



**CORVALLIS
CITY COUNCIL AGENDA**

**February 2, 2009
12:00 pm and 7:00 pm**

**Downtown Fire Station
400 NW Harrison Boulevard**

COUNCIL ACTION

PLEDGE OF ALLEGIANCE

I. ROLL CALL

II. CONSENT AGENDA

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

- A. Reading of Minutes
 - 1. City Council Meeting – January 20, 2009
 - 2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Planning Commission – October 8, 15, and 29, November 5 and 19, and December 3, 2008
- B. Announcement of Vacancy on Planning Commission (Saunders)
- C. Announcement of Appointment to Watershed Management Advisory Commission (Bruce)
- D. Schedule an Executive Session following the regular noon meeting under ORS 192.660(2)(d)(h) (status of labor negotiations, status of pending litigation or litigation likely to be filed)

III. ITEMS REMOVED FROM CONSENT AGENDA

IV. UNFINISHED BUSINESS

- A. Deliberations relating to a Land Use Board of Appeals remand order (PLD06-00018, SUB06-00006 – Brooklane Heights)
- B. City Legislative Committee – January 28, 2009
- C. Labor negotiations briefing

V. MAYOR, COUNCIL, AND STAFF REPORTS

- A. Mayor's Reports
- B. Council Reports
- C. Staff Reports
 - 1. Planning Commission vacancies
 - 2. Council Request Follow-up Report – January 29, 2009

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

- A. Business Enterprise Center update by Executive Director Kathleen Hutchinson

VII. PUBLIC HEARINGS – 7:30 pm

- A. Continuation of a public hearing to consider an appeal of a Planning Commission decision (PLD08-00013, SUB08-00007 – Deer Run Park Subdivision)

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

- A. Human Services Committee – None.
- B. Administrative Services Committee – January 22, 2009
 - 1. Urban Renewal Plan Ballot Title Review
 - ACTION: A resolution renewing Council's direction to refer the Downtown Corvallis Urban Renewal Plan to the voters at the May 19, 2009, special election, to be read by the City Attorney*

- C. Urban Services Committee – January 22, 2009
 - 1. Bicycle Lanes – NW Garfield Avenue from NW Highland Drive to NW Ninth Street

- D. Other Related Matters
 - 1. *An ordinance amending Corvallis Municipal Code Chapter 1.25, "Living Wage," as amended, to be read by the City Attorney*
 - 2. *A resolution accepting an Oregon Commission for Voluntary Action grant (\$3,750) for service learning projects, and authorizing the City Manager to sign grant documents, to be read by the City Attorney*
 - 3. *A resolution accepting an Oregon Water Resources Department grant (\$23,738) for a water recycling feasibility study, and authorizing the City Manager to sign grant documents, to be read by the City Attorney*
 - 4. *An ordinance amending Corvallis Municipal Code Chapter 4.03, "Industrial Wastewater Pretreatment Program," as amended, to be read by the City Attorney*

X. NEW BUSINESS

- A. American Public Works Association Julian Prize for Sustainability presentation

XI. ADJOURNMENT

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

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

A Community That Honors Diversity



CITY OF CORVALLIS
ACTIVITY CALENDAR
FEBRUARY 2 - 14, 2009

MONDAY, FEBRUARY 2

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

TUESDAY, FEBRUARY 3

- 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
- Budget Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard (department presentations)

WEDNESDAY, FEBRUARY 4

- Administrative Services Committee - 3:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- City Council - 5:30 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue (work session)
- Planning Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard
- Library Board - 7:30 pm - Library Board Room, 645 NW Monroe Avenue

THURSDAY, FEBRUARY 5

- Investment Council - 7:45 am - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Urban Services Committee - 4:00 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue
- Budget Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard (public comment)

THURSDAY, FEBRUARY 5 – Continued

- Committee for Citizen Involvement - 7:15 pm - Madison Avenue Meeting Room, 500 SW Madison Avenue

FRIDAY, FEBRUARY 6

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

SATURDAY, FEBRUARY 7

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

TUESDAY, FEBRUARY 10

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

WEDNESDAY, FEBRUARY 11

- 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, FEBRUARY 12

- Citizens Advisory Commission on Civic Beautification and Urban Forestry - 8:00 am - Parks and Recreation Conference Room, 1310 SW Avery Park Drive
- Budget Commission - 7:00 pm - Downtown Fire Station, 400 NW Harrison Boulevard (public comment – final deliberations)

FRIDAY, FEBRUARY 13

- City/Corvallis School District 509J Subcommittee - 1:00 pm - School District Board Room, 1555 SW 35th Street

SATURDAY, FEBRUARY 14

- No Government Comment Corner

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES
January 20, 2009**

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
Consent Agenda Pages 36-37			
New Business 1. Police Department Staffing Allocation Study Pages 37-41	Yes		
Unfinished Business 1. Reploeg Health Hazard Annexation 2. Western Station Findings of Fact and Order Pages 41-44			<ul style="list-style-type: none"> • RESOLUTION 2009-02 <u>passed 7-2</u> • Adopted Findings, denied appeal, approved application <u>passed 8-1</u>
Mayor Reports 1. Fire Service Appreciation Day – January 27, 2009 2. Community Sustainability Survey 3. CSC activities 4. Van Buren Bridge update 5. State of the City 6. Job networking 7. Inaugural speech themes Pages 44-46	 Yes Yes Yes Yes Yes		<ul style="list-style-type: none"> • Proclaimed • Postponed <u>consensus</u>
Council Reports 1. GCC comments (Raymond) 2. Sister Cities update (Raymond) 3. MLK update (Raymond) 4. Chocolate Fantasy & Art Auction – February 28 (Brown) 5. Energy Challenge update (Daniels) 6. Sustainable energy (Hervey) 7. MLK Park cleanup (Hervey) 8. CT director recruitment (Hirsch) 9. AIP commuter buses (Hamby) 10. High school commuter buses (Hamby) Pages 46-47	 Yes Yes Yes Yes Yes Yes Yes Yes Yes Yes		
Staff Reports 1. City Manager’s Report – December 2008 2. Council Request Follow-up Report – January 15, 2009 3. LUBA appeals – LDC Text Amendments & Western Station	 Yes Yes Yes		

Agenda Item	Information Only	Held for Further Review	Decisions/Recommendations
4. LUBA decision (D Street) 5. Budget Commission meetings 6. DCA accreditation 7. Labor negotiations briefing Pages 47-48, 72	Yes Yes		<ul style="list-style-type: none"> • Approved participation <u>consensus</u> • Postponed to February 2
HSC Meeting of January 6, 2009 1. Meeting Day & Time 2. WNHS first quarter report 3. HHS living wage exemption Pages 48-52	Yes		<ul style="list-style-type: none"> • Accepted report <u>passed U</u> • Amended policy language for exemption <u>passed 6-3</u>
ASC Meeting of January 8, 2009 1. Teen Summit funding request 2. Meeting Day & Time Pages 52-53	Yes		<ul style="list-style-type: none"> • Approved \$500 donation <u>passed U</u>
Other Related Matters 1. FEMA/DHS grant for exhaust extraction systems Page 53			<ul style="list-style-type: none"> • RESOLUTION 2009-03 <u>passed U</u>
Visitors' Propositions 1. CPRCDC/PNARB wetland restoration program (Daniels) 2. www.businessisgoodhere.com (Barlow, Van Orter, Alexander, Schroff, Weldon, Hutchinson, Schaberg) 3. Homeless update/funding request (Ross) Page 53-55	Yes Yes	Referred to HSC	
Public Hearings 1. Brooklane Heights 2. Deer Run Park Pages 55-72		Deliberations February 2	<ul style="list-style-type: none"> • Continue on February 2 <u>passed U</u>

Glossary of Terms

AIP	Airport Industrial Park	GCC	Government Comment Corner
ASC	Administrative Services Committee	HHS	Heartland Humane Society
CPRCDC	Cascade Pacific Resource Conservation and Development Council	HSC	Human Services Committee
CSC	Corvallis Sustainability Coalition	LDC	Land Development Code
CT	Corvallis Tourism	LUBA	Land Use Board of Appeals
DCA	Downtown Corvallis Association	MLK	Martin Luther King, Jr.
DHS	Department of Homeland Security	PNARB	Parks, Natural Areas, and Recreation Board
FEMA	Federal Emergency Management Agency	U	Unanimous
		WNHS	Willamette Neighborhood Housing Services

**CITY OF CORVALLIS
COUNCIL ACTION MINUTES**

January 20, 2009

The regular meeting of the City Council of the City of Corvallis, Oregon, was called to order at 12:00 pm on January 20, 2009 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 Hervey, Raymond, Brauner, Hamby, Brown, Hirsch, Beilstein, Daniels, O'Brien

Mayor Tomlinson directed Councilors' attention to the items at their places, including a 2009 Ward Map, information about The Arts Center Chocolate Fantasy and Art Auction, and a newsletter and brochure from Heartland Humane Society (Attachment A)

Mayor Tomlinson announced the following:

- Administrative changes were made to Page 8 of the January 5 Council minutes.
- The staff memo is missing from the Terzo Italian Restaurant liquor license application (Consent Agenda item D).
- The staff report for the exhaust extraction systems (Standing committee Reports, Ordinances, Resolutions, and Motions item D, Other Related Matters) is incorrect. The resolution is correct.

II. CONSENT AGENDA

Councilors Daniels and Hervey, respectively, moved and seconded to adopt the Consent Agenda with changes, as noted above:

A. Reading of Minutes

1. City Council Meeting – January 5, 2009
2. For Information and Filing (Draft minutes may return if changes are made by the Board or Commission)
 - a. Airport Commission – December 2, 2008
 - b. Bicycle and Pedestrian Advisory Commission – December 5, 2008
 - c. Citizens Advisory Commission on Transit – December 10, 2008
 - d. Commission for Martin Luther King, Jr. – November 25, 2008
 - e. Committee for Citizen Involvement – December 4, 2008
 - f. Downtown Commission – December 10, 2008
 - g. Downtown Parking Committee – December 2, 2008
 - h. Historic Resources Commission – December 9, 2008
 - i. Housing and Community Development Commission – December 17, 2008

- B. Confirmation of Appointments to Boards, Commissions, and Committees (Bicycle and Pedestrian Advisory Commission - Herford; Budget Commission - French; Committee for Citizen Involvement - Wershow)
- C. Announcement of a Vacancy on Watershed Management Advisory Commission (Wolf)
- D. Approval of an application for a "Full On-Premises Sales" liquor license for Terzo Italian Restaurant, 151 NW Monroe Avenue, Suite 101 (New Outlet)

The motion passed unanimously.

III. ITEMS REMOVED FROM CONSENT AGENDA – None.

X. NEW BUSINESS

- A. Police Department Staffing Allocation Study – Matrix Consulting Group

City Manager Nelson said during the past few years, staff have submitted strategic planning initiatives for the Police Department. For example, Council reviewed a Communications Center Master Plan that will come forward as a budget enhancement request this year. More recently, the Department conducted a staffing analysis that included interviews and surveys.

Chief Boldizar explained that the Department contracted with Matrix Consulting Group to perform the staffing allocation study that was completed in December 2008.

Greg Mathews, Matrix Consulting Group, provided a brief history of the consulting group and his work experience. Mr. Mathews said the project scope included staffing recommendations, recruitment observations, evaluation of community-oriented policing operations, and identification of strengths and opportunities for organizational practices. Matrix also developed a foundation for cost effective and progressive service delivery, immediately and for a five-year planning period.

Mr. Mathews said the methodologies included interviews with the City Manager, Police Managers and Supervisors, various line staff from each unit, and an anonymous employee survey. He noted that the 86 percent response rate of the employee survey was the highest response rate Matrix has ever experienced with employee surveys.

Extensive data collection was conducted to provide a profile of the Department's staffing, operations, and various systems of the Department. Evaluations were conducted related to staffing, scheduling, assignments, work flows, standard operating procedures, and more.

Mr. Mathews highlighted primary findings:

- The Department is well regarded as noted by the Farmers Insurance ranking of one of the most secure small cities in the United States.
- The Department is one of six organizations in Oregon certified by the Commission on Accreditation for Law Enforcement Agencies, Inc. (CALEA).
- Ninety-six percent of the Department's staff agree that a high level of law enforcement services is provided.

- Eighty-four percent of patrol staff did not agree there is sufficient resources available to effectively commit to community-oriented policing.
- Ninety-seven percent of staff believe there is an officer safety issue.

Matrix made the following observations and conclusions:

- Sworn staff is low compared to the size and type of community serviced.
- Corvallis is a relatively quiet and safe community as it relates to number of service calls and major crime events.
- Unobligated (proactive) time is needed to address a variety of community-oriented policing efforts.
- The appropriate target for proactive time is 60 percent.
- Modifying the deployment schedule from a 4/10 shift to a 3/12 schedule can achieve efficiencies with a modest staffing increase.
- Transferring the bulk of criminal investigation services from patrol to detectives will increase community-policing activities and proactive time for patrol officers.
- The Communications Center staffing level should increase to meet the needs of the community.
- Other functional changes, ranging from parking enforcement to recruitment process, are suggested for enhanced effectiveness.

Primary recommendations include:

- Modify shift schedule from 4/10 to 3/12 and authorize 35 patrol officers in the field (current is 32). Thirty-nine officers will be needed if the 4/10 shift schedule continues.
- Transfer primary criminal case follow-up to the Investigative Services Unit.
- A 3/12 shift will result in some re-organizational opportunities in the Community Services Division.
- Add a supervisor to the Street Crimes Unit (transfer, not new position).
- Increase the Communications Center staff by four full-time positions.
- Reorganize the Investigative and Support Division to include lead dispatchers on each shift.
- Implement a variety of practices to improve recruitment and retention, including additional use of Web advertising, targeting specialized groups, and eliminating the two-year college requirement.
- Develop an ad-hoc steering committee with the Human Resources Department to identify methods to reduce turn-around time related to recruitment.
- Develop planning efforts to hire six to seven new sworn and civilian positions during the next five years due to service increases and changing crime rates.

Mayor Tomlinson commended the Police Department officers and civilian staff for keeping the community safe. He recognized the many officers in the audience and noted that Corvallis has been recognized by Farmers Insurance for being one of the safest communities in the United States for the second consecutive year.

In response to Councilor Hervey's inquiry, Mr. Mathews explained that the interview process was used to help refine the employee survey instrument. The anonymous employee survey was a mail-back form. The Department allowed staff to complete the survey during briefings, and once complete, each employee placed their completed survey into a sealed

mailing envelope for confidentiality purposes. Typically, the response rate of employee surveys is 50 percent. Due to the high response rate, Matrix will suggest this method to other customers.

In response to Councilor Hervey's inquiry about shifting investigative responsibilities from patrol to detectives, Mr. Mathews said he has not received any feedback from staff. The analysis performed by Matrix revealed that existing detective staff can handle the workload which will provide more patrol time for community policing activities. The employee survey noted a difference of opinion about workloads between patrol and detective units.

In response to Councilor Beilstein's inquiry, Mr. Mathews said the firm understands mutual aid agreements between law enforcement agencies; however, the community needs to be self-sufficient and cannot rely on other agencies not built into the staffing model.

Councilor Beilstein said the analysis is most likely correct that the best use of resources would be to keep patrol involvement in criminal investigations to a minimum; however, there is an advantage for patrol officers to gain experience in investigative work for career development. The City will need to determine what is fiscally best and best for officer development. Also, the two-year university requirement is an advantage to officers even though removing it may open up recruiting opportunities. Councilor Beilstein noted that any changes to shift schedules will need to be negotiated with the Corvallis Police Officers Association (CPOA).

Councilor Daniels expressed concerns about the length of recruiting time. Corvallis is a university town with a high education level for permanent residents. She inquired whether dropping the college education requirement would result in a class system where law enforcement officers are treated with less respect. She expressed concern that this would cause morale issues in the Department.

Mr. Mathews responded that Matrix recommends not having a college requirement as an initial restriction for employment. If the City desires advanced education, it can be achieved progressively by requiring officers to obtain 45 quarterly credits within a three-year period and/or 90 quarterly credits within a five-year period. Having initial college requirements restricts potentially good candidates from the military and with prior law enforcement experience.

Chief Boldizar said he cannot argue that reducing the education requirement to a high school level will increase the recruitment pool. His experience has been that most people applying for jobs with the Department have bachelor degrees. The issue is to reduce the amount of time to make the job offer because qualified candidates go elsewhere when the process is too long. Chief Boldizar stated preference for retaining the two-year college degree.

Councilor Daniels expressed appreciation for the Department's service, dedication, and commitment to improved quality of life for all Corvallis neighborhoods.

In response to Councilor Hamby's inquiry, Mr. Mathews said the recommendation for 35 officers is derived from changing to the 3/12 shift program and the needed amount of

proactive time for officers. The staffing analysis is driven by proactive time, or “free” time, available for an officer to respond to service calls, perform follow-up investigations, conduct proactive patrol, attend meetings, etc. Adopting a 60 percent proactive time results in 32 officers in the field. Increasing that number to 35 will accommodate turnover and other off-job issues. During the past three years, the Department has experienced an 11.5 percent turnover rate, which is average across the United States.

Councilor Hamby said he recently heard from an officer that to have any family time, his family had to visit him at the Department. He expressed interest in alleviating that issue.

Councilor Raymond said her constituents often comment about the importance of safety and she thanked the Department for their efforts. She requested clarification about the duties of patrol officers and detectives, and inquired about parole, probation, and at-risk teen issues.

Chief Boldizar explained that the detective units provide follow-up investigative work on felony-type offenses. At the time of the offense, the patrol officer takes the primary report and gathers as much evidence as possible prior to referral to the detective unit. Probation is a function through the Benton County Sheriff’s Office.

In response to Councilor Raymond’s inquiry, Chief Boldizar said there is no detoxification center in Benton County. Inadequate services provided to the homeless and mentally ill result in more difficult duties for Department staff.

Councilor Raymond recommended that the City continue the two-year college requirement for recruitment purposes.

In response to Councilor Hervey’s inquiries, Mr. Mathews said retention was not part of the project scope. The turn-over rate is average and not a concern. The recommendation to lower the education requirement is to enhance the recruitment pool.

Chief Boldizar added that the report is a staffing study, not a work plan. The Department will develop a strategic plan that will drive the five-year business plan. The strategic plan will include recommendations from this analysis that the City feels are important to move forward. Chief Boldizar said, although Matrix did a great job implementing the study, he does not agree with all of their recommendations. He believes that dropping the higher education requirement will result in additional applicants, who will need to be eliminated from consideration during the initial screening process. He noted that the Department produces high quality work that includes good writing and investigative skills.

In response to Councilor Hervey’s comments about retention and turn-over, Chief Boldizar said retention issues are mostly due to staff not qualifying during the 18-month probationary period.

Councilor Hirsch said he appreciates the need for officers to feel safe and opined that the City needs to take their opinions and needs into consideration. He inquired about how officers are responding to the study and requested information about CALEA.

Chief Boldizar said CALEA is a national organization providing more than 450 standards for law enforcement agencies. CALEA was developed by the International Association for Police Chiefs, the National Sheriff's Association, and the National Organization of Black Law Enforcement Officers. The Department abides by the standards and is evaluated and audited by CALEA every three years. Six law enforcement organizations in Oregon are CALEA accredited. The Oregon Accreditation Alliance is a State accreditation program with 100 standards. Oregon and the West Coast has fewer CALEA accredited agencies than other parts of the United States.

Chief Boldizar said he has not met with staff about the recommendations. He overheard that patrol staff believes the recommendations are great with fewer detectives in agreement. The Department does not want to limit the experience patrol officers gain by investigating certain crimes nor is there a desire to overburden the five detectives.

In response to Councilor Hirsch's inquiry about field safety, Chief Boldizar said some service calls require a minimum of two officers to respond. Frequently, there are occasions when that requirement cannot be met. When that occurs, one officer is sent with hope that another officer can be cleared to respond as soon as possible.

Mr. Nelson thanked Council for their supportive comments on behalf of the service provided by the Police Department. The next three steps for consideration include:

1. A discussion with CPOA about the recommendations related to contract provisions.
2. A presentation to the Budget Commission for Communications Center and patrol officer staffing enhancements.
3. Relating the results of this study to the Department's strategic plan.

IV. UNFINISHED BUSINESS

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

Senior Planner Schlesener said this health hazard annexation request for a contaminated well was discussed during the December 15 Council meeting. The staff report includes responses to the additional information requested by Council, a letter from the Oregon Water Resources Department, letters from two well drilling companies, and background information.

Ms. Schlesener said the applicant has three options for connecting to City water; however, they do not meet the eligibility requirements for an extension of services. The other two options are voter approved annexation, and health hazard exemption approval.

The resolution in the staff report has been revised since the December 15 Council meeting to include a provision for Council to refer the matter to the State for verification that a health hazard exists. Staff recommends Council adopt the resolution.

In response to Councilor Daniels' inquiry, Benton County Environmental Health Specialist Turkisher said the contamination is mostly likely due to the well being drilled in the

drainage way and/or a defective seal. The State recommended repair or abandonment of the well. He confirmed that the contaminate is Coliform Bacteria.

Councilor Daniels commented that a health hazard clearly exists and there is a potential threat to public health. The standard solutions of drilling another well or fixing the seal have consequences with regard to natural features, landslides, and other issues. The only alternative is to connect this property to City water.

Ms. Schlesener said staff came to the same conclusion. Council can direct staff to explore every avenue; however, staff believes there are sufficient difficulties in pursuing other avenues.

In response to Councilor Raymond's inquiries, Ms. Schlesener said the connection is for one existing house on one 5.23 acre parcel. After the site is annexed, the property owner can apply for a land division and the application will need to meet City criteria. There is no guarantee that the application will be approved. The issue is whether the health hazard represents enough of a public health risk to allow it to move through the health hazard annexation process.

Councilor Brauner requested clarification on the relationship between this potential annexation and setting a precedent for other parcels in the subdivision. Ms. Schlesener said if other parcels come forward with the same type of request, they would need to go through the same process, and each proposal would be evaluated separately. Each proposal could contain more than one site; however, each site would be required to meet the health hazard criteria.

Mr. Turkisher clarified for Councilor O'Brien that the property would need to be contiguous with the City Limits and the health hazard would need to be based on water quality not quantity.

Councilor Brown said this area has had known water issues. The well was drilled in the drainage area most likely to accommodate construction. This appears to be a backdoor process to get property annexed into the City without a public vote. Councilor Brown stated concern that this annexation could set a precedent for the future by providing a remedy for something that could have been prevented in the first place.

Ms. Schlesener said the well was installed prior to the current owner purchasing the property or constructing a home. Mr. Turkisher added that there is no State criteria not allowing wells to be drilled in the drainage and the well was most likely drilled to minimum code, casing, and seal to get through the development process.

In response to Councilor Beilstein's inquiry about replatting the property prior to annexation, Ms. Schlesener said due to five-acre minimum zoning, the property cannot be divided under Benton County partition procedures.

Councilor Daniels noted that the constraints on the property, including natural hazards, landslide buffers, and natural features make it difficult to find buildable space.

In response to Councilor Daniels' inquiry, Ms. Schlesener said every City property has access to Minimum Assured Development Areas (MADA); however, they can only be used in a manner that require removal of the house because that is the area redevelopment could occur. This would also result in a clustered development required to meet engineering standards in geotechnical reports. Further development on this lot would be very challenging.

Councilor Daniels inquired whether the County has developed an urbanization plan and if the City should review it to make sure it meets current City standards.

Ms. Schlesener said when the subdivision moved forward, the staff from the City and County Public Works and Development Departments worked together to establish reservations for future easements and rights-of-way (ROW) for street networks, water, sewer, storm drainage, and other infrastructure. All future ROW for those infrastructures are adjacent and/or abound this site. Staff would not recommend development further north and east on the site.

In response to Councilor Hamby's inquiry, Mr. Turkisher said Oregon Water Resources inspected the well seal by probing the depth of the seal. When they removed the probe, the bentonite clay was saturated, meaning there was surface or near surface water through the seal. To do a more extensive investigation, they would need to build a road and equipment platform to remove the pump from the well. Smaller equipment is needed to abandon the well, making a road and platform unnecessary. Mr. Turkisher added that since the well is located in the drainage, it may not be worth repairing.

Councilor Brauner said MADA has to be applied prior to a subdivision. The only issue before Council is whether there is a health hazard on this property. The well was installed prior to property purchase and he does not believe the property owners did something to cause the health hazard. Council is not qualified to make a judgement whether a health hazard exists; the State makes that judgement by law. Council is asking the State, by resolution, to determine if there is a health hazard.

In response to Councilor Hirsch's inquiry, Deputy City Attorney Brewer opined that there is no conflict of interest due to his medical treatment by Dr. Repløeg.

Mr. Brewer read a resolution asking the State whether a health hazard annexation exists on the Repløeg property sufficient for the City to exempt the health hazard area from the provisions of the Land Development Code.

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

Councilor Hervey stated support for the resolution and appreciation for the Council's concerns about additional annexations related to this subdivision. He opined that this request is a good faith effort to meet an environmental need. For future information, he would like clarification on who pays for street upgrading in this kind of situation.

Councilor Daniels said she will support the resolution. Attachments F and G of the staff report reveal how much of the property is seriously constrained, limiting it from future development. She clarified that this request is not a precedent for water quality annexation. In the late 1980s, Council approved a water quality health hazard annexation in South Corvallis.

Councilor Hamby said he will not support the resolution. He believes it is the responsibility of the property owner to fix the well and he does not believe the City or citizens want this property annexed at this time. An alternative is to send an annexation request to the citizens for a vote.

Councilor Hirsch said he will support the resolution and believes there will be further discussion after the State returns a ruling.

Councilor Brown said he will not support the resolution. The remedy inherent in the resolution is not the only remedy and other remedies, such as repairing the current well or drilling a new well should be explored further.

RESOLUTION 2009-02 passed seven to two, based on the follow roll call vote:

Ayes: Hervey, Raymond, Brauner, Hirsch, Beilstein, Daniels, O'Brien

Nays: Hamby, Brown.

- B. Adoption of Findings of Fact and Order relating to an appeal of a Planning Commission decision (PLD08-00009 – Western Station)

Councilors Brauner and Hamby, respectively, moved and seconded to adopt the draft Formal Findings and Conclusions from the January 15, 2009 memorandum from Community Development Director Gibb in support of Council's decision to deny the appeal and approve the Western Station application.

The motion passed eight to one with Councilor Raymond opposing.

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.

V. MAYOR, COUNCIL, AND STAFF REPORTS

A. Mayor's Reports

1. Proclamation of Fire Service Appreciation Day – January 27, 2009

Councilor O'Brien left the meeting at 1:34 pm.

Mayor Tomlinson recognized Fire Chief Emery in the audience and commended the Fire Department for their good work.

Councilor O'Brien returned to the meeting at 1:37 pm.

Mayor Tomlinson read the proclamation.

2. Community Sustainability Survey

Mayor Tomlinson said he is seeking Council direction regarding the timing and participation of a community sustainability survey.

Councilor Daniels stated preference to set Council goals prior to further discussing a community-wide survey. Assuming sustainability is a Council goal, she would expect further discussion during a work session.

Councilors Brauner and Brown, respectively, stated agreement with Councilor Daniels' comments. Councilor Brown added that he does not believe Council is prepared to move forward at this time.

Mayor Tomlinson said he would convey to the Corvallis Sustainability Coalition (CSC) Council's consensus to postpone survey discussions until the goal setting process is complete.

Mayor Tomlinson announced that he belongs to the CSC steering committee that will approve recommended actions from the twelve action teams of the CSC. When the steering committee approves a recommendation, he will bring the actions back to Council for discussion.

Mayor Tomlinson clarified for Councilor Daniels that he does not anticipate asking Council about the CSC goals and strategies. Council will be most interested in recommended actions related to funding, staff time, and other City-related issues.

Councilor Brauner said an alternative is to put the Sustainability Plan on hold until Council reviews all of the policies and goals. Whether Council agrees with all of the goals or not, there is a lot of good work going on in the community that should continue. The Mayor's plan will allow Council to review all actions and the steering committee will identify whether City staff or funding is needed.

In response to Councilor O'Brien's inquiry, Mr. Nelson said the survey funds are held in an account by Oregon Natural Step Network. If the survey is not conducted, the money will return to the City.

Mayor Tomlinson referred to the Van Buren Bridge materials in the packet. He said the Oregon Department of Transportation (ODOT) conducted another traffic study related to replacing the Van Buren Bridge. The results indicate a bridge parallel to the current bridge and a northern bypass are both required for the Van Buren corridor to meet traffic standards. The Van Buren corridor stretches from the intersection of Van Buren Avenue and 9th Street past the eastern City intersection.

Mayor Tomlinson said the Van Buren Bridge Policy Management Team is reviewing whether Transportation Demand Management (TDM) can impact the traffic flow across the bridge sufficiently to reduce the amount of construction needed. That strategy would either

be a TDM with local employers or a transit strategy across the corridor from Corvallis to Tangent, Lebanon, and Sweet Home. Both options are being reviewed. Mayor Tomlinson noted that there are no funds in the ODOT budget for this construction.

In response to Councilor Brown's inquiry, Mayor Tomlinson clarified that the traffic is in excess of capacity according to the traffic study conducted by ODOT.

Councilor Brauner explained that the traffic study is conducted during peak travel times. He is the Council liaison to the Van Buren Bridge Stakeholders Committee so as project reviews come forward, both he and Mayor Tomlinson will keep Council updated.

Councilor Daniels said the report also discusses jurisdictional transfers from ODOT to the City. The policy states if a northern bypass is built it would automatically transfer the jurisdiction of those involved streets to the City (3rd and 4th Streets). At that point, the City could change mobility standards to include bicycle lanes.

Mayor Tomlinson recessed Council from 1:55 until 2:05 pm.

Mayor Tomlinson announced that he will deliver the State of the City on Friday, January 23, and a video will be placed on the Web site and on Government Access Channel 21.

Mayor Tomlinson reported that 30 people attended a job networking event hosted by himself and Mrs. Tomlinson on Saturday, January 17. He said it is obvious that job transition and loss is a significant issue in the community.

Mayor Tomlinson referred to President Obama's inaugural speech that repeated the themes of unity, sense of responsibility, commitment of hard work combined with a sense of hope and our belief in the ability to overcome difficulty, and to lead the world again while stressing the common humanity of all nations, peoples, and creeds. Mayor Tomlinson said he looks forward to working with Corvallis citizens on local issues along with President Obama, his staff, and Congress to deal with National and International issues.

B. Council Reports

Councilor Raymond announced that she recently hosted Government Comment Corner and only good things were shared about the City.

As liaison to the Corvallis Sister Cities Association, Councilor Raymond presented Mayor Tomlinson with art work from the Way of Life Rehabilitation Center in Uzhgorod, Ukraine. The beaded artwork was created by a child at the rehabilitation center. Councilor Raymond encouraged Councilors to become a member of the Association and provided copies of the recent newsletter (Attachment B).

Mayor Tomlinson noted that he sponsors a child at the rehabilitation center in Uzhgorod and said the director's wife will be traveling to Corvallis within the next two months.

Councilor Raymond reported on the Commission for Martin Luther King, Jr. activities, including a Day of Service event recently held at the Martin Luther King, Jr. Park. The Commission has scheduled a celebration for January 21 at the Majestic Theatre. Oregon

State University (OSU) professor Dr. Joseph Orosco will speak about the life and work of Dr. Martin Luther King, Jr.

Councilor Brown announced that The Arts Center Chocolate Fantasy and Art Auction scheduled for February 28 is fun and a good opportunity to view interesting art.

Councilor Daniels reminded citizens that the Energy Challenge has approximately two months left of the pilot project and there is still time to request a home energy audit. She encouraged those who had audits performed to follow through on recommendations to reduce the contribution of global warming through excessive use of electricity and gas. Volunteers will be making contact with those who have not yet reported taking steps to make their homes more energy efficient.

Councilor Hervey said he attended a recent meeting with the Mayor and Willamette Landing residents to review ways to improve home efficiency and reduce impact on the Earth. He noted that Mayor Tomlinson is installing photo voltaic units on his roof to power his house and electric car.

Councilor Hervey thanked everyone who participated in cleaning Martin Luther King, Jr. Park on the Day of Service.

Councilor Hirsch announced that Corvallis Tourism Executive Director Hope-Johnstone is retiring at the end of the year. The search committee is requesting input on four qualities Council would prefer in the new director.

Councilor Hamby said the Airport Commission has been reviewing transportation issues for the Airport Industrial Park (AIP). The Commission is exploring two commuter bus routes for morning and evening travel.

Councilor Hamby reported that a request for commuter service between the high schools and the transit mall will come forward during the budget cycle.

C. Staff Reports

1. City Manager's Report – December 2008

Mr. Nelson said Councilors can call him if they have any questions about the Report.

2. Council Request Follow-up Report – January 15, 2009

Mr. Nelson said the Report includes information and the policy related to a recent practice burn. A new requirement is being created to encourage property owners to take advantage of reuse opportunities. In this specific instance, Habitat for Humanity acquired reusable materials during a pre-burn walk-through.

Mr. Nelson announced that the Land Development Code Text Amendments and Walnut Professional Center decisions have been appealed to the Land Use Board of Appeals

(LUBA). The City recently received support from LUBA regarding the D Street closure. Staff will move forward with the street closure.

Mr. Nelson reported that the Budget Commission begins meeting this week. Financial Plans will be distributed during the meeting.

Mr. Nelson referred to a letter from the Downtown Corvallis Association requesting participation in the Main Street Accreditation Program. Staff recommends participation as it fits with recent Council actions related to the downtown and urban renewal objectives. Staff estimates 40 hours staff time for this project. Outcomes will be shared with the Downtown Commission. Council approved by consensus.

3. Labor negotiations briefing

Mr. Nelson announced that this item is postponed until the evening meeting.

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

A. Human Services Committee – January 6, 2009

1. Discussion of Meeting Day and Time

Councilor Beilstein announced that the Committee will continue to meet at noon on the Tuesday following the Council's regular Monday meetings.

2. Willamette Neighborhood Housing Services First Quarter Report

Councilor Beilstein said the housing and microenterprise programs are performing well. Due to current economic conditions, there will be future construction issues. Specifically, the major investor for the Alexander Court/Seavey Meadows project has withdrawn their interest in providing funds through the Low Income Tax Credit program. Willamette Neighborhood Housing Services is attempting to locate alternative investments and will keep the City apprised.

Councilors Beilstein and Raymond, respectively, moved and seconded to approve the Willamette Neighborhood Housing Services first quarter report for Fiscal Year 2008-2009. The motion passed unanimously.

3. Heartland Humane Society Living Wage Exemption

Councilor Beilstein said the Heartland Humane Society (HHS) requested a living wage exemption from their contract with the City. HHS expressed concern about the impact the living wage creates by contracting with the City and believes it costs them more to accept the \$50,000 than it would to operate without the living wage requirement.

After a lengthy discussion, the Committee concluded that the two alternatives to alleviate HHS issues are to establish an exemption for HHS in the living wage ordinance with a clause in the contract for wage requirements, or arrive at an amount the City would need to pay HHS for living wage compliance without causing salary compression issues. The Committee requested discussion with the full Council.

After the Committee meeting, staff compiled information for Council review, including wage comparisons and draft language. Councilor Beilstein said he estimates HHS would need an additional \$15,000 to \$20,000 to comply with the living wage ordinance and solve salary compression issues.

Councilor Brown estimated that HHS would need an additional \$10,500 if they were not exempted from the living wage ordinance.

Councilor Hervey thanked the Committee and staff for the extensive work they performed. In response to his inquiry about why the issue was not addressed during the last contract negotiations (March 2008), Mr. Nelson said he is unaware of why HHS did not bring this issue up before the original request was received in December 2008.

Councilors Brown and Raymond, respectively, moved and seconded to amend City ordinance by adopting the language drafted in the City Manager's January 13 memorandum, subject to a favorable review by the City Attorney's Office.

Councilor Brown said the issue is a result of the living wage ordinance mandated by the voters. In general, there are exemptions for non-profit organizations, but exemptions are not allowed for contracted services normally supplied by the City. HHS is a non-profit organization providing services normally provided by the City. This is not an unintended consequence per Councilor Beilstein who was on Council when this ordinance passed. Councilor Brown noted that the HHS contract expires June 30, 2009.

Councilor Brown agreed with Chief Boldizar's comments made during the Committee meeting about needing HHS to provide services for dangerous animals. He stated appreciation for the services performed by HHS and noted that the Citizens Attitude Survey indicates citizens are satisfied with HHS services. In 2000, Council agreed to generate a budget enhancement to cover the consequences of the ordinance. Council could again respond to the issue by allocating additional funds which would need to be identified in the General Fund. This response to the issue will require Council review each year. The second alternative is to provide an exemption in the ordinance per the drafted language in the City Manager's January 13 memorandum.

Councilor Brown said Animal Control is a City service provided by the Police Department and HHS provides a transition service for animals acquired by Animal Control. The service is similar to non-profit organizations providing transition services to individuals in the community. The services provided by HHS are not

typical City services. An alternative is to build and staff a facility for transition services, which would be inefficient for the City. HHS is a non-profit organization willing to provide these services.

Councilor Brown opined that there are two services; the City service and the service of a typical non-profit. He supports the motion to treat HHS as a typical non-profit under existing City policy.

Councilor Raymond said the living wage is very important and she is proud that Corvallis initiated the ordinance. She said this situation is unusual, and because HHS manages the facility extremely well, she will support the exemption. Councilor Raymond noted that besides taking in stray animals, HHS provides spay and neuter services for all animals in the facility.

Councilor Brauner said he supports the living wage ordinance and it works well with competitive bids for specific services. The City has recognized non-profit organizations are different and there are exemptions in the ordinance for non-profit organizations obtaining funding through social services and economic development allocations. Even though the HHS funding is not allocated from either fund, the non-profit status is still met. He will support the motion.

Councilor Hamby noted that current contract language indicates HHS cannot lower wages. He inquired whether providing the exemption will be enough for HHS to deal with the salary compression issue for the next six months.

HHS Executive Director Thornberry said no current employee will have their wages reduced if given an exemption. HHS needs the flexibility to hire below the living wage rate, if necessary. Six percent of HHS income comes from the City; however, 60 percent of expenses is staffing. HHS cannot control staffing expenses due to the living wage requirement and is most concerned about the next contract and fiscal year. Ms. Thornberry said the living wage ordinance removes the flexibility the organization needs to offer more services. She said increasing the contract amount will not solve the issue as the living wage increases out-pace the contract increases. She said adding an additional \$10,000 or \$20,000 to the contract may cover expenses for the next two years, but will limit the organization from expanding education programs, hiring an adoption counselor, and providing additional customer service staff.

Councilor Daniels said she will not support the exemption, but is sympathetic to the issue. If Council agrees the work being done is valid, then the City should pay for the services by providing additional funding. Not abiding by the ordinance sends a message that specific employees within an organization are not worthy.

Councilor Brauner noted that HHS is the only non-profit organization the City contracts with, or provides related funding to, that is not exempted from the living wage ordinance. He will support the motion.

Councilor Brown said he agrees with Councilor Daniels and would be willing to recommend the necessary contract amount needed during the budget process. He understands the need, believes it is important, and would prioritize the funding above other recommendations.

Councilor Beilstein said there was a lot of concern about contracting out City services when the living wage was first discussed. Most believed it would not be appropriate for governmental agencies to contract out services to non-government agencies at a less expensive cost. An example is the transit drivers who were paid less than half of the comparable wage without the living wage ordinance. Council decided essential City services would not be contracted out to low wage employers.

Councilor Beilstein said he disagrees with Councilor Brown's argument that animal transition is City business, and opined that the only City business related to this issue is to remove stray animals from the street. The service HHS performs is essential City business. Councilor Beilstein said he has not been convinced that an exemption needs to be granted, and if the work needs to be accomplished, the City should pay for it appropriately. In the future, this issue will increase due to the minimum wage decreasing relative to living expenses and average wages.

Councilor Hamby referred to the funding table in the meeting materials. He noted that the City provides HHS \$50,000 of their \$700,000 budget, or less than ten percent of the organization's budget, and dictates what HHS will pay for \$300,000 worth of wages.

Ms. Thornberry noted that the table does not include taxes and benefits.

Councilor Hervey inquired about the budget impact if the City paid the living wages of the other non-profits not currently required to pay living wages.

In response to Councilor Hervey's inquiry about separate expenses for those employees working with specific "City" animals, Ms. Thornberry said the contract includes all parts of the organization. HHS provides humane education, tours, spay and neutering, and donor access. All functions performed by HHS are required by the contract and there is no way to separate City and County animals. Ms. Thornberry added that during the Committee meeting, it was noted that if the City operated the shelter, there would be no guarantee that employees would be paid living wage standards. She opined that HHS is being held at a higher standard than the City would initiate for their own staff.

Councilor Brauner asked what the argument would be for other non-profit organizations if Council approaches the Budget Commission about adding funds to the HHS contract. The reason they are exempted is not because they are non-profit organizations that bid on projects, they are providing a service to the City either through social services or economic development funds. If the argument is that the City should not provide social services, then the \$400,000 fund should be eliminated. The City contracts with non-profit organizations for economic development, also exempt from the living wage. To remove this exemption means

living wages would be paid to employees of the Downtown Corvallis Association, Corvallis-Benton Chamber Coalition, and the Oregon Natural Step Network, Corvallis Chapter. There is a fundamental difference between contracting services normally performed by the City with for-profit organizations versus obtaining a service from a non-profit for a lesser amount. The issue is providing profit versus non-profit services on behalf of the community.

Councilor Daniels disagreed and said this service is a Police Department function and when the contract was initiated, the City and County believed it was a needed service that neither organization could provide. Social services is traditionally a County function that the City has volunteered to help with due to its importance. It is a philosophical question on whether economic development is a core City service.

Councilor Brauner said the City contracts with the Corvallis-Benton Chamber Coalition to provide services at the airport. The airport is owned by the City and the individuals providing those services are exempt from the living wage.

Based on the following roll call vote, the motion passed six to three.

Ayes: Raymond, Brauner, Hamby, Brown, Hirsch, O'Brien

Nays: Hervey, Beilstein, Daniels

Councilor Hervey left the meeting at 3:07 pm.

B. Administrative Services Committee – January 8, 2009

1. Benton County Commission on Children and Families Funding Request

Councilor Brauner reported that the Commission on Children and Families (CCF) requested \$1,000 to help fund the 2009 Teen Summit. The City supported the 2008 Teen Summit; however, organizers were instructed to make future funding requests through the social services allocation process. In the meantime, the CCF Board changed and the direction to seek social services funding was not shared with the new Board.

Councilor Hervey returned to the meeting at 3:09 pm.

Councilor Brauner said the Committee recognized the good works of the Teen Summit, identified other sources of funding that may be available to CCF, and explained there was no guarantee of receiving a social service allocation.

Councilors Brauner and Daniels, respectively, moved and seconded to approve a \$500 donation to Benton County Commission on Children and Families for the 2009 Teen Summit, contingent upon future funding requests made through the social services funding process.

In response to Councilor Daniels' inquiry, Councilor Brauner said the Committee made sure the CCF representatives obtained allocation process information, a contact name, and noted their intention to apply for 2010 funding.

The motion passed unanimously.

2. Discussion of Meeting Day and Time

Councilor Brauner announced that the Committee has initially agreed to meet on January 22 at 1:00 pm. Further discussions will be held regarding future meeting day and time.

C. Urban Services Committee – None.

D. Other Related Matters

Mr. Brewer read a resolution accepting a Federal Emergency Management Agency/ Department of Homeland Security grant in the amount of \$71,634 for the purchase and installation of vehicle exhaust extraction systems for Fire Stations 2, 3, and 4.

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

RESOLUTION 2009-03 passed unanimously.

Mayor Tomlinson recessed the Council at 3:12 pm and reconvened the Council at 7:00 pm in the Downtown Fire Station, 400 NW Harrison Boulevard, Corvallis, Oregon.

I. ROLL CALL

PRESENT: Mayor Tomlinson, Councilors Hervey, Raymond, Brauner, Hamby, Brown, Hirsch, Beilstein, Daniels, O'Brien

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

- Testimony related to the Deer Run Park Subdivision (Attachment C),
- Council goal materials submitted by Kent Daniels and Karen Strohmeyer (Attachment D), and
- Information about Cascade Pacific Resource Conservation and Development (Attachment E).

VI. VISITORS' PROPOSITIONS

Kent Daniels referred to Attachment E and explained that the City belongs to the Cascade Pacific Resource Conservation and Development Council (CPRCDC) through the Parks and Recreation Department. CPRCDC and the Parks, Natural Areas, and Recreation Board (PNARB) proposes a Council goal to seek funding for restoration of and improvements to local wetlands, natural areas, and riparian areas on the Willamette River and its tributaries, through collaboration with other governmental and non-governmental organizations. Mr. Daniels said potential funding is available for this goal as outlined in the attachment. He noted that staff assistance might be needed to coordinate efforts with the CPRCDC.

Marti Barlow provided business cards (Attachment F) referencing a new Web site about Corvallis: www.businessisgoodhere.com. Congressmen DeFazio and Schrader are assisting with distribution of the cards during Presidential inauguration events. The Web site promotes and showcases innovations making Corvallis unique. It is supported by the Community with a goal of branding Corvallis as a place where creative industries flourish. Corvallis will attract people by showcasing lifestyles, not with lower development fees or other incentives. The Web site will inspire current residents to follow their dreams, capitalize on their ideas, and realize “business is good” here. The branding campaign extends to other areas, such as the availability of medical services, shopping, culture, technology, and arts. Attracting green, sustainable business corresponds with the Prosperity That Fits (PTF) Plan. The goal is to have this site incorporated into the integrated marketing plan of Corvallis.

Quinn Van Orter presented the “business is good here” Web site and played a video promoting Corvallis authored by Oregon State University (OSU) Basketball Coach Craig Robinson. Mr. Van Orter said when he began taping the videos for this Web site, he had no idea of the amount of technology-based businesses located in Corvallis. The Web site will help people from other areas visualize what it would be like to live in Corvallis.

Marques Alexander said he worked on the Web site as an intern of the OSU Political Science Department. Working on the site provided a social network for entrepreneurs to gather, share ideas, and focus on specific business skills. He said he is only one of several OSU students who have started companies to help build the community by creating jobs. As an intern working on this site, he will promote marketing and ensure the site is worldwide.

Rick Schroff said he represents a small Corvallis business and has been participating with this Web site. He encouraged Council to support this campaign representing a broad cross-section of the Corvallis community, including civic, non-profit, business, and City, County, State, and National leadership.

Brian Weldon, Software Association of Oregon, Corvallis Chapter President, said the Association supports this Web site and the goals to bring software, high-technology, and creative companies to Corvallis. The Web site is meant to complement all activities promoting similar goals to keep Corvallis vibrant and supportive of the PTF Plan.

Kathleen Hutchinson said the Web site exemplifies the innovative and creative community of Corvallis. The site sets a new standard for collaboration and illustrates a desire to increase the profile of the business community while highlighting available opportunities. The site incorporates elements identified during an Oregon Economic Development Community training class. Individuals from other communities can make a connection through the site with a Team Corvallis member for future contact and community tours.

In response to Councilor Beilstein’s inquiry, Ms. Barlow confirmed that the site was designed in collaboration with many local businesses, organizations, associations, programs, and educational facilities. The complete list is available on the site.

In response to Councilor Hirsch’s inquiries, Ms. Barlow said “businessisgoodhere.com” is a registered domain name and she believes there has been several thousand “hits” on the site. E-mails

have been received from around the Country from people wanting to be involved and suggestions to improve the site are being considered and incorporated, if appropriate.

Steve Schaberg said Corvallis has always been a good place to do business. He started a business in his garage after moving here in 1978. As the company grew, he hired wonderful Corvallis citizens, and eventually sold his business to a large firm. He stated support for the Web site.

Barbara Ross provided a brief update on efforts to help the homeless. The cold weather shelter is housing 38 to 40 men each night and the community has been supportive. The Daytime Drop-in Center is negotiating for new space, and a referral center has been opened downtown to help homeless individuals find laundry locations, food, and other needs. A new project is underway to help healthy, homeless individuals seeking employment. These people will be matched with community volunteers to provide support, encouragement, and a structured program to obtain employment. The Homeless Coalition requests City help by providing free bus passes and free passes to the Osborn Aquatic Center where they can exercise and prepare for job interviews (Attachment G).

Councilor Raymond stated support for the new program and said she was glad the business community is working to help homeless individuals. Ms. Ross said there has been a tremendous response from volunteers.

Councilor Daniels commended Ms. Ross for her creativity and finding a focus of activities that do not require a lot of capital and infrastructure. The progress helps fulfil items identified in the Vision 2020 Statement, including helping the homeless transition into employment and housing.

By consensus, the Council agreed to refer the request to the Human Services Committee.

Because there were no other citizens in attendance desiring to speak to the Council under Visitors' Propositions, and the public hearing was advertised to begin at 7:30 pm, Mayor Tomlinson recessed the meeting from 7:27 until 7:30 pm.

VII. PUBLIC HEARINGS

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

Mayor Tomlinson reviewed the order of proceedings.

Declaration of Conflicts of Interest – None.

Declaration of Ex Parte Contacts

Councilor Daniels noted that she engaged in e-mail correspondence with Mark Knapp regarding the hearing schedule. She stated she could make a fair and impartial decision.

Councilor Raymond said she had contact with individuals wanting to submit public testimony. She opined that she could make a fair and impartial decision.

Rebuttals to Declarations – None.

Declaration of Site Visits

Councilors Daniels, Beilstein, Brown, Hamby, Brauner, Raymond, and O'Brien all declared making site visits.

Objections on Jurisdictional Grounds – None

Staff Overview

Associate Planner Richardson submitted additional written testimony (Attachment H). Mayor Tomlinson added that written testimony was also submitted by Rana Foster (Attachment I) and Louise Marquering (Attachment J).

Mr. Richardson noted that the original staff report is available on the City's Web site, in City Hall, and in the Corvallis-Benton County Public Library. He provided a brief overview:

- The 25.88 acre site is northwest of SW Brooklane Drive, east of Fairmont Drive, and south of Whiteside Drive. Single-family residential homes are located to the west, north, and south of the site. Vacant land is located to the southeast (Oakmont Addition) and the Marys River Natural Area is south of the site.
- The property is zoned Low Density Residential. At the time of application, the property was zoned (PD)RS-3.5. Zoning changed to (PD)RS-5 with the implementation of the 2006 Land Development Code (LDC). The site is surrounded by RS-6, AG-OS, RS-3.5, and (PD)RS-3.5.
- The applicant is proposing a 45-lot subdivision with four common tracts.
- The Planning Commission's June 2007 denial for this development was appealed to Council. Council approved the application in September 2007 with revised conditions. The Council's decision was appealed to the Land Use Board of Appeals (LUBA) in October 2007, and in May, 2008, LUBA issued a Final Order and Opinion.
- Remand issues are related to building design (proposed home elevations were not submitted resulting in no compatibility determination); hillside development, (specifically Corvallis Comprehensive Plan (CCP) 4.6.7); drainage (additional findings were needed, including flow patterns and volume (CCP 4.11.12)); and, more information was needed related to natural features findings.

Staff requests Council consider the specific four remand issues and either approve, approve with conditions, or deny the application. Staff recommend that the application be approved with revised Conditions 5 and 27. Staff has recently revised Condition 5 to state that trees and tracts be preserved unless otherwise approved to be removed through the application.

Mr. Richardson responded to questions Councilors had during the first half of the public hearing held on January 5, 2009.

- ▶ Why did the Natural Features Inventory not apply to this application?
Applications are evaluated by rules and policies in place at time of application. The Inventory took effect after the application was submitted.
- ▶ What is the assurance of tree protection in the future?

Condition 5 states that trees in tracts proposed to be protected through this application shall be protected. The exception is if they become a hazard tree or if it is in the best interest to have them removed to protect Oregon White Oaks. Also, the trees can only be removed if the City's Urban Forester concurs with a certified arborist report.

- ▶ What is the ability to plant trees to attract bird habitat.
It would depend on the kinds of birds desired. Trees that attract birds may not be the best street trees, although almost every tree provides some type of habitat and/or food source.

Civil Engineer Reese responded to previous questions about water quality systems and consideration of storm events:

- ▶ What is the maintenance cost of water quality systems?
The average maintenance cost for the proposed system is \$200. The City-owned equipment is also used to clean catch basins, and the City has experience maintaining similar systems.
- ▶ How do the water quality systems work?
The proposed system slows the water flow, giving sediment time to drop out. The outlet is lower than the top of the water surface, so floatables (oil, grease, chip bags, Styrofoam) get trapped at the top for cleaning.
- ▶ Should we consider 25 and 50-year storm events?
The Stormwater Master Plan (SWMP) has detention requirements for 2 to 10-year storms. The pipe systems are designed for 10-year storms and are not supposed to surcharge during a 10-year storm. The engineer is required to account for a 100-year storm. A 100-year storm will either start surcharging the pipes or an overland component shall be considered that will not affect any existing structures. Typically, when an engineer designs an overland flow up to a 100-year storm, it is kept between the curbs. If the pipe system does not take all of the water during a heavy storm, the water will build up in the street 4 to 6 inches deep until it can flow to another part of the storm system for drainage.

Deputy City Attorney Brewer 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

Scott Wright reviewed slides he presented during the January 5, 2009 public hearing.

Mr. Wright said, in Assignment of Error 4, Building Design, LUBA states that the City needs to require typical building elevations or demonstrate criteria has been met. In reference to a photograph he submitted showing two homes with varying roof heights and style, Mr. Wright said he was attempting to show the different architectural styles of the neighborhood. He noted that Ms. Morr  and Mr. Taylor opined that the picture was misleading, not representative of the neighborhood, and an attempt to make it appear that high-pitched roofs are part of the typical elevations. Mr. Wright referred to photographs

showing four of the eight homes located along Fairmont Drive. All have variable architecture, roof pitches, stories, and elevations.

Mr. Wright referred to testimony from Ms. Morr  that indicated the proposed houses were not visually compatible with the neighborhood characteristics and do not reflect existing characteristics. Since houses have not been proposed, he inquired how Ms. Morr  would know the homes are not compatible. The proposal is for subdivision lots. The houses will be developed by individual land owners according to the 2006 LDC. Pictures of homes previously presented were to show the types of homes that could fit on the lots and meet the 2006 LDC.

Mr. Wright concluded by stating that Council already approved this proposal. LUBA has asked for clarification on four issues and compliance has been demonstrated through the staff report and by the applicant.

Questions of Applicant

Councilor Beilstein referenced comments made by Mr. Knapp about the SWMP mitigating peak flow runoff and altering the curb-over-time of flow. He inquired whether the goal of the mitigation is to mimic the runoff rate which would occur on the property if it was not developed.

Mr. Wright responded that the King County Standards were adopted when Corvallis updated the SWMP, because King County was leading the way in stormwater technologies and methods. The standards require detention of water followed by water release at historical rates (pre-development) to mitigate downstream flooding. A potential problem with the standard is that it causes lower peaks and longer duration of flow which can cause erosion in rivers and sloped streams. Mr. Wright referred to a 10-year event hydrograph of the developed site. The runoff on the site goes directly to the City's approved storm drainage system where there is no potential for erosion. The detention ponds release from three pipe systems into a drainage ditch and wetland. The land is very flat and highly vegetated and is part of the Marys River Natural Area restoration plan. Erosion potential is minimal.

Councilor Beilstein said the hydrograph identifies mitigated and unmitigated runoff associated with peak runoff. In response to his inquiry, Mr. Wright said the graph develops the undisturbed runoff based on historical rates. He confirmed that the development with mitigation will produce a lower initial runoff due to the filling of the detention pond, and the release will stay at a higher rate for a longer period of time than non-developed property.

Public Testimony – Support

Forest Evashevski said compatibility does not mean sameness. At least half of the Fairmont Drive homes, bordering the subject site, are one-story with walk-out basements, with exceptions as noted by Mr. Wright. Fairmont Drive does not have sidewalks, stormwater sewers, water retention, open areas, 8,000 square foot (sf) lots, and 1,200 sf houses. Brooklane Heights has all of these things and complies with the City's affordable housing goals. Both neighborhoods are single-family residential with height, yard, setback, roof pitch, and building materials required by the 2006 LDC. Elevations were not provided

because the developer is selling lots, not houses. Development of the lots are subject to Condition 27. It is more effective to build two-story homes, leaving additional yard and open spaces. Mr. Evashevski opined that if he does not have the right to control what others do as an adjoining lot/home owner, provided code has been met. Mr. Evashevski quoted from page 13 of the December 24, 2008 memorandum from Community Development Director Gibb: "...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."

In response to Councilor Raymond's inquiries about building heights, Mr. Evashevski said the original proposal for this property included grading the lots lower to control building height. Hillside development does not allow for this kind of grading so the current proposal leaves the lots relatively undisturbed. He does not believe a three-story home can be built on these lots per LDC and assumes the opponents may be concerned about losing their view.

Planning Manager Towne clarified that building height for (PD)RS-3.5 zone is 30 feet.

Paul Miller opined that the developers and City staff have complied with the LDC and CCP for this proposal. Reasons for supporting the development, include:

- The total number of home sites has been kept to a minimum.
- The development complies with the City requirement to designate 10 percent of the home sites as affordable housing.
- The plan sets aside more than 40 percent of the acreage to open space and helps protect Oregon White Oaks.
- The plan will use the land in the best way possible to minimize aesthetic impact.
- The land is being used per zoning requirements set by the LDC.

Mr. Miller added that he fully supports the developers for continuing the project despite current economic conditions. The project has the potential to create many local jobs for the community.

Mr. Miller said he also cares about the livability and sustainability of Corvallis. He encouraged Council to make their decision based on facts and what is best for the entire community.

Pat Lampton read his prepared testimony (Attachment K).

Public Testimony – Opposition

Mark Knapp quoted a finding from the CCP: "When natural systems are altered, they may not recover or return to their original state and ecological function. We do not yet understand the complex interactions between natural systems or the cumulative impacts of changes on such systems." Mr. Knapp said the site has an unbuildable slope and is located on a significant hillside next to a significant wetland. The applicant and staff are characterizing this proposal as a buildable slope on an insignificant hillside; an infill only surrounded on two sides by other development.

The application fails to comply with CCP 4.11.12 as it does not ensure pre-development water quality would be preserved after drastic changes are made to the hydrology of the hillside. Mr. Knapp encouraged Council to read the research by Drs. Booth and Jackson that was previously submitted. In his research, Dr. Booth said the infiltration capacity of covered areas is lowered to zero and much of the remaining soil covered areas is trampled to a near impervious state in developments. Compacted, stripped, or paved-over soil has lower storage volumes. If precipitation can infiltrate the soil surface, saturation is reached more rapidly and frequently. Mr. Knapp referred to materials from Foundation Engineering, who identified the same subject flow in their geotechnical investigation.

Mr. Knapp further explained that the conditions discussed in the research and the investigation results are described as surficial aquifer, which is eliminated from the hillside when it is replaced by concrete, asphalt, and compacted clay. The subsurface water storage is critical for healthy hydration of downhill vegetation during the dry season in Corvallis. Mr. Knapp stated that his written testimony describes in detail the numerous issues with detention ponds. The proposed detention ponds have a functional depth of no more than 2.9 centimeters, although the Booth and Jackson research states: "Effective runoff mitigation in the Pacific Northwest appears to require pond volumes from 3 to 14 centimeters." On page 18 of the Metolious Consulting memorandum, the applicant concedes the detention ponds are inadequate to meet applicable land use criteria. The applicant proposes the BaySeparator technology to remove sediment from the water stream. The applicant does not provide sufficient evidence that the BaySeparator method will reduce the sediment load to comply with the CCP.

Mr. Knapp added that the applicant's proposal of the hydrodynamic separator to this development constitutes a Major Modification. LDC 2.5.60.02.a.2.14 states that changes to any aspect of the plan involving natural resources and natural hazards governed by LDC 4.5 constitutes a major modification. Chapter 4.5 of the 2006 LDC is considered in this case because of proposed Condition 27. Mr. Knapp opined that this hearing should be a *de novo* hearing based on the above information.

Dianne Safford submitted written testimony (Attachment L) and noted that the drainage ditch the applicant refers to runs through her backyard. Her neighbors' concerns about this development causing flooding, toxins, erosion, and other issues have been repeatedly ignored. Ms. Safford inquired how the excess water will impact the fill their houses are built on. There is no "ditch" as referred to by the applicant. The drainage area is a swale with water flowing along flat ground, accumulating, and pooling. Ms. Safford encouraged Council to read her testimony about the drainage issues. She added that Council has a responsibility to study the impact on the neighborhood before approving the project.

Councilor Beilstein noted that erosion would be an issue if there was no water mitigation or detention for this proposal. The detention will cause the flow to be slower and the peak to be lower (except during extreme events), with the same amount of water flowing through the property. The water already flows through the drainage ditch and it will continue to flow through the drainage ditch.

Ms. Safford explained that the water flow and accumulation on her property will increase because of the impervious surfaces planned for the development. The neighborhood

requested a geological report as they want something to guarantee that the water issues will not increase due to this proposal.

In response to Councilor Beilstein's inquiry, Councilor Hervey explained that the "extra" water comes from rainfall landing on impervious surfaces and not being absorbed into the soil. The detention ponds delay the percolation of water into the soil which will probably change the flow pattern.

Ms. Safford added that the mitigation will also cause impurities into the wetlands.

In response to Councilor Raymond's inquiry, Ms. Safford noted that the "ditch" is directly behind her house. She reiterated that the "ditch" is a swale that has naturally formed its own channel over the ground.

Jeff Morr  read written testimony submitted by Laurie Childers (Attachment H) and stated agreement with her comments.

In response to Councilor Beilstein's inquiry, Mr. Morr  said the archeology findings are specific to the Kalapuya Indian Tribe who used this site for many years.

Elizabeth Waldron read from her written testimony (Attachment M).

Councilor Daniels clarified that when Councilors declared making site visits, it meant they had already visited the site.

Arthur Boucot read his prepared statement (Attachment N).

In response to Councilor Raymond's inquiry, Mr. Boucot said the engineering consultant has not provided any evidence that the cut and fill will not damage protected trees.

Louise Marquering read from her written testimony (Attachment J). She encouraged Council to review why eight feet was selected for cut and fill before a variance is considered. Ms. Marquering added that cut and fill is an issue for both public hearings scheduled during this meeting and she inquired whether Council would be consistent in their decision for both hearings.

Mayor Tomlinson recessed the meeting from 8:55 until 9:04 pm.

Barbara Boucot read her prepared testimony (Attachment O).

Will Koenitzer provided Council with pictures of neighborhood houses with low-profiles and standard 4:12 roof pitch (Attachment P). He included pictures of the subject site and erosion that exists near the intersection of Fairhaven and Whiteside Drives. Mr. Koenitzer noted that the pictures of the Fairmont Drive houses do not reveal the daylight basements.

In response to Councilor Daniels' inquiry, Mr. Koenitzer said the general profile of the neighborhood homes is indicative of a lower sloped roof. He confirmed that he is concerned about higher roofs blocking views.

Marilyn Koenitzer said when she moved into the neighborhood 30 years ago, there was a 25-year design covenant for one-story structures with daylight basements. The taller homes were constructed after the covenant expired. The taller homes in the interior are less bothersome than tall structures on the exterior blocking views.

Ms. Koenitzer said architecture has changed and low-level houses are not being built as frequently as 10 years ago. One of the newer homes in the neighborhood has a 30-foot roof. Roof measurements are made from the roof midline, so steep roofs can be as high as three-stories. The biggest concern is the compatibility of the viewshed and with the surrounding neighborhood. She clarified that she is not opposed to the development of the property; however, she would prefer it as open space. If building is going to occur, the development should be within the rules and within the compatibility confines of the neighborhood. Ms. Koenitzer referred to LDC 2.5.4.04, 4.6.7, 9.2.5, 9.2.1, and 3.2.7.

Tucker Selko read from his prepared statement (Attachment Q). He said every house in this subdivision will have a driveway, at least one car, lawns, and maybe a garden. Runoff from the houses will most likely include oil, antifreeze, herbicides, insecticides, fertilizers, pet waste, pharmaceuticals, and detergents. The City has already established a concern about these chemicals polluting the water.

Mr. Selko read an excerpt of the Environmental Protection Administration (EPA) definition for non point-source pollution from his written statement and described non point-source pollution as democratic pollution; "Everyone contributes a little bit and everyone's contribution adds up to something that makes an impact." He opined that the impact in this development is bad.

Mr. Selko said detention ponds work well to settle out mud, leaves, twigs, rocks, and other organic materials. The ponds do not remove dissolved solids and low-density pollutants well. If the effective depth of the pond is only 2.8 centimeters, floating contaminants will rise above the outflow source as the water level rises. Dissolved solids go with the water flow; therefore, the methods proposed by the developer to remove dissolved solid pollutants are inadequate.

In response to Councilor Hirsch's inquiry, Mr. Selko clarified that dissolved solids do not float to the top of the water, they remain within the mix of the flow.

Theresa Hanover read from her prepared testimony (Attachment R).

In response to Councilor Beilstein's inquiry, Ms. Hanover said the site was used by Native Americans to move from the riparian zone to the upland prairie. People want hillside homes, so these sites are disappearing, which makes it significant. During the summer, an archeological crew visited the site and dug test pits. Ms. Hanover is unaware of where the crew originated from or whether any report was written and provided.

Mr. Towne noted that staff can respond to questions about the archeological review.

Eugene Wisor submitted written testimony (Attachment S) and added that the pictures of typical houses submitted by the applicant do not portray the neighborhood accurately. He

encouraged Council to seriously consider all of the testimony and facts. He requested that the three-minute time limit be waived for Anne Davies, the petitioner's attorney on the LUBA appeal.

David Thompson said the drainage design identifies three drainage lines in the upper part of Brooklane Estates. The middle and north lines are not currently functioning during significant rainfall. Use of those lines in the mitigation plan will only exacerbate current drainage issues. The drainage ditch also travels across his backyard. He would prefer the standing water and erosion issues as a result of the lack of drainage be addressed. Additional water will cause more erosion and become a breeding ground for insects.

