1. COMMUNITY ACCESS CHANNEL

Public access programming is aired on Corvallis Community Access Television (CCAT) Channel 29, which is operated by the City of Corvallis (City). Throughout this document and the Program Contract document, when 'City' is used, it is understood to also mean any agent or designated access provider of the City of Corvallis delivering public access services.

Public Access cablecast time is available free of charge to any resident of Corvallis, or organization located within Corvallis, subject to the rules and conditions in this document and the Program Contract. Each program or bulletin board item aired on the Public Access channel must be sponsored by someone who either lives or works within the city limits. The sponsor does not have to be the same person who created or produced the programming, but will be the person held responsible for complying with the City's Public Access rules.

## 2. PROGRAM SUBMITTAL

Programs must be submitted to the City at least 14 days in advance (but not more than 30 days) of their desired scheduled cablecast. Programming may be submitted at City Hall, 501 SW Madison Avenue, Corvallis; or at the Corvallis High School Main Office, 1400 NW Buchanan, Corvallis; or mailed to Corvallis High School, Attention CCAT Channel 29, 1400 NW Buchanan, Corvallis, Oregon, 97330.

Programming must be submitted in an enclosed case along with a completed Public Access Program Contract. A sponsor may submit multiple programs to be cablecast within the same calendar year, provided no more than five programs are submitted at any one time. Each program or cablecast must be consistent with the rules and procedures referenced herein. The videotape or DVD and case must be clearly labeled stating the program title, subtitle (when applicable), program run-time to the nearest second, preferred cablecast dates and times, and name, address and telephone number of the sponsor. Sponsors are encouraged to provide a copy of the program to the City, and not the original.

Programming will be available for pick-up ten business days after submittal, or will be mailed back, if adequate packaging is provided, including sufficient postage. Programs left with the City beyond 30 days will be recycled or discarded.

## 3. TECHNICAL REQUIREMENTS

All programs submitted for cablecast must be formatted as S-VHS, VHS, DVD, DVCAM, or mini-DV, hereafter referred to as Media. Bulletin board items must be submitted in a text format. Programs submitted for cablecast on other formats will not be played. Programs must meet or exceed the following minimum technical quality requirements of the FCC and industry standards:

a. Peak audio level should fall within +3 and 0 dB, with reasonable clarity.

b. All Media must contain 15 seconds of black at the beginning and ending of each program.

c. All videotapes must begin within the first 90 seconds of the tape.

d. Only one program per Media is permitted.

e. Program run-time must be noted on the Media.

The City reserves the right to refuse playback of programming that does not meet these technical requirements. The preference is for run-times no longer than 59 minutes. It may not be possible to accommodate longer programs within the programming schedule.

## 4. PROGRAM RESTRICTIONS

Presentation of the following materials on CCAT Channel 29 is specifically not authorized by the City and may subject the sponsor to criminal prosecution or civil liability. Programs containing these materials will be removed:

a. Any advertising material designed to promote the sale of commercial products or services.

b. Any advertisement of, or information concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part on chance.

c. Any unauthorized copyrighted material.

d. Any obscene or indecent material.

e. Any material that defames any racial, ethnic, gender, sexual orientation, age, disabled, source of income, or religious group or any individual member of such group.

f. Any advocating of violence, or words which are designed to invoke violence.

g. Any slanderous or libelous materials.

h. Any deliberate misinformation which may result in harm to any individuals or group.

i. Any noncompliance with applicable federal, State and local laws and regulations.

## 5. PROGRAM CONTENT

Each producer has complete creative control of the content of each program. It is the policy of CCAT Channel 29 not to preview such material for the purpose of censorship. Therefore, the City shall insert a disclaimer at the beginning of each program stating:

THE CONTENT, VIEWS AND COMMENTS EXPRESSED ON THIS PROGRAM ARE THOSE OF THE PRODUCERS OF THIS PROGRAM AND NOT THOSE OF CCAT CHANNEL 29 OR THE CITY OF CORVALLIS.

## 6. PROGRAM SCHEDULING

Programming produced by residents of Corvallis, or organizations located within Corvallis, will receive first priority for scheduling playback time on CCAT Channel 29. Programming produced by a citizen or organization of another community will receive a lower scheduling priority. Due to limited playback time, applications will be processed and scheduled on a first-come, nondiscriminatory basis to ensure that no one person or organization monopolizes cablecast time to the disadvantage of others. The City commits to no more than three scheduled playbacks on CCAT Channel 29 for each program. In the event of a scheduling conflict, the City reserves the right to assign program scheduling as necessary.

7. **GUIDELINES FOR IDENTIFYING AND SCHEDULING ADULT AND POTENTIALLY OFFENSIVE PROGRAMMING AND DEFINITION OF LATE NIGHT CABLECAST TIME SLOTS**
The following guidelines are provided to assist producers in identifying adult and potentially offensive program content or subject matter.

   a. The sponsor is required to notify the City when submitting Media for playback if the program contains material that may be considered inappropriate for children and young audiences due to potentially offensive, adult, or violent content or subject matter.

   b. The program must include the following text on the screen for a minimum of 15 seconds at the beginning of the program (if the program is longer than 30 minutes the same viewer warning must be shown for a minimum of 15 seconds after each 30 minute block of program content):

      THE FOLLOWING PROGRAM CONTAINS MATERIAL WHICH MAY BE OFFENSIVE TO SOME VIEWERS OR INAPPROPRIATE FOR VIEWING BY CHILDREN AND YOUNG PEOPLE. VIEWER DISCRETION IS ADVISED. THE CONTENT OF THIS PROGRAM IS SOLELY THE RESPONSIBILITY OF (insert sponsor name) AND NOT THAT OF CCAT CHANNEL 29 OR THE CITY OF CORVALLIS.

   If a program contains material that may be considered inappropriate for children, it will be scheduled for playback during late nighttime hours only. Late nighttime hours are defined as after 11:00 p.m. in the evening and before 5:00 a.m. in the morning.

   In the event the City receives a complaint regarding the content of a program, the complaint will be reviewed in accordance with Complaint Procedures on file at the City. Results of the review can range from a determination that the complaint is unfounded to removal of the programming from the playback schedule. If a determination of obscene content is made, the information will be turned over to the Corvallis Police Department for further action.

8. **UNDERWRITING CREDIT**
Underwriting credit shall be limited to the following:

   a. The visual and/or audio presentation of the name and logo of the underwriter(s) during the beginning and ending credits of the program only.

   b. A maximum of 10 seconds is permitted for identification of an underwriter.

   c. A maximum of five underwriters may support any given program or series of programs.

   d. Any statement regarding price, product or service descriptions is deemed commercial advertising in nature and is prohibited.

   e. The specific address, phone number, and/or web site of underwriters is permitted.

   f. Identification of the city and state where the underwriter is located is permitted.

9. **PROGRAM AND MEDIA RIGHTS**
Ownership, non-commercial copyrights and content responsibilities belong to the sponsor of the material submitted to the City. However, the City reserves the right to cablecast any program or any portion of a program at anytime and for any purpose. The City is not

responsible for loss or damage of Media submitted for cablecast. Sponsors are encouraged to provide a copy of the program to the City, and not the original. Media left with the City beyond 30 days will be recycled or discarded.

**10. CABLECAST PREEMPTION**

The City reserves the right to preempt any community access program for an emergency cablecast as determined by the City or to perform maintenance on channel equipment.

**11. COMMUNITY BULLETIN BOARD / PUBLIC SERVICE ANNOUNCEMENTS**

Between scheduled programming, CCAT Channel 29 will cablecast public service announcements to promote local events and services. The announcements are for non-profit, community-related events and can be submitted by any resident or local organization of Corvallis. Although no service or product may be advertised, announcements can publicize community events that charge an admission fee but the fee cannot be included in the body of the announcement. Announcements may be submitted to the City by U.S. mail to P.O. Box 1083, Corvallis, OR, 97339-1083, Attention CCAT Channel 29; by e-mail to public.works@ci.corvallis.or.us; or by fax to 541-766-6920. Announcements must be received at least seven days prior to the date the sponsor would like it to air. Each announcement must include the name of the sponsoring resident, non-profit agency, or organization submitting the request, including a contact phone number in case of inquiries, and the preferred start and stop dates of the announcement.

**12. HOLD HARMLESS**

All sponsors shall be fully responsible for the content of their programs including obtaining all necessary authorizations that may be required prior to cablecast on CCAT Channel 29. All sponsors shall indemnify and hold harmless the City of Corvallis, its officers, officials, boards, commissions, agents, volunteers and employees from any and all liability, damage, injury, judgement, including cost of defending claims (including attorney's fees) arising from or in connection with any claim for failure to comply with any laws, rules or regulation of federal, State or local government, or rules or regulations of the Federal Communications Commission, claims of libel, slander or invasion of privacy, claims of infringement of copyright, patent or unauthorized use of any material or trademark, servicemark or image, or for any other injury or damage in law or in equity claimed as a result of, or from, or connected with the sponsor's use of access channel time. The foregoing shall include obscenity claims as well as any and all other claims related to scheduling or programming on public access channel time.

**13. VIEWER COMPLAINTS**

Viewers wishing to file a formal complaint may do so in writing. The City will notify sponsors of all complaints. The complaint will be reviewed in accordance with Complaint Procedures on file at the City, which require the sponsor of the program to be responsible for addressing the complaint. The City will not be responsible for viewer complaints. If the City receives a complaint that a broadcast has violated a criminal law or administrative rule related to the content of material broadcast on cable television, the City will notify the appropriate law enforcement agency and suspend future broadcast of the program until the law enforcement agency has resolved the legality of the material.

* * * M E M O R A N D U M * * *

**DECEMBER 5, 2008**

**TO:** **ADMINISTRATIVE SERVICES COMMITTEE**

**FROM:** **KATHY LOUIE, ASSISTANT TO CITY MANAGER/CITY RECORDER**

**SUBJECT:** **COUNCIL POLICY REVIEW:**
**CP 91-2.01, "MEETING PROCEDURES"**

## ISSUE

Council Policy CP 91-2.01, "Meeting Procedures," is scheduled for review every five years and was last reviewed during July 2003.

## DISCUSSION

The Policy has served well as a guideline for scheduling, locating, facilitating, and documenting the discussions and recommendations of the City's Council, Standing Committees, and advisory boards, commissions, and committees.

With the advancements in recording technology, more City governmental bodies are using a variety of methods to record meetings. Therefore, staff recommends that Section 2.01.025 be amended to allow use of any recording method and appropriate retention of recordings, in accordance with the State of Oregon's City Records and Retention Schedule.

Staff has also received suggestions to develop a standardized meeting script for boards and commissions. Staff recommends approval of the attached meeting script to be used by chairs of all Mayor-appointed boards, commissions, and committees.

## REQUESTED ACTION

Staff asks that Administrative Services Committee recommend that the Council revise Council Policy CP 91-2.01, "Meeting Procedures," as recommended by staff.

Reviewed and Concur:

Jon S. Nelson, City Manager

# CITY OF CORVALLIS

# COUNCIL POLICY MANUAL

## POLICY AREA 2 - COUNCIL PROCEDURES

**CP 91-2.01** **Meeting Procedures**

**Adopted December 3, 1973**
Revised April 2, 1979
Affirmed October 7, 1991
Revised November 4, 1996
Affirmed March 5, 2001
Revised July 21, 2003
Revised December 18, 2008

2.01.010 Purpose

To establish a policy concerning Council meetings and Board, Commission, Subcommittee, and Task Force meeting days, times, and locations.

2.01.020 Policy

2.01.021 Minutes of Committee meetings shall be read verbatim to the Council only when they contain recommendations which must be acted upon by the Council and then only that portion relating to the recommendation shall be read.

2.01.022 All requests for information concerning past City practices or the historical development of current City practices shall be made to the City Manager preferably at a time allowing the City Manager to prepare a response.

2.01.023 Questions of staff by Council persons shall be facilitated by the City Manager except those posed to the City Attorney.

2.01.024 Sturgis' rules of order shall be adhered to in deliberating, reviewing, and approving Council actions. Issues are to be brought forward in the appropriate forum. The Mayor, Council President, or Committee Chairs should be consulted in determining that forum.

**Council Policy 91-2.01**

2.01.025 City Council and Planning Commission meetings will be recorded ~~on magnetic tape. Said tape recordings will be~~ and stored in accordance with guidelines set forth in the State's City Records and Retention Schedule. ~~Tape r~~ Recordings of Committee meetings and other meetings will be made on special occasions or at any time that there is a public hearing being held by the Committee. Upon request by interested parties, copies of the ~~tape~~ recordings will be made ~~for interested parties.~~ and charged, consistent with Administrative Policy AP 06-1.14, "Public Records Requests."

2.01.026 Material is not to be included in the packets to Council unless identified by a signature and address.

2.01.027 When the Council President presides at a Council meeting in the absence of the Mayor, the Council President should vote only in order to break a tie.

2.01.028 Council meetings will adjourn at 11:00 pm, allowing extension by one-half hour increments upon a majority Council vote.

2.01.030 Policy - Board and Commission Meetings

2.01.031 Board, Commission, Subcommittee, Task Force, and similar Mayor-appointed committees conducting City business shall be encouraged to meet in City-owned facilities.

2.01.032 Board, Commission, Subcommittee, Task Force, and similar Mayor-appointed committees conducting City business shall be on a day, during a time, and at a location that accommodates members, staff, and the public's participation, as determined by the Chair working in consultation with staff. Meeting room charges (rent, minimum order, etc.) will be paid for by the City. If the Chair and City staff determine that charges are too expensive, the meeting location shall be moved.

2.01.033 Chairs of boards, commissions, subcommittees, task forces, and similar Mayor-appointed committees conducting City business shall be encouraged to follow the attached meeting format.

2.01.040 Review and Update

This Council Procedures Policy shall be reviewed every five years by the Council and updated as appropriate.

## ADVISORY BOARD/COMMISSION/COMMITTEE

## STANDARD MEETING FORMAT

| | |
|---|---|
| 1. Call to order by Chair | Chair: "I call to order this (date) meeting of the (group name)." |
| 2. Roll call of members present | Chair: "Recording secretary, will you please call the roll?" |
| 3. Review of agenda | Chair: "Are there any changes to today's meeting agenda?"<br><br>Chair: "Are there any requests to re-order the items on today's meeting agenda?" |
| 4. Approval of previous meeting's minutes | Chair: "Are there any corrections to the minutes of the (date) meeting?"<br><br>Chair: "Would anyone move to approve the (date) meeting minutes *(as amended, if appropriate)*?"<br><br>Chair: "All those in favor of the motion, please say 'aye.'"<br><br>Chair: "All those opposed to the motion, please say 'naye.'"<br><br>Chair: "The minutes of the (date) meeting are approved *(as amended, if appropriate).* |
| 5. Visitors' Propositions/Public Comments | Chair: "Is there a member of the public present who would like to offer a proposition or a comment to the Commission/Board/ Committee? |
| 6. Unfinished Business | Chair: *Follow agenda – receive staff reports, facilitate discussions, solicit motions, and announce decisions.* |
| 7. New Business | Chair: *Follow agenda – receive staff reports, facilitate discussions, solicit motions, and announce decisions.* |

| | | |
|---|---|---|
| 8. | Other Business | Chair: *Follow agenda – receive staff reports, facilitate discussions, solicit motions, and announce decisions.* |
| 9. | Executive Session | Chair: "The (group name) will now enter Executive Session. In compliance with Oregon law, only representatives of the news media, designated staff, and other Council-designated persons are allowed to attend the executive session. News media representatives are directed not to report on any executive session discussions, except to state the general subject of the discussion, as previously announced. No decisions will be made during the executive session. (Group name) members and staff are reminded that the confidential executive session discussions belong to the Board/ Commission/Committee as a body and should only be disclosed if the Board/ Commission/Committee, as a body, approves disclosure. Any Board/ Commission/Committee or staff member who may not be able to maintain the Board's/Commission's/Committee's confidences should leave the meeting room."<br><br>Chair: *(Facilitate staff report presentations and executive session discussions.)*<br><br>*(If Commission/Board/Committee decision is necessary, return to open session before requesting motion.)* |
| 10. | Adjourn | Chair: "The meeting is adjourned." |

INTER OFFICE

# MEMO

**To:** Administrative Services Committee
**From:** Ellen Volmert, Assistant City Manager
**Subject:** City Council Policy 91-3.01
**Date:** October 23, 2008

## PURPOSE
This policy provides for temporary appointment of an Acting City Manager in the City Manager's absence.

## BACKGROUND
No circumstances have changed during the last three years that require change to the existing City Council policy. The policy covers limited periods of City Manager absence, up to 14 calendar days. Council action is required for appointment of an Acting City Manager for a longer period of time.

## DISCUSSION
The policy covers relatively short periods of time when the City Manager may be out of the office. Generally, the Assistant City Manager is appointed Acting City Manager for such time, unless the Assistant City Manager is also out of the office. When this occurs, a department director is appointed Acting City Manager. The intent of maintaining an Acting City Manager is to ensure someone is always designated who can perform the duties of the City Manager under the City Charter, in particular, operational needs such as signing contracts and other documents, and authorizing payment.

## FINANCIAL IMPACT
There is no financial impact of the existing policy and the policy specifies that such short term assignments are to be done without additional compensation.

## RECOMMENDATION
Staff recommends that the Committee recommend affirmation of the existing policy to the City Council.

Jon Nelson, City Manager

Scott Fewel, City Attorney

OCT 06 2008

# CITY OF CORVALLIS

# COUNCIL POLICY MANUAL

## POLICY AREA 3 - PERSONNEL AND ADMINISTRATIVE MATTERS

### CP 91-3.01 Appointment of Acting City Manager

**Adopted October 7, 1991**
Revised December 20, 1993
Revised October 16, 1995
Revised October 20, 1997
Revised November 1, 1999
Affirmed November 4, 2002
Affirmed November 7, 2005
**Affirmed October, 2008**

3.01.010 Purpose

To formalize the designation of a person to act as the City's Chief Executive Officer during the temporary absences of the City Manager that are not due to or do not result from Council action or from an inability or incapacity to perform by the incumbent.

3.01.020 Background

a) The City Charter, in Section 22 (City Manager), (e) (Manager pro tem), states: "In case of the Manager's absence from the City, or a temporary disability to act as Manager, or of the Manager's discharge by the Council, or resignation, the Council shall appoint a manager pro tem, who shall possess the powers and duties of the Manager...."

b) In practice, during the City Manager's temporary, scheduled absences from the City, that are not due to or result from inability or incapacity, the Manager has appointed an Acting City Manager. The same would be true during a planned period of physical absence of the Manager due to surgical procedure and hospital stay, etc.

c) In the event of the Manager's discharge or resignation, the Council would designate a Manager Pro Tem whose appointment could not extend beyond six months.

3.01.030 Definitions

3.01.031 City Manager

The appointed Chief Executive Officer of the City of Corvallis charged with: the responsibility to implement Council's adopted policies; the day-to-day operation of local municipal government; and the duty to counsel and advise the Mayor and City Council on matters of municipal importance.

3.01.032 Assistant City Manager

The Assistant City Manager is appointed by the City Manager and assists the organization in achieving strategic goals and implementing City policy.

3.01.033 Acting City Manager

The person designated by the City Manager to act in her/his capacity during temporary, planned absences.

3.01.040 Procedures

3.01.041 Appointment of Acting City Manager

a) The Assistant City Manager is hereby appointed to act in the City Manager's capacity and assume his/her full responsibilities, with some exceptions, for temporary periods of time not to exceed fourteen (14) calendar days unless otherwise authorized by the City Council.

b) In the absence of both the City Manager and the Assistant City Manager, the City Manager will appoint a Department Director to act in her/his capacity with the proscriptions noted above.

3.01.042 Duties and Responsibilities

a) The Acting City Manager will be responsible for the ongoing implementation of Council policies and the day-to-day operation of the City, including signing documents, contracts, agreements, and other instruments in the Manager's stead.

b) No bond will be required for this temporary assumption of responsibility nor will there be monetary compensation to the Acting City Manager for assuming the additional duties and responsibilities during these short periods of time.

3.01.050 Responsibility

The Council, by virtue of long-standing practice, has given to the City Manager the authority to appoint her/his replacement during temporary, scheduled absences that are not due to or result from inability or incapacity. Thus, this Council Policy has been developed for ratification and inclusion in the Policy Manual.

3.01.060 Review and Update

The "Appointment of the Acting City Manager" Policy shall be reviewed at least every three years in October by the City Manager for recommendation to the Council on appropriate revisions.

INTER OFFICE

# MEMO

**To:** Administrative Services Committee
**From:** Ellen Volmert, Assistant City Manager
**Subject:** City Council Policy: Compensation
**Date:** October 23, 2008

## PURPOSE

To update the City Council Policy on Compensation and continue to provide equitable total compensation for City employees within budgetary and funding restrictions.

## BACKGROUND

This policy was last updated in October 2006 with the major change of incorporating language to align with the Council's new sustainability policy. The essential policies and procedures have remained stable over time. Over the last two years, the current policy has generally served the City well in its negotiations with the four employee units and the Council policy serves as the platform for administrative policies regarding compensation such as that governing the classification and compensation system. For example, the policy provided essential guidance in working with AFSCME to develop both greater internal equity in their structure and more market flexibility. The basic Council policy has generally remained stable for the past fifteen or more years.

There are changes recommended to the policy, however, to make these policies more clear and more relevant to overarching Council values. For example, even though the City has consistently used the mean of comparators as a total compensation benchmark, this has not been explicitly stated in the policy and this led to some communications problems in negotiations. There has also not been a specific reference to labor negotiations and the impact of State law. Therefore, there are some minor changes reflected in the recommended revised policy, attached.

## DISCUSSION

Two areas have been added to the attached draft to make the policy and goals more clear, while maintaining flexibility for the City Council. One is a reference to State collective bargaining law , that maintaining positive labor relations is an associated City Council goal, and that negotiations processes have an impact on compensation. The second area is to explicitly state what has been a benchmark or guideline for many years, maintaining the City at about the mean of our comparators in total compensation. The intent here is that this represents a general guideline for policy purposes, but that it is not intended to restrict the City where other factors, such as effective retention and recruitment, may require deviating from that guideline to maintain effective operations and desired results.

OCT 0 6 2008

**FINANCIAL IMPACTS**

There are no direct financial impacts of these changes as they primarily clarify existing policy direction.

**RECOMMENDATION**

That the Administrative Services Committee recommend approval of the revised Council Policy on Compensation.

Jon Nelson, City Manager

Scott Fewel, City Attorney

Nancy Brewer, Finance Director

# CITY OF CORVALLIS

# COUNCIL POLICY MANUAL

## POLICY AREA 3 - PERSONNEL AND ADMINISTRATIVE MATTERS

**CP 91-3.02** **City Compensation Policy**

**Adopted April 6, 1987**
Revised 1989
Affirmed October 7, 1991
Affirmed 1993
Revised October 16, 1995
Revised October 20, 1997
Affirmed November 1, 1999
Affirmed June 18, 2001
Revised January 5, 2004
Revised September 7, 2004
Revised November, 2006
**Revised October, 2008**

3.02.010 Purpose

Compensation is one factor in establishing and maintaining the City as an Employer of Choice and promoting social sustainability in its operations. This policy seeks to establish salary ranges and total compensation for all positions (except Council-appointed positions and seasonal or casual positions) that will: assure the maintenance of total base compensation equity among employees; enhance the ability of the City to attract and retain qualified employees; recognize the value of work performed by employees to the organization and the community; **maintaining positive and effective labor relations**; and, address these goals within the economic ability of the City to pay, reasonable limits on the costs to provide City services, and the budgetary restrictions established by the City Council. The policy **is intended to** ~~should~~ also provide flexibility to the City Council on how best to meet these objectives.

3.02.020 Policy

Salary range and other elements of compensation will be established based upon how total compensation best meets the above objectives. Total compensation balances external market values, internal equity among positions within job families (to avoid compression) and internal relative worth (comparing compensation for jobs of equal worth across the organization). Total compensation is defined as all rewards and recognition, including base wages, other salary or incentive compensation, benefits and perquisites; and specifically all direct or indirect wages and benefits for a specific position which have a calculated material value.

Within these policies and limitations, therefore, salary ranges will be competitive in the employment market and within the City organization, and will also be based on the relative compensatory value of jobs within the organization according to skill, effort, responsibility, and working conditions associated with the jobs. To the extent that established salary ranges detract from the City's ability to recruit or retain a qualified work force, salary ranges may be adjusted according to the market value for the job or to prevent serious internal compression between positions.

**State law also dictates which employees are covered by collective bargaining agreements and for such employees, compensation is a mandatory subject of bargaining. The application of the above factors, therefore, is also subject to the bargaining process.**

3.02.030 Guidelines

The City Manager is authorized to administer this policy through compensation plans developed in accordance with the purposes established in this policy, the following guidelines, and subject to budgetary considerations, the reasonable cost of providing City services, the City's ability to pay, and any applicable provisions of State law:

3.02.031 Internal Compensation relationships

Internal compensation relationships are judged on two factors, relative worth and family structure. Salary relationships (internal relative worth) will be determined through job analysis which will reflect similarities and differences among jobs in:

a) level of responsibility,
b) knowledge,
c) physical requirements of the position,

Compensation relationships will also take into account, where applicable, the City's career and job family structure and any serious internal compensation compression issues, especially as they may impact attracting and retaining a qualified workforce. Compression is defined as an inadequate compensation differential between positions within a particular job family for promotion purposes. Compensation relationships will also take into account the City's ability to pay and the impact on the cost of City services.

3.02.032 External relationships

To be competitive in the employment market, the external value of positions will be determined by comparing total compensation rates for comparable jobs in a reasonable recruiting area and among comparative cities (as defined under state law. State law shall be used to define external comparables. **Total compensation placing the City at the mean of comparators is to be used as a guideline, but special market forces impacting recruitment, retention, and other operating needs shall also be considered.** Consideration will be given to total compensation data including employee benefits, stability of employment, physical environment, organization and human relations environment in which the work is performed, each organization's ability to pay, and supply and demand forces. This amount shall be the market value of the position.

3.02.033 Excellence

It is a long-term goal of our overall compensation policy that creative ways of recognizing and rewarding excellence in performance be explored and implemented, especially where linked to the organization's ability to achieve desired results.

3.02.040 Review and Update

The "City Compensation" Policy shall be reviewed at least every two years in October by the City Manager for recommendation to the Council on appropriate revisions.

Attachment 1

3. Introduction of each member of group – with affiliation

4. Explanation of group (especially important for quasi judicial):

Purpose of meeting – ASC, HRC, Budget Commission, Policing forum are all different

Process how meetings will go –

Explain role of public input

# URBAN SERVICES COMMITTEE
# MINUTES
# December 18, 2008

| Present | Staff |
|---|---|
| David Hamby, Chair | Jon Nelson, City Manager |
| Patricia Daniels | Tom Penpraze, Utilities Division Manager |
| Richard Hervey | Emely Day, City Manager's Office |

## SUMMARY OF DISCUSSION

| Agenda Item | Information Only | Held for Further Review | Recommendations |
|---|---|---|---|
| I. Industrial Wastewater Pretreatment Program: Sewer Use Ordinance Modification | | | Amend Municipal Code Chapter 4.03, "Sewer Regulations," **by means of an ordinance to be read by the City Attorney** |
| II. Other Business | | | |

## CONTENT OF DISCUSSION

Councilor Hamby called the meeting to order at 4:01 pm.

I. Industrial Wastewater Pretreatment Program: Sewer Use Ordinance Modifications (Attachment)

Utilities Division Manager Penpraze explained that the City's Industrial Wastewater Pretreatment Program is mandated by the Environmental Protection Agency (EPA) and the Department of Environmental Quality (DEQ) and is implemented through the City's wastewater discharge permits, officially referred to as National Pollution Discharge Elimination System Permits. All United States utilities the size of Corvallis are required to have similar programs. The regulations are intended to protect public infrastructure. Prior to establishment of the regulations, it was not uncommon for sewer lines to explode, causing injuries or deaths, disruption to wastewater treatment processes, or transfer of toxins to receiving water bodies (e.g., the Willamette River). The Industrial Wastewater Pretreatment Program is very prescriptive. Periodically EPA and DEQ require Program updates – EPA forwards regulation amendments to DEQ, which forwards the amendments to the City for codification and implementation. The Program was extensively amended during 1997; since then, some program updates were made that did not affect the Municipal Code.

(Councilor Daniels arrived at this time.)

Most of the recommended amendments involve new Federal regulations and "streamlining" regulations from EPA. Staff also recommended some minor "housekeeping" amendments. Staff considered the Federal regulation amendments acceptable for the City and its customers. Staff asked major industrial wastewater pretreatment customers to review the amendments; no comments were offered, even though the amendments would subject the customers to more regulations. Staff recommended that the Council adopt the recommended amendments to the Municipal Code.