In response to Councilor Beilstein's inquiry, Mr. Thompson said the property where the middle and north drainage lines are currently located was not graded correctly so runoff is not collecting and flowing through the lines. He clarified that instead of flowing through the lines, the water flows across the road and into backyards.

Rana Foster read from her prepared statement (Attachment I).

Carolyn VerLinden expressed concern with CCP 4.6.7. The revised grading plan was not approved by staff according to the August 10 staff report. Council uses ten foot contour lines instead of two foot contour lines, so it is difficult to tell exactly what grading levels are proposed. The proposed cuts and fills do not ensure hillside stability and the significant slope is not preserved in its natural state. Other natural features, including upland prairie and wildlife habitat, are not preserved or addressed. There is only one percent of upland prairie left in Oregon, and at least 50 percent of this property has upland prairie. The Oregon National Heritage Program has identified three sensitive species residing in the Oak woodland, including the Western Gray Squirrel, Acorn Woodpecker, and the White Breasted Nut Hatch. Western Pond Turtles live in natural ponds formed from runoff of the slope. Cutting and filling are not minimized, but instead are two and one-half times allowed because the main proposed road does not align with natural contours for more than half of its length. Types of street trees and maintenance of the prairie have not been addressed.

Susan Morr  submitted an aerial photograph of the site, a colored map of the Corvallis Urban Growth Boundary (UGB) Advisory Constraints (Attachment T), and reviewed her written comments (Attachment H). Ms. Morr  said many issues making this site significant have been identified through the Natural Features Inventory and by previous maps and surveys. The property is a significant hillside, wetland, and wildlife habitat. The hill is the southern most hill shown the UGB map and designated as a significant view. The map identifies areas that have the most significant constraints and is supposed to be used by land use decision makers. The map shows the entire hillside as being significant and a wildlife habitat map identifies the entire southeastern quadrant as significant wildlife habitat. The southern hillside is not in-fill development and is next to the Marys River Natural Area significant wetland, which is actively being restored by many agencies, including the City.

The Oregon Historic Preservation Office has stated that known archeological sites on the hill are connected to the larger complex below. Further research of this area will provide information about the Kalapuya Indians, a tribe of the Willamette Valley.

Ms. Morr  said views from the hillside are spectacular and the property has been recommended for open space. The Oregon Department of Fish and Wildlife (ODF&W) has funds available for certain species restoration. The Natural Features Inventory of wildlife habitat notes that this hillside has potential as a restoration site due to its proximity to the wetland and Marys River.

Ms. Morr  encouraged Council to make their decision based on all parts of the Code that state there is an obligation to consider significant environmental features balanced with the need for more community development. She opined that there is no demonstrated need for more development inside the UGB.

The application does not meet the threshold of neighborhood compatibility of existing homes and less intensive land uses. The site is surrounded by agriculture, wetland, upland prairie, oak woodland, low density residential, and a less steep slope. The burden of buffering and greater building setbacks is on the developer. None of this has been identified in the plan and the smaller lots are placed against existing homes.

The application does not meet CCP 4.6.7 related to neighborhood compatibility and numerous other CCP standards dealing with compatibility and impacts on existing neighbors (CCP 3.2.7 and 3.3.3).

In response to Councilor Hirsch's inquiry, Ms. Morr  said there is a large archeological site in the wetland and at least two additional sites in the upland. The State is not releasing the exact locations of the sites. Ms. Morr  is unclear whether the State has received the written report from the inventory conducted last summer. The developers have submitted a request to the State to remove the sites and build over them.

Ms. Morr  requested the record be held open for one week.

Anne Davies submitted written testimony (Attachment U) and said Council cannot make any decision on applicable criteria without elevation information. The criteria refers to views to and from the hill, and neighborhood compatibility. The staff report indicates a waiver is available so that elevation information is not required. A waiver is available in the Conceptual Development Plan, but not in the Detailed Development Plan. Ms. Davies said more information about this is in her written statement.

The cut and fill plan analysis is the same analysis presented to LUBA. The analysis is a nebulous map of mass grading and does not provide detailed lot grading information, only generalizations of 0 to 10 and 10 to 20 cuts and fills. The proposed cut and fill is in violation of past interpretation of the CCP, criterion the developer and staff agreed to, and does not comply with the 2006 Hillside Development Standards.

Condition 27 has been revised and needs to be carefully reviewed as it indicates areas where mass grading is proposed, and it is the areas not shown on the plan as being mass graded that must comply the 2006 standards. Ms. Davies said the revised condition is not clear. It appears that the language is avoiding the CCP provision and the standards implementing the CCP provision.

Ms. Davies requested the record be left open longer than seven days to allow opponents to locate an expert to review drainage issues. The geotechnical report is complicated, but generalized. It does not explain the drainage in the area nor does it provide enough detail to understand the system. She referred Council to her written statement for more drainage issue information.

Councilor Raymond inquired whether Ms. Davies criteria for compatibility would be met if staff confirmed the applicant is following code with 30-foot roofs. Ms. Davies responded that limiting the roof to 30 feet is not adequate to make a compatibility decision because the elevation information is missing. She noted that this issue has not been addressed since the LUBA remand.

In response to Councilor Raymond's inquiry about cuts and fills, Ms. Davies explained that the applicant's response to LUBA about cuts and fills is that they will show compliance with the 2006 LDC Hillside Development Standards sometime in the future. LUBA deemed that response inadequate.

Councilor Raymond inquired whether Ms. Davies would be satisfied if Council requested a geotechnical report. Ms. Davies responded that Council can request the applicant submit something further. She opined that imposing a condition would not be adequate.

In response to Councilor Hervey's inquiry, Ms. Davies said she believes the applicant needs to provide typical elevations with roof pitch for each lot. She explained that the grading plan is not clear how far or high the house is going to be on the ground. Stating that a house is going to be 30 feet is not relevant without knowing the starting point of the cut and fill.

In response to Councilor Beilstein's comments about typical elevations versus elevations for each lot, Ms. Davies said her submitted materials include drawings for typical elevations. A condition can be imposed stating that any house built in this development can not exceed a specific elevation. She reiterated that the applicable criteria cannot be addressed without the elevation information.

Councilor Beilstein said his assumption is that the existing code would establish the size of buildings, and if compatibility cannot adequately be met with existing code, there is no way to meet this remand unless there a construction plan for each lot.

Mark Hommer said this property is a complex hydrological terrain. To only look at the water as it flows out of a detention basin and not the impact down stream is short-sighted. The plan does not include what difficulties will arise downstream in the wetland and surrounding neighborhoods. To approve this as presented may result in lawsuits due to flooding. Swales on steep slopes will not work in large rain events. The storm separators identified in the proposal only respond to solid materials, not pollutants infused in the water. Those chemicals will impact the wetland area.

In response to Councilor Daniels' inquiry, Mr. Hommer said he is a water resource specialist, has worked as an environmental commission chairman, and is on the board of directors of a watershed group.

Eliza Capizzi submitted written testimony (Attachment V).

Public Testimony – Neutral

George Taylor summarized his written testimony (Attachment H). He expressed concern with the failure to comply with Hillside Development Standards, compatibility to surrounding land use, and visibility to and from the hill. He said the development should adhere to existing land development standards.

Rebuttal

Mr. Wright referred to the grading plan (Attachment III-26) in the staff report. In regards to water quality, more than 40 percent of the site is open space preserved with trees. He opined that this is excellent open space for storm water quality. The grading plan reveals that grading is not proposed for the lots adjacent to Fairmont Drive, except for the top two lots which require grading to meet the road standards. Once the road is in, the project will comply with the 2006 LDC for buildings, even though the developer is only required to comply with the 2000 CCP and 1993 LDC. LUBA did not state that elevations are required, they remanded for elevations or evidentiary documentation showing compatibility with the requirements in the CCP.

Mr. Wright said the 2000 CCP does not state any cut and fill requirements other than to minimize to the maximum extent possible. Often times there has been an attempt to interpret that standard as a number (e.g., eight feet) on some developments.

Mr. Wright referred to the Foundation Engineering report. He said more than 20 test pits were performed on the site, which is significantly more than most developments.

Mr. Wright identified an open corridor that runs from roughly the center of the side to the southeast corner which is primarily contained within proposed tract c that allows wildlife access to the wetland.

Mr. Wright noted that the houses in Brooklane Park Estates were constructed on fill in the flood plain. The construction heavily impacted the flood plain. Two cubic feet per second (CFS) of water runoff during a 10-year event is minimal in comparison to the Marys River, which was over 4,000 CFS in January.

In response to Councilor Hamby's inquiry, Mr. Wright said Attachment III-26 is the current grading plan. Portions of lots 8, 9, and 10 have 10 to 20 foot cuts, and most of lots 7 through 10, and lot 18 have up to 10 foot cuts. There is no grading proposed for lots 2 through 6 other than at the right-of-way (ROW) for the existing road.

In response to Councilor Raymond's inquiry, Mr. Wright explained that LUBA is asking for cut and fill clarification to enhance the City's findings. LUBA is attempting to link the findings in the staff report to Council's decision. The link is not clear and LUBA is requesting better evidence for that link. There is no cut and fill number standard in the 2000 CCP and 1993 LDC.

Councilor Beilstein said, if the only specification for the cut and fill is to minimize without an absolute standard, one option for minimization is to not develop lots 7 through 10. Mr. Wright said to construct the road, the top peak will include a large cut whether or not a house is constructed on the adjacent lot. The purpose for a Planned Development and Detailed Development is to provide flexibility. The trade-off is 40 percent of open space. The CCP prioritizes trees and tree groves, and this plan more than complies with those standards.

In response to Councilor Hervey's inquiry, Mr. Wright clarified that retaining walls have not been proposed for the cut and fill areas. Recommendations following the test pit analysis suggested slopes and grades, without the need for retaining walls. Foundation Engineering made recommendations for steeper cuts than what the developer is requesting.

Sur-Rebuttal

Mark Knapp said he believes the plan does not comply with CCP 4.11.12. The post development runoff will have a greater sediment loading than pre-development runoff. Not enough sediment will be trapped by the BaySeparator and the sediment will be deposited in the wetland ditch which will cause silt in the wetland, and eventually the Marys River. This is contradictory to Corvallis' commitment to a Salmon Response Plan.

Mr. Knapp said the geotechnical investigation is stamped "draft;" however, it is required to be stamped, signed, and certified by an engineer. LDC 4.5.70.03.a requires the geotechnical report address the presence, characteristic, and precise location of identified hazards on the property. The submitted report does not include those identified hazards.

Eugene Wisor said relating water runoff and pollutants to leaving 40 percent of the property open space is confusing. The trees are at one end of the property, and not near Fairmont Drive houses. He is unclear if 40 percent of the property having trees mitigates the pollution or potential flooding issues caused by this development. It is deceptive to say the water flow will be 2 CFS compared to Marys River flowing at 4,000 CFS. Pollutants will be carried in the water flow, so the CFS comparisons do not mean much.

Dianne Safford said her home was already constructed when she purchased it. Prior to purchase she checked with the City and Benton County about the amount of water going into the flood plain. She was not counting on additional water from another development and expressed fear that runoff from this development could flood her home. Ms.Safford referred to the applicant's diagram showing a straight-line drainage ditch through her back yard. She said the channel does not flow in a straight line which proves an analysis of water flow released from the detention pond was not conducted. The water accumulates in the back yards like a lake and seeps into the earth; it does not flow like a creek. The pollutants will cause a polluted lake in her back yard.

Anne Davies reviewed her previous comments about the LUBA remand related to cuts and fills. She reiterated that the standards applicable for the development are the 2000 CCP and 1993 LDC. Pre LUBA, Council imposed a condition for the applicant to comply with 2006 cut and fill standards at some point in the future and LUBA said they needed more evidence.

Councilor Beilstein said he understands that the mass grading plan includes cuts and fills up to 20 feet to establish the roadway and lots in the northwest corner of the property. He inquired whether Ms. Davies believes that each lot will need to be further graded using the 2006 standards.

Ms. Davies said the condition does not state that each individual lot grading will comply with the 2006 standards, it states that the applicant will comply with 2006 standards at some point in the future. She clarified that the mass grading proposed does not comply with the 2006 standards.

Susan Morré said the applicant is not proposing retaining walls on the deep cuts based on the geotechnical test pits. She reviewed photographs submitted by Mr. Koenitzer that show erosion and major slope failure on the opposite side of the same hill after 10-foot cuts were made. Lots two through six may be in compliance with cut and fill standards, but they do not comply with neighborhood compatibility and visual impact codes. The applicant has not provided any design or transition elements required by LDC 3.2.3 for buffering the homes on Fairmont Drive. The application does not comply with the following LDC standards: 3.2.7.b, 4.6.7, 4.6.7.a, 9.2.5.d, 9.2.2, 2.5.40.04, 2.5.20.h; and, CCP standards: 3.2.7, 3.2.2, 3.2.3, 4.6.7.g, almost all 4.6.7 codes and 4.6.9, and 4.7.3.

Request for Continuance – None.

Request to Hold Record Open

Mayor Tomlinson announced that the record will be held open for additional written testimony until 5:00 pm on January 27.

Right to Submit Additional Written Argument

The applicant waived the right to submit additional argument.

Deliberations

Mayor Tomlinson confirmed that deliberations will be held during the noon Council meeting on February 2.

Mayor Tomlinson closed the public hearing.

Questions of Staff

Mr. Towne announced that staff will provide immediate responses to inquiries, if possible. Follow-up responses will be provided before deliberations.

Councilor Hervey: Please clarify the 30-foot roof height and measurement.

Mr. Towne: The LDC includes a definition of building height and is based on a measurement from the grade adjacent to the house, which varies depending on the slope, to a point half-way up from the eave to the peak of the house. The measurement

is not to the peak of the house. A steeper pitched roof means the space above the peak can be higher than a roof line with a lower pitch.

Councilor Hervey: Does the consultant who produced the geotechnical report have any liability based on their responses?

Councilor Raymond: Can Council request requirements that landowners not use fertilizers, pesticides, and/or other chemicals that could potential pollute the wetland?

Mr. Towne: Staff can provide an example of similar language. The City has placed similar requirements on developments, usually associated with homeowner associations.

Councilor Daniels added that Council has also required a homeowners association to post signs limiting the use of chemicals.

Councilor Raymond: Does Council need more detail than the geotechnical report? Please clarify what LUBA is requesting regarding the elevations.

Councilor Raymond: Is the City required to use the 2000 CCP and 1993 LDC to evaluate this development? Is it correct that there is no number associated with the cut and fill standard?

Councilor Hamby: Will the rainwater landing on roofs be channeled into the drainage way or the storm sewer?

Mr. Reese: The water will be channeled into a storm sewer drainage way and the detention ponds, from the ponds through existing pipes, and eventually flow into the wetlands.

Councilor Hamby: Please provide follow-up information about the archeological test pits.

Councilor Hirsch: Is Council obligated to vote based on the standards the application was submitted under (e.g., 2000 cut and fill standards versus 2006 cut and fill standards)?

Mr. Brewer: Yes. Council will vote on the development based on the standards in place at the time the application was submitted. In this case, standards are the 2000 CCP and the 1993 LDC.

In response to Councilor Hirsch's comments related to his opinion of the standards, Mr. Towne said Council needs to determine whether the grading standards proposed for the site adequately address the criteria, which is to minimize cuts and fills. It is somewhat subjective in whether the proposed cuts and fills meet the criteria adequately.

Councilor Beilstein: Lots may be graded under the mass grading plan and not developed for decades. What protections are in place to prevent erosion?

Mr. Towne: The City's Development Services Division implements Department of Environmental Quality (DEQ) standards for erosion control. Staff reviews all development applications, requires an erosion control permit, and monitors permits for standards.

Councilor Beilstein: Does the LDC specify protection of the viewshed?

Mr. Towne: It will be difficult to manage that at the building permit level; however, there is an application requirement for typical building elevations. Despite the fact that the ability to waive is in the Conceptual Development Plan (CDP) provisions, the Detailed Development Plan provisions refer back to the CDP, so staff believes it is possible to waive those provisions. Another reason for granting the waiver request is because they are asking for a variation to the Planned Development provisions. The variation identifies standards under which development could be approved guaranteeing compatibility. The standards proposed are identified in the 2006 LDC; cuts and fills as proposed with mass grading and additional cuts and fills allowed under the 2006 LDC. It is possible that Council might not accept only those mechanisms guaranteeing compatibility and suggest other methodologies for development approval without typical building elevations for each lot. Examples include requiring a daylight basement with no more than one story above, or specific roof pitches.

Councilors Hamby and Daniels, respectively, moved and seconded to extend the meeting until 11:30 pm. The motion passed unanimously.

Mayor Tomlinson recessed the meeting from 10:59 until 11:08 pm.

Councilor Beilstein: Is there a requirement for maintenance and care of the four open space tracts?

Mr. Richardson: The conditions refer to the homeowners association (HOA) for landscaping, but are not specific to maintenance of the tracts. The public areas will be maintained by the City (retention ponds). A management plan for the White Oak Grove has not been discussed.

Councilor Beilstein: Is there a requirement to form a HOA?

Mr. Richardson: Condition 3 (Exhibit II.5) identifies the responsibilities of the HOA, including management of wooded areas within tracts.

Councilor Daniels: Please respond to Mr. Knapp's comments related to a Major Modification.

Mr. Towne: There cannot be a Major Modification without an approval.

Councilor Daniels: Please evaluate the issues regarding whether there is a drainage ditch in Ms. Safford's backyard that is not functioning properly and her other concerns about non-functioning drainage.

Councilor Daniels: Please clarify the significance and history of the applied eight foot standard.

Councilor Daniels: Can a condition be drafted that states a building on the west side of the development cannot break the horizontal plane of the street level floor of the Faimont Drive houses?

Mr. Towne: Staff will bring back a condition for review.

Councilor O'Brien: Who owns the right to the view?

Mr. Towne: Staff would have to review that issue based on the CCP policies which refer to the view from the hill and the view to the hill. As the discretionary body, Council has the task to decide this issue. Staff believes the applicant adequately addressed that in their presentation, included in the staff report.

Councilor Hervey: Please comment about the testimony claiming that two of the existing drainage ways are not functioning.

Mr. Reese: If the drainage pipes are not functioning, they can be maintained or larger pipes can replace the existing pipes. The drainage pipes are within a public easement.

Mr. Reese added that the reason water flows over the roadway, as noted in prior testimony, is because the private access road from the alley behind Brooklane Park Estates has been improperly graded causing water to flow away from the ditch.

Councilor Hervey: Is the developer responsible to ensure drainage ways are functioning?

Mr. Reese: There are existing drainage easements through Brooklane Park Estates. If the system no longer functions because of excess demand caused by the development, the developer would be responsible to fix the issue.

Councilor Hirsch: Does staff believe the grading, as proposed, is acceptable, safe, and not detrimental?

Mr. Towne: The applicant proposed Condition 27 to respond to some concerns about grading. Staff recommend the development be accepted.

- B. A public hearing to consider an appeal of a Planning Commission decision (PLD08-00013, SUB08-00007 – Deer Run Park Subdivision)

Mr. Towne announced that the applicant is willing to extend the 120 day time frame.

Mr. Brewer said the appellant has also expressed interest in postponing the hearing due to the hour of these proceedings.

Councilor Brauner said, if the hearing is continued, he would prefer that most of the testimony occur during the next meeting so that the opportunity to rebut testimony is not lost.

Mr. Towne noted that if the hearing is continued to February 2, the 120 day time frame expires on March 1. He opined it would be better to extend adoption of Formal Findings to March 2.

Mayor Tomlinson confirmed that the applicant is willing to extend the time frame, and that the applicant and appellant agree to postpone all testimony until February 2.

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

Councilors Beilstein and Daniels, respectively, moved and seconded to continue the hearing on February 2 at 7:30 pm. The motion passed unanimously.

V. MAYOR, COUNCIL, AND STAFF REPORTS – continued

C. Staff Reports – continued

3. Labor negotiations briefing

Mayor Tomlinson announced that this item has been postponed until the February 2 Council meeting.

XI. ADJOURNMENT

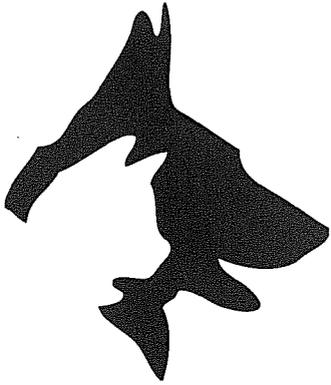
The meeting adjourned at 11:25 pm.

APPROVED:

MAYOR

ATTEST:

CITY RECORDER



Kindness

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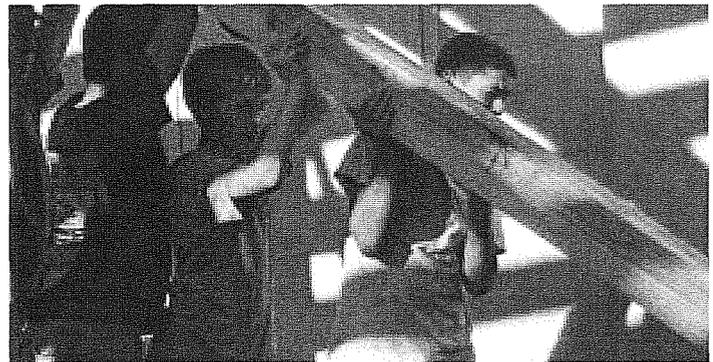
Eagle Scout Project Benefits Heartland

In true Corvallis fashion, three organizations worked together for the benefit of the community! Last fall, Heartland Humane Society received a grant from Chintimini Kennel Club (CKC) to make major upgrades to our outdoor dog training facility. By adding a cement floor and roofing, the space will be used year-round and bleached to prevent diseases.

Needing a community project to complete his Eagle Scout badge, local high school student Carey Adams came to Heartland looking for a project. With help from his father, Brent, Carey designed the new structure, applied for permits and solicited material donations. The generous grant from CKC and local donors covered the rest.

Over the summer, Carey, Brent, and a slew of young helpers built the structure. Now, Heartland has a functional area to work with dogs all year round!

Thank you Chintimini Kennel Club members and Carey & Brent Adams!!



Osborn Pool Goes to the Dogs

The unpredictable weather did not stop the fun at this year's 4th annual Puppy Pool Party. Corvallis Parks and Recreation's Osborn Aquatic Center let the dogs have the run of their pool for a day. For just \$5, the furry animals were able to have non-stop fun for an hour and a half.



With no discrimination toward size or breed, dogs big and small took advantage of this unique and amusing opportunity

by swimming, fetching tennis balls, chasing each other, and even attempting to escape through the gate.

The dogs were not the only ones to have such a great time. The dogs' families enjoyed the day almost as much as the dogs. Some even brought their dogs for more than one session, but with half the proceeds going to help the animals at Heartland Humane Society, it was well worth it to them.

Heartland would like to thank all the volunteers that helped throughout the day and a special thanks to Osborn Aquatic Center for the use of their facilities and their staff members!

ATTACHMENT A

Heartland Humane Society Board of Directors

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Past President

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Treasurer

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Secretary

Matt Andresen

Judy Brazee

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Animal Care Technicians

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Dan James

Juanita Gomez

Shawn Lorenzi

Elizabeth Hegstad

Kelly Raboin

Barb Rosenberger

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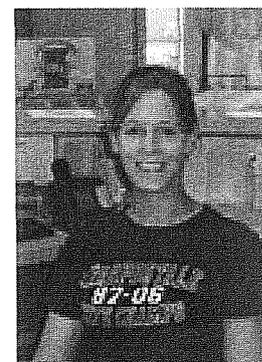
Volunteer Spotlight

Heartland Humane Society volunteers are truly unique and dedicated individuals....

Nature photographer **Andrew Yip** and his wife **Kerri** began volunteering at Heartland after adopting their dog Thumper. Andrew and Kerri have put their photography skills to work by capturing the wonderful personalities of all the dogs up for adoption at the shelter. The response from potential adopters perusing our website has been tremendous. Thank you, Andrew and Kerri, for giving people a chance to see our dogs' true potential.



OSU pre-med student **Katie Lebold** started volunteering with us back in January 2008, and boy, has she learned fast how to do it all! Katie can run the lobby single-handedly, assist in our exam room, and clean with animal care. Katie also helps out with our foster care program; she takes home cats and kittens by the truck load! Katie is truly an asset here at Heartland; one of the many unsung heroes who keep this shelter running efficiently and compassionately. Thank you Katie for the time and love you put into Heartland!



Where do we even begin with **Charlie Davis** and **Stephanie Harrington**? Charlie and Stephanie are the kind of people you can depend on and call on any day of the week and twice on Sunday! Not only do they constantly foster cats but they also transport animals, clean cages and kennels, walk dogs, work outreach events and fundraisers, fix our computers, help build fences, and the list just goes on and on and on!

Thank you, Charlie and Stephanie, for your continued commitment, time, effort, and enthusiasm that you contribute to the shelter. Your love and devotion to the animals and intense desire to see them all get homes, is appreciated by all of us at Heartland Humane Society.

Shop Cat's Meow Thrift Shop

- Find great deals!
- Support local animals in need!
- Help keep useful items out of landfills!
- 100% volunteer-operated

Proceeds benefit



Heartland Humane
Society

411 SW 3rd St., C

Hewlett-Packard Employees Care About Heartland!

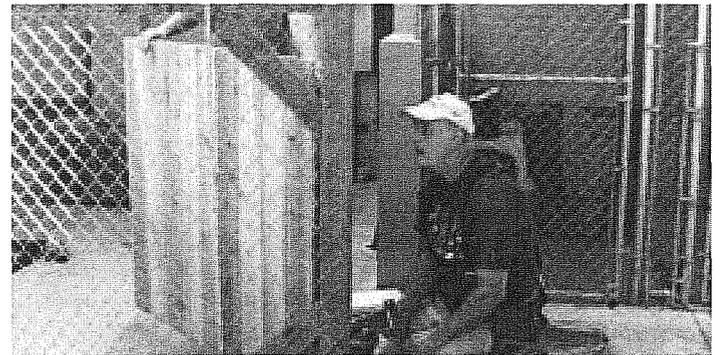
Friday, September 12th was the beginning of renovations at Heartland. Hewlett Packard employees volunteered their time to pull up carpet in the break room and the Volunteer Center and prep the floors to be painted. As you can imagine carpets in a humane society don't stay clean for long. With constant foot traffic (animal and human) the carpets were in desperate need of being removed. Thanks to these hard working and enthusiastic volunteers, Heartland now has cement floors that are easy to clean and maintain. Now Heartland critters have two new rooms to romp around in! Thank you Paul Richards, Melinda Valencia, Chien-hua Chen, Jennifer Wu, Brad Benson, David Erickson, Jim McKinnell, and Alan Arthur!



New Fence Reinforces Kennel Area

New fencing has been installed in the kennel area outside Heartland. Local contractor Erik Cole headed the project by acquiring donated and discounted materials from Spaeth Lumber, Stagecoach Construction, his own materials, and materials from his father-in-law. He also donated his time, along with fellow contractor Jim Sreeman (pictured, kneeling) and Heartland volunteer Charlie Davis, to install the fencing. The section by the building is chain link, and the section that separates the backyard is wood.

the yard visiting with potential adopters or being readied for a walk by volunteers. Now, dogs in their kennels will not see dogs visiting in the back yard with adopters. There is also another level of security if a dog is able to break out of his kennel or escape from a volunteer while being readied for a walk.



The new fence now encloses the kennel area on the North side of the building. The purpose is to increase safety for the public and volunteers, and decrease barking noise that affects neighbors. In the past, dogs in their outer kennels barked when they saw other dogs out in

Join the ranks of those who support Heartland's Commitment to Compassion!

Enclosed is my **tax deductible** gift to Heartland Humane Society, my *Commitment to Compassion!*
Return form to: HHS, P.O. Box 1184, Corvallis, OR 97339

Name _____ Phone _____
Address _____ City, State, Zip _____
E-Mail _____
Visa/MC # _____ Exp. Date _____ Amt. \$ _____

*Join Promise Program:
Remember Heartland Humane Society in your estate planning*

Join Circle of Kindness monthly giving program

Option 1: I prefer to make automatic gifts from my checking account. A check with my first monthly gift is enclosed.

Option 2: I prefer to have my monthly gift charged to my credit card.

I have enclosed:
 \$250 \$50
 \$100 \$20
 \$75 Other

Authorization: I authorize Heartland Humane Society to make automatic monthly gift transfers as indicated above. Gift transfers occur each month on the 19th. This authorization will remain in effect until I notify Heartland to cancel my gifts. **Signature** (required for monthly donor): _____

Heartland's Fiscal Year-End Results

Animals Served

Last year Heartland admitted 1,239 cats, 822 dogs, and 103 small animals.

In 2007-08 we found new, forever homes for 1,236 animals. More than 134 cats were adopted from Animal Crackers, Cat's Meow Thrift Shop, and other off-site adoption events.

We matched last year's all-time high save rate for dogs at 89%. The save rate includes adoptions, plus reunions with owners and pets transferred to other humane groups that can best serve the animal's needs, such as breed rescue groups.

We also achieved a 77% save rate for cats -- a record high in our more than 40-year history.

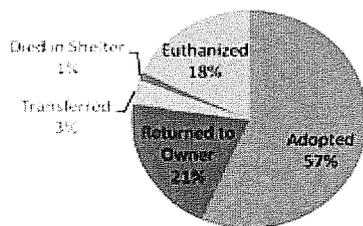
At HHS, there are no time limits on how long a pet stays available for adoption. Our adoption rates are made possible by a caring public, a hard-working staff, a dedicated group of volunteers, and by generous donors. Adoption fees cover less than 15% of our operating costs.

Type	No. of Adoptions	Save Rate*
Dogs	382	89%
Cats	764	77%
Small Animals	74	84%

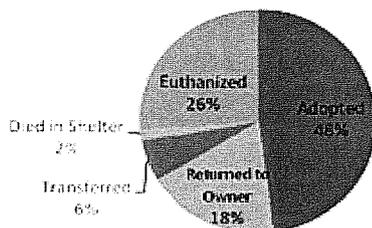
Total: 1,236 adoptions; 82% average save rate

*The save rate includes adoptions, transfers to alternative placement groups and other shelters, and reunions with owners.

Animal Statistics 2007-08



Animal Statistics 2006-07



Making Hard Decisions: Why does HHS euthanize?

Heartland Humane Society is an open-door shelter. As such, HHS must accept any animal in Benton County, regardless of health or behavior.

We work closely with Oregon State University School of Veterinary Medicine and local vets to get treatments and surgeries donated. However, sometimes animals are too sick to be saved.

HHS is also obligated to not return dangerous animals into the community. Decisions of euthanasia based on behavior take into account the animal's history, behavior in the shelter, breed, and results of behavioral exam.

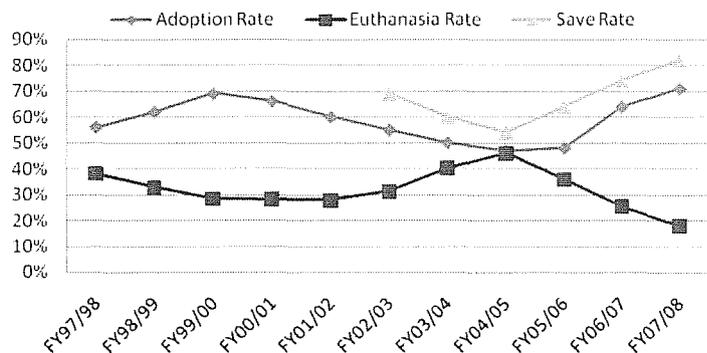
Moving in the right direction

Since the new shelter was built in 2000, HHS has not had to euthanize dogs due to space issues.

However, the same cannot be said for cats. Two years ago, HHS made the decision to stop accepting cats from surrounding counties and concentrate on our service area of Benton County.

Now, because of fewer cats and an improving foster care network, we are reducing the need to euthanize cats because of space limitations. Our goal in the next two years is to never euthanize any animal because of space issues.

Historical Rates



Foster Care saves more lives

Foster Care gives animals a second chance. Foster homes care for animals that are too young or too ill to stay at the shelter. With generous support from community members who open their homes to these animals, HHS expands the walls of the shelter, serving more animals than the facility could do alone. Last year, 620 animals went into Foster Care.

The Animal Neglect Case was finally settled on December 23, 2007. After caring for 109 small dogs for more than eight months, HHS and the many foster families were relieved to finally have closure.

The Safe Housing Program utilizes the Foster Care network to care for pets whose families are seeking emergency assistance from the Center Against

Violence (CARDV) or Community Outreach, Inc. (COI). Last year, 9 families were helped through this program.

620 animals were cared for by foster volunteers
147 current foster volunteers

Helping animals in need

Heartland Humane Society provides life-saving medical treatment for animals, as well as important spay/neuter services to address pet overpopulation in the community.

1,224 surgeries were performed in the clinic last year
878 spay/neuter surgeries on HHS animals
341 spay/neuter surgeries on other local agency animals

Heartland is moving beyond spays and neuters. Recently, two animals who would have been euthanized received the surgeries they needed at Heartland.

CONNECTING PEOPLE & ANIMALS

Humane Education

Heartland interacts with the community each year in a variety of ways, from teaching children responsible pet ownership, to promoting the human-animal bond and recognizing the beneficial role animals play in people’s lives. Our humane educator travels to schools to teach classes,

gives tours of the shelter, hosts a popular summer camp, and conducts youth volunteer clubs. Our education efforts strive to instill a sense of responsibility, compassion, commitment and respect: values that will serve students throughout their lives.

16 Humane Education presentations
751 children who learned about responsible animal ownership

Volunteer Contribution

HHS could not exist without the support of the community. Each year, HHS is able to help animals find new homes, be reunited with their owners, or receive medical care thanks to the continued commitment of its dedicated volunteers.

250 volunteers gave 7,753 hours at the shelter and outreach events

Youth gave 1,914 hours and adults gave 5,839 hours, equivalent to 3.7 full-time employees

Cat’s Meow Thrift Shop benefits HHS

The Cat’s Meow Thrift Shop, located in downtown Corvallis, accepts donations of furniture, housing goods, books, toys, collectibles, clothing, and accessories. The sale of these items benefits HHS and keeps useful goods out of landfills.

This year, income generated by Cat’s Meow grew from just over \$145,000 to nearly \$175,000 – 25% of the total HHS income!

Due to the tremendous growth at The Cat’s Meow, a part-time person was hired to help process the heavy flow of donations on Saturday and Monday afternoons. This part-time position is .25FTE from May – October. The Shop is otherwise managed and staffed by volunteers.

80 volunteers contributed 10,305 hours to The Cat’s Meow, the equivalent to nearly 5 full-time employees

Financial report

HHS has realized a modest surplus of revenues over expenses in the operating fund due to controlled and closely-monitored spending. Although we achieved a surplus of just over \$8,000, most of the surplus is dedicated grant income whereby the expense will be recognized in the 2008/2009 fiscal year.

Revenue		
Donations & Fundraising	\$273,357	40%
Retail Income	\$193,413	28%
Adoption Services & Program Revenue	\$107,466	16%
Contract Income & Restitution	\$82,988	12%
Animal Service Fees	\$30,379	4%
Total Revenue	\$687,825	100%
Expense		
Animal Care & Adoptions	\$285,027	42%
Administration Expense	\$244,913	36%
Retail Expense	\$56,187	8%
Fundraising	\$54,944	8%
Volunteer & Animal Assisted Interactions	\$28,473	4%
Community Information	\$10,250	2%
Total Expenses	\$679,793	100%
Net assets as of 6/30/07		\$1,134,889
Decrease in net assets		\$2584
Net assets as of 6/30/08		\$1,132,305

Orphan Kitten Finds Two Foster Moms and a New Home

When a little golden kitten was born in late July, his prospects didn't look too good. He was found in a back yard with umbilical cord and placenta attached, but no sign of his mom or littermates. At Willamette Veterinary Hospital, he was checked, weighed, fed and named U2. Luckily, a Humane Society cat, Topaz, had given birth a few days before and readily accepted U2

(then renamed Golden Boy) even though she already had six kittens. Topaz and kittens were fostered by Humane Society volunteer Susan Hyne, a resident of CoHo Ecovillage in south Corvallis. Susan's neighbors, the Grooms, will be adopting Golden Boy soon. The dozens of CoHo neighbors who helped socialize the kittens are delighted that Golden Boy (to be

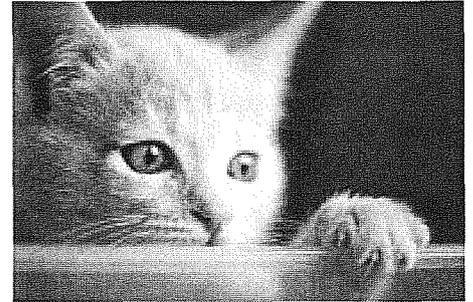


Photo: Yaroslav Bulatov

renamed TJ) will be staying in the cohousing community.

Belly Dance to Benefit Heartland



Local bellydance instructor, performer and singer-songwriter Siobhan is hosting her second entertainment fundraiser for Heartland Humane Society which will include members of her music band and bellydance troupe, Galactivate, as well as members of the Corvallis Bellydance Performance Guild.

The performances, held Sat., Nov. 15 from 8-10 pm at The Beanery in downtown Corvallis, will feature some of the best local talents in a fun, festive, family-friendly atmosphere. Please come and support a good cause and enjoy the music and dance!

A donation of \$5-10 is suggested; more information is available online at www.siobhanbellydance.com.

Halloween Reminder

Heartland Humane Society gives the following tips to help keep your pets safe and stress-free this time of year.

1. Do not feed candy to your furry friends. Chocolate can be very dangerous for dogs and cats, and tin foil and cellophane candy wrappers can be hazardous if swallowed.
2. Pumpkins and decorative corn are relatively nontoxic, yet they can cause upset tummies if pets ingest them.
3. Keep wires and cords from electric lights and decorations out of reach of your pets. Your pet could experience damage to his/her mouth if chewed, or receive an electrical shock.
4. Use extreme caution if you choose to add a candle to your jack-o-lantern. Pets can easily knock a lit pumpkin over and cause a fire. Curious pets run the risk of getting burned by candle flames.
5. Do not put your dog or cat in a costume UNLESS you know he or she likes it. Wearing a costume can cause unnecessary stress.
6. For those pets who do like to wear a costume, make sure the costume isn't irritating or unsafe. It should not constrict your pets' movement, hearing or sight. Even the nicest animals can get snippy when they can't see.
7. Keep pets inside and in a separate room during peak trick-or-treating times. Only the most social pets should be able to join the festivities. Too many strangers can be scary and stressful for pets.
8. If you plan to take your social dog trick-or-treating with the kids, walk him/her on a short leash, stay on the sidewalk, take a flashlight and consider having him/her wear a reflective leash, collar or vest.
9. Use caution when opening the door so your pet does not slip outside.
10. Always make sure your dog or cat has proper identification. If for any reason your pet escapes and becomes lost, a collar, tags and/or a microchip increase the chances that he or she will be returned to you.

October

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 Kindness Kids Club 3:45 - 5:30 at shelter	2	3 Where it's at Beaver Community Fair 12:00 - 5:00	4 Puppy Pool Party at Osborn Aquatic Ctr
5	6	7 Volunteer Orientation at shelter at 6:00 pm	8 Kindness Kids Club 3:45 - 5:30 at shelter	9 <i>Yom Kippur</i>	10	11
12	13 <i>Columbus Day</i>	14 Volunteer Orientation at shelter at 6:00 pm	15 Kindness Kids Club 3:45 - 5:30 at shelter Foster Care Training at Shelter 6:00 pm	16	17	18 Outreach at Petco 11:30-2:30
19	20	21	22 Kindness Kids Club 3:45 - 5:30 at shelter	23	24	25 Farmers Market 9:00 - 1:00
26	27	28	29	30	31 <i>Halloween</i>	

November

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1 Outreach at Petco 11:30-2:30
2 <i>Daylight Saving Time Ends</i>	3	4 Volunteer Orientation at shelter at 6:00 pm	5 Kindness Kids Club 3:45 - 5:30 at shelter	6	7	8
9	10	11 Volunteer Orientation at shelter at 6:00 pm <i>Vietnam Day</i>	12 Kindness Kids Club 3:45 - 5:30 at shelter	13	14	15 Outreach at Petco 11:30-2:30 Belly Dancing Fundraiser 8-10 pm
16	17	18	19 Kindness Kids Club 3:45 - 5:30 at shelter Foster Care Training at Shelter 6:00 pm	20	21	22 Holiday Pet Portraits 10:00 - 4:00 HIP Craft Fair
23/30	24	25	26 Kindness Kids Club 3:45 - 5:30 at shelter	27 <i>Thanksgiving Day</i>	28 <i>Holidae Parade</i> 7 pm	29

December

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2 Volunteer Orientation at shelter at 6:00 pm	3 Kindness Kids Club 3:45 - 5:30 at shelter	4	5	6 Outreach at Petco 11:30-2:30
7 Holiday Pet Portraits 11:00 - 5:00	8	9 Volunteer Orientation at shelter at 6:00 pm	10 Kindness Kids Club 3:45 - 5:30 at shelter	11	12	13
14	15	16	17 Kindness Kids Club 3:45 - 5:30 at shelter Foster Care Training at Shelter 6:00 pm	18	19	20 Outreach at Petco 12:30-3:30
21	22	23	24	25	26	27
28	29 <i>Hanukkah</i>	30	31 <i>Christmas Day</i>			

Heartland's Wish List

To donate any of these items, bring them to the shelter during regular business hours, or call

757-9000 for more information. Thank you!!

• High quality (Science Diet, Iams, Innova, California Natural, Natural Choice, Pro Plan etc) dry cat/kitten food.

• Wet cat food

• Heavy duty dog leashes, slip leads, collars, Gentle Leaders and halties (various sizes)

• Kongs

• Dog rawhides, bones, tough dog toys, dog treats

• Cat toys

• Yellow rubber kitchen gloves (medium and large)

• Batteries (AA, D, 9V)

• Windex, bleach, rubbing alcohol, distilled water

• Copy machine/printer paper

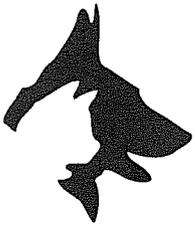
• Monetary Donations

Christmas Goods at Cat's Meow Thrift Shop

Can't remember where you put last year's Christmas decorations? The Cat's Meow has litters and litters of items you might need for the holiday season. Located in downtown Corvallis at 411 SW 3rd St. across from Safeway.



The Heartland Board of Directors has created the Heartland Society Endowment Fund, managed by the Benton County Foundation. Your contributions will help fund operational needs for the long term. Please consider including the Endowment Fund in your estate planning. For more information, contact Andrea at 752-9833.



Heartland Humane Society
PO Box 1184
Corvallis, OR 97339

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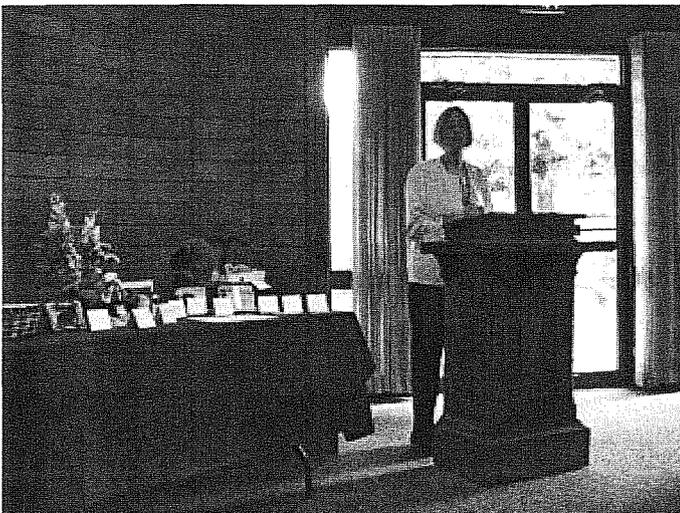
Visit us on the web at www.heartlandhumane.org



Remembrance Service Held

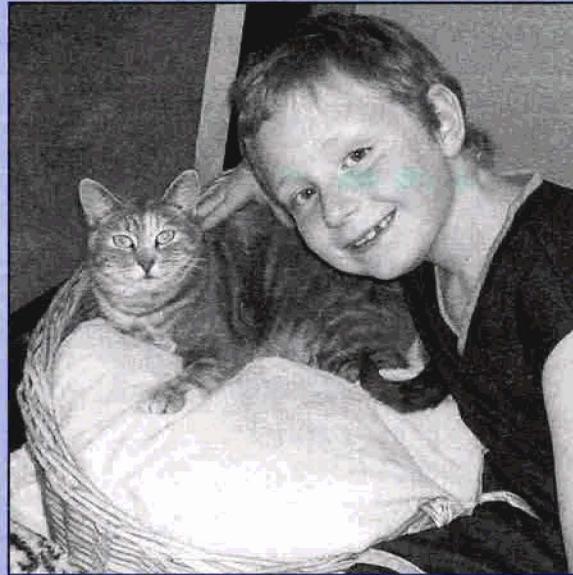
On August 7th, Marcella Joy Fox (pictured at left) conducted Heartland's first pet remembrance ceremony at the DeMoss-Durdan Funeral Home. Fox is a

ceremony officiant and grief support specialist from Monmouth. Many people are surprised how difficult the loss of a pet can be and often feel that other people don't understand their grief. Remembrance ceremonies provide an opportunity for those who have lost a pet to remember and honor their companion and the life they shared. Attendees came with pictures, toys and urns of their pets which were placed on the remembrance table. Fox lead the group through several chants and talked about remembering the happy times spent with your friend. Through these happy memories, your companion can live on forever in your heart. Visit Marcella's website at www.marcellafox.com for more information about companion animal grief support. A special thank you to DeMoss-Durdan Funeral Home for donating the venue.



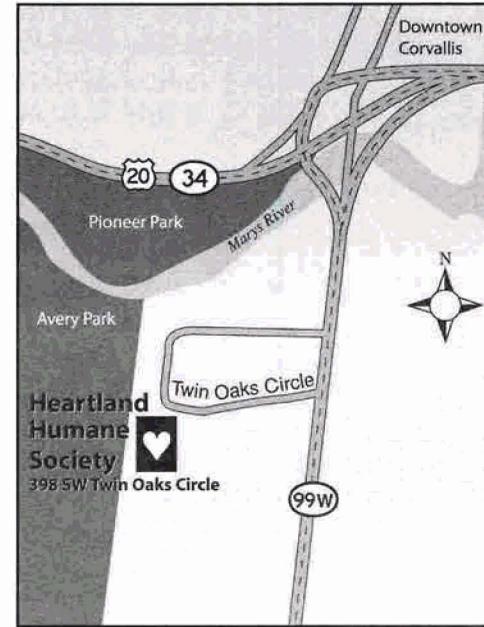
Our mission is to build a more compassionate community by teaching humane messages to our youth, caring for homeless animals and strengthening the human-animal bond.

Hearthland Humane Society is a local, not-for-profit animal welfare agency. Founded in 1966 by a group of concerned Benton County citizens, we have grown to serve the animals of five counties as well as the people who care about their fates.



As an open-admissions shelter we accept any animal in need, knowing that without us animals will be left on the streets to fend for themselves. We receive no funding from federal or state governments or any national humane organization. The only way we can help the animals is through the generous support of individuals who know that without our crucial programs animals will suffer.

"The greatness of a nation and its moral progress can be judged by the way its animals are treated." - Mohandas Gandhi



398 SW Twin Oaks Circle
P.O. Box 1184
Corvallis, Oregon 97339

Tel. 541-757-9000

Fax. 541-757-1090

Email adopt@heartlandhumane.org

www.heartlandhumane.org

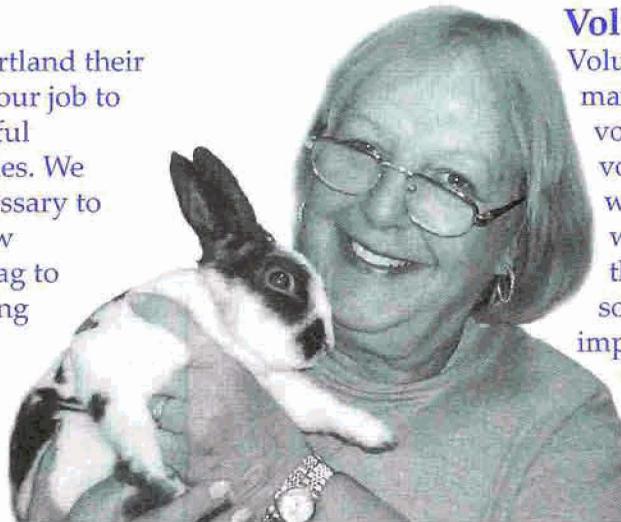
Heartland Humane Society



Caring for Animals

Adoptions

Thousands of animals make Heartland their temporary home each year. It is our job to return the lost ones to their rightful guardians or find them new homes. We strive to provide everything necessary to guarantee the success of each new relationship. From a collar and tag to preliminary medical care, adopting from our shelter is a great deal, and you will love the way that it makes you feel. Our adoption rate is high, but we will not be satisfied until 100% of the placeable animals find their forever homes. To see our adoptable animals, stop by our Corvallis shelter, visit Animal Crackers Pet Supply or go online to www.heartlandhumane.org.



Humane Education

In our quest to build a more compassionate community, we focus daily on helping children build appropriate relationships with animals. We offer free humane education programs for schools, youth groups and community organizations. These presentations are age appropriate and include the important topic of safety around animals as well as animal care. To schedule a presentation call 757-9000 or email education@heartlandhumane.org.

Lost and Found

Every year we reunite hundreds of animals with their owners by matching lost and found reports. Without dedicated staff and volunteers to collect the reports and make the matches, most of these pets would not find their way home.

Creating A Humane Community

Volunteering

Volunteers are the heart of Heartland. From walking dogs to managing our thrift shop to providing temporary foster care, volunteers are involved in every aspect of our organization. Youth volunteers range in age from 8 to 15 years and must volunteer with a parent or guardian. They can also join the Kind Kids Club, where trained, adult volunteers supervise their activities at the shelter. Adult volunteers can work hands-on with the animals, socializing, training and providing love. Numerous other equally important roles must be filled that do not involve direct contact with the animals such as special events, customer service or retail sales at the Cat's Meow Thrift Shop. For more information on volunteering email volunteer@heartlandhumane.org, or call 541-757-9000.

Pet Guardian Assistance

We offer services to support low-income pet guardians including a pet-food bank and a spay/neuter assistance program. It is our hope that with a little help these families will be able to keep their animals with them for life. When we help each other and honor the human-animal bond, we build a more compassionate community.

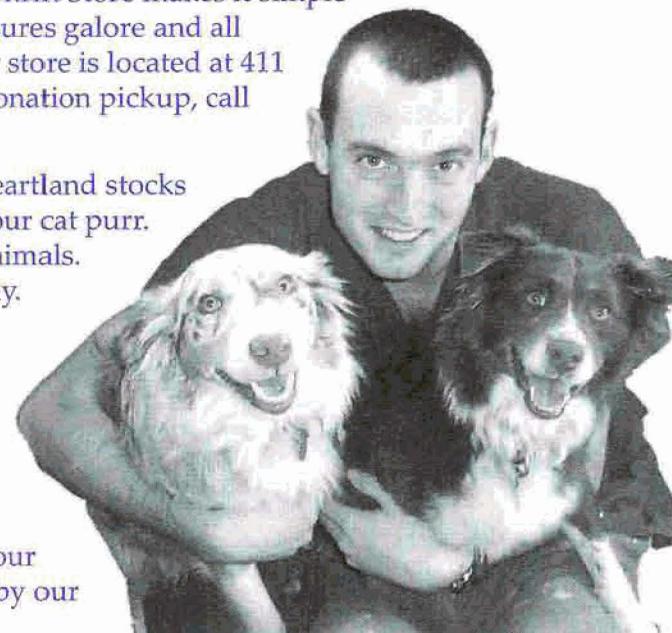
Cat's Meow Thrift Shop and Pets-Arf-Us Pet Supplies

Whether you donate, shop or volunteer, our Thrift Store makes it simple to help the animals. The Cat's Meow has treasures galore and all proceeds support Heartland's programs. Our store is located at 411 SW Third Street, Corvallis. To arrange for a donation pickup, call the Cat's Meow, 541-757-0573.

All pets need supplies, and at Pets-Arf-Us, Heartland stocks a wide variety to make your dog drool and your cat purr. When you buy from us, you help homeless animals. Please stop by the main shelter and shop today.

How You Can Help

From brushing cats, to leading a fund raising event, the opportunities to be involved are limitless. Your time, your talents and your financial support are all needed. Please visit our website, www.heartlandhumane.org, or stop by our main shelter to find out more.



Make A Commitment To Compassion Today!

Heartland Humane Society is a private, local, nonprofit organization. We receive no funds from national humane organizations and must raise 90% of our budget each year. Your support is critical in allowing us to continue providing vital services to our community.

- \$25 = one humane education classroom visit
- \$50 = training of a new group of volunteers
- \$185 = care for each shelter animal
- \$500 = sponsorship of one cat kennel
- Please send me volunteer information
- Please send me information about making a planned gift to Heartland.

Name: _____

Address: _____

Phone: _____

Email: _____

Please charge my Visa/MC # _____

Exp. Date: _____

Signature: _____

Amount: _____

Checks can be made to
Heartland Humane Society.

Donations can be made securely online at www.heartlandhumane.org

Thank you for
Your donation



SISTER CITIES NEWS



Volume 19, No. 2

Newsletter of the Uzhhorod-Corvallis Sister Cities Association

Winter 2008

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 Stewart Wershaw, *CITY COUNCIL*

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 Sabra Killen
 Alice Rampton
 Mark Rampton

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Visit us on the web:
www.sistercities.corvallis.or.us/

SISTER CITIES NEWS

Published by C-USCA
 P.O. Box 176
 Corvallis, Oregon 97339

Contributors C-USCA Members

New C-USCA Members in 2008

Georgene Barte
 Nora Eaton
 Mark Foster
 Lisa Halverson
 Kory Jackson
 Paulette Ratchford

President's Message

This is our 20th year as Corvallis Uzhhorod Sister Cities Association!



The TOUCH 8 Delegation and the Maharimbas have returned from a full, exciting 2 weeks in Uzhhorod this October. I won't repeat what is included in the TOUCH report, but we are beginning to see long term results of C-USCA programs. Many young adults that have been sponsored by our programs are now productive members of their community.

The Maharimbas (9 member group) musicians were an inspiring, cultural delegation with a packed itinerary while in Uzhhorod. The marimba instruments purchased by C-USCA were left in Uzhhorod and gifted to the Padiyun (which is similar to our Boys & Girls Club) for ongoing instruction/classes.

While in Uzhhorod, as President of C-USCA: I met with the director of the Transcarpathian Regional Scientific Library to prepare for the forthcoming librarian exchange; met with the President of Uzhhorod Corvallis Sister Cities Association; congratulated the Way of Life Rehabilitation Center on their Ninth Anniversary; represented the City of Corvallis at "The City Days of Uzhhorod 2008 - Celebrating 1115 Years"; visited Dr. Krulyk at the Dental Clinic that serves TOUCH children; and was interviewed by 2 newspapers and on a ½ hour live TV program promoting the Corvallis and Uzhhorod Sister Cities Associations by sharing current projects that are underway. I was also part of the TOUCH 8 Delegation.

Congratulations to Alice and Mark Rampton for individually receiving

"Honorable Citizens of Uzhhorod" awards during City Days for their work done for Uzhhorod!

I would like to invite you to become a member of C-USCA.

We fundraise in order to complete projects such as: the patio and fence around the school yard at Public School #14, a Roma school; pledge money to the Summer Camp for children in Uzhhorod; cultural exchanges; Mayor Delegation exchanges; begin a liaison with our libraries and other agencies; pledge money to the Dental Clinic; etc.

TOUCH is under the umbrella of C-USCA and is one of our larger ongoing projects. Membership is a fundraiser. Sponsoring a child or donating to TOUCH does not make you a member of C-USCA. We appreciate your donations and encourage you to become a member of C-USCA. Information on how to do this is included in this newsletter.

Thank you to the many supporters of C-USCA. We could not begin or complete programs or projects without your generous donation of time and money. You are making a tremendous positive impact on

our Sister City.

The 2008-09 year will see: a Mayoral Delegation from Uzhhorod; a library delegate visiting Corvallis; the Uzhhorod Maharimba project liaison will visit Corvallis; support for many TOUCH projects; support for the Dental Clinic.

Beverly Smith
President

Highlights of TOUCH 8 Delegation's Trip to Ukraine in Oct. 2008

Twenty-three members of the TOUCH 8 Delegation traveled to Ukraine in early October including Nancy Boom, Mary Forson, Dixie Hall, Roy and Anne Hart, Sabra and Hannah Killen, Maureen and Erin Larson, Els Lofgren, Judy Norman, McKenzie Olson, Addy Palagyi, Nadya and Jacob Pata-poff, Mark and Alice Rampton, Marilyn and Leon Roland, Russ and Bev Smith, Marjorie Storm, and Caitlin Turnbull. It was a diverse delegation, representing a wide range of occupations, ages, and even home states. The visit by members of the Maharimba Band from Corvallis overlapped



2008 TOUCH & Girl Scout Delegation

ATTACHMENT B

Page 72-k



Girl Scouts with Anna Yurik.

with the TOUCH Delegation and it was our privilege to enjoy their remarkable music while in Ukraine.

TOUCH delegation members carried 1500 pounds of humanitarian supplies with them, ranging from handmade quilts to hygiene kits, clothes, school supplies, medical supplies, toys, candy, and jewelry making supplies to help start a micro-business.

Some highlights of the delegation's trip include:

- Painting Public School #14 (one of the oldest Roma schools still in use in Europe)
- Shopping with 80 children from

the Chaslivtsi Orphanage.

- Celebrating with the Girl Scout troop and their leaders when they met Anna Yurik, the young girl they have sponsored for about 8 years.
- Participating in a Social Work Conference sponsored by Uzhhorod National University where the future of at-risk children was discussed.
- Enjoying the fun and festivities in Uzhhorod during City Days, a celebration of Uzhhorod's 1115th birthday!
- Meeting with the Uzhhorod Sister Cities Association at a city park to enjoy Hungarian Bograch soup and dance to the lively music of The Maharimbas.
- Touring the Pavlovo Farm Home, the New Family Center and Rehab Center for Children with Disabilities.
- Attending the 9th birthday celebration of the Rehabilitation Center
- Attending an integrated concert where the Maharimbas were the opening act followed by performances by children from the Rehab Center, Public School #14, Chaslivtsi Orphanage, New Family Program, Pavlovo Farm Home, and the Youth Center (Padiyun) in Uzhhorod.

- Visiting Pavlovo Farm Home and helping initiate a jewelry-making micro-business with the young women who live at this home.

Karin Karcher, a young woman from Darmstadt, Germany was one of the four "Circus Trainers" at this year's summer camp for children from the New Family Program, Chaslivtsi Orphanage, and Public School #14. She returned to Ukraine during our visit and demonstrated to our amazement the acrobatic skills several of the children developed under the tutelage of the Circus Trainers.

Many delegation members met with their sponsor child and participated in individual activities. Corvallis RNs Nancy Boom and Els Lofgren meet with Uzhhorod citizens with ostomy needs and presented them with hundreds of supplies. Dr. Mark Rampton lectured to Family Practice Residents at the Medical School. At the Social Work Conference, Dr. Judy Norman gave a presentation on how to conduct an assessment of special needs children, and Dixie Hall gave a presentation on art and music therapy for children. Dixie also taught marbling to children at Public School #14 and the Chaslivtsi Orphanage. Retired librarian Bev Smith met with officials from Uzhhorod's

library and the Rotary Dental Clinic. She and her husband, Russ, also represented Corvallis at the Sister City celebration during City Days. Els Lofgren taught a health class to high school students. Alice Rampton and Sabra Killen took about 15 graduates of the Chaslivtsi Orphanage out for lunch. Anne and Roy Hart were able to meet with many of the Ukrainian students who participated in a student exchange 3 years ago. Addy Palagyi, Dixie Hall and the Girl Scouts helped instruct the Pavlovo girls on the art of jewelry making. All of these projects and programs were possible thanks to the detailed organization of Zita Bathori-Tartsi, TOUCH Coordinator in Ukraine, and the 30 teen volunteers who provide translation and interpretation during our visit.

Alice Rampton

**RENEWAL DEADLINE
FOR THE TOUCH
PROJECT IS
DECEMBER 15, 2008**

Renewal packets have been sent to TOUCH donors and sponsors. The renewal fee to sponsor one child in The TOUCH Project continues to be \$60 per year. We have kept this fee at the same

New family youth with costumes provided by TOUCH funds.



Children from Public School #14 help to paint their building.



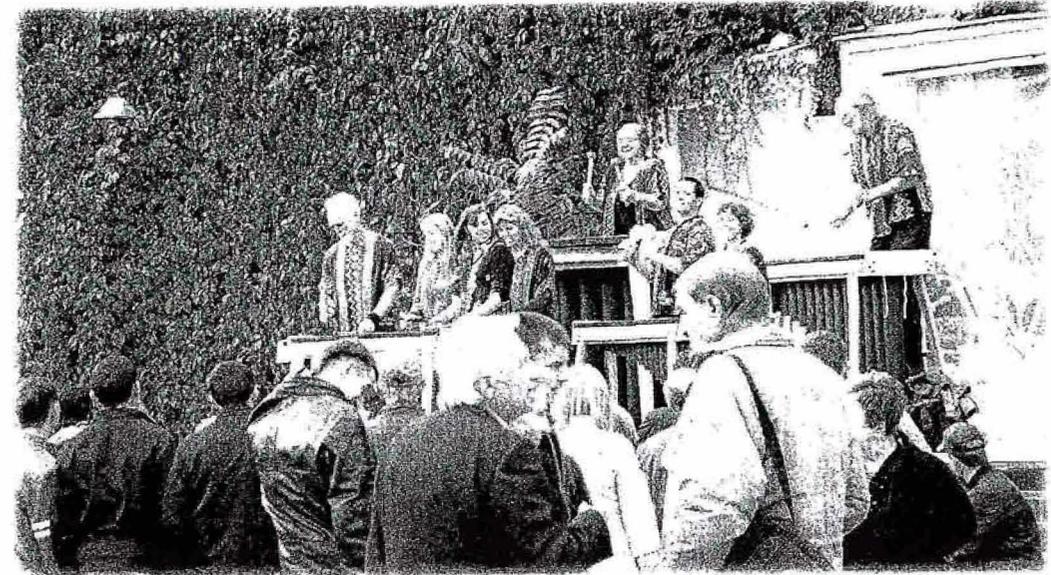
level to enable most individuals and groups to sponsor a child. But the price of commodities has risen sharply in Uzhhorod over the years, so sponsors and donors are encouraged to be generous and consider making an additional donation. This year, the renewal form includes a place to donate to TOUCH General Funds, the remodeling of 4 classrooms at Public School #14, and providing a lift at Public School #20 for the mainstreamed children with disabilities. Currently, there is no way for children in wheelchairs to reach the second floor of the school where all science labs are located. The deadline to receive the renewal forms in December 15, 2008.

Marimba Music Created New Friendships & Happy Faces in Uzhhorod

In spite of the last-minute instrument shipping crisis the nine member Maharimba band and marimbos arrived in Uzhhorod safely and happily on September 26! Within hours the instruments were assembled and the first performance took place at the city's official wedding registry site where several newly married couples were entertained by the magical music played on wooden keys.

And so began the cultural exchange which was a year in the planning and fundraising for both the Maharimbos and for C-USCA. Ira Roshkovych, Program Director for the Path to Life Rehabilitation Center in Uzhhorod, was the Maharimbos official host and organizer in Uzhhorod. A ball of fire and all-around outstanding human being, Ira's greeting to band members most days was "Are we flexible?" which meant she had found yet another opportunity for the band to perform, sometimes up three flights of stairs (no elevators) or at a venue that expected us to be there within 45 minutes!

From the first moments, the marimba music was received with such joy and happy curiosity that band members were thrilled to play at 16 venues in the 11 days there (a record number of perfor-



Maharimbos entertain "City Days" crowd in Uzhhorod.

mances). The band didn't turn down a single opportunity to play and often moved on a moment's notice to a new site. Performance venues for the band included the orphanage, the library (covered by local TV), two schools (including Public School #14 where the Roma children also performed for the band), Path to Life Anniversary Party, several outdoor venues during the City Days Festival, the grand Philharmonic Hall (audience of 500 dignitaries), live TV and radio interviews and more. The venues also included five master classes with 10 music students chosen from many different local schools and three local music teachers. The students learned an African song and performed with great skill on opening day of the City Days Festival to the applause of the TOUCH delegation, friends, parents, teachers and proud Maharimba band members.

The beautiful new set of marimbos was left in the care of the music teachers at the youth center in Uzhhorod, "PADIUN," where the lessons will continue. The Maharimbos will be sending written marimba music to the music teachers during the course of the year to encourage the continuation of

classes for children. Hopefully, children from PADIUN will be performing on their own next year at the City Days Festival!

This was a wonderful cultural exchange between two sister cities, and the music and laughter was a form of communication that was immediately enjoyed and understood by all. The Maharimbos worked very hard to

be good diplomats, and enjoyed each and every minute in the company of the great people of Uzhhorod. A million thanks to Corvallis Uzhhorod Sister Cities Association and its many donors for this outstanding opportunity offered to The Maharimbos!

Sara Swanberg
Maharimba

Sara Swanberg shows children how to play the marimba.