Mr. Penpraze responded to Committee members' comments, suggestions, and questions:

- Staff does not expect the proposed "streamlining" amendments to negatively impact public health or the environment. The DEQ is required to adopt the Federal regulations as minimum requirements but has the legal authority to adopt more-stringent regulations. Staff works closely with DEQ, which opined that the proposed amendments would not make the regulations less necessary or protective of public health or the environment in Oregon.
- The City's biosolids are applied to agricultural land surrounding the community (primarily grass seed farms and Oregon State University farms where cattle feed is grown). The City's biosolids have very few toxins and contaminants, primarily because there is little industry in Corvallis. The City must comply with stringent requirements regarding metal, toxins, and bacteria in biosolids. Farmers are not charged for receiving the City's biosolids, so the transfer of biosolids to agricultural lands is a "cost of doing business" for the Wastewater Reclamation Plant (WWRP).
- The City would need more-stringent pretreatment requirements (which it could legally impose) in order to sell its biosolids to farmers who raise crops for human consumption. The City issues discharge permits to regulated industries and, therefore, could set pretreatment requirements. Alternatively, the City would need to perform extensive treatment at the WWRP to be able to apply biosolids to human food crops under current regulations. There is a social stigma associated with applying biosolids to crops consumed by humans, even though the biosolids contain many desirable nutrients. It could cost the City millions of dollars in capital improvements and annual operations and maintenance to implement the level of pretreatment requirements needed for this type of biosolids use. Farmers currently receiving the City's biosolids apply much less commercial fertilizer to their crop fields, which aligns with the City's sustainability initiatives.
- Meeting Packet Page A1; Section 4.03.010.020, Definitions –
  - » 5) Best Management Practices – The proposed language amendment was prescribed by EPA, including the wording of the last sentence (deleting the phrase "but not limited to").
- Meeting Packet Page A3; Section 4.03.010.020, Definitions –
  - » 53) a) – CFR is an acronym for "Code of Federal Regulations," which outlines the procedures the City must follow. POTW is an acronym for "Publicly Owned Treatment Works" (a wastewater treatment plant). *[Acronyms in the text included in the meeting packet are defined at the beginning of Municipal Code Chapter 4.03, "Sewer Regulations."]*

» (B) c) – The Municipal Code includes a definition of "untreated concentrated wastewater."

- Meeting Packet Page A-4; Section 4.03.010.020, Definitions –
  » a), b), and c) – These provisions describe different types of violations: chronic, Technical Review Criteria, and other Pretreatment Standard or Requirement, respectively. The proposed language amendments are prescribed by EPA.
  » c) – Other Municipal Code provisions address environmental impacts from violations.
- Meeting Packet Page A-6; Section 4.03.020.080, Protection from accidental discharge or slug discharge –
  » A slug discharge could be purposeful or could be "metered into" wastewater; an industrial wastewater slug could disrupt operations unless it was gradually introduced to the wastewater. An accidental discharge could be a ruptured tank.
  » 3) – This provision should be re-worded to read, ". . . immediately of any changes at their facilities affecting potential . . ." for grammatical correctness. *[This language is prescribed by EPA.]*
- Meeting Packet Page A-10; Section 4.03.030.061, Permit transferability –
  » The City's procedures manual specifies the advance-notice time requirement, which is sufficient for staff to influence the actions of permit holders.
- Meeting Packet Page A-12; Section 4.03.030.080, Periodic compliance reports –
  » B. 1) – The City may authorize a waiver if an industrial facility discharges to the City's system under a discharge permit and discharges sanitary wastewater (lunch rooms, restrooms, showers, etc.) into the same sewer system that receives industrial process wastewater. The provision addresses pollutants attributable to the sanitary wastewater, rather than the industrial pretreated wastewater. A pollutant in the wastewater may not be regulated under the industrial pretreatment permit (e.g., laundry detergent).
  » 8. – The provision could be more effective if re-worded so that "notify the City" is the first requirement stated. *[This language is prescribed by EPA.]*
- Meeting Packet Page A-17; Section 4.03.030.106, Sample collection procedures –
  » Evanite is not required to have a special permit because it has its own industrial wastewater treatment facility on the east side of the Willamette River in Linn County. The City processes Evanite's sanitary wastewater.
- Meeting Packet Page A-19; Section 4.03.030.131, Public notification of industrial users in significant non-compliance –
  » Notices are published in the "legal notices" portion of the *Corvallis Gazette-Times* classified advertisements section. The proposed language amendment is prescribed by EPA and addresses situations of a permit holder violating the terms of its permit.

Based upon a motion moved and seconded by Councilors Daniels and Hervey, respectively, the Committee unanimously recommends that Council amend Municipal Code Chapter 4.03, "Sewer Regulations," **by means of an ordinance to be read by the City Attorney.**

II. Other Business

A. Councilor Daniels distributed to the Committee a newspaper article regarding the "Portland Loo" public restroom.

B. The next regular Urban Services Committee meeting will be held January 8, 2009, in the Madison Avenue Meeting Room at 4:00 pm, with future meeting days and time determined by the new Committee members.

Councilor Hamby adjourned the meeting at 4:31 pm.

Respectfully submitted,

David Hamby, Chair

MEMORANDUM

December 4, 2008

TO: Urban Services Committee

FROM: Steve Rogers, Public Works Director

SUBJECT: Proposed Sewer Use Ordinance Municipal Code Modifications: Industrial Wastewater Pretreatment Program

## I. Issue

The City is required to maintain an Industrial Wastewater Pretreatment Program (IWMP) in compliance with state and federal regulations. Some current City program guidelines and regulations, as outlined in the Municipal Code, are not in compliance with new requirements from the US Environmental Protection Agency (EPA) and the Oregon Department of Environmental Quality (DEQ), and need to be modified.

## II. Background

The City administers an industrial wastewater pretreatment program mandated by DEQ and EPA through provisions in the Federal Clean Water Act. These requirements are enforced through the City's National Pollution Discharge Elimination System (NPDES) wastewater utility discharge permit.

Provisions of the IWMP regulate the quality and quantity of industrial wastewater discharged to the Corvallis wastewater system to protect the safety of staff and the community, prevent damage to infrastructure and the wastewater treatment processes, and prevent pollution of the Willamette River. For example, Hewlett-Packard and Western Pulp are issued wastewater discharge permits by the City which contain the terms and conditions they are required to comply with regarding pretreatment of their waste stream before they discharge the wastewater to the City's system.

The Corvallis Municipal Code, Chapter 4.03, Sewer Regulations and Charges, is the legal instrument which gives the City the authority to implement the pretreatment program. Periodically, changes at the federal and state level require that the City modify its sewer use municipal code to remain in compliance with program requirements. The municipal code was last modified for industrial pretreatment purposes in 1997 due to changes at the state and federal level.

## III. Discussion

The City is being required by DEQ to modify the sewer use municipal code to comply with EPA's new "streamlining" regulations. These new regulations are intended to reduce the regulatory burden on the industrial community without reducing the level of environmental protection.

Staff has also made some housekeeping changes to the pretreatment sections of the Sewer Use Regulations which will better facilitate the City's ability to manage the industrial wastewater pretreatment program. Hewlett-Packard, Western Pulp, and Allied Waste, three major industrial customers affected by these proposed program changes, were requested to review and comment on the draft changes. No comments were received. The proposed modifications are attached. The provisions recommended for removal are struck-out and the new provisions are shown in bold.

## IV. Recommendation

Staff recommends that the Urban Services Committee approve the Sewer Use Ordinance proposed modifications and recommend that the City Council adopt them for inclusion in the Municipal Code.

Reviewed and Concur:

Jon S. Nelson, City Manager

City Attorney

Attachments

Municipal Code Modification

BMP Definition

Section 4.03.010.020 Definitions.

5) Best management practices (BMPs) - ~~Best management practices are inherently pollution prevention practices. Best management practices include, but are not limited to: good housekeeping measures; good management techniques intended to avoid contact between pollutants and water media as a result of leaks, spills, and improper waste disposal; production modifications; operational changes; materials substitution; and materials and water conservation.~~ **The term Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 4.03.020.040 (Prohibited discharges) of this chapter. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.**

Municipal Code Modification

Day Definition

Section 4.03.010.020 Definitions.

14) Day(s) - ~~is calendar day(s).~~ **For reporting purposes, day(s) is calendar day(s); For sampling purposes, day(s) is a 24 hour period.**

Material in **bold** is new. Material ~~struck out~~ is deleted.

Municipal Code Modification

SIU Definition

Section 4.03.010.020 Definitions.

53) Significant industrial user (SIU) - **(A) Except as provided in (B) and (C) of this section, the term Significant Industrial User means:**

**a) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and**

**b) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.**

**(B) The City may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:**

**a) the Industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;**

**b) the Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and**

**c) the Industrial User never discharges any untreated concentrated wastewater.**

**(C) Upon a finding that an Industrial User meeting the criteria in (A)(b) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any**

**Pretreatment Standards or requirement, the City may at any time, on its on initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR 403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.**

~~Any Industrial User of the City's wastewater treatment system who:~~

~~a) has an industrial waste discharge of 25,000 gallons or more per average work day (excluding sanitary, noncontact cooling and boiler blowdown wastewater), or~~

~~b) discharges wastes containing toxic pollutants as defined pursuant to Section 307 and Section 502 of the Federal Water Pollution Control Act or Oregon Statues and rules, or~~

~~c) is found by the City, or the Oregon Department of Environmental Quality (DEQ) to have reasonable potential for adversely affecting, either singly or in combination with other contributing industries, the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system, or~~

~~d) is subject to Categorical Pretreatment Standards in Sections 307 (b) and (c) of the Federal Water Pollution Control Act, or~~

~~e) is found by the City or DEQ to have reasonable potential for violating any pretreatment standard or requirement, or~~

~~f) discharges to the POTW, industrial waste containing significant amounts (as determined by the City) of pollutants monitored by the City for mass loading to the POTW, or~~

~~g) discharges an industrial waste equal to or greater than five percent (5%) of the average daily dry weather hydraulic, total suspended solids (TSS), or organic (BOD) capacity of the POTW wastewater treatment system.~~

Municipal Code Modification

SNC Definition

Section 4.03.010.020 Definitions.

54) Significant noncompliance (SNC) - ~~An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:~~ **A Significant Industrial User (or any Industrial User which violates paragraphs (c), (d), or (h) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:**

~~a) Chronic Violations - Violations of wastewater discharge limits in which sixty-six percent or more of all measurements taken during any six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;~~

**a) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6 month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);**

~~b) Technical Review Criteria Violations (TRC) - TRC violations are those in which thirty-three percent or more of all measurements for each pollutant parameter taken during any six-month period equal or exceed the product of the daily maximum or the average limit multiplied by 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH;~~

**b) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6 month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);**

~~c) Any other violation of an effluent limit (average or daily maximum, including industrial user sampling and any sampling done by the City) that the City determines has caused, alone or in combination with other discharges, interference or pass through including endangering the health of City personnel or the general public;~~

**c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges,**

**Interference or Pass Through (including endangering the health of City personnel or the general public);**

d) Any discharge of a pollutant that has caused imminent ~~danger~~ **endangerment** to human health, welfare or to the environment or has resulted in the City exercising its emergency authority to halt or prevent such a discharge;

e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in the IWDP or enforcement order for starting construction, completing construction, or attaining final compliance;

f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, **periodic** self-monitoring reports, and reports on compliance with compliance schedules;

g) Failure to accurately report noncompliance;

h) Any other violation or group of violations**, which may include a violation of Best Management Practice,** which the City determines will adversely affect the operation or implementation of the City's pretreatment program.

Municipal Code Modification

Slug Discharge Definition

Section 4.03.010.020 Definitions.

56) Slug **discharge** ~~load~~ - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge**, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions.**

Material in **bold** is new. Material ~~struck out~~ is deleted.

Municipal Code Modification

Slug Discharge Requirements

Section 4.03.020.080 Protection from accidental discharge or slug **discharge** ~~load~~.

1) Each industrial user shall provide protection from accidental discharge or slug load of prohibited materials or other wastes regulated hereby. Facilities to prevent accidental discharge or slug load of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the utility.

2) A notice shall be permanently posted by industrial users in a prominent place, advising employees when to call in the event of an accidental discharge or slug load. Employers shall advise employees, who may cause accidental discharges or slug loads, of the notification procedure.

**3) Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge.**

**4) If the City decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:**

**a) Description of discharge practices, including non-routine batch discharges;**

**b) Description of stored chemicals;**

**c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 4.03.020.040 (Prohibited discharges) of this chapter with procedures for follow-up written notification within five days; and**

**d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.**

Material in **bold** is new. Material ~~struck out~~ is deleted.

Municipal Code Modification

Notification of Violation and Sampling Requirement

**Section 4.03.020.083 Notification of Violation and Sampling Requirement.**

**If sampling performed by a User indicates a violation, the User must notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.**

**If the City performs the sampling and analysis in lieu of the Industrial User, the City will perform the repeat sampling and analysis unless the City notifies the User of the violation and requires the User to perform the repeat sampling and analysis.**

Municipal Code Modification

Permit Conditions

Section 4.03.030.050 Permit conditions.

Industrial wastewater discharge permits shall be expressly subject to all provisions herein and all other applicable regulations, user charges and fees established by the City. ~~Permits may contain the following:~~

~~1) Limits on the wastewater constituents and/or characteristics;~~

~~2) Limits on discharge flow rates, time of discharge, or requirements for flow equalization or other flow regulations;~~

~~3) Requirements for implementing pollution prevention and/or best management practices;~~

~~4) Requirements for installation and maintenance of inspection and sampling facilities;~~

~~5) Specifications for monitoring programs including, but not limited to, sampling locations, frequency of sampling, number, types and standards for testing of samples, and reporting requirements and schedules;~~

~~6) Compliance schedules;~~

~~7) Requirements for maintaining and retaining plant records relating to the wastewater discharge and allowance for the access to plant records by the City;~~

~~8) Requirements for notification of the City of any new wastewater constituent or change in volume or character of the wastewater being discharged or change in production.~~

~~9) Requirements for notification of the City of slug loads and accidental discharges.~~

~~10) Requirements for requesting amendments to the permit for an increase or change in contribution to the wastewater system.~~

~~11) Conditions for notification to the City upon violation of the permit.~~

~~12) Other conditions as the City requires to ensure compliance herein.~~

**A. Permits shall contain the following:**

**1) Statement of duration (in no case more than five years) in accordance with Section 4.03.030.060 of this municipal code.**

**2) Statement that the permit is nontransferable without prior notification to the City in accordance with Section 4.03.030.061 of this municipal code, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.**

**3) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical Pretreatment Standards, local limits, and State and local law.**

**4) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type.**

**5) The process for seeking a waiver from monitoring for a pollutant neither present nor**

**expected to be present in the discharge in accordance with Section 4.03.030.080 of this municipal code.**

**6) Any grant of the monitoring waiver by the City shall be included as a condition in the User's permit.**

**7) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the time for compliance beyond that required by applicable federal deadlines.**

**8) Requirements to control slug discharges, if determined by the City to be necessary.**

**9) Requirements for notification of the City of any new wastewater constituent or change in volume or character of the wastewater being discharged or change in production.**

**10) Requirements for notification of the City of slug loads and accidental discharges.**

**11) Requirements for requesting amendments to the permit for an increase or change in contribution to the wastewater system.**

**12) Requirements for notification of the City upon violation of the permit.**

**B. Permits may contain, but need not be limited to, the following:**

**1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;**

**2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;**

**3) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;**

**4) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;**

**5) Compliance schedules; and**

**6) Other conditions as the City requires to ensure compliance herein.**

Municipal Code Modification

Permit Duration, Reissuance and Modification

Section 4.03.030.060 Permit duration**, reissuance and modification.**

~~1)~~ Permits will be issued for a specified time period (in no case more than five years). The user shall apply for reissuance of the permit a minimum of 180 days prior to the expiration of the existing permit. The terms and conditions of the permit may be modified by the City during the term of the permit if just cause exists, and shall include a reasonable time schedule for compliance.