~ 2008 SPONSORS ~

- | | |
|--|---|
| Altrusa International, Inc. of Corvallis | Pathfinder Travel |
| BCS, Benton Co. Schools Credit Union | Pheasant Court/The Wine Vault |
| Brooklane Specialty Apples | ProPrint |
| Citigroup – Smith Barney | R-3 Engraving & Signs |
| The Corvallis Clinic | Rice's Pharmacy, Gifts & Wine |
| Corvallis Country Club | Law Offices of Ringo, Stuber, Ensor & Hadlock, P.C. |
| Corvallis Family Medicine, PC | Samaritan Health Services |
| Corvallis Sports Park | Starker Forests, Inc. |
| Edward Jones (Kay Dee Cole) | Teel's Travel Planners |
| First Alternative Co-op | The Gables |
| Gracewinds Music | Timberhill Athletic Club |
| Jack Scoville Ltd. | TriAxis Engineering, Inc. |
| Jazzy Looks (Sue Metzker) | Valley Eye Care |
| La Mancha Ranch & Orchard | Wells Fargo |
| Michael's Jewelers | White's Electronics, Inc. |
| New Morning Bakery | Woodstocks Pizza Parlor |
| Papa's Pizza | Zonta Club of Corvallis |

Holiday Gift Idea

*Give the gift of support to
Corvallis Sister Cities
programs for the holidays!*



IT'S TIME NOW FOR:

MEMBERSHIP RENEWAL

The Corvallis-Uzhhorod Sister Cities Association coordinates many exciting activities and events throughout the year. These events and activities could not happen without the wonderful support we receive from our members. Some examples of our events and activities include:

- Cantus Chamber Choir's Pacific Northwest Concert Series (hosting of a Ukrainian professional choir)
- The TOUCH Project (Take One Ukrainian Child's Hand-a sponsorship program for Ukrainian children)
- Transparency Project (a project focusing on ethical business practices and citizen participation in local government)
- Humanitarian Aid Shipments (200,000 pounds of humanitarian aid shipped to date)
- Women's Neighborhood Networking (focused on neighborhood networks of women to help their neighborhoods prepare for natural or other disasters)
- Flower Basket Sale (held annually in April and May)
- The Majestic Event (a benefit held every other year that showcases local talent)
- The Maharimbass Project Fall 2008

C-USCA is a volunteer organization with a small annual operating budget. Your membership renewals and contributions form the financial basis of our organization that helps us promote international friendship and humanitarian support.

Thank you for your continued interest and support of the Corvallis-Uzhhorod Sister Cities Association.

ANNUAL RENEWAL DATE – JANUARY 1

____ 2009 ____ 2010

- | | | |
|---|--|--|
| <input type="checkbox"/> Patron (P) \$100 or more | <input type="checkbox"/> Sustaining (S) \$75 | <input type="checkbox"/> Friend (F) \$50 |
| <input type="checkbox"/> Family (FM) \$25 | <input type="checkbox"/> Individual (I) \$10 | <input type="checkbox"/> Youth (Y) \$5 |

Name _____

Address _____

City, State, Zip _____

Phone _____

Email _____

I'm interested in volunteering in the following areas: (please check all that apply)

- | | | |
|---|---------------------------------------|--|
| <input type="checkbox"/> Public Relations | <input type="checkbox"/> Fund raising | <input type="checkbox"/> Arts/Cultural |
| <input type="checkbox"/> Hosting | <input type="checkbox"/> Membership | <input type="checkbox"/> Newsletter |
| <input type="checkbox"/> Youth Exchange | <input type="checkbox"/> Education | <input type="checkbox"/> Translation |
| <input type="checkbox"/> Grants | <input type="checkbox"/> Homestays | |

Please fill out and mail to:
PO Box 176, Corvallis, OR 97339

MEMORANDUM

From: Jason Yaich, Associate Planner
To: City Council
Date: January 20, 2009
Re: Deer Run Park Subdivision
(Cases PLD08-00013 and SUB08-00007)

**This document contains Additional Written Testimony Submitted After Release of
City Council Staff Report**

Raymond and Pat Humphreys

Corvallis
Oregon 97330

Jan. 21, 2009

City of Corvallis
Planning Division

Dear Mr. Yaich.

RECEIVED

JAN 20 2009

Community Development
Planning Division

Concern re proposed Deer Park Development

We reside at the above address, which is located on the north side of Ponderosa Avenue, exactly across from the proposed Deer Park development. As immediate neighbors, we are concerned about the large number of units proposed, for the following reasons.

Firstly, much of this will involve excavation of, and construction into, fairly recent landfill areas adjacent to steep slopes. This property is within the hazardous area, and to the best of our knowledge, the areas adjacent to the proposed development have never been assessed for geographical hazards as required by city codes. We know for a fact that we have not been approached to permit such testing on our property.

The second reason is a concern about the limited amount of parking that has been proposed for a 9 unit development. Our driveway is at the crest of the hill. West-bound traffic is almost impossible to see until very close to our driveway, which will be located across from the entry to Deer Park. We can for see problems with west bound traffic turning into Deer Park, as well as illegal parking on Ponderosa Avenue, creating considerable traffic hazards.

Sincerely,

Pat Humphreys (Tel: ...)
Ray Humphreys.

January 15, 2009

TO: Corvallis City Council

FROM: Karen Strohmeyer, Coordinator
Cascade Pacific Resource Conservation and Development Council
Kent Daniels
Corvallis Parks and Recreation Advisory Board
Cascade Pacific Resource Conservation and Development Board

SUBJECT: Council goal

We understand that you will soon be setting your goals for your 2009-10 council term. We would like to suggest that you include the following among them:

"Seek funding for restoration of and improvements to local wetlands and natural areas, and riparian areas on the Willamette River and its tributaries, through collaboration with other governmental and non-governmental organizations."

We are aware of several significant funding sources for these activities, some of them quite new and not yet well known. We believe the city would be a promising candidate to receive such funds, particularly through collaboration with other entities. (We have detailed the potential funding sources on the attached sheet.)

Both the city's 2020 Vision Statement and numerous city policies* indicate that there is no shortage of important work to be done in the areas of riparian and wetland protection, restoration, and improvement. These policies include an official city council policy and at least nine separate Comprehensive Plan policies. There's also no shortage of community interest in having the work performed, as evidenced in recommendations of the Community Sustainability Coalition's recent report. The barrier has been adequate funding.

Given the current economic climate, we believe there is some urgency in seeking these funds while they are available. The opportunity to obtain them will not be available indefinitely. This is why we suggest that you give a priority to the effort to do so, by making it a council goal for this term.

*See the reverse side of this letter.

City Council Policy CP 04-1.08, Sustainability.

Sec. 1.08.051, Environmental Sustainability: "The City values actions that are beneficial for the environment and the natural resource capital base as well as for the health and safety of employees and the public, and that go beyond regulatory compliance to minimize the city's environmental impacts...Decisions take into consideration protection of open space, habitat protection and restoration, and preservation of natural biodiversity."

Corvallis 2020 Vision Statement.

Protecting Our Environment, p. 10: "...the city coordinates its air and water quality efforts with other communities, surrounding counties, and resource management agencies in the Willamette Valley. This cooperative strategy has created a cleaner, healthier environment by stimulating improved farming and forestry techniques for preserving stream quality..."

"Our natural open space helps buffer flood events, purify our air and water, provide recreational and educational opportunities, and reinforce the community's distinctive character."

Corvallis Comprehensive Plan

CP 4.9.1 and **4.9.2** deal with water resources

4.10.2* and **4.10.9** deal with urban streams

4.11's policies are all focused on wetland protection

4.11.18

5.5.14* deals with city open space on the east side of the Willamette

6.2.1, 6.2.4, and 6.2.8* deal with the Willamette River Greenway

Three of the above are particularly relevant:

4.10.2, second part: "...the city shall work to preserve and enhance native stream corridor vegetation on both public and private lands."

5.5.14: "The City property abutting the east side of the Willamette River should be used to enhance this gateway to the City and promote the open space functions and aquatic character of the Willamette River flood plain in this area. A detailed master plan for City-owned properties on the east side of the Willamette River shall identify their optimum open space and recreational uses."

6.2.8: "The City shall protect and enhance the natural features and flood plain functions of City lands within the Willamette River Greenway on the east side of the river."

Steps To Implement A Conservation Project On City Land

1. Fill out an application for assistance with the Natural Resources Conservation Service (USDA-NRCS) at 33630 McFarland Rd, Tangent, Oregon 97389-9708, 541-967-5925 Ext 3. Tom Snyder, District Conservationist, Benton County, then would meet with a city representative to look at city properties under cultivation to determine eligibility of USDA programs. Projects may range from creating shallow ponds and planting native vegetation under the Wetland Reserve Program to planting riparian buffers along streams under the Conservation Reserve Program. (See booklet, Conservation practices and programs for your farm)
2. NRCS offers a variety of financial incentives to landowners, including the city, interested in conservation programs. Some programs offer annual payments for a conservation use, others offer one time up-front payments for long-term easements for a conservation use, and most include government funds to share in the costs of installing conservation measures.
3. In addition, other funding sources work on restoration projects along the Willamette include the Meyer Memorial Trust, Oregon Watershed Enhancement Board, National Fish and Wildlife Foundation, and Governor's Fund for the Environment. These can be combined with UDSA-NRCS funds to cover up to 100% of the cost.
4. Cascade Pacific RC&D helps with project implementation by working with adjacent landowners who may be interested in expanding the project beyond city boundaries, writing and managing grants to bring additional funding to the project, and providing overall coordination for the project from start to finish.
5. The Meyer Memorial Trust (MMT) and the Oregon Watershed Enhancement Board (OWEB) have entered into a funding partnership to support restoration of the Willamette River through OWEB's Willamette Special Investment Partnership (SIP). The SIP is focused on projects aimed at increasing channel complexity and restoring floodplain/river connections in the meander corridor of the mainstem Willamette and in the lower reaches of its major tributaries. This is limited and time sensitive funding opportunity that we urge the city to take advantage of.
6. For additional information, contact Karen Strohmeyer, RC&D Coordinator, Cascade Pacific RC&D, Karen.Strohmeyer@or.usda.gov, 541-967-5925 Ext. 128.

Cost share	Producer Obligations
0% to 50%	Develop and follow a plan for the conversion of cropland to a less intensive use. Also, assist with the cost, establishment, and maintenance of conservation practices.
0% to 100%	Develop and follow a plan for the restoration and maintenance of the wetland. If necessary, assist with the cost of restoration.
0% to 100%	Develop and comply with a plan for the easement or restoration agreement; assist with the remaining installation costs.
0% to 100%	Prepare and follow a wildlife habitat development plan; assist with installation costs.
0% to 100%	Develop and follow an EQIP plan that describes the conservation and environmental purposes to be achieved; assist with installation costs.
0% to 100%	A conservation security plan is required to install and/or maintain conservation practices on working lands.
0% to 100%	Develop and implement a management plan; assist with the remaining installation costs.
0% to 100%	Continue to use the land for agricultural purposes. Develop a conservation plan and comply with the terms of the easement.

PROGRAM NOTES: CRP--Includes a general sign-up, continuous sign-up, the Conservation Reserve Enhancement Program (CREP) and the Farmable Wetlands Program (FWP). Incentive payments are available for certain practices. A maintenance fee of up to \$5/acre per year is also provided. To qualify for FWP, land must have been planted or considered planted in at least 3 of the past 10 years; must be cropped wetlands, farmed wetlands or prior converted cropland.

FAQ

frequently asked questions

How can I improve the chances of having my application to enroll in a conservation program accepted?
 Applications offered under most programs are selected according to a state-specific ranking and selection process. Ask your local USDA representative for a list of the criteria that will help your application rank high in your area.

If I enroll my land in a conservation program, do I maintain ownership? Am I required to allow public access to my land?
 If you enroll land under an easement or rental agreement, you retain ownership of the land. Although your participation in the program will limit certain economic uses of the land during the term of the agreement, you maintain control of public access. You also maintain the right to lease the land for hunting or other recreational purposes.

Will I be responsible for maintaining practices I install under a conservation program?
 Most programs require you to maintain the practices. There are some differences in programs – check with your local USDA office.

What types of wildlife will I attract if I enroll in conservation programs?
 The type of wildlife attracted to your land depends greatly on the practices you install and the plants that are established. Practices can be designed and managed to attract particular species, such as pheasants, quail, and other wild species.

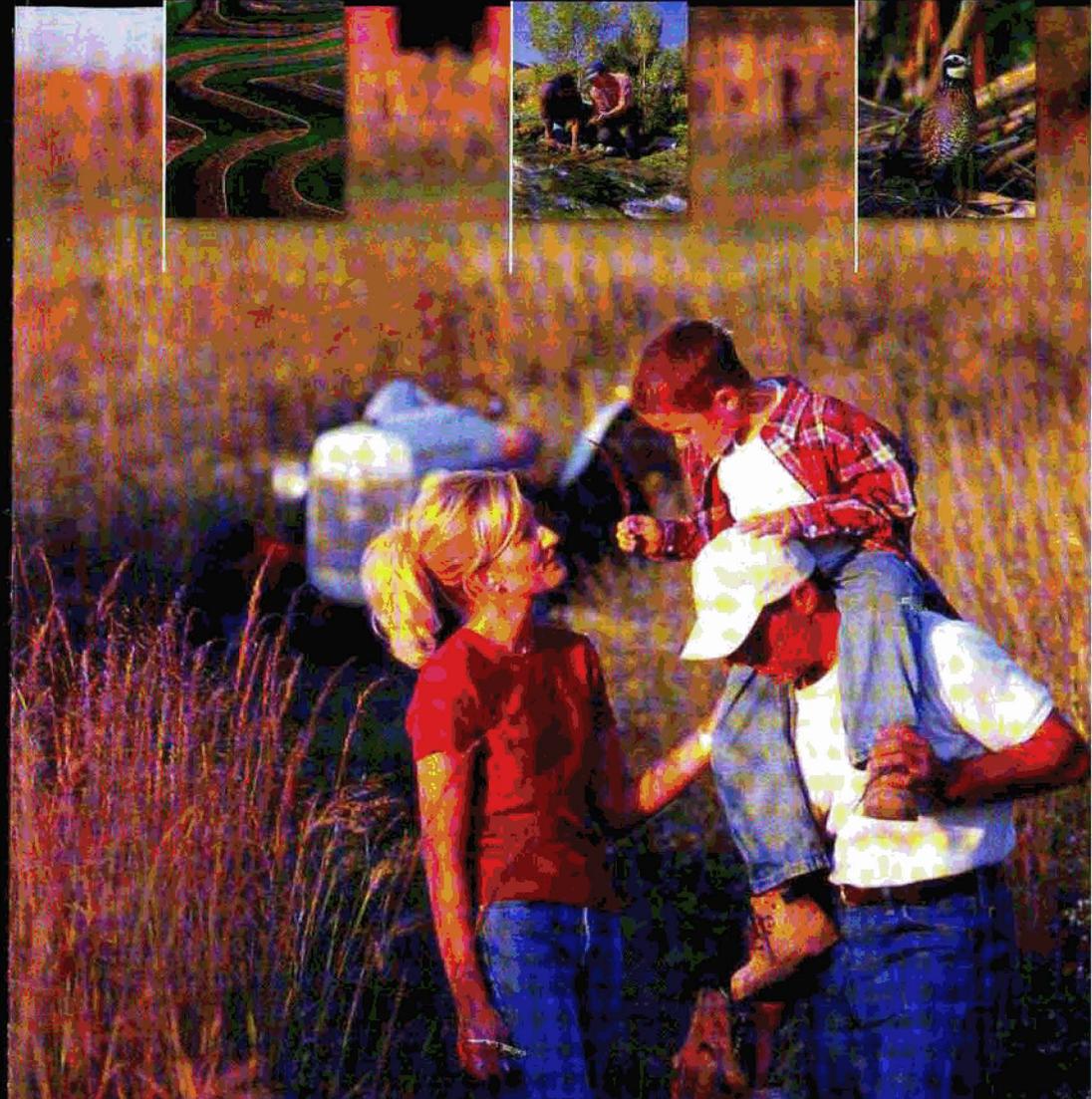
Reprinted from a publication of the Wildlife Management Institute with technical help from the Wildlife Habitat Management Institute of the Natural Resources Conservation Service. This reprint contains minor revisions from the original, which was printed with support from 37 conservation and farm organizations and agencies.

View this guide on the web at <http://www.whmi.nrcs.usda.gov>
 Reprinted 5/2003. For additional copies, call 1-888-LANDCARE

USDA is an equal opportunity provider and employer.



FISH PASSAGE TREE PLANTING GRASSED WATERWAY SEDIMENT BASIN RIPARIAN FOREST BUFFERS POND



Conservation practices and programs for your farm

Farm Bill 2002 What's in it for you?

The 2002 Farm Bill offers America's farmers and ranchers more incentives than ever before to voluntarily conserve natural resources on our nation's privately owned farmland. Its conservation provisions help reduce erosion, guard streams and rivers, restore and establish fish and wildlife habitat, and improve air quality. Government and non-government organizations stand ready to help – this guide introduces the assistance available.

What's New?

- ! New programs include the Grassland Reserve Program (GRP), Conservation Security Program (CSP) and the Forest Land Enhancement Program (FLEP).
- ! More flexibility with new rules for the Conservation Reserve Program (CRP) and other programs

SOIL water

conserving croplands | improving water



Financial and Economic Incentives The U.S. Department of Agriculture (USDA) offers a variety of financial incentives to producers and landowners interested in conservation programs. Some programs offer annual payments for a conservation use, others offer one-time up-front payments for long-term easements for a conservation use, and most include government funds to share in the costs of installing conservation measures. Local USDA offices have information on these payments.

Technical Help The Natural Resources Conservation Service (NRCS) of USDA helps plan and use conservation practices on private lands. Technical assistance is provided on a day-to-day basis, and contributes to the value of the Farm Bill conservation programs. Technical help is also available through certified technical service providers. Local USDA offices can provide additional information.

Partnerships that add to USDA private lands programs USDA works with many partners to deliver conservation services and programs. Local conservation districts, Cooperative Extension, Resource Conservation and Development Councils (RC&Ds), state fish and wildlife agencies, state forestry agencies, and conservation organizations each play an important role. Experts in each organization can provide technical help and may offer educational and financial assistance on top of what USDA offers to establish conservation practices (see last page).

For More Information Contact your local USDA Service Center, NRCS, Local conservation district, Extension Service, or the Farm Service Agency (FSA) for assistance, or find additional information on the web at <http://www.usda.gov/farbill>

If you are specifically interested in forestry programs, contact the U.S. Forest Service or your state forestry agency. More information is provided at <http://www.stateforesters.org>

Curbing water erosion

To reduce soil movement and nutrient runoff, consider these or similar practices:

- ! Grassed waterways
- ! Terraces
- ! Grassed conservation buffers
- ! Field borders
- ! Contour buffer strips

Begin with a look at these USDA programs:

- ! CRP, EQIP, CSP

Curbing wind damage

To mitigate the effects of wind on farmland, consider these or similar practices:

- ! Residue management
- ! Shelterbelts
- ! Windbreaks
- ! Field stripcropping

Begin with a look at these USDA programs:

- ! CRP, EQIP, CSP

Conserving soil and water resources

To improve soil and water quality, consider these or similar practices:

- ! Nutrient management
- ! Pest management
- ! Cover crops
- ! Efficient water management
- ! Riparian buffers
- ! Conservation tillage

Begin with a look at these USDA programs:

- ! CRP, EQIP, CSP

Stabilizing streams

To reduce runoff and stabilize areas adjacent to streams, consider these or similar practices:

- ! Forested riparian buffers
- ! Grass filterstrips
- ! Livestock exclusion
- ! Streambank protection
- ! Watering facilities

Begin with a look at these USDA programs:

- ! CRP, WHIP, EQIP, CSP, FLEP

Managing manure

To prevent nutrient loss and protect air, soil, water, fish and wildlife resources, consider these or similar practices:

- ! Waste storage structures and lagoons
- ! Nutrient management
- ! Compost facilities
- ! Manure spreading

Begin with a look at these USDA programs:

- ! EQIP, CSP

Cascade Pacific

Resource Conservation + Development

Working for a sustainable future... come join us!

Thank you for your interest in Cascade Pacific RC+D!

Cascade Pacific is a member-based non-profit organization, and your ongoing participation is crucial to our success. Your tax deductible membership dues and other gifts contribute to projects that protect and preserve land, water, and wildlife habitat; explore alternative energy sources; create and protect jobs in rural areas; and support a sustainable, organic, local food supply.

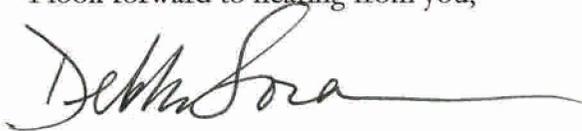
Our new Farm Energy Audit Program helps growers save energy and money on their operations and secure funding to help offset the cost of installing energy efficient upgrades.

The Northwest Weed Management Partnership created in 2004, continues to thrive. In addition to removing invasive plant species, projects now include habitat restoration, a K-12 "Alien Invasion" curriculum, and an early detection rapid response (EDRR) program.

The Local Food Connection has been a huge success, with attendance doubling in 2008. Make sure to attend this year's event at Lane Community College on February 2, 2009. You won't want to miss it!

There are many ways you can help us work toward a sustainable future. Financial contributions are one way to help, but we also welcome your project ideas, volunteer hours, service on our Board of Directors, and donations of goods and services for projects in our office. Contact us at 541-967-5925 ext.4 or debra@cascadepacific.org to find out how you can help.

I look forward to hearing from you,



Debra Sorenson
Administrative Assistant

DEBBRA SORENSON
Administrative Assistant

debra@cascadepacific.org
tel 541.967.5925 ext 102
fax 541.928.9345
33630 McFarland Road
Tangent, Oregon 97389-9708
www.cascadepacific.org

Cascade Pacific 
Resource Conservation + Development



Cascade Pacific

Resource Conservation + Development

Cascade Pacific Resource Conservation & Development (CPRCD) is a nonprofit organization dedicated to improving water quality, creating and maintaining rural jobs, supporting renewable energy, promoting a sustainable local food system and enhancing fish and wildlife habitat.

CPRCD works at the grassroots level, with citizens of rural communities, to build collaborations and partnerships that get things done. Our members include concerned individuals, business owners, nonprofit organizations and government entities, all working together to accomplish innovative and needed local projects.

Make a difference in your own backyard by joining today! As a member of CPRCD, you'll support positive environmental, social and economic change in your community.

We also offer to our members:

- Assistance with projects, funding searches, and grant writing
- Project and fiscal management services
- Updated information about our programs and how you can get involved
- E-newsletters and reports
- In addition, as a 501(c)3, CPRCD can accept grants from foundations for your projects

Serving Benton, Lane, Lincoln, Linn, Marion and Polk Counties.

Working for a sustainable future... come join us!

Name _____ Organization _____

Address _____

City, State, Zip _____ County _____

Phone _____ Email* _____

**Required to receive e-newsletters*

Yes, I want to volunteer! Please contact me.

Membership Category (Benton, Lane, Lincoln, Linn, Marion, and Polk County residents or entities)

Individuals \$25

Groups \$50

(Watershed council, non-profit, SWCD, Tribe, association, school, etc.)

Businesses \$100

All membership dues and additional donations are tax deductible. You can join and pay with your credit card on our Web site: www.cascadepacific.org/member.htm. Or mail your check to Cascade Pacific RC&D, 33630 McFarland Road, Tangent, OR 97389. Questions? Call 541.967.5925 x4 or visit cascadepacific.org.

ENERGY

FOOD

JOBS

LAND

WATER

Update on M-DAC Farms Wetland Restoration *Rare Wildlife Species Flock to Restored Habitat*

The M-DAC Farms Wetland Restoration Project spans 580 acres of historic marshland east of Harrisburg in Linn County.

This effort permanently protects the land and will restore over 100 acres of seasonal wetland, over 100 acres of bottomland hardwood forest, and over 300 acres of wet prairie habitat on former agricultural lands.

Partners include the Natural Resources Conservation Service (NRCS), U.S. Fish & Wildlife Service, Oregon Watershed Enhancement Board (OWEB), Oregon Department of Fish & Wildlife, Cascade Pacific RC&D, and landowners Pat and Stephanie Hagerty.

OWEB funds of \$219,274 are being used for re-contouring the land to repair agricultural drainage, non-native vegetation treatment, and seeding and planting of native plants and trees. The total project cost is \$2.484 million.

"We could not be happier with the help and true partnership." ~Stephanie Glaser Hagerty

A conservation easement that protects the wetland in perpetuity was purchased by NRCS through the Wetland Reserve Program (WRP).

Annual ryegrass and tall fescue at the site were burned in June 2007 to prepare for re-contouring during August and September. The restoration of the onsite hydrology improved the habitat for numerous wildlife species, including ducks,



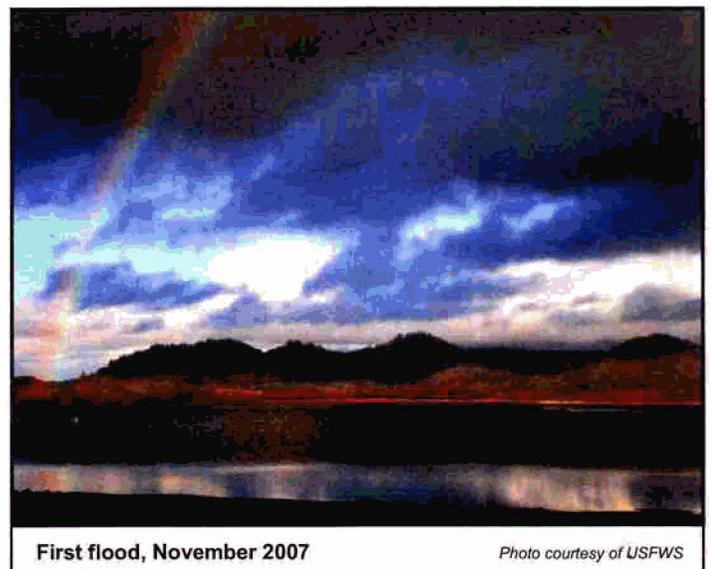
Aerial view, June 13, 2008

Photo courtesy of USFWS

geese and shorebirds, as well as predators that feed on them, like eagles and falcons. Some rarities reported at the site include Sandhill cranes, long-billed curlew, Wilson's phalarope, mountain plover and white-faced ibis.

Site preparation during the summer and fall of 2007 also made the site suitable for the streaked horned lark, a candidate for listing under the Endangered Species Act. The site has now become home to the second-largest breeding population of the bird.

Early in 2008, during the initial phase of riparian restoration, approximately 23,000 willow, ash, alder, cottonwood and pine were planted on over 100 acres. Restoration of the native prairie will begin in fall 2008.



First flood, November 2007

Photo courtesy of USFWS

Letter from the President

Dear Members and Friends of Cascade Pacific,



Kim Leval

What do you think of when you hear the name Cascade Pacific Resource Conservation and Development Council (CPRCD)?

I think of the Oregon Country Trails, where CPRCD helped launch the nation's first rural association Web site and online shopping cart. Or I think of the new Willamette Valley Birding Trail, which Cascade Pacific is spearheading with many partners.

The M-DAC Farms Wetland Restoration Project is another of our partnerships. This project returned 580 acres to wetland prairie, providing new habitat to numerous birds and other wildlife.

There are many examples of the work and partnerships of Cascade Pacific, but underlying each of the projects we undertake are several fundamental principles:

- **We work with local people in our service area to carry out local conservation and community development projects.** We start from the bottom up (not from the top down) — often with citizen volunteers and landowners — to accomplish innovative and needed projects, like the Cascade Pacific Forest Stewardship Initiative.
- **We provide technical assistance,** including help in seeking funding. This may include serving as the fiscal sponsor where one is needed. We assist with billing, agreements, and other paperwork and provide the required oversight for state, federal and foundation grants.
- **We also provide planning and project development assistance for regional projects,** like the Energy Audit Program and the Northwest Weed Management Partnership.
- **We look for new strategies that work and we bring them to people in our service area.** The Farmer-Chef Connection in Portland is a great example of a concept that we brought to the Willamette Valley. With local partners, we formed the Local Food Connection, a highly successful direct marketing program.
- **We build collaborations and partnerships to get things done.** So often, disparate groups and agencies have similar goals, but don't come together. Cascade Pacific has strong links to the USDA, as well as state and other federal agencies. We have excellent contacts and ties to different service providers, and we invite partnerships and collaboration if it means we can get over hurdles and get things done! For example, the Northwest Weed Management Partnership brought together BLM, USFS, The Nature Conservancy, Oregon Department of Agriculture and Soil and Water Conservation Districts to create Cooperative Weed Management Areas. These Areas address priority weeds at the local level.

September 21-27, 2008 is National RC&D Week. We were one of the first ten RC&Ds established in the nation. Now there are 375 RC&Ds nationwide that help solve community problems, bring partners together to get things done, and accomplish amazing conservation and community development projects. I invite you to visit one of the many sites that have been touched by Cascade Pacific and our partners. Some of these sites are mentioned in this report, and others can be discovered on our newly remodeled Web site. Check us out at www.cascadepacific.org.

Thank you for your support! We look forward to partnering with you to build a more sustainable future for our counties and for Oregon.

Kim Leval
President, Cascade Pacific Board of Directors

About Cascade Pacific RC&D

Our 2008 Members

Andrew Haden
Andrew Rodman
Barbara Baumgartner
Benton County Commissioners
Benton Soil & Water Conservation District
Bob Baum
Carl Hendricks (Hendricks Farms, Inc)
Charles LeFevre
Chris Schreiner
City of Silverton
City of Veneta
Claire Hibler
Connie Karr
Dr Jimmy Schaper
Darin Olson
David Eckert
David Pilz (PilzWald Forestry
Application of Mycology)
David Porter

David Richey
Eugene Water and Electric Board
Gail Oberst
Gwendolyn Wyard
Heather Saam
Janice Van Cura
Jennifer Ayotte
Joshua Daniels
Julee Conway
Keith McCreight
Kelly Hoell
Kent Daniels
Kim Leval
Kim Travis
Lane Council of Governments
Lane County Commissioners
Linn Soil & Water Conservation District
Liz Doyle
Long Tom Watershed Council
Luckiamute Watershed Council
Lynne Fessenden

Marion Soil & Water Conservation
District
Mid-Coast Watersheds Council
Mike Lippsmeyer
Milo Mecham
Nancy Toth
North Santiam Watershed Council
Oregon Country Fair
Oregon Small Woodlands Association
Oregon Tilth
Pam Venell (Venell Farms)
Patricia Daniels
Patrick Logan
Patrick Sieng
Richard Bylund
Seaton McLennan
Tim Dehne
Upper Willamette Soil & Water
Conservation District
Vern Holm

Cascade Pacific Resource Conservation & Development Area, Inc. is a 501(c)(3) not-for-profit organization. We are proud to serve Benton, Lane, Lincoln, Linn, Marion & Polk Counties.

Our Mission and Vision

Our mission is to work with citizens of rural communities to enhance their quality of life through social, economic, and environmental improvements.

Our rich experience in resource conservation, unique perspective, and innovative approach allow us to develop projects and foster partnerships that adapt to varying needs and changing circumstances.

Our areas of concentration are:

Energy

Agricultural activities conserve energy and agricultural lands are a source of environmentally sustainable bio-fuels and renewable energy.

Food

Local agriculture supplies a safe, secure, and reliable regional food system.

Jobs

Jobs are created and maintained in rural areas while protecting the natural resources base.

Land

Working lands and waters provide habitat for diverse and healthy wildlife, aquatic species, and plant communities.

Water

The quality of surface water and groundwater is improved and maintained to protect human health, support a healthy environment, and encourage a productive landscape.

Cascade Pacific RC & D Area



Landowner Partnerships Improve Watersheds

by Erika Lang, Education Outreach Coordinator, North & South Santiam & Calapooia Watershed Councils

The Landowner Recruitment for Restoration Project has been a huge success over the past year. A partnership between the Calapooia, North Santiam, and South Santiam Watershed Councils, this program was created to improve the health of prioritized tributaries by working with private landowners.

Through the program, landowners and Council partners meet onsite to develop a project plan for streamside restoration. Projects include removing invasive weeds from riparian buffers, and replacing them with native shrubs and trees to improve the buffer's function. Landowners may also work with the Councils to fence cattle off from streamside areas, establish off-channel watering, and reshape banks to control erosion and sediment inputs.

The overall goal of this program is to recruit 15 private landowners, five in each watershed, and work with them to improve water quality and riparian function for overall watershed health. In the Calapooia Watershed, several landowners have completed restoration projects in the Brush Creek sub-basin, and a few other projects will be completed this fall. A tour of completed projects will be held in October 2008.

In the South Santiam Watershed, focus was placed on Crabtree Creek, Thomas Creek, and McDowell Creek. Several riparian plantings were completed on upper Crabtree Creek to enhance fish and wildlife habitat, and invasive weed removal and control has begun on lower Crabtree Creek near the Hoffman Bridge. A few landowners on McDowell Creek and Thomas Creek are also implementing livestock fencing and off-channel watering projects.

In the North Santiam Watershed, landowners along Stout Creek and Snake Deford Creek have shown much interest,



In the Calapooia Watershed, Brush Creek has been improved by plantings (above) and weed removal (below).



New plantings improve the South Santiam Watershed at Crabtree Creek.

leading the NSWC to seek additional funding to implement larger-scale restoration, including in-stream projects. On Stout Creek, weed removal/control and plantings of native species are currently being completed. In addition to implementing a project, these landowners have become advocates of watershed health by talking to neighbors about their projects, learning more about the watershed, changing land use management practices and coming to Council meetings.

The Councils use outreach materials to raise interest, including mailings and a monthly watershed column in local newspapers. Other outreach efforts include workshops, tours of completed projects, and presentations to community groups.

Funding for the program comes from many sources, including Oregon Department of Environmental Quality, National Fish and Wildlife Foundation, The Nature Conservancy, Oregon Watershed Enhancement Board and the City of Salem.

Energy Audits & Programs

Helping Growers Save Energy & Money

As farmers and ranchers face spiraling energy costs and shrinking bottom lines, Cascade Pacific announced new services to help producers save energy and money on their operations.

Through the Energy Audit Program, growers can receive on-farm energy audits, learn about cost-effective energy improvements and secure program funding for energy-efficient upgrades.

Working in tandem with independent auditors from EnSave, Inc., a leader in agricultural energy efficiency, Cascade Pacific collects and verifies on-site data for farm energy audits. The data are sent to professional auditors who conduct a detailed analysis of an operation's energy use and provide the grower with a written report of alternatives to increase energy

efficiency and save money. The report details how much energy can be saved and how long it will take for energy-efficient equipment to pay for itself through reduced energy costs.

"It just makes sense to apply for grants that help offset project costs while encouraging our industry to be more energy efficient."

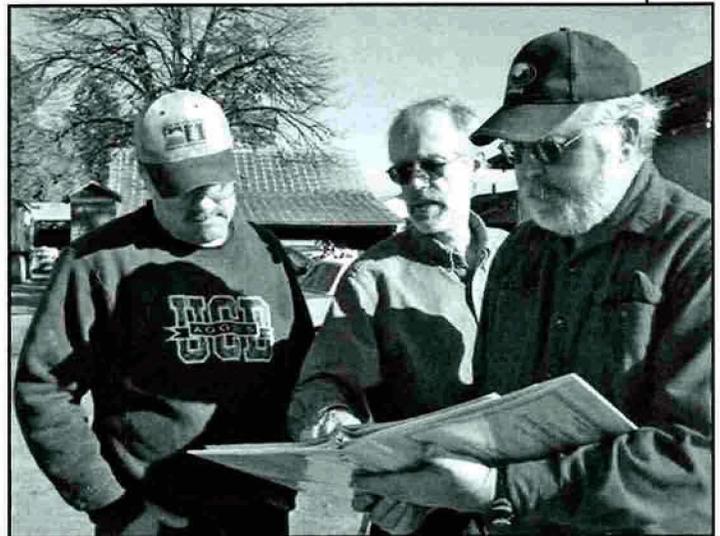
Marvin Fessler, nursery operator, Woodburn

Next, Cascade Pacific helps growers identify and apply for funding to offset the cost of recommended upgrades. These funds are provided by federal, state

and utility programs, including those listed below.

Cascade Pacific provides information on energy programs for agricultural producers in western Oregon counties at no charge. In addition, growers may contact Cascade Pacific for information on low-cost farm energy audits and services to package grant applications.

- The Section §9006 Renewable Energy and Energy Efficiency Program administered by **USDA Rural Development** provides grants of up to 25 percent of the cost of energy efficiency projects – with a maximum of \$250,000 – to farmers, ranchers, and rural small businesses. According to USDA's Rural Development, more than \$15.8 million in Section 9006 grants will be awarded in 2008, and more funding is expected in 2009.
- The **Oregon Department of Energy** offers Business Energy Tax Credits, which provide a state income tax credit equal to 35 percent of eligible costs after a project is completed. The farmer or rancher can elect to use the "pass-through option," which allows the project owner to transfer the tax credit to someone with tax needs for a lump-sum cash payment, equal to about 25 percent of the energy efficiency project costs. In addition, Oregon Department of Energy administers a State Energy Loan Program, offering low interest, fixed rate loans.
- **Energy Trust of Oregon** supports energy efficiency and renewable energy projects in areas served by the state's investor-owned utilities: PGE, Pacific Power, NW Natural, Cascade Natural Gas, and Avista. Energy Trust offers an energy efficiency incentive for up to 15 cents per kilo-watt hour, or 50 percent of total project cost, whichever is less.
- **Bonneville Power Administration (BPA)** offers financial incentives to agriculture producers through the more than 20 electric cooperatives and public utility districts served by BPA.



Left to right:
Eric Horning of Horning Farms meets with Steve Faust, president of EnSave, and Rick Barney, CPRCD Energy Auditor.



Two New Trails to Discover

Alsea Valley & River Road Join Oregon Country Trails



Photo Courtesy Oregon Country Trails

Alpacas watch visitors to Oregon Alpaca Farm on the Alsea Valley Country Trail.

The Oregon Country Trails program expanded in 2008, adding the Alsea Valley Country Trail and the River Road Country Trail.

Visitors to the Alsea Country Trail are invited to stop at a quilt shop and alpaca store; watch sheep shearing; spend the night at a B&B or Farm Stay; explore a white wolf sanctuary; feed fish at two Oregon hatcheries; enjoy wineries, tasting rooms, and wine cellars; visit fruit and vegetable stands, and German Shepherd breeders; shop an old fashioned mercantile; swim, kayak, or launch a raft or boat along the Alsea River; dine at a "floating bar and grill;" stroll through photography and art galleries, a thyme garden and fuchsia nursery, or tiptoe through acres of tulips at an historical garden.

Only minutes north of Eugene, the family-oriented River Road Country Trail includes corn mazes, cow trains for kids, goat ramps, greenhouses, fruit and vegetable stands, farmers' markets, fresh

raspberries, u-cut flowers, blueberries, strawberries, ice cream, Oregon tomatoes, pumpkin patches, flower baskets, pitted pie cherries, garden supplies, a steak house, bicycle rentals, sales, and routes, and even wedding gardens.

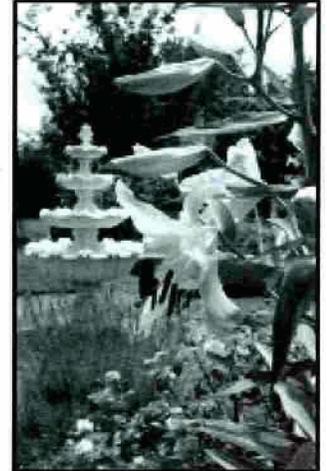


Photo Courtesy Oregon Country Trails

The Beacon House is a beautiful venue for special events on the River Road Country Trail.

The Oregon Country Trails program was co-founded by Liz Doyle and Danuta Pfeiffer in 2005 to increase the number of urban visitors to one-of-a-kind businesses in rural areas. Through two Rural Business Enterprise Grants (RBEG), Cascade Pacific helped the program launch the nation's first rural association Web site and online shopping cart. Visit the Web site at oregoncountrytrails.com.

Northwest Weed Management Partnership Online

Western Invasives Network Website Up & Running



The new **Western Invasives Network (WIN)** is designed to meet the needs of natural resource managers, and promote and enhance the identification and management of invasive plant species in the Pacific Northwest.

Developed with funds from the Center for Invasive Plant Management, the WIN is an effective tool for spreading information about problem invaders threatening the six Cooperative Weed Management Areas (CWMAs) that comprise the Northwest Weed Management Partnership (NWMP). The database of invasive species features invasive plants flagged for early detection in each CWMA.

WIN will also provide materials and resources needed to establish Early Detection and Rapid Response (EDRR) programs throughout the region. The EDRR program seeks to enhance invasive species management by leveraging the participation of concerned citizens to identify emergent populations of known invaders before they become a greater problem.

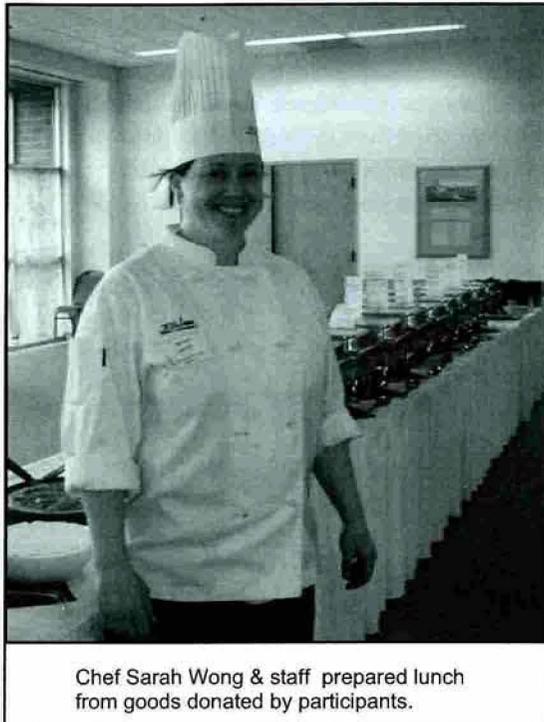
As the Western Invasives Network grows, it will fill a vital niche in the management of invasive species by providing a conduit for communication between citizens and management organizations through an online forum and news/events pages. For more, see the new website at www.westerninvasivesnetwork.org.

Local Food Connection *A Direct Marketing Success Story*

The second annual Local Food Connection took place at Lane Community College on February 4, 2008. This direct marketing event provided opportunities for rural farmers and fishermen to connect with urban food buyers both large and small. The event was very successful and 163 people attended — a 55% increase in participants compared to last year.

Direct marketing depends upon relationships, a theme that was reiterated throughout the day. David Yudkin, co-owner of HOTLIPS Pizza in Portland, delivered the keynote address. He highlighted the importance of incorporating sustainability into business practices. Following the keynote presentation, a panel of farmers and chefs discussed how to create successful relationships. The lunch buffet featured vegetables, meats, and fish provided by local farmers and fishers.

Afternoon workshops were host to lively conversations; see workshop notes available in the online proceedings at www.cascadepacific.org.



Chef Sarah Wong & staff prepared lunch from goods donated by participants.

“The Dating Game,” a popular feature of the Local Food Connection, helped buyers and sellers meet to discuss potential business opportunities. Participants then provided information that allows us to measure the impact of direct market sales. This year, 24 of 25 farms stated that they discussed potential sales with an average of four buyers. Every farmer met at least two potential buyers, and one farmer met seven. Out of 33 buyers, 32 met an average of six farmers and fishers at the event. One buyer didn’t meet any vegetable producers; however, this person — and 14 other buyers — made contact with four fishers.

Sponsors of the event included Cascade Pacific RC&D, Eugene Water & Electric Board (EWEB), Lane Community College, Oregon Tilth, Oregon State University Extension—Small Farms Program, USDA/CSREES, and Western Center for Risk Management Education. The third annual Local Food Connection will be held at Lane Community College on February 2, 2009.

Staff & Contact Information



New address:

Cascade Pacific RC&D
33630 McFarland Rd., Tangent, OR 97389

New phone & fax:

541-967-5925 (extensions listed below)
FAX: 541-928-9345

Photo, left to right:

Jackie Nichols, *Conservation Planner/Stewardship Coordinator* (x126)

Debbra Sorenson, *Administrative Assistant* (x102)

Karen Strohmeyer, *RC&D Coordinator* (x128)

Jennifer Held, *Finance Manager* (x129)

Sarah Minier Johnson, *Program Manager* (x132)

Maureen Walker, *Accounting Specialist* (x113)

In May 2008, Cascade Pacific RC&D relocated to new offices at the USDA Service Center in Tangent. The new location gives us ready access to the Natural Resources Conservation Service (NRCS) and Farm Service Administration (FSA).

Cascade Pacific Forest Stewardship Initiative Update

Two New Stewardship Groups Receive Project Awards

The Siuslaw National Forest's newest stewardship groups, the Alsea Stewardship Group and the Mary's Peak Stewardship Group, each received two project awards through the Cascade Pacific Forest Stewardship Initiative. This initiative is Cascade Pacific's new five-year cooperative agreement with the US Forest Service to distribute and manage a portion of the Siuslaw National Forest's retained timber funds for restoration projects on private lands. Cascade Pacific requests proposals, administers the proposal review process, writes contract agreements, and awards the funds to successful applicants.



This site was newly planted as part of a stewardship project titled Siuslaw Riparian Restoration IV, completed in 2007.

The funds are a result of a Congressional law passed in 2003, the Healthy Forests Initiative, which authorizes local use of timber funds. In essence, the law trades federal timber thinning receipts for environmental improvements in and around the forests that generated the timber funds. In the past, these funds went directly back to the United States Treasury. Now they provide opportunities for local restoration work.

In fall of 2005, the Alsea Stewardship Group formed and created its stewardship boundary, and in the fall of 2006, the Mary's Peak Stewardship Group formed and created its own boundary. The partners in each group are stakeholders—local landowners, USFS staff, watershed councils, restoration contractors, timber companies, and others. The groups meet monthly to review USFS thinning proposals, identify restoration needs and recommend projects, such as restoring fish passage, thinning plantations, controlling invasive noxious weeds, and removing or repairing roads.

The Siuslaw Stewardship Group, active since 2003, agreed last year to share its funds with the two new stewardship groups. Otherwise both the Alsea and Mary's Peak groups would have had to wait two to three years to generate timber receipts within their own boundaries.

CPRCD hired two facilitators for the new Stewardship Groups. These facilitators guided monthly meetings where the groups decided which projects would be funded by timber receipts.

The following awards were approved in these stewardship areas:

Alsea Stewardship Group

- Lincoln County Road Department — \$11,285 for Scotch Broom Removal along county roads.
- Alsea Watershed Council — \$21,927 for Ryder Creek Culvert Replacement to improve Coastal Coho Salmon passage on this tributary of the North Fork Alsea River.

Mary's Peak Stewardship Group

- Mary's River Watershed Council — \$60,000 to create fish ladders along Rock Creek, to open up six miles of fish habitat for native cutthroat trout.
- The Forest Restoration Partnership — \$25,662 to create 186 snags across 240 acres of forested private lands adjacent to the Siuslaw National Forest.

Siuslaw Stewardship Group

- Siuslaw Riparian Restoration 2008 — \$38,419 to distribute and plant 10,000 native trees throughout the Siuslaw and Coastal Lakes, which includes landowner outreach, education and release on earlier plantings.

These projects began in spring 2008. For more information, visit cascadepacificstewardship.org.

Meet the 2008 Executive Board

Kim Leval
President



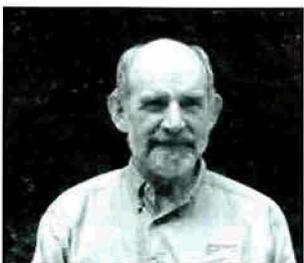
Kim is the Fund Development Director with Rural Development Initiatives (www.rdiinc.org), a non-profit that trains rural leaders and strengthens rural communities through economic and community development strategies. Prior to her current job, she was with the Center for Rural Affairs (www.cfra.org), a non-profit farm and rural advocacy group, for more than ten years.

Karl Morgenstern
Vice President



Karl is the Drinking Water Source Protection Coordinator for the Eugene Water & Electric Board (EWEB). He has spent the last six years at EWEB developing and implementing a drinking water source protection program to safeguard Eugene's sole source of drinking water - the McKenzie River. Karl is on the Board of Directors of the East Lane Forest Protection Association; serves on the Administrative Council for the Oregon Sustainable Agriculture Resource Center (OSARC); and is a Director with East Lane Soil & Water Conservation District. He enjoys spending his free time with his family and friends hiking, camping, sailing, skiing, golfing and gardening.

Kent Daniels
Treasurer



Kent is a managing partner in Downtown Living, LLC, a company which is dedicated to restoring and redeveloping older and historic buildings in Corvallis. He is retired from Oregon State University, where he served as the Co-Director of the Office of International Research and Development. Kent is the Chair of the Corvallis Parks, Natural Areas, and Recreation Board and also serves on the City's Urban Forestry and Beautification Committee. In addition, he serves on the Boards of Preservation Works and the Linn-Benton Housing Authority, and on the Benton County Citizen Review Board. Kent prefers two wheels to four; watch for him zipping around town from board meeting to board meeting on his bike.

Elizabeth Doyle
Secretary



Liz is an Owner/Member of Diamond Woods Golf Course, LLC., and co-founder, with Danuta Pfeiffer, of the Oregon Country Trails system. Diamond Woods uses sustainable practices at their golf course, specifically in water and pest management. An OSU graduate, Liz has been a high school marketing teacher for 17 years. She serves on the Board of Directors of the OSU Summer Agricultural Institute and the Convention and Visitors Association of Lane County (CVALCO). A fun fact about Liz: she doesn't golf.

Liz Redon
*Executive Board
Member at Large*



Liz has worked with the North Santiam Watershed Council since May 2001, primarily on watershed restoration project planning and implementation, water quality monitoring and education. Her responsibilities include facilitating the volunteer citizen committee process to define priorities and strategies, utilizing Council leadership and partnerships to accomplish Council goals and managing project implementation. She has a MS in Marine Resource Management from Oregon State University and a BA in Marine Biology from University of California, Santa Cruz. Liz also serves on the boards of the Network of Oregon Watershed Councils, Willamette Partnership, Marion County Weed Control District and Oregon Dept. of Human Services Drinking Water Advisory Committee.

Connie Karr
*Executive Board
Member at Large*



Connie grew up in Oregon agriculture, working on the family grass seed and vegetable farm. She has worked in the organic movement, community, and industry for 10 years. She serves as the Processing Program Manager for Oregon Tilth, working daily with growers and processors of organic food, feed and fiber to help them understand regulatory requirements under the National Organic Program, Global Organic Textile Standards and international trade standards. She develops and coordinates educational events around the country, and has extensive experience in marketing organic products of all kinds. She also serves on the board of the Oregon Organic Coalition.

Summary of Projects and Funds

Project Sponsor	FY08 Expenses	Major Sources of Funding and Match*	Type of Work
Watershed Councils			
Calapooia WC	\$ 572,361	OWEB, USFS Title II, Landowners, City of Albany, BLM, NOAA	Council support, fish passage, Brownsville Dam removal, riparian restoration, knotweed control, education and outreach
Luckiamute WC	\$ 145,315	OWEB, Oregon Wildlife Heritage Foundation, landowners	Restoration, landowner outreach
McKenzie WC	\$ 4,650	BLM	Fish passage, riparian restoration
N. Santiam WC	\$ 230,286	OWEB, Cities of Salem and Albany, The Nature Conservancy, NFWF, landowners	Council support, education and outreach programs, restoration, project design, fish passage
Pudding River WC	\$ 61,849	OWEB, local match	Council support, fish passage, action plan
CPRCD Operations			
CPRCD Operations	\$ 292,550	Fiscal Administration & management fees, membership dues, NRCS Cooperative Agreement, NRCS in-kind	Non-profit operations; NRCS provides technical staff and some overhead
Cascade Pacific Projects			
Forest Stewardship	\$ 210,652	Siuslaw, Alsea & Mary's Peak Stewardship Groups, landowners, USFS Siuslaw National Forest, Siuslaw SWCD, OWEB, Suislaw Watershed Council, The Nature Conservancy	Fish passage, wetland and riparian restoration, riparian planting and tree distribution, program facilitation
Local Food Connection	\$ 12,528	EWEB, Oregon Tilth, OSU, donations	Economic development
M-DAC Farms	\$ 90,351	OWEB, NRCS, US Fish & Wildlife Service, Stephanie Hagerty	Wetland restoration
Northwest Weed Management Partnership	\$ 98,664	BLM, USFS, SWCDs, Marion County Public Works, watershed councils, landowners	Partnership coordination, local Weed groups, Japanese knotweed inventory and treatment
Oregon Country Trails	\$ 5,000	RBEG	Economic development
Santiam Fish Passage	\$ 17,701	NFWF	Fish passage, restoration
Willamette Valley Birding Trail	\$ 4,011	Travel Oregon, National Park Service, BLM, donations	Economic development
Other Projects (CPRCD)	\$ 15,243	Oregon Water Resources Department, RBEG, NRCS, local match	Workshops, groundwater data collection, energy audit, grant packaging
TOTAL: WCs & CPRCD	\$ 1,761,161		
Non-profit Partners			
Long Tom WC	\$ 48,588	OWEB, donations	Landowner restoration projects, fish passage and watershed restoration
Network of Oregon WCs	\$ 84,469	OWEB, donations, fees	Building council capacity, outreach, workshops
S. Santiam WC	\$ 175,086	OWEB, USFS Title II, City of Albany, Sweet Home Community Foundation, NFWF, DEQ	Council support, education and outreach, knotweed control, restoration, fish passage
TOTAL: Non-profit Partners	\$ 308,143		
Totals	\$ 2,069,304		

BLM = Bureau of Land Management
 DEQ = Oregon Department of Environmental Quality
 EWEB = Eugene Water & Electric Board
 NFWF = National Fish & Wildlife Foundation
 NOAA = National Oceanic and Atmospheric Administration
 NRCS = National Resource Conservation Service

ODFW = Oregon Department of Fish & Wildlife
 OWEB = Oregon Watershed Enhancement Board
 RBEG = Rural Business Enterprise Grant
 SWCD = Soil and Water Conservation District
 USFS = United States Forest Service
 WC = Watershed Council

Cascade Pacific Resource Conservation & Development Area, Inc.
Statements of Financial Position
June 30, 2008 and 2007

	2008	2007
Assets		
Cash	\$ 253,751	\$ 268,863
Accounts receivable	596,009	265,872
Undeposited funds	21,728	0
Prepaid expenses	0	165
Equipment, net	<u>5,859</u>	<u>1,547</u>
Total assets	\$ 877,347	\$ 536,447
Liabilities and Net Assets		
Accounts payable	\$ 163,678	\$ 163,498
Payroll and related liabilities	16,988	17,264
Cash held in trust for others	<u>50,143</u>	<u>11,529</u>
Total Liabilities	230,809	192,291
Net Assets		
Temporarily restricted	488,198	259,293
Unrestricted	<u>158,340</u>	<u>84,863</u>
Total net assets	<u>646,538</u>	<u>344,156</u>
Total Liabilities and net assets	\$ <u>877,347</u>	\$ <u>536,447</u>

Cascade Pacific Resource Conservation & Development Area, Inc.
Statements of Activities and Changes in Net Assets
For the fiscal years ended June 30, 2008 and 2007

	2008 Total	2007 Total
Revenue		
Grants and contracts	\$ 1,853,442	\$ 1,604,977
In-kind donations	117,175	116,864
Contributions	6,200	48,460
Program dues and fees	3,346	7,079
Contract income	124,058	18,717
Interest income	<u>7,934</u>	<u>9,753</u>
Total revenue	\$ 2,112,155	\$ 1,805,850
Expenses		
Program services	\$ 1,468,611	\$ 1,449,906
Support services	<u>292,550</u>	<u>265,952</u>
Total expenses	<u>\$ 1,761,161</u>	<u>\$ 1,715,858</u>
Change in net assets	\$ 350,994	\$ 89,992
Transfer of restricted funds to other non-profit organizations	(48,612)	(72,947)
Beginning net assets	<u>344,156</u>	<u>327,111</u>
Ending net assets	<u>\$ 646,538</u>	<u>\$ 344,156</u>

Cascade Pacific RC&D

Who we are:
 We are a 501(c)3 non-profit dedicated to improving water quality and fish and wildlife habitat, creating and maintaining rural jobs, supporting renewable energy, and promoting a sustainable local food system.

What we do:
 We serve Benton, Lane, Lincoln, Linn Marion and Polk Counties, providing project and fiscal management services, technical and financial support for new projects, and creating partnerships between entities and people who can form a synergistic relationship to accomplish great things!

Working for a sustainable future... come join us!

Name _____ Organization _____

Address _____ City, State, Zip _____

County _____ Phone _____

Email _____ Yes, I want to volunteer! Please contact me.

Membership Category (Benton, Lane, Lincoln, Linn, Marion, and Polk County residents or entities)

- | | |
|--|---|
| <input type="checkbox"/> Individual (annual) \$25 | <input type="checkbox"/> Group \$50 |
| <input type="checkbox"/> Business \$75 | (Watershed council, non-profit, SWCD, Tribe, association, school, etc.) |
| <input type="checkbox"/> Industrial \$100 | <input type="checkbox"/> City (under 50,000) \$100 |
| <input type="checkbox"/> County \$400 | <input type="checkbox"/> City (over 50,000) \$250 |
| <input type="checkbox"/> Council of Government \$100 | <input type="checkbox"/> Additional Donation: \$ _____ |
| (or similar organization) | |

Out of Area Membership

- | | |
|---|---|
| <input type="checkbox"/> Friend \$25 | <input type="checkbox"/> Contributor \$150 |
| <input type="checkbox"/> Benefactor \$500 + | <input type="checkbox"/> Additional Donation \$ _____ |

All membership dues and additional donations are tax deductible.

Buying locally-produced food benefits you — and your community — in many ways.

- It helps ensure a stable source of food that's readily available.
- Decreasing the distance food travels to market reduces dependence on fossil fuels and carbon emissions (the "carbon footprint").
- Food that's grown locally is fresher, healthier, and tastes better. Produce is picked when it's ripe instead of green (like fruits and vegetables grown at a distance).
- Your grocery money stays close to home, so it provides local jobs and benefits the local economy.
- By knowing the source of food, you can choose to support safe and sustainable growing practices.



Photo by Jeltovski



Photo by Scott Liddell

The Local Food Connection

Cascade Pacific RC&D's **Local Food Connection** program links local farmers and fishers directly to food buyers — schools, hospitals, restaurants and grocery stores — in the Willamette Valley and central coast.

Encouraging these direct business relationships at the local level strengthens the economies of Benton, Lane and Linn counties.

Our annual Local Food Connection event, held in February, has expanded each year since its inception in 2007.

Cascade Pacific 
Resource Conservation + Development

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ENERGY

There's a vast potential market for Oregon agriculture in the field of renewable energy.

Oregon farms and ranches can create feed stocks to generate energy and fuels like ethanol. Western Oregon growers could produce solar energy and hydropower for sale.

As fuel and power costs rise, most growers are exploring ways to save energy. For example:

- No-till or reduced tillage offers fuel savings and benefits soil quality.
- Precision farming equipment can reduce both fuel and fertilizer use.
- For irrigators, minor strategies — such as frequent nozzle inspection and replacement — can help reduce energy costs.
- Livestock buildings, agricultural processing facilities and greenhouses can show significant energy savings when growers replace lighting and switch to more efficient heating and cooling systems.



(From left) Eric Horning of Horning Farms meets with Steve Faust, president of EnSave, and Rick Barney, CPRC&D energy auditor.

Energy Audit Program

As farmers and operators face spiraling energy costs and shrinking bottom lines, Cascade Pacific RC&D provides services to help producers save energy and money on their operations.

Through the Energy Audit Program (*pictured above*), growers and producers can receive on-site energy audits, learn about cost-effective energy improvements and secure funding for energy-saving upgrades.

The audit report details how much energy can be saved and how long it will take for energy-efficient equipment to pay for itself through reduced energy costs. Cascade Pacific then helps growers and operators identify and apply for funding to offset the cost of recommended upgrades. These funds are provided by federal, state and utility programs.

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WATER



M-DAC Farms. Photo by USFWS

Cascade Pacific RC&D partners with individuals, communities and organizations on projects to protect and improve our region's ground and surface water, wetlands, floodplains and riparian areas.

Areas of concern include deteriorating water quantity and quality, and the loss of 53 percent of historic wetlands.

The Willamette Valley is the premier location for wetland restoration. We work with our partners to protect and restore wetlands and riparian areas along streams through conservation easements.

M-DAC Farms Wetland Restoration

The M-DAC Farms Wetland Restoration Project spans 580 acres of historic marshland in Linn County. This project permanently protects the land and will restore over 100 acres of seasonal wetland, over 100 acres of bottomland hardwood forest, and over 300 acres of wet prairie habitat on former agricultural lands.

Southern Willamette Groundwater Management Area

Portions of the Willamette River have high nitrate levels that exceed safe drinking water standards. The River and the area's groundwater have been contaminated by nitrates from agricultural fertilizers, as well as residential and commercial/industrial runoff and wastewater.

Cascade Pacific RC&D works on projects to reduce nitrate levels and improve water quality throughout the Groundwater Management Area.



Willamette Floodplain Restoration

Cascade Pacific RC&D collaborates with landowners along the Willamette River on projects to decrease erosion and flood damage of farmland, protect surface and groundwater, and restore riparian forest and fish and wildlife habitat. Projects include "best management practices" workshops and developing conservation plans with farmers.

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JOBS

Employment opportunities are scarce in rural areas as people — and jobs — move to cities.

In the last two decades of the 20th century, the number of rural workers employed on farms was cut in half as farming methods became more efficient. According to USDA, 80 percent of all rural Americans now earn their living from nonfarm sources.

Enhancing the economic viability of rural communities is one of Cascade Pacific's goals. That's why we assist programs that create and maintain rural jobs while protecting natural resources.

Oregon Country Trails

"Where the suits meet the boots"



Photo by Dawn M. Turner

The Oregon Country Trails program helps urban visitors savor the country experience while spending their dollars in rural businesses.

Visitors can stop by restaurants, wineries, alpaca farms, quilt shops, farmers' markets and more through self-guided tours along the Trails.

And through a Rural Business Enterprise Grant, Cascade Pacific RC&D helped the program launch the nation's first rural business collaborative Web site and online shopping cart at www.oregoncountrytrails.com.

Currently, four Trails bring urban shoppers to over 65 businesses in

Lane, Lincoln and Benton Counties. And with the adoption of the program as a state model in 2008 by Travel Oregon, the number will continue to grow and enhance rural job opportunities in other parts of the state.

This model program embraces Cascade Pacific's strategy of working from the grassroots upwards. It was founded in 2005 as a rural revitalization project by Danuta Pfeiffer (Pfeiffer Vineyards) and Liz Doyle (Diamond Woods Golf Course).

At first, these two entrepreneurs sought to increase the number of visitors to their Junction City businesses. The idea took hold among other local business owners, however, and soon a grassroots concept was born.



Photo by Kathy Bishop



*Pfeiffer Vineyards, Junction City, Oregon
(Photo courtesy of Danuta Pfeiffer)*

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LAND

Cascade Pacific RC&D's geographic area covers six counties from the Pacific Ocean to the Cascades. This area includes some of the richest farmland and biodiversity in the state.

Our projects help protect soil quality, and improve fish and wildlife habitat. We support small farms, keeping local farmland in production. We also support the transition from conventional farming to organic through the USDA Farm Bill and reduced use of herbicides and pesticides.



This site was newly planted in 2007 as part of the Siuslaw Riparian Restoration project.

Forest Stewardship Initiative

The Forest Stewardship Initiative is a part of a national program to test forest management practices that restore forest health and meet the needs of local communities.

Through the Stewardship Initiative, locally administered by Cascade Pacific RC&D, the U.S. Forest Service finances projects that help restore and maintain healthy forest ecosystems on private and non-federal lands, while increasing local employment opportunities in rural areas. Program goals include:

- Improving water quality.
- Thinning trees to improve the health of the forest.
- Restoring wetlands.
- Improving wildlife habitats.
- Repairing or replacing culverts to assist fish passage and reduce sediment.
- Reducing soil runoff and erosion.



Japanese Knotweed

Northwest Weed Management Partnership

Invasive and noxious weeds disrupt ecosystems and decrease the value of crops and farmlands. The Northwest Weed Management Partnership (NWMP) promotes the identification and management of invasive plant species in northwest Oregon and southwest Washington, including the six counties in Cascade Pacific RC&D's area.



Western Meadowlark.
Photo by John & Karen Hollingsworth, USFWS

Willamette Valley Birding Trail

See some of the Willamette Valley's finest birding sites on this self-guided tour using existing roads, pull-offs, parking areas and walking trails. When finished, it will link the Oregon Cascades and Oregon Coast Birding Trails, making them part of the official Oregon Birding Trails network.

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innovation,
and creativity;
a beautiful place where
entrepreneurship is celebrated.

come create innovate

Visit www.businessisgoodhere.com to receive a limited edition,
handmade OBAMA inaugural chocolate bar
from Team Corvallis.

Name: Project Action

Sponsoring Nonprofit: Corvallis Day Time Drop In Center

Location: Lower level, Madison and fourth under Starbucks

Co-Chairs: Barbara Ross and Hundley Bergstad

Activities: Information and referral services to the homeless
Volunteer advocates to work one on one with participants to achieve progress toward goals.

Budget: Phone, rent,\$250 a month, small petty cash for coffee etc.

Hours: 10am to 12 noon, Monday through Friday

Record Keeping, OSU Intern?

Over view of plan

We will need to train about 10 volunteers in information and referral services needed by the homeless. We will seek the assistance of COI, CARDV, CSC, Love Inc. and George Grosch, former director of the county I and R office. The office will be staffed by I & R volunteers two hours a day for five days a week.

We will recruit and train about 8 to 12 volunteer advocates to work one on one with the homeless participants.

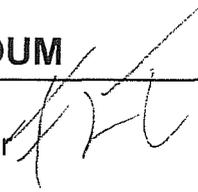
These will be volunteers who have had some previous experience with the homeless population. They will meet with their assigned participant about once a week. In this meeting, they will discuss possible action steps that the homeless person could take. The advocate can ask questions and make suggestions, but it is up to the participant to select the actions that he wants to take in the coming week. At the end of the meeting the actions that have been chosen will be written down so everyone is clear about what steps the homeless person intends to take and what support he needs to be able to follow through, such as contact names, addresses, or transportation. Advocates can assist with such activities as seeking health care, obtaining prescriptions, applying for disability benefits, using job search resources at CSC, or hunting for part time work, or applying for low income housing. When they meet again, they will review the outcome of any attempted action and record the results.

The Purpose of the project is to determine if volunteer advocates can be effective in assisting homeless persons in taking action to improve their situation.

The record keeping will assist everyone in finding out which services are helpful in their present form and which need to be modified to assist the homeless.