~~2) Industrial wastewater discharge permits are not transferrable or saleable to new users or new operation without the prior written approval of the City and provision of a copy of the existing permit to the new owner or operator.~~

Material in **bold** is new. Material ~~struck out~~ is deleted.

Municipal Code Modification

Permit Transferability

**Section 4.03.030.061 Permit transferability.**

**Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives advance notice to the City and the City approves the permit transfer. The notice to the City must include a written certification by the new owner or operator which:**

**1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;**

**2. Identifies the specific date on which the transfer is to occur;**

**3. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit; and**

**4. States that a copy of the existing permit has been provided to the new owner or operator.**

**Failure to provide the City advance notice of a transfer or failure to provide a copy of the existing permit to the new owner or operator renders the individual wastewater discharge permit void as of the date of facility transfer.**

Municipal Code Modification

BMP Reports

Section 4.03.030.070 Reporting requirements; compliance date.

Users with permits containing compliance schedules shall submit a compliance report to the City within 90 days after the date for compliance. New sources shall submit a report to the City indicating the nature, concentration, and flow rates of regulated pollutants following commencement of discharge to the wastewater system. Compliance reports shall state whether the limits or requirements are being met and, if not, what is necessary to bring the user into compliance. **In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the Industrial User shall submit documentation as required by the City or the applicable Pretreatment Standards to determine compliance with the Pretreatment Standard.** The report shall be signed by an authorized representative of the user.

Municipal Code Modification

Periodic Compliance Reports

Section 4.03.030.080 ~~Operational~~ **Periodic compliance** reports.

**A. Significant Industrial** Users required by permit to sample and/or monitor discharge, shall submit to the City **no less than twice per year** (each June and December), or as required by permit, a report indicating the nature and amount of pollutants in the discharge to the wastewater system. ~~The report shall include results of all required monitoring and sampling during the reporting period.~~ **In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the Significant Industrial User must submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User.**

**B. The City may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:**

**1) The City may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.**

**2) The monitoring waiver is valid only for the duration of the effective period of the industrial wastewater discharge permit or other equivalent individual control mechanism, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent industrial wastewater discharge permit.**

**3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.**

**4) The request for a monitoring waiver must be signed in accordance with Section 4.03.030.085 of this municipal code and include the certification statement in 40 CFR 403.6(a)(2)(ii).**

**5) Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.**

**6) Any grant of the monitoring waiver by the City must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the City for 3 years after expiration of the waiver.**

**7) Upon approval of the monitoring waiver and revision of the User's permit by the City, the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:**

**Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).**

**8) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of paragraph (A) of this section or other more frequent monitoring requirements imposed by the City; and notify the City.**

**9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.**

**C. If a Significant Industrial User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in Section 4.03.030.106 of this municipal code, the results of this monitoring shall be included in the report.**

Municipal Code Modification

Record Keeping

**Section 4.03.030.081 Record keeping.**

**Users subject to the reporting requirements of this municipal code shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this municipal code, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 4.03.030.122. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the City.**

Municipal Code Modification

Signatory Requirements

**Section 4.03.030.085 Signatory requirements for industrial user reports.**

**Reports required to be submitted by Significant Industrial Users (including Non-Significant Categorical Industrial Users) shall be signed as follows:**

**1) By a responsible corporate officer, if the industrial user submitting the reports is a corporation. A responsible corporate officer means:**

**a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or**

**b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.**

**2) By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.**

**3) By a duly authorized representative of the individual designated in paragraph (1) or (2) of this section if:**

**a) The authorization is made in writing by the individual described in paragraph (1) or (2);**

**b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and**

**c) The written authorization is submitted to the City of Corvallis.**

**4) If an authorization under paragraph (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) of this section must be submitted to the City of Corvallis prior to or together with any reports to be signed by an authorized representative.**

Municipal Code Modification

Inspection and Sampling

Section 4.03.030.100 **Right of Entry:** Inspection and sampling.

~~The City may inspect the facilities of any user to determine if the requirements herein are being met. The City shall be allowed ready access, at all reasonable times, to all parts of the premises for the purposes of inspection, sampling, inspection and copying of records, or for performance of other duties as provided herein. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Users having security measures in force which require proper identification and clearance before entry into their premises shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City will be allowed undelayed entrance for the purposes of performing their responsibilities. (Ord. 97-24 § 3, 12/1/97; Ord. 90-03 § 6 (part), 1990)~~

**The City shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.**

**1) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City shall be permitted to enter without delay for the purposes of performing specific responsibilities.**

**2) The City shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.**

**3) The City may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure their accuracy.**

**4) The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities shall**

**be provided in accordance with the City's requirements and all applicable local construction standards and specifications. If required by the City, such facilities shall be constructed and maintained in such a manner so as to enable the City to perform independent monitoring activities.**

**5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be born by the User.**

**6) Unreasonable delays in allowing the City access to the User's premises shall be a violation of this ordinance.**

Municipal Code Modification

Analytical Requirements

**Section 4.03.030.105 Analytical Requirements.**

**All pollutant analyses, including sampling techniques, to be submitted as part of a report or wastewater discharge permit application shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136 sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties approved by EPA.**

Municipal Code Modification

Sample Collection Procedures

**Section 4.03.030.106 Sample collection procedures.**

**1) Samples collected by Industrial Users to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.**

**2) Grab samples must be used for temperature, pH, cyanide, total phenols, oil and grease, sulfides, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City.**

**3) Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge.**

**4) Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate.**

**5) For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil & grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum. For Industrial User self-monitoring reports, the City shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.**

Municipal Code Modification

BMPs and Local Limits

**Section 4.03.030.122 BMPs and local limits.**

**At the sole discretion of the City, best management practices (BMPs) can be used in conjunction with or in lieu of local limits. BMPs can be used to implement general prohibitions, specific prohibitions, and become pretreatment standards.**

Municipal Code Modification

Public Notification of SNC

Section 4.03.030.131 Public notification of industrial users in significant noncompliance.

~~The City shall publish at least annually, in the largest daily newspaper located in the City, a list of all industrial users that were in significant noncompliance with pretreatment standards and requirements during the previous twelve months.~~

**The City shall provide at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements.**

**ORDINANCE 2008-____**

**AN ORDINANCE RELATING TO INDUSTRIAL WASTEWATER, AMENDING MUNICIPAL CODE CHAPTER 4.03, "SEWER REGULATIONS," AS AMENDED**

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. The title of Chapter 4.03, Sewer Regulations, is hereby amended as follows:

~~Sewer Regulations~~ **Industrial Wastewater Pretreatment Program**

Section 2. Various sections of Municipal Code Chapter 4.03 are hereby amended as follows:

**Chapter 4.03**

Industrial Wastewater Pretreatment Program ~~Sewer Regulations~~

**Sections:**

4.03.010.020 Definitions.
4.03.020.080 Protection From Accidental Discharge or Slug Discharge ~~Load~~.
4.03.020.083 Notification of Violation and Sampling Requirement.
4.03.030.050 Permit Conditions.
4.03.030.060 Permit Duration, Reissuance and Modification.
4.03.030.061 Permit Transferability.
4.03.030.070 Reporting Requirements; Compliance Date.
4.03.030.080 ~~Operational~~ Periodic Compliance Reports.
4.03.030.081 Record Keeping.
4.03.030.085 Signatory Requirements for Industrial User Reports.
4.03.030.100 Right of Entry: Inspection and Sampling.
4.03.030.105 Analytical Requirements.
4.03.030.106 Sample Collection Procedures.
4.03.030.122 BMP's and Local Limits.
4.03.030.131 Public Notification of Industrial Users in Significant Noncompliance.

**Section 4.03.010.020 Definitions.**

5) Best management practices (BMPs) - ~~Best management practices are inherently pollution~~

~~prevention practices. Best management practices include, but are not limited to: good~~

~~housekeeping measures; good management techniques intended to avoid contact between pollutants and water media as a result of leaks, spills, and improper waste disposal; production modifications; operational changes; materials substitution; and materials and water conservation.~~ The term Best Management Practices or BMPs means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to implement the prohibitions listed in Section 4.03.020.040 (Prohibited discharges) of this chapter. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

14) Day(s) - ~~is calendar day(s).~~ For reporting purposes, day(s) is calendar day(s); For sampling purposes, day(s) is a 24 hour period.

53) Significant industrial user (SIU) - (A) Except as provided in (B) and (C) of this section, the term Significant Industrial User means:

a) All Industrial Users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N; and

b) Any other industrial user that: discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding sanitary, noncontact cooling and boiler blowdown wastewater); contributes a process wastestream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW treatment plant; or is designated as such by the City on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standard or requirement.

(B) The City may determine that an Industrial User subject to categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR chapter I, subchapter N is a Non-Significant Categorical Industrial User rather than a Significant Industrial User on a finding that the Industrial User never discharges more than 100 gallons per day (gpd) of total categorical wastewater (excluding sanitary, noncontact cooling and boiler blowdown wastewater, unless specifically included in the Pretreatment Standard) and the following conditions are met:

a) the Industrial User, prior to the City's finding, has consistently complied with all applicable categorical Pretreatment Standards and Requirements;

b) the Industrial User annually submits the certification statement required in 40 CFR 403.12(q) together with any additional information necessary to support the certification statement; and

c) the Industrial User never discharges any untreated concentrated wastewater.

(C) Upon a finding that an Industrial User meeting the criteria in (A)(b) of this section has no reasonable potential for adversely affecting the POTW's operation or for violating any Pretreatment Standards or requirement, the City may at any time, on its on initiative or in response to a petition received from an Industrial User, and in accordance with 40 CFR

403.8(f)(6), determine that such Industrial User is not a Significant Industrial User.

~~Any Industrial User of the City's wastewater treatment system who:~~

~~a) has an industrial waste discharge of 25,000 gallons or more per average work day (excluding sanitary, noncontact cooling and boiler blowdown wastewater), or~~

~~b) discharges wastes containing toxic pollutants as defined pursuant to Section 307 and Section 502 of the Federal Water Pollution Control Act or Oregon Statues and rules, or~~

~~c) is found by the City, or the Oregon Department of Environmental Quality (DEQ) to have reasonable potential for adversely affecting, either singly or in combination with other contributing industries, the wastewater treatment system, the quality of sludge, the system's effluent quality, or air emissions generated by the system, or~~

~~d) is subject to Categorical Pretreatment Standards in Sections 307 (b) and (c) of the Federal Water Pollution Control Act, or~~

~~e) is found by the City or DEQ to have reasonable potential for violating any pretreatment standard or requirement, or~~

~~f) discharges to the POTW, industrial waste containing significant amounts (as determined by the City) of pollutants monitored by the City for mass loading to the POTW, or~~

~~g) discharges an industrial waste equal to or greater than five percent (5%) of the average daily dry weather hydraulic, total suspended solids (TSS), or organic (BOD) capacity of the POTW wastewater treatment system.~~

54) Significant noncompliance (SNC) - ~~An industrial user is in significant noncompliance if its violation meets one or more of the following criteria:~~ A Significant Industrial User (or any Industrial User which violates paragraphs (c), (d), or (h) of this section) is in significant noncompliance if its violation meets one or more of the following criteria:

~~a) Chronic Violations - Violations of wastewater discharge limits in which sixty-six percent or more of all measurements taken during any six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;~~

a) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken for the same pollutant parameter during a 6 month period exceed (by any magnitude) a numeric Pretreatment Standard or Requirement, including instantaneous limits, as defined by 40 CFR 403.3(l);

~~b) Technical Review Criteria Violations (TRC) - TRC violations are those in which thirty-three percent or more of all measurements for each pollutant parameter taken during any six-month period equal or exceed the product of the daily maximum or the average limit multiplied by 1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all other pollutants except pH;~~

b) Technical Review Criteria (TRC) violations, defined here as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a 6 month period equal or exceed the product of the numeric Pretreatment Standard or Requirement including instantaneous limits,

as defined by 40 CFR 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);

~~c) Any other violation of an effluent limit (average or daily maximum, including industrial user sampling and any sampling done by the City) that the City determines has caused, alone or in combination with other discharges, interference or pass through including endangering the health of City personnel or the general public;~~

c) Any other violation of a Pretreatment Standard or Requirement as defined by 40 CFR 403.3(l) (daily maximum, long-term average, instantaneous limit, or narrative standard) that the City determines has caused, alone or in combination with other discharges,
Interference or Pass Through (including endangering the health of City personnel or the general public);

d) Any discharge of a pollutant that has caused imminent ~~danger~~ endangerment to human health, welfare or to the environment or has resulted in the City exercising its emergency authority to halt or prevent such a discharge;

e) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in the IWDP or enforcement order for starting construction, completing construction, or attaining final compliance;

f) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;

g) Failure to accurately report noncompliance;

h) Any other violation or group of violations, which may include a violation of Best Management Practice, which the City determines will adversely affect the operation or implementation of the City's pretreatment program.

56) Slug discharge ~~load~~ - Any discharge of a non-routine, episodic nature, including but not limited to an accidental spill or a non-customary batch discharge, which has a reasonable potential to cause Interference or Pass Through, or in any other way violate the POTW's regulations, local limits or Permit conditions.

(Ord. 2009- § , 2009; Ord. 2006-07 §9, 04/03/2006; Ord. 2000-10 §3, 05/15/2000; Ord. 97-24 §1, 12/1/97; Ord. 95-10 §1, 1995; Ord. 92-35 §11, 1992; Ord. 90-23 §1, 1990; Ord. 90-03 §1, 1990; Ord. 83-3 §1, 1983)

**Section 4.03.020.080 Protection From Accidental Discharge or Slug Discharge ~~load~~.**

1) Each industrial user shall provide protection from accidental discharge or slug load of prohibited materials or other wastes regulated hereby. Facilities to prevent accidental-discharge or slug load of prohibited materials shall be provided and maintained at the owner or operator's own cost and expense. Detailed plans showing facilities and operating procedures to provide this protection shall be submitted to the utility.

2) A notice shall be permanently posted by industrial users in a prominent place, advising employees when to call in the event of an accidental discharge or slug load. Employers shall advise employees, who may cause accidental discharges or slug loads, of the notification procedure.

3) Significant Industrial Users are required to notify the POTW immediately of any changes at its facility affecting potential for a Slug Discharge.

4) If the City decides that a slug control plan is needed, the plan shall contain, at a minimum, the following elements:

a) Description of discharge practices, including non-routine batch discharges;

b) Description of stored chemicals;

c) Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under Section 4.03.020.040 (Prohibited discharges) of this chapter with procedures for follow-up written notification within five days; and

d) If necessary, procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site run-off, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

(Ord. 2009- § , 2009; Ord. 2000-10 § 3, 05/15/2000; Ord. 97-24 § 2, 12/1/97; Ord. 90-03 § 4, 1990; Ord. 83-3 § 9, 1983)

**Section 4.03.020.083 Notification of Violation and Sampling Requirement.**

If sampling performed by a User indicates a violation, the User must notify the City within twenty-four (24) hours of becoming aware of the violation. The User shall also repeat the sampling and analysis and submit the results of the repeat analysis to the City within thirty (30) days after becoming aware of the violation. Resampling by the Industrial User is not required if the City performs sampling at the User's facility at least once a month, or if the City performs sampling at the User between the time when the initial sampling was conducted and the time when the User or the City receives the results of this sampling, or if the City has performed the sampling and analysis in lieu of the Industrial User.