It is intended that the project will last from January 15 to July 15 2009.

MEMORANDUM

From: Fred Towne, Planning Division Manager 
To: Mayor and City Council
Date: January 20, 2009
Subject: Written Testimony, and Staff Recommended Revised Condition 5 - Brooklane Heights, LUBA Remand (PLD06-00018, SUB06-00006)

Written Testimony

On January 14, 2009, written testimony pertaining to the above case, received between January 6 and January 13, 2009, was enclosed in a memorandum and distributed to the City Council. This memorandum includes written testimony received between January 15 and January 20, 2009.

Staff Recommended Revised Condition of Approval 5

In the December 31, 2008, Memorandum to City Council with the subject line "LUBA Remand - Brooklane Heights (PLD06-00018, SUB06-00006)", Staff recommended revisions to Condition of Approval 5, as shown below. Italicized text was new. Staff recommend Condition 5 be further revised by inserting the following text into the the first sentence of the second paragraph of Condition 5: Unless approved for removal through this application,. The full text of the Staff recommended Condition 5 is stated below.

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.

Unless approved for removal through this application, 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)

ATTACHMENT H

Page 72-ap

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.

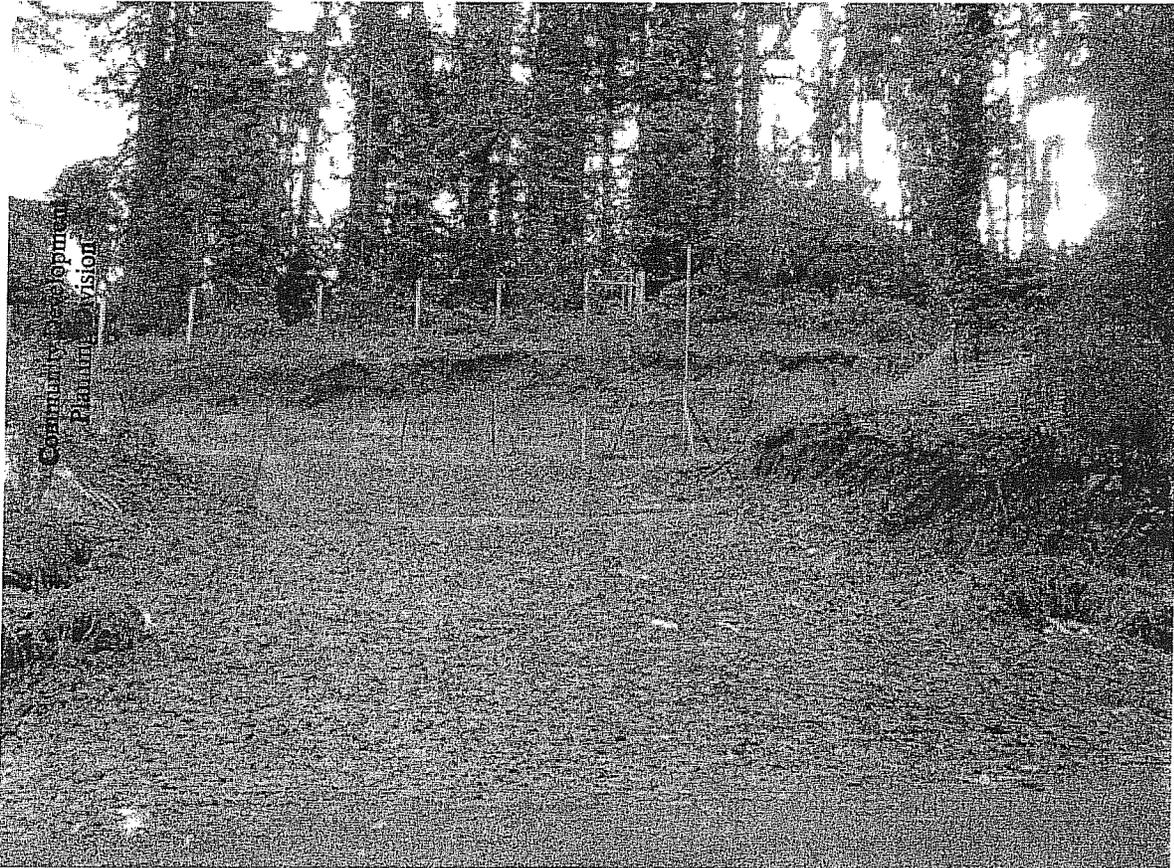
Existing trees, including trees on adjacent properties with driplines within 10 feet of the subject site, and construction protection fences shall be illustrated on all site plans submitted for excavation, erosion control, PIPC, and building permits. Tree protection plans shall be submitted to the City 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.

To: Corvallis City Council
Re: Brooklane Heights (PDL06-00018, SUB06-00006) appeal of LUBA remand
Date: 14 January 2009
From: Laurie Childers

My comments and my concerns remain with the fundamental issues of the need to follow the rules, to only approve plans that meet the development code in full.

The hillside development provisions mentioned in the Fifth Assignment of Error are still not met in the plans and descriptions set out by the applicant/owner. Of specific concern to me are the requests for permission to cut and fill 20 feet depths on this steep hillside. Eight vertical feet is the code limit. My land is just uphill of this development, and its integrity will likely affect mine.

A short distance away on the north side of the hill (Fairhaven Dr. near Whiteside) is a long narrow lot whose owner was given permission by the planning department to cut more than 8'. Please observe the results, some 2 years later: much of the vertical clay wall has slumped, the cut has eroded much deeper, trees have fallen and more are destined to fall. The owner could not hold the hillside back, and failed to build any of the 3 houses he planned. I hear his permit has expired. We are left with a dangerous eyesore, and ruined land.



My second main concern is under the Fourth Assignment of Error regarding compatibility. The applicant had failed to provide "typical building elevations" to

RECEIVED

JAN 16 2009

Community Development
Planning Division

show compatibly with existing neighboring houses. At the CC meeting on Jan 5th, such "typical buildings" were shown. Having lived on Fairmont Drive for more than 17 years, I am well aware of the neighborhood covenant that was in force when the vast majority of the houses were built. One story above ground, plus a daylight basement taking advantage of the slope, and low profile roofs. This was particularly important on the east side of Fairmont and the west side of DeArmond, to give the neighbors in the middle something of a view. An 8' cut allows for a daylight basement. We were told at early meetings with the developer that he wanted the deep cuts to be able to build low-profile houses, sinking them into the hill. However, as was obvious in the "typical buildings" he showed as examples, he is planning on large two or more story houses above ground, with steep roofs. As justification, he showed the one house on Fairmont that was an exception to the covenant, that was built (or remodeled) during a 3-month period that the covenant had expired. The steep peaked roof blocked the view of the people on the other side of the street, and (the residents told me) infuriated them, as they lost something valuable in their home: a view of the valley. Brooklane Heights looks poised to do the same thing to all of the east side of Fairmont Drive. The house samples shown on Jan. 5th are incompatible with the neighboring houses of the proposed development. They are consistent with what was built by Scott Sanders west of our older streets: multistory, tall peaked roofs, large footprint, very little yard or garden space.

It seems to me that the hillside is simply too steep to develop to the hillside development standards. Hence the multiple variances, hence the requests for 20' cuts to make the large buildable lots. Eight feet is not only the code but probably a crucial limit on our hill, given the proven instability of the deeper cuts.

This leads into my concern that addresses the Seventh Assignment of Error. Protections of environmentally significant resources are to be consistent with Comprehensive Plan policies. While I commend the developer's plan for protecting the small remaining groves of Oregon White Oak (and this is no small thing), the protection of the natural spring has been overlooked (along with the archeologically significant finds nearby, already violated by an unauthorized road and trenches), and most importantly, the drainage off the pavement and roofs of such a steep slope (detention of post-development flows) has not been designed to withstand the larger storms we are inclined to have. In 1996 we had three 100-year storms. More of what falls on the hillside will run into the floodplain below, and less will infiltrate – making the drying up of the pond below during dry summer months more likely. The pond is home to the Western Pond Turtle, and a couple of Great Blue Herons. (It has already been impacted by the failed development around it: pavement and utilities have been laid, but no houses built after many years. It simply became a hideout for delinquents, judging by the detritus left there, and ultimately got closed off with yet more of that unattractive orange plastic fencing.) My observations that the developer has been willing to ignore the laws and codes so far, building a road onto the previously undeveloped property without a permit, digging trenches in sensitive areas, also without a permit, submitting his proposal without crucial information

and plans (such as not using the required 2' contour map) makes me highly concerned that care will not be taken to prevent damage by landslide or flooding.

My main overarching concern is that everyone be asked to follow the rules the same as the rest of us. To do otherwise is to invite chaos, as the photo above illustrates. Our codes were carefully thought out, debated and discussed by experts, and while they remain our laws and codes they should be enforced equally among all the population. The number of variances in this development, many of which fall within the assignments of error remanded by LUBA, and the historical disregard by the developer for following the letter or the intent of much of the codes, should be large red flags for the city when it considers its decision. The nearly unprecedented unanimous "NO" recommended by the City Planners and the City Planning Commission came in response to important issues that LUBA also noted. Please allow this hillside and its current and future residents a safer, more neighborly plan.

Thank you for your time and consideration of my concerns.

Laurie Childers

Corvallis, OR 97333

Respectfully yours,
Justin Soares

Corvallis

- Prev by Date: **Re: Corvallis City Council Liaison**
- Next by Date: **Brooklane Heights remand hearing testimony**
- Previous by thread: **Brooklane Heights Remand Hearing (PLD06-00018, SUB06-00006)**
- Next by thread: **Brooklane Heights remand hearing testimony**
- Index(es):
 - **Date**
 - **Thread**

19 January 2009

To: Corvallis Mayor and City Council

From: Elizabeth Waldron

Subject: Brooklane Heights Remand Hearing (PLD06-00018, SUB06-00006)

Dear Mayor and Council Members,

Within no more than a ten minute drive of most of Corvallis, there is a bluff known as Brooklane Heights, a place of precious historic, botanical, animal/bird habitat and scenic value which is in mortal danger of being destroyed by "development."

Brooklane Heights is a rare upland prairie habitat and oak woodland. It has both ecological and cultural values. It is a stunningly beautiful 26-acre upland meadow with spectacular views of the valley & the Western Cascades. It is immediately above the 74-acre Mary's River Natural Area, a preserved wetland with boardwalk located between Brooklane Drive and the Mary's River in Southwest Corvallis. It drains into the Mary's River Natural Area wetland, a locally significant wetland which is currently being restored by the City of Corvallis, Benton County, and the Natural Resources Conservation Service. The hillside has seeps, springs, and a year-round stream that are all hydrologically connected to the significant wetland below. All this provides an important water source for the wildlife that move back and forth among these adjacent and varied habitat types throughout the year. This section of the hillside is designated as Significant Wildlife Habitat and its survey noted it would be an outstanding restoration site due to its proximity to the Mary's River (Natural Features Inventory Wildlife Vegetation Map, 2003). Here are endangered pond turtles and Kincaid's lupine, important to rare Fender's blue butterflies.

It is a place upon which the Chepenafa people of the KALAPULYA lived. There are documented Native American archaeological sites on this part of the hillside that are believed to be connected to the larger documented site on the wetland. Before 1850, the Chepenafa of the Kalapuya Indians gathered camas lilies and tar weed beside the Mary's River. They fished for salmon and hunted deer and elk. There is confirmed archaeological evidence of as yet unexplored burial mounds and mudden heaps of their household waste. An exploratory effort uncovered, in the first shovel full, arrowheads. There is still much to be learned about the Kalapuya tribe that lived here, and this upland/lowland complex could be a valuable educational resource.

When one holds the title to property, there are both rights conferred and responsibilities incurred - to the land, its inhabitants, both human and wild, and to the community that may be impacted by the owner's actions.

According to our own **City Council Approved Corvallis Comprehensive Plan December 21, 1998:**

"The natural environments included within the Urban Growth Boundary all have their own respective limitations with regard to urbanization. Development pressure upon lands with such limitations can have profound effects on a given ecosystem. Erosion of steep slopes caused by inappropriate development, for instance, does not occur as an isolated incident. Soil type, permeability, vegetation, and drainage all play major roles in and are affected by such occurrences. Likewise, the effects of inappropriate development located within prime agricultural resource lands do not stop at the edge of such development. The social, cultural, and economic values of such resource lands could be reduced by the effects of urban development nearby. **The limitations of the various environments should be considered in reviewing new development within the Urban Growth Boundary.**"

I remind you:

CCP 4.2 General Natural Features, Land, and Water Resources

Page 72-ax

Findings

4.2.a *Natural features are an important asset to the visual and environmental characteristics of the community.*

4.2.b *The Willamette and Mary's Rivers are vital open space and recreation features.*

4.2.c *When natural systems are altered, they may not recover or return to their original state and ecological function. We do not yet fully understand the complex interactions between natural systems, or the cumulative impacts of changes on such systems.*

4.2.d *Planning for specific areas of the community is being used to supplement and coordinate efforts to maintain and enhance natural features within the community and between communities.*

4.2.e *The Land Conservation and Development Commission Periodic Review Order No. 001-223 directs the City to adopt a Comprehensive Plan policy "for completing inventories for riparian corridors and wetland resources, including schedules, budgets and enforceable provisions."*

Policies

4.2.1 *Significant natural features within the Urban Growth Boundary shall be identified and inventoried by the City or through the development process. These shall include:*

A. *Seasonal and perennial streams and other **natural drainage ways**, wetlands, and flood plains;*

B. *Lands abutting the Willamette and Mary's Rivers;*

C. *Land with significant native vegetation as defined in the Oregon Natural Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species;*

D. ***Ecologically and scientifically significant natural areas;***

E. ***Significant hillsides;***

F. ***Outstanding scenic views and sites;** and*

G. *Lands that provide community identity and act as gateways and buffers.*

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.*

4.2.3 ***The City shall maintain an advisory constraints map that identifies potential development constraints. This map shall be updated periodically as new information becomes available.***

4.2.4 *The City shall develop methods to track information indicating biological or archeologically sensitive sites for use in directing future inventory activities on those sites.*

4.5.e *A number of tools (e.g., acquisition, design standards, performance standards, etc.) can be used in conjunction with density transfers to prevent development on significant resource sites and potentially hazardous locations. Different methods may be appropriate for use in different situations.*

Yes, there is a new 2006 LDC, but fortunately The Brooklane Heights Planned Development application was **submitted prior** to the adoption of the 2006 LDC and is therefore **subject to the provisions** of the previous LDC and the 2000 Comp Plan approved by the State of Oregon's Land Conservation and Development Commission on June 21, 2000. At the time of this application, Comp Plan policies 51.5.a and 51.5.b remained in effect. Therefore, the 1999 Corvallis Urban Growth Boundary Advisory Constraints Map identifying the location of the proposed development as a "**Significant Hillside**" remains in effect, and all relevant Comp Plan policies concerning development constraints on significant hillsides remain in effect as review criteria. (See Corvallis UGB Advisory Constraints Map)

On May 30, 2008 the Land Use Board of Appeals (LUBA) remanded to the City of Corvallis its decision to overturn the Planning Commission denial of the proposed Brooklane Heights Planned Development (PLD06-00018, SUB06-00006). Here follows several quotes from that remand:

"The subject property lies on the southeast side of 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.”

“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).” Due to the steep slopes and high landslide potential on the property, drainage is a critical concern, especially because there are homes down slope from the property that are at risk of landslides and flooding.”

“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.”

The Brooklane site is a stunningly beautiful 26-acre upland meadow with spectacular views of the valley & the Western Cascades. You, the community, & all our children will be thrilled to witness the valley and mountains as did the Chepenefa people of the Kalapuya, who lived along the Mary's River near present-day Corvallis. Brooklane Heights deserves to be preserved!

** **KALAPULYAN** refers to a group of eight tribes speaking three languages, formerly inhabiting the valley of the Willamette River, Oregon. The Alfalati lived around Forest Grove, northwestern Oregon, and the Yamel above present McMinnville, Oregon, forming one dialect division of the family. Continuing south were the Luckiamute on the river which bears their name; the Santiam around present Lebanon, Oregon; Chepenafa or Mary's River near Corvallis, Oregon, all of whom spoke the central Kalapuyan dialect. Finally, above Oakland, Oregon, were the Yoncalla, who spoke the southern dialect.

Richardson, Robert

From: Dashwood, Mohaiza [mohaiza.dashwood@]
Sent: Monday, January 19, 2009 8:32 PM
To: Mayor; Ward 1; Ward 2; Ward 3; Ward 4; Ward 5; Ward 6; Richardson, Robert; Ward 7; Ward 8; Ward 9
Subject: Brooklane Heights Remand Hearing (PLD06-00018, SUB06-00006)

19 January 2009

To: Corvallis Mayor and City Council
 From: Mohaiza Dashwood,
 Subject: Brooklane Heights Remand Hearing (PLD06-00018, SUB06-00006)

Dear Mayor and Council,

Once again we the neighbors of Brooklane Heights are being called upon to defend the May 30th 2008 Planning Commission's denial of the proposed Brooklane Heights Planned Development (PLD06-00018, SUB06-00006). The four remanded assignments of error in the LUBA ruling address the same issues cited by Corvallis Community Development Director Ken Gibb in two staff reports and by the Planning Commission in their unanimous decision to deny the application: failure to demonstrate compatibility with surrounding land uses and visual impacts both of and from the hill; failure to demonstrate compliance with hillside development standards; drainage concerns and failure to demonstrate drainage plan would protect significant wetlands; and failure to demonstrate protection of environmentally significant resources. I am hopeful that when you have had time to review the details of the development proposal in conjunction with the numerous codes and development constraints that apply to this property, you will support previous recommendations from the Planning Commission and Community Development Director, and deny this application.

I concur with my fellow neighbors that there are too many overlapping significant environmental resources on this property and the slopes are too steep for this land to be developed within the parameters of our existing Land Development Code, Comprehensive Plan, and the Corvallis 2020 Vision Statement and Statewide Planning Goals. The only way this development plan can fit on this slope is if we abandon numerous community land use planning regulations and the statewide goals and local guiding visions they are supposed to implement.

The Brooklane Heights Planned Development property has been designated as "significant" in previous inventories required by statewide planning goals and the Corvallis Comprehensive Plan:

- Significant Hillside (1999 Comprehensive Plan Urban Growth Boundary Advisory Constraints Map; 1983 Open Space-Hillsides Report identifies Country Club Hill as an important feature at the south entrance of Corvallis because of elevation and vegetation, and the buffer it provides between urban development and the nearby agricultural land)
- Significant Wildlife Habitat (2003 Natural Features Inventory and Significant Wildlife Habitat Map)
- Significant Tree Grove (2003 Natural Features Inventory Significant Vegetation, adopted 2006)
- Natural Hazard (2003 Natural Features Inventory shows steep slopes on most of this site and high landslide risk areas in the drainageways)
- adjacent to a Locally Significant Wetland, the 74-acre Marys River Natural Area, which is currently being restored by the City of Corvallis, Benton County, and the US Fish & Wildlife Service.

Even though the natural topography on this section of the hill is too steep to develop within state and local codes, the applicant has proposed massive grading and cuts and fills up to 23 feet deep to reform the natural topography in order to comply with Land Development Code 4.0.70.1.2: "Grades shall not exceed 15% on local streets." The slopes on this portion of the hillside are mostly 15 – 25%, with some areas in excess of 35% and a small mid-slope area of 10-15% slope. It is not a buildable slope and is better suited for other uses such as open space, wildlife habitat, low impact recreation, and natural resource/cultural resource education.

Furthermore, in the Metolius report the applicant proposes to build houses with high rooflines that are not in character with other homes in the area, except one. Construction of the proposed structures would significantly block the view from existing homes and would be very intrusive when viewed from below. Current homes have low profile rooflines that are much less intrusive when viewed from below and do not block the views of neighboring homes above them.

As noted in CCP 51.5.a Discretionary Land Use Decisions, "policies from this Comprehensive Plan shall be used as part of

the appropriate review criteria for Planned Development.” Also, details on page 8 of the August 2007 Staff Report note that while the proposal complies with protection of significant trees and tree-covered hillsides, it “did not comply with Comprehensive Plan policies designed to minimize disturbances to soil and reduce cuts and fills on hillsides (Attachment IX.26-36).” The proposal still does not comply with these provisions of our codes and with the guiding vision for the future of our community which is detailed in the Corvallis 2020 Vision Statement. The burden of proof lies with the applicant to show that the benefits of waiving the Code outweigh the negative impacts of increased hillside disturbance. This burden of proof has not been met and I urge you to uphold our community vision, quality of life, watershed integrity, and applicable codes by voting to deny this development proposal.

The applicant has presented new information at the Jan 2009 remand hearings. Please accept these corrections to the Metolius report.

1) This is not simply infill development surrounded by fully developed land as he claims. FACT: It is on the edge of the UGB; it is the steepest quadrant of a hill that has low-density residential development on less-steep portions above it; it is the only significant hillside in Corvallis that is so close to a large wetland/riparian habitat complex.

2) Mr. Wright erroneously asserted in his oral presentation and on page 16 of the Metolius report that “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.” FACT: Mowing, burning, and herbicide application are all open space management tools used by land managers to restore and maintain upland prairie habitats, and are currently used by the City in its other open space and parklands.

It is your responsibility to look at the whole picture when making your decision, not just those codes with which the project does comply. On the four remanded issues, this proposal still falls short of the review criteria you must consider when making a discretionary land use decision. As LUBA has noted in previously appealed Corvallis City Council decisions, considering and then ignoring relevant review criteria is not acceptable.

I am in favor of development and providing jobs to the community but we have to balance our environmental needs with those of the people. We look to you our Mayor and City Council members to uphold our land use regulations, our environmental integrity, and our quality of life and deny this proposed application, due to its inability to comply with all required provisions.

Thank you for your consideration, and for your service to our community.

Respectfully,

Mohaiza Dashwood

Corvallis, Oregon 97333

Richardson, Robert

From: Susan Morre [susanmorre@]
Sent: Tuesday, January 20, 2009 5:39 AM
To: Mayor; Ward 1; Ward 2; Ward 3; Ward 4; Ward 5; Ward 6; Ward 7; Ward 8; Ward 9
Cc: Richardson, Robert
Subject: Brooklane Heights remand hearing testimony
Attachments: Morre CC email testimony Jan 19 2009.doc

Dear Mayor and Council,

Attached is testimony I ask the council members to please read before the 7:30 pm Brooklane Heights hearing if possible.

Thank you very much.

Bob,

I'd appreciate it if you would please make sure this is entered into the record for the Brooklane Heights Planned Development remand hearing and is available as early as possible.

Thanks!

Susan Morre

Corvallis

16 January 2009

To: Corvallis Mayor and City Council
From: Susan Morré,
Subject: Brooklane Heights Remand Hearing (PLD06-00018, SUB06-00006)

Dear Mayor and Council,

On May 30, 2008 the Land Use Board of Appeals (LUBA) remanded to the City of Corvallis its decision to overturn the Planning Commission denial of the proposed Brooklane Heights Planned Development (PLD06-00018, SUB06-00006). **The four remanded assignments of error in the LUBA ruling address the same issues cited by Corvallis Community Development Director Ken Gibb in two staff reports and by the Planning Commission in their unanimous decision to deny the application: failure to demonstrate compatibility with surrounding land uses and visual impacts both of and from the hill; failure to demonstrate compliance with hillside development standards; drainage concerns and failure to demonstrate drainage plan would protect significant wetlands; and failure to demonstrate protection of environmentally significant resources.** This remand hearing allows the Council to revisit their decision. After reviewing details of the development proposal and numerous codes and development constraints that apply to this property, I hope you will support previous recommendations from Planning Commission and Community Development Director, and deny this application.

In a nutshell, there are too many overlapping significant environmental resources and the slopes are too steep for this particular property to be developed within the parameters of our existing Land Development Code, Comprehensive Plan, and the Corvallis 2020 Vision Statement and Statewide Planning Goals they are required to implement. This development plan simply does not fit this slope, unless we abandon numerous community land use planning regulations, statewide goals, and countless hours of citizen input to define local guiding visions.

Before opening the January 20, 2009 Corvallis City Council LUBA remand hearing for Brooklane Heights Planned Development, I respectfully but strongly request that you read the summary on pages 21 – 24 of the original August 10, 2007 Staff Report signed by Community Development Director Ken Gibb and City Manager Jon Nelson. It recommended that you uphold the Planning Commission's unanimous denial of the project.

This property is at the edge of the Urban Growth Boundary on the steepest quadrant of Country Club Hill, identified as a Significant Hillside in the Comprehensive Plan Corvallis Urban Growth Boundary Advisory Constraints Map (1999) and the earlier Open Space-Hillsides Report (1983). It contains numerous environmental resources that have been designated as "significant" in previous inventories required by statewide planning goals and the Corvallis Comprehensive Plan:

- Significant Hillside (1999 Comprehensive Plan Urban Growth Boundary Advisory Constraints Map; 1983 Open Space-Hillsides Report identifies Country Club Hill as an important feature at the south entrance of Corvallis because of elevation and vegetation, significant views from the hill and the buffer it provides between urban development and the nearby agricultural land) .

- Significant Wildlife Habitat (2003 Natural Features Inventory and Significant Wildlife Habitat Map)
- Significant Tree Grove (2003 Natural Features Inventory Significant Vegetation, adopted 2006)
- Natural Hazard (2003 Natural Features Inventory shows steep slopes on most of this site and high landslide risk areas in the drainageways)

In addition, it is adjacent to a Locally Significant Wetland (1997 designation), the 74-acre Marys River Natural Area, which is currently being restored by the City of Corvallis, Benton County, and the US Fish & Wildlife Service. The 2003 Natural Features Inventory identifies this section of the slope as Significant Wildlife Habitat. In the report accepted by City Council on September 2, 2003, the recommendation section for this site says "Because of connection to the Marys River riparian corridor, this could be an outstanding restoration site." Upland prairie and Oregon white oak habitats are both considered among the rarest of Oregon ecosystems and in critical need of conservation because less than 1% of these important habitats remain in the Willamette Valley (Oregon Conservation Strategy, Oregon Department of Fish and Wildlife 2006 report, Oregon Natural Heritage Program, The Nature Conservancy, Oregon State University).

Because the natural topography on this section of the hill is too steep to develop within state and local codes, common sense and numerous planning documents recommend protecting this environmentally sensitive landscape rather than developing it. Applicable Comprehensive Plan policies limit cuts and fills to eight feet. Instead, the applicant has proposed massive grading and cuts and fills up to 23 feet deep to reform the natural topography in order to comply with Land Development Code 4.0.70.1.2: "Grades shall not exceed 15% on local streets." The slopes on this portion of the hillside are mostly 15 – 25%, with some areas in excess of 35% and a small mid-slope area of 10-15% slope. It is not a buildable slope and is better suited for other uses such as open space, wildlife habitat, low impact recreation, and natural resource/cultural resource education.

The applicant has recently provided some additional information (Metolius report, November 2008) including "typical building elevations" and additional proposals for further lot grading and drainage concerns, to which you are charged with applying relevant review criteria from the Land Development Code (LDC) and Corvallis Comprehensive Plan (CCP) provisions. Careful analysis of the new information will reveal that the proposal still does not comply with numerous applicable regulations, especially CCP 4.6.7 (hillside development standards) and LDC 2.5 (review criteria for compatibility with surrounding land uses). The proposed buildings have very high rooflines that are out of character with all but one of the homes bordering the west and north sides of the site. The one out-of-character home is one of two existing homes shown in the Metolius report, in a misleading attempt to make it appear that the very high-pitched roofs shown in their "typical building elevations" were somehow compatible and would reflect existing neighborhood characteristics as required by code. At the January 20th hearing, I will submit photos of each home bordering the north and west sides of the Brooklane Heights property along Fairmont Drive and Whiteside Drive. Current homes have low profile rooflines that are much less intrusive when viewed from below and do not block the views of neighboring homes above them. Construction of proposed structures would significantly block the view from existing homes and would be very intrusive when viewed from below. Instead of the special view of the hill that is seen by residents coming into Corvallis from the south gateway, it will look like Neabeck Hill. Concerned homeowners above and below this steep hillside are concerned that

destabilizing the slope with extensive cuts may undermine the integrity of the slope and result in cracking of foundations or even a house sliding down the slope, as has recently occurred in Philomath, Springfield and other communities in Oregon where inappropriate development was permitted to occur on too-steep slopes.

As noted in CCP 51.5.a Discretionary Land Use Decisions, “policies from this Comprehensive Plan shall be used as part of the appropriate review criteria for Planned Development.” Also, details on page 8 of the August 2007 Staff Report note that while the proposal complies with protection of significant trees and tree-covered hillsides, it “did not comply with Comprehensive Plan policies designed to minimize disturbances to soil and reduce cuts and fills on hillsides (Attachment IX.26-36).” The proposal still does not comply with these provisions of our codes and with the guiding vision for the future of our community which is detailed in the Corvallis 2020 Vision Statement. The burden of proof lies with the applicant to show that the benefits of waiving the Code outweigh the negative impacts of increased hillside disturbance. This burden of proof has not been met, and I urge you to uphold our community vision, quality of life, watershed integrity, and applicable codes by voting to deny this development proposal.

Brief history and summary of previous recommendations to deny this development proposal:

Two staff reports to the Planning Commission (May 25, 2007) and to City Council (August 10, 2007) signed by Community Development Director Ken Gibb and City Manager Jon Nelson **recommended denial** of the proposed Brooklane Heights Planned Development (PLD06-00018, SUB06-00006). The **Planning Commission unanimously voted to deny** the proposed development (June 20, 2007 deliberations) for the following reasons, also articulated in the May 25 staff report:

1. Failure to comply with Comprehensive Plan policies related to hillside development, particularly 4.6.7;
2. Failure to comply with Comp Plan policy 9.5.13, which requires a certain percentage of minimum sized lots and variety of housing types and sizes;
3. Inconsistencies between the proposed design of storm water detention ponds and the design recommended in the appellant’s geotechnical report;
4. Failure to meet LDC 4.0.70.c.3, which limits the length of cul-de-sacs to 600 feet;
5. Failure to comply with LDC section 4.0.50, which requires an 8 foot wide bicycle/pedestrian path;
6. 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.

The applicant appealed the denial to the City Council and submitted a revised grading plan (July 5, 2007), added three more lots, shortened the cul-de-sac, widened the bike path, and proposed 27 conditions of approval to address failures to comply with applicable review criteria. Community Development Director Ken Gibb **again recommended denial** of the application. Quoting Gibb, on appeal, the applicant “proposed significant changes to the proposal that was reviewed and denied by the Planning Commission” to address the easier points 2, 3, 4, and 5, but did nothing to address the

remaining major failures to comply with hillside development standards and neighborhood compatibility.

Page 22-23 of the August 10 staff report states: **“Staff does not believe the proposed Conditions of Approval as reflected in the revised grading plan satisfy the hillside development criteria in Comprehensive Plan Policy 4.6.7.** Further, insufficient details 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.** From the facts presented in the May 25, 2007 Staff Report to the Planning Commission and findings made during the June 20, 2007 Planning Commission deliberations on this matter, **the Planning Commission and staff recommend that the City Council pursue Option 2, denying the Tentative Subdivision Plat request.**

Despite the unanimous recommendation from the Planning Commission and Community Development Director to deny the application, City Council instead voted to overturn the Planning Commission decision to deny the application, thereby approving the development proposal. Community members appealed the decision to LUBA, and **LUBA remanded the decision, reinforcing several of the same points made by Planning Commission and Staff:**

- Findings were inadequate to determining if the code and compatibility requirements are met without “typical building elevations” having been submitted (Fourth Assignment of Error).
- 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 (Fifth Assignment of Error).
- Findings were inadequate for determining if the drainage plan adequately addresses Comprehensive Plan policy 4.11.12 (Sixth Assignment of Error).
- Findings were inadequate for determining if protections of environmentally significant resources are consistent with Comprehensive Plan policies (Seventh Assignment of Error).

LUBA stated on pages 13-14 of the remand under the heading “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 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.”** While both the Metolius report and the new City Staff Report list each of the provisions of 4.6.7, a careful reading of the accompanying claims reveals that the proposal still fails to implement or comply with eight of the nine provisions of CCP 4.6.7: the massive cuts and fills proposed do not fit the topography; visually significant slope is not preserved in its natural state; significant natural features such as upland prairie, significant wildlife habitat and significant slope are not preserved, cutting and filling are not minimized but instead are up to two and a half times what is allowed, soil disturbances are not minimized, mass grading construction techniques do not minimize erosion and surface water runoff, views of and from the hills are both

degraded and obstructed, and the proposed tree-lined streets do not enhance the open space resource (upland prairie and native oak woodland).

New information presented for remand hearing

The applicant's representative Scott Wright prepared a "summary report" to guide your decision (Metolius Consulting "Brooklane Heights Remand Summary" report dated November 28, 2008). A new City Staff Report dated December 24, 2008 provided a third staff report that tries to rewrite the findings from the City Council deliberations in a way that appears to meet all relevant codes, rather than restating the reasons cited in the two prior staff reports that the proposal fails to comply with relevant review criteria, despite new information provided by the applicant on remand. In fact, numerous applicable codes have been omitted from "staff identified review criteria" that related to the remanded issues, although they were included in the original two lists of criteria provided by staff. Although the Council is allowed a certain amount of discretion in land use decisions, the applicable criteria still apply.

The Metolius report accomplishes three things: it provides "typical building elevations" that are proof that the proposed development is not compatible with less intensive surrounding land uses, particularly height, scale and mass of sample structures (figures 2 through 5) and the resulting visual impacts on existing properties; it allows that all of the remaining lots not included in the original mass grading plan may be graded up to eight feet, providing further evidence of the extent to which this significant hillside will be disturbed in order to force an incompatible plan in this steep slope; and it simply leaves numerous findings that argue against this development -- the large scale failings to comply with hillside development standards and applicable review criteria. More troubling are several misleading statements presented by Mr. Wright in the Metolius report and in previous testimony from the proponents of this development. Please accept these facts as corrections:

1) This is not simply "infill development", is not surrounded by fully developed land as he claims, and the proposed development is not at all "almost identical with the surrounding land uses" and the streets do not follow natural topography -- because the natural grade is too steep to legally build this development. An aerial photo of the area and the 1999 Comprehensive Plan UGB Advisory Constraints Map prove that conclusively. FACT: It is on the edge of the UGB; it is the steepest quadrant of a hill that has low-density residential development on less-steep portions above it; it is the only significant hillside in Corvallis that is so close to a large wetland/riparian habitat complex (adjacent to the Marys River Wetland reserve very near the confluence with the Willamette River), with much more undeveloped farmland nearby (see aerial photos and advisory constraints map attached), and very intensive site disturbance would occur if developed as proposed.

2) Mr. Wright erroneously asserted in his oral presentation and on page 16 of the Metolius report that "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." FACT: Mowing, burning, weeding and herbicide application are all open space management tools used by land managers to restore and maintain upland prairie habitats, and are currently used in various combinations by the City in its other open space and parklands. The 2003 Wildlife Habitat Assessment for this parcel accepted by the Council on September 2, 2003, states: "This may be the largest wetland-upland complex left within the Corvallis UGB, and restoration to a

higher native plant component to improve habitat values could occur in conjunction with adjacent, similar lands outside the UGB. Because of connection to Marys River riparian corridor, this could be an outstanding restoration site.” The May 4, 2007 letter from Oregon Department of Fish & Wildlife Habitat Biologist Ann Kreager to the City (Attachment O-1, May 25 staff report) states *“The site provides exceptional habitat value on numerous scales....While the majority of 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, buttercup, oatgrass, and Roemer’s fescue....The stand of Oregon white oak is significant and increasingly rare....Oak woodlands and savanna are habitats identified for conservation in the (Oregon) Strategy and provide benefit to a suite of species also identified in the plan.... Sites of this size and composition, as well as its proximity to other natural resources, are rapidly diminishing resources, especially within the City limits.”* US Fish and Wildlife Private Land Biologist gave similar testimony to the Corvallis Open Space Commission, who unanimously recommended that this parcel be preserved as open space due to the numerous environmentally significant qualities it offers to the community.

3) Mr. Wright stated that the construction of the Oakmont 10-acre subdivision to the north is dependent on approval of the Brooklane Heights application because there is no second road access to serve the site. FACT: There is a road easement shown on the plats submitted to you that exits the western end of the proposed Oakmont subdivision, next to the Oakmont property owner’s home.

4) Mr. Wright falsely states *“The only observation that can be made (about homes in the existing homes bordering the development) is that homes are varied in size and shape”* in the existing neighborhood, and that the tall houses with high pitched rooflines he offers as compatible with the neighborhood could be built on the lots and meet 2006 LDC requirements. FACT: The unifying characteristic of houses in this neighborhood is that they are unique in style but almost all have low-pitched rooflines to be less obtrusive on the slope and to avoid obstructing the views of the neighbors above them. LUBA also noted that the proposed building styles needed to comply with the zoning that was in effect when the project was proposed, which was RS-3.5, not RS-5.

5) Several proponents of the development have mistakenly said that a 100-lot subdivision was previously approved for this property, so we should approve this one for 45 lots because it is somehow better. FACT: The previous 1980 approval was only for a conceptual development plan, and it specifically noted in the findings that NO LOTS were approved due to concerns about the impact on slope stability, and requiring a geotechnical report before any lots would be approved. Its condition of approval 11 stated *“Any reference to a specific number of lots is premature and shall not be considered as part of any approval at this time and lot areas may be subject to change, based on the information gained from the soils report.”* Condition 5 called for a soils report from a registered professional with expertise in soil mechanics, including identifying areas that may not be developable or possess limitations due to soils, slopes, or other potentially hazardous characteristics (see May 13, 1980 findings for Secret Gardens, Attachment H-5 through H-7 in the May 25, 2007 staff report to Planning Commission). No such analysis was ever submitted, and after three 3-year extensions, the project approval expired in May 1992.

It is your responsibility to look at the whole picture when making your decision, not just those codes with which the project does comply. On the four remanded issues, this proposal still falls short of the

review criteria you must consider when making a discretionary land use decision. As LUBA has noted in previously appealed Corvallis City Council decisions, considering and then ignoring relevant review criteria is not acceptable.

Comprehensive Plan Policy 1.2.0 states: "The applicable review criteria in all land use decisions shall be derived from the Comprehensive Plan and other regulatory tools that implement the plan." Land Development Code 2.5.40.04 states: "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, visual elements, noise attenuation, noxious odors, lighting, signage, landscaping for buffering and screening, traffic, effects on off-site parking, and effects on air and water quality."

Changes made by the applicant after initial Planning Commission denial of the application addressed previous lack of compliance with CCP 9.5.13, and LDC 4.0.50 and 4.0.70.c.3, as noted above. Changes after the LUBA remand address failure to provide typical building elevations, although those provided do not comply with compatibility criteria in the LDC and CCP. The applicant has still avoided providing 2 foot contours, as required, because they said the steepness of the slope would make the plans hard to read if they used 2 foot contours. Both Planning Commission and City Council noted this failure to comply. These small gestures of compliance are dwarfed by the numerous codes with which it still does not comply, and no amount of tweaking the proposal will accomplish that. There are too many overlapping reasons that this steep slope is not suitable for such heavy-handed development: it is already designated as a significant hillside, significant wildlife habitat, significant tree grove, drains to a significant wetland reserve, contains high landslide risk natural hazard zones, and the extensive cuts and fills present a threat to the public safety of existing homes and the stability of the hillside itself (Corvallis Urban Growth Boundary Advisory Constraints Map, previous hillside reports, 2003 City of Corvallis Wildlife Habitat Assessment, Corvallis and Benton County Natural Features Inventories). The Natural Features Inventory regulations in the 2006 LDC will apply to future lot development on this property, so they cannot be ignored.

In summary, this proposed development, even with changes made after Planning Commission and LUBA hearings, still fails to comply with numerous applicable hillside development standards, neighborhood compatibility requirements, and significant environmental features protection review standards found in LDC 2.4.20.b, 2.4.30.04, 2.5.20.c and h, 2.5.40.04, 4.0.70, 4.5.80, 4.5.110, and CCP 3.2.1.a, b, c, and e, 3.2.3, 3.2.4, 3.2.7, 4.2.2, 4.6.1, 4.6.2, 4.6.7, 4.6.9, 4.7.1, 4.7.3, 4.10.7, 4.10.8, 4.10.9, 4.11.11, 4.11.12, 9.2.2, 9.2.5.a, c, d, f, g, and i, 9.5.2, 9.5.13, and 11.2.1.

Please uphold our land use regulations, our environmental integrity, and our quality of life and deny this proposed application, due to its inability to comply with all required provisions. Thank you for your consideration, and for your service to our community.

Respectfully,

Susan Morre

Cc: 'Richardson, Robert'

Subject: Brooklane Heights remand hearing testimony

Dear Mayor and Council,

Attached is testimony I ask the council members to please read before the 7:30 pm Brooklane Heights hearing if possible.

Thank you very much.

Bob,

I'd appreciate it if you would please make sure this is entered into the record for the Brooklane Heights Planned Development remand hearing and is available as early as possible.

Thanks!

Susan Morre

Corvallis

Richardson, Robert

From: Susan Morre [susanmorre@ci.corvallis.or.us]
Sent: Tuesday, January 20, 2009 6:14 AM
To: 'Susan Morre'; Mayor; Ward 1; Ward 2; Ward 3; Ward 4; Ward 5; Ward 6; Ward 7; Ward 8; Ward 9
Cc: Richardson, Robert
Subject: RE: Brooklane Heights remand hearing testimony

Additional corrections to misinformation provided to you in the Metolius Report for Brooklane Heights:

Page 11: Under compatibility review criteria of LDC 2.5.40.04 concerning compatibility of visual elements (scale, structural design and form, materials and so forth) Mr. Wright states "The homes will be placed designed and placed on the lots similar to the homes in Fairway View Subdivision, just west of this site." The neighborhood just west of this site is not Fairway View Subdivision, it is Fairhaven Heights, with dramatically different neighborhood characteristics. The proposed homes are far from visually compatible with our desired neighborhood characteristics, and they do not at all reflect our existing neighborhood characteristics.

Page 15: Under CCP 4.6.7 Hillside standards, there is another erroneous statement: "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." This project is reviewed under Comprehensive Plan cut and fill standards that limit them to 8 feet; this project proposes cuts and fills up to an in some places in excess of 20 feet. It will be very expensive infrastructure that will greatly increase erosion problems and causes major concerns about slope instability.

We are in a time of economic uncertainty, a housing downturn, HP has reduced its local workforce, and the state budget is in decline. Climate change concerns call for more green building, using energy and resource efficient methods. LEED for Neighborhood standards recommend that sustainable communities direct new development to previously disturbed sites before developing environmentally sensitive sites such as this one.

We already have three stalled out developments in the Brooklane Drive and 35th Street areas. There is no demonstrated need for more housing inside the UGB, especially high-end housing on environmentally sensitive sites. There is no justification for permitting a project to go forward that fails to meet so many of our land development codes and threatens the safety and structural integrity of existing homes. The provides no overriding public benefit to justify needing so many variances from the applicable codes. Our community would be better served by enforcing the existing codes fairly, and building more affordable housing in less environmentally sensitive sites that can be developed more cost-effectively. Preserving this hillside as open space would be a better use for this special site, and would preserve natural amenities and quality of life for the majority of citizens.

Thanks for considering these concerns.

Susan Morre

From: Susan Morre [mailto:susanmorre@ci.corvallis.or.us]
Sent: Tuesday, January 20, 2009 5:39 AM
To: 'mayor@council.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'

Richardson, Robert

From: taylorgh@
Sent: Tuesday, January 20, 2009 11:35 AM
To: Richardson, Robert
Cc: Mayor; Ward 1; Ward 2; Ward 3; Ward 4; Ward 5; Ward 6; Ward 7; Ward 8; Ward 9
Subject: testimony

Attachments: Taylor_testimony_20Jan2009.doc



Taylor_testimony_2
0Jan2009.doc..

Attached please find a Word file with my testimony for tonight's City Council meeting regarding the Brooklane Heights development.

George Taylor

George H. Taylor, CCM
Applied Climate Services LLC

Corvallis OR 97333

To: Corvallis City Council and Mayor Tomlinson
Date: January 20, 2009
Subject: Brooklane Heights Remand Hearing (PLD06-00018, SUB06-00006)

Dear Council members and Mr. Mayor:

The Land Use Board of Appeals (LUBA) has remanded to the City of Corvallis the decision to overturn the Planning Commission denial of the proposed Brooklane Heights Planned Development (PLD06-00018, SUB06-00006). As you know, the Planning Commission had made a unanimous decision to deny the application, but the Council approved the application.

Two staff reports issued in 2007 to the Planning Commission and to City Council by Community Development Director Ken Gibb and City Manager Jon Nelson recommended denial of the proposed development. The Planning Commission unanimously voted to deny the proposed development (June 20, 2007) for the following reasons, consistent with the earlier staff report:

1. Failure to comply with Comprehensive Plan policies related to hillside development, particularly 4.6.7;
2. Failure to comply with Comp Plan policy 9.5.13, which requires a certain percentage of minimum sized lots and variety of housing types and sizes;
3. Inconsistencies between the proposed design of storm water detention ponds and the design recommended in the appellant's geotechnical report;
4. Failure to meet LDC 4.0.70.c.3, which limits the length of cul-de-sacs to 600 feet;
5. Failure to comply with LDC section 4.0.50, which requires an 8 foot wide bicycle/pedestrian path;
6. 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.

The applicant appealed the denial to the City Council and submitted a revised development plan on July 5, 2007. Ken Gibb again recommended denial of the application. According to Gibb, the revised plan "proposed significant changes to the proposal that was reviewed and denied by the Planning Commission" to address the easier points 2, 3, 4, and 5, but did nothing to address the remaining major failures to comply with hillside development standards and neighborhood compatibility."

Page 22-23 of the August 10 staff report states: "Staff does not believe the proposed Conditions of Approval as reflected in the revised grading plan satisfy the hillside development criteria in Comprehensive Plan Policy 4.6.7. Further, insufficient details 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."

Despite the unanimous recommendations from Gibb and the Planning Commission to deny the application, the City Council voted to overturn the Planning Commission decision to deny the application, thereby approving the development proposal. Community members (including my wife and

me) appealed the decision to LUBA, and LUBA remanded the decision, reinforcing several of the same points made by Planning Commission and Staff:

The LUBA ruling addressed the same issues cited by Gibb and by the Planning Commission:

- failure to demonstrate compatibility with surrounding land uses and visual impacts both of and from the hill;
- failure to demonstrate compliance with hillside development standards;
- drainage concerns;
- failure to demonstrate that the drainage plan would protect significant wetlands;
- failure to demonstrate protection of environmentally significant resources.

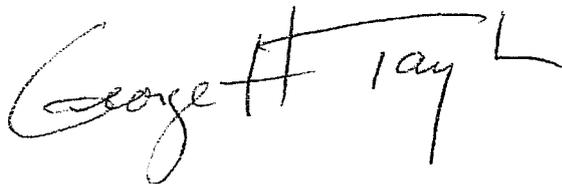
While I support the right of a property owner to develop private land, I believe that applicable code and regulations should be followed. Unfortunately, the current development plan fails to comply with the Land Development Code and Comprehensive Plan and thus should be denied until such a time as it can be brought into compliance.

I am particularly concerned with the steepness of the topography on this section of the hill. It is too steep to develop within state and local codes. Building codes limit cuts and fills to eight feet, but the applicant has proposed cuts and fills up to 23 feet deep to comply with Land Development Code 4.0.70.1.2: "Grades shall not exceed 15% on local streets." The proposed site is not a buildable slope.

I have concern as well regarding building height. In the January 5 hearing before your group, applicant's engineer Scott Wright showed pictures of two multi-story homes on Fairmont Drive in an apparent demonstration of typical neighborhood homes. In reality, those homes (the Ball and Frei homes) are atypical of the neighborhood. Nearly all homes are single story-daylight basement homes. I am very concerned that allowing new homes to be as high as 30 feet will cause significant blocking of views from existing homes.

In summary, this proposed development, even with changes made after Planning Commission and LUBA hearings, does not comply with numerous applicable hillside development standards, neighborhood compatibility requirements, and significant environmental features protection review standards. I urge you to uphold our land use regulations, neighborhood integrity, and our quality of life and deny this proposed application until it is able to comply with all required provisions.

Thank you for your consideration of this request.



George H. Taylor

Corvallis, Oregon 97333

Richardson, Robert

From: Rebecca Wilsor
Sent: Tuesday, January 20, 2009 12:13 PM
To: Richardson, Robert
Subject: Brooklane development
Attachments: Brooklane.doc

Please see attached file.

January 20, 2009

TO: City of Corvallis City Council
FROM: Rebecca Wilson
SUBJECT: Corvallis, OR 97330
Brooklane Development

Please accept my testimony in opposition to the Brooklane development plan. As you will note from my address (Ward 7), this is not a NIMBY perspective.

Why does this council repeatedly ignore the Comprehensive Plan Policies and Land Development Codes? It makes one wonder why the codes even exist. This beautiful and environmentally significant piece of land deserves all of the stewardship that this council can muster.

Please consider the following when casting your vote:

1. This proposal fails to comply with hillside development standards LDC 4.5.60, LDC 4.5.70 and LDC 4.5.80.
2. This proposal fails to comply with wetland protection standards (CPP 4.11.12).
3. This proposal fails to comply with neighborhood compatibility issues (LDC 2.5.50).

Voting to approve this development as it is presented is NOT in the public's best interest.

Thank you for your consideration.

Rebecca Wilson

January 20, 2009
LUBA Remand Hearing continuation
Brooklane Heights (PLD06-00018, SUB06-00006)

Dear Corvallis City Council,
Home Owners Association (HOA) and care for and mg. of
openspace/commons:

I have questions about how the openspace-Tracts A,B,C will be maintained if they need to be mowed to code or have this total number of native trees conserved as stated in print, and cared for/protected from being damaged by area landowners and managed over the life of the trees these near all abutting lots.

Example: If a tree or many trees shade a out a lot, then this owner can perhaps cut these trees down in an attempt to provide more time for sunlight to reach this lot and this owner perhaps does not own the tree but it is part of the overall commons as openspace, but that this resource as a wild living native habitat area will be taken away along with perhaps many more trees overtime due to various issues linked to an overall lack of a plan to protect and care for these trees as a group for this view shed and hillslope coverage from development eyesore views.

There are no discussion of Home Owners Association or code or covenant to suggest a HOA will be created to keep these high quality openspaces/ Tracts A,B,C and existing native and infilled none native trees from damage due to lack of management of them by the local area landowners once the site is all sold to 45 owners.

Area openspaces may degrade with erosion, tons of lawn clippings containing highly invasive seed and weeds not normally found in this upland Oregon White Oak prairie. Landowners could abuse the openspace/Tract A,B and C by dumping all sorts of materials overtime into it if they do not regard these places as part of their back yard and something to protect and work to conserve by paying HOA dues to perform:

- much needed fire reducing mowing in the upland prairie,
- weed management, dealing with erosion and perhaps working to conserve area Oregon White Oaks which after development may have the potential to be undamaged by hydrologic changes both at the surface and subsurface and by area road building, development blasting, trenching and use of irrigation lines and chemicals to maintain yards.

Oregon White Oak do not fair well with roots being trenched or irrigation lines adding water to their roots. So perhaps many trees will decline after development and need to be removed due to various assortment of impacts and man made damages brought to these trees by this development

Site trees kept as conservation assets could become damaged due to building pressures associated with:

-loss of area hydrology, increases in area hydrology due to changes in native drainage patterns, individual lot irrigation systems, spray drift and spray at base of the trees for weeds, ivy invasion and lack of control, grading and filling changing water flow patterns from deeper in the hillside and at the surface, bark chip yardscapes, trail building in root area, burial of tree boles due to fill, mechanical damage during development, poor arborist care leading to disease and fungal infestation from poor quality arborists work, lack of protection for trees and lot owners cutting them down without consultation with the entire neighborhood, problems with leaf deposition to local area lots and thus case these trees to be eliminated just because leaf fall problems for gutters of homes, infestation by infilled of required landscaping to sidewalk areas by 172 nonnative street trees with potential for x millions of trees seedlings to grow into all the openspace/Marys River Open Space Park by wind and water seed transport, weeds and zero manage of these new weedy nonnative invading trees species in the openspaces, shading of trees by non native trees planted as landscape trees and shading from rooflines, wind damage due to changes in how air moves on these hillsides after build out, build out ontop of root wades creating problems for trees in lots and near lot lines.

How will these openspaces as Tracts A, B, C all be maintained as the meadow grassy slope has been wonderfully mowed by the owner for years and this mowing has increased and preserved the higher quality upland prairie conditions we see today at this location.

The value for this parcel to be considered to be retained as a large conservation easement could far exceed the value it would sell for as home site. This significant view slope is closely connected hydologically and physically to the floodplain wetland of the MROP and Marys River corridor and the Caldwell Openspace.

Amounts of area hillslope run off surface and subsurface flows being released from this development may be at greater volume at a faster rate(flashy) then normally are slowly intermittently and under natural soil pressure gradients, being released to the lower slope of Brooklane Park Estates fill and then into MROP.

Oakmont Addition to the north also will be releasing all their stormwater to the existing storm water drain which dumps into the existing NE pond system owned by Mr. W. Dilson and this flows to the Marys River by water table and by a small surface ditch to this larger north south agricultural ditch way.

So this ridge with all the grading, hardening and plumbing of surface and subsurface water into curve and gutter utility and then to storm drain pipes and native topographic draws, inset to this hill, and a unknown volume of water will be directed to and stored somehow in two drainage catchment basins to be, over time to be determined, released to existing lower elevation drainage agricultural ditch as a stormwater outfall utility.

Oakmont Addition and Brooklane Heights along with Oakmont Cemetery and BLPE and the development to the north will put run off into storm water facility the lower Brooklane Drive ne ponds and the ditchline storm drain lines in Brooklane Park Estates to direct and move water off this ridge line quickly and perhaps not allow water as surface flow and as subsurface flow to remain on site longer to contribute to flows being released at a normal undeveloped rate to these lower floodplain, wetlands of the mainstem Marys River-Marys River Openspace Park.

MROP is owned by the City of Corvallis as a Federal Conservation Reserve Enhancement Program (CREP) site currently under funding from USFWS grant to try to establish and maintain this site for use at some point in archiving of rare native botanic species over time to if applicable ecologically, contribute to mitigation of species listed in the Federally funded and Endangered Species Act directed - Benton County Habitat Conservation Plan- as a wet Prairie conservation area.

Hopefully by development this area/ridgeline, these developments will not add to depletion of water coming from this site over time into these floodplain hydric soils.

So will this development together with the Oakmont Addition change the way the MROP lower wetland/floodplain function in relation to vernal pool hydrology, seasonal water flows to these hydric soil from upslope inputs naturally from this ridge with its water tables storage inside this ridge structure? I guess this is to be determined based on estimates of pre and post development hydrology from surface and subsurface sources, and the ability for these developments to best manage this resource after development.

Cultural Sites and mitigation of them due to development

How are the cultural sites being mitigated since lots appear overtop the one listed site with the State Historic Preservation Office and perhaps a second site nearby this first listed site is also going to be bulldozed and built upon.

How are these sites being cared for by the applicant? Hopefully the applicant is able to work with a anthropologic consulting firm to best manage and care for these sites in relation to their importance as culturally significant to local indigenous tribal communities' heritage.

Oakmont Addition access to and thru BLH.

In testimony the applicant stated this development would impair Oakmont Addition development due to access. There is currently a right of way established for a dedicated city collector street access right of way established for Oakmont Addition up to Fairhaven Drive. Brooklane Heights if it is not developed will not block Oakmont Additions development as stated by the applicant.

I see only one land use hearing sign located at this site so hopefully this sign totally one per this entire area is enough to alert the area residents who are not informed by the developer/owner to find out about this sites development and become involved in this hearing process as this hillslope does have geologic hazards, is very wet naturally during the winter, does have slope angle, does drain its watertable and surface water downslope to garages and living rooms in Brooklane Park Estates.

The existing storm drain line at the toe of this parcel built into the west access to BLPE hopefully is to code and is large enough to collect, move and control new water flows coming from these storm drainlines set in the hillslope in stormdrain pipes and from native drainageway openspaces used to funnel water downslope in the three openspace Tracts.

In future after build out, how well will native drainage way sustain if they could due to higher flow volumes at greater velocity (flashy) become deeply eroded and allow more sediment as sand and silt to fill up these lower insitu BLPE storm drainage utility?

Will sediment be dumped onto MROP and into the agricultural ditch way these developers for all three subdivisions are planning to using to direct and all storm run off however compromised chemically to outfall into the Marys and hopefully to some degree this total outfall from these three developments and the cemetery can be filtered through soils in MROP along the way to the Marys River.

If too many chemicals run off into this ag ditchline and the ponds to the ne containing rare threated state listed Western Pond Turtle, hopefully the City Public Works Department in conjunction with USFWS funding and Benton Soil and Water Conservation District advisement can responsibly and sustainably note this problem overall is taking a environmental toll on these native nature futures as assets to the community at large and over time hopefully, can work with individual land owners or HOA's in these subdivisions to mitigate this damage associated with combined, commingled extensive types of all sorts of man made water transport^d

chemical outfall to this openspace soil as floodplain hydric soiled wetland which floods about every year.

I am concerned about area hydrology and would like the applicant to better define the predicted total winter month pre and post development flow volume and provide details to how this will be captured and taken off site. The ponds construction and function is important and these are located in highly erodable slopes. To store water to release normally at pre development rates, would these two storage ponds have to store up tons of water over time? How will the home owners associations maintain the outfall areas as existing Storm Drain utility lines on Brooklane Park Estates if they do become filled with eroding sediment as sand and clay particulate build up? I guess it is unclear how or where the baysavers will be installed or if they need to be upgraded from the existing baysavers in the stormwater utility already in place at BLPE.

Discussion by the applicant for offsite deposit of this slopes surface and subsurface water drainage suggests it will all outfall to the man made agricultural developed ditch in MROP.

Historically, native surface and subsurface drainage water outfalls to this area slowly over time and allows more water to remain on site in the lower floodplain wetlands as hydric soils of MROP. The use of this agricultural ditchline as a storm utility line will allow more water to run off faster into the Marys River from this wetland and may cause these soils to dry faster with loss of slower water table fluctuation from this undeveloped hillside.

Brooklane Park Estates (BLPE) is built on fill so this could retain water under these lots and in the open undeveloped lot inside the upper western portion of BLPE. The two stormwater holding/detention and release ponds appear to be in the most landslide rated hazardous locations for slope failure. With these added tons of water stored in these ponds how well will they continue to function over the life of the development and will the home owners association pay for the sites two ponds upkeep until the City takes ownership of these man made stormwater utility? Generally roads are built on fault lines and here the ponds are built into the most hazardous landslide areas.

Thanks, Rana Foster

Corvallis, Oregon.

Richardson, Robert

From:
Sent: Tuesday, January 20, 2009 4:15 PM
To: Richardson, Robert
Subject: Brooklane Archaeological Sites Testimony

City Councilors,

Condition 7 of your approval of the proposed Brooklane development required substantive evaluation of the site for historic and archaeological significance. I applaud your wisdom in requiring an assessment for our cultural patrimony before it is forever disturbed -- and consequently destroyed -- by earth moving.

The State Historic Preservation Office (SHPO) is unwilling to share the results of your required evaluation. This tells us that the study revealed the presence of archaeological resources on the Brooklane site. If no resources were found, the SHPO would say so. As stewards of our state's historic and prehistoric resources, it is often necessary for the SHPO to safeguard these sites by keeping their location unknown to the public. Their reticence to share information, tells us that sites were indeed located.

Ideally these sites will remain undisturbed, and any development on this hillside above the Marys River Natural area -- which is rich with abundant archaeological resources -- will not occur. Short of the ideal, it is desirable for any development on this hillside to leave the known archeological resources undisturbed. That said, it is difficult, although not impossible, to leave undisturbed parts of the earth in a project of this proposed scope. The opportunities for an "oops factor," inadvertent displacement of the sites to occur, is unfortunately exceedingly high.

Regardless of the level of conservation you decide to require of the developer, I respectfully request that you also require permanent educational interpretation of any and all Brooklane archaeological sites to be provided, as part of any mitigation to these know resources. I would suggest that the developer be required to install permanent pedestal signs (perhaps like those along the River Front Park and trail system) to be included for each Brooklane site. The developer would need to:

1. Collaborate with local and state historians who would need to approve the language and content of any and all interpretive signs;
2. Underwrite the costs of research, editing, graphic design, fabrication, installation, and ongoing maintenance of these signs, and
3. Install the signs along trails or public rights-of-way as close as possible to actual archeological sites.

These steps would assure us that any loss of our collective archaeological heritage would be offset by a compensating educational program.

On behalf of Corvallis' preservation community, I encourage you to support education regarding these exceedingly rare urban archaeological resources.

Thank you for your kind consideration,

Respectfully submitted,

BA Beierle

January 20, 2009
LUBA Remand Hearing continuation
Brooklane Heights (PLD06-00018, SUB06-00006)

Dear Corvallis City Council,
Home Owners Association (HOA) and care for and mg. of
openspace/commons:

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Rana Foster
Thanks, Rana Foster

Corvallis, Oregon.

January 20, 2009

To The Corvallis City Council

Testimony on Brooklane Heights development

Some thoughts on the CCP 4.6.7

Do you have any idea why eight feet was designated as the appropriate distance for cut and fill on Corvallis hillsides? Maybe it was because eight feet is a cool number, part of the binary geometric sequence. Maybe it is an average of some factors. I don't know why eight feet was selected for our land use code. However, before you support variances from the eight foot cut and fill number I suggest you learn why our LUC sets a limit of eight feet. If it is a safety factor I have to ask why you would approve a variance. This time of year we regularly hear of landslides and slippage on steep wet hillsides Oregon and Washington. After a slide people always wonder why building was allowed on that site. The city council that approved the development and the developer are long gone and the residents and city are left cleaning up the disaster.

In the geotechnical report it stated that "the presence of a thin soil mantle and shallow bedrock typically precludes the formation of deep rotational failures. Failures in these slope conditions are generally limited to shallow, surficial events known as debris flows." Do you even want a debris flow caused by rain saturated soil flowing down into the homes below? That is still a disaster for homeowners.

Before you approve the extreme twenty foot cut and fill requested I suggest you really look at what that means on a steep soggy hillside. Do you want a debris slide on your conscience? This is your responsibility. Citizens shouldn't have to ask you to make safe decisions for the future of our community, You should follow our land use code

Also, we have a very specific land use code. There happen to be two hearings tonight that involve cut and fill variances. Will you apply our land use code consistently or will you make different decisions for each development?

Louise Marquering

Corvallis, Oregon 97330

Corvallis City Council
Testimony Jan 20th, 2009

RE: Brooklane Heights Planned Development (PLD06-00018, SUB06-00006)

I am here as a member of the greater neighborhood in support of the proposed development. I moved to SW 45th St two years ago with the knowledge that the subject property and much of the rest of the vacant land within the adjacent Urban Growth Boundary would be developed. I was involved in the process of updating our comprehensive plan the last go-around and know that it calls for this parcels' development in part, to further the overarching goals of making our urban area more dense instead of encouraging sprawl, providing enough housing supply to keep things affordable in the marketplace, and to encourage the development of livable neighborhoods. I encourage you to consider the following in your deliberation:

First,

The choice to develop this land was made when the Comprehensive Plan was adopted with a map that designated a certain density range. The desire by some for its maintenance as open space has no standing.

Second,

With regard to our hillside standards, given the unique and variable nature of hillsides in general, each project deserves a scrutiny that balances the competing values of a desire for density, affordability, creation of livable neighborhoods, and minimizing impacts on the hillside and adjacent neighborhoods. I believe that accommodation in these competing standards is inevitable if the goal of our overall plan is to be achieved. Adherence to narrow interpretations of our land development code as a means to meet the non-development ambitions of some, ignores the overall objectives of our comprehensive plan. Because of a more definitive regulatory environment, I would argue that the proposal that is before you does a better job of finding this balance than was accomplished in much of the surrounding area that has become one of the most desirable neighborhoods in the City.

I support staff recommendation #3 for the reasons cited in the report. I believe that, with the revised conditions, the proposal that is on the table exceeds the objectives of the Comprehensive Plan and Land Development Code, will lead to a neighborhood that will be a great asset, and is in the best interests of the City as a whole.

Pat Lampton

Corvallis, Or 97333

20 January 2009

To: Corvallis Mayor and City Council
From: Ms. Dianne Safford
Subject: Brooklane Heights Remain Hearing—Drainage Issues

I am coming before this Council once again to present the same drainage concerns that I have presented twice before in writing, and in oral testimony. I draw your attention to my written submissions of June 6, 2007 and August 27, 2007, which are already in the record.

In previous testimony, I explained that I live on the south side of Brooklane Dr., and that my home is on landfill in the Marys River Natural Area wetlands. I explained that approximately 1/3 acre of each of our lots lies in the wetland plain itself, and that the water runoff from this development would be released through Culverts under Brooklane Dr. directly into the wetlands. I explained (and presented a diagram showing) that the water runoff from the development would run directly through our lots.

I explained that I and my neighbors have concern about this additional water exposing us to increased flood damage (we already worry about being in the flood plain). We expressed concern regarding damage to our landscaping and structures. We expressed concern about toxins and other impurities that will flow onto our properties. We expressed concerns about the deleterious effects of additional water pooling, including insects.

When the City Council voted to overturn the Planning Commission decision to deny the development application, thereby approving it, I was shocked to find that they were not only ignoring our concerns about drainage, but they were not even bothering to explain why.

My neighbors and I have had to spend over \$11,000 appealing the City Council decision to LUBA because of the Council's failure to address the issues that were raised by the Planning Commission as well as individuals like myself in written and oral testimony—issues and concerns that directly affect our lives and our property. \$11,000 and hundreds of hours of work later, LUBA remanded the Council's decision, finding that the Council findings were inadequate for determining if the drainage plan adequately addresses Comprehensive Plan policy 4.11.12, which states:

“Development upslope of wetlands shall minimize interference with water patterns discharging to the wetlands, and shall minimize detrimental changes in water quality for waters discharging to the wetlands.”