If the City performs the sampling and analysis in lieu of the Industrial User, the City will perform the repeat sampling and analysis unless the City notifies the User of the violation and requires the User to perform the repeat sampling and analysis.

(Ord. 2009- § , 2009)

**Section 4.03.030.050 Permit Conditions.**

Industrial wastewater discharge permits shall be expressly subject to all provisions herein and all other applicable regulations, user charges and fees established by the City. ~~Permits may contain the following:~~

~~1) Limits on the wastewater constituents and/or characteristics;~~

~~2) Limits on discharge flow rates, time of discharge, or requirements for flow equalization or other flow regulations;~~

~~3) Requirements for implementing pollution prevention and/or best management practices;~~

~~4) Requirements for installation and maintenance of inspection and sampling facilities;~~

~~5) Specifications for monitoring programs including, but not limited to, sampling locations, frequency of sampling, number, types and standards for testing of samples, and reporting requirements and schedules;~~

~~6) Compliance schedules;~~

~~7) Requirements for maintaining and retaining plant records relating to the wastewater discharge and allowance for the access to plant records by the City;~~

~~8) Requirements for notification of the City of any new wastewater constituent or change in volume or character of the wastewater being discharged or change in production.~~

~~9) Requirements for notification of the City of slug loads and accidental discharges.~~

~~10) Requirements for requesting amendments to the permit for an increase or change in contribution to the wastewater system.~~

~~11) Conditions for notification to the City upon violation of the permit.~~

~~12) Other conditions as the City requires to ensure compliance herein.~~

A. Permits shall contain the following:

1) Statement of duration (in no case more than five years) in accordance with Section 4.03.030.060 of this municipal code.

2) Statement that the permit is nontransferable without prior notification to the City in accordance with Section 4.03.030.061 of this municipal code, and provisions for furnishing the new owner or operator with a copy of the existing wastewater discharge permit.

3) Effluent limits, including Best Management Practices, based on applicable general Pretreatment Standards, categorical Pretreatment Standards, local limits, and State and local law.

4) Self-monitoring, sampling, reporting, notification, and record keeping requirements. These requirements shall include an identification of pollutants (or best management practice) to be monitored, sampling location, sampling frequency, and sample type.

5) The process for seeking a waiver from monitoring for a pollutant neither present nor expected to be present in the discharge in accordance with Section 4.03.030.080 of this municipal code.

6) Any grant of the monitoring waiver by the City shall be included as a condition in the User's permit.

7) Statement of applicable civil and criminal penalties for violation of Pretreatment Standards and requirements, and any applicable compliance schedule. Such schedules may not extend the time for compliance beyond that required by applicable federal deadlines.

8) Requirements to control slug discharges, if determined by the City to be necessary.

9) Requirements for notification of the City of any new wastewater constituent or change in volume or character of the wastewater being discharged or change in production.

10) Requirements for notification of the City of slug loads and accidental discharges.

11) Requirements for requesting amendments to the permit for an increase or change in contribution to the wastewater system.

12) Requirements for notification of the City upon violation of the permit.

B. Permits may contain, but need not be limited to, the following:

1) Limits on the average and/or maximum rate of discharge, time of discharge, and/or requirements for flow regulation and equalization;

2) Requirements for the installation of pretreatment technology, pollution control, or construction of appropriate containment devices, designed to reduce, eliminate, or prevent the introduction of pollutants into the POTW;

3) Development and implementation of waste minimization plans to reduce the amount of pollutants discharged to the POTW;

4) Requirements for installation and maintenance of inspection and sampling facilities and equipment, including flow measurement devices;

5) Compliance schedules; and

6) Other conditions as the City requires to ensure compliance herein.

(Ord. 2009- § , 2009; Ord. 2000-10 § 3, 05/15/2000; Ord. 97-24 § 3, 12/1/97; Ord. 90-03 § 6 (part), 1990)

**Section 4.03.030.060 Permit Duration, reissuance and modification.**

~~1)~~ Permits will be issued for a specified time period (in no case more than five years). The user shall apply for reissuance of the permit a minimum of 180 days prior to the expiration of the existing permit. The terms and conditions of the permit may be modified by the City during the term of the permit if just cause exists, and shall include a reasonable time schedule for compliance.

~~2) Industrial wastewater discharge permits are not transferrable or saleable to new users or new operation without the prior written approval of the City and provision of a copy of the existing permit to the new owner or operator.~~

(Ord. 97-24 § 3, 12/1/97; Ord. 91-19 § 4, 1991; Ord. 90-03 § 6 (part), 1990)

**Section 4.03.030.061 Permit Transferability.**

Individual wastewater discharge permits may be transferred to a new owner or operator only if the permittee gives advance notice to the City and the City approves the permit transfer. The notice to the City must include a written certification by the new owner or operator which:

1. States that the new owner and/or operator has no immediate intent to change the facility's operations and processes;
2. Identifies the specific date on which the transfer is to occur;
3. Acknowledges full responsibility for complying with the existing individual wastewater discharge permit; and
4. States that a copy of the existing permit has been provided to the new owner or operator.

Failure to provide the City advance notice of a transfer or failure to provide a copy of the existing permit to the new owner or operator renders the individual wastewater discharge permit void as of the date of facility transfer.

(Ord. 2009- § , 2009)

**Section 4.03.030.070 Reporting Requirements; Compliance Date.**

Users with permits containing compliance schedules shall submit a compliance report to the City within 90 days after the date for compliance. New sources shall submit a report to the City indicating the

nature, concentration, and flow rates of regulated pollutants following commencement of discharge to the wastewater system. Compliance reports shall state whether the limits or requirements are being met and, if not, what is necessary to bring the user into compliance. In cases where the Pretreatment Standard requires compliance with a Best Management Practice or pollution prevention alternative, the Industrial User shall submit documentation as required by the City or the applicable Pretreatment Standards to determine compliance with the Pretreatment Standard. The report shall be signed by an authorized representative of the user.
(Ord. 2009- § , 2009; Ord. 2000-10 § 3, 05/15/2000; Ord. 97-24 § 3, 12/1/97; Ord. 90-03 § 6 (part), 1990)

**Section 4.03.030.080 ~~Operational~~ Periodic Compliance Reports.**

A. Significant Industrial Users required by permit to sample and/or monitor discharge, shall submit to the City no less than twice per year (each June and December), or as required by permit, a report indicating the nature and amount of pollutants in the discharge to the wastewater system. ~~The report shall include results of all required monitoring and sampling during the reporting period.~~
In cases where the Pretreatment Standard requires compliance with a Best Management Practice (BMP) or pollution prevention alternative, the Significant Industrial User must submit documentation required by the City or the Pretreatment Standard necessary to determine the compliance status of the User.

B. The City may authorize the Industrial User subject to a categorical Pretreatment Standard to forego sampling of a pollutant regulated by a categorical Pretreatment Standard if the Industrial User has demonstrated through sampling and other technical factors that the pollutant is neither present nor expected to be present in the Discharge, or is present only at background levels from intake water and without any increase in the pollutant due to activities of the Industrial User. This authorization is subject to the following conditions:

1) The City may authorize a waiver where a pollutant is determined to be present solely due to sanitary wastewater discharged from the facility provided that the sanitary wastewater is not regulated by an applicable categorical Standard and otherwise includes no process wastewater.

2) The monitoring waiver is valid only for the duration of the effective period of the industrial wastewater discharge permit or other equivalent individual control mechanism, but in no case longer than 5 years. The User must submit a new request for the waiver before the waiver can be granted for each subsequent industrial wastewater discharge permit.

3) In making a demonstration that a pollutant is not present, the Industrial User must provide data from at least one sampling of the facility's process wastewater prior to any treatment present at the facility that is representative of all wastewater from all processes.

4) The request for a monitoring waiver must be signed in accordance with Section 4.03.030.085 of this municipal code and include the certification statement in 40 CFR 403.6(a)(2)(ii).

5) Non-detectable sample results may only be used as a demonstration that a pollutant is not present if the EPA approved method from 40 CFR part 136 with the lowest minimum detection level for that pollutant was used in the analysis.

6) Any grant of the monitoring waiver by the City must be included as a condition in the User's permit. The reasons supporting the waiver and any information submitted by the User in its request for the waiver must be maintained by the City for 3 years after expiration of the waiver.

7) Upon approval of the monitoring waiver and revision of the User's permit by the City, the Industrial User must certify on each report with the statement below, that there has been no increase in the pollutant in its wastestream due to activities of the Industrial User:

Based on my inquiry of the person or persons directly responsible for managing compliance with the Pretreatment Standard for 40 CFR _____ [specify applicable National Pretreatment Standard part(s)], I certify that, to the best of my knowledge and belief, there has been no increase in the level of _____ [list pollutant(s)] in the wastewaters due to the activities at the facility since filing of the last periodic report under 40 CFR 403.12(e)(1).

8) In the event that a waived pollutant is found to be present or is expected to be present based on changes that occur in the User's operations, the User must immediately: Comply with the monitoring requirements of paragraph (A) of this section or other more frequent monitoring requirements imposed by the City; and notify the City.

9) This provision does not supersede certification processes and requirements established in categorical Pretreatment Standards, except as otherwise specified in the categorical Pretreatment Standard.

C. If a Significant Industrial User subject to the reporting requirement in this section monitors any regulated pollutant at the appropriate sampling location more frequently than required by the City, using the procedures prescribed in Section 4.03.030.106 of this municipal code, the results of this monitoring shall be included in the report.

(Ord. 2009- § , 2009; Ord. 2000-10 § 3, 05/15/2000; Ord. 97-24 § 3, 12/1/97; Ord. 90-03 § 6 (part), 1990)

**Section 4.03.030.081 Record Keeping.**

Users subject to the reporting requirements of this municipal code shall retain, and make available for inspection and copying, all records of information obtained pursuant to any monitoring activities required by this municipal code, any additional records of information obtained pursuant to monitoring activities undertaken by the User independent of such requirements, and documentation associated with Best Management Practices established under Section 4.03.030.122. Records shall include the date, exact place, method, and time of sampling, and the name of the person(s) taking the samples; the dates analyses were performed; who performed the analyses; the analytical techniques or methods used; and the results of such analyses. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any litigation concerning the User or the City, or where the User has been specifically notified of a longer retention period by the City.

(Ord. 2009- § , 2009)

**Section 4.03.030.085 Signatory Requirements for Industrial User Reports.**

Reports required to be submitted by Significant Industrial Users (including Non-Significant Categorical Industrial Users) shall be signed as follows:

1) By a responsible corporate officer, if the industrial user submitting the reports is a corporation. A responsible corporate officer means:

a) a president, secretary, treasurer, or vice-president of the corporation in charge of a principal business function, or any other person who performs similar policy- or decision-making functions for the corporation, or

b) the manager of one or more manufacturing, production, or operating facilities, provided, the manager is authorized to make management decisions which govern the operation of the regulated facility including having the explicit or implicit duty of making major capital investment recommendations, and initiate and direct other comprehensive measures to assure long-term environmental compliance with environmental laws and regulations; can ensure that the necessary systems are established or actions taken to gather complete and accurate information for control mechanism requirements; and where authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures.

2) By a general partner or proprietor if the industrial user submitting the reports is a partnership or sole proprietorship respectively.

3) By a duly authorized representative of the individual designated in paragraph (1) or (2) of this section if:

a) The authorization is made in writing by the individual described in paragraph (1) or (2);

b) The authorization specifies either an individual or a position having responsibility for the overall operation of the facility from which the industrial discharge originates, such as the position of plant manager, operator of a well, or well field superintendent, or a position of equivalent responsibility, or having overall responsibility for environmental matters for the company; and

c) The written authorization is submitted to the City of Corvallis.

4) If an authorization under paragraph (3) of this section is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, or overall responsibility for environmental matters for the company, a new authorization satisfying the requirements of paragraph (3) of this section must be submitted to the City of Corvallis prior to or together with any reports to be signed by an authorized representative.

(Ord. 2009- § , 2009)

**Section 4.03.030.100 Right of Entry: Inspection and Sampling.**

~~The City may inspect the facilities of any user to determine if the requirements herein are being met. The City shall be allowed ready access, at all reasonable times, to all parts of the premises for the purposes of inspection, sampling, inspection and copying of records, or for performance of other duties as provided herein. The City shall have the right to set up on the user's property such devices as are necessary to conduct sampling, inspection, compliance monitoring and/or metering operations. Users having security measures in force which require proper identification and clearance before entry into their premises shall make necessary arrangements with their security guards so that upon presentation of suitable identification, personnel from the City will be allowed undelayed entrance for the purposes of performing their responsibilities. (Ord. 97-24 § 3, 12/1/97; Ord. 90-03 § 6 (part), 1990)~~

The City shall have the right to enter the premises of any User to determine whether the User is complying with all requirements of this ordinance and any individual wastewater discharge permit or order issued hereunder. Users shall allow the City ready access to all parts of

the premises for the purposes of inspection, sampling, records examination and copying, and the performance of any additional duties.

1) Where a User has security measures in force which require proper identification and clearance before entry into its premises, the User shall make necessary arrangements with its security guards so that, upon presentation of suitable identification, the City shall be permitted to enter without delay for the purposes of performing specific responsibilities.

2) The City shall have the right to set up on the User's property, or require installation of, such devices as are necessary to conduct sampling and/or metering of the User's operations.

3) The City may require the User to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the User at its own expense. All devices used to measure wastewater flow and quality shall be calibrated at least annually to ensure their accuracy.

4) The location of the monitoring facility shall provide ample room in or near the monitoring facility to allow accurate sampling and preparation of samples and analysis and whether constructed on public or private property, the monitoring facilities shall be provided in accordance with the City's requirements and all applicable local construction standards and specifications. If required by the City, such facilities shall be constructed and maintained in such a manner so as to enable the City to perform independent monitoring activities.

5) Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the User at the written or verbal request of the City and shall not be replaced. The costs of clearing such access shall be born by the User.

6) Unreasonable delays in allowing the City access to the User's premises shall be a violation of this ordinance.

(Ord. 2009- § , 2009; Ord. 97-24 § 3, 12/1/97; Ord. 90-03 § 6 (part), 1990)

**Section 4.03.030.105 Analytical Requirements.**

All pollutant analyses, including sampling techniques, to be submitted as part of a report or wastewater discharge permit application shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto, unless otherwise specified in an applicable categorical Pretreatment Standard. If 40 CFR Part 136 does not contain sampling or analytical techniques for the pollutant in question, or where the EPA determines that the Part 136

sampling and analytical techniques are inappropriate for the pollutant in question, sampling and analyses shall be performed by using validated analytical methods or any other applicable sampling and analytical procedures, including procedures suggested by the City or other parties approved by EPA.
(Ord. 2009- § , 2009)

**Section 4.03.030.106 Sample Collection Procedures.**

1) Samples collected by Industrial Users to satisfy reporting requirements must be based on data obtained through appropriate sampling and analysis performed during the period covered by the report, based on data that is representative of conditions occurring during the reporting period.