I am requesting that the City Council address the drainage concerns repeated herein as well as those raised in the testimony mentioned above that was previously submitted. I am also requesting that the City Council both acknowledge and appropriately address the testimony that is hereby presented below.

City's December 24, 2008 Staff Report attempts to rewrite the findings to more clearly state which parts of the two previous staff reports, Planning Commission findings, City Council findings and public testimony support this development proposal. It has omitted previous conclusions that the project does not comply with several codes, particularly CCP 4.6.7 hillside standards and LDC 2.5.40.04 compatibility requirements. This forces the residents of this city to state which parts of those same items support denying the development proposal, and which codes are still not met, based on the new information provided by the applicant. Accordingly, the following is presented.

Sixth Assignment of Error (LUBA Final Opinion and Order page 15 – 16)

Part B. Compliance with Drainage Criteria

[NOTE: LUBA concluded: Lack of engineered calculations demonstrating storm drainage facilities will match pre- and post-development flows, fail to demonstrate compliance with Corvallis Comprehensive Plan (CCP) 4.11.12.]

Quoting LUBA:

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.

From Metolius Report: (Pages 16 – 19) response to Sixth Assignment of Error, and pages 28 – 37 are six pages from the BaySaver manufacturer and four pages from Washington Department of Ecology conditional use designation for the BaySaver for pretreatment of runoff, to be installed ahead of infiltration treatment or other enhanced treatment device such as a sand or media filter. My question: This is not being proposed as a pretreatment device ahead of secondary treatment, so how do we know if will effectively address the concerns?

Page 16 Metolius report says “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.” (NOT TRUE. On January 16, 2009, Susan Morre spoke with Dr. Tom Kaye whose Institute for Applied Ecology is conducting the restoration of this locally significant wetland in conjunction with US Fish and Wildlife’s Natural Resource Conservation Service and Benton County, and he said “tell that to the pond turtles” and birds, salamanders, frogs....)

Page 17 Metolius unsubstantiated claim: “The proposed project does not interfere with the existing drainage patterns.” Justification: “The proposed development utilizes the existing public storm drain system and maintains existing storm drain outfalls to the wetland area.” This unsubstantiated claim fails to account for the dramatic changes in slope hydrology that will be caused by the increase in impervious cover on steep slopes, large amounts of cuts and fills (up to 23 feet in some parts, up to eight feet on all lots) and the diversion of runoff through storm drains and over impervious surfaces to two detention ponds in the middle City-documented drainageway (to be constructed over the site of the existing springs, pond, and year-round small stream) and to a proposed new drainage swale in the easternmost drainage.

Quoting December 24, 2008 City Staff Report:

Page 23 - 24: “Use of detention ponds minimizes impacts to water discharge patterns. In fact, the water patterns discharging into wetlands would remain the same.” “This Policy (CCP 4.11.12) 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). The applicant proposes to achieve this standard through the use of proprietary manhole-based water quality facilities...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....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 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." [The Stormwater Master Plan is based on King County (Washington) standards, and EPA NPDES requirements. This is another justification that the slope on this portion of Country Club Hill is too steep for development.]

Exhibit X-2 of this Staff Report (Applicable Water Quality Standards) lists several of these "clear and objective" standards, and the report states that the proposed BaySaver does not meet the King County standards because the hill is too steep. According to the argument presented in the staff report, the development does not comply and therefore must be denied. Applicable provisions which are not met: Stormwater Master Plan Appendix F.K.3.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." The City admits the slopes are too steep to comply with the standard.

Both the drainage pattern and water quality will change pre- and post-development, and the hydrological connection from the uplands to the wetlands will be altered. While it is true that there are existing storm drain outfalls below the hill, the pattern of the runoff will be changed in several ways. Currently the hillside is covered by upland prairie and oak woodland, and much of the rainfall is absorbed by the vegetation covered soils before it reaches the bottom of the slope. The topographic maps show four natural drainages (two of which are identified as drainageways in previous City documents, but only the "eastern drainage" is now acknowledged as a true drainageway exhibiting year-round water and riparian plants). As the rain percolates through the well-draining hillside soils, it recharges the surficial aquifer and is slowly released over the drier summer months. This sustains a year-round spring-fed pool and stream lined with sedges and willows in the middle ("eastern") drainageway and provides important water for many species of wildlife that nest and seek cover in the woodland. This upland year-round water source is a critical component of the habitat complex that connects upland prairie, oak woodland, wetland, and riparian forest along the Marys River.

The new development proposes cuts into the hillside up to 23 feet deep, without retaining walls, bringing in more compactable fill soil, and installing curbs and gutters to divert much of the rainfall runoff into twelve inch drainage pipes. Much of it will be dumped out, unfiltered, into the existing spring-fed stream, or through a large manhole and newly constructed drainage swale on the northeastern portion of the site. No runoff channeling or detention is mentioned for the drainage area which lies in between these two areas. A fourth drainage has already been partially excavated by the developer and is shown on the plan as Wolverine Drive. It appears from the plans that surface runoff will also flow down Wolverine to Brooklane Drive. Dr. Wayne Huber, Civil Engineer at Oregon State University, expressed concern that such extensive cuts into the slope will disturb the surficial aquifer, and that combined with diverting runoff into storm drains, it will result in dewatering the slope. This will cause more ground shrinkage in summer, which may cause damage to foundations and deep-rooted landscape

plants of existing homes along the eastern side of Fairmont Drive. It can also lead to an increase in summer landscape irrigation, putting an extra burden on our city's water supply. An increase in summer irrigation may also threaten the health of the Oregon white oaks, which are adapted to our dry summers and rely on drawing water from deeper soil zones in summer. The application of surface irrigation water in summer can cause the Oregon white oaks to develop root rot and fall over.

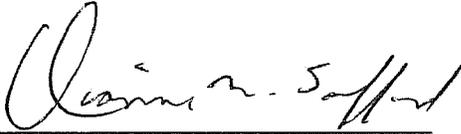
The proposed development will increase the amount of impervious cover on the slope, and will cause changes in the timing and volume of flows, peak flows and of release. Maps provided by the applicant (1" = 100") can be used to calculate the amount of impervious cover above the site that drains toward this quadrant of the hill, and what amount of impervious cover is proposed to be added if this development is approved. The contributing portions of Whiteside Drive and Fairmont Drive (excluding last house at bottom of hill) total approximately 2200 linear feet of 16 foot wide paved roads constructed without sidewalks, curbs, gutters, or storm drains. The current impervious cover is limited to this 35,200 square feet of asphalt and the driveways and footprints of a total of 18 houses on the east side of Fairmont and on Whiteside. The proposed development will add approximately 3300 linear feet of paved road mainly 28 feet wide plus 5 feet of sidewalks on either side, although a short section of road will be only 20 feet wide. This represents approximately 118,800 square feet of new impervious roads and sidewalks, plus the impervious cover from driveways and footprints of 44 of the 45 houses (excluding lot 1, which is not contributing to the runoff in this hillside quadrant). This represents a huge increase in impervious cover on the slope (Table 1).

Table 1. Estimates of increase in impervious cover associated with Brooklane Heights development that will contributing to runoff on this southeast section of Country Club Hill.

Brooklane Heights runoff calculations	EXISTING TOTAL IMPERVIOUS COVER	NEW IMPERVIOUS COVER	RESULTING TOTAL IMPERVIOUS COVER	PERCENT INCREASE IN IMPERVIOUS COVER
Number of houses	18 (of 19)	44 (of 45)	62	244%
Road/sidewalk area sq. ft.	(2200 X 16 ft) 35,200	(3300 X 36 aver.) 118,800	154,000	338%
Average 2500 sq. ft. footprint including garage	45,000	110,000	155,000	244%
Average paved driveway 1000 sq. ft.	18,000	44,000	62,000	244%
Total impervious cover (approx. sq. ft.)	98,200	272,800	371,000	278%

(An aside: Land Development Code Chapter 2.5 Planned Development provision 2.5.50.02.c states "After an application is accepted as complete, any revisions to it shall be regarded as a new application requiring additional filing fees and rescheduling of the required public hearing." This appears to answer the question we asked the City Council at the appeal hearing:

Significant changes have been made to the application presented to the Planning Commission – 3 new lots were added, the cul de sac was shortened, the bike path was widened, a different grading plan was submitted. Doesn't this mean they need to reapply, and then would be subject to the 2006 Land Development Code provisions, including Natural Features Inventory regulations? That question still has not been fully answered, but the hearing was allowed to proceed. This needs to be addressed in similar situations in the future.)



Dianne M. Safford

Corvallis, OR 97333

19 January 2009

To: Corvallis Mayor and City Council
From: Elizabeth Waldron _____, Corvallis, OR 97330
Subject: Brooklane Heights Remand Hearing (PLD06-00018, SUB06-00006)

Dear Mayor and Council Members,

Within no more than a ten minute drive of most of Corvallis, there is a bluff known as Brooklane Heights, a place of precious historic, botanical, animal/bird habitat and scenic value which is in mortal danger of being destroyed by "development."

Brooklane Heights is a rare upland prairie habitat and oak woodland. It has both ecological and cultural values. It is a stunningly beautiful 26-acre upland meadow with spectacular views of the valley & the Western Cascades. It is immediately above the 74-acre Mary's River Natural Area, a preserved wetland with boardwalk located between Brooklane Drive and the Mary's River in Southwest Corvallis. It drains into the Mary's River Natural Area wetland, a locally significant wetland which is currently being restored by the City of Corvallis, Benton County, and the Natural Resources Conservation Service. The hillside has seeps, springs, and a year-round stream that are all hydrologically connected to the significant wetland below. All this provides an important water source for the wildlife that move back and forth among these adjacent and varied habitat types throughout the year. This section of the hillside is designated as Significant Wildlife Habitat and its survey noted it would be an outstanding restoration site due to its proximity to the Mary's River (Natural Features Inventory Wildlife Vegetation Map, 2003). Here are endangered pond turtles and Kincaid's lupine, important to rare Fender's blue butterflies.

It is a place upon which the Chepenafa people of the KALAPULYA lived. There are documented Native American archaeological sites on this part of the hillside that are believed to be connected to the larger documented site on the wetland. Before 1850, the Chepenafa of the Kalapuya Indians gathered camas lilies and tar weed beside the Mary's River. They fished for salmon and hunted deer and elk. There is confirmed archaeological evidence of as yet unexplored burial mounds and mudden heaps of their household waste. An exploratory effort uncovered, in the first shovel full, arrowheads. There is still much to be learned about the Kalapuya tribe that lived here, and this upland/lowland complex could be a valuable educational resource.

When one holds the title to property, there are both rights conferred and responsibilities incurred - to the land, its inhabitants, both human and wild, and to the community that may be impacted by the owner's actions.

According to our own **City Council Approved Corvallis Comprehensive Plan December 21, 1998:**

"The natural environments included within the Urban Growth Boundary all have their own respective limitations with regard to urbanization. Development pressure upon lands with such limitations can have profound effects on a given ecosystem. Erosion of steep slopes caused by inappropriate development, for instance, does not occur as an isolated incident. Soil type, permeability, vegetation, and drainage all play major roles in and are affected by such occurrences. Likewise, the effects of inappropriate development located within prime agricultural resource lands do not stop at the edge of such development. The social, cultural, and economic values of such resource lands could be reduced by the effects of urban development nearby. The limitations of the various environments should be considered in reviewing new development within the Urban Growth Boundary."

I remind you:
CCP 4.2 General Natural Features, Land, and Water Resources

ATTACHMENT M
page 72-ck

Findings

4.2.a Natural features are an important asset to the visual and environmental characteristics of the community.

4.2.b The Willamette and Mary's Rivers are vital open space and recreation features.

4.2.c When natural systems are altered, they may not recover or return to their original state and ecological function. We do not yet fully understand the complex interactions between natural systems, or the cumulative impacts of changes on such systems.

4.2.d Planning for specific areas of the community is being used to supplement and coordinate efforts to maintain and enhance natural features within the community and between communities.

4.2.e The Land Conservation and Development Commission Periodic Review Order No. 001-223 directs the City to adopt a Comprehensive Plan policy "for completing inventories for riparian corridors and wetland resources, including schedules, budgets and enforceable provisions."

Policies

4.2.1 Significant natural features within the Urban Growth Boundary shall be identified and inventoried by the City or through the development process. These shall include:

A. Seasonal and perennial streams and other natural drainage ways, wetlands, and flood plains;

B. Lands abutting the Willamette and Mary's Rivers;

C. Land with significant native vegetation as defined in the Oregon Natural Heritage Plan (1998), which may include certain woodlands, grasslands, wetlands, riparian vegetation, and plant species;

D. Ecologically and scientifically significant natural areas;

E. Significant hillsides;

F. Outstanding scenic views and sites; and

G. Lands that provide community identity and act as gateways and buffers.

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.

4.2.3 The City shall maintain an advisory constraints map that identifies potential development constraints. This map shall be updated periodically as new information becomes available.

4.2.4 The City shall develop methods to track information indicating biological or archeologically sensitive sites for use in directing future inventory activities on those sites.

4.5.e A number of tools (e.g., acquisition, design standards, performance standards, etc.) can be used in conjunction with density transfers to prevent development on significant resource sites and potentially hazardous locations. Different methods may be appropriate for use in different situations.

Yes, there is a new 2006 LDC, but fortunately The Brooklane Heights Planned Development application was submitted prior to the adoption of the 2006 LDC and is therefore subject to the provisions of the previous LDC and the 2000 Comp Plan approved by the State of Oregon's Land Conservation and Development Commission on June 21, 2000. At the time of this application, Comp Plan policies 51.5.a and 51.5.b remained in effect. Therefore, the 1999 Corvallis Urban Growth Boundary Advisory Constraints Map identifying the location of the proposed development as a "Significant Hillside" remains in effect, and all relevant Comp Plan policies concerning development constraints on significant hillsides remain in effect as review criteria. (See Corvallis UGB Advisory Constraints Map)

On May 30, 2008 the Land Use Board of Appeals (LUBA) remanded to the City of Corvallis its decision to overturn the Planning Commission denial of the proposed Brooklane Heights Planned Development (PLD06-00018, SUB06-00006). Here follows several quotes from that remand:

"The subject property lies on the southeast side of 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.”

“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).” Due to the steep slopes and high landslide potential on the property, drainage is a critical concern, especially because there are homes down slope from the property that are at risk of landslides and flooding.”

“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.”

The Brooklane site is a stunningly beautiful 26-acre upland meadow with spectacular views of the valley & the Western Cascades. You, the community, & all our children will be thrilled to witness the valley and mountains as did the Chepenefa people of the Kalapuya, who lived along the Mary's River near present-day Corvallis. Brooklane Heights deserves to be preserved!

** KALAPULYAN refers to a group of eight tribes speaking three languages, formerly inhabiting the valley of the Willamette River, Oregon. The Alfalati lived around Forest Grove, northwestern Oregon, and the Yamel above present McMinnville, Oregon, forming one dialect division of the family. Continuing south were the Luckiamute on the river which bears their name; the Santiam around present Lebanon, Oregon; Chepenafa or Mary's River near Corvallis, Oregon, all of whom spoke the central Kalapuyan dialect. Finally, above Oakland, Oregon, were the Yoncalla, who spoke the southern dialect.

ART BOUCOT

January 5, 2009

Concerning the issues raised under the SIXTH ASSIGNMENT OF ERROR:

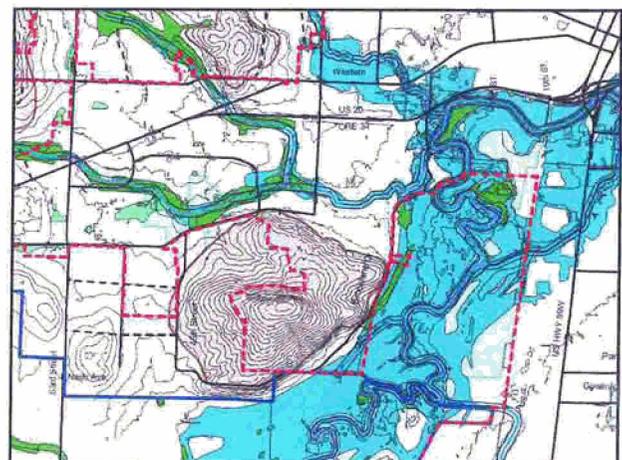
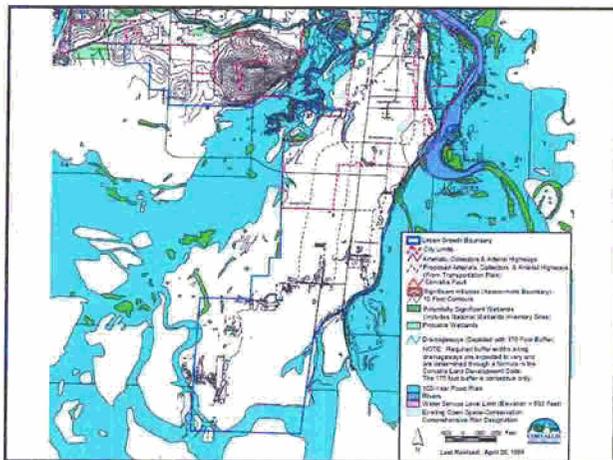
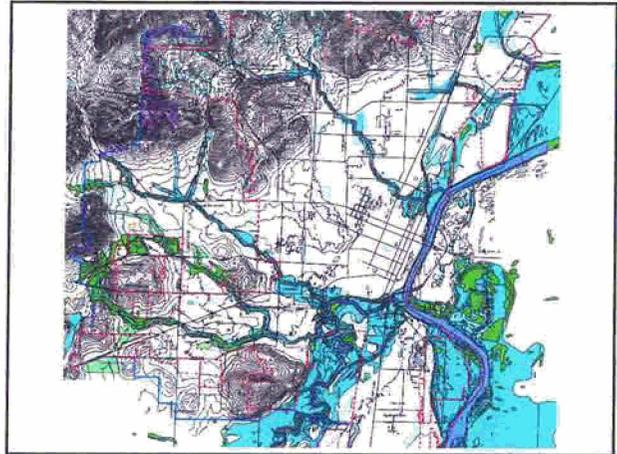
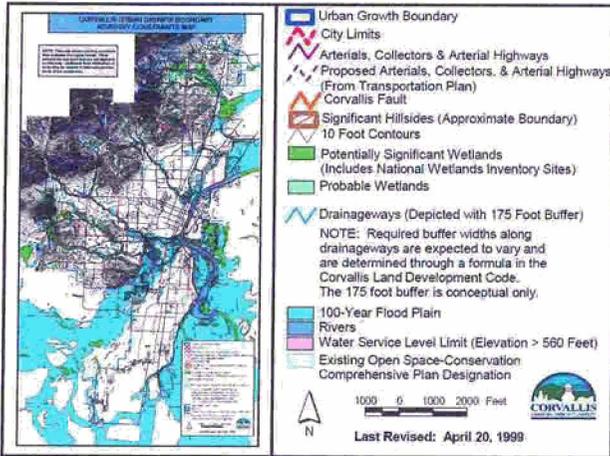
I was surprised on reading the Engineering Consultant's materials, and that provided by the City, that there were no quantitative estimates of rainfall volumes/time interval/area, although 2, 5 and 10 year rainfalls were mentioned. It is important to have reliable estimates of not only 2, 5 and 10 year rainfall volumes/time interval/area but also for 25 and 50 year rainfalls. If we ever get several weeks of truly steady, heavy downpour we can expect that the proposed Wolverine Drive will turn into a sluiceway draining the uphill sections of the proposed development. Should such an event(s) occur who will bear the financial liability for the ensuing damage: Mr. Schaberg, the Developer, the City which permitted this iffy project, the Consulting Engineers whose rosy conclusions endorsed the project, the Contractors who built the homes, graded the area, paved the sidewalks, driveways and streets that led to the rapid runoff, or the hapless homeowners? Such a situation would provide a real field day for the lawyers!

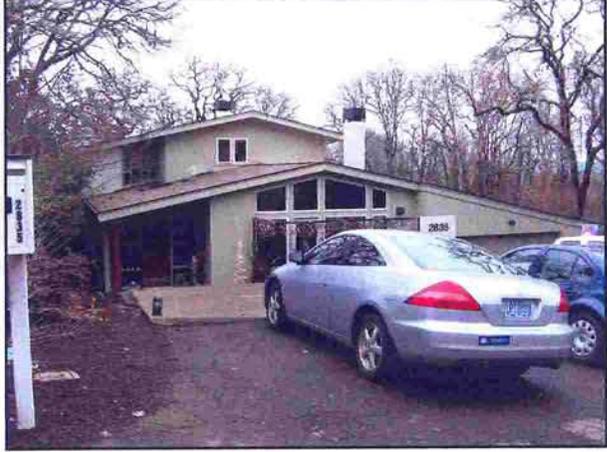
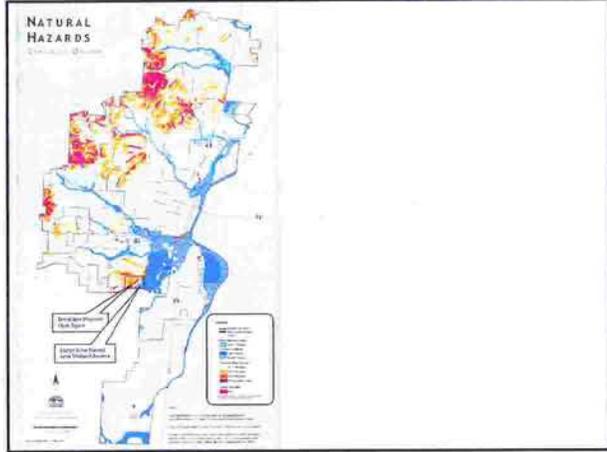
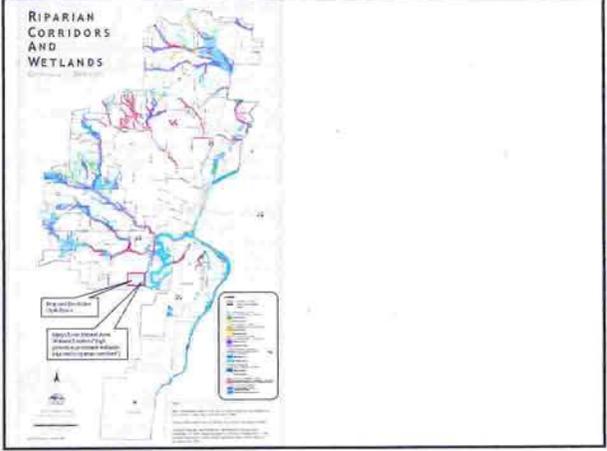
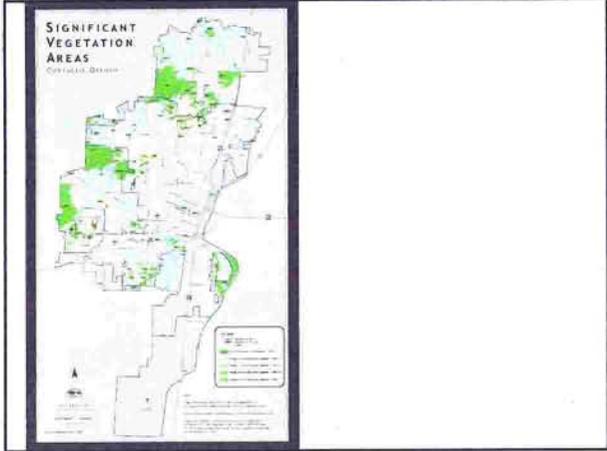
January 20, 2009

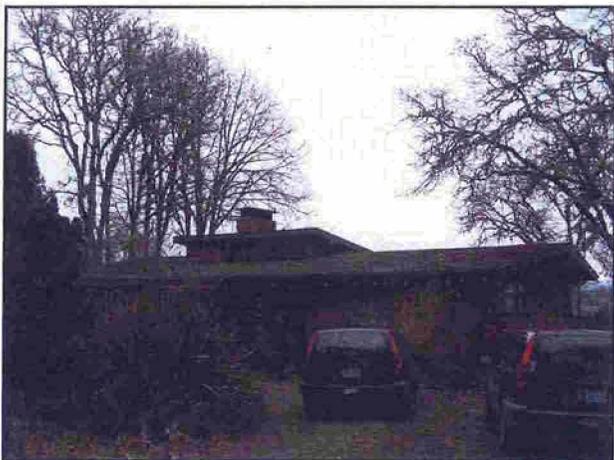
In regard to the text of the Corvallis Comprehensive Plan 4.6.2 for drainage and slope cut and fill impacts, it is predictable that the deep cuts into the hillside at the northwest corner of the property have the potential for serious damage to the foundations of adjoining houses on the East side of Fairmont and the South side of Whiteside. The Fairmont addresses are as follows: 2635, 2655, 2675, 2695, 2725, 2755, 2775, 2795 (slightly less concern for 2805 and 2835, closer to the bottom of the hill), and on Whiteside: 2625, 2575, 2555, 2535, 2505. The deep cuts will permit the adjacent water table uphill to dry out in the summer and then absorb water during our rainy season. Over the period of several years repeated wetting and drying has the potential for encouraging foundation damage to the adjacent homes, as well as requiring extra watering of plants, especially trees and shrubs, during the dry season when soil water will no longer be available. This type of damage has not been considered by the developer or his engineering consultants.

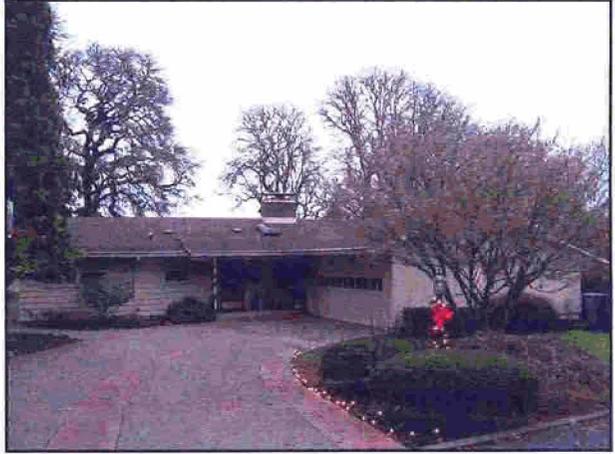
Jim Howland, one of the founders of the CH2M Hill engineering firm, lived with his family in a house just above this proposed site for decades. In 2007, he submitted written testimony to the previous hearing on this Brooklane Heights development application. He expressed concern about the extensive amounts of cutting and filling being proposed, particularly right below his property, and the impact it would likely have on the stability of the slope. Unfortunately, Jim died last year. A more compatible plan for the site would be its preservation as open space to be used by the community as a special ecological, cultural, and low-impact recreational resource. We could name it "Howland Meadows" in honor of Jim and Ruth Howland, who enjoyed the view out over this lovely hillside for decades.

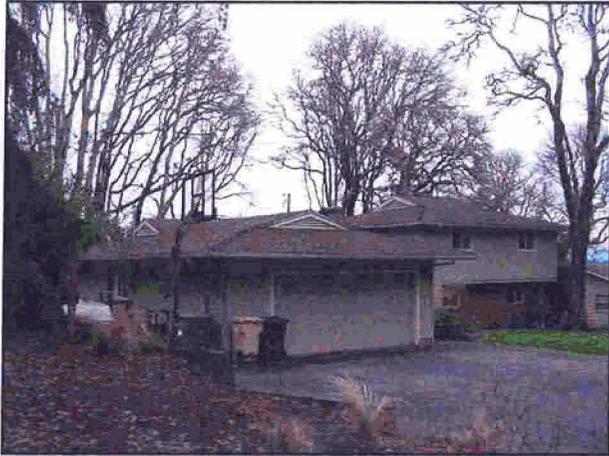
Barbara Boucot



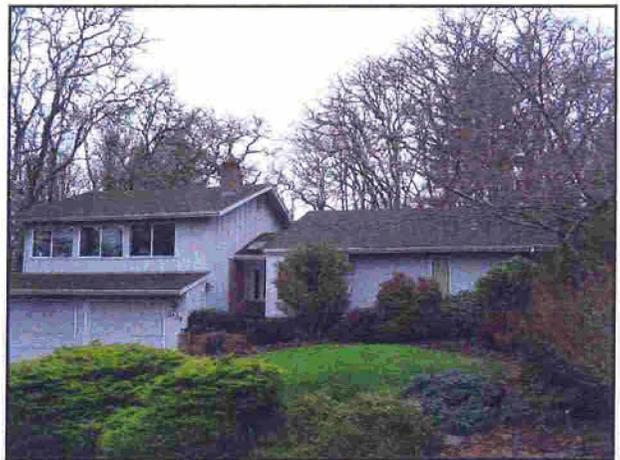






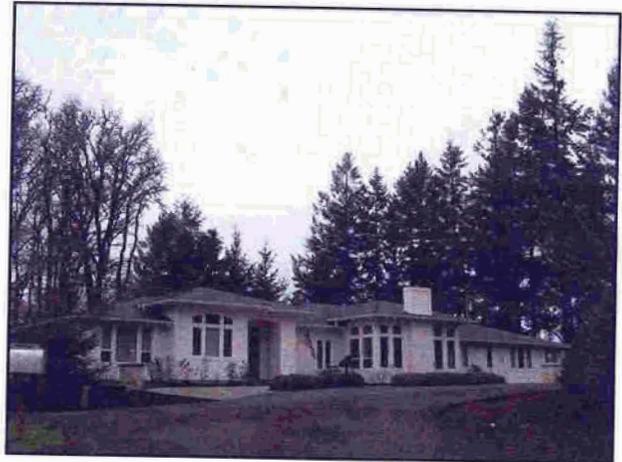
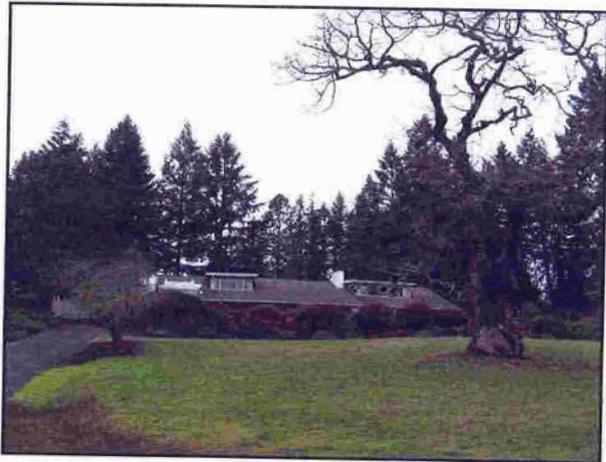






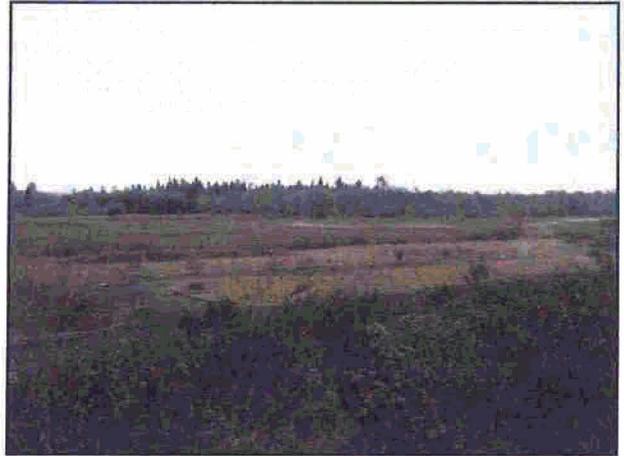




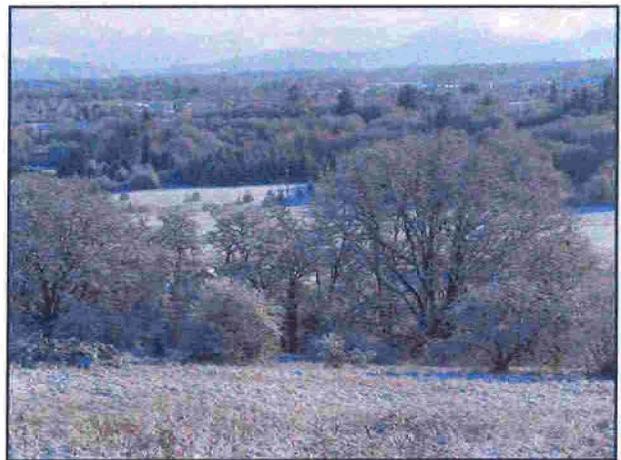


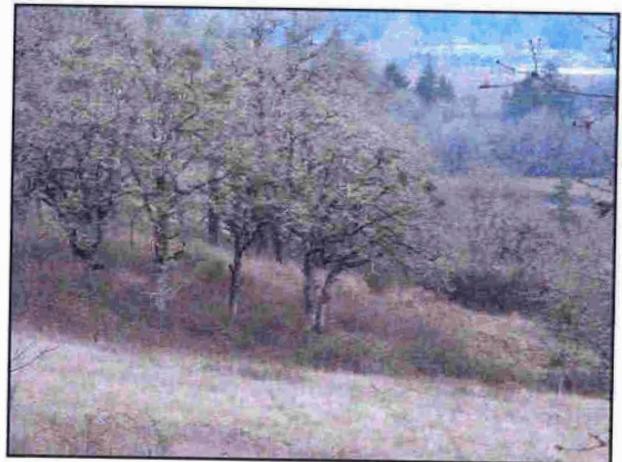
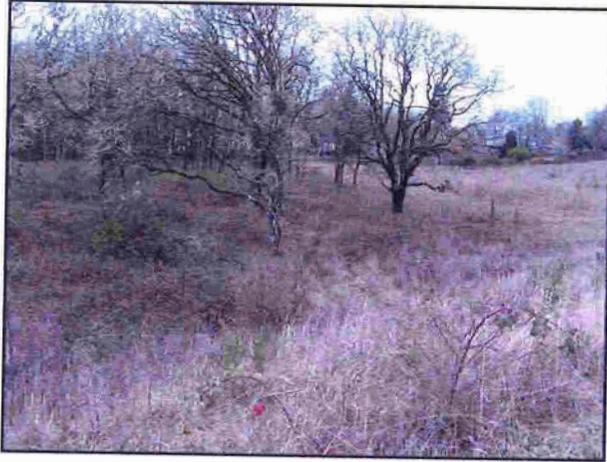


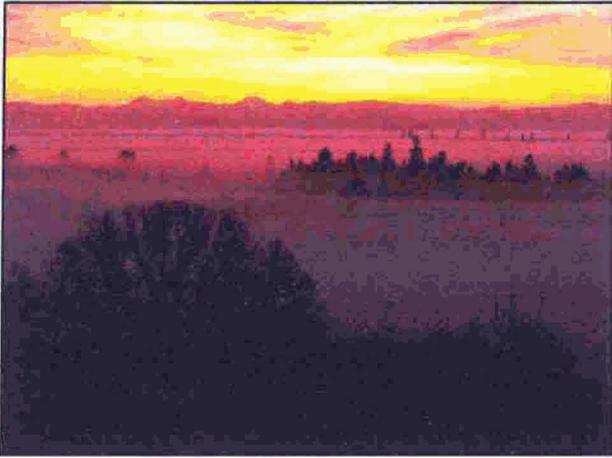












From Tucker Selko
To Corvallis City Council
1-20-09

1) The city council has the responsibility to deny approval of the project if the development plan does not adequately address citizen concerns for the quality of the Marys River.

- Some problems are “best handled locally, such as by zoning or erosion control ordinances.” –EPA website
- Storm Water Plan 5.4.1.7 QL7: “The City shall work to limit stormwater pollutants from entering streams from sources such as agricultural waste, pet waste, vehicle wash water, household and business chemicals, and other community waste products.”
- Storm Water Plan 5.4.1.7 QL9: “The City shall develop guidelines for public agencies, private property owners, and landscape maintenance specialists that minimize the flow of chemical pesticides, herbicides, and fertilizers into stream systems.”

2) This plan does not adequately address established concerns for the quality of the Marys river.

- Non point-source pollution
- Definition: “Excess fertilizers, herbicides, insecticides from agricultural lands and residential areas ... and oil, grease, and toxic chemicals.”
–EPA website
- “States report that NPS pollution is the leading remaining cause of water quality problems.” –EPA website

To: 'mayor@council.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';
'Robert.Richardson@corvallis.ci.or.us'

Subject:

January 20, 2009

Dear Mayor and City Council Members,

Please deny the proposed Brooklane Heights Planned Development and uphold the Land Use Board of Appeals (LUBA) remand to the City of Corvallis regarding its decision to overturn the Planning Commissions 2008 denial of this project. The environmentally sensitive nature of this site with it's proximity to a wetland area and its significant oak grove deserves to be protected. As a former Archaeological Technician for the Oregon Museum of Anthropology Highway Department I worked on many sensitive sites in Oregon and Idaho in the 1990's and many would consider this hillside to be of significance for future excavation of cultural remains. Once development takes place there is so much disturbance of a site that the information it could hold for science is lost forever.

I also ask that you please consider the beautiful nature of this hillside as one feature of Corvallis worth saving. Your vote to deny this project will foster community support due to the fact that the City Council of 2009 understands that not every development plan is good for a community when it may damage significant habitats.

I live on De Armond Drive which runs parallel to SW Fairmont and have seen first hand what largess past developments below us have been built. A recent home there was listed for \$800,000 dollars and I don't foresee anything different at Brooklane Heights. At this time of global financial uncertainty I ask you all to consider if this project is good for the environment and for the whole of Corvallis.

Thank you for your consideration.

Theresa Hanover

Corvallis OR 97333

Written comments from Eugene Wisor

Quote LUBA: Concerning Page 10: The 2006 LDC hillside development standards are not applicable to the challenged decision. Rather, CCP 4.6.7 is applicable." Pages 13-14 of the remand under the heading "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 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.**" The revised grading plan that was approved by the City Council uses 10 foot contour lines instead of 2 foot lines, and it shows grading up to 20 feet deep. The accompanying narrative in the application mentions up to 23 feet in some spots. While both the Metolius report and the new City Staff Report list each of the provisions of CCP 4.6.7, a careful reading of the accompanying claims reveals that the proposal still fails to implement or comply with eight of its nine provisions:

- a. *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.* (The massive cuts and fills proposed do not fit and do not ensure hillside stability.)
- b. *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.* (This visually significant slope is not preserved in its natural state.)
- c. *CCP 4.6.7.C. Preserve significant natural features such as tree groves, woodlands, the tree-meadow interface, and specimen trees.* (Other examples of significant natural features on this site, acknowledged by the City in previous documents, include upland prairie, significant wildlife habitat and significant slope, none of which are preserved.)
- d. *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 developments.* (Cutting and filling are not minimized but instead are up to two and a half times what is allowed, because the main proposed road does not align with the natural contours for over half of its length.)
- e. *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.* (Major soil disturbances are proposed, including mass grading and deep cuts into the steep slope.)

f. *CCP 4.6.7.F Design developments and utilize construction techniques that minimize erosion and surface water runoff.* (Mass grading construction techniques do not minimize erosion and surface water runoff.)

g. *CCP 4.6.7.G Demonstrate a concern for the view of the hills as well as the view from the hills.* (Views of and from the hills are both degraded and obstructed by the number, scale, mass and design of the “typical building elevations” recently provided by the applicant, and the proposed new street trees that would further block views across the upland prairie , oak woodland wetland and river.)

h. *CCP 4.6.7.H Provide landscaping that enhances the identified open space resources.* (The proposed tree-lined streets do not enhance the open space resource of significant upland prairie, significant Oregon white oak woodland, and the significant wildlife habitat they provide.)

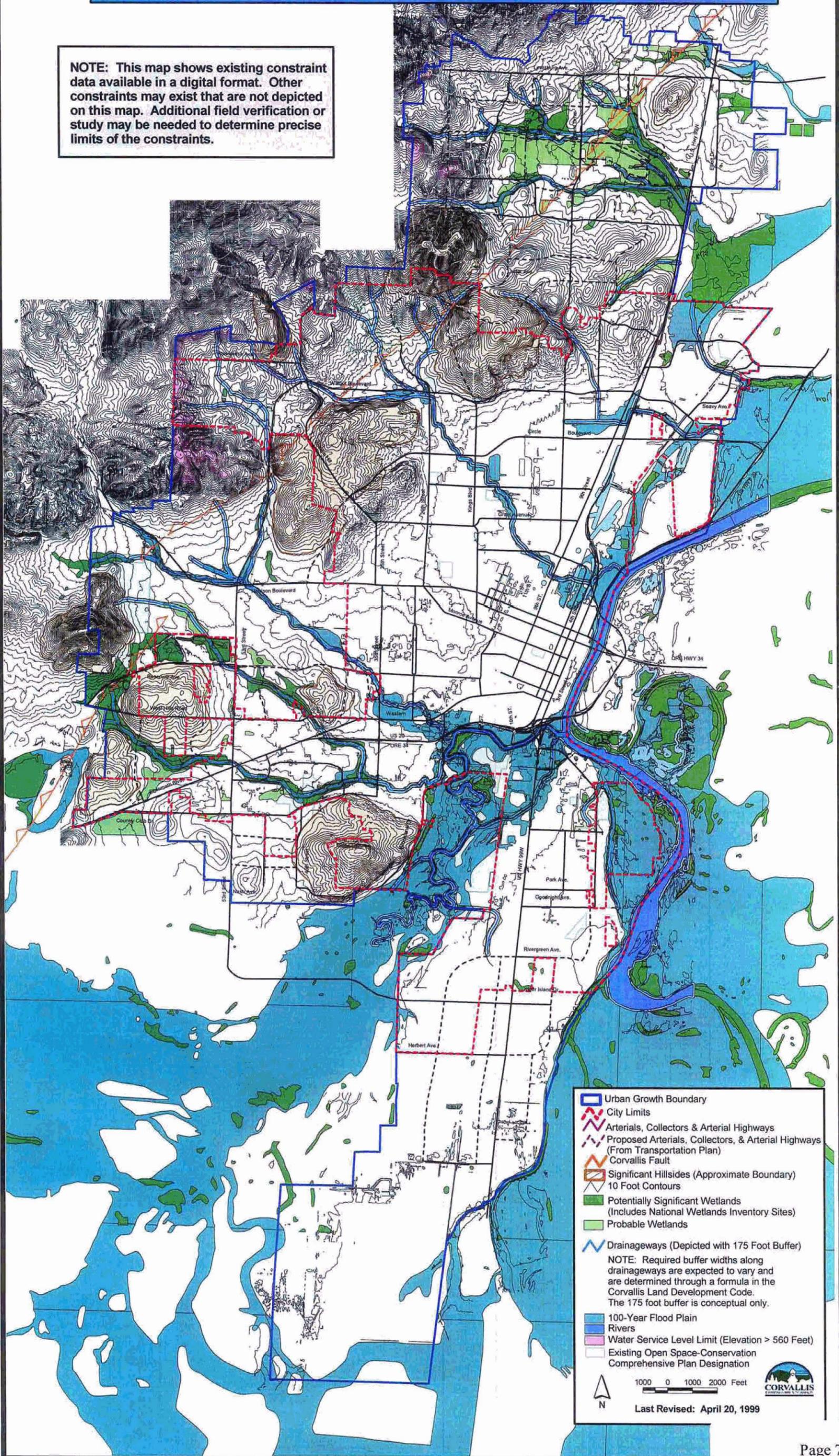


2795 SW Fairmont Dr, Corvallis, OR 97333

Google

CORVALLIS URBAN GROWTH BOUNDARY ADVISORY CONSTRAINTS MAP

NOTE: This map shows existing constraint data available in a digital format. Other constraints may exist that are not depicted on this map. Additional field verification or study may be needed to determine precise limits of the constraints.



	Urban Growth Boundary
	City Limits
	Arterials, Collectors & Arterial Highways
	Proposed Arterials, Collectors, & Arterial Highways (From Transportation Plan)
	Corvallis Fault
	Significant Hillsides (Approximate Boundary)
	10 Foot Contours
	Potentially Significant Wetlands (Includes National Wetlands Inventory Sites)
	Probable Wetlands
	Drainageways (Depicted with 175 Foot Buffer)
NOTE: Required buffer widths along drainageways are expected to vary and are determined through a formula in the Corvallis Land Development Code. The 175 foot buffer is conceptual only.	
	100-Year Flood Plain
	Rivers
	Water Service Level Limit (Elevation > 560 Feet)
	Existing Open Space-Conservation Comprehensive Plan Designation

Last Revised: April 20, 1999

Anne C. Davies

Attorney at Law

January 20, 2009

Corvallis City Council
501 SW Madison Ave.
PO Box 1083
Corvallis, OR 97339-1083

Re: Brooklane Heights Remand Hearing—PLD06-00018; SUB06-00006

I am representing the individuals who appealed the city council's original decision on this matter to the Land Use Board of Appeals (LUBA). As you are aware, the case was remanded back to the city council. There were several assignments of error raised before LUBA that LUBA sustained and sent back to the city--Assignments of Error Four, Five, Six and Seven.

Introduction

The applicant and staff are correct that the city's consideration at this point is limited to the issues that LUBA remanded to the city for further consideration. However, the city is also limited in its consideration to issues that were not and could not have been addressed in the original appeal to LUBA. This doctrine is known as the law of the case.

When this issue was before the city last year, the city acknowledged that the comprehensive plan policies were approval criteria, and the city treated them as such. In petitioners' reply brief, and at oral argument before LUBA, the issue came up whether certain comprehensive plan provisions should be treated as mandatory approval criteria. Petitioners explained that the city had treated those comp plan policies as approval criteria and that the city could not, on appeal to LUBA, then contend that those policies were not approval criteria. LUBA agreed that the policies were approval criteria, slip op. 6, n 2, and its opinion was based on that holding. See also slip op. 10, n 4.

The staff now contends again that certain comprehensive plan provisions are not approval criteria. LUBA has already determined that they are, and the law of the case prevents the city from raising this issue now.

Fourth Assignment of Error

LUBA's decision remanding petitioners' fourth assignment of error is rather straightforward. Corvallis Land Development Code (LDC) 2.5.50.01.a.3 requires an applicant for Detailed Development Plan (DDP) approval to provide typical elevations of buildings and structures. The applicant did not submit these typical elevations. Corvallis

ATTACHMENT U

Page 72-dm

Comprehensive Plan policy 4.6.7(G) requires that development demonstrate a concern for views both to and from the hillsides. Other policies, 9.2.5 and 9.2.1, require development to reflect neighborhood characteristics.

Petitioners argued in assignment of error four that because the applicant had not submitted typical building elevations, the city could not conclude that the neighborhood compatibility and view requirements were satisfied. LUBA first concluded that the comprehensive plan policies were approval criteria. It also agreed with petitioners that the city could not make the necessary determinations without the typical elevations, or at least some other evidence supporting its conclusion that the applicable criteria were satisfied. Slip op. 8.

On remand, the applicant again declined to submit typical elevations.¹ The applicant claims that the planning director can waive the requirement for typical elevations. It cannot. The code contains two separate sections, one for the Conceptual Development Plan (2.5.40) and the other for the Detailed Development Plan (2.5.50). LDC 2.5.40.01.a sets forth the graphic application requirements for the CDP. That section includes a provision that allows the planning director to waive certain graphic requirements that are deemed unnecessary. The provision setting forth the graphic requirements for the DDP does not contain similar language. Accordingly, there is no provision that allows the planning director to waive the requirement for submittal of typical elevations.

Further, even if there were such a waiver available, the proposed findings and evidence are not sufficient to demonstrate compliance with the applicable approval criteria.

Fifth Assignment of Error

In their fifth assignment of error, petitioners challenged the city's findings regarding the criteria applicable to hillside development. Specifically, Condition 27 was imposed, and the city concluded that the requirement that applicant comply at some future date with the 2006 hillside standards, LDC Chapter 4.5 and LDC Chapter 4.10 (Pedestrian Oriented Design Standards), was sufficient to demonstrate compliance with CCP 4.6.7. LUBA agreed with petitioners—i.e., the requirement that the applicant later comply with LDC Chapters 4.5 and 4.10 was not sufficient to demonstrate compliance with the applicable approval criteria.

On remand, the applicant continues to rely on the same revised grading plan that was submitted prior to the city council's initial approval. The city chose to seek to adopt findings demonstrating compliance with the applicable approval criteria. However, once again, those findings are inadequate. The findings allege that the 2006 hillside development standards are meant to implement the comprehensive plan policies, specifically CCP 4.6.7. However, as petitioners pointed out in their brief before LUBA, the grading plan submitted by the applicant does not comply with those hillside standards.

¹ The applicant refers to several photographs of nearby houses that "illustrate some typical building elevations that could be built on the lots." Attachment III-6. These however, are not typical elevations. Attached with this letter is an example of something that would qualify as a typical elevations as required by the code.

- 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.
- LDC 4.5.80.04.c.3 prohibits mass grading on lots that are greater than or equal to 10,000 sq. ft. The grading plan does not make clear where the mass grading will occur. To the extent one can even discern what area is proposed for mass grading, see below, most of the proposed lots exceed 10,000 sq. ft. See Attachment III-23. 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.
- Even where lots are less than 10,000 sq. ft., the hillside standards only allow grading on a portion of the property; up to 6,500 sq. ft. LDC 4.5.80.04.c.3. The proposed grading cut and fill analysis appears to propose mass grading of all of at least 14 of the proposed lots.
- 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 hillside standards allow cut and fill as great as 12 feet if there are extenuating circumstances. 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. See Attachment I-12 of August 10, 2007 memo.
- Further, the revised Condition 27 prohibits retaining walls, yet the proposal calls for retaining walls. See staff report dated December 24, 2008 page 38; Geotech Report, Attachment III-51; page 12 of August 10, 2007 memo.

As was the case with the initial application, the staff report and the proposed revised grading plan simply do not match up. Revised Condition 27 begins: “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.” First, the grading plan does not indicate where mass grading will occur. The map depicting the cut and fill analysis (Attachment I.8) includes a legend that differentiates between 0’ – 10’ cuts and 10’ – 20’ cuts, and between 1’ – 10’ fills and 10’ – 20’ fills. However, it does not make clear where mass grading, as opposed to individual lot grading will occur. Second, the areas marked for 10’ – 20’ cuts and fills violate the comprehensive plan criteria as well as the hillside development standards.

In its first decision, the city contended that the 2006 hillside development standards implemented the applicable comprehensive plan policies. Accordingly, it imposed a condition that the applicant, prior to final plat approval, demonstrate compliance with those standards. LUBA held that the city could not approve the application now, based on a condition that would require satisfaction with those standards later. Although the applicant has argued vociferously that the hillside development standards implement the comp plan policies, and satisfaction of those standards demonstrates compliance with the comp plan policies, the applicant now urges approval of a plan that does not meet those standards. The cuts and fills proposed on the site do not satisfy the hillside development standards, and they do not comply with the applicable approval criteria.

Sixth Assignment of Error

In the sixth assignment of error, petitioners argued that the applicant’s failure to include a drainage plan for the site made it impossible for the city to adopt findings of compliance with applicable criteria related to drainage. Specifically, 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.”

LUBA sustained this assignment of error. On remand, it appears that the applicant is now relying on the utility plan prepared for the proposal. Exhibit N, Attachment III-24. That is not a drainage plan. Condition 26 of the original decision required submittal of a stormwater drainage plan prior to final plat approval. Clearly, neither the applicant nor the city considered Exhibit N to be a drainage plan.

I was unable to find local requirements for a drainage plan, but attached to this letter are documents from other jurisdictions spelling out what information is required. In one, the jurisdiction requires delineation and dimensions of the flowpath of stormwater through the site- from the runoff management BMP’s, to conveyance BMP’s, to end-of-the line discharge BMP’s. Needless to say, a very detailed analysis is required in order to make a determination that excess water generated by increasing impervious surface will not negatively impact water discharge patterns and water quality. The applicant’s cursory determination of compliance is inadequate. LDC 2.5.50.01.a.5. requires submittal of detailed utilities plan

indicating how sanitary sewer, storm sewer, a drainage, and water systems will function. In order to satisfy that submittal requirement and provide adequate information to demonstrate compliance with applicable approval criteria, the city must require the submittal of a drainage plan.

Further, the condition of approval requiring submittal of a drainage plan in the future, without opportunity for citizen participation, is inadequate for the reasons explained in LUBA's final opinion.

Seventh Assignment of Error

Petitioners' seventh assignment of error addressed the proposal's impacts on environmentally significant natural resources. LUBA remanded these issues.

The applicant has submitted nothing on remand that will allow the city to adopt findings of compliance with the criteria cited by petitioners. The staff report, once again, takes the position that the policies are not approval criteria. As discussed above, the applicant has not provided a drainage plan or a sufficient grading plan. The grading plan that the applicant relies on appears to violate the 2006 hillside development standards because it proposes excessive cuts and fills. Without the necessary information regarding erosion and drainage effects of the proposed development, the city cannot find compliance with the applicable natural resources criteria relevant to the petitioners' seventh assignment of error.

Conclusion

Much is made of the fact that the subject property is zoned for residential use. However, when that zoning designation was imposed, the city had not studied the slope and stability and approval criteria that would be applied at the time that a development application was submitted. That is what the city council is being called upon to do at this point. Despite the residential zoning, if the property is not appropriate for residential development, then the application should be denied. And perhaps the appropriate legislative action is to zone it for something more in keeping with the character of the site.

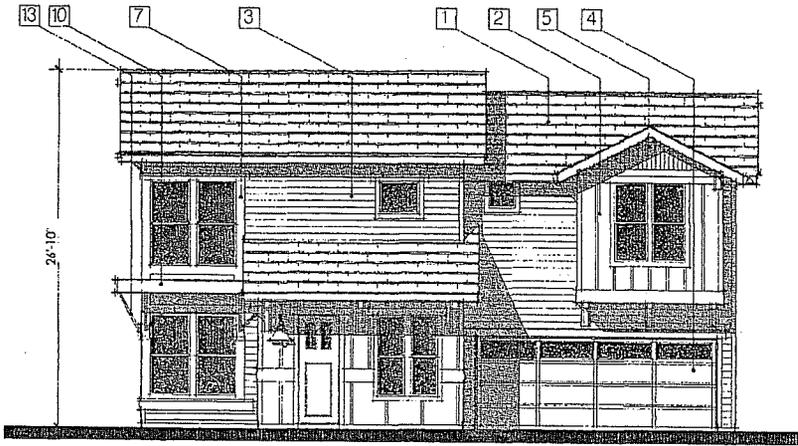
Thank you for your careful consideration of this letter and the testimony of the citizens who are fighting to protect other citizens, wildlife and natural resources from a short-sighted development proposal.

Sincerely,

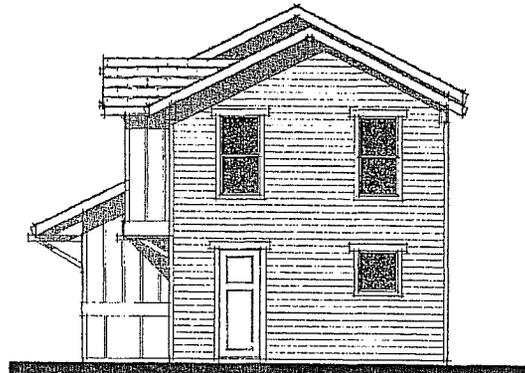


Anne C. Davies

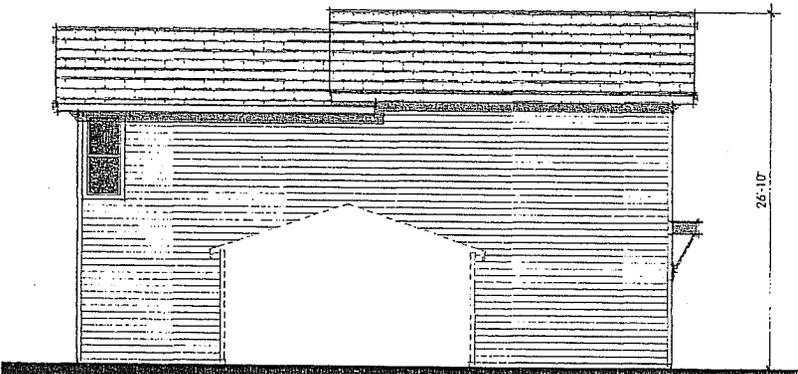
Irvington Village - Phase Two



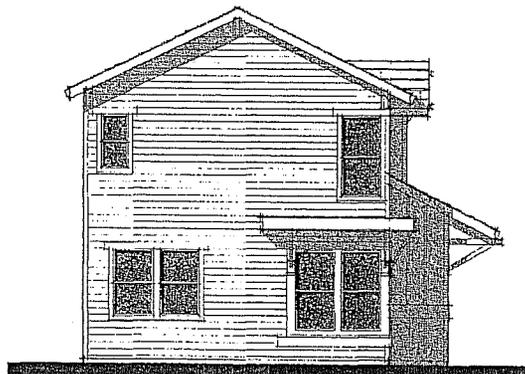
Front



Right



Rear



Left

- Material Legend
- 1 Composition Roof Shingle
 - 2 Board and Batten Siding
 - 3 Hard Horizontal Siding
 - 4 Metal Spill-over Garage Door
 - 5 Wood Kicker and Outlets
 - 6 Wood Cornice
 - 7 Wood Window Trim
 - 8 Wood Railing
 - 9 Metal Railing
 - 10 Metal Awning
 - 11 Wood Posts
 - 12 Wood Trellis
 - 13 Metal Bracket
 - 14 Metal Awning
 - 15 Wood Bracket
 - 16 Vertical Siding Cable End

Plan 1 Elevations

Fremont, California

Regis Homes

100 Alameda Blvd. #400, Suite 200
San Francisco, CA 94104
Phone: (415) 278-2000 Fax: (415) 273-1514 www.regishomes.com

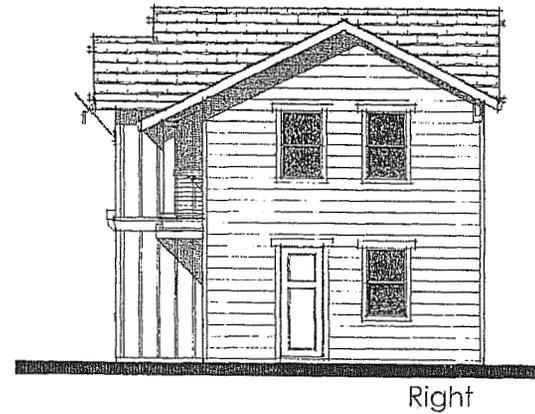
KTGY GROUP, INC.
ARCHITECTURE PLANNING
1225 K STREET, SUITE 100
SAN FRANCISCO, CALIFORNIA 94104
(415) 441-3100 FAX (415) 441-3100
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SCALE

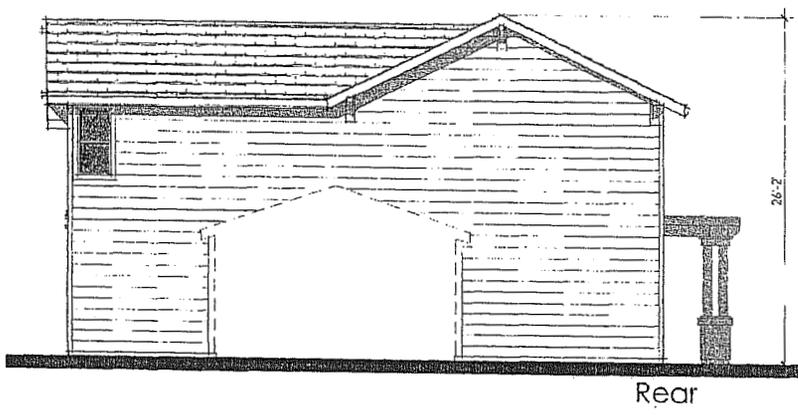
A.1



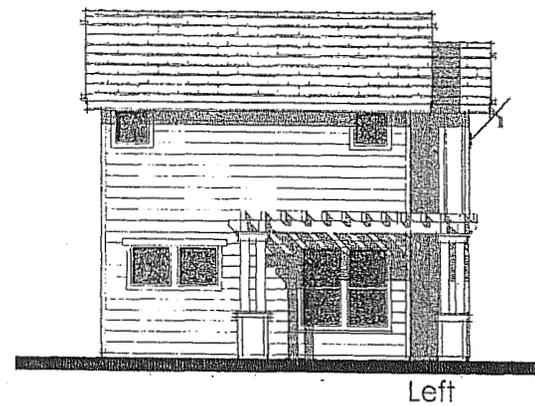
Front



Right



Rear



Left

Material Legend

1	Composition Roof Shingle
2	Board and Batten Siding
3	Hard Horizontal Siding
4	Metal Sectional Garage Door
5	Wood Kickers and Curbboards
6	Wood Corbels
7	Wood Window Trim
8	Wood Railing
9	Metal Railing
10	Metal Awning
11	Wood Posts
12	Wood Truss
13	Metal Bracket
14	Metal Awning
15	Wood Bracket
16	Vertical Siding Gable End

Plan 2
Elevations

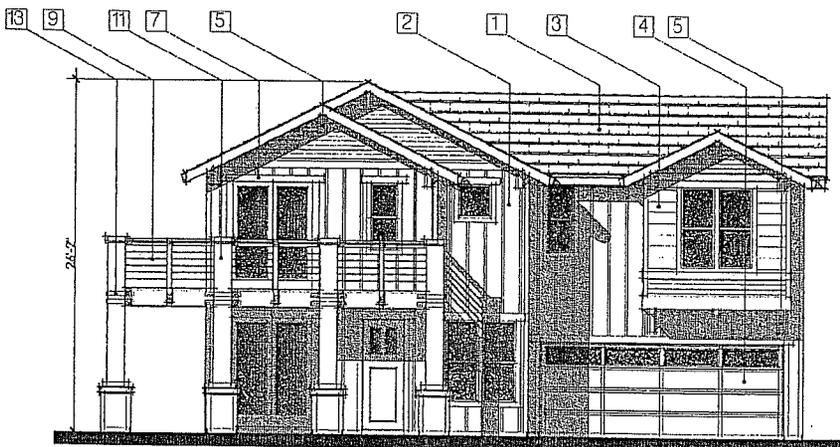
Fremont, California

Regis Homes
151 Northern Blvd. Suite 200
San Mateo, California 94401
Phone: (650) 218-2000, Fax: (650) 273-8214, www.regishomes.com

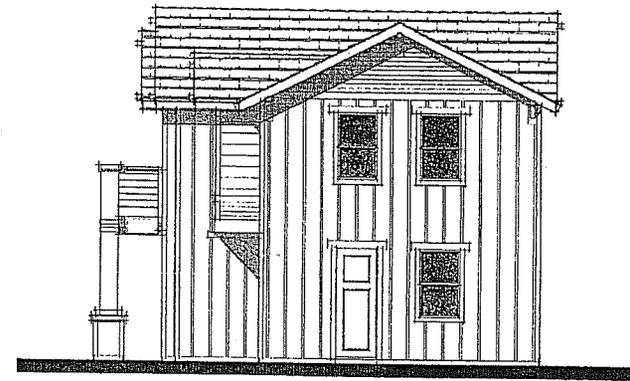
KTGY GROUP, INC.
ARCHITECTURAL PLANNING
12575 - BIRCHMOUNT ROAD
IRVINE, CALIFORNIA 92618
(949) 851-1313 FAX 949-851-1314
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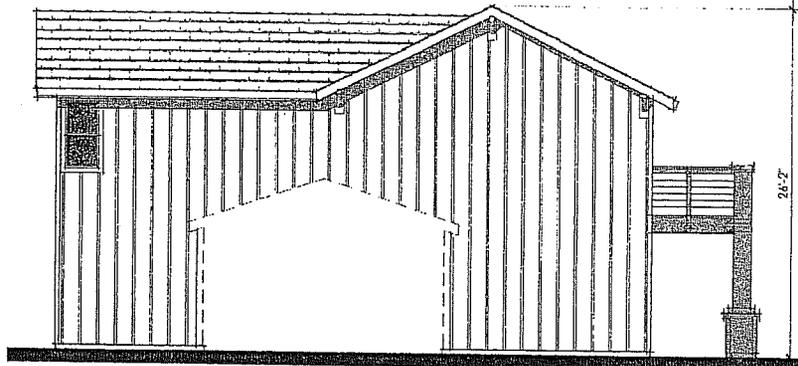
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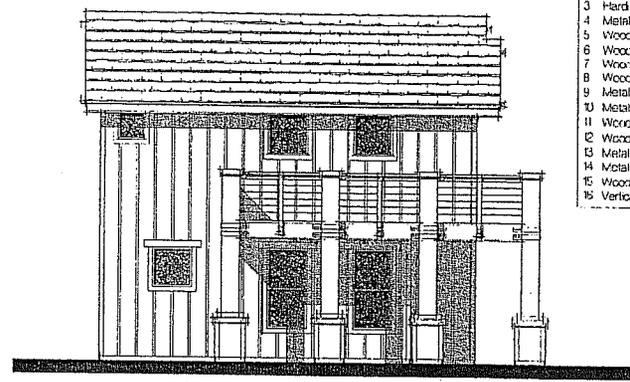
Front



Right



Rear



Left

Material Legend

1	Composition Roof Shingle
2	Board and Batten Siding
3	Hard Horizontal Siding
4	Metal Sectional Garage Door
5	Wood Kicker and Outkicker
6	Wood Corbel
7	Wood Window Trim
8	Wood Railing
9	Metal Flank
10	Metal Awning
11	Wood Posts
12	Wood Trunk
13	Metal Bracket
14	Metal Awning
15	Wood Bracket
16	Vertical Siding Gable End

Plan 3 Elevations

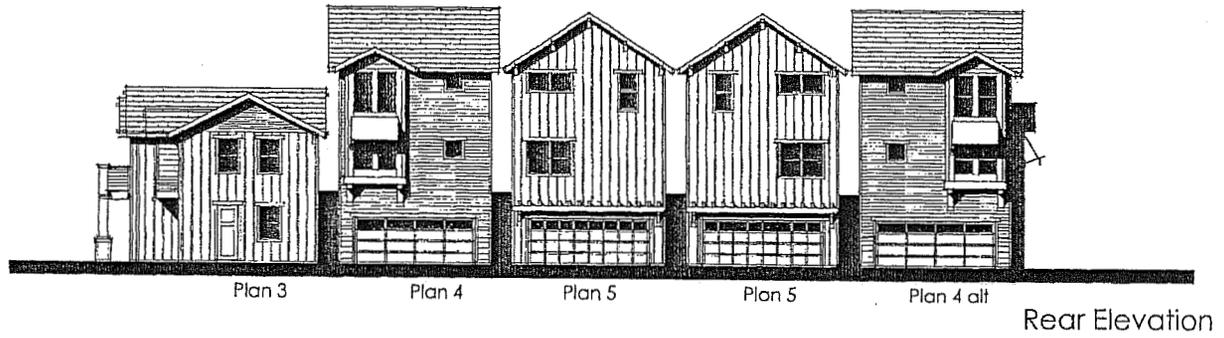
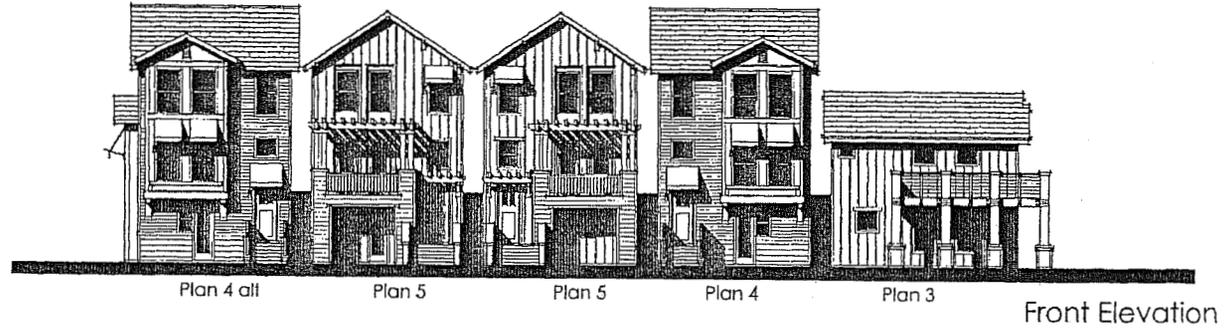
Fremont, California

Regis Homes

90 Alhambra Street, Suite 300
San Mateo, California 94401
Phone: (415) 376-7870, Fax: (415) 373-5114, www.ugnc.com



A.5



Typical Building Elevations

Fremont, California

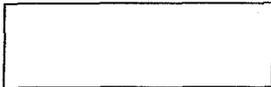
Regis Homes

301 Lakeside Blvd. Suite 101
Fremont, California 94536
Phone: (415) 318-2800, Fax: (415) 318-1044, www.regishomes.com

KTGY GROUP, INC.
ARCHITECTURE PLANNING
17771 STEVENSON BOULEVARD
IRVING, CALIFORNIA 92614
TEL: 951-210-1100 FAX: (951) 210-1100
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SCALE

A.21



Normandy Park Public Works Department
 801 SW 174th Street Normandy Park WA, 98166
 (206) 248-8269 fax (206) 439-8674

Small Project Drainage Plan Submittal

Information

Please print. Leave no blank lines.