2) Grab samples must be used for temperature, pH, cyanide, total phenols, oil and grease, sulfides, and volatile organic compounds. For all other pollutants, 24-hour composite samples must be obtained through flow-proportional composite sampling techniques, unless time-proportional composite sampling or grab sampling is authorized by the City.

3) Where time-proportional composite sampling or grab sampling is authorized by the City, the samples must be representative of the discharge.

4) Using protocols (including appropriate preservation) specified in 40 CFR Part 136 and appropriate EPA guidance, multiple grab samples collected during a 24-hour period may be composited prior to the analysis as follows: for cyanide, total phenols, and sulfides the samples may be composited in the laboratory or in the field; for volatile organics and oil & grease the samples may be composited in the laboratory. Composite samples for other parameters unaffected by the compositing procedures as documented in approved EPA methodologies may be authorized by the City, as appropriate.

5) For sampling required in support of baseline monitoring and 90-day compliance reports, a minimum of four (4) grab samples must be used for pH, cyanide, total phenols, oil & grease, sulfide and volatile organic compounds for facilities for which historical sampling data do not exist; for facilities for which historical sampling data are available, the City may authorize a lower minimum. For Industrial User self-monitoring reports, the City shall require the number of grab samples necessary to assess and assure compliance by Industrial Users with applicable Pretreatment Standards and Requirements.
(Ord. 2009- § , 2009)

**Section 4.03.030.122 BMPs and Local Limits.**

At the sole discretion of the City, best management practices (BMPs) can be used in conjunction with or in lieu of local limits. BMPs can be used to implement general prohibitions, specific prohibitions, and become pretreatment standards.

(Ord. 2009- § , 2009)

**Section 4.03.030.131 Public Notification of Industrial Users in Significant Noncompliance.**

~~The City shall publish at least annually, in the largest daily newspaper located in the City, a list of all industrial users that were in significant noncompliance with pretreatment standards and requirements during the previous twelve months.~~

The City shall provide at least annual public notification in a newspaper(s) of general circulation that provides meaningful public notice within the jurisdiction(s) served by the POTW of Industrial Users which, at any time during the previous 12 months, were in significant noncompliance with applicable Pretreatment requirements.

(Ord. 2009- § , 2009; Ord. 97-24 § 3, 12/1/97)

**PASSED by the City Council this _____ day of _____, 2008.**

**APPROVED by the Mayor this _____ day of _____, 2008.**

**EFFECTIVE this _____ day of _____, 2008.**

_____

**Mayor**

**ATTEST:**

_____

**City Recorder**

CORVALLIS
ENHANCING COMMUNITY LIVABILITY
PARKS & RECREATION

# MEMORANDUM

**To:** Mayor and City Council

**From:** Karen Emery, Parks and Recreation Director
Alice L. Renner, Management Assistant

**Date:** December 26, 2008

**Subject:** Grant Funds from the Oregon Parks and Recreation Department – Accept

**Issue:** City Council's approval is required to accept a grant agreement between the Oregon Parks and Recreation Department and the City of Corvallis Parks and Recreation Department for the Avery Park Rose Garden ADA project.

**Discussion:** This project is included in the adopted Capital Improvement Program for FY 08-09. The total cost of the project covered by this agreement is $74,436. The State of Oregon has agreed to pay $28,463 of the total project costs. Matching funds of $28,463 will be donated by the Rose Society as well as in kind labor in the amount of $17, 510.

Rose Garden improvements include a paved path system, ADA-approved parking, access ramps, kiosk roof, arbors, pergola, and raised beds.

**Recommendation:** Staff recommends City Council approval of this grant agreement, including adoption of a Resolution authorizing the City Manager to execute the agreement, and any future amendments relating to this agreement.

**Review and Concur:**

Robert E. Wright 12/26/08
Nancy Brewer, Finance Director

Ellen Volmert AIC 12/26/08
Jon S. Nelson, City Manager Date

Attachment

# GRANTS/GIFTS/DONATIONS

ROUTING:
1_____ _____
2_____ _____
3_____ _____
4_____ _____

DEPT: P&R
City Grant #: _____
Agency Grant #: LGP 0303

1) GrantTitle: Local Government Grant Program

2) Granting Agency: Oregon Parks and Recreation Department

3) Purpose of GRANT: Avery Rose Garden ADA Project

4) GRANT amount $ 28,463 Required to be expended by what date? One year from signing date.

5) Is the GRANT multi-year? (Y/N) N If yes, how much will the GRANT funding be for each Fiscal Year?
Fiscal Year FY08-09 Funding Amount $ $28,463
Fiscal Year _____ Funding Amount $_____

6) Has the GRANT been budgeted? (Y/N) Y If yes, account number(s) for GRANT budget (revenue & expenditure):
# 301-0703-440.31-01 678353 Amount $_____
#_____ Amount $_____

7) Will additional operational and maintenance expenses be incurred beyond those paid by the GRANT? N (Y/N) If yes, what amount, and are they budgeted?_____

8) List any on-going program (action) commitments or obligations that acceptance of this GRANT will require: Completion by August 31, 2010

9) Are Matching Funds required? (Y/N) Y If yes, amount $ $28,463 account # donated by Rose Society

10) Are In-Kind Services required? (Y/N) Y If yes, amount $ $17,510 account # donated labor by Rose Society

11) Will this GRANT result in additional FTEs? (Y/N) N If yes, how many? _____

12) Will it have specific expenditure restrictions? (Y/N) N If yes, please attach explanation.

13) Does the GRANT include or allow indirect or administrative costs to be recovered? (Y/N) N If not, explain:_____

14) Explain how Minority & Women Business Enterprise Purchasing Requirements will be met. City guidelines will be followed

15) Are there Penalty clauses in this GRANT? (Y/N) ? If yes, have they been reviewed by the City's Attorney? (Y/N)

**SIGNATURES MUST BE OBTAINED AT THE TIME OF GRANT AWARD**

| Department Director | Date | Finance Director | Date |
|---|---|---|---|

At time of application attach: _____Application. _____Grant Proposal. _____Proposed Budget for Grant.

At time of award attach: _____Letter of Notification. _____Revised proposals/budgets. _____Council Resolution. _____Grant Agreement.

# LOCAL GOVERNMENT GRANT PROGRAM
# GRANT AGREEMENT

**THIS AGREEMENT** is made and entered into on the date of final signature of this agreement by and between the State of Oregon, acting by and through the Oregon Parks and Recreation Department, hereinafter referred to as the "State," and City of Corvallis Parks & Recreation, or designated representative, hereinafter referred to as the "Sponsor."

The parties agree to the following:

**WHEREAS**, under ORS 390.180, the State and Sponsor may enter into an agreement concerning acquisition, development, and or rehabilitation of public outdoor recreation areas and facilities, hereinafter called "Project," and the State may make grants of money to assist the Sponsor in such projects.

**WHEREAS**, under OAR Chapter 736, Division 6, the Sponsor agrees to comply with the Local Government Grant Program administrative rules.

The purpose of this agreement is to set forth the obligation of both parties in the acquisition, development and/or rehabilitation of public outdoor recreation areas and facilities. The State and the Sponsor desire to achieve improvements in park and recreation areas and facilities as hereinafter described in the project application and to that end, the Sponsor proposes to perform work and/or acquire land as set out and described in the Description/Scope of Work section of this agreement and the Sponsor's application.

The State has sufficient Local Government Grant Program funds available within its current biennial budget and has authorized the expenditure on the Sponsor's project as defined below.

The Project has been reviewed and based on the Sponsor's application and representations, is found to be feasible and appropriate for funding.

Project Title: Avery Rose Garden ADA Project

Project Number: LGP0303

## PROJECT FUNDING

The total cost of the project covered by this Agreement is **$ 74,436**

The value of the Sponsor contributions for this project is **$28, 463,** which is the difference between the total cost and the State grant.

The State agrees to pay **$28,463** or **50 percent** of the total project costs, whichever amount is less, from monies available through the Local Government Grant Program.

**NOW, THEREFORE**, the State and the Sponsor agree to the following:

Upon approval by the Oregon Parks and Recreation Commission, the State shall provide Local Government Grant Program funds to the Sponsor to supplement the funding of the authorized Project.

Sponsor may begin work upon receipt of signed Agreements and a Notice to Proceed from the State. Any expenses incurred prior to the agreement date will not be eligible for reimbursement.

## PROJECT INFORMATION

Description/Scope of Work: Park improvements including paved path system, ADA-approved parking, access ramps, kiosk roof, arbors, pergola, raised beds, and as further described in the Project Sponsor's grant application.

Project Sponsor Contact: City of Corvallis Parks & Recreation
Jacqueline Rochefort, Park Planner
1310 SW Avery Park Dr.
Corvallis, OR 97333
Phone: 541.766.6918
Fax: 541.754.1701

The Sponsor's project and boundary map information is more particularly described in the project grant application and by this reference made a part of this agreement.

## PROJECT TERM AND AMENDMENTS:

Project Term: The Sponsor shall have one year from the date of authorization of this agreement to commence substantial work (i.e., for sponsor to award contracts for work or show at least 25% of work is complete if the work is performed by force account). Projects not in compliance with this schedule may be cancelled unless substantial justification for an extension is warranted.

This Agreement shall become effective after both parties have signed this Agreement and shall become effective on the final date of signature of this agreement. Unless otherwise terminated or extended this Project shall be completed and this Agreement shall expire on **August 31, 2010**.

Amendments:
This Agreement may only be amended if requested in writing, approved by the State, and signed by the parties. An extension for a six-month period may be granted for the project agreement if requested in writing at least 30 days prior to expiration date of this agreement, allowing enough time to prevent a lapse in the agreement. The request for extension must show a compelling need for the extension.

## PROGRESS REPORTS AND PAYMENTS

Progress Reports: Once work has begun, Sponsor shall report to the State on work completed on a quarterly basis as follows:

By April 30 for the quarter beginning January 1 and ending March 31;
By July 31 for the quarter beginning April 1 and ending June 30;
By October 31 for the quarter beginning July 1 and ending September 30;
By January 31 for the quarter beginning October 1 and ending December 31.

A progress report giving an accounting of the work accomplished is also required whenever project reimbursements are requested. A copy of the progress report form to be used is attached.

Sponsor must submit a final report and final reimbursement within 60 days of the project completion date or the expiration date of the agreement. The final report shall include full and final accounting of all expenditures and description of the work accomplished.

Reimbursements will be given only for those items identified in the grant agreement. Substitutions of the elements of the projects or deletion of elements will not receive reimbursement. Example, if the Sponsor stated in the grant agreement that a walkway will be paved but instead used cinder wood or purchased a storage shed, those dollars that were to be allocated towards the paving will be reduced from the Sponsor's project costs and will not be reimbursed.

## PROJECT BILLING AND REIMBURSEMENT

Sponsor may bill for reimbursable expenditures quarterly or at anytime during the agreement period with proper documentation. To request a reimbursement, Sponsor will complete Agency Billing Form, along with the progress report form, and send both to:

Oregon Parks and Recreation Department
ATTN: Michele Scalise, Grants Program Coordinator
725 Summer Street NE, Suite C
Salem, Oregon 97301
503-986-0708

The Agency Billing Form is attached with this agreement.

Partial reimbursements up to 90% of the grant amount may be billed to the state during the project period for work completed. In all partial reimbursements, State will retain 10% of total grant allocation amount until final approval and acceptance by the State. The final 10% will be reimbursed after the project is completed, full documentation is received, and there is final approval and acceptance by State.

Partial reimbursements and quarterly reports shall contain a reasonable and accountable request. At no time will the State reimburse Sponsor for more than the maximum percentage allowed under this agreement.

The State shall not be obligated to make a final payment to the Sponsor until all documentation and required reports are received. Projects may be inspected by the State prior to final acceptance and final reimbursement of the work completed.

## SPONSOR COVENANTS

Match: The sponsor shall contribute matching funds or the equivalent in labor, materials or services, which are shown as eligible match in the rules, policies and guidelines for the Local Government Grant Program.

Publicity: Sponsors shall make every effort to acknowledge and publicize the State's participation and assistance with the project. Prior to the completion of the project, the Sponsor agrees to place signage acknowledging the State's grant program support. Sponsor also agrees to maintain the signage throughout the life of the project. State may withhold final reimbursement payment until signage has been placed.

Public Access to the Project: The Sponsor shall allow open and unencumbered public access to the Project to all persons without regard to race, color, religious or political beliefs, sex, national origin or place of primary residence.

Compliance with Workers Compensation Law: The Sponsor shall require that its contractors or any subcontractors and all employers performing work on the Project be subject employers under the Oregon Workers Compensation Law and shall comply with ORS 656.017, which requires subject employers to provide compensation coverage for all subject workers.

Record Maintenance: The Sponsor shall retain a project file including accounting records for three (3) fiscal years after the completion of the project and allow the State, or its authorized representative, to inspect and review all fund related records, to the level of detail prescribed by the reviewing entity, whenever so requested by the State or its authorized representative.

Inspection and Audit: The Sponsor shall permit all fund-assisted sites to be inspected by the State and/or its authorized representative(s) at reasonable times. Projects may be inspected by the State prior to final acceptance.

Liability: The Sponsor shall be liable for injury or loss of property, personal injury, or death caused by the negligent or wrongful act or omission of any employee of the sponsor, while acting within the scope of his office or employment as permitted under the Oregon Tort Claims Act, where the State of Oregon, if a private person, would be liable to the claimant in accordance with the law of the State where the act or omission occurred.

Indemnity: Subject to the limits and conditions for the State of Oregon Tort Claims Act, the Sponsor shall defend, save, hold harmless, and indemnify the State of Oregon and the Department and their agencies, subdivisions, officers, directors, agents, employees, and members from any and all claims, suits, actions, losses, liabilities, costs, expenses, and damages of whatsoever nature resulting from, arising out of, or relating to the activities of Sponsor or its officers, employees, contractors, or agents under this agreement.

## CONVERSION

Sponsor further warrants that the land within the project boundary shall be dedicated and used for a period of no less than 25 years from the completion of the Sponsor's project for park or recreation purposes. Sponsor must insure that the land within the project boundary will be used only for park and recreation purposes, Sponsor controls or will have control the land, and that the Sponsor will not change the use of, sell, or otherwise dispose of the land within the project boundary, except upon written approval by the State. Leases for federally owned property must be at least 25 years. If the current lease is within 5 years of termination, a letter of intent to renew the lease will be required from the federal agency.

If the Sponsor converts lands within the project boundary to a use other than park and recreation purposes, or disposes of such land by sale or any other means, the Sponsor must provide replacement property within 24 months of either the conversion or the discovery of the conversion.

If replacement property cannot be obtained within the 24 months, the Sponsor will provide payment of the grant program's prorated share of the current fair market value to the State. The prorated share is that percentage of the original grant (plus any amendments) as compared to the original project cost(s). The replacement property must be equal to the current fair market value of the converted property, as determined by an appraisal. The recreation utility of the replacement property must also be equal to that of the lands converted or disposed.

If conversion should occur through processes outside of the Sponsor's control such as condemnation or road replacement or realignment, the Sponsor will be required to pass through to the State that prorated share of whatever consideration is provided to the Sponsor by the entity that caused the conversion. The monetary value of whatever consideration provided by the taking will normally consist of the fair market value of the property established by an appraisal.

## TERMINATION

The State reserves the right to cancel this agreement if no progress on the Project is made within one year of the effective date of this agreement.

The State, upon thirty (30) days written notice to the Sponsor, may modify or terminate this agreement if the State fails to receive funding or appropriations, limitations, or other expenditure authority at levels sufficient to pay the allowable costs of the Project to be funded hereunder, or should state law, regulation or guidelines be modified, changed or interpreted in such a way that the Project, or any portion of the Project is no longer eligible for Local Government Grant Program funding.

## REMEDIES

THE State shall have any and all rights and remedies available by law or in equity.

## GENERAL PROVISIONS

Participation in Similar Activities: This agreement in no way restricts the Sponsor or the State from participating in similar activities with other public or private agencies, organizations or individuals.

Duplicate Payment: The Sponsor shall not be compensated for or receive any form of duplicate, overlapping or multiple payments for the same work performed under this agreement from any agency of the State of Oregon or the United States of America or any other party, organization or individual. All Sponsor matching contributions to this agreement must be used and expended for this project only and within the project period.

No Third Party Beneficiaries: The State and the Sponsor are the only parties to this agreement and are the only parties entitled to enforce its terms. Nothing in this agreement gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly or indirectly, to a third person unless such a third person is individually identified by name herein and expressly described as intended beneficiary of the terms of this agreement.

Freedom of Information Act: Any information furnished under this agreement is subject to the Freedom of Information Act (5 U. S. C. 552).

Non-Discrimination: The parties agree not to discriminate on the basis of race, religion, sex, color, national origin, family status, marital status, sexual orientation, age, and source of income or mental or physical disability in the performance of this contract.

Notices: All written communications, which are to be given to the State under this Agreement, will be mailed and addressed as follows:

Oregon Parks and Recreation Department
Michele Scalise, Grants Program Coordinator
725 Summer Street NE, Suite C
Salem, Oregon 97301

**WAIVER CLAUSE**

THIS AGREEMENT CONSTITUTES THE ENTIRE AGREEMENT BETWEEN THE PARTIES. NO WAIVER, CONSENT, MODIFICATION OR CHANGE OF TERMS OF THIS AGREEMENT SHALL BIND EITHER PARTY UNLESS IN WRITING AND SIGNED BY BOTH PARTIES. SUCH WAIVER, CONSENT, MODIFICATION OR CHANGE, IF MADE, SHALL BE EFFECTIVE ONLY IN THE SPECIFIC INSTANCE AND FOR THE SPECIFIC PURPOSE GIVEN. THERE ARE NO UNDERSTANDINGS, AGREEMENTS, OR REPRESENTATIONS, ORAL OR WRITTEN, NOT SPECIFIED HEREIN REGARDING THIS AGREEMENT. SPONSOR, BY THE SIGNATURE BELOW OF ITS AUTHORIZED REPRESENTATIVE, HEREBY ACKNOWLEDGES THAT SPONSOR HAS READ THIS AGREEMENT, UNDERSTANDS IT AND AGREES TO BE BOUND BY ITS TERMS AND CONDITIONS.

**IN WITNESS THEREOF**, the parties hereto have caused this agreement to be properly executed by their authorized representatives as of the day and year hereinafter written.

_____
Project Sponsor

_____
Sponsor Title

_____
Sponsor Signature

_____
Date

_____
Local Government Grant Coordinator

_____
Date

_____
Grants Division Manager

_____
Date

**STATE OF OREGON, by and through Oregon Parks and Recreation Department**

_____
**Kyleen Stone, Assistant Director**

_____
Date

**RESOLUTION 2008-_____**

Minutes of the , Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, the City of Corvallis has been offered a grant from the Oregon Parks and Recreation Department in the amount of $28,463 for the purpose of improving the Avery Park Rose Garden to ADA standards; and

WHEREAS, Avery Park Rose Garden improvements and related grant have been included in the proposed FY 2008-09 Capital Improvement Program; and

WHEREAS, the grant acceptance requires approval by the City Council;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES to accept the grant offered by the Oregon Parks and Recreation Department and authorizes the City Manager to execute the agreement accepting the grant and any future amendments relating to the agreement.

_____
Councilor

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

Corvallis City Council
Remand Hearing
Brooklane Heights (PLD06-00018, SUB06-00006)
Jan, 04, 2009
Dear Corvallis City Council,

I was unable to locate a paper copy of the remand hearing staff report in the Corvallis Public Library at about ten minutes to Five on Friday Jan 2. Staff had perhaps sent this copy to the Library and it was in the mail room unfiled is what I was informed of on Jan 04 by City Staff.

The public has less or no chance of reviewing this material as of Friday Jan 2 at close to five pm from the Corvallis Public Library.

I see the conditions of approval #'s (1-27) in the Dec. 24, 2008 Remand staff report appear from my review to be exactly the same as the Conditions of Approval (1-27) Sept 17, 2007. I wonder have the hearing arguments can be made if these COA are the same?

So hopefully discussion points for each of the seven Remand points and all the exceptions will be able to be rewritten into new conditions of approval based on concise and informed question and answers from the new City Council and City Staff.

Looking at the remand staff report Attachment III-40 page One- paragraph three, I found referral to Foundation Engineering, Inc. geotechnical report dated January 25, 2006. I was unable to find this report readily available in the public copy of this Remand hearing's staff report.

In looking at the Geotechnical Report Test Pit Logs Attachment III-64 thru 78 TP-1 was dug in Nov. 15 only to seven inch depth in Lot 8. Lot 8 and 9 will be graded to 20 foot depth. November is a dry part of the year and this area slopes downhill and is perhaps draining water in the wet months of December and January. Looking at the soil survey the area is reported to have Bellpine Silt Clay Loam with horizons decribed as:

1-20 inch Silt clay loam
20-26 inch Red clay
26-36 inch Red brown partly weathered silt stone
Run off is medium and hazard of erosion is moderate.

This soil is found on slope of up to 18% and is associated with Hazelair complex which is found lower down on this slope with:

Hazelair complex
0-7 inch silt loam
7-15 inch silt clay loam
15-23 inch silt clay loam
23-33 inch clay
33-41 inch clayey fragmented siltstone
on slope of 12-20%. Hazelair complex with Bellpine soil have silt loam horizons and are less then 20 inches to sedimentary bedrock and have a silt loam surface layer and a silty clay subsoil that is 20-30 inches deep. Runoff is medium. Hazard of erosion is High.

Drainage plan for this site is unspecific and only described in map form, which is very difficult to read on the paper copy of the staff report. Baysavers and three ponding basins as well as all native drainage way may experience high levels of silty clay loam deposits due to the slope angle, Bellpine and Hazelair silt clay loam horizon make up. Discussion on Attachment X-5 page 4 of 9 under Operation and Maintenance Requirements suggests City develop routine maintenance of these detention facility when they have passed into City ownership. So I have concerns about function and care of all drainage facility and Native right of way openspace as greenspace used as drainage outfall downslope offsite.

I assume the owner will maintain these drainage way and deal with offsite drainage in a comprehensive manor and not add to issues with property damage downslope of this site in the already very seasonally wet subdivision housing below off of Brooklane Drive at Brooklane Park Estates. Drainage to the Marys may be rich in sediment for all three developments planned on this ridgeline and the natural ponds to the east of Brooklane Drive owned by Mr. Dilson may collect huge amounts of silt clay loam and sand, filling and degrading water quality for this naturally wet area.

Native right of way drainage in both Oakmont and Brooklane Heights may need to be rip rapped due to the fact they could over one rainy season very quickly erode/entrench and could due to slope angle and development pressures adding increased unknown amounts of water to these greenway/drainage corridor, naturally by erosion and strong hydrolic forces, change coarse of these native greenway steep drawed, downslope drainage ways, taking out conserved Oregon White Oak in the process.

Drainage catchment depressions may need to be lined to be able to function correctly as they may drain naturally into the silt clay loam as the Test Pit for these areas where not dug deep enough to show what would be

under them at x depth to control draining, should these depressions actually hold x volume of water for y period to drain downslope to whatever will contain this undetermined amount of surface and native water stored in this ridgeline in its basalt sandstone layers.

Nowhere in this staff report are there details of how this site looks subsurface and if these clay and decayed basalt layers are tipping(at what angle are they laying)?

In the coast range water added to tipping layers of oceanic deposited sandstone on basalt allow mass wasting to occur with small and large debris flow or land slumps localized to these hillslope and foothills of the Oregon Coast Range. It is noted this area has a rich deposit of fossil oceanic bivalves in local road cuts.

How is this subdivision safe in the event the underlaying ancient basalt and sandstone layers are tipping from horizontal as this hillslope/ridge line was or is being uplifted? The Corvallis Fault is located to the North and west of this location North of and near and above Walnut Drive so this fault may not be part of the reason this ridgeline is uplifted.

Due to ongoing mowing by the owner this upland Oregon white oak prairie has maintained some percent cover of native forb, bulb, lichen, moss content and so therefore may be one of the higher quality upland sites left in Corvallis due to the fact it has thin soil, has many steep rocky outcrops and deep V shaped draw topography. This site has x percent cover of non native and native grass species, flowering plant and bulb cover in the open and a Oregon White Oak canopy hillslope forest which is rare and hard to find anyplace in the WV undeveloped at this time.

This owner could perhaps consider "development" as a greenspace holding with some sort of very high paying conservation easement to be established here, to conserve within the UGB as these hillslopes which are highly developed for view shed real estate investment purposes.

Tens of years of mowing here are one of the best methods to keep weeds at bay and conserve what remains of native plant ecology setting this site as a very high quality prairie associated with the floodplain in Brooklane Park Estates built on fill and the Marys River Open Space Park CREP traded for developable land because it floods seasonally.

This area could be of excellent quality as it stands to be quickly used/inplanted to rehabititate rare and endangered plant and insect species included in the current Federal law ESA section 10 and 7

- Habitat Conservation Plan(HCP) the City/OSU and Benton County are underway with it's mandated 90 day comment period commencing this week.

This site with south facing exposure, dry slopes and thin to very thin surface soil over ancient weathering basalt would be about perfect for rare upland prairie plants to be tested for establishment. A very high price per acre could be perhaps agreed upon should this owner be interested in developing a USFWS conservation easement to house rare and endangered plants and insects.

I support LUBA's Seven Remand points and have concerns about this developments overall ability as presented in the 27 conditions of approval which look unchanged from the original 27 Conditions of Approval, to safely and effectively identify, plan for and manage native hillslope drainage associated with this geology (layered sandstone and basalt). How are homeowners coming to own homes on this hillside protected from property damage and are the homeowners below on Brooklane Drive/Brooklane Park Estates begin protected from offsite drainage and sediment erosion from this hillslope in future?

Three subdivisions will be built into this ridge slope above Brooklane Drive and all three will focus run off and storage of water into lower slope detention construction and all of them will dump combined run off and overflow development generated water (acres of hardened surface) into the natural ponds to the east of Brooklane Drive and this will seep and flow overland to ditchline in Marys River Open Space Park and outfall eventually, from this few 100 meters of ditch into the Marys River.

The Marys River Openspace Park is active floodplain and these ponds to the east of Brooklane and Brooklane Drive itself flood northbound towards Chintimini Avenue. Build out of Brooklane Drive recently may decrease the depth of flood flow from the Marys River which moves north along Brooklane Drive.

Cultural resource sites registered with State Historic Preservation Office, Salem are noted here and these areas appear as developable numbered lots so I wonder how this resource will be conserved or protected? This is issue is not at all detailed in this Remand Staff Report.

Thanks, Rana Foster

Rana Foster

Corvallis, Oregon 97333

**Memorandum**

| | |
|---|---|
| To: | Mayor and City Council |
| From: | Bob Richardson, Associate Planner RAR |
| Copy: | Jon Nelson, City Manager |
| Date: | January 5, 2009 |
| Subject: | LUBA Remand - Brooklane Heights (PLD06-00018, SUB06-00006) |

Enclosed are two pieces of correspondence entered into the record, today, January 5, 2009.

## Richardson, Robert

**From:** Charles C. Tomlinson [mayor@council.ci.corvallis.or.us]
**Sent:** Monday, January 05, 2009 11:12 AM
**To:** Richardson, Robert
**Subject:** [Fwd: Re: Brooklane Heights Remand hearing 1/5/08 (PLD06-00018-SUB06-00006)]

Bob, For the record. Charlie

---------- Original Message ----------
Subject: Re: Brooklane Heights Remand hearing 1/5/08 (PLD06-00018-SUB06-00006) From: "Charles C. Tomlinson" <mayor@council.ci.corvallis.or us> Date: Mon, January 5, 2009 11:10 am
To: "Susan Morre"
---

> Hi Susan,

Normally, a continuance allows for the staff and applicant presentations, as well as public testimony. The Council Council will decide this evening whether the public hearing will be continued.

Charlie
This weekend I discovered the December 30, 2008 memo from Ken Gibb to the
> City Council, noting that it had come to staff's attention that the
developer/applicant for Brooklane Heights had failed to post the onsite notice of the land use hearing for the full 20 days in advance of the hearing, which is scheduled for this evening, in violation of LDC 2.0.50.04.f.
>
>
>
> The memo, signed by City Manager Jon Nelson and City Attorney Scott
Fewel, recommends that the City Council conduct the hearing as planned this evening, and continue the hearing until the evening of the next Council meeting (January 20) and receive oral and written testimony at that time.
>
>
>
> It is not entirely clear if that means that only the staff
> presentation
would occur this evening, or if there would also be public testimony this evening.
>
> Documents pertinent to this hearing were only made available to the
public on Wednesday December 30, allowing minimal time for anyone to access them over the holidays.
>
>
>
> I respectfully request that the City Council postpone the entire
> hearing
until January 20, based on the applicant's failure to fully comply with the
> required public notice. If the Council is unwilling to postpone the
hearing
> for this valid reason, then I request that they provide email
verification that no public testimony will be taken until the January 20 public hearing.
> The first option will permit the interested public to participate by
attending a single public hearing rather than two hearings, and will give everyone (including Council members) a better opportunity to review the documents associated with this remand hearing and prepare testimony.
>
>
>
> Please let me know what the Mayor and Council have decided to do in

regard to this evening's hearing so I can let other interested persons know what to
> expect this evening.
>
>
>
> Thank you for your consideration.
>
>
>
> Sincerely,
>
>
>
> Susan Morre
>
>
>
> Corvallis
>
>

## Richardson, Robert

**From:** David Zajicek
**Sent:** Monday, January 05, 2009 11:49 AM
**To:** Richardson, Robert
**Cc:** Jan and David Zajicek
**Subject:** FW: Brooklane Heights (PLD06-00018, SUB06-00006)
**Attachments:** *Brookland Heights.tif*

Bob,

Attached, are copies of documents that pertain to the Fourth Assignment of Error listed in the LUBA remand.