Landowner _____	Tax Parcel # _____
Phone _____	Prepared By (Agent) _____
Address _____	Address _____
City, ST ZIP Code _____	City, ST ZIP Code _____
Nearest County Road _____	Phone _____
	Short Plat Name _____

Driveway: _____	Not on public Road	Block: _____	Lot: _____
_____	Submitting permit now for driveway approach onto public road	Volume _____	Page: _____
_____	Existing driveway approach onto public road	Acreage: _____	Soils: _____

Regarding pre-approval for additional/future structures: Locations and dimensions must be shown on this site plan for future drainage review to be waived.

_____ Signature of Owner/ Owner's Agent	_____ Date
--	---------------

- Requirements:** The following are required as part of small project drainage plan submittal
- Drainage Plan (must be plotted to scale, with all significant dimensions given. Use attached sheet or attach a separate sheet, no smaller than 11x17. See checklist for required information.
 - Written Drainage Assessment
 - Recorded Declaration of Covenant – Private Stormwater System

Submit the completed forms to the Normandy Park Department of Planning and Community Development. Incomplete information can delay processing of the drainage evaluation.

Drainage Plan

DRAINAGE PLAN CHECKLIST:

The following information must be included on all small project drainage plans:

Identification

- Name, address, and phone number of applicant
- Parcel number
- Dimension of all property lines
- Street names and existing or proposed property address
- North arrow
- Legend if needed
- Scale—use a scale that clearly illustrates drainage features and BMPs/measures
- Slope details, show at least 5-foot contours for all slopes steeper than 15% .

Building and Site Development Features

- Footprint of all structures (existing and proposed)
- Future Structures and Improvements planned.
 - If you wish to have drainage review waived for future structures/improvements on this parcel, you must show them (with dimensions) on the site plan.
- Parking, roads, and driveways (existing and proposed)
- Sport courts, patios, pools and any other paved or impervious surfaces (existing and proposed)
- Total Impervious surface land cover (existing and proposed)
- Location of any retaining walls and rockeries (existing and proposed)
- Existing or proposed septic system, including all system components and both primary and reserve drainfields.
- Utility structures (poles, fire hydrants, etc.)
- Existing easements
- Existing wells or wells to be abandoned.
- Newly created vegetated areas.
- Remaining **vegetated open space** that will remain undisturbed.

Natural Features and Critical Areas

For a map detailing the critical areas on your site, visit the permit counter at the Department of Community Development. *Development within 200 feet of a critical area may require an engineered drainage plan.*

- Existing natural features of the property (woods, pasture, brush).
- Existing hydrology- Location of all existing and proposed ditches, swales, pipes, etc.
- Delineation of all streams, wetlands, lakes, closed depressions, or other water features (including any required buffer widths)
- Delineation of all flood hazard areas, erosion hazard areas, steep slope hazard areas, landslide hazard areas, and their buffers and building setback lines.

Stormwater Management Information

In addition to the general information listed above, the following additional information is required on drainage plans that include installation of stormwater BMPs:

- Show delineation and dimensions of impervious surfaces and pervious surfaces, both existing and new.
- Show location and dimensions of runoff management BMP methods such as, detention ponds and vaults, infiltration trenches, drywells, rain gardens, permeable pavements, rain water storage tanks for managing stormwater from all impervious surfaces.
- Show delineation and dimensions of the flowpath of stormwater through the site- from the runoff management BMPs, to conveyance BMPs, to end-of-line discharge BMPs.
- Show setback lengths between stormwater management BMPs and any property line, structure, well, steep slope, stream, wetland, or septic system including drainfields.

Written Drainage Assessment

The written drainage assessment is a supporting document of the small project drainage plan and includes the following information:

- Property and Project Description:
 - **Property Description:** Describe the natural features of the parcel (i.e. woods, pasture, brush) and give the approximate area covered by those features.
 - **Existing Structures/ Improvements:** List any existing buildings, driveways (dirt, gravel, etc.), sidewalks, etc. and their area size in square feet or acres.
 - **New Structures/ Improvements:** List new buildings and their sizes along with any size changes in existing driveways, parking areas, landscaped areas, etc.
 - **Future Structures/ Improvements Planned:** If you wish to have drainage review waived for future structures/improvements on this parcel, you must list them (with dimensions) in this section. Show their locations on the plot plan.
 - **Remaining Undisturbed Land:** List and provide the size of the land (woods, pasture) not covered by buildings or improvements.
- Proposed Drainage Plan Narrative: A description of proposed stormwater management BMPs shown on the drainage plan and how they were selected with rationale. Please include details on the impervious surface draining to each BMP, and how each BMP was sized (by table or % coverage). Also include information on the end-of-line discharge and conveyance BMPs used with rationale for their selection.

Declaration of Covenant – Private Stormwater System

A signed and notarized Declaration of Covenant for recording is required for all projects requiring a drainage plan.

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Drainage Plan for Cambria

 [Printer Version](#)

All land use and building permit applications for new structures or additions to existing structures in Cambria are required by county ordinance to have drainage plan approval before the permit can be issued. The drainage plan must provide for the protection from storm water runoff. This requirement applies to projects within the area shown on the [attached map](#), unless the County Engineer determines that the building site will neither experience nor create drainage problems. Drainage plans must be prepared and will be processed as required by Section 23.05.040 through 23.05.050 of the Coastal Zone Land Use Ordinance.

Developments Subject to Drainage Plan Requirements: As per CZLUO, Section 23.05.042, and more specifically pertaining to the situation in Cambria, a drainage plan is required for a project that is located in an area identified by the County Engineer as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project. When reviewing drainage plans submitted by applicants, the Engineering Department will use the following guidelines for site drainage:

Drainage Plan Requirements: Any new structure built should be safe from flooding.

Basic Drainage Plan Contents: All drainage plans shall include the following information about the site:

- (1) Flow lines of surface waters onto and off of the site.
- (2) Existing and finished contours at two-foot intervals or other topographic information approved by the County Engineer.
- (3) Building pads, finished floor and street elevations, existing and proposed.
- (4) Existing and proposed drainage channels including drainage swales, ditches and berms.
- (5) Location and design of any proposed facilities for storage or for conveyance of runoff into indicated drainage channels, including sumps, basins, channels, culverts, ponds, storm drains and drop inlets.
- (6) Estimates of existing and increased runoff resulting from the proposed improvements.
- (7) Proposed erosion and sedimentation control measures.
- (8) Proposed flood proofing measures where determined to be necessary by the County Engineer.

Engineered Plan Content: Engineered drainage plans are to include an evaluation of the effects of projected runoff on adjacent properties and existing drainage facilities and systems in addition to the information required above. Most sites in the West Lodge Hill portion of Cambria will require an engineered plan.

Drainage Plan Review and Approval: All drainage plans are subject to the approval of the County Engineer, however, these plans are to be submitted first to the Department of Planning and Building together with other plans required for a development permit. The Department of Planning and Building transmits the drainage plan to the County Engineer for review and approval.

In some cases, where there are major drainage facilities affected or proposed, or the facilities are being proposed as part of a development plan review, a plan check and inspection agreement is to be entered into with the County Engineer and the drainage facilities inspected and approved before a certificate of occupancy is issued. You will be notified at the time the initial plan check is made as to whether or not a separate agreement is required.

Standards for Design and Construction: Drainage systems and facilities subject to drainage plan review and approval that are to be located in existing or future public rights-of-way are to be designed and constructed as set forth in the County Engineering Department Standard Improvement Specifications and Drawings. Other systems and facilities subject to drainage plan review and approval

are to be designed in accordance with good engineering practices.

Site Grading: Final grading of lots shall be in conformance with Chapter 70 of the Uniform Building Code and Sections 23.05.036 of the Coastal Zone Land Use Ordinance.

The Public Works Department, Office Division, can be contacted at (805) 781-5252 to answer questions about drainage requirements.

Privacy and Conditions of Use Policies

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Fairmont St. Brooklane Heights
Comments

To whom it should concern;
I live on land above the area
being considered for development...

I oppose its use for housing
for all the legal reasons (7?)
such as the grade being too
steep for surface foundations + + ...
The viewshed is the main
reason the value of my home-land
would be greatly reduced.

I see the sun rise from
my breakfast table and
would not want someone to
obstruct my view of the river + Mts.
to the SE. either. Very valuable
assets that are at risk here.

A park would be a better use.

We oppose the development;
 in that the findings were inadequate
 for determining if the code + compatibility
 requirements without "typical building
 iterations" having been submitted...?"

Were the provisions of Comprehensive
 plan policy 4.6.7 met? Condition 27?

The drainage plan seems inadequate.
 Does it address Comprehensive Plan policy
 4.11.12?

The protections of the environmentally
 significant resources may not
 be consistent with the Comprehensive
 Plan policies. And we believe these
 are most valuable.

Along with the huge values
 of our sunshine, view of the Valley + Mt.

There must be height restrictions if somehow the other rules against building on such steep fragile land is dodged.

The habitat is very important as well. It is now refuge to the critters that get flooded out from the floodplain area. The oaks give the animals lots of acorns and habitat. Turkeys, deer, owls, rare Acorn Woodpecker and Pileated Woodpecker and more use it often + many more species.

Please follow the wise guidelines and laws that should not allow this development.

* S. Crowell property

Sincerely,
Elizabeth Capizzi



Approved as corrected, January 21, 2009
CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
October 8, 2008

Present

Karyn Bird, *Chair* (arrived 7:30 p.m.)
 Jennifer Gervais, *Vice Chair*
 Frank Hann
 Tony Howell
 Steve Reese
 Jim Ridlington
 Denise Saunders
 Patricia Weber
 Jeanne Raymond, *Council Liaison*

Staff

Jim Brewer Deputy City Attorney
 Ken Gibb, Community Development Director
 Fred Towne, Planning Division Manager
 Bob Richardson, Associate Planner
 Sarah Johnson, Assistant Planner
 Ted Reese, Development Review Engineer
 Jackie Rochefort, Parks Planner
 Terry Nix, Recorder

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions	X		
II.	Public Hearing Land Development Code Text Amendments Package #1 (LDT08-00002)		X	The hearing was continued to October 15, 2008, 5:30 p.m.
III.	Public Hearing Urban Renewal Plan		X	The record was held open until October 22, 2008, 5:00 p.m. for additional written testimony. Deliberations will be held on October 29, 2008.
IV.	Deliberations Evanite Willamette River Greenway Setbacks (LDT08-00001)			Deny the request.
V.	Minutes: None for Consideration			
VI.	Old Business	X		
VII.	New Business A. Planning Manager's Update	X		
VIII	Adjournment - 11:00 p.m.			

CONTENT OF DISCUSSION

The Corvallis Planning Commission was called to order by Vice Chair Jennifer Gervais at 7:05 p.m. in the Downtown Fire Station Meeting Room, 400 NW Harrison Boulevard.

- I. VISITORS' PROPOSITIONS: There were no propositions brought forward.
- II. PUBLIC HEARING - Land Development Code Text Amendments Package #1 (LDT08-00002):

- A. Opening and Procedures:

Vice Chair Gervais welcomed citizens and reviewed the public hearing procedures. There will be a staff report and public testimony. 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.

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

No declarations were made by the Commissioners.

- C. Staff Report:

Planning Division Manager Fred Towne presented the staff report. At the direction of the City Council, staff has been keeping a running list of unintended consequences related to the 2006 revision of the Land Development Code. Staff presented the City Council with three packages of proposed changes, in order to address such issues. This public hearing is being held to consider the first of those packages. Package #1 has a total of 26 issues, most of which are housekeeping changes. Manager Towne briefly reviewed each issue, as detailed in Attachment A to the staff report, noting that issues 5, 20, 25 and 26 are more complex and may require more consideration than some of the other issues. To address the identified issues, staff has proposed Land Development Code text amendments, which are in Attachment C to the staff report. Staff anticipates that the Commission and the public may have alternate language or additional suggestions to fine tune the text amendments. Manager Towne suggested that the Commission consider a continuance of the public hearing to allow the public additional time to review the proposed changes and offer suggestions. He drew attention to written testimony at Commissioners' places from David Dodson related to issue 25.

Commissioner Weber referred to the draft text addressing issue 5. She said there does not appear to be a definition of attached housing when buildings are located on separate lots. Manager Towne said he will make a note of it.

Commissioner Weber asked if criteria are proposed for the new Major Lot Development Option. Manager Towne drew attention to proposed Land Development Code provisions 2.12.30.02.b.2. and 2.12.30.06.b. in Attachment C, Pages 45 and 53.

D. Public Testimony:

David Dodson, 311 SW Jefferson Avenue, referenced his eight-page written testimony (**Attachment A**), dated October 8, 2008. He submitted an aerial map entitled "Properties with an Area of 1.0 to 3.0 Acres South of SW West Hills Drive, North of SW Philomath Boulevard, East of SW 53rd Street, and West of SW Timian Street" (**Attachment B**). Mr. Dodson said his client owns property of just over two acres in the referenced area. He used the overhead projector to show graphics of a 2005 Minor Land Partition Approval and a Partition Completed in 2006 on the subject property. He said his client subsequently provided a 400-foot accessway with pervious paving. The accessway was intended to serve the two lots that were partitioned, as well as two additional lots. When the owner applied for a follow-up partition in 2007, he learned that staff could not approve it due to new Land Development Code requirements that the front door be within 100 feet of the street. Mr. Dodson referred to the aerial map, previously distributed, and noted that there are 15 additional parcels affected by this provision. He noted that his written testimony proposes two options for addressing this issue, both of which consider exceptions to allow measurements to the front door from the accessway rather than from the street.

Commissioner Weber stated that the revised Land Development Code language was drafted several years in advance of adoption and that the property owner could have obtained four lots with a subdivision application. She asked why he chose to pursue two partition applications. Mr. Dodson said the cost for the public street improvements associated with a subdivision application would have been about \$650,000. The applicant discussed his options with staff and it was suggested that he consider a partition application. Commissioner Weber stated that it may be possible for the property owner to pay into a fund for future street development if a street is shown in the Transportation Master Plan. She will discuss this with staff.

In response to further inquiry from Commissioner Weber, Mr. Dodson said the minimum density on this two-acre property would be four units. The second partition would achieve minimum density, but the owner cannot partition with the standards currently in place, and the proposed text amendments do not go far enough to facilitate the partition.

Commissioner Howell discussed the need to balance flag lots and through-streets. He invited Mr. Dodson to comment on ways of setting creative limits on flag lots, perhaps by paying into a fund and/or through dedication of right-of-way. Mr. Dodson agreed that street connectivity is critical for a well functioning neighborhood, but he said the current lotting pattern in this area creates a difficult situation. He said it would be great if the City could come up with a Conceptual Development pattern and funding mechanism for the area.

Liz Frenkel, 4954 SW Hollyhock Circle, expressed concern about the process. She said this item was originally listed as a Planning Commission discussion and was later changed to a public hearing. She doesn't understand why there is a hurry to approve these text amendments; there are not the time constraints that there would be with an application.

Marilyn Koenitzer, 4240 SW Fairhaven Drive, submitted and reviewed written testimony (**Attachment C**). She stated that issue 4, regarding the creation of a definition for “fractions” in Chapter 1.6, is not a housekeeping issue, but that it qualifies as a policy change which could have unintended consequences. The only notice she received on this public hearing was on the agenda which she received via e-mail. The public has had too little time to digest the proposed changes. Some of the other policies may also have unintended consequences. Ms. Koenitzer requested that the Planning Commission not consider the proposed changes at this time, that staff research all possible consequences, and that the changes be examined by the public in an informational meeting well before they are considered by the Planning Commission.

Mark Knapp, 131 NW 4th Street, #407, said he has requested to be notified of all land use public hearings and the Planning Division has generally been good about doing so. However, he did not receive notice of this public hearing. He has contacted the Department of Land Conservation and Development regarding requirements on public hearings for Land Development Code text amendments, but he has not yet received a response. He requested a continuance of the public hearing.

Mr. Knapp said he had sent an e-mail to several Planning Commissioners. Commissioner Howell said he received the e-mail and gave it to staff to make copies for the entire Commission (**Attachment D**). Mr. Knapp said the area referenced in Mr. Dodson’s testimony was annexed to the City under a Health Hazard Annexation. The land owners are benefitting from City services, but seem to want exceptions to the Land Development Code that would allow them to develop under county-like standards.

Mark Hommer, 4470 NW Apple Tree Place #4, referred to the discussion about flag lots and said it might be good to consider 100-foot setbacks from access roads, as opposed to main roads. He said he doesn’t know what the requirements are for roads in subdivisions, but he suggested that thought be given to changing the standards so that roads do not have to be so big, and to having provisions that allow for walk-in properties. He said there may be a market for that type of unique village concept, and he doesn’t think there is always a need for a big, hard-surface road.

Community Development Director Ken Gibb clarified that this is on the agenda at this time because staff has made a commitment to get this package through the process by the end of this Council term.

E. Continue the public hearing:

MOTION: Commissioner Weber **moved** to continue the public hearing to October 15, 2008, 5:30 p.m. Commissioner Reese **seconded** the motion.

Commissioner Saunders asked if there is an opportunity to more broadly inform the public of the continued public hearing. Manager Towne said this hearing was noticed in the newspaper and that information was sent to those on the interested parties list. Staff will publish a notice of the continued hearing in the newspaper and will send a follow-up notice to those on the interested parties list. City Council Liaison Jeanne Raymond asked that sustainability land use planners also be notified.

The motion **passed** unanimously.

III. Planning Commission Discussion - Urban Renewal Plan:

A. Opening and Procedures:

Chair Karyn Bird welcomed citizens and reviewed the public hearing procedures. There will be a staff report and public testimony. 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.

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. Staff Report:

Community Development Director Ken Gibb provided background information. Over the past several years, the Downtown Corvallis Association Strategic Planning Committee led a community-based effort to complete a Strategic Plan for the downtown area. A major recommendation of the 2006 Strategic Plan is the creation of a Downtown Urban Renewal District. The process included public meetings, periodic reports to the City Council, and outreach to specific community groups. A recommendation was submitted to the City Council on June 16, 2008. The recommendation included both an Urban Renewal Plan and an Urban Renewal Report, as required by State law (**Attachment E**). The City Council conducted a series of work sessions, including two joint sessions with the Planning Commission. Based on feedback, several changes were made before the City Council forwarded the documents to the Planning Commission. The process established by Oregon Revised Statutes (ORS) 457 calls for a recommendation from the Planning Commission prior to a public hearing and final consideration by the City Council. There is no requirement for a Planning Commission public hearing, but it was decided that a noticed public hearing would be the best way for the Commission to receive public comment prior to making a recommendation. Notice of the hearing was sent to downtown property owners and interested community groups. Although this item was unfortunately described as a discussion in the agenda, it is listed as a public hearing in the staff report. The staff report includes a list of applicable Comprehensive Plan policies and a short discussion related to consistency with applicable Land Development Code standards.

Assistant Planner Sarah Johnson provided a power point presentation of information regarding the proposed Urban Renewal Plan. She reviewed the process to date and showed a map of the Proposed Urban Renewal District Boundary. The 298 acres in the proposed District comprises 3.28 percent of the total City area, and 4.28 percent of the City's assessed value.

Planner Johnson reviewed changes made to the Plan since the joint Planning Commission and City Council work sessions:

- Language was added that clearly establishes the City Council as the Urban Renewal Agency governing body. Changing the governance would require a public vote.
- Language was added in several locations that calls out alternative transportation facilities as potential Urban Renewal projects.
- A cap was established on the amount of tax increment revenue that could be collected over the life of the District. The proposed cap is \$35,559,157. A public vote would be required to approve increasing this limit.
- Processes for amending the Plan were clarified.
- Procedures for property acquisition were clarified.

Planner Johnson said Councilors, Commissioners, and the public requested additional specificity regarding projects to be funded. The challenge is to provide specificity while maintaining a flexible program. It is anticipated that public improvements will comprise 65 percent of the proposed budget; public and private development will comprise 15 percent; rehabilitation and historic preservation will comprise 10 percent; and plan administration will comprise 10 percent. The first five years of the Plan will not generate funding sufficient for major expenditures, but the anticipated revenue of roughly \$3 million can fund several smaller projects identified in the City's long term planning documents. The following projects have been identified for the first five years of the Plan:

- Riverfront Path Improvement Project: Up to \$350,000 for a 12-foot path to extend from the Crystal Lake ballfields, across the Millrace, to South Downtown.
- Public Parking Investment Fund: \$200,000 for the first five years (\$50,000 per year beginning in year 2). Intended as seed money to fund potential parking projects; respond to opportunities such as purchasing existing parking for public use; purchasing land; public-private partnerships; construction of surface or structured facilities; and parking for alternative transportation modes.
- Downtown Signage and Locator Project: \$250,000 to provide access to information with highly visible and consistent signage.
- Structural Improvement Program: \$400,000 in a revolving loan fund. This would require matching funds and is intended to assist building owners with structural improvements to enhance building use and viability.
- Historic Restoration/Renovation Program: \$100,000 in a revolving loan fund. This would require matching funds and is intended to assist property owners with renovations to enhance viability and aesthetics of historic buildings.

Planner Johnson said the Strategic Planning Committee spoke with the taxing districts about several considerations, including the following:

- Projects in the District benefit property assessed value in and around the District;
- The School District is not affected;
- Levies and bonds issued after 2001 are not affected;
- Properties will be placed back on the tax role after the District ends, when they are anticipated to have gained significant assessed value;
- Districts are generally 20-year programs but can end early; and
- Funds remaining at the end of the District will be distributed back to the taxing bodies.

Planner Johnson reviewed other considerations, including the following:

- The Plan does not establish new tax but diverts tax revenue within the District into an account for use within the District;
- The District will not affect or change land use regulations;
- Flexibility is important in order to address projects and proposals that may come along as the District progresses;
- The maximum the Plan can generate from tax increment financing is \$35,559,157; and,
- The Plan provides certainty for investors.

Director Gibb added that staff found the District to be consistent with applicable areas of the Comprehensive Plan and that each project or program will be required to meet the standards and requirements of the Land Development Code. Staff concludes that the proposed Urban Renewal Plan meets the applicable Comprehensive Plan policies and Land Development Code standards, and that it is in compliance with the goals of the City.

Commissioner Weber asked how eligibility is defined for the proposed revolving loan fund for historic restoration/renovation. Planner Johnson said she anticipates the proposed advisory body will determine eligibility.

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

Conflicts of Interest: Commissioner Howell said he owns property at the northern end of the proposed Urban Renewal District, but this will not prevent him from making a fair and impartial recommendation to the City Council.

D. Public Testimony:

Pat Lampton, 234 SW Third Street, submitted and read written testimony on behalf of the Downtown Strategic Planning Committee (**Attachment F**). He said the Plan grew out of a process which began four years ago and has involved dozens of meetings and hundreds of people. The Plan was designed to give direction for the downtown that embraces the Vision 2020 and the Downtown Vision statements. The City Council has accepted the Plan, including strategies establishing a Downtown Commission and adopting an Urban Renewal Plan. Urban Renewal has been used as a financing tool in more than 65 Oregon communities. The Plan would help in restoration of existing structures, bring certainty regarding the community's commitment to the downtown, encourage investment in maintenance and rehabilitation of buildings, and put commitment behind a sustainability effort for an underutilized area that is already dedicated for commercial, professional and housing uses. He referenced the success of the Riverfront Park project, noted that the Urban Renewal Plan would not affect current land use processes, and said the District would have long-term beneficial effects.

Kirk Bailey, P. O. Box 1702, said most of his points have been covered by Planner Johnson and Mr. Lampton. He said he applauds the inclusion of alternative transportation facilities as potential projects. The community has seen the impact of the riverfront improvements on Second and Third Streets. This proposal is for a funding mechanism to help improve the rest of the downtown area. He has heard feedback from various groups that the connection between the riverfront and South Corvallis is important. Mr. Bailey clarified that the historic revolving loan program would be for a property that is either listed as a historic resource or for which the work being funded would allow it to become listed.

Marvin Gloege, 1500 NW 13th Street, said he was present at the request of the Director of the Board of the Benton County Historical Society (BCHS), although the Board has not taken any action with regard to this project. He said he has been involved in the Horner Museum process for more than 10 years. The BCHS participated in one of the public meetings for the Urban Renewal Plan early in the process, but has not received notification for additional meetings. He said he was present to indicate that the BCHS has a desire to participate in the process and partnerships.

Barbara Ross, 460 SW Jefferson, said she lives within the boundaries of the proposed District. She enjoys being part of the downtown and living in a historical house, and she wants the downtown to be an attractive place. From a community perspective, she said, it is important to take a long view and consider the quality of the downtown as the heart of the community. She is proud of the Urban Renewal Plan because it provides a way to continue to invest in this treasure and to help keep the downtown something that is of benefit to the entire community. She expressed appreciation to the Planning Commissioners for their good work.

Susan Morre, 2775 SW Fairmont, said she is a spokesperson for the Whiteside Theater Foundation (WTF). She said the WTF has not been involved in discussions on the Urban Renewal Plan so far, but it is interested in the potential for a partnership on this project. She stated that, after being closed for six years and through the hard work of many people, the Whiteside Theater has been donated to the WTF by Regal Cinemas for the benefit of the community. The WTF supports the Urban Renewal Plan and hopes to be on the list of potential projects.

David Dodson, 311 SW Jefferson, submitted a list of "Links to DCA Documents" (**Attachment G**) including the Vision for Downtown Corvallis, the Downtown Corvallis Strategic Plan, and Implementation Strategies. He said the Urban Renewal Plan is a key funding mechanism for implementing a number of measures outlined in the Downtown Strategic Plan. He stated that the downtown area:

- encompasses sustainable activities;
- is an environment where people can live and work;
- has a high concentration of merchants who sell locally-produced products; and,
- presents opportunities if the City decides to move into alternate sources of energy.

Mr. Dodson said there are many reasons why the downtown is a great place and why it is important to make sure it stays that way.

Mark Knapp, 131 NW 4th Street #407, said he learned that this was a public hearing about two hours ago. He would like to have been more prepared, but will make some brief comments. What strikes him about the boundaries, he said, is that Evanite and the First Alternative Co-op are not part of downtown. He said he opposes financing downtown parking for motor vehicles and suggested that parking for cars may be solved by declining driving in the future. He said the timing of this proposal is horrible. Today was another terrible day in the financial markets, yet this proposal is premised on property values going up. Since the life of the District is based on tax increment financing, he predicts that the District will outlive current residents. He said there are a lot of good ideas embedded in the proposal, but he thinks improvements should be budgeted outright. He questioned why there is not widespread support from those who do not stand to benefit financially from this proposal. He referred to previous comments that there is widespread support for the trail

connection, but he has heard a lot of testimony against it. He **requested that the record be held open** for additional written testimony.

Commissioner Weber commented that the mechanism for alternative transportation facilities was added to the Plan because some decision-makers shared the concern about funding for parking downtown, when it is not known if vehicle driving may decline.

E. Close the Public Hearing:

MOTION: Commissioner Reese moved to hold the record open until October 22, 2008, at 5:00 p.m., for additional written testimony. Deliberations will be held on October 29, 2008. Commissioner Gervais seconded the motion and it **passed** unanimously.

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

IV. **DELIBERATIONS - Evanite Willamette River Greenway (WRG) Setbacks (LDT08-00001):**

Chair Karyn Bird welcomed citizens and stated that the Public Hearing on this item was held on September 24, 2008. By request, the record was held open for seven days for additional written public testimony. The applicant's final written comments were received on October 8, 2008. Planning Commissioners have received both the additional testimony and the applicant's final written comments. Deliberations will be held this evening.

A. 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 with David Dodson on a number of projects. She does not consider that this professional relationship will result in an inability to be impartial.
1. Ex Parte Contacts: None.
2. Site Visits: None.
3. Objections on Jurisdictional Grounds: None.

Commissioners Gervais and Weber advised that they have listened to tapes of the previous hearings in order to be able to participate in deliberations this evening.

B. Staff Update:

Associate Planner Bob Richardson reviewed the request for approval of two Land Development Code text amendments that would apply only to the Evanite property. The applicant proposes: 1) to reduce the WRG building setback from 100 feet from the top of the bank to 32 feet from the top of the bank for all nonindustrial uses; and 2) a new exemption that would preclude the WRG Conditional Development Permit review process for all portions of the site 200 feet west of the ordinary low water line of the Willamette River. He noted that staff recommended that the first request be approved with a revision allowing a 42-foot setback from the top of the bank for nonindustrial uses, and that the second request be approved as presented.

Planner Richardson showed an aerial photograph of the subject site (**Attachment H**), a graphic of the north section of the site plan with setback lines (**Attachment I**), the proposed

WRG compatibility review area (Attachment), and a section of the site plan (**Attachment J**). He called attention to the written testimony submitted after the public hearing was closed on September 24, but before the record was closed on October 1, 2008 (**Attachment K**), and to the applicant's final written response (**Attachment L**).

In response to an inquiry from Commissioner Howell, Planner Richardson clarified that development within the WRG currently requires Conditional Development review based on Chapter 2.3, as well as criteria in the WRG Chapter of the Land Development Code. Under the proposal, areas in the exempt area would still be evaluated under Chapter 2.3, but would not be evaluated based on the WRG criteria. Commissioner Howell said there are areas of the staff report where he thinks this is not made clear.

In response to an inquiry from Commissioner Gervais, Planner Richardson clarified that the MUT Zone permits new industrial uses and, if Evanite's buildings on the riverbank were sold to another owner, existing uses could continue. A process would be required to change buildings on the riverbank to another use.

In response to an inquiry from Commissioner Saunders, Planner Richardson reviewed language under the MUT Zone dealing with expansions or intensification of industrial uses.

Commissioner Saunders asked for staff input on how the Planning Commission can make a decision on this case that is not inconsistent with the decision made last week, especially with regard to the establishment of an 82-foot right-of-way or easement along the riverbank and a trail location that varies from 50 feet to 25 feet from the top of the bank. Manager Towne said last week's decision was a land use decision which could expire in two years if it is not acted upon in some way. The Planning Commission could establish a setback line through this process that encroaches into the previously approved right-of-way or easement area. Commissioner Weber added that the previous decision gives permission for a trail location that would not require subsequent review. There is nothing stopping a property owner from asking for a different trail location through a process. Manager Towne said that was correct.

In response to an inquiry from Commissioner Hann, Planner Richardson clarified that, if the request is approved, the review criteria for the WRG would no longer apply in the exempt area of the subject site. WRG development standards, MUT Zone development standards, and all other applicable Land Development Code standards would still apply. The design standards of the MUT Zone would control aesthetics in terms of a unifying vision.

Commissioner Howell said he understands that the Conditional Development review criteria apply to compatibility and do not give as much guidance on greenway resources. Planner Richardson said that was correct; the WRG criteria are geared toward the river, greenway, habitat, etc. Staff considered that, given the conditions of the site and the distance from the river, application of the WRG criteria would not add much in the way of protections. Commissioner Howell said his concern is that the intent of the WRG criteria is also for enhancement, with the thought that protections would help to build back the riverbank over time.

Commissioner Gervais said she understands that 200 feet from the River's ordinary low water line translates to about 140 feet from the top of the bank. Staff agreed.

Commissioner Weber said she e-mailed several questions to Planner Richardson in advance of the meeting, many of which were related to environmental protections. At the last meeting, the Deputy City Attorney clarified that mechanisms are in place for environmental remediation with either a right-of-way or an easement, so that line of questioning no longer needs a response. She asked staff to respond to the remaining questions in her e-mail.

Planner Richardson referred to Commissioner Weber's question regarding whether City standards conflict with the 100-foot buffer for water quality preferred by the Department of Environmental Quality (DEQ). Planner Richardson said the DEQ does not have a specific standard, but indicated that a 100-foot buffer was preferred. The DCLD and DEQ had a conversation and concluded that the City has standards to protect natural features and riparian corridors and that, if the City wants to provide further protections, the suggestion was to do so through local regulations. One possibility mentioned was Total Maximum Daily Load (TMDL). Manager Towne added that the City plan has been approved by the DEQ.

Planner Richardson referred to Commissioner Weber's question about standards for bicycle and pedestrian connectivity. He referenced Page 70 of the staff report, which outlines Land Development Code Chapter 4.0 standards which could result (based on a nexus and rough proportionality analysis) in provision of public access to the river and possibly construction of a public trail.

Commissioner Howell stated that, if the City has an accepted TMDL plan with the DEQ and the City is being asked to change the Land Development Code in a way that could change the TMDL, that needs to be taken into consideration. Development Review Engineer Ted Reese said most of the best management practices are not in the Land Development Code, but in the City's master plans. Commissioner Howell said the Land Development Code and the City's master plans assumed certain WRG criteria were in place. There are a lot of interrelated things and he is not convinced that there would be adequate protections with removal of the WRG protections.

Commissioner Ridlington asked for clarification on what the City and the applicant would gain and/or lose through approval of this application. Manager Towne said the concept is that the WRG review criteria would go away in the area that is more than 200 feet west of the River's ordinary low water line. The assumption is that the impact would be minimal. The applicant could gain a little bit of development area.

Commissioner Howell said he thinks the request requires a balancing of the benefit of having more developable acreage and perhaps development in the nearer future with a reduction in natural resources protection. Planner Richardson agreed and said these were the questions that staff considered and provided analysis on in the staff report. Briefly, staff looked at the criteria and found that reducing the setback would facilitate efficient use of land and facilitate the desire to transition to less intensive uses, which is the purpose of the MUT Zone, while still requiring more intensive industrial uses to be further from the river.

Commissioner Weber said she disagrees that the reduced setback would result in efficient use of land. She said redevelopment in this area would include streets, sidewalks, planter strips, a multi-use path, and 20 percent green area. The suggestion that not granting this setback could result in dead space is not supported, as there would be no interest on the part of the developer to not use that space.

Commissioner Howell said the staff report reasons that approval of the request would enhance transition to less intensive uses. He thinks it is just as likely that the area would maintain industrial uses and that any inhibitions the current property owners have had to redevelop the property as a result of Greenway regulations would be removed with approval of this application.

Commissioner Hann asked if staff considered ways to condition this request in order to provide additional protections in place of the WRG criteria; to protect sensitive property with the hope that it can be reclaimed; and to move forward with more sensitive uses. Planner Richardson said conditions of approval cannot be applied to text amendments.

C. Discussion and Action by the Commission:

MOTION: Commissioner Howell moved to recommend that the City Council deny the text amendment to Land Development Code Table 3.30-1, reducing the WRG building setback for non-industrial uses on the subject site from 100 feet to 32 feet from the Willamette River's top of the bank. This motion is based on the discussion of the Planning Commission at its meeting on October 8, 2008. Commissioner Weber **seconded** the motion.

In response to a request from Commissioner Howell, Manager Towne said staff will ensure that Table 3.30-1 indicates that the setback for industrial uses permitted in MUT Zone would remain at 100 feet from the top of the bank regardless of the final decision on this request.

Commissioner Howell said this request does not meet the requirements of State-wide Planning Goal (SPG) 15, the City's Willamette River Greenway policies, or the Land Development Code implementation of those policies. He referenced WRG criteria, Section 3.30.40 of the Land Development Code. The proposal is in conflict with Section 3.30.40.c. and would allow for views to be diminished by structures closer to the river. The proposal is for development much closer to the river than the Renaissance Building, which was only acceptable because of its downtown location. The proposal is in conflict with Section 3.30.40.d. and would allow for impervious surfaces closer to the river, reducing water quality. The proposal is in conflict with Section 3.30.40.e. and would significantly reduce the ability to protect and enhance riparian vegetation, wildlife habitat, and fish habitat, as well as protect scenic qualities of the riverbank. The building setback requirement should reflect the potential for restoring habitat. Due to potential areas of slope instability, structures close to the bank set the stage for needing bank stabilizing interventions that do damage to the bank habitat. The proposal is in conflict with Section 3.30.40.j. and k. and would clearly not maximize the distance from the river to the greatest extent practicable, and this is a deep site so there is a lot of room for development.

Commissioner Howell said the applicant made a number of arguments in favor, which he did not believe were supported.

- The applicant said the reduced setback would yield buildings that are more pedestrian-oriented, but Commissioner Howell believes it is more appropriate for a pedestrian-oriented proposal to come forward with a requested exception to the setback.

- The applicant said the current setbacks will separate new development too far from the bank, but other buildings with similar or greater setbacks are interacting well with the bike path and pedestrian activity, including the Renaissance Building, the Fox and Firkin, Cloud Nine, and Big River.
- The applicant stated that a reduced setback would accommodate a multi-use path, but would not allow a multi-use path meeting the general standards of the Parks and Recreation Facility Plan.
- The applicant asserted that a reduced setback would be consistent with Stormwater Master Plan, Goal 5 ESEE Analysis, as long as all Land Development Code standards were met, but the 100-foot setback is part of those standards.
- The applicant said the 100-foot setback was only in place due to industrial uses on the site; however, there is also a 100-foot setback between SW "B" Street and Marys River; between Willamette Park and Willamette Landing; and there is a 50-foot setback between NW Harrison Boulevard and the North Riverfront Boat Ramp. These are determined more by the depth of the lot than by the existing use.
- The applicant said the MUT Zone purposes will be impaired without a reduced setback; however, the MUT purpose is to reduce intensity of uses.

Commissioner Howell stated the following:

- Public necessity, convenience, and general welfare are better served by the existing standard;
- Economic development policies will be met with the current setback;
- There has been no change of condition necessitating the change; and,
- There is adequate flexibility in the Land Development Code to request a setback variance on a case-by-case basis.

Commissioner Weber agreed with Commissioner Howell and stated that the proposal is "nuts." She said the Planning Commission does not have to justify or defend the status quo. She does not see how public necessity, convenience, or general welfare is bettered by moving the setback to 32 feet. Allowing a building closer to the river would increase the property value, but keeping the setback at 100 feet sets up that space to be used for other necessary elements such as streets, sidewalks, pedestrian amenities, a multi-use path and/or green space, which would serve to benefit the public much more than a private building.

Commissioner Weber said the question was raised about whether or not these standards will be examined by staff throughout the entire City. She understands that the 100-foot setback extends from Marys River all the way to the southern end of the City limits. Staff's work load is very heavy, but the City Council requested that this property be examined because the applicant paid for an application. It is her understanding that every argument for reducing the setback could also be applied to all of the properties south. She does not agree with the arguments, but she absolutely does not agree with the procedure of examining the Land Development Code for those property owners who can pay to have them revisited while ignoring other properties to which the same standards are applicable.

Commissioner Gervais said she agrees with Commissioners Howell and Weber. She stated that a 32-foot setback from the top of the bank would not be adequate for wildlife resources, based on her expertise as a professional wildlife ecologist. A strip of short trees will not maintain the habitat necessary for riparian wildlife, and it will not be possible to bring the bank back with tall trees when there are buildings 32 feet from the top of the

bank. No property owner would risk having a cottonwood tree fall on their structure, but it is precisely those types of trees that would help to enhance the riverbank and restore ecological function.

The motion **passed** unanimously.

MOTION: Commissioner Howell moved to recommend that the City Council deny the proposed text amendment to Land Development Code Section 3.30.30 removing the requirement that development further than 200 feet from the ordinary low water line of the Willamette River be subject to WRG Conditional Development approval. This recommendation is based on discussion of the Planning Commission at its meeting on October 8, 2008. Commissioner Gervais **seconded** the motion.

Commissioner Howell said the proposal conflicts with Comprehensive Plan Policy 6.6.2., and it would take significant balancing to show that deviation from the policy could be accomplished. Current WRG Land Development Code language was developed to be consistent with this and other Comprehensive Plan policies. Contrary to the applicant's argument, there is no change in conditions that would warrant deviating this much from the policy. The WRG Chapter was updated at the same time the MUT Chapter was developed, and they were expected to work together on this site. The property has not been up for sale, so it cannot be said that it can't be developed under current standards. Other site factors, such as brownfield issues, are probably more salient as being barriers to development than are Land Development Code standards. There is an undeveloped industrial property across the street that has been for sale. It is within the MUT but outside of the Greenway, so there is some evidence that WRG criteria are not the deciding factor. The applicant said that SPG 15 only requires a public review process for 150 feet from the river, but that is stated in SPG 15 as a minimum. SPG 15 also requires the Greenway area outside of the review area to meet the objectives of the Greenway. This is implemented through the WRG review criteria, and only to a limited extent through the WRG development standards that would remain within the exemption area. To reduce the review area and still comply with SPG 15 Comprehensive Plan policies, the City would need to adopt clear and objective development standards, which are not offered as part of this proposal.

Commissioner Howell said development of portions of the Greenway outside of the proposed 200-foot line still have an impact on Willamette River resources, including providing public access, protection of air quality, protection of water quality, and scenic qualities. Conditional Development review criteria, Natural Features and Hazards standards, MUT standards, and other Land Development Code standards do not adequately implement SPG 15 or the WRG review criteria. The applicant says that all uses within the MUT are compatible with each other and surrounding uses, but this is contradicted in the MUT purpose statement and in Comprehensive Plan Policy 13.11.17. The WRG review process was part of the strategy for ensuring compatibility. The applicant says Land Development Code standards fully implement the Comprehensive Plan, but those standards include the WRG standards. The applicant says industrial uses in the exempt area would get WRG Conditional Development review, but they would really only get the generic Conditional Development review, which would not address many of the Greenway issues. The applicant says the MUT contains standards that are similar to Pedestrian Oriented Design standards, but these MUT standards are not applied to industrial uses. The applicant asserts that the requirements in the WRG development standards cover all the WRG criteria, but only Section 3.30.40.b is covered. The applicant

says the site has uses similar to downtown so it should have a review area similar to downtown. However, downtown has a different development pattern with limited lot sizes and blocks. The Evanite site has deeper lots with the potential to better meet Greenway goals, and there are more risks in terms of development patterns that would create conflicts with the Greenway. Downtown has had problems in terms of its impact on the Greenway so that bank stabilizing structures have been required. The applicant says the boundary has been set because these are industrial uses, but there are similar Greenway boundaries between SW "B" Street and Marys River and in Willamette Park that appear to be based more on property lines and the ability to maximize distance from the river. The site would still allow industrial uses. The applicant says the WRG review inhibits implementation of the MUT transition; however, the South Corvallis Area Refinement Plan includes a goal of better protecting the Greenway in this area. There has been no change in conditions since the standards were implemented or updated. There is no evidence of a need for a change to meet public necessity, convenience, or public welfare. Retention of current standards is more likely to provide for general welfare.

Commissioner Weber said she agreed with Commissioner Howell. She reiterated that the Planning Commission does not have to justify maintaining the status quo. She said this is a prime piece of real estate, the redevelopment of which would potentially have tremendous impact on the local economy and quality of life for residents throughout the City. She does not see how the public welfare, necessity, or convenience are in any way served by relinquishing any level of public input or public process that would accompany the redevelopment of this site.

Commissioner Hann said he thinks the applicant failed to demonstrate that the WRG prohibits or prevents them from developing this property. The WRG standards offer an overriding theme and regulations that protect the environment and the riverfront, and in many ways enhance the property and its capability for being developed.

The motion **passed** unanimously.

V. **MINUTES**: None for consideration.

VI. **OLD BUSINESS**:

VII. **NEW BUSINESS**:

Planning Division Manager Towne called attention to the new meeting schedule on the back of the agenda.

Commissioner Hann said he continues to see an increase in graffiti. He asked if this falls under the purview of the Code Enforcement Officer. City Attorney Brewer said graffiti is a Police Department matter. City Council Liaison Raymond said she will relay this concern to the City Council.

VIII. **ADJOURNMENT**: The meeting was adjourned at 11:00 p.m.



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

Approved as corrected, January 21, 2009
CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
 5:30 p.m., October 15, 2008

Present

Karyn Bird, *Chair*
 Jennifer Gervais
 Tony Howell
 Jim Ridlington
 Denise Saunders
 Patricia Weber (for LDT08-00002)
 Steve Reese
 Jeanne Raymond, *Council Liaison*

Staff

David Coulombe, Deputy City Attorney
 Fred Towne, Planning Division Manager
 Jeff McConnell, Development Engineering Supervisor
 Kevin Young, Senior Planner
 Claire Pate, Recorder

Excused

Frank Hann

Recused

Patricia Weber (for Western
 Station PLD08-00009)

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Public Hearing, Cont'd, Land Development Code Text Amendment Council-Initiated Pkg #1, LDT08-00002		X	Public Hearing closed; deliberations on October 29, 2008
II.	Visitors' Propositions			
III.	Public Hearing, Western Station (PLD08-00009, SUB08-00005, PCR08-00002)		X	Public Hearing closed; record held open; deliberations on Nov. 5, 2008
IV.	Old Business			
V.	New Business A. Planning Manager's Update			
VI.	Adjournment			9:30 p.m.

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. PUBLIC HEARING (Cont'd) - Land Development Code Text Amendment Council-initiated Package #1 (LDT08-00002)

A. Opening and Procedures:

Chair Bird welcomed citizens to the continuation of the public hearing and reviewed the public hearing procedures. Staff pointed out that there would not be a need to close the public hearing prior to asking questions of staff and preliminarily deliberating on certain issues. Planning Division Manager Fred Towne pointed out an additional piece of testimony submitted by John Foster (**Attachment A**).

B. Declarations by the Commission: None

C. Public Testimony:

David Dodson, Willamette Valley Planning, gave an update on the predicament of one of his clients who did a land development partition in 2005. The property is located south of West Hills road, just east of 53rd Street. Two new lots were created, with a remaining larger parcel for which he planned a future partition. He put in a 400-foot-long private drive to provide access to the lots, all consistent with development standards for partitions at the time. In 2007, he came in again to apply for the partition of the larger lot, only to find that the Land Development Code had changed and, under the new requirements, front doors must be within either 100 feet or 200 feet (depending on development type) of an adjacent street.

Mr. Dodson showed a map of the area that illustrated the development pattern for this area of town, which had been developed in the county but was then annexed into the city as a health hazard. He said the City has looked at the issue of providing transportation and circulation in West Corvallis, but not specifically in this area. He said the lots have a fractured pattern, with some of the lots being so narrow and long that it is not possible to put in roads without removing existing houses. He said it is very challenging to develop property in this area and that, ideally, it would be good to have a backbone road system extended through the larger site.

Mr. Dodson said that what they are proposing is, for situations in which access drives have already been provided, to essentially have the access drive be considered the measuring point to the front door, as opposed to measuring to the street. He said the intent would be to use the shared driveway as the pedestrian network, or to provide a separate sidewalk that would extend out to the street. He said that, as properties in this area come forward to urbanize, it will be important that the easements which have been established for access should go all the way through the property, which might allow opportunities to make connections and establish an accessway network.

Mr. Dodson expressed hope that the Planning Commission would consider the text amendment language change that they had previously submitted in this regard.

In response to a question from Commissioner Weber, Mr. Dodson said that there appear to be some landlocked parcels in the middle of the area in question.

Commissioner Ridlington brought up his experience in Santa Barbara, California, where access can be a maze. He said that in some cases, residents have to walk a long distance from where they park to their homes. Mr. Dodson said that the Land Development Code and the need for fire access would preclude that from happening here. Additionally, Oregon's weather creates a greater need for protection, and homeowners want to be able to drive or ride their bikes right up to their dwelling.

D. Questions of staff:

Commissioner Howell suggested pursuing the issue raised by Mr. Dodson first. He asked if there were limitations now in place on flag lots, since the lots described by Mr. Dodson had been approved prior to the last Land Development Code update. Manager Towne said that the provisions now in place would limit lot creation so that it could meet the access requirement of 100 feet from the front door of a home to the street. He said the provisions being proposed would allow some variations to the Land Development Code standards allowing the creation of flag lots only under limited specific circumstances. He referred to Item #25 in the packet, which states the proposed changes to Land Development Code Section 4.4.20.03. Manager Towne said that, unfortunately, the lot sizes and shapes in the area in question, to the east of 53rd Street and south of West Hills Road, would make it difficult to meet these standards. He said the requirement is that each partitioned lot not exceed 175 percent of the zone's minimum lot size for a single-family, detached dwelling. He said the intent is to be as consistent with the Pedestrian-Oriented Design (POD) standards as possible. He said the options for these properties would be to join forces and approach it as a subdivision or planned development.

The proposed language would allow for Mr. Dodson's client to develop the three parcels that have already been partitioned, but the large parcel could not be approved for further division.

Commissioner Howell asked about situations in South Corvallis where it is common to have 200-foot lot depths, but difficult to get an accessway to the back of the property. He also discussed the possibilities of having duplexes or triplexes be detached structures on a single lot and meet the access requirements. Commissioner Weber said that those lots would still be subject to meeting minimum lot sizes. She further expressed her concern that the 100-foot and 200-foot distances were somewhat arbitrary. She would not have problems with tweaking that requirement so that good, functional decisions could be made with some of the problematic lots.

Manager Towne reminded the Commissioners that the Land Development Code used to require "front to street," and that this is now already a significantly greater allowance.

Commissioner Howell referred to page 22 of Attachment C and asked how this language would apply to the new concept under consideration, which would allow for two detached single-family units on a lot. He suggested that staff look at new language to address this issue; i.e. would both units have to be within 100 feet of the street or could one of the two be within 200 feet of the street? Manager Towne said that staff would look at this, but first there needs to be support for the two dwelling units per lot change.

Commissioner Ridlington said he lives on Hayes Street and the lots there are 100 feet by 200 feet. Some flag lots have been put in already, and he is wondering if these changes would have an impact on more flag lot development. Manager Towne said it would depend on the zoning. He said that prior to the 2006 Land Development Code changes, it was permissible. Now, unless the front door of a house located in the back of the lot can meet the 100 feet from the street requirement, it cannot be done. He said the proposed changes would allow for some flexibility to this.

Commissioner Weber referred to Item #16 and suggested that wherever the language "distance measured along the centerline of the path" occurs, the phrase "to the nearest public street right-of-way" be added after it.

In response to a general question from Commissioner Weber relating to Item #25 and the lack of adequate access in the area to which Mr. Dodson referred, Manager Towne said staff would have to be tasked with looking at how to get a street network in, and it would have to be prioritized by the City Council along with all the other tasks on the list. He said there is no real straight-forward solution. Commissioner Weber said her concern is that the 2006 Land Development Code update resulted in some unintended consequences, and there are standards in place that existing lots can not meet. That means these lots are undevelopable until someone with enough resources can get enough lots together to put in a coherent transportation plan. Manager Towne said that, as part of their recommendation, the Commissioners could recognize this as a problem and suggest that further effort be made to figure out a solution to address this deficiency. The City Council could then look at it as part of Planning's work program. There is not a lot of vacant land within the community, and it will be difficult to develop this land at the preferred densities without attention being paid to this issue.

Commissioner Weber expressed concern that making a change to accommodate Mr. Dodson's dilemma might have unintended consequences of allowing for less than optimal development on similar lots in other parts of the community, where better planning options might have been available. Manager Towne agreed and said that is why staff had proposed just a limited amount of flexibility and did not necessarily address all of the individual problems with individual lots. Commissioner Howell agreed that they did not want to create language that loosened it up to the point that good development could not occur where it might be possible to apply other access options.

Commissioner Howell then asked about the width of the accessways listed in Attachment C, page 36. He asked if the increase to 34 feet in width was driven by fire codes; staff said there were other considerations, but not necessarily the fire code.

Commissioner Ridlington asked, if the Planning Commission approves staff's recommendation, if Mr. Dodson's client would be precluded from developing the back part of his property unless he got together with neighboring property owners to put in a roadway. Manager Towne said that was correct, though the Commission could make specific allowances for lots that have already undergone a partition with the intent of a future serial partition. He said that situation would probably pertain to five or six lots around town.

In response to a question from Commissioner Bird, Manager Towne said that the West Corvallis Plan has chosen arterial and collector road locations, but a local street network has not been done for this area.

Commissioner Saunders asked how development of a local street network would be funded, whether through taxes or the Capital Improvement Plan. Manager Towne said that the only way it would happen now is if the developers themselves built the street; the City would not front money for something like this. He said It has been years since Local Improvement Districts have been used for this purpose, due to the defaulting that occurred.

Commissioner Reese explored further the opportunity for "grandfathering" in the lots for which this is an issue. Manager Towne reiterated that it would take a change in Land Development Code language. He also suggested that a Major Lot Development Option could be pursued, wherein the Land Development Hearings Board would hear a proposal to vary the standards.

Commissioner Howell said he believes requesting a Major Lot Development Option might be the better approach, rather than staff proposing new language to create an exception.

Commissioner Weber asked if there is some kind of mechanism, such as a miniature Systems Development Charge, that could be set up so owners of properties surrounding an area identified as a potential right-of-way could pay into a fund that eventually would be used to purchase that property for the right-of-way. Manager Towne said the Planning Commissioners could recommend that the City Council consider some mechanism for dealing with this issue.

Chair Bird then switched topics to Item #4, relating to fractions. Manager Towne explained that staff's current practice is not an absolute. He does not think the change is an absolute necessity, but it would make it easier for everyone involved to have a certain expectation. Parking has very specific requirements already, so the change would apply mostly to density calculations, and could also be used for green space.

Commissioner Weber noted that public testimony about density had indicated that instead of rounding, the least permissive amount should be used. She said she could not understand how the least permissive amount could be determined, as it would depend on the situation. She said that if an applicant were trying to maximize the number of lots, then having it be the lower number would be the least permissive. But, if the site is heavily constrained, it would be hard to meet minimum density, and setting the number as the higher one is less permissive. She does not believe they can take that approach.

Commissioner Howell said another concept that either Mr. Foster or Mr. Knapp had expressed was to define those items that can be rounded and those that cannot. He asked if, when calculating the number of units required on a 0.4-acre lot, one would first round up the acreage amount. Manager Towne said that the intent is to round the result and not to round the absolute amounts, such as the amount of acreage.

Commissioner Weber suggested that the number of decimal places also enters into the rounding discussion.

Commissioner Ridlington suggested that the word "final" be placed into the definition, as follows: "When a calculated total results in a "final" number that contains....."

Commissioner Saunders suggested that staff walk through the Land Development Code and identify where fractions are specified, to ensure that there are no unintended consequences with making this change. She said staff might even specify those instances in which rounding would be used.

Commissioner Reese asked for examples where rounding should not be applied. Parking was cited as an example of this, and staff might identify others as they go through the Land Development Code.

Commissioner Saunders asked if, in the case of a half street improvement being required, it would necessitate rounding up to a full street improvement. Manager Towne explained that the requirements for level of street improvement were already explicit; it was not the intent to apply rounding in cases like that.

Commissioner Howell referred to Item #1 and said that the word "persons" in the second line should be replaced by the word "children."

Chair Bird said that they were approaching the time for the next public hearing. Since they had received all of the public testimony that seemed to be forthcoming, she would entertain a motion to close the public hearing.

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

Deliberations will be held on October 29, 2008.

II. VISITORS' PROPOSITIONS:

Leslie Bishop, 827 SW 10th Street, asked the Chair if Commissioner Weber was going to be presenting on behalf of the applicant for the upcoming public hearing. Chair Bird said that was her understanding. Ms. Bishop said she had problems with that situation, even though she knows Commissioner Weber will recuse herself from decision-making. She said the fact that Ms. Weber is a lead presenter for Devco, the developer of Western Station, at a Planning Commission meeting seems to cross the line. She believes it is similar to inside trading and should not be tolerated. She had decided not to submit her written testimony early since she knew that Commissioner Weber would then be privy to her information. She believes that this is a conflict of interest on behalf of Commissioner Weber. She said the City of Corvallis has a policy stating that "a public official shall not represent a client for a fee before the governing body of a public body of which the person is a member."

Arona Beagle, 750 SW C Street Apt. 35, said that she was hard of seeing and would like to know why the businesses across from Denson's do not provide a sidewalk in front of their businesses. She said she has to walk out in the street and when she does, there are many college students who yell at her. She said there is also a pop machine by the taxicab company that gets in the way of her walking. She said has to walk this way a lot in order to get to different busses. Councilor Raymond said she would take note of Ms. Beagle's complaint and take it to Council.

Ruby Moon, 608 SW 7th Street, said that she agreed with Ms. Bishop's statement about Commissioner Weber leading on behalf of Devco during the upcoming public hearing.

Commissioner Saunders asked if it was appropriate at this time for Deputy City Attorney Coulombe to address the issue raised by Ms. Bishop. Commissioner Howell suggested that the issue be addressed after the public hearing is opened, so that it would be on record.

III. PUBLIC HEARING - Western Station (PLD08-00009, SUB08-00005, PCR08-00002)

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

- Chair Bird, speaking on behalf of all the Planning Commissioners, said that they have worked with Commissioner Weber but do not believe that this will in any way prevent them from making a fair and impartial decision in this case.
- Commissioner Gervais said that she had been involved with testimony against previous applications for this parcel of land, but she did not think it would bias her review of the application to be heard tonight.

2. Ex Parte Contacts

- Commissioner Gervais said that because of her previous involvement with citizens in the reviews of past proposals before she was a Commissioner, she was still on some e-mail lists and had received some e-mail announcements about the application. She did not respond to them, nor did she attend any of the meetings to which people were invited. This will in no way compromise her ability to make a fair and impartial decision on this proposal.

Deputy City Attorney spoke to the issue of Commissioner Weber's involvement with presenting on behalf of the applicant. He said that the specter of conflict of interest was not raised in this case because it requires the Planning Commissioner to actually act in capacity as a decision-maker. Commissioner Weber is not doing so.

3. Rebuttals to declarations

- **Matthew Bolduc**, 1020 SW 10th Street, said, for the record, that he is an employee of the City of Corvallis. He said that Ms. Bishop's testimony referred to City of Corvallis Administrative Policy 92-3.08 Code of Ethics. Section 3.08.032(f) reads, "A public official shall not represent a client for a fee before the governing body of a public body of which the person is a member." He believes the language is clear.
- **Ruby Moon** asked Attorney Coulombe to address the issue of Commissioner Weber being privy to written testimony submitted early in the hearing process, because that gives the developer the benefit of knowing what is going to be presented.

Attorney Coulombe noted that staff attempt to maintain transparency with all correspondence and testimony submitted by any participant. Withholding information from any of the participants would violate the principle of transparency.

Manager Towne said that every piece of information that hits their desks is considered as public information. At some point, the applicant is able to respond to the information, even if it is part of the final written argument. Transparency is what the City aims for.

- **Alan Bakalinsky**, 750 SW C, said that this particular case flies in the face of the conflict of interest considerations. He understands that Commissioners can recuse themselves and not vote. But the Commissioner should be recused from being privy to any discussion relating to a case, and not receive the information related to it. Either you are recused or you are not recused. Transparency is misleading in this case.

Chair Bird reiterated that any information submitted relating to a case becomes public testimony and is available to the public. The applicant is part of the public.

Commissioner Howell said that the status of the applicant's presenter as a Planning Commissioner does not give them access to any additional information over what any applicant would get. All applicants have available to them copies of all testimony. All of the applicant's submitted material is made available to the public. If new information gets brought up during the public hearing, then the public has the right to ask for a continuance in order to look at it, or to have an additional seven days to respond to the new information. The applicant also has this right of access and response to new information.

- **Bill Metz**, 750 SW C, said he wished to make the point that even though Commissioner Weber has recused herself, when she comes before the Planning Commission on behalf of an applicant she comes with an "aura" of enhanced credibility because of her role in the public body. He believes that is why the City's Administrative Policy Code of Ethics is written the way it is. The Planning Commissioners have relationships with the presenter by virtue of discussions on other matters. Those personal relationships could also give the advantage of enhanced clarity. He believes these are the reasons this could be considered a conflict of interest as indicated in the administrative guidelines.

Attorney Coulombe said that the plain language of the administrative policy refers to the "governing body of the public body," which is the City Council, not the Planning

Commission. Certainly there have been good comments offered on this issue, and there have been training sessions with respect to these issues. Public confidence is important but, under State law, there is no actual conflict of interest. There is nothing to prohibit a Planning Commissioner from recusing himself or herself and actively participating in a planning process, whether as a presenter, an opponent, or a proponent of an application. The Administrative policy technically applies to the City Council and not to this body.

Commissioner Howell said that there have been other instances where Planning Commissioners have recused themselves in order to speak in opposition to a proposal. There have not been any applicants who questioned the ability for the remaining Planning Commissioners to make fair and impartial decisions, in light of this. It really comes down to the Planning Commissioners making their own declarations about their ability to withstand the "aura of credibility" that Commissioner Weber might have, as well as the relationships that many of the Planning Commissioners might have with others in the audience who are testifying tonight. Part of their role is to put those relationships aside and listen to the facts of the argument.

Councilor Raymond said that there are other City commissions before which similar instances have occurred.

- **John Foster**, 1205 NW Fernwood, said he is willing to accept that the remaining Planning Commissioners will do their best not to let personal relationships overcome their judgement. But, it still gives the appearance of a conflict of interest, which the City should try to avoid at all costs. It also establishes a precedent that Planning Commissioners, City Councilors and others can recuse themselves and represent a client. He believes this is different than just speaking in opposition to something.

4. Site Visits: Visits to the site were made by all except Commissioners Gervais and Saunders
5. Objections on Jurisdictional Grounds: None

C. Staff Overview:

Senior Planner Kevin Young said the case under consideration, Western Station, is a request for 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, with residential units above. The four-lot subdivision would allow each commercial/residential unit to be located on an individual lot. Planned Compatibility Review is required because the square footage of the non-commercial uses exceeds the square footage of commercial uses within the development.

The 0.64-acre site is located on the south side of Western Boulevard, between 6th and 7th Streets. Planner Young showed a map of the area and described the map designations, zoning, and usage of the properties surrounding the site. The map designation for Western Station is Mixed Use Commercial (MUC), with a zoning designation of Mixed Use Commercial with a Planned Development Overlay (PD(MUC)). There are no natural features on the site.

D. Legal Declaration:

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

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

E. Applicant's Presentation:

Lyle Hutchens, Devco Engineering, introduced Linda Howard of his firm and said that they would be presenting on behalf of the applicant, Western Station LLC. He had just come from a hearing in Lebanon, and fortunately got to this meeting in time to be the presenter. Initially, he did not think he would be able to be at this public hearing in time, which is why Ms. Weber was asked to make the presentation.

Mr. Hutchens explained that the Western Station property is a small, triangular piece of land that is currently undeveloped, located on SW Western Boulevard between 6th and 7th Streets. The location is notable due to its close proximity to both downtown and to OSU, something that is highly unusual for undeveloped land in Corvallis. It is this proximity that makes it highly conducive to pedestrian- and bicycle-oriented activity. He showed a photograph of the property as it looks now. He pointed out that, in its vacant state, it looks rather grim and does not contribute much in the way of value to the community. It has also been used for storage for aggregate associated with the last train derailment.

Mr. Hutchens explained that one major contributing factor as to why this property remains vacant despite its desirable location near downtown and OSU, is the presence of severe physical constraints in place on the property in the form of railroad tracks to the south, west and east. They limit access to the site and present non-developable portions of land in the form of easements, and serve to create an oddly shaped lot with a narrow wedged tail in the southeast corner that is extremely difficult to effectively develop.

Mr. Hutchens said that, as staff explained, this property is zoned MUC, and is one of only two pieces remaining in the City with this zoning under the present Land Development Code. The Detailed Development Plan is presented in Attachment A-1 of the staff report. The application proposes that the land be developed with four live-work units featuring commercial space on the lower levels and two-bedroom townhouse-style condominiums on the upper levels. The building frontage will face SW Western Boulevard, which will be improved with extra-wide sidewalks and several other pedestrian amenities. The site will be separated from the railroad tracks to the east by a fence and a nine-foot-wide landscape buffer. The on-site parking is all to be located behind the buildings and will be accessed by a single access drive off Western Boulevard, located to the west of the building. Another landscape buffer will isolate the parking area from the railroad tracks to the southwest of the site.

Mr Hutchens pointed out that, as noted in the staff report, many of the current Planning Commissioners were also on the Commission at the time of deliberations on a previous proposal in 2007. That application was in many ways similar to the one being presented this evening. It also proposed four live-work units fronting Western Boulevard with associated parking located in the back. The Planning Commission and City Council denied the application based on the lack of compliance with requirements for Floor Area Ratio (FAR) and on-site parking provisions. The application being presented this evening is a revised version of that original application, with some crucial revisions. The commercial floor area in each of the units has been increased to meet the minimum required FAR for the zoning. Commercial uses will be limited to only those which require one parking space per 400 square feet or less of floor area, so that the on-site parking provision requirements are also met. The commercial FAR was met in two ways: by limiting the residential uses to the upper two floors, and by adding a mezzanine level. The buildings proposed by the applicant comply with all applicable development standards in Land Development Code section 4.10 relating to Pedestrian-Oriented Design standards. Three different types of building materials are proposed, with window glazing area in excess of the minimum requirements. A weather-protection canopy will be installed along the west, north and east frontages, which will also serve to provide visual delineation between the commercial spaces below and the residential spaces above. All of these features will combine to form a mixed use building that will be visually attractive; pedestrian-friendly in orientation, design and scale; and will serve as a conveniently-located vibrant centerpiece of a revitalized neighborhood.

Mr. Hutchens explained that the applicant is requesting some Land Development Code variations. He cited Comprehensive Plan Policy 14.3.1, which states, "in-fill and redevelopment within urban areas shall be preferable to annexations." This site qualifies as an in-fill site; thus, development of it to its potential is inherently desirable prior to annexing more land from the urban fringe in order to serve the same commercial and/or residential needs. Given the physical constraints on the site, several variances are being requested. The variances are solely for the purpose of being able to develop the site based on its zoning while meeting most of the required standards, especially those that have been deemed most important by the City and the public (on-site parking and FAR). In addition, with respect to commercial development, Comprehensive Plan Policy 8.10.4 states: "New commercial development shall be concentrated in designated Mixed Use districts which are located to maximize access by transit and pedestrians." This Mixed Use district is located near downtown and OSU, with a transit stop nearby on SW Western Boulevard. The development of live-work units on this site is an excellent way to achieve this particular policy.

Lastly, Mr. Hutchens pointed out that, regarding residential development, Comprehensive Plan Policy 9.2.4 requires neighborhoods to be pedestrian-oriented, with neighborhood development patterns giving "priority consideration to pedestrian-based uses, scales, and experiences in determining the orientation, layout and interaction of public and private spaces." The proposed building design is an exemplary approach to meeting this policy, since it uses townhouse condominiums on top of commercial spaces, all fronting a street with extra-wide sidewalks and pedestrian amenities, and located within walking distance of downtown and OSU.

Mr. Hutchens said that, for the most part, the variances fall into one of two groups. The first group consists of dimensional variances that are predominantly a result of the odd shape of the parcel. The shape effectively creates a pinch-point where the boundary formed by the railroad tracks curves to the north and east. This pinch-point makes it

impossible to construct a development that meets all of the development standards, including density, FAR, parking, height limitations, and Pedestrian-Oriented Design Standards. The applicant's proposed design meets most of the development standards, especially those that were emphasized in previous hearings. Specifically, parking and the commercial FAR are being met by this proposal. However, in order to meet the most number of standards, the design has reduced the width of the access drive to 20 feet at the southwest corner of the building. A 20-foot drive is sufficient for car bypass and meets Fire Department standards. At that same corner, the applicant is requesting a reduction in the width of the sidewalk from 5 feet to 4.5 feet. This width would also meet ADA requirements for a sidewalk width. Also, the frontage lies within the maximum setback for 41% of the entire site though, if the railroad easement area is discounted, it meets the 50% requirement.

Mr. Hutchens then said that the second group of variances requested deal with landscape issues. The applicant is proposing that, rather than providing the requisite 10-foot planting area around trees, the trees be installed using special planting techniques allowing them to be planted in a 5-foot-wide landscaping area. The applicant also proposes that the required 20-foot landscape buffer between residential uses and industrial uses on the east side of the property be reduced to a 9-foot buffer. As compensation, the applicant is proposing to construct the east wall of the residential building with additional sound-proofing materials and methods to reduce the impact of any train noise on any future residents of that building. Mr. Hutchens said that, as noted in the staff report, the only industrial use that will ever be present to the east of the site is the intermittent train traffic. These variances are all being requested for the sole purpose of attempting to fit the development onto a narrow, oddly-shaped lot without sacrificing density, parking, green area or FAR. The last variance, for the location of the access drive, is also a function of the constraints of the site. The request is to allow the access drive to be located approximately 100 feet from 7th Street, rather than the required 150 feet. Currently, there are two gravel drives onto Western Boulevard and they would be consolidated into one, resulting in a situation that is safer and more desirable on the site than what now exists. This access configuration has been reviewed by ODOT-Rail and found to be acceptable.

Mr. Hutchens said the applicant has reviewed the staff report, and is in agreement with the Conditions of Approval, and asks for the Planning Commission's approval of the application.

Questions of the Applicant:

Commissioner Saunders asked about the mezzanine and the breakdown of floor area. Mr. Hutchens said that the ground level was approximately 800 square feet and the mezzanine approximately 300 square feet. In response to her comment that she was having trouble visualizing use of it, Mr. Hutchens said the intent would be for small start-up software companies, sole-proprietor insurance companies, and that type of use. The mezzanine would be suited for use as office space.

Commissioner Saunders said that the application proposes extra-wide sidewalks for potential restaurant use, yet the parking requirements or allocations do not seem to work with this type of use. Mr. Hutchens said that, frankly, that particular wording is a carryover from the previous application. This proposal specifically excludes restaurant use in the commercial spaces because of the parking requirements. The extra-wide sidewalks are still in the design, but there will not be any restaurant uses allowed.

F. Staff Report:

In response to Commissioner Saunders' question about mezzanines, Planner Young said that it would be similar to the small mezzanine in Grass Roots Bookstore in downtown Corvallis.

Planner Young reminded the Commission that there are three separate applications before them for consideration. The Planned Development aspect is the most elaborate, and staff reviewed the five categories of compatibility factors. He said that, in terms of Land Use and Purposes, the uses are all permitted outright for this zone. The Condition of Approval limiting commercial uses to those that meet the 1 space per 400 square feet parking standard will ensure that only appropriate commercial uses are allowed. The proposed development is consistent with the purposes for Planned Developments. It allows flexibility in the design and location of the structure, and it promotes the efficient use of an awkwardly configured in-fill site.

Planner Young stated the following:

1. With regard to Natural Resources, there are no significant natural features or hazard areas.
2. In terms of Compatibility, staff first needed to assess compliance with the Mixed Use Commercial (MUC) zone standards. As conditioned, this project complies with all but one of the MUC district standards. The one requested variation is to the 20-foot setback requirement between the residential and the industrial land. The applicant has also requested Planned Compatibility Review approval, as is required by the 1993 Land Development Code, to allow the square footage of the residential uses to exceed the commercial square footage. That version of the Code is being used because that is where the MUC zoning district standards reside. Staff also looked at compatibility with the POD Standards. As conditioned, this project complies.
3. The variance requests include:
 - narrowing the driveway width from 24 feet to 20 feet in one portion of the site;
 - narrowing the internal sidewalk width from 5 feet to 4.5 feet;
 - reducing the landscape buffer from 20 feet to 9 feet on the east side;
 - allowing access to an arterial street within 150 feet of 7th Street;
 - reducing the amount of building located within the maximum setback area along the street frontage; and,
 - allowing two of the lots to have a street frontage less than the required 25 feet.

Planner Young explained that all of these requested variations stem from the unusual configuration of the site. For instance, there is nowhere to locate an accessway that would meet the required 150-foot separation from another access point to an arterial. Staff believes that the applicant has chosen the best location along the alignment. It would not be an option to preclude access to this site entirely. Staff finds that, in looking at the conflicting demands, the proposed development plan balances competing needs in a manner which will accentuate the primacy of pedestrian access.

4. In terms of Compatibility, Site Design and Visual Elements, staff finds that the proposal will accommodate all necessary improvements on a difficult site. The proposed building design is within the 45-foot height limitation 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. Staff noted that the allowed building height in the nearby RS-12 zone area is 35 feet, and within the RS-20 zone to the west it is 65 feet. Staff also found that compliance with the MUC and POD standards ensures that the building will incorporate elements to provide adequate visual interest, design variety, and building articulation.

5. In terms of noise, Condition #7 will require acoustical buffering on the east wall, which will help mitigate noise impacts from the adjacent railroad tracks. Staff does not anticipate any unusual noises, odors, or emissions from the development site itself.
6. In terms of Traffic and Parking, the Trip Generation Study found the maximum traffic impact to be less than the threshold requiring further analysis. Condition #8 will ensure that commercial uses within the development will only be those meeting the parking requirement of 1 space per 400 square feet or less. Planner Young reviewed the parking calculations, explaining that the 18 spaces provided on site meet the requirements. Bike parking requirements are more than met.
7. Regarding Public Services and Utilities, all needs are met, as Conditioned.
8. In terms of the Subdivision application, the proposed application complies with all applicable zoning district and platting requirements, with the exception of the 25-foot minimum lot width standard. The applicant has requested a variance from this on two of the four lots. Staff's analysis has found it to be an acceptable reduction, since there is a shared vehicular access area to the side and rear of the building.
9. There are four criteria for the Plan Compatibility Review (PCR), and staff finds that the development is consistent with these criteria for the following reasons:
 - It allows an innovative type of development with the live-work units and makes efficient use of an oddly-configured parcel.
 - Neighboring property owners and residents will be protected from negative development impacts by the physical separation of the site from nearby residents and by Land Development Code requirements and Conditions pertaining to building design, site layout, lighting, landscape buffering, among others.
 - The proposed development will not adversely affect traffic, parking or access.
 - It will not impact any significant natural features.

Planner Young stated that staff recommends approval of the applications, as Conditioned.

Questions of staff: None

G. Public Testimony in favor of the application: None

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

Leslie Bishop, 827 SW 10th Street, submitted written testimony (**Attachment B**). In 2007, both the Planning Commission and the City Council turned down the application for the Palazzo development, with the intent to minimize development. This is pretty much the same submittal, though development has actually been maximized by adding an extra story, now making the buildings four stories instead of three.

Ms. Bishop said she would address three issues, and referred to her written testimony for all of the Comprehensive Plan and Land Development Code citations. She finds that the applicant does not meet the compatibility factor in the Land Development Code 2.5.40.04, compensating benefits for the variations being requested. There are no compensating benefits in terms of public input. There have been no public meetings. They have not been contacted by anybody. There are no compensating benefits for the variances requested, and it seems to violate the philosophy of give and take. With regard to the live-work units, an approval criterion in the narrative talks about promoting and encouraging conservation of energy because the people who own the commercial units will be living upstairs in the residential units. The developers are using this live-work term as a compensating factor, but it is a bogus term. Nowhere in the application does it state that business owners will be required to reside above the businesses. The City has no codes for governing this concept. It is unenforceable, and therefore it should not be used to satisfy a development criteria. A moment ago, she noticed that the applicant did use the word condominium several times, which infers that the residential and commercial units could possibly be split. The applicant has included an article regarding live-work units that came out of the Oregon Business magazine. She is surprised that it was enclosed, because all it says is that live-work units are good for real estate agents.

Ms. Bishop said that the parking lot considerations, the narrowing of the accessway and its proximity to another access point to Western Boulevard, are safety hazards for pedestrians, bicyclists and motorists. The bicycle situation along Western Boulevard is horrendous. Coming out of a narrow ingress-egress and looking to the west to make a left-hand turn would be problematic. A driver would have to be in the bicycle lane to actually see, because of the curve on Western Boulevard. Narrowing the accessway could be problematic for fire and emergency vehicles and SUVs, if they had to pass each other. The parking lot, if full, does not leave a place for delivery trucks. There will be roll up doors in the back, but no room for the trucks to stage and not block an emergency vehicle if one had to come in. If the Fire Department has not looked at this situation, Ms. Bishop said she would request that they do so. She hopes that the Planning Commission turns this submittal down.

Alan Bakalinsky, 750 SW C Avenue, submitted written testimony (**Attachment C**) and read from his statement. While he strongly supports the MUC zoning designation for this property and believes that the neighborhood would benefit from the commercial space, he speaks in opposition to this specific application on the grounds that the development is inconsistent with standards in the Land Development Code 3.20.40.01 (the 1993 LDC, as amended) regarding preservation of commercial land. Specifically, the proposal fails to comply with the MUC zone requirement for a commercial FAR of 0.25. One of the reasons the Planning Commission and City Council denied the previous Palazzo submittal was its failure to provide an adequate commercial FAR, without offering adequate compensating benefits. Mr. Bakalinsky disagrees with staff's logic in allowing the exclusion of the rail line easement from the total net lot area, and thereby finding that the 0.25 FAR requirement is met. He finds that this is a sleight of hand, and believes that the application should be preserving commercial space not by playing with numbers, but by designating more of the floor space in the proposed work-live units to actual commercial use. He urged the Planning Commission to deny the application.

Matthew Bolduc, 1020 SW 10th Street, submitted written testimony (**Attachment D**) and read from his statement. He asked the Planning Commission to deny approval, based on the grounds that insufficient vehicular parking has been proposed. The staff report suggests allowing a 10% reduction in parking due to its proximity to a transit stop and to

the fact that there is parking on one side of the frontage road, as based on Land Development Code 4.1.20.q.1 and a Land Development Code Administrative Decision dated April 25, 2008. Mr. Bolduc believes that the circumstances in this case warrant overriding this decision because of the long distance to the transit stop using a safe route, and the fact that the available on-street parking is on the north side of Western Boulevard. There is no marked crossing in the vicinity, and it requires a 4-plus block round trip to use a marked crossing. This would then be in conflict with Comprehensive Plan policy 11.4.1, which requires that the City “ manage on-street parking to permit safe and efficient operation...” Additionally, there is very little on-street parking in the vicinity of the development site that is not already heavily utilized; thus, overflow parking will likely impact existing neighborhoods.

Mr. Bolduc stated that the floor plans of the residences are nearly identical to those shown to City Council during the Palazzo hearing, except the third bedroom has now been turned into a “great room.” The City Council’s finding at the time this concept was advanced with the Palazzo application was that the space would likely be used as a bedroom, leading to a higher parking demand. He believes that this logic still holds. Additionally, Mr. Hutchens stated that the FAR and parking were reasons for denial of the Palazzo application. Mr. Bolduc asked the Planning Commissioners to reference the formal findings from the City Council hearing which have been included in the staff report. Those were not the sole reasons noted. Mr. Bolduc also said that he worked in industrial noise and vibration mitigation for a number of years before moving to Corvallis, and he knows that lower frequency noise and vibrations, such as the rumbling of trains moving and colliding in a railroad switching yard, are extremely difficult to attenuate. The proposed construction of the east wall will have little impact on the noise and vibration. For this reason, the reduction in width of the landscape buffer is a bad idea. Mr. Bolduc believes that all of the requested variances are a result of trying to cram too much development on too little of a site. He **requested that the record remain open** so that he could submit additional evidence and testimony.

Commissioner Gervais asked Mr. Bolduc if he really believes that the 11-foot setback reduction would make a difference in terms of the impact of noise on the occupants. Mr. Bolduc said it would, and agreed to submit additional testimony in this regard.

Dale Hubbard, 927 SW 10th Street, read into the record the testimony submitted by Nancy Hagood, 750 SW C Avenue (**Attachment E**). She urged the Planning Commission to deny the application based on design issues, compatibility with the neighborhood, and safety concerns as delineated in her written statement.

Ruby Moon, 608 SW 7th, said that she has more questions and concerns now after listening to the testimony. She has lived on her corner of SW 7th and Western for 19 years and has considerable experience and knowledge about what goes on with traffic. Statewide Planning Goal 9 says that the City should consider economic development when reviewing land use applications. Providing unusable commercial space erodes the City’s inventory of available land. Ms. Moon has had a business for 34 years, and has had as many as four businesses in three towns in many locations and sizes. She has also had several rentals in the area, including a live-work rental space. This proposed development is not a live-work situation as presented. The original live-work design was a two-story proposal, similar to what the Everett Station’s live-work units were. Now it is four stories. These properties are required to have a 0.25% FAR, and she is very unclear about the mezzanine space. It looks like it is only accessible from the rear, and the space is

nebulous. It would seem easy to enclose this area and have it become another bedroom. In her calculations, there is really only about 475 square feet of usable space, eliminating the bath, stairwells and entryways from consideration. Ms. Moon does not understand how the City will enforce ownership of the building and what the uses will be. She knows of no artists who would be willing to own or rent a building of this type. Location is the first caveat of a business. There have been many businesses that have failed in this part of town.

Ms. Moon stated that traffic is a key issue, and she has seen many near-misses. As cars travel east, they have to flow to the right, and they often end up in the bike lane as they go around the curved area. If the traffic increases with the new driveway, the odds will go up for serious accidents. She said the issue of the accessway being closer than 150 feet to 7th Street will become an even greater issue when the new street goes in, and no one has talked about this issue. She wonders if this means they are going to totally eliminate development of the other piece of property. A Planned Development Overlay is about compromise, not about development optimization. The City needs something, but it ought to be decent and downsized.

Mark Knapp, 131 NW 4th #407, referred to Attachment D-1 in the application, the Existing Conditions map. Seventh Street has been vacated, and is not available for parking. He wonders why the big open spot north of Beekman's is not being used for parking. He believes this would be an ideal spot for parking for this neighborhood, instead of providing parking on this property. He said the applicant is caught between a rock and a hard place, and he has some sympathy. He supports the remarks by Alan Bakalinsky about the FAR, and the comments by Matthew Bolduc about the parking. Mr. Knapp said public interest would involve thinking outside the box in this case. He said It might be appropriate to re-zone this piece of property to something that would allow development without having to have an access off of Western Boulevard. This is the real deal breaker. The Oregon Department of Transportation has already declared that intersection of SW 7th and Western to be a real hazard. Adding an access point less than 100 feet away is a recipe for disaster. Mr. Knapp said the letter from the applicant's attorney, Bill Kloos, is very interesting. On page two, second paragraph, Mr. Kloos argues that, under State law, this application should be considered a supplemental application to the original Palazzo application. If the City agrees with this, then the Planning Commission and staff have 240 days in which to deliberate, which will give some time for flexibility.

Arona Beagle, 750 SW C Avenue #35, said that Western Boulevard is a nightmare. She has a neighbor who gets groceries on her bicycle, and other neighbors who have to walk. She has to get off the bus by Benson's rug store, where there is a crosswalk and a light. She wants to make sure there is plenty of sidewalk room and plenty of consideration for people who cannot drive.

Karl Hartzell, 750 SW C Avenue, (**Attachment F**) said that a lot of his points have already been made regarding this development, but he would expand on the parking situation as it relates to the residential component of this development. He said the vibration and noise from the trains will likely lead to only students renting the units and typically, with students, there will be one car per student. The number of bedrooms will be equal to the number of cars. He said that though there are only two bedrooms, the "great" room would likely become a bedroom because of its proximity to a bathroom. Twelve parking spaces would then be needed; adding the 14 spaces for the commercial units adds up to 26 spaces. He said the need for this many spaces will cause parking spillover to adjacent areas. There

is little space available on 6th Street south of Western, and it cannot happen on 7th Street, so it will likely spill over to 6th Street north of Western. Mr. Hartzell said that there is, then, a safety consideration for people crossing Western Boulevard. In sum, he said parking is inadequate with this application, as it was with the last. In terms of the FAR, he agrees with others that the way the applicant calculated needed parking spaces is unacceptable. They have created more commercial space by increasing height in the building and picked a more favorable total lot size by excluding the rail easement area. If this area is included, the FAR would be 0.20. He said another issue that caused the previous incarnation of this development, the Palazzo, to be denied was that there was no market for live-work units. A case could be made that there is now even less of a demand for this type of unit. On these issues, and many more that have been addressed, he urged the Planning Commission to deny the application.

Commissioner Howell pointed out that the distance from the railroad to the building is not much closer than the distance from some of the existing houses along the east side of 6th Street. Mr. Hartzell agreed, and he added that most of the folks living in those houses are students.

I. Neutral testimony:

The Chair reminded people that speaking neutrally removes rebuttal rights.

Hugh White, 146 NW 28th Street, said he has owned the property at 540-550 SW Western Boulevard for 18 years. It was formerly the site of the A&W, and it is now the home of two houses with architectural features that reflect the historic district. There are six units, with a total of 13 bedrooms. There are 12 parking spaces, which is more than required by the Land Development Code. He said the two structures were designed to be constructed of foam block, and all of the bedrooms are on the far east side of the structures to be as far away from the railroad tracks as possible. In effect, there are two foam block walls on the west side. Mr. White said that, if this development is going to be a subdivision, then there will be CC&R's. He asked that some CC&R's be created that run with the land forever. The non-residential use of the mezzanine should be a restriction on the subdivision and set out in the CC&R's so it can be enforced. Additionally, the actual, permitted uses should be listed as part of the CC&R's. The CC&R's should also have a prohibition on eating and drinking establishments. He said he is familiar with the concept of a home business, and has constructed homes adjacent to arterials that have had a legal home business incorporated into them. If the live-work concept is the equivalent of a home business, then the CC&R's should have a restriction that the owner-operator of the business must live on the property. This is what is required under the home business provisions of the Land Development Code. Mr. White also questioned where in the process the recusal of Commissioner Weber had been set down. He suggested that there ought to be some part of the public hearing where a Commissioner recuses him/herself.

J. Commission questions of staff:

Commissioner Gervais asked what kind of analysis gets done when a development is right smack on top of railroad tracks. Staff said that the use is an allowed use on the site, and there are no other special considerations.

Commissioner Saunders asked whether emergency services had looked at the plans to determine if there was adequate access for their vehicles. Planner Young said that the Fire Department had reviewed and approved the plans. In all likelihood, they would not need to use the parking lot to stage equipment.

Commissioner Saunders asked for an explanation of the letter received from Bill Kloos, attorney for the applicant (**Attachment G**). Attorney Coulombe said he would try to address some of the issues raised in the letter. He said his analysis holds that he does not believe ORS 227.184 is applicable. Mr. Kloos focused on one applicable subsection and disregarded another in his analysis. Assuming, though, that it does apply, it does not change the Planning Commission's consideration of this proposal to the extent that the applicant is asking what uses are applicable to the site. The Land Development Code has already indicated what the outright, permitted uses are. To that extent, Mr. Kloos confuses uses with a development proposal. It is not this body's responsibility to tell the applicant what their development should look like with respect to any particular use, especially in the context of discretionary standards that the Planning Commission would have to apply in approving the Conceptual and Detailed Development and Planned Compatibility Review. Attorney Coulombe would not advise the Planning Commission to take the 240 days; they should stick with the 120-day rule.

Commissioner Saunders then asked about the FAR calculation and whether staff had excluded the railroad easement area from the Palazzo application as well. Staff said they had. She then asked staff's thoughts on how the use of the mezzanine could be restricted. Planner Young said CC&R's and deed restrictions are mechanisms that could be used. The standard operating procedure is that if a land use application is approved, the applicant needs to conduct operations that are consistent with the approval. That requirement would be enforceable regardless of CC&R's or deed restrictions.

Commissioner Howell asked if it is typical to exclude undevelopable property from consideration in a FAR calculation, other than railroad easements. Planner Young said he could not think of any other examples. He said in this case, when staff reviewed the application, it was easily recognizable that the railroad easement was not developable in any way, and it is staff's belief that the land area is not a potential, commercially developable area. For this reason, it was excluded from the calculation. Manager Towne said that in the MUC chapter in the Land Development Code, there is a provision allowing for a variation to the FAR through the Planned Development process. That provision is not contained in the other Mixed Use chapters, but it is clearly in the MUC chapter. If the Planning Commission believed that the railroad easement should be included in the calculation, it is still within their purview to allow a variation to that standard.

Commissioner Gervais asked what the width was for the bike lane on the south side of Western, since there had been much testimony about its narrowness. Development Engineering Supervisor Jeff McConnell said that the bike lane is 5 feet wide. He said that the existing Land Development Code, Table 4.0-1, lists 6 feet as a prescribed width for this type of road, but has a footnote that states 5 feet is the minimum safe width. Typically, in these types of areas that already have development or are redevelopment sites, the City Engineer has taken the stance that 5 feet is more than adequate.

Commissioner Gervais asked for comment relating to the curvature of Western Boulevard and the testimony that it is difficult for cars to see without pulling out past the sidewalk and maybe even into the bike lane. Staff said they had had to look at the site overall and determine where the best spot for an access would be. It is the City Engineer's stance that

access cannot be denied to any individual lot; this is one of those times when a compromise is required. The access is in the middle of the block. The curve is unfortunate, but putting the access in that location is a compromise and a tradeoff for other site considerations.

K. Rebuttal by Applicant: None

L. Sur-rebuttal:

Deputy City Attorney Coulombe said it would be up to the Chair whether sur-rebuttal to staff's comments would be allowed, but technically there is no applicant rebuttal or rebuttal by anyone who spoke in favor of the application, and therefore no points for sur-rebuttal. Staff's comments are intended to assist both sides.

Chair Bird said that since the record was going to be held open, anyone testifying who wished to make additional comment could do so in written form.

M. Record held open/Additional time for applicant to submit final argument:

The record will be held open for an additional seven (7) days. The public has an opportunity for written comment until 5 p.m. on October 22, 2008. The applicant will have until 5 p.m. on October 29, 2008, for final arguments. Deliberations will be held November 5, 2008.

N. Close the public hearing:

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

IV. **OLD BUSINESS:** None

V. **NEW BUSINESS:**

Planning Division Manager Towne said that the Storage Depot public hearing that was continued to November 5 has now been postponed until December 3.

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

John W. Foster
1205 NW Fernwood Circle
Corvallis, OR, 97330
jwfmatt@comcast.net

15 Oct., 2008

Testimony for the Planning Commission on Code Changes

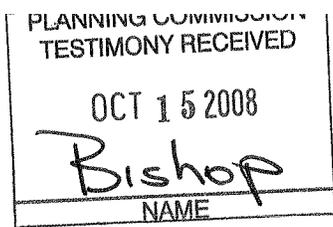
I urge the Commission to look more closely at the following proposed code changes. I think all of them could lead to some serious unintended consequences.

1. The change to “children” seems to eliminate the possibility of elder day care or disabled adult day care. The code used the word “persons” specifically for this reason. Does it make any difference whether the children have the same or different parents? A family with 12 children under 10 years old probably needs a day care facility.

4. Fractions. This seems the potentially most dangerous change of all. A rounding change might actually change a property from one category to another. The fact that rounding is allowed in determining parking spaces is irrelevant. Whether or not there is one more parking space is not that important. Rounding, however, would give developers an ability to leverage all sorts of things by keeping the fraction just above or just below .5. For example, the minimum density in RS-6 would fall to RS-1.5 and the maximum density rise to RS-6.4999. The commission needs to specify exactly what can be rounded and what cannot. This needs to be sent back to staff for further work.

10. One provision leaves it up to the owner whether the property would be RS-1 or RS-6 and the owner could decide after annexation. Every annexation proposal I have seen specified the

zoning of the parcel, and the difference between RS-1 and RS-6 voter approval. This is particularly true when MADA will determine how much of the property can actually be developed. RS-1 was devised to allow some development on particularly fragile property where RS-6 would be too much of a burden. The code should be changed to make RS-1 property annexable only as RS-1. The owner would still have the option of going through the Natural Features procedures to get the property zoned something else, but there seems to be no rationale for allowing the owner on his own to change the zoning after annexation.



Western Station aka the Palazzo

According to the developers the reasons for the rejection of the Palazzo, now Western Station were:

- 1) Too much of a variance for the FAR
- 2) Parking issues
- 3) A market does not exist for true live/work units

There is more to the story. The general consensus from Planning Commission (June 2007) and City Council (Fall2007) was to downscale the development to minimize the impact on the adjacent neighborhoods. The developers have done just the opposite. They have maximized by adding another story which is called a mezzanine.

We are not opposed to a MUC development. We do however demand consideration for our neighborhood. This has been the message ever since the 1st submittal. It does not appear the developers have received that message.

3 Issues I wish to address:

- 1.) PD Overlay
- 2.) Live-Work units
- 3.) Proposed parking lot problems

PD Overlay –

The developers have violated LDC2.5.40.04 Review Criteria

- a) Compatibility factors
 1. Compensating benefits for the variations being requested

And

the developers have violated LDC2.5.20h

“Provide benefits within the development site that compensate for the variations from development standards such that the intent of the development standard is met.”

There are no compensating benefits. There have been no public meetings held with regard to this application for Western Station. In the variances being requested, we in the neighborhood have been offered nothing. This violates the philosophy of “give and take” inherent in this code. It has only been “take” by the developers.

The list of Deviations to Standards (variances) provided by the developers is incomplete. There are other variances which are embedded in the narrative such as the live/work term and the duplicity involved in the use of the railroad easement.

Live/Work Units:

This development plan violates LDC2.5.40.04 Review Criteria

- a) Compatibility factors
 - 2. Basic site design – (The organization of Uses on a site and the Uses’ relationships to neighboring properties)
 - 3. Visual elements – (Scale, structural design and form...)

These 4 proposed attached “live/work” units will be 4 stories high. This is more than one story above any existing buildings in the area. The duplexes to the east are 2 and one half stories, not 3.

- b) Preserve the City’s natural beauty...and by requiring that proper attention be given to the exterior appearance of structures, signs, parking, landscaping, and other improvements.

Response from developer’s narrative:

“The proposed project will develop a vacant underutilized area with thoughtfully designed buildings that are visually integrated with each other and with the adjacent commercial uses.”

Question:

Where are the other 3 or 4 story commercial buildings in the adjacent area? There are none. The lawn mower shop, Beekman Place, Thistle Dew Gardens, Densons, Stover/Ivey, Tico Electric, London’s auto repair are all one story commercial buildings.

The proposed 4 story buildings also violate Comprehensive Plan, Article 3, Land Use Guidelines – 3.2.e and 3.2.g

#41. Approval Criterion from Western Station narrative

- d. Promote and encourage conservation of energy

Developer’s response: The proposed development will locate businesses in the same buildings as their owners, thereby reducing the need for commuting to get from their home to their workplace.

Comment:

The developers are using the Live/Work as a compensating factor. But Live/Work is a bogus term. Nowhere in the application is it stated that business owners will be required to reside above the business. The city has no codes governing live/work units. Thus, this live/work idea is unenforceable and an unenforceable situation should not be used to satisfy development criteria.

Because there is no way to enforce the live/work unit idea, if these buildings are sold, the owner cannot be forced to live on the premises. It's using a made up term, live/work, as a compensating benefit. Again, there is no code that enforces the live/work idea.

A possible scenario to this would be to first sell/rent the upstairs residential units. If the downstairs commercial unit does not sell/rent, the developers will come back to the city and ask for a modification of the code and the bottom units convert to residential.

The layout of the residential portion of the live/work units is not realistic. It is not family oriented; it is too big for a single individual; it is not couple oriented. What does that leave? Multiple residents sharing bathrooms and using the great room as a bedroom, more cars, more problems.

Many business owners like to leave their places of business in order to get away from it all for at least a few sleeping hours of the day or night. A live/work situation would be a nightmare, not a benefit, to many.

Live/Work Unit is a bogus term. While it would be nice to think that each of these 4 commercial units could be purchased by an artist, a coffee shop owner or wine store operator, these types of businesses have failed in larger square footage areas on Western Blvd. in the past. In the present economic dilemma who would have the money to buy one of these small commercial units, live in it and make enough money in such a small space to stay in it?

The developers attempt to justify Live/Work units with the Oregon Business Magazine August 2008 article entitled "Live-work units: a tiny, happy place for real estate" that they included in the application. This article states that live/work units are good for the people in real estate. There is no mention of any benefits for those who bought those units or what kind of shops were put in or how long they survived, what size the live/work units were, how many people lived in them etc. This article was solely a filler to fool us. It is completely out of context for Corvallis, Or.

Parking Lot considerations

The developers are asking for a Deviation to Standards with LDC4.1.40 – Standards for Off Street Parking and Access

- 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.

The developers are asking for a variance of 50 feet. This is a safety issue for drivers, pedestrians and bicyclists. The railroad that borders the west side of the property is accompanied by a curve in Western Blvd. which blocks vision. A vehicle coming out of the proposed driveway needs to be in the bicycle lane in order to see traffic, vehicular or bicycle or pedestrian, coming from west to east. This is a tricky and unsafe situation. The developers use the excuse for this variation to be due to the oddly shaped triangular piece

of land they are trying to develop. This is just one more reason why they need to minimize this development, rather than maximize it.

Violation of 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.

In this proposal there is one egress/ingress of 24 feet proposed. This drive narrows to 20 feet which is in violation of Comprehensive Plan 9.2.4. 20 feet is too narrow as this proposed section of the egress/ingress is between the proposed building and the railroad tracks. This is a safety hazard for cars, pedestrians and bicyclists.

A delivery truck going in and a 4 door pick-up truck or SUV would have a difficult time sharing this 20 foot space. There is very little turn around room in the parking lot itself. Where do the delivery trucks load and unload? There is a roll up door in the back of each commercial unit but there is also a parking space in front of it. No doubt a car will be in that space. For businesses that require a lot of deliveries, this arrangement won't work as Kevin Young stated on 10/1/08. Where and how do the delivery trucks turn around? How can they keep from blocking in parked cars? Western Blvd. cannot be used as a loading/unloading area. Basically, there is no loading/unloading zone provided under this plan.

Question:

What about space for emergency vehicles? Has the Fire Department looked at this parking area plan? I would like to request a fire department assessment.

There appears to be confusion in the Staff Report. It states "...Variations to building frontage, vehicle access drive width, landscape buffering and minimum sidewalk width are necessary to approve the proposed development plan. 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 of one development."

However, in the last sentence of the Staff Review, Staff says this is all OK.

Western Blvd. is a to---from street. It is not a street where people gaze, stop and shop unless there is on-street parking available. Beekman, Denson, Stovey/Ivey are all places where customers have a specific task in mind and these businesses are allowed parking in front. From the proposed Western Station parking lot, a driver will have to enter and exit from Western Blvd. The exit is particularly tricky and unsafe because it is difficult to see the traffic coming from the west due to the curve. Turning left out of the proposed driveway will require the driver to be in the bicycle lane.

Another Staff Review conflict:

LDC2.0.50.15 – Reapplication following denial

2. The applicant states “limited commercial uses to only those for which the LDC parking requirement is one space for 400 square feet of floor area.”

On page 5 of Staff Review under the applicant’s proposal, it states “An extra wide sidewalk (approximately 15 feet) will be provided in front of the storefront, so that businesses can accommodate outdoor dining.”

With the off street parking spaces averaging to 3 per commercial unit, how can one expect to have a viable restaurant with outdoor, and presumably also indoor, dining? According to a conversation that I had with Kevin Young (10/1/08), there is no way a restaurant can go in one of these commercial units without a Condition of Approval. However in the Staff Review on page 79, #8, the Limited Commercial Uses does not mention an “Eating or drinking establishment” which suggests that this kind of establishment is not excluded. Bars and restaurants have a much higher parking requirement of one space per 50 square feet of dining and eating area.

See LDC4.1.30 Off-Street parking requirements

- b. Commercial use types
 - 12 Eating or drinking establishments

It is clear that a Condition of Approval that prohibits an “Eating or drinking” establishment at this site needs to be implemented immediately.

In summary:

This proposed development needs to be rejected by the Planning Commission. The proposal asks for too many variances without compensation (give and take) which violates LDC2.5.40.04 and LDC2.5.20h. The theory of Live/Work units is only an idea. It cannot be enforced under present standards. The ingress and egress to the parking area is too narrow and the parking lot itself is not only inadequate but provides a safety hazard.

Again, we are not apposed to a MUC development on this property. The past recommendations by the Planning Commission and by the City Council in 2007 have been to minimize this development, not maximize it. The developers need to go back to the drawing boards and come up with a plan that is compatible to the neighborhood.

Respectfully submitted:
Leslie Bishop

Western Station aka the Palazzo

LDC's and Comp. 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

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 Lot at Western Station:

LDC4.1.40 Standards for Off Street Parking and Access

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

Comprehensive Plan 9.2.4

Staff review conflict:

LDC4.1.30 Off street parking requirements

b. Commercial use types

12 Eating or drinking establishments

L. Bishop

Addendum

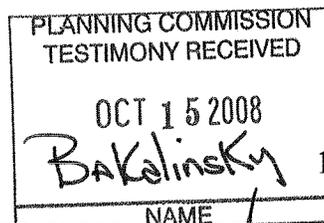
Conflict of Interest regarding Patricia Weber

It may be OK for Patricia Weber to be both a Planning Commissioner and an employee of Devco, the engineering firm that is involved in the majority of developments in Corvallis. Of course, she must recuse herself from any hearings and voting involving Devco. However, for her to be the lead presenter for Devco, thus the developers, at a Planning Commission meeting crosses the line. It is similar to “inside trading” and should not be tolerated by Planning Commission or the public.

I was ready to submit my written testimony on Monday, Oct. 13th, before the Planning Commission meeting in order to make sure it was in the hands of the Commissioners before the hearing of Western Station on Wed. Oct. 15th. When I learned that Patricia Weber was going to be the developer’s presenter, I held my testimony as I didn’t want her to have access to my comments in advance. Is this the way the public process is supposed to work in Corvallis?

Respectfully submitted:

Leslie Bishop



15 Oct 2008

To: Corvallis Planning Commission
From: Alan Bakalinsky, 750 SW C Avenue #4, Corvallis, OR 97333
RE: Western Station, (PLD08-00009, SUB08-00005, PCR08-00002)

Alan Bakalinsky
Alan Bakalinsky

My name is Alan Bakalinsky and I am a resident of Cedar Crest Apartments, located at 750 SW C 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. Specifically, the proposal fails to comply with the mixed use commercial zone requirement for a commercial floor-to-area ratio (FAR) of 0.25. It offers less.**

The Corvallis Planning Commission reviewed a previous application by the owners of this property for a Conceptual Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review (PLD07-00004, SUB07-00001, PCR07-00003). The so-called Palazzo case was denied by a vote of the Planning Commission in August 2007. The subsequent appeal by the applicant was denied by the Corvallis City Council in October 2007.

While the original Palazzo application was denied for a number of reasons, one was its failure to provide an adequate commercial FAR. Further, the Council found that the compensating benefits offered then by the applicant to offset the requested FAR reduction were inadequate. How does the current application address this failure? The current plan tries to meet the FAR requirement by making the mezzanine level a commercial space. While helpful, this change alone is inadequate. By a kind of sleight of hand, the applicant calculates the FAR by excluding the rail line easement from the total net lot area. Through this adjustment and only through this adjustment is the commercial FAR requirement of 0.25 met. The Staff report supports this approach by stating on p. 14:

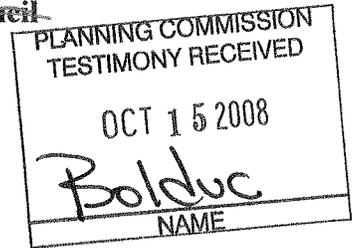
“Because the easement and rail line effectively preclude any further development in this area, the easement is not considered as part of the FAR calculation for this property.”

By this logic, the required set-backs, parking, landscaping, and public utility easements could be similarly excluded from the FAR calculation because they effectively “preclude any further development.” Where does this numbers game end? The net result is to increase the ratio of commercial space to total net area in the present application not by significantly increasing the commercial space, but rather by reducing the total area. Thus, the City’s commercial land supply is diminished. Given the planned development overlay, and the requirement for a planned compatibility review, the development ought to be held to a higher standard. This application should be preserving commercial space not by playing with numbers, but by designating more of the floor space in the proposed work-live units to actual commercial use.

I urge the Planning Commission to deny this application.

Thank you for your consideration.

Planning Commission
~~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 1020 SW 10th St.

I would like to declare that I am employed by the City's Engineering Division, but my work duties have no impact on this land use case.

I ask that you deny approval of the Western Station Conceptual and Detailed Development Plans, and thus the Subdivision Plat and Planned Compatibility Review, based on the grounds that insufficient vehicular parking has been proposed.

Please see the overhead [Overhead 1] for the applicable review criteria.

Staff Report 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, "If a parcel fronts on a street where parking is allowed on one side of the street and Duplex Attached or Multi-dwelling development averaging three or fewer bedrooms per unit is proposed."

Because this parking reduction is based upon an administrative decision, I believe that the Planning Commission has the authority to override this decision in circumstances where the Planning Commission deems the decision 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 (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 Comp Plan policies 11.4.2 and 11.4.3 and LDC sections 2.5.20.g, 2.5.40.04.a.1, and 2.13.30.05.c [star on overhead].

If the 10% parking reduction suggested in the Staff Report is removed, the required number of parking spaces is 20. Even with 20 spaces parking for the development may not be sufficient.

[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. 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 is too low a value and is again grounds for denial.

The Staff Report states, "The applicant proposes to allow only those commercial uses within the development that have a parking requirement of 1 space per 400 square feet or more." I could not find where in the application this statement was made. In fact the introduction to the application states, "An extra wide sidewalk will be provided in front of the storefronts so that businesses can accommodate outdoor dining." Perhaps I am confused, but it seems to me that dining is consistent with an "Eating or Drinking Establishment," which has a parking demand of one space per 50 square feet of dining or drinking area. With such a high parking demand, a single restaurant could eat up the proposed 18 parking spaces.

The staff report "Recommended Condition of Approval" number 8 would limit commercial uses to those requiring 1 space per 400 square feet or more. I ask that you deny the application on the grounds of insufficient off-street parking, but if you must approve the application I ask that you do so only with a condition of approval similar to that recommended by staff.

As a final note, I would like to point out that most of, if not all, the requested variances are a result of trying to cram too much development on too little a site. A two story commercial building without any residences would do away with almost every requested variance. I will quantify this statement in my written testimony. I request that the record be held open so that further written testimony may be submitted. Thank you.

remain

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

Reason for Denial of Conceptual and Detailed Development Plan, Finding #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.**

[Emphasis added in bold.]

PLANNING COMMISSION TESTIMONY RECEIVED OCT 15 2008 Hagood NAME
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From: Nancy Hagood, 750 SW C Avenue #17, Corvallis, OR
 To: Planning Commission and Planning Department, City of Corvallis:
 RE: **Western Station, (PL08-00009, SUB083-00005, PCR08-00002)**
Written Testimony regarding design compatibility/safety for
Hearing 10/15/08

My name is Nancy Hagood and I live at 750 SW C Avenue #17 just west of the proposed mixed use commercial development. I cannot be at the hearing because of prior obligations and Dale Hubbard will be reading my testimony.

Concerns

The design for the proposed Mixed Use Commercial, Western Station, is not compatible to the three surrounding neighborhoods. Additionally, the site has only one entrance/exit which is less than the applicable 150 feet from a main intersection (SW Western and 7th). Combined with the inadequate design of the site, (with vision clearance obstacles) there are major safety problems with the site.

The developers are asking for deviations from the codes that benefit them while offering no on site compensations to the neighborhood (**LDC 2.5.20h and LDC 2.5.40.04a**). Although Western Station should be a new application, it is too similar to the application, design and problems addressed by the City Council in their denial of the Palazzo application on October 16, 2007.

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

I urge the City Council to deny this application.

Design Issues/Compatibility to neighborhood

The surrounding neighborhoods exhibit homes and commercial buildings with architectural styles from before and around the turn of the 20th century such as Craftsman, Italianate, Bungalows, Queen Anne, Gothic Revival, etc. One example would be the Janus House (J.H. and Ethel Harris House) at SW 5th and Western. Other more recent structures are the Habitat for Humanity homes at SW 5th and B Street, the Hugh White apartments at the corner of SW

6th Street and Western, and the Corvallis Depot Buildings at 700, 780, and 800 SW Washington Street.

These neighborhoods and homes are historically and architecturally unique and give Corvallis a richness of culture and texture so different than other developed areas with the "Buildings on Steroids" or "McHouses" look that we are now seeing in Corvallis.

Surrounding the development are many buildings on the National Register of Historical Places. On 4/12/06 the City of Corvallis Historic Preservation Advisory Board wrote a letter to the City of Corvallis Planning Commission addressing their concerns about this property as part of the proposed 7th Street Station. They specifically wrote how the construction could affect the "streetscape and viewsheds (setting and contexts)" of the adjacent Avery Helms Historic District. (see letter, pages 5-7)

Western Station has a flat roof. It is an oddity in the three surrounding neighborhoods to have a commercial or residential building with a flat roof. They are peaked. The original design for this site was only two stories high, and then it was three. Now it is 4 stories and 45 feet tall. It will be the tallest building in the area. Most structures are not over two stories high. It is a visually massive block styled building broken up with only minor design variations.

The four connected units are presented as a "work-live" situation with the owner of the 2 commercial stories (ground & mezzanine) living above the upper residential stories (1 & 2) of each 4-plex. There is nothing written that enforces this scenario, thus the "single family dwelling" can become "multiple family dwellings", adding to the density of the site. The upper 2 stories are designed with a "great room" in addition to a living room area that can easily be converted to another bedroom, thus moving this into the "mini-dorm" situations we have seen in the areas surrounding Oregon State University. This building is zoned for Mixed Use Commercial, not residential. As seen at the City Council "de novo" hearing in September of 2007 the developers publicly manipulated their application to meet those residential needs, not commercial (see page 5, #3 of The City Council Notice of Disposition of 2207-116, Formal Findings: Reasons for Denial of Detailed Development Plan #3). Additionally, as we have documented in past presentations, these "multiple family" units often have multiple vehicles which affect traffic patterns and parking overflow problems into the surrounding neighborhoods.

The frontage set back of the site from Western Blvd. is in violation of Land Development Code for Pedestrian Oriented Design (**LDC 4.10.60.01.b**). The Planning Staff are requesting a variation by manipulating the language of the law's intent. The site has 197 feet of street frontage, and the building is 85-ft long. Thus $85 \div 197 = 43\%$ of the site frontage width occupied, instead of 50% required by code, nor 52% of "developable site frontage" as described by Planning Staff.

This site is not compatible to the neighborhood (LCD: 2.4.20.d, 2.4.30.04.b, 2.5.20.g; The Corvallis Comp. Plan: 9.2.1, 9.2.2, 9.2.5; The Corvallis 2020 Vision Statement, Where People Live; and the Land Development Code 1993 as amended (MUC) 3.20.50.09a (1)).

Safety Issues

Western Station site has only one entrance/exit which is less than the applicable 150 feet from a main intersection at SW Western and 7th (**LDC 4.1.40.a(2)**). Western Boulevard, an arterial street, is not straight (contributing to vision clearance issues), has three rail road crossings (less than a block from the site), and has high traffic counts during peak hours (SW 7th and Western Traffic Counts: Dec. 2005, 910 vehicles/hr by Lancaster Engineering and Feb 2006, 772 vehicles/hr by Nancy Hagood). There are no traffic control devices at the intersections except for the rail road crossing turning north on 7th. This intersection can back up into existing traffic if a train comes though. This stretch of street (frontage of the site) can be very dangerous for vehicles, pedestrians and bicyclists. Cars often meander into the bike lane. It is difficult to make any left hand turn and it is extremely difficult to cross, especially for the handicapped.

The design of the MUC facing Western Boulevard has vision clearance issues (**LCD 4.1.40.c.1.**). It is a tall, massive block-like building with narrow 7 foot setbacks. Adding to the vision problem will be trees, 6 foot wide continuous canopies (dividing ground/mezzanine), an outside eating area (competing with pedestrians for the 17 foot sidewalks), and bike hoops. Vehicles entering and leaving Western Station add to this congestion and confusion. Vehicles included would be for garbage, emergency, and deliveries. I am not convinced that with the narrowing of the driveway in back of the building (**Variation request LCD 4.4.20.03b**) plus the addition of needed parking spaces is adequate space and would cause large commercial vehicles to back out into the traffic onto Western (**LCD 4.1.40.d**).

These are major safety problems with this site that need to be addressed. A variance should not be given for Access to Arterial Street (**LDC 4.1.40.a (2)**) or for Driveway Access Width (**LDC 4.4.20.03.b**) 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.

In conclusion, Western Station is not in compliance with the land use standards and codes established for our community. The developers are asking for deviations from the codes that benefit them while offering no "on site compensations" to the neighborhood. The Planning Staff need to adhere to the codes and on site compensations (**LDC 2.5.40.04.a (1)**) so that this site is a Mixed Use Commercial District and not another unneeded residential facility that will negatively affect the surrounding neighborhoods.

Again, I urge the City Council to deny this application.

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...

Land Development Code 1993 as amended (MUC)

3.20.50.09a (1): Architectural compatibility between new development and adjacent residences (e.g. similar roof forms...

City of Corvallis

12 April 2006

Historic Preservation Advisory Board

Planning Commission
City of Corvallis
c/o Community Development
501 SW Madison Avenue
Corvallis, OR 97330

RECEIVED
APR 19 2006
Community Development

Attn: Eric Adams, Associate Planner

Re: 7th Street Station proposal (Case #PLD05-00019, SUB05-00007, PCR05-00009)

This letter is intended to convey the advice and concerns of the Corvallis Historic Preservation Advisory Board (HPAB) in relation to the development plan proposed for the above noted project, which is immediately adjacent (to the west of) the Avery-Helms Historic District.

During the regular meeting of the HPAB, on 10 April 2006, public testimony during visitor propositions brought the attention of the Board to the development plan for 7th Street Station. That testimony addressed concerns about the scale, massing, and location of the development in relation to nearby historic structures and residential neighborhoods.

Board discussion following the public testimony focused on those aspects of the development plan for 7th Street Station that most immediately bear on the Avery-Helms Historic District—namely that portion of the project that:

- a. faces on the access road that functions as a continuation of 6th Street south of Western Blvd and along the western edge of the historic district, or that
- b. fronts on Western Blvd near the corner of Western and the access road that functions as a continuation of 6th Street south of Western.

The HPAB voted (5-1) to authorize me, as chair of the HPAB, to present the following concerns of the Board regarding the 7th Street Station development plan (see the minutes of the HPAB meeting for a more detailed discussion of these concerns):

- a. The HPAB recognizes that the 7th Street Station project is not within the boundaries of the Historic District, but the Board is also concerned that the proposed development be considered in the context of how it will affect the streetscapes and viewsheds (setting and context) of the Avery-Helms Historic District.
- b. Board members are concerned that the eastern portion of the project (that facing the access road that functions as a continuation of 6th Street) should not overwhelm the streetscape of that western edge of the historic district.
- c. The Board asks that the Planning Commission consider how the massing, scale, and setbacks of the proposed development will affect the neighborhood setting of the streetscape along that access road, which marks the west-side entry into the Avery-Helms Historic District.

P.O. Box 1083, Corvallis, OR 97339-1083 Telephone (503) 757-6908 Fax (503) 757-6936

- d. The Board notes that the applicant for the project currently underway at the SE corner of 6th and Western (which underwent extensive review and revision across numerous meetings of the HPAB), was required to orient that project toward the extension of 6th Street to the south of Western, so as to make it more sympathetic and compatible with the residential characteristics of that historic streetscape.
- The HPAB, in that process, required the applicant to revise the original design to include porches and sidewalks fronting on that streetscape.
 - The applicant was understanding of the Board's concerns and sympathetic to the expressed concerns of the neighbors, and ultimately devised a plan that met those concerns, working in good faith with the City in this effort.
 - A large, unbroken, multistoried massing of new construction immediately across the street would negatively impact the streetscape that this property owner worked so hard to protect, in concert with the efforts of City Officials and neighborhood representatives.
 - The Board, therefore, asks the Planning Commission to consider ways in which the impact of this 7th Street Station development might be mitigated during this early planning stage, including the possibility of sidewalks and porches linking the eastern side of the proposed development to the residential streetscape of the western side of the Avery-Helms Historic District. This would maintain the neighborhood and community character of that streetscape and would protect the historic integrity of that streetscape.
- e. The Board notes that the proposed project, to the degree that it impinges on the view down Western Blvd as one approaches 6th Street from the west, may potentially diminish or detract from views of the National Historic Register property located on the SW corner of 5th and Western Blvd. The Board, therefore, asks that the Planning Commission consider ways in which that impact might be mitigated during this early planning stage of the proposed project.
- f. The board makes no specific recommendations as to the style, design, or materials used in the construction of the 7th Street Station development, except to ask that those elements that contribute to the streetscape along Western Blvd and along the extension of 6th Street to the south of Western be designed so as to minimize those components that detract from the viewshed of the historic district and that maximize the neighborhood feel and pedestrian-friendly continuity of the streetscape most immediately adjacent the historic district. Architectural sensitivity to and compatibility with the period and style of construction methods and materials that were in common use during the period of significance for the Avery Helms Historic District would be helpful in addressing these concerns.

Please let me know if you require any clarification on the points of concern noted above.

Sincerely,



Max G. Geier, Ph.D.

Chair, Corvallis Historic Preservation Advisory Board



Karl Hartzell
750 SW C Ave. #15
Corvallis 97333
October 15, 2008

Concerns Regarding the Proposed Western Station Development

In looking over the floor and site plans for the proposed Western Station development and comparing them to The Palazzo development plan which was denied by the Planning Commission and, then on appeal, by City Council a year ago, I see few if any significant changes which would make these units more compatible with the neighborhood, address concerns brought up a year ago, or raise the bar regarding the best use of an MUC zoning designation. What changes there are were mandated by a commercial floor area ratio (FAR) that was less than the mandated 0.25 in conjunction with residential floor area exceeding that of commercial, and some legitimate concerns about adequate parking given a proposed three bedrooms and an oft observed 1:1 ratio of bedrooms to cars in this university town.

To my perspective, nearly all of the issues which caused denial for The Palazzo are again at play with the Western Station proposed development. By adding a mezzanine level atop the ground floor commercial space, the FAR is now (just) met but residential area still exceeds commercial. More critical is the issue of parking. Though the residential second floor has only two bedrooms, I notice that the first floor residential area contains a space denoted the "great room" which in a student rental situation could easily be used as a bedroom since it is conveniently adjoined to a half bathroom. So I say that once again, adequate parking is not being provided given a likely 12 (but certainly 8) space demand for the residential portion and a mandated 14 spaces for a total commercial area of 5600 sq. ft. With only 18 parking spaces provided, parking would likely spill out to the adjacent areas of 6th and 7th streets or worse, to the north side of busy Western Blvd., thus creating unneeded congestion and certainly creating safety issues.

It would also like to note that with a mezzanine level, Western Station is now 45 feet in height, causing it stick up an incompatible 15 feet above the tallest building in the neighborhood (at the SE corner of Western Blvd. and 6th St.) which I measured at 30 feet.

The third major reason for the denial of The Palazzo development was that a "market did not exist for true live/work units". Certainly this situation has not changed one year later and given the current unhealthy economic reality, a case could easily be made that that market is lacking even more at this point in time.

Sincerely,

A handwritten signature in cursive script that reads "Karl Hartzell".

Karl Hartzell

LAW OFFICE OF BILL KLOOS, PC

OREGON LAND USE LAW

375 W. 4th STREET, SUITE 204
EUGENE, OR 97401
TEL (541) 954-1260
FAX (541) 343-8702
E-MAIL BILLKLOOS@LANDUSEOREGON.COM

October 8, 2008

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

RECEIVED

OCT - 9 2008

**Community Development
Planning Division**

Re: Western Station Conceptual and Detailed Development Plan
Tentative Subdivision Plat and Plan Compatibility Review
(PLD08-00009, SUB08-00005, PCR08-00002) – Response to Staff Review Comments

Dear Mr. Young:

This letter responds to the City's completeness review comments to the applicant's invoking of ORS 227.184, the statute that authorizes an applicant to file a supplemental application for remaining permitted uses following the denial of an initial application. The City contended, in its completeness review comments, that ORS 227.184 does not apply to this application. As explained below, the case law does not support the City's position. The applicant here is entitled to the benefit of the statute. The City should process the present application as an ORS 227.184 supplemental application and either approve the proposed use or issue an approval for any or all other uses allowed in the zone.

The property was the subject of a consolidated application for a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review (PLD07-00004, SUB07-00001, PRC07-00003), known as "The Palazzo," filed in 2007. With Order No. 2007-116, the Corvallis City Council denied that application. That order explains that the tentative subdivision plat application was denied, in part, because it required a variation to the lot width standards, which was included as part of the also denied Conceptual and Detailed Development Plan. Order # 2007-116, page 6, Finding 4.

The applicant made some modifications to the original Palazzo proposal to address the issues raised in the denial and then filed the present application ("Western Station") for a Conceptual and Detailed Development Plan, Tentative Subdivision Plat, and Plan Compatibility Review that is the subject of this review. The application materials clearly state that the application is submitted as a "supplemental application" for purposes of ORS 227.184. Similar to the Palazzo proposal, the Western Station application also requests variations to the Tentative Subdivision Plat standards.

The statute at issue here is **ORS 227.184 Supplemental application for remaining permitted uses following denial of initial application**, which provides:

Attachment G

"(1) A person whose application for a permit is denied by the governing body of a city or its designee under ORS 227.178 may submit to the city a supplemental application for any or all other uses allowed under the city's comprehensive plan and land use regulations in the zone that was the subject of the denied application.

"(2) The governing body of a city or its designee shall take final action on a supplemental application submitted under this section, including resolution of all appeals, within 240 days after the application is deemed complete. Except that 240 days shall substitute for 120 days, all other applicable provisions of ORS 227.178 shall apply to a supplemental application submitted under this section.

"(3) A supplemental application submitted under this section shall include a request for any rezoning or zoning variance that may be required to issue a permit under the city's comprehensive plan and land use regulations.

"(4) The governing body of a city or its designee shall adopt specific findings describing the reasons for approving or denying:

"(a) A use for which approval is sought under this section; and

"(b) A rezoning or variance requested in the application."

ORS 227.184 provides a fundamental stepping stone in the inverse condemnation landscape. Instead of requiring a property owner to file a never ending slew of land use applications to receive inevitable denials simply to establish an inverse condemnation claim, ORS 227.184 provides that, after making a good faith effort by filing one development proposal that gets rejected, a property owner can file a supplemental application that then says "well, if I can't do what I facially should be able to do, you, the city, must tell me what uses you will approve for my property, given the zoning, the comprehensive plan and applicable land use regulations."

The applicant here desires to utilize the truncated process provided for by ORS 227.184, relying upon the Palazzo denial as the permit denial required by ORS 227.184. With this letter the applicant renews its request for approval of the application, or for any and all other uses that the city will allow, including those that require further variances or zone changes.

The City's stated position in the completeness review comments to the Western Station application is that the prior Palazzo application for the same property was a "limited land use decision" instead of a "permit." Consequently, the City argues, the provisions of ORS 227.184 do not apply to the Western Station application because there was no prior denial of a "permit."

For your reference, ORS 227.160 defines "permit" as:

"(2) "Permit" means discretionary approval of a proposed development of land, under ORS 227.215 or city legislation or regulation. "Permit" does not include:

"(a) A limited land use decision as defined in ORS 197.015;

"(b) A decision which determines the appropriate zoning classification for a particular use by applying criteria or performance standards defining the uses permitted within the zone, and the determination applies only to land within an urban growth boundary;

"(c) A decision which determines final engineering design, construction, operation, maintenance, repair or preservation of a transportation facility which is otherwise authorized by and consistent with the comprehensive plan and land use regulations; or

"(d) An action under ORS 197.360 (1)."

There is no question that the Western Station proposal includes proposed development of land that are subject to, at least in components of the consolidated application, discretionary approval. The only real question is whether the Palazzo proposal, and for that matter this proposal, amounts to a "limited land use decision" and is, therefore, not a "permit."

The relevant portion of ORS 197.015 defines "limited land use decision" as:

"(12) "Limited land use decision":

"(a) Means a final decision or determination made by a local government pertaining to a site within an urban growth boundary that concerns:

"(A) The approval or denial of a tentative subdivision or partition plan, as described in ORS 92.040 (1)[.]"

We are assuming that, because the proposal includes an application for a tentative subdivision plat, the city considers the consolidated application, either entirely or in part, a limited land use decision that removes the proposal from the definition of "permit."

That position is erroneous because the decision regarding the subdivision application that was included in the Palazzo application does not constitute a "limited land use decision." The fact that approval of the proposal requires discretionary modification of the subdivision standards removes the subdivision application decision from the realm of "limited land use decisions" and makes it a "permit."

This principle, that tentative subdivision plats that require modification of the normal subdivision standards excepts the subdivision proposal from the normal considerations afforded to

subdivision applications, was established even before the concept of "limited land use decision" was created by the legislature. LUBA's *Bartels v. City of Portland*, 20 Or LUBA 303 (1990), decision concerned, in part, a subdivision application and whether it was entitled to the exception to the definition of "land use decision" then provided by Oregon statute. The Board explained:

"The exception provided by ORS 197.015(10)(b)(B) does not apply to the decision challenged in this appeal because the decision involves, in addition to the tentative approval of a subdivision, preliminary approval of a PUD and approval of variances. Through preliminary approval of the PUD, a number of standards that would otherwise apply to the approval of a subdivision in the R-10 zone were modified." *Id.* at 307.

In *Nez Perce Tribe v. Wallowa County*, 47 Or LUBA 419, 436, *aff'd without opinion*, 196 Or App 787, 106 P3d 699 (2004), LUBA explained that these principles spelled out in *Bartels* apply to tentative subdivision plats with respect to whether a decision regarding a tentative subdivision plat can be considered a "limited land use decision." The Board explained that if other applications are processed at the same time as the subdivision application, the subdivision application decision can lose its "limited land use decision" status.

The principle was most recently applied in *Wasserburg v. City of Dunes City*, 52 Or LUBA 70, 78-79 (2006), where the Board held:

"Because the PUD approval modifies the minimum lot size requirement that would apply without the PUD approval and because a zoning map amendment was required, the challenged decision is not a "limited land use decision," as ORS 197.015(13) and 197.195(1) use that term." (Citing *Bartels*.)

This is precisely the application context that existed with the Palazzo proposal and is present with this Western Station proposal. Both include multiple applications where the subdivision application cannot be approved solely utilizing the city's subdivision ordinance. *See Wasserberg*, 52 Or LUBA at 77. As LUBA explained in *Wasserberg*:

"With the modifications made possible via the PUD approval, the proposal is now a blended proposal; it is both a subdivision and a PUD. A PUD is not among the type of development that qualifies as a "limited land use decision," as ORS 197.015(13) defines that term." *Id.* at 77-78.

This case law undermines the stated legal basis for the City's position. The Palazzo tentative subdivision plat decision was not a "limited land use decision." The Palazzo decision was a "land use decision," not a "limited land use decision." The Palazzo decision was a discretionary denial of a proposed development of land and was, therefore, also a "permit" decision that entitles the applicant to submit a supplemental application under ORS 227.184.

Mr. Kevin Young
October 8, 2008
Page 5 of 5

Even if the City were to be able to successfully argue that the Palazzo decision was essentially three separate decisions issued under one order and that the Palazzo subdivision application was a limited land use decision (a characterization that *Wasserburg* rejects), the Palazzo decision can form the basis for an ORS 227.184 supplemental application in this instance because those two other Palazzo "decisions" were not "limited land use decisions." They were, on their face, permit decisions.

The development proposal reflected in the Western Station Conceptual and Detailed Development Plan and Plan Compatibility Review is not dependent upon the creation of the four separate lots that the subdivision application would create. Even if the subdivision application were withdrawn by the applicant, or denied by the city, the other two components of the application could be approved, based on the authority of ORS 227.184. Absence of a subdivision would not affect how the property is developed.

The relevant statutory language and applicable case law do not support the City's position that the Palazzo decision was, in whole or in part, a "limited land use decision." It is evident from the caselaw cited above that the Palazzo subdivision decision was not a "limited land use decision" because of the modifications to the regular subdivision standards requested by the consolidated applications. The City should process the Western Station as an ORS 227.184 supplemental application.

Sincerely,



Bill Kloos

cc: Clients
Jim Brewer, City Attorney's Office



Approved as presented, January 21, 2009
CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
October 29, 2008

Present

Karyn Bird, *Chair*
 Tony Howell
 Steve Reese
 Jim Ridlington
 Denise Saunders
 Patricia Weber
 Jeanne Raymond, *Council Liaison*

Staff

Jim Brewer, Deputy City Attorney
 Fred Towne, Planning Division Manager
 Assistant Planner Sarah Johnson
 Claire Pate, Recorder

Excused

Jennifer Gervais, *Vice Chair*
 Frank Hann

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions	X		
II.	Recommendation to the City Council Land Development Code Text Amendment Council-Initiated Package #1 (LDT08-00002)			Recommend approval, with amended text language
III.	Recommendation to the City Council Urban Renewal Plan			Recommend approval
IV.	Planning Commission Minutes None for consideration			
V.	Old Business	X		
VI.	New Business A. Planning Manager's Update	X		
VII.	Adjournment - 10:30 p.m.			

CONTENT OF DISCUSSION

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

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

II. **RECOMMENDATION TO THE CITY COUNCIL - Urban Renewal Plan:**

Chair Karyn Bird welcomed citizens and stated that the Public Hearing on this item was held on October 8, 2008. By request, the record was held open for 7 days for additional written public testimony. Planning Commissioners have received the additional testimony submitted before the record closed. Deliberations will be held this evening to come to a final recommendation for the City Council.

A. Declarations by the Commission: None

B. Staff Update:

Assistant Planner Sarah Johnson summarized the process to date for consideration of a proposal for a Downtown Urban Renewal Plan (URP) which has already gone through public hearing and input processes at City Council and Planning Commission levels. The Plan is ready for Planning Commission deliberations and recommendation to send back to the City Council.