As an affected party, we wish to register with the City our concern that the developer/builders strictly adhere to the maximum Structure Height when houses are built, as indicated in:

1. Section 3.2-6(h) in the LDC December 31, 2006; revised June 18, 2007.
2. Section 1.6 – 26 (Height of Buildings) LDC December 31, 2006; revised June 18, 2007

Thanks for your consideration. If you have any questions, please feel free to contact me at: phone 231-7778

Sincerely,

David and Jan Zajicek

# NOTICE OF LAND USE PUBLIC HEARING

CORVALLIS
ENHANCING COMMUNITY LIVABILITY

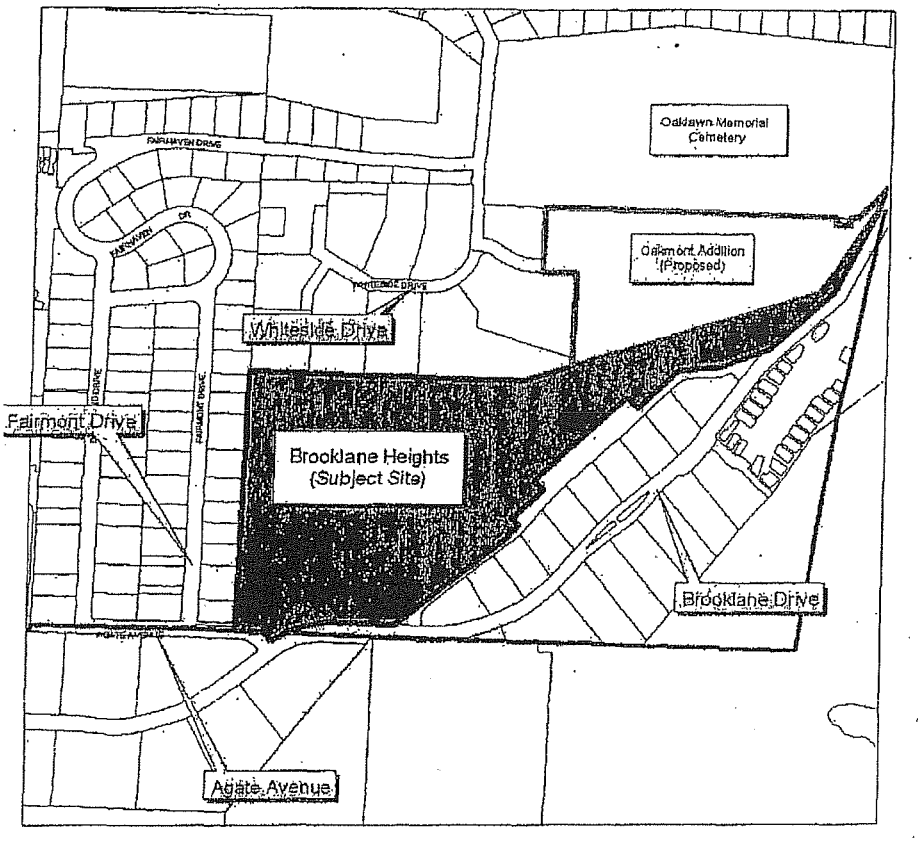
**Monday, January 5, 2009, 7:30 PM**
City of Corvallis City Council
City Fire Station Meeting Room, 400 NW Harrison Boulevard

**CASE:** **Brooklane Heights (PLD06-00018, SUB06-00006)**

**HEARING TOPIC**
Oregon Land Use Board of Appeals (LUBA) remand of City Council's decision to approve a Conceptual and Detailed Development Plan and Tentative Subdivision Plat.

**APPLICANT/ OWNER**
Stephen Schaberg
2535 SW Whiteside Drive
Corvallis, Oregon 97333

**PETIONERS**
Arthur Boucot, et al,
Represented by
Anne C. Davies
433 West 10th Avenue
Eugene, OR 97401




**REQUEST**
Approval of a Conceptual and Detailed Development Plan and Tentative Subdivision Plat to create a 45 lot subdivision and to vary from certain Land Development Code standards.

**SITE LOCATION**
The 25.88 acre site is located northwest of SW Brooklane Drive and northeast of SW Agate Avenue, east of SW Fairmont Drive, and south of SW Whiteside Drive. The site consists of one parcel which is identified on Benton County Assessor's Map 12-5-01-C as Tax Lot 1000.

**ISSUE**
The City Council approved the applicant's proposal on September 17, 2007, and this decision was appealed to the Oregon Land Use Board of Appeals (LUBA). On May 30, 2008, LUBA remanded the City Council decision to approve the Brooklane Heights Planned Development and Subdivision. LUBA determined that the City had not made adequate findings in support of the proposal with respect to two of the assignments of error raised by appellants and portions of two others. In summary, the remanded topics include:

- Fourth Assignment of Error– findings were inadequate for determining if the code and compatibility requirements are met without "typical building elevations" having been submitted.

*Applicable Standards and Review Criteria*
The LUBA Final Opinion and Order references 1993 LDC Chapter 2.5 - Planned Development, Sections 2.5.40.04 and 2.5.50.01.a.3, and Comprehensive Plan policies 4.6.7(G), 9.2.1, and 9.2.5 **(Exhibit VI)**. Also relevant are certain development standards in 2006 LDC Chapter - (RS-5) Low Density Zone. These standards and criteria are addressed below with respect to the fourth assignment of error.

**Section 2.5.50 - DETAILED DEVELOPMENT PLAN REVIEW PROCEDURES**

**2.5.50.01 - Application Requirements**

**An application filed for a Detailed Development Plan shall follow the requirements specified for a Conceptual Development Plan in Section 2.5.40 above and include the following:**

**a. Graphic Requirements**
**In addition to the graphic requirements specified for a Conceptual Development Plan in 2.5.40.01, a Detailed Development Plan shall include:**

**3. Typical elevations of buildings and structures (which may be submitted on additional sheets) sufficient to indicate the architectural intent and character of the proposed development;**

**Section 2.5.40 - CONCEPTUAL DEVELOPMENT PLAN REVIEW PROCEDURES**

**An application filed for a Conceptual Development Plan shall be reviewed in accordance with the following procedures.**

**The Director may waive any of the above requirements when determined the information required by this section is unnecessary to properly evaluate the proposed Planned Development. The Director may also require additional information to evaluate the proposal.**

Land Development Code Section 2.5.50.01.a.3 states that typical building elevation drawings shall be included in Detailed Development Plan applications. The applicant proposed to build custom homes on 42 individual lots (45 lots were proposed by the appellant on appeal and approved by Council). Because the applicant did not know how homes would be designed, typical building elevations were not submitted. Typical building elevations were not required for two reasons. One is that LDC 2.5.40 states that the Director may waive any application requirement when it is unnecessary to evaluate the proposed Planned Development. A second reason is that prior to the Planning Commission decision on the application, the 2006 LDC took effect. As a result, any homes proposed to be constructed on the subject site would be required to comply with 2006 LDC development standards unless other standards, e.g. building designs, were approved. The 2006 LDC contains clear and objective standards for the design of houses. Of particular relevance are the standards in 2006 LDC Chapter 3.2 - Low Density Zone (RS-5), which require compliance with LDC Chapter 4.10 - Pedestrian Oriented Design Standards **(Exhibit IX)**.

2006 LDC Chapter 3.2 contains clear and objective standards governing the development aspects such as building height, setbacks, and lot coverage. 2006 LDC Chapter 4.10 contains standards that, among other purposes, are to provide diversity and architectural variety in residential areas. In the absence of typical building elevations, which would

| | | Standard |
|---|---|---|
| g. | Minimum Setbacks and Buffering from Actively Farmed Open Space-Agricultural (OS-AG) Land<br><br>See also "k," and "l," below. | When residential development is proposed abutting Actively Farmed OS-AG Land, a minimum 50 ft.-wide continuous plant or plant/berm buffer is required. It is the applicant's responsibility to provide this buffer.<br><br>The minimum setback for lands adjacent to Actively Farmed OS-AG Land is 100 ft. Any intervening right-of-way may be included in the 100-ft. setback measurement.<br><br>Structures that existed on December 31, 2006, and that would fall within the 100-ft setback from Actively Farmed OS-AG Land shall not be considered as non-conforming structures and no additional buffering is required to maintain the existing development. |
| h. | Maximum Structure Height | 30 ft., not to exceed a solar envelope approved under Chapter 2.18 - Solar Access Permits, or Chapter 4.6 - Solar Access. |
| i. | Maximum Lot Coverage | 50 percent of lot area maximum; interior attached townhouses exempt from this provision |
| j. | Off-street Parking | See Chapter 4.1 - Parking, Loading, and Access Requirements. |
| k. | Outdoor Components Associated with Heat Pumps and Similar Equipment for Residential Structures | Shall not be placed within any required setback area.<br><br>When located outside a setback area, but within five to 10 ft. of a property line, such equipment shall be screened on all sides with a solid fence or wall at least one ft. higher than the equipment.<br><br>When located outside a setback area, but greater than 10 ft. from a property line, such equipment requires no screening. |
| l. | Outdoor Components Associated with Heat Pumps and Similar Equipment for Nonresidential Structures | Shall be in accordance with Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting. |
| m. | Minimum Assured Development Area (MADA) | See Chapter 4.11 - Minimum Assured Development Area (MADA). |
| n. | Natural Hazards and Hillsides | See Chapter 4.5 - Natural Hazard and Hillside Development Provisions. |
| o. | Significant Vegetation | See Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting and Chapter 4.12 - Significant Vegetation Protection Provisions. |

**Height of Buildings** - Vertical distance above a reference datum measured to the highest point of any non-gabled roof, or to the average height of the highest gable of a pitched or hipped roof. The height of a stepped or terraced building is the maximum height of any segment of the building. The reference datum shall be selected by either of the following, whichever yields a greater height of building:

a. As shown in Figure 1.6-18 - Method 1 below, elevation of the highest adjoining sidewalk or ground surface within a five-ft. horizontal distance of the exterior wall of the building when such sidewalk or ground surface is not more than 10 ft. above lowest grade.

b. As shown in Figure 1.6-19 - Method 2 below, elevation 10 ft. higher than the lowest grade when the sidewalk or ground surface described in "a", is more than 10 ft. above lowest grade.

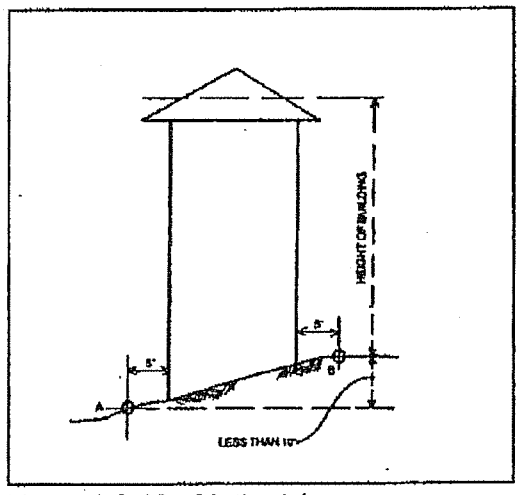


Figure 1.6-18 - Method 1

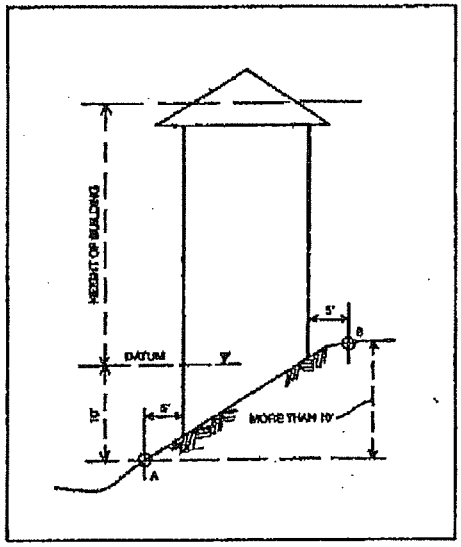


Figure 1.6-19 - Method 2

The height of a stepped or terraced building is the maximum height of any segment of the building.

**Historic Integrity** - Integrity of setting, location, materials or workmanship which is determined to be historic by fulfilling at least two of the following criteria:

a. The historic resource is in its original location or is in the location in which it made a historical contribution;

1-5-2009

City Council testimony on the Brooklane Heights proposed subdivision.

I am here to testify in support of the proposed subdivision. We live adjacent to the development on Fairmont Drive. I think this is a good plan under the current development guidelines. There are few newer neighborhoods with a wide variety of custom homes on reasonable sized lots in Corvallis. This variety is what makes the surrounding neighborhood attractive to me.

It is important to me that the adjacent development is built to somewhat the same standards. Elevations should be controlled so the view lines are protected from existing homes. The proposed densities and terrain will allow for an interesting variety of homes. Just an aside, I do think it is ludicrous to presume that limiting lot size and home size on several of the partials will create affordable housing. But the developer has agreed to meet those requirements.

The developer has gone to great lengths to preserve some of the surrounding vegetation and set aside a significant amount of open space. There should be plenty of cover for the local wildlife, hopefully not the wild turkeys that are becoming a nuisance and are not native to the area. The natural drainage for this area is into an existing wetland area that filters runoff before it runs into the Mary's River. This should present a very cost-effective way to handle surface water coming off the hill. They have bent over backwards during an ever changing planning environment to meet applicable codes.

In summation, I think this development that will present an opportunity to continue the type of neighborhood we all currently enjoy. Thanks.

Peter Ball

Corvallis, OR 97333

Name: Lynn Nordhausen

Happy New Year, and I thank you for the opportunity to share my opinions.

My husband and I have followed the progression of this development application for nearly 2 years, starting with a neighborhood meeting in February '07. We support and welcome it's approval.

The applicant/landowner is a long time local resident of SW Corvallis. He has been a good steward of the land; listened to concerns of the surrounding neighbors, and made an extensive effort to modify the plan to conform to the LDC and city identified requirements.

This piece of property was designated for development when it was placed within the UGB. It will be compatible with the existing development to the west and a great addition to the neighborhood as a whole with lighted streets, sidewalks, bike lanes and storm drainage, in comparison to the adjacent original unimproved streets without these amenities. #4

The remanded issues seem to speak to Comp Plan policies that are not definitive enough to identify every minuscule element of the development. Fortunately, some policies outline intent and leave some discretion to the City Engineers for site-specific evaluation.

In these uncertain times, The City of Corvallis should welcome a new development that is within close proximity to an 18-hole golf course, Sunset Shopping center, Mary's River Natural area and Starker/ Sunset Parks.

I urge you to approve this development application.

Thank you.