Planner Johnson reviewed the City Council's recommended changes to the initial Plan and Report, which included solidifying the City Council as the Urban Renewal Agency and requiring a vote for any change in the governance of the Urban Renewal District (URD). They had also clarified processes for amendments and land acquisitions, and included projects that would be eligible for alternate transportation and alternate parking solutions. Lastly, they instituted a total spending cap on the URD, whereby the District can generate no more than \$35.6 million. This money would cover \$33.3 million in revenues for programs and projects, with the remainder designated for debt service. With these changes, the City Council passed the final report back to the Planning Commission, and the Planning Commission held a public hearing on October 8, 2008, with the record held open to October 22, 2008.

Planner Johnson called attention to the testimony submitted after the public hearing was closed on October 8, 2008, but before the record was closed on October 22, 2008. She said that tonight the Commission is tasked with deliberating on the Plan and Report and making a recommendation back to the City Council. Any recommendations should be focused on the URP and Urban Renewal Report's compliance with Comprehensive Plan policies, as well as with the Land Development Code and any other associated planning documents. The City Council will hold a public hearing on the URP and recommendations on November 17, 2008.

C. Discussion and Action by the Commission:

Questions from the Commission:

In response to a question from Commissioner Reese, staff said that the City Council will deliberate on the plan in December and, if they decide to approve, will adopt an associated ordinance and resolution to submit the plan for voter consideration on a May 9, 2009, ballot.

Commissioner Saunders asked if there is a mechanism for terminating the URP if it was ultimately found to be a bad decision. Planner Johnson said that the Agency can vote to terminate, which would require approval of an ordinance by the City Council. Deputy City Attorney Brewer did not know, without further consideration, if another vote of the citizens would be required. The terminating factor is the cap on maximum indebtedness at \$35.6 million, at which point the URD would be sunsetted. There is no set date, and it would be difficult to estimate when that might be, though it could be in the area of 15-23 years.

Commissioner Howell said he had some recommended changes that were not necessarily related to Land Development Code compliance but dealt with some clarity issues. He referred to the definitions section and asked if it might be clearer to lay persons just what the City Council's role is if the definition of "Agency" spells out that the City Council acts as the "Agency." Another one of his concerns is related to Attachment I-17 and I-18, pages 12 and 13 of section 800, and the discussion of the use of eminent domain. Section 800.2 clarifies that, "Acquisitions that require City Council approval" includes the use of the Agency's power of eminent domain. He believes there is a need for more clarity around the role of the City Council as the "Agency." In Section 800.1.A, there is a need for clarification that this refers to acquisition of property by purchase, because if it were by using eminent domain, it would then fall under Section 800.2. Referring to the bottom of page 13, he asked Deputy City Attorney Brewer for clarification of the last sentence. Attorney Brewer said the way the State law works is that ordinarily 90 days after a plan is approved, one cannot appeal the necessity of any action the "Agency" could take. Because this plan does not, at this point, identify specific property which would be taken by eminent domain, the concern raised in the work session was whether this was fair. He said the issue was whether the 90 days should go into effect after the date that the power of eminent domain is exercised, and this is what the newly added sentence addresses. He said it is difficult to write in a way that speaks to a lay person, without including all of the statutory language. A court would clearly understand what it means, which is that the exercising of the power of eminent domain is the trigger for starting the 90 days, not the adoption date of the URP.

Commissioner Reese said that under Section 800.2, after the three bullets, the language reads, "The City Council shall ratify the amendment to this plan by ordinance." He asked if all ordinances have to go to a vote for the people. Staff said no, but exercising the power of eminent domain would require ratification by the City Council, which is the same process currently in effect for using that power right now.

In response to questions from Commissioners Saunders and Reese, Planner Johnson again reiterated that it is hard to know when the spending cap might be reached, and gave an estimated range of from 15 to 23 years. Originally, there was a 20-year ending date, but this was removed because if there was still money to be spent, it would prove to be complex and problematic. Plans in other jurisdictions have had a date certain and/or a spending cap. For Corvallis, the spending cap seemed the appropriate way to go.

Commissioner Ridlington said that when one is doing an experiment, one always looks at what others have done. He knows that this has been successful in other cities. He asked if this plan was based on any one model in particular or a compilation of models. Planner Johnson explained that the plan had been done by a consultant who has twenty years of experience and has done dozens of similar projects. There are ninety urban renewal districts within the State, some of which are more successful than others. The project categories are fairly standard, though some plans are based around only one project such as an amphitheater. Most plans are heavy on public improvements, with the belief that City

investment in public improvements will generally spur other private development. Deputy City Attorney Brewer added that some of the "unique" differences from other plans were responses to the City Charter's requirements that there be votes of the people for particular kinds of decisions and processes.

MOTION: Commissioner Weber moved to recommend that the City Council approve the proposed Downtown Corvallis Urban Renewal District. This motion is based on review of the Urban Renewal Plan and Report, and evaluation of the applicable Comprehensive Plan policies, Land Development Code sections, and other relevant City Planning documents. The proposed Urban Renewal Plan is found to meet those criteria, and the recommendation to the City Council is based on those criteria. Commissioner Howell **seconded** the motion.

Commissioner Howell said that, independent of the approval criteria, he recommended the following text amendments for purposes of text clarity:

Motion to Amend:

Commissioner Howell moved to amend, in Section 1400, the definition of "Agency" as follows:

- Agency means the Corvallis City Council acting as the Downtown Corvallis Urban Renewal Agency.

The motion was **seconded** by Commissioner Weber.

City Councilor Jeanne Raymond said that the City Council had discussed this before. There was some concern that if there was ever a time when the Council wanted to turn over the running of the "Agency" to someone else, a vote would be needed. Attorney Brewer added that if such were the case, it would not be hard to change this definition at the same time.

Motion to amend **passed** unanimously.

Motion to amend:

Commissioner Howell moved to amend Section 800.1.a as follows:

- Add, "*.....but does not require use of powers of eminent domain.*" to the end of the phrase that now reads, "*.....where it is determined that the property is needed to provide public improvements.*"

Commissioner Reese **seconded** the motion, which **passed** unanimously .

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

Commissioner Howell said that the plan's flexibility is its strength and is what will help it to comply with the Comprehensive Plan and Land Development Code both now and in future years.

III. RECOMMENDATION TO THE CITY COUNCIL - Land Development Code Text Amendment Council-Initiated Package #1 (LDT08-00002):

Chair Karyn Bird welcomed citizens and stated that the Public Hearing on this item was held on October 8, 2008, then was continued to October 15, 2008. Deliberations will be held this evening to come to a final recommendation for the City Council.

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

There were no declarations made by the Commissioners.

B. Discussion and Action by the Commission:

Chair Bird suggested they use Attachment C - Land Development Code Text Amendments Proposed Text and work through each item, but save Items 16 and 25 for the last.

MOTION: Commissioner Saunders moved that, based on the recommendation from Staff as described on page 50 of the staff report, the Planning Commission recommend to the City Council approval of the proposed Land Development Code Text Amendments (LDT08-00002). Commissioner Reese **seconded** the motion.

Item 1:

Motion to Amend:

Commissioner Howell moved to change the Definition for "Day Care, Commercial Facility" as follows:

- In the second line, delete the word "persons" and insert the words "children not of common parentage."

The motion was **seconded** by Commissioner Saunders, and it **passed** unanimously.

Planning Division Manager Fred Towne referred to a second issue that someone testifying had brought up about Item 1, relating to Adult Daycare, and said that Adult Daycare is included under Residential Care.

Items 2 and 3: Accepted as written.

Item 4:

Commissioners Saunders, Howell, and Weber again expressed concern about any unintended consequences there might be in rounding up fractional amounts, and Manager Towne said he would have staff work through the code to make sure they could anticipate any impacts. Commissioner Howell said it seems that the impact of rounding low numbers might have unintended consequences.

Motion to Amend: Commissioner Reese moved to amend the Definition of Fractions as follows:

- In the first line, insert the word “final” between “calculated” and “total,” to read “calculated final total results.”

Commissioner Weber **seconded** the motion, which **passed** unanimously.

Motion to Amend: Commissioner Howell **moved** that staff provide calculated examples for City Council consideration on how the rounding of fractional amounts would be applied, and what the impacts might be. Commissioner Reese **seconded** the motion, which **passed** unanimously.

Item 5:

Motion to Amend: Commissioner Saunders moved to amend all four Residential definitions as follows:

- In the last sentence(s), insert the word “dwelling” in front of “units” and after “multiple,” to read, “multiple dwelling units.”

Commissioner Howell **seconded** the motion, which **passed** unanimously.

Motion to Amend: Commissioner Howell moved to amend section 3.1.20.01.a.2 as follows:

- After the words “single detached,” add “(one per lot).”

Commissioner Saunders **seconded** the motion.

Manager Towne explained this means that, in the RS-3.5 zone, more than one detached single-family unit on a lot would not be allowed, which is consistent with the allowed building types in that zone.

Commissioner Weber said she does not have a problem with the language, but since it implies that multiple detached residences are allowed on RS-5 and RS-6 zoned lots, there ought to be clarifying language in those two sections to set the minimum lot sizes. The language in those sections should also be changed to incorporate minimum lot sizes.

Commissioner Howell said that in relation to this, he realizes that RS-5 zoning, for example, allows up to three units overall. There might need some additional clarifying language to ensure that no more than the three units per lot are allowed.

Manager Towne said staff would look at how to accomplish this in the RS-5, RS-6 and RS-9 zones and present solutions prior to sending it to City Council.

Commissioners Howell and Saunders accepted staff’s comments as part of their motion, i.e. that staff would look at the other residential zones and present solutions. The motion **passed** unanimously.

Items 6-8: Accepted as written

Item 9:

Motion to Amend: Commissioner Weber moved to amend Section 2.14.60.c as follows:

- Replace the word “parcel” with the word “property” in the fifth line, to read, “each resultant property contains....”

Commissioner Reese **seconded** the motion, which **passed** unanimously.

Item 10:

Commissioner Howell thought it was not their intent to have it strictly at the owner's discretion as to whether a property would be zoned RS-1 or RS-6, but that an owner would have the option of applying for one zoning designation or the other.

Motion to Amend: Commissioner Howell moved to amend the proposed changes to Section 3.3.10 and Table 2.2-1, and Commissioner Weber **seconded** the motion.

Commissioner Weber thought there also ought to be a reference to RS-3.5 and RS-5 zones as possible options, since they might be more appropriate fits for some of the properties in question. She offered a friendly amendment, which was accepted by Commissioner Howell. After additional discussion with staff, the proposed amended language, with the **friendly amendments** accepted, is as follows:

- In Section 3.3.10, 3rd paragraph, delete the last sentence.
- In Table 2.2-1, replace Footnote 1 with the following sentence:

“Properties indicated on the Comprehensive Plan Map as being eligible for the RS-1 (Extra-low Density) Residential Zone may be zoned RS-1 (Extra-low Density), RS-3.5 (Low Density), RS-5 (Low Density), or RS-6 (Low Density), subject to the review criteria in Chapter 2.2 (*cite the exact section*).”

The motion was **approved** unanimously.

Items 11 through 14: Accepted as written

Item 15:

Commissioner Howell asked that the fonts be made bigger on the graphic.

Motion to Amend: Commissioner Howell moved to amend the legends of Figures 4.10-16 and 4.10-17 by adding the word “street” in front of “Frontage.” Commissioner Saunders **seconded** the motion, which **passed** unanimously.

Motion to Amend: Commissioner Howell moved to amend Section 4.10.60.01.b as follows:

- In the 2nd and 6th lines, replace the word “site” with “street,” to read, “street frontage.”
- Change the references to Figures 4.10-16 and 4.10-17 to reflect the amendments in the previous motion.

Commissioner Weber **seconded** the motion, which **passed** unanimously.

Item 16: Discussion deferred.

Items 17: Accepted as written

Item 18:

Commissioner Howell thought there may be other exceptions, such as in the Central Business fringe. The existing alleys in the College Hill area are other examples of where tree plantings would be difficult. Manager Towne said that the type of work that would trigger a requirement for tree plantings would be construction of a new structure, a parking lot reconstruction, or other development of some significance.

Commissioner Weber said she has difficulty with this standard and would prefer not to have tree plantings along alleys serving commercial properties or, especially, attached residential properties. She believes it is an obstacle to getting affordable housing in place because it creates a need for bigger lots. It acts against so many of the standards in Comprehensive Plan policies, in City visions, and in ideals that address compact design and efficient use of land.

Motion to Amend: Commissioner Weber moved to amend the language in Section 4.2.30.2 to read as follows:

2. Along alleys serving detached, single-family residential lots not subject to the historic preservation standards in Chapter 2.9, trees shall be planted on the sides of the alleys at a minimum of one tree per lot containing a single-family residential dwelling, and the trees shall be located within 10 feet of the alley. This standard shall not apply to alleys located within the Central Business (CB) or Riverfront (RF) Zones.

Commissioner Howell **seconded** the motion.

Manager Towne said one consideration with alleys is the amount of impervious surface they create, and it could be important to have shade trees to reduce heat, protect water quality, etc., in newer development areas. Staff said that the discussion appeared to be getting into a much bigger issue, while staff had only intended to address the specific concern about not applying the tree planting standard within the Central Business and Riverfront zones.

Commissioner Howell asked staff for examples of commercial alleyways where this standard for planting trees would be appropriate. Manager Towne said that in newer developing zones, such as Mixed Use Commercial Shopping, or Neighborhood Center zones, planned alleyways could accommodate the tree plantings. Otherwise, alleys can become fairly stark. Commissioner Saunders said she agrees that there are cases in which trees should be planted in alleys. Commissioner Howell said another example might be the Willamette Landing development, where townhouses are oriented to the street and have a looped alleyway to serve the rear garages. Requiring a tree within ten feet of the alley might be a waste of the required green space, when that tree would serve a better purpose in another spot. Manager Towne agreed that, in multi-family zones where there are multiple lots as a means of developing single-family residential, the application of this standard becomes problematic.

Commissioner Weber agreed that this is her concern also, since this type of development is what proponents of affordable housing tend to support in order to provide affordable single-family residences. She also thinks it is not a bad thing for alleys to look bleak. The Pedestrian-Oriented Design Standard and philosophy is that the alleys are a way for cars to access the rear-loaded garages; they are functional and utilitarian. The dwelling units face the street, and this is where the landscaping should be.

Manager Towne said that he understood those concerns, and that the issue could be carried forward for a larger discussion with the City Council.

Councilor Raymond said there are sustainability goals for land use being created right now that reflect the community's values, and they will be need to be looked at by the Planning Commissioners.

The motion **passed 3-2**, with Commissioners Ridlington and Saunders voting in opposition.

Item 19: Accepted as written

Item 20:

Manager Towne suggested a need for a technical change in the headings for Figure 2.14-1.

Motion to amend: Commissioner Reese moved to amend Figure 2.14-1 as follows:

- Move the text "Per ORS 227, as amended" up to the space between "Application Submitted" and "Director's Review to Determine Completeness."
- Remove the strikeout of "10 days," putting it back into the text in its current location.

Commissioner Saunders **seconded** the motion.

Commissioner Howell said that since this change applies to four different chapters, it would be necessary to ensure that the appropriate figure numbers and titles are used, or that the title for this proposed change clearly indicates it is an example to be followed for each of the affected chapters. Commissioners Reese and Saunders accepted this direction as a **friendly amendment** to their motion.

The motion **passed** unanimously.

Item 21: Accepted as written.

Item 22:

In response to a question from Commissioner Howell as to whether the reference in Section 3.11.40.01.b.3 should be 4.10.70 as opposed to 4.10.70.01, Manager Towne said he believes the reference is appropriate as written.

Item 23:

Commissioner Howell said that as a placeholder for future things, the discussion when the Riverfront zone was being developed was that there should be a "fee in lieu of" program for

covered bicycle parking which would allow for covered structures like those that have been installed in the downtown area.

Item 24: Accepted as written.

Chair Bird reminded the Commissioners that they had agreed to discuss Item 16 at the same time as Item 25.

Items 16 and 25:

Motion to Amend: Commissioner Weber moved to amend the proposed language in Section 4.10 as follows:

- Wherever there is the statement, “distance measured along the centerline of the sidewalk or over the ‘hard surfaced’ portion of the courtyard,” add the language, “to the nearest public street right of way or private street tract.”

Commissioner Saunders **seconded** the motion, which **passed** unanimously.

Commissioner Howell brought up the issue that had been previously discussed relating to lots exceeding 200 feet in depth, and how to apply the 100- or 200-foot distance. Manager Towne said that a property owner can do a Lot Development Option, and with 200- to 250-foot-deep lots, this takes care of the problem. The concern is with lots that are greater in depth but not wide enough to support a road system. Staff has given it a lot of thought, and it is hard to come up with a solution other than to wait for someone to buy up those properties, consolidate, replat them, and do a subdivision. Within the Lot Development Option process, a property can have three variations to the Land Development Code within a certain time frame.

Commissioner Ridlington said he believes it is better to make good regulations for most cases and not try to make regulations to fit all cases, as long as there is a method of working through unique issues.

Manager Towne said that in Item 25, staff recommended the deletion of the sentence, “This pedestrian access cannot be satisfied by providing it along alleys or other secondary vehicular accesses.” There were several places on pages 38 and 40 where it occurred, and it did not seem useful in providing clarification.

Motion to Amend: Commissioner Reese moved to delete the sentence wherever it occurs in the Land Development Code language in Item 25, as noted by Manager Towne, and in its place insert the same language change as proposed for Item 16, as follows:

- Strike the sentence, “This pedestrian access cannot be satisfied by providing it along alleys or other secondary vehicular accesses.”
- Add the phrase, “to the nearest public street right of way or private street tract” after “distance measured along the centerline of the path.”

The motion was **seconded** by Commissioner Saunders and it **passed** unanimously.

Commissioner Howell said that in Item 16, it is assumed that there would only be one family dwelling on a lot. He would like to see further changes to the language proposed in Item 16 to identify for the Council an option for a second single, detached dwelling unit to be placed on a lot in a way that would allow for the front door to be further than 100 feet from the street.

Commissioner Weber offered up some possible language, but it was then agreed that staff understood the concern and concept, and would draft proposed language for Council consideration.

Motion to Amend:

Commissioner Howell moved to have staff craft language relating to pedestrian access distances to second dwellings on the same lot as a recommendation for Council consideration, reflecting previous discussions. The motion was **seconded** by Commissioner Saunders, and it **passed** unanimously.

In response to questions from Councilor Raymond, Commissioner Howell and staff explained the concept of having lots either front a street or, in the case of lot orientations similar to flag lots or rear-loaded lots served by an alley, provide a pedestrian access that meets the measurements.

Commissioner Howell referred to language in Item 25 relating to Section 4.10.50.01 a, and suggested that the second paragraph does not read correctly. Commissioner Weber suggested that Items 1 and 2 could be combined, and Item 3 would then be renumbered as Item 2.

Motion to Amend: Commissioner Weber moved to amend section 4.10.50.01 as follows:

- In Section 4.10.50.01.a., combine Items 1 and 2 into one item, numbered Item 1 (4.10.50.01.a.1).
- Renumber Item 3 to be Item 2.
- In the second paragraph of Section 4.10.50.01.a, change the language to read, "The orientation standard of this Section is satisfied when the provisions in "1" or "2" below are met.

The motion was **seconded** by Commissioner Reese, and it **passed** unanimously.

Motion to Amend: At the suggestion of staff, Commissioner Reese **moved to amend** Section 4.10.60.01.a.4.b as follows, so that it is similar to changes made to other parts of the code:

- After the phrase, ".....shall be directly accessed by a sidewalk or multi-use path less than 200 feet long," add ".....to the nearest public street right of way or private street tract (distance measured along the centerline of the path)....."

The motion was **seconded** by Commissioner Howell, and it **passed** unanimously.

Item 25(26):

Chair Bird brought to staff's attention the need for renumbering on page 47, in that the remaining #3 does not correspond to the other numbers/letters.

Motion to Amend: Commissioner Weber moved that, prior to taking recommendations to the City Council, staff should check the numbering and renumbering for Item 26, and check the references made in "3" for appropriateness. Commissioner Howell **seconded** the motion, which **passed** unanimously.

Motion to Amend: Commissioner Howell moved to change the language on page 48 as follows:

- In new Items 3 and 4, make the language consistent with the other sections by replacing "be reduced" with "reducing" (using a transitive verb). Commissioner Weber **seconded** the motion, which **passed** unanimously.

Commissioner Howell asked about the issue of arbor height and location and wondered if that was on a list for consideration. Manager Towne thought that this could be added into Package #2 or #3 of the Land Development Code text changes.

Motion to Amend: Commissioner Howell moved to add an item to Package #2 or #3 that deals with arbors.

Vote on Main Motion: The main motion, as amended, **passed** unanimously.

V. **OLD BUSINESS:** None

VI. **NEW BUSINESS:**

A. **Planning Division Update:**

Planning Division Manager Fred Towne called attention to the new meeting schedule on the back of the agenda and updated the Planning Commissioners on upcoming City Council public hearings.

VII. **ADJOURNMENT:** The meeting was adjourned at 10:30 p.m.



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

Approved as presented, January 21, 2008
CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
November 5, 2008

Present

Karyn Bird, *Chair*
 Jennifer Gervais, *Vice 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
 Jeff McConnell, Development Engineering Supervisor
 Ted Reese, Development Review Engineer
 Kevin Young, Senior Planner
 Terry Nix, Recorder

Excused

Patricia Weber

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions	X		
II.	Public Hearing Storage Depot (PLD08-00008, LLA08-00006)		X	The hearing was continued to January 7, 2009.
III.	Deliberations Western Station (PLD08-00009, SUB08-00005, PCR08-00002)			Approve as conditioned.
IV.	Planning Commission Minutes: None for consideration	X		
V.	Old Business	X		
VI.	New Business A. Planning Manager's Update	X		
VII.	Adjournment - 9:15 p.m.			

CONTENT OF DISCUSSION

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

I. VISITORS' PROPOSITIONS:

There were no propositions brought forward.

II. PUBLIC HEARING: Storage Depot (PLD08-0008, LLA08-00006):

Chair Bird said the public hearing on this item was previously continued to this date at the request of the applicant. Planning Division Manager Fred Towne advised that the applicant is now requesting a continuance to December 17, 2008.

MOTION: Commissioner Saunders moved to continue the Storage Depot public hearing to December 17, 2008. Commissioner Reese seconded the motion.

Commissioner Howell noted that there are already three public hearings scheduled on December 17. He will vote against this motion in fairness to those applicants. Brief discussion followed.

The motion **failed** by a vote of 5 to 1, with Commissioner Reese voting in favor.

MOTION: Commissioner Howell moved to continue the Storage Depot public hearing to Wednesday, January 7, 2009, 7:00 p.m. Commissioner Gervais seconded the motion, and it **passed** unanimously.

III. DELIBERATIONS - Western Station (PLD08-00008, SUB08-00005, PCR08-00002):

Chair Bird welcomed citizens and stated that the public hearing on this item was held on October 15, 2008. By request, the record was held open for seven days for additional written public testimony. The applicant's final written comments were received on October 29, 2008. Planning Commissioners have received both the additional testimony and the applicant's final written comments (**Attachment A**). Deliberations will take place tonight.

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

There were no declarations made by the Commissioners

Commissioner Hann said he was not in attendance at the October 15 public hearing. He has listened to the tapes of the hearing and will be participating in these deliberations.

B. Discussion and Action by the Commission:

Commissioner Howell referred to written testimony regarding noise impacts and a response from the applicant asserting that construction methods would compensate for the reduction in buffer width. He asked for a staff analysis. City Attorney David Coulombe suggested that the Planning Commission first decide if facts were submitted in the final written argument. If so, the Planning Commission could decide that it will not consider those facts or could reopen the public record to provide an opportunity for people to respond to the new information. Brief discussion followed.

In response to inquiries from the Planning Commission, Planning Division Manager Towne stated that Condition of Approval 7 is an acknowledgment that there are construction methodologies that could be used to reduce potential sound issues within the units. He said it would be possible to amend Condition 7 such that the sound attenuation resulting from such methodologies would equal or exceed the sound attenuation afforded by a 20-foot buffer. Development Review Engineer Ted Reese said this requirement would be demonstrable in looking at frequency and decibels.

MOTION: Commissioner Gervais moved that item C of the applicant's final written argument constitutes new facts and, therefore, shall not be considered in the deliberations this evening. Commissioner Howell seconded the motion.

Commissioner Howell said it appears that the first two paragraphs of item C are argument rather than facts. He proposed a **friendly amendment** to the motion so that the Planning Commission will not consider the facts in item C, beginning with the bolded language. Commissioner Gervais **accepted** the friendly amendment.

The motion **passed** unanimously.

Commissioner Hann referred to a public comment that this parcel is developable under existing Land Development Code standards and that the only reason to allow the requested changes is to maximize the potential development and profit from this land. He asked if that is enough to justify approving the requested variations. City Attorney Coulombe stated that the Planning Commission should consider whether this application satisfies the relevant criteria. Whether one proposal is better than another proposal is not within the purview of the Planning Commission.

Commissioner Saunders asked for staff input regarding the requested variance related to access to the arterial street. Senior Planner Kevin Young said it is not possible to meet that standard on this site. Engineer Reese added that there is not enough frontage to meet the standard, and the City Engineer has indicated that access should not be denied to a parcel based solely on the inability to meet the standard. He noted that the proposed access would be designed to be safe. There are no problems with emergency access.

Commissioner Ridlington said there appears to be a large number of variances needed due to the size of the building. He asked if a smaller building would resolve some of the issues. Manager Towne said the number of variances requested are not necessarily too many compared to other applications. He noted that the Planning Commission should consider whether the requested variances are reasonable and whether reasonable compensating benefits are proposed. Planner Young added that many of the requested variances have to do with site frontage on Western Boulevard. A smaller building would not meet the requirement for at least 50 percent of the building to be in front yard setback. He cannot say whether or not there is a design solution that would comply with all of the Land Development Code requirements.

In response to an inquiry from Commissioner Gervais, Manager Towne said the Floor Area Ratio (FAR) is how the goal of maintaining commercial inventory is addressed for these kinds of properties in this zone. He said the condition that would limit the types of uses is not a variation from standards; it is a method of assuring the parking standard can be met. Staff analysis is that the FAR and parking requirements are met.

Commissioner Howell expressed concern that people exiting out of the driveway may not be able to see someone coming east on Western. Engineer Reese reviewed vision clearance requirements. He said he went to the site, parked approximately where the driveway would be, and went west on Western looking east. He could easily go over 250 feet and still see the entire car. If a motorist pulls up to the sidewalk, they can see 250 feet to the left. If the motorist proceeds slowly up to the curb, they will see even further.

Commissioner Howell asked if vegetation that might impact vision clearance would be evaluated by staff in the final design or if a condition is needed. Engineer Reese stated that, without knowing the legal ownership of the existing arborvitae at the SW corner of 7th Street and Western Boulevard, he does not know that a condition of approval could be fulfilled. Planner Young added that the landscape plan for the proposed development proposes lawn turf. He does not anticipate vegetation on this site being a visual obstacle.

MOTION: Commissioner Hann moved to approve the proposed Conceptual and Detailed Development Plan (PLD08-00009), to allow development of Western Station, as shown on Attachments A and J of the October 3, 2008 Staff Report. This motion is based upon the staff recommendation to the Planning Commission. Commissioner Howell seconded the motion.

Commissioner Reese asked staff to comment on the intent of Land Development Code 2.13.20.c. regarding structures being compatible with existing development. Manager Towne read and reviewed the language and said it is up to the Planning Commission's subjective review to determine what is and what is not compatible with the surrounding development. He noted that it is not expected that every purpose statement will apply to every development. Commissioner Howell said he thinks the intent of the language was to ensure that development on neighboring properties is protected from negative impacts and that it is implemented in Land Development Code 2.13.30.05.b.

Commissioner Ridlington said this proposed structure has been described as a live and work place. He asked what that means and whether there should be a related requirement. Planner Young said the concept is that people can live upstairs and work downstairs. He said he is not aware of any criteria requiring that to occur. City Attorney Coulombe cautioned about placing requirements that someone live and work in a building. Manager Towne said there are no such restrictions requested by the applicant and none proposed by staff.

In response to inquiries from Chair Bird, Planner Young reviewed access to the mezzanine from the ground floor, as shown in the floor plans. Commissioner Bird noted that there are no facilities on the mezzanine level. Planner Young said people could get to the ground floor internally, and he would assume that access to facilities would be addressed in the lease agreements.

Commissioner Howell requested staff assistance in amending Condition 7 to ensure that construction methods will be equivalent to the sound attenuation provided by a 20-foot setback. Following brief discussion, the following language was proposed: "Acoustic Buffering in East Wall - Building permit plans shall include construction methods for the east wall of the proposed building to include sound attenuation methods that would equal or exceed the attenuation that would be afforded by a 20-foot wide vegetated buffer."

MOTION TO AMEND: Commissioner Howell moved to amend the motion by revising Condition 7 as stated above. Commissioner Reese seconded the motion.

In response to an inquiry from Commissioner Ridlington, Engineer Reese said he thinks the intent is clear and that it would not be difficult to hold the design professionals to this performance standard.

Brief discussion followed about whether the condition should specify a vegetated buffer, given that vegetation provides variable sound buffering. It was agreed to leave the word vegetation in the condition.

Commissioner Hann asked if both frequency and decibel would be covered under this condition. Engineer Reese said decibels measure the volume of sound and frequency measures the wave of the sound. Commissioner Hann said he would like more specificity in the condition of approval. Brief discussion followed.

There was a **friendly amendment** suggested and **accepted** that Condition 7 be revised as follows:

“Acoustic Buffering in East Wall - Building permit plans shall include construction methods for the east wall of the proposed building to include sound attenuation methods that would equal or exceed the attenuation that would be afforded by a 20-foot wide vegetated buffer. Calculations shall be measured in decibels through all audible frequencies.”

The motion to amend **passed** unanimously.

Commissioner Gervais expressed concern about parking. She said it meets the requirements on the surface, but she thinks that the site is likely to be used as a rental property, due to its proximity to the university. She expressed concern that parking impacts will restrict business and spill over to the neighborhood. Commissioner Howell said the live and work units are conceptual and provide the opportunity for that use. He said any kind of residential use on this site will have parking risks, and he is not comfortable using the proximity of the site to the university as a basis for decision.

Commissioner Ridlington asked if it is possible to make the bike path wider for safety reasons. Engineer Reese said staff had been unaware that part of the path was less than 5 feet wide. This has been put on the schedule and will be addressed this month when there is a dry weather opportunity.

Commissioner Saunders referred to the parking requirements in Condition 8. She asked if it would be possible to have a take-out eating establishment with no seating. Chair Bird added that the requirements as written would preclude a coffee shop, which may be an amenity to this part of the community. Discussion followed regarding possible revisions to Condition 8 that would not preclude that type of use. The Planning Commission and staff worked to craft the following language:

“Limited Commercial Uses - To ensure that parking requirements shall be met on-site, only commercial uses with a parking requirement of 3.5 or fewer spaces are allowed per unit, based on standards within the Land Development Code.”

MOTION TO AMEND: Commissioner Saunders moved to revise Condition of Approval 8 as proposed above. Commissioner Gervais seconded the motion and it **passed** unanimously.

Commissioner Howell initiated discussion about proposed Condition 15 (**Attachment B**). City Attorney Coulombe suggested that the language could be incorporated into Condition 8. Following discussion, additional revisions to Condition 8 were proposed as follows:

“Limited Commercial Uses - To ensure that parking requirements shall be met on-site, only commercial uses with a parking requirement of 3.5 or fewer spaces are allowed per unit, based on standards within the Land Development Code. In addition, only commercial uses and no residential uses are allowed on the ground floor and mezzanine level of each unit.

The restrictions contained in this condition of approval shall be recorded as deed restrictions on each of the four new lots and recorded in conjunction with the final plat approval of the proposed subdivision.

In conjunction with the final plat approval, the applicant shall also record conditions, covenants, and restrictions (CC & R's) governing all lots and tracts within the proposed development to address maintenance obligations for Tract A. The CC & R's shall also include the requirements noted by the deed restrictions above. The required CC & R's shall be provided to the Planning Division Manager for review prior to recordation of the CC & R's, deed restrictions, and final plat.”

MOTION TO AMEND: Commissioner Howell moved to further revise Condition of Approval 8 as proposed above. Commissioner Reese seconded the motion and it **passed** unanimously.

Commissioner Howell returned discussion to the vision clearance going west on Western Boulevard. Engineer Reese said this issue could be handled as a staff-related concern under vision clearance standards. Commissioner Saunders referred to public testimony that accidents have already been occurring at this location. Staff said they are unaware of such accident reports.

Commissioner Howell stated that there was some testimony about the number of variances requested in this application, but this amount or more are frequently seen in applications. Many of the requested variances are based on the configuration of the site. There are weighing factors for putting a mixed-use commercial center at this location to maximize use of the site. The long term goal of keeping the City compact is to maximize the use of each site. This proposal does attempt to meet that goal, and the variations requested are in that spirit. There is no option to meet driveway entrance requirements on the site, so consideration must be given to the best reasonable place for safety.

The amended main motion **passed** unanimously.

MOTION: Commissioner Hann moved to approve the proposed Tentative Subdivision Plat (SUB08-00005), as shown on Attachments A and J of the October 3, 2008, Staff Report. This motion is based on the staff recommendation to the Planning Commission. Commissioner Howell seconded the motion and it **passed** unanimously.

MOTION: Commissioner Howell moved to approve the proposed Plan Compatibility Review (PCR08-00002), as discussed in the October 3, 2008, Staff Report and Attachment J. This motion is based upon the staff recommendation to the Planning Commission. Commissioner Reese seconded the motion and it **passed** unanimously.

C. Appeal Period:

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

III. **PLANNING COMMISSION MINUTES:** None for consideration

IV. **OLD BUSINESS:** None.

V. **NEW BUSINESS:**

A. Planning Division Update

Planning Division Manager Fred Towne noted that there is currently one vacancy on the Planning Commission and that the recruitment resulted in no applicants. The City Council has decided to delay further recruitment until after the first of the year.

In response to inquiries from Commissioner Howell, Manager Towne affirmed that Evanite has withdrawn its appeal to the City Council and that it gave no reason for doing so. There are no permits currently in place on the site.

Commissioner Howell asked if any of the hearings scheduled on December 17 could be moved to another day. Manager Towne said it would not be possible to postpone the annexation requests and still get them on the ballot. The remaining hearing is necessary in order to comply with the 120-day rule. Discussion followed regarding the need to have several public hearings on one night due to the heavy work load, and the resulting frustration on the part of citizens who have to wait a significant amount of time to testify.

There was general agreement to begin the December 17, 2008 meeting at 5:30 p.m. Staff will notice the hearings accordingly.

VI. **ADJOURNMENT:** The meeting was adjourned at 9:15 p.m.

**Western Station
(PLD08-00009, SUB08-00005, PCR08-
00002)**

**Testimony received prior to close of record
at 5 p.m. on October 22, 2008, and**

**Applicant's Final Written Argument
received October 29, 2008**

ATTACHMENT A

**Testimony Received Prior to Close of Record
at 5 p.m., on October 22, 2008,
for the Planning Commission's Public Hearing
regarding the Western Station application
(PLD08-00009, SUB08-00005, PCR08-00002)**

Young, Kevin

From: Dale Hubbard [dhubbard@coas.oregonstate.edu]
Sent: Friday, October 17, 2008 9:32 AM
To: Young, Kevin
Subject: written testimony re: Seventh Street Station--correction

Attachments: IMG_1730.jpg; IMG_1731.jpg; ATT374382.txt



IMG_1730.jpg (2 MB)



IMG_1731.jpg (2 MB)



ATT374382.txt (66 B)

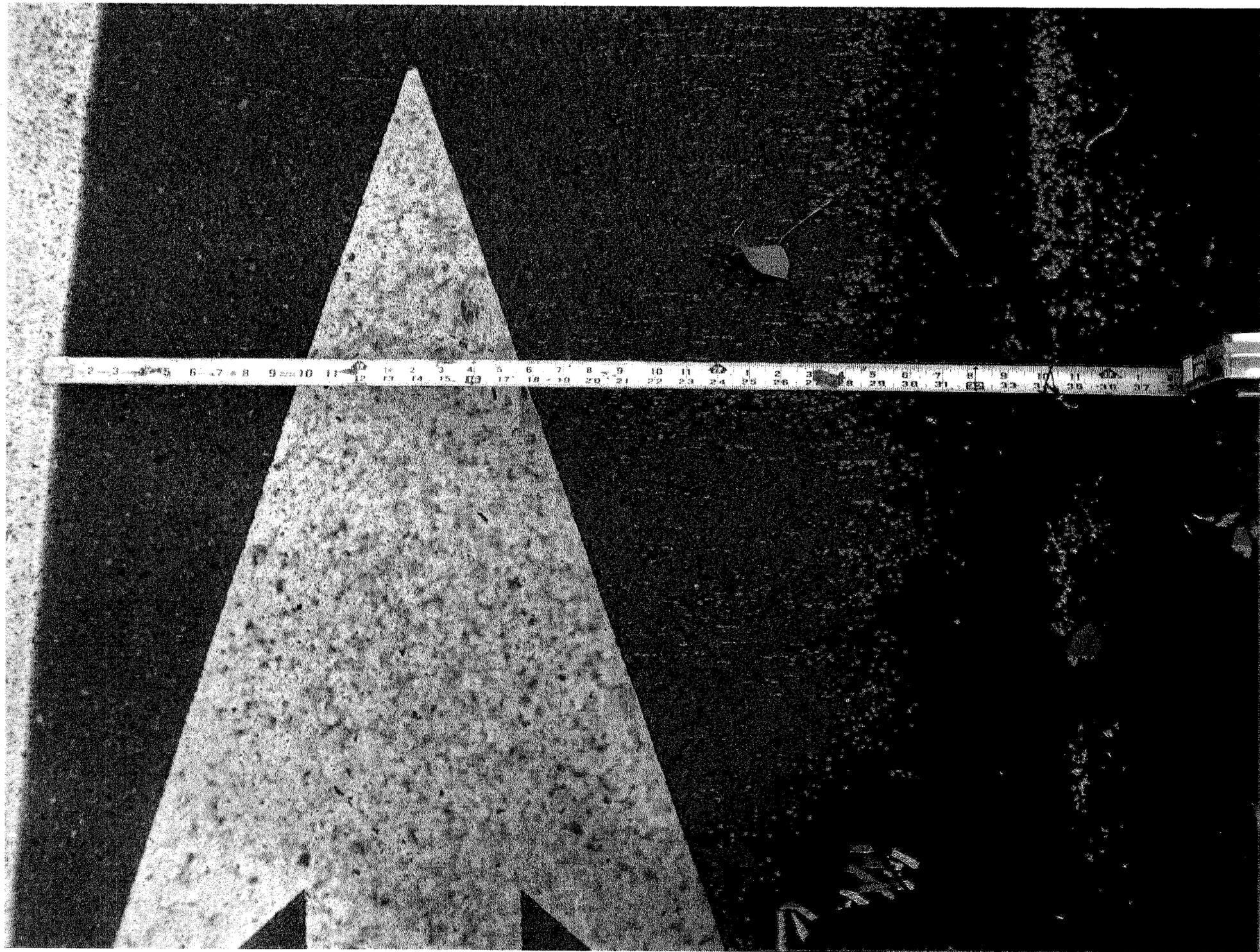
Hello Mr. Young,

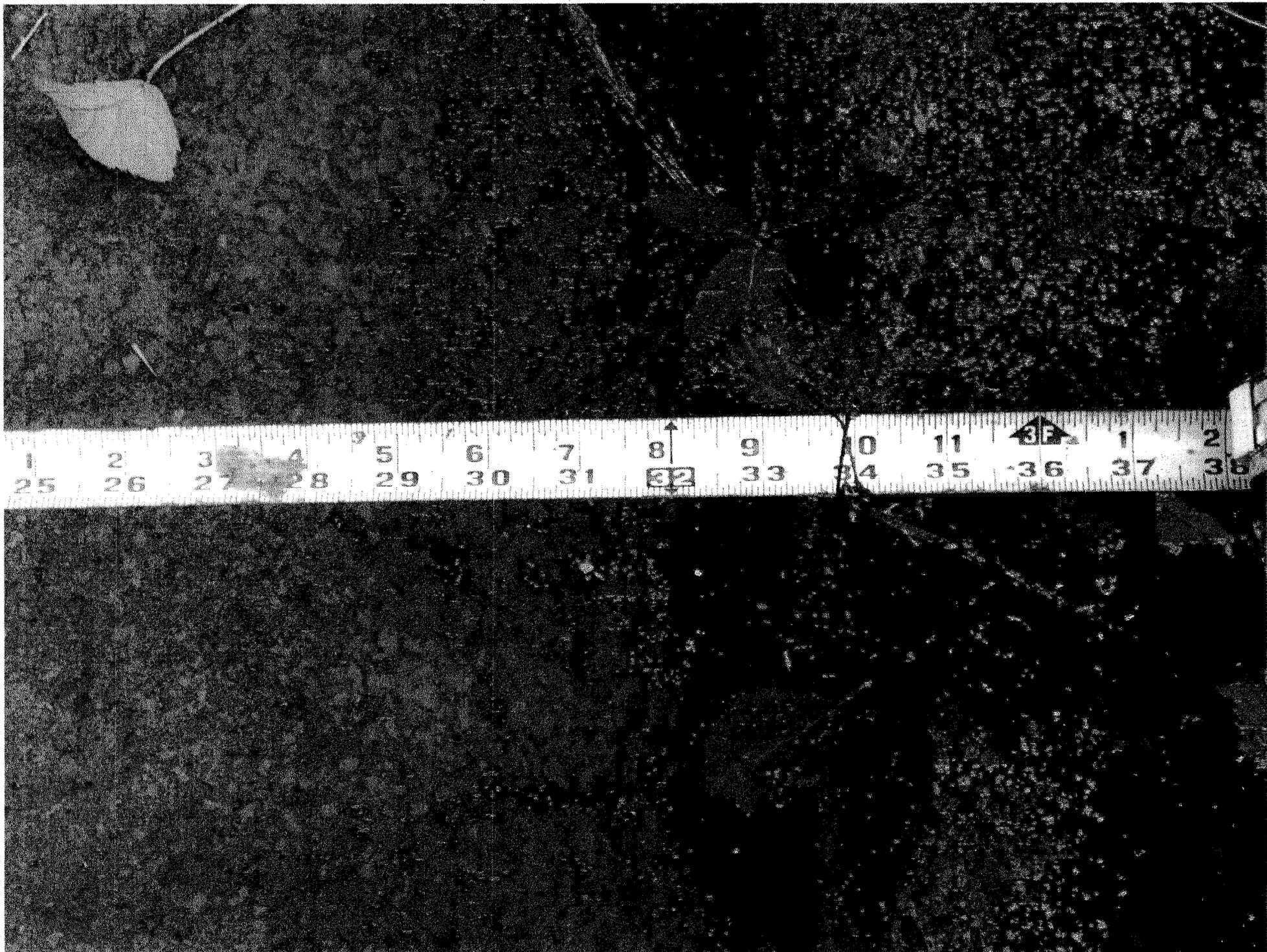
I'd like to submit a corrected version of my written testimony, edited to reflect the correct application name--Western Station, not Seventh Street Station.

sincerely, Dale Hubbard

Begin forwarded message:

> From: Dale Hubbard <dhubbard@coas.oregonstate.edu>
> Date: October 16, 2008 2:51:14 PM PDT
> To: Kevin Young <kevin.young@ci.corvallis.or.us>
> Subject: written testimony re: Seventh Street Station
>
> Hello,
>
> My name is Dale Hubbard; I live at 927 SW 10th St. and I attended last
> night's planning commission meeting re: Western Station. I would like
> to submit the following written testimony to refute the claim made
> last night by Staff that the bike lane on the south side of Western
> Blvd., along the inside of the curve in the road, is five feet wide.
> I commuted to the meeting last night along that very bike path, and I
> can state with absolute certainty that the bike lane there is not much
> wider than my handlebars. I visited the site today armed with a tape
> measure and digital camera. The attached photos clearly demonstrate
> that the bike lane is 33" (thirty three inches) wide, not five feet!
> This in and of itself is a serious safety issue. Coupled with the
> higher traffic, increased congestion, and additional visual
> constraints that Devco's incompatible development will bring to the
> area, the potential for tragic accidents and costly lawsuits is
> greatly increased at this site. Please do not approve this proposal.
>
> sincerely,
>
> Dale Hubbard
>
> (PS--I would appreciate it if you would please confirm receipt of this
> written testimony)
>





Dear Planning Commissioners,

I was out of the country in Russia during the Planning Commission hearing, so I submitted this written testimony before the hearing through the web site from Community Development referring to the project: Western Station (PLD08-00009, SUB08-00005, PCR08-00002)

I clicked on the link provided for Kevin Young's email, copied the info into the text box and sent the email. The system apparently didn't work correctly because Kevin says he didn't receive the email, and my testimony didn't reach you before the hearing.

I am therefore resubmitting my testimony in written form and hand delivering it to ensure this problem does not reoccur. Please take the time to read & consider my testimony before you make your decision.

Thank you,
Sam Hoskinson

827 SW 10th ST
Corvallis, OR 97333

541-752-6578

RECEIVED

OCT 20 2008

Community Development
Planning Division

Copy

Sam Hoskinson 1/4

Testimony to Planning Commission by Sam Hoskinson

The Planning Commissioners need to look at this proposal, and then reject it, based on the purpose of the Planned Development Overlay.

Section 2.5.20 - PURPOSES

Planned Development review procedures are established in this Chapter for the following

purposes:

- a. Promote flexibility in design and permit diversification in location of structures;*
- g. Provide greater compatibility with surrounding land uses than would otherwise be provided under conventional land development procedures;*
- and*
- 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.*

This proposed development is asking for variations that benefit ONLY THE OWNER'S PROFITS, but will also increase safety, compatibility and parking problems for all their Corvallis neighbors, including the future residents this site. Approving this development would allow the Planned Development Overlay to be used ...once again...to grant LDC violations without providing THE REQUIRED offsetting "on site compensating benefits to ensure the LDC intent is satisfied" for each and every LDC rule they violate. (LDC 2.5.20.h). This is not acceptable and is a violation of the LDC..

The variances proposed are clearly aimed at putting a residential property into a MUC zone to maximize profits, just like the last proposal which was rejected by Planning Commission and City Council.

Residential Housing isn't needed

City Council has recently ruled on the need for Residential Housing and the appropriate use of PD Overlays in the findings of an appeal concerning the other 7th Street property owned by this developer.

The Council found no need for additional residential housing, so it makes no sense to grant variances, convert commercial property to residential uses and to weaken neighborhood/city LDC protections for building usage that isn't needed.

Corvallis City Council Notice of Disposition Order 2007-082

Attachment A Page-6-ZDC07-000001 *The Council finds.....there is no longer a public need for additional Medium High and High Density Residential in this location or in the City.*

Comprehensive Plan Policies must be Resolved by PD Overlay and the Detailed Development Plan

The Council also stated that any unresolved Comprehensive Plan policies that weren't settled when the property was changed from General Industrial must be addressed through the PDO process and the Detailed Development Plan.

Attachment A Page-7-ZDC07-000001 *The City council finds that such Comprehensive Plan policies must be addressed ...since they were intended to be addressed with the proposed development."*

Staff has not provided any assurance that the many Comprehensive Plan policies that were left unresolved when the property was rezoned from GI have actually been resolved with this plan.

Some unresolved Comp Plan Policies listed in the staff handout: 3.2.1; 3.2.3; 5.3.1; 7.5.5; 8.2.1; 8.10.4; .10.7; 8.10.9; 8.10.10; 8.14.3; 9.2.1; 9.2.2; 9.2.5; 9.3.210.2.9; 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; 12.2.7

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. (A minimum FAR of 0.25 would require that a 40,000 square foot lot would have at least 10,000 square feet of commercial uses.)...

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 Floor Area Ratio (FAR) and minimum % commercial rules are meant to preserve commercial land should not be ignored to build residential rentals (especially UNEEDED residential rentals). This property can be developed without weakening the LDC protections with variances or changing the method of calculating the FAR requirement for this one site. This developer simply wants to make more money by using their experience at abusing the PDO process to "push the envelope." The live/work fantasy description was shown to be totally meaningless at the Palazzo hearing. It is merely a catchy phrase that hides the developer's goal for this property: maximize residential rental incomes.

The New LDC Required Give/Take (variance/compensation) Reporting Process needs Clarification

The Compensation Requirements are definitely not being met by this proposal, just like the previous proposal. With the previous proposal I blamed the problem on the newness of the code and staff's unfamiliarity with the requirements. Now, however, I begin to feel that staff does not wish to enforce the new LDC requirements for ON SITE

COMPENSATIONS for any deviations in the normal LDC requirements. The purpose of the PDO is to come up with the best compromise solution for the city and community for "problem" properties, not the most profitable option for owners.

Staff should be instructed that the PDO is not a blank check to avoid LDC and Comprehensive Plan protections, but rather a **give/take** compromise to develop problem properties. To compare the tradeoffs, a **give vs. take** table should be provided by staff and included with the report to the Planning Commission. That is, a brief review of the negative consequences of each variance (**take** by developers), and a description of how the compensation (**give** to city and neighborhood) will alleviate the consequence or provide another benefit to the neighbors. This comparison will provide the Planning Commission and City Council with a clear comparison of the tradeoffs that are being proposed on which to base their decisions.

It should be clear to the commissioners that the variances of this proposal are all about **give** (maximizing the owner's profits) and ignoring **take** (consequences to the neighborhood for granting the variances.)

This Proposal is a Waste of Commercial Property and an Abuse of the PD Overlay Process

The MUC Property must be preserved for commercial uses or it is a clear violation of LDC, Comprehensive Plan Policies and Statewide Goal 9 (Economic Development.) The compensations offered were woefully inadequate and basically nonexistent. The residential usage proposed in place of the REQUIRED Commercial usage is not needed. This is a bad plan!

Please reject this proposal.

Thank you for the time and effort you give to our City,
Sam Hoskinson

RECEIVED

OCT 20 2008

To: Corvallis Planning Commission

Community Development
Planning Division

Re: Western Station

From: Leslie Bishop
827 SW 10th Street, Corvallis, OR 97333 541-752-6578

Thank you for your attention once again. I promise to make this short.

The perspective of the Planning Department expressed at the hearing on Western Station, Wednesday, October 15th astounded me. Planning Department's perspective looks only on how to fit something that is too big into a tiny space. Somehow Staff seems to think that it is OK to give variance after variance to this peculiar triangular piece of property which is surrounded by railroads on 2 sides and a busy boulevard on the third.

Wait, wait please. There is another perspective. This one uses common sense, considers safety issues, checks compatibility with the surrounding neighborhood (LDC2.5.40.04-a.2. &3), solves off-street parking problems (LDC4.1.30 - b) and problems in the parking lot itself, solves the 50 foot variance asked for when entering an arterial connector (LDC4.1.40 - Standards for Off Street Parking and Access -a. 2.) and widens, rather than narrows the ingress/egress (Comprehensive Plan 9.2.4) . What magical solution is this? MINIMIZE the development instead of making it so big that it has insurmountable problems.

This development can be built to code. It can still satisfy the principle of a MUC development. It just needs to be cut down in size. Build two commercial units of 1,000 sq. feet each, without a mezzanine, thus 2 to 2 1/2 stories in height, with 2 bedrooms each upstairs without a great room and the problems would resolve themselves.

Again, we are not opposed to a MUC development. We are opposed to this application because the developers are asking too much without any compensation to the neighborhood (LDC2.5.40.04 Review Criteria - a. Compatibility factors - 1). The problems can be solved. The developers were told this in 2007 when both Planning Commission and the City Council rejected the Palazzo for almost exactly the same reasons we oppose this current application.

While the CC&R's idea brought up by Hugh White at the hearing sound good, they are unenforceable. The red tape, time, possible court costs take time and energy that could be used for better things. This information comes from a former City Planner when the question of parking issues at Covey Row was asked several years ago.

Kindly turn this application down. Ask the developers to stop taking up our time, yours and ours. They need to downscale the development plan and propose building something sensible.

Thank you for your time and energy. We all appreciate your hard work even if we don't always say so.

Young, Kevin

From: matty b [bolducmw@gmail.com]
Sent: Wednesday, October 22, 2008 10:29 AM
To: Young, Kevin
Subject: Western Station - additional testimony - noise and compatibility
Attachments: Pages_from_CC_Packet_10-01-2007.pdf

Kevin, could you please enter this testimony into the record and pass along to the PC for planning case PLD08-00009, et. al.? Thanks much, Matthew

Dear Commissioners,

During my spoken testimony at the 10/15/08 Planning Commission hearing I stated that I would like to submit additional testimony regarding the incompatibility of the rail yard switching noise with new residential uses. Notably, I feel that the reduction in setback from 20 ft to 9 ft at the eastern border is grounds for denial of the application.

I was hoping to submit calculations showing the amount of noise reduction gained by meeting the required 20 foot setback. Unfortunately, due to unforeseen circumstances that arose since that hearing, I have not been able to dig out the dusty text books and prepare new calculations. Instead, for a more general noise analysis of the site, I refer you to my written testimony submitted to City Council during the Palazzo land use case. (Attached to this email for your convenience, and included in this testimony by reference.) Given that the building layout has not changed between applications, this previous testimony is still applicable and I ask that you please review. Note that this previous testimony includes a number of Comprehensive Plan policies regarding noise impacts. Additionally, I'd like to point out that purpose b of LDC section 2.13.20 "Purposes" of a Plan Compatibility Review reads, "Protect neighboring property owners and residents by ensuring reasonable provisions have been made regarding surface water drainage; suitable sound and sight buffers; preservation of views, light, and air; and other aspects of design that may have substantial effects on neighboring land uses." Please note the reference to "suitable sound" buffers.

Consider that the emphasis on residential uses in the Western Station development has triggered the need for a plan compatibility review. The purpose of a plan compatibility review is to ensure compatibility between uses both on and off the site. Therefore, it stands to reason that extra attention need be give to ensure the residential uses are compatible with other uses. Thus, the application should be taking extra steps to ensure compatibility of the residential uses with surrounding uses. Instead, the application wants to waive a setback that is meant as a minimum criterion for compatibility.

The extremely noise-intensive use of the GI property to the east (i.e., the railroad switching yard) is not compatible with the proposed new residential use even if the 20 ft setback was met. A reduction in this setback is far from keeping with the purposes of a plan compatibility review. Therefore, I ask that you deny the application based on its lack of compatibility with surrounding land uses, and therefore its failure to meet the requirements of the plan compatibility review.

Thank you for your time and attention.

Matthew Bolduc
1020 SW 10th St
Corvallis, OR 97333

10/22/2008

24 September 2007

Matthew W. Bolduc
1020 SW 10th St
Corvallis, OR 97333

City of Corvallis
City Council
c/o Planning Division
P.O. Box 1083
Corvallis, OR 97339

RECEIVED

SEP 24 2007

Re: The Palazzo (PLD07-00004)

**Community Development
Planning Division**

Dear Councilors,

I ask that you deny approval of the Palazzo Conceptual and Detailed Development Plans, and thus the Subdivision Plat and Planned Compatibility Review, based on the grounds that a serious compatibility issue exists between the railroad switching yard bordering the property to the south, east and west and the proposed residential portion of the project. Specifically, the noise generated by very frequent railroad switching activities is a serious quality of life issue, and was meant to be addressed through the planned development process when the development site was rezoned in 2003 to PD(MUC).

Some of the following information is technical in nature. I hold a Master's Degree in Civil Engineering, am a licensed Professional Engineer in the State of Oregon, and have had experience working in the field of industrial noise reduction. Thus, I feel qualified to present this information. I have attempted to keep the discussion as simple as possible, and present the more technical calculations as an Appendix. Additionally, I feel that I should divulge that I am employed by the City of Corvallis Engineering Division, but my job duties in no way impact the outcome of this land use case.

According to the World Health Organization, excessive noise levels can interfere with communication, disrupt sleep, cause stress related physiological changes, and impair cognitive abilities.¹ The impacts of excessive noise on public welfare are also recognized by the City of Corvallis in the Comprehensive Plan. Comprehensive Plan Finding 7.4.g, reads, "Excessive sound is a hazard to the public health, welfare, safety, and quality of life of the community." Additionally, the following Comprehensive Plan Policies relate to noise and residential uses:

7.4.2 Future planning shall encourage the protection of both the citizens of Corvallis and the City's economic base. Noise-sensitive development such as schools and residential uses should not be located near existing or planned uses that have major noise impacts such as airports, major highways, loud recreational facilities, intensive industrial and commercial operations, unless noise mitigation features are incorporated into the project.

7.4.3 Where unusual or excessive noise impacts are anticipated from new development, acoustical analysis may be required of developers to determine if mitigation measures are warranted.

7.4.4 Noise abatement measures will be encouraged where higher intensive uses abut lesser intensive uses and where residential uses abut major roadways.

9.3.7 To the maximum extent possible in residential areas, glare from outdoor lighting shall be shielded and noise shall be limited.

Directly to the south, east, and west of the subject site is a railroad switching yard operated by Willamette & Pacific Railroad (W&P). W&P was not able to provide a schedule as to how often they use this switching yard, but as a neighbor I can attest that nearly every weekday morning, and most of the days when I take my lunch break at home, they are operating trains in the switching yard. In a letter from Oregon Department of Transportation Rail Division addressed to Kevin Young with the City Planning Division dated March 20, 2003, ODOT Rail states that, "The railroad, by virtue of interstate commerce laws, has the right to operate their facilities 24 hours a day, 7 days a week."ⁱⁱⁱ A switching yard is a facility used to disassemble and reassemble trains into different configurations. Railcars are joined together by essentially crashing them into each other at a controlled speed, which is quite a noisy operation: a diesel locomotive idling (while cars are being un-hitched) is loud, a diesel locomotive under load (bringing the train up to speed) is louder, and the crashing of railcars (assembling the train) is louder yet. Thus, the switching yard is a noisy place and has the potential to be a noisy place 24 hours a day, 7 days a week, 365 days a year. I would wager that this is the noisiest industrial activity adjacent to residentially zoned land within the City limits. Living on the opposite side of 10th Street from the rail yard, I can attest that my windows rattle and loose items within the house shake when the railcars are crashing together.

Using standard engineering practices, it can be shown that the switching yard has the potential to cause an extreme nuisance for future residences on the subject property *if some sort of noise mitigation is not undertaken at the time of development*. The U.S. Department of Housing and Urban Development (HUD) has regulations governing allowable noise levels at building sites receiving HUD fundingⁱⁱⁱ. The Federal Transit Administration provides a methodology for predicting noise levels adjacent to railroad switching yards^{iv}. The attached Figures 1 and 2 show predicted noise levels as they relate to allowable HUD noise levels. HUD noise level recommendations are used for comparison because they represent a widely accepted predictor for the *maximum tolerable noise levels outside of residential housing*. Calculated, not measured, noise levels are used – as recommended by HUD – because calculations give a much better idea of the worst case scenario than the noise that happens to be generated on a single day of testing. See the attached Appendix for the calculations and a detailed description of the methodology. Please note that the information in the Appendix was presented as public testimony during the Planning Commission Hearing for Case PLD05-00019 by Andy Sagalowsky and is used here with his permission. Also note that I have checked the calculations and assumptions and feel that the analysis provides a reasonable prediction of potential noise levels.

The analysis shows that four hours of switching operations in a day (which I judge to be a reasonable approximation of the switching activities on a normal weekday) cause the day-night average noise levels across the entire site to be above 65 dBA. This level is considered "normally unacceptable" by HUD and would require some sort of noise attenuation. See Table 1 for a summary of HUD noise level regulations. A much worse case is the idling of a diesel locomotive for nine hours at night (which seems to happen on at least a couple of very

cold nights each year). This night time idling scenario results in the day-night average noise level to be above 75 dBA across the entire site, which is into the "unacceptable" range per HUD regulations. For a down-home comparison, LDC Section 4.9.60.02.h.1, governing Wireless Telecommunications Facilities, requires:

A facility located on a site adjacent to a residential development zone or existing Residential Uses must limit noise levels to 35 DBA or less, as measured at the residential property line(s).

Thus, the potential exists for noise across the development site in excess of Federal (HUD) recommendations and far in excess of the only LDC referenced noise level (albeit for a different type of industrial land use).

During the hearing process that lead to this site being re-zoned from GI to PD(MUC), compatibility with the railroad switching yard was identified as an issue. Council's Order 2003-116, "Findings Relating to Comprehensive Plan Amendment – CPA01-00005," Finding number 9 reads in part:

The Council notes that one of the key issues of compatibility will be with respect to the interface between the subject site and the industrial property to the east. Industrial properties are required to provide large buffers between themselves and residential properties. However, this same interface issue currently exists between the site and the properties to the west, which are designated as Medium and High Density Residential. The proposal will shift the issues from the west side of the subject site to the east side of the subject site. **The Council notes that the applicant has proposed a Planned Development overlay as part of the zoning designation request to address this issue on-site as part of future reviews for development on the site.** The Planned Development process would require a thorough review of traffic impacts and transition and buffer elements in conjunction with specific development proposals. [Emphasis added in bold.]

Additionally, compatibility between these uses was addressed in Council's Order 2003-116, "Findings Relating to District Change – ZDC03-00005," Finding number 6, which reads in part:

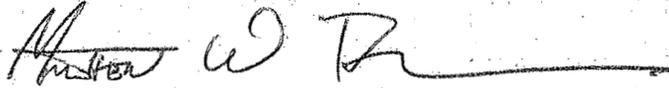
...the location of the subject site in close proximity to existing industrial uses points to the need for adequate buffering between future residential development on the property and adjacent industrial uses... **The Council notes that the proposed Planned Development Overlay zone will ensure that compatibility factors are considered prior to development of the property.** Based on this analysis, the Council finds that the requested zoning district designation will not result in compatibility conflicts regarding basic site design, noise attenuation, signage, lighting, noxious odors, landscape buffering, traffic parking, or air and water quality impacts. [Emphasis added in bold.]

From the above quoted Findings, it is obvious that in Order 2003-116, when re-zoning the 7th Street Station property, Council intended for the compatibility conflicts between the industrial and any residential uses to be addressed by the Planned Development overlay. Thus, these issues need to be addressed at this time. I ask that Council deny the application based on the fact that the noise compatibility issue has not been addressed by the current proposal.

I would like to state that I am not opposed to any and all development on this site. I believe that an all-commercial development would not be nearly as sensitive to the existing noise issue. Additionally, engineering practices exist that could be designed into the building to greatly reduce noise transmission from the outside. Thus, my current objection is to compatibility between the existing very loud railroad switching yard and the residential portion of the development.

To aid in your decision, I challenge you to visit the site during switching operations to hear for yourself how loud these activities can be. To determine when the rail yard will be operating, you can contact Willamette and Pacific Railroad by calling (541) 924-6565. Or, you can attempt to visit early in the morning, as most weekday mornings the diesel locomotive is on-site idling starting at 7:00 a.m. sharp.

I thank you sincerely for your consideration of this very serious community livability matter,



Matthew W Bolduc
1020 SW 10th St
Corvallis, OR 97333

Attachments: Tables 1 & 2
Figures 1 & 2
Appendix

ⁱ World Health Organization. (1999). *Guidelines for Community Noise*. Geneva.

ⁱⁱ Refer to City of Corvallis Planning Division Case ZDC03-00005.

ⁱⁱⁱ United States Department of Housing and Urban Development. (2004). *The Noise Guidebook*. Washington, D.C.

^{iv} Federal Transit Administration Office of Planning. (1995). *Transit Noise and Vibration Impact Assessment, Final Report*. Washington, D.C.

TABLE 1

HUD SITE ACCEPTABILITY STANDARDS FOR OUTDOOR NOISE LEVELS

Site Acceptability Standards		
	Day-night average sound level (in decibels)	Special approvals and requirements
Acceptable	Not exceeding 65 dB(1)	None
Normally Unacceptable	Above 65 dB but not exceeding 75 dB	Special Approvals (2) Environmental Review (3) Attenuation (4)
Unacceptable	Above 75 dB	Special Approvals (2) Environmental Review (3) Attenuation (5)

Notes.--(1) Acceptable threshold may be shifted to 70 dB in special circumstances pursuant to Section 51.105(a)
 (2) See Section 51.104(b) for requirements.
 (3) See Section 51.104(b) for requirements.
 (4) 5 dB additional attenuation required for sites above 65 dB but not exceeding 70 dB and 10 dB additional attenuation required for sites above 70 dB but not exceeding 75 dB. (See Section 51.104(a).)
 (5) Attenuation measures to be submitted to the Assistant Secretary for OPD for approval on a case-by-case basis.

Source: United States Department of Housing and Urban Development. (2004). *The Noise Guidebook*. Washington, D.C.

TABLE 2

**SUMMARY OF NOISE LEVELS IDENTIFIED AS REQUISITE TO PROTECT
PUBLIC HEALTH AND WELFARE WITH AN ADEQUATE MARGIN OF
SAFETY**

EFFECT	LEVEL	AREA
Hearing Loss	$L_{eq(24)} \leq 70$ dB	All areas
Outdoor activity interference and annoyance	$L_{dn} \leq 55$ dB	Outdoors in residential areas and farms and other outdoor areas where people spend widely varying amounts of time and other places in which quiet is a basis for use
	$L_{eq(24)} \leq 55$ dB	Outdoor areas where people spend limited amounts of time, such as school yards, playgrounds, etc.
Indoor activity interference and annoyance	$L_{dn} \leq 45$ dB	Indoor residential areas
	$L_{eq(24)} \leq 45$ dB	Other indoor areas with human activities such as schools, etc.

Explanation of Table 2:

- Detailed discussions of the terms L_{dn} and L_{eq} appear later in the document. Briefly, $L_{eq(24)}$ represents the sound energy averaged over a 24-hour period while L_{dn} represents the L_{eq} with a 10 dB nighttime weighting.
- The hearing loss level identified here represents annual averages of the daily level over a period of forty years. (These are energy averages, not to be confused with arithmetic averages.)
- Relationship of an $L_{eq(24)}$ of 70 dB to higher exposure levels.

Source: United States Environmental Protection Agency Office of Noise Abatement and Control. (1974) *Information on Levels of Environmental Noise Requisite to Protect Public Health and Welfare with an Adequate Margin of Safety*. Washington, D.C.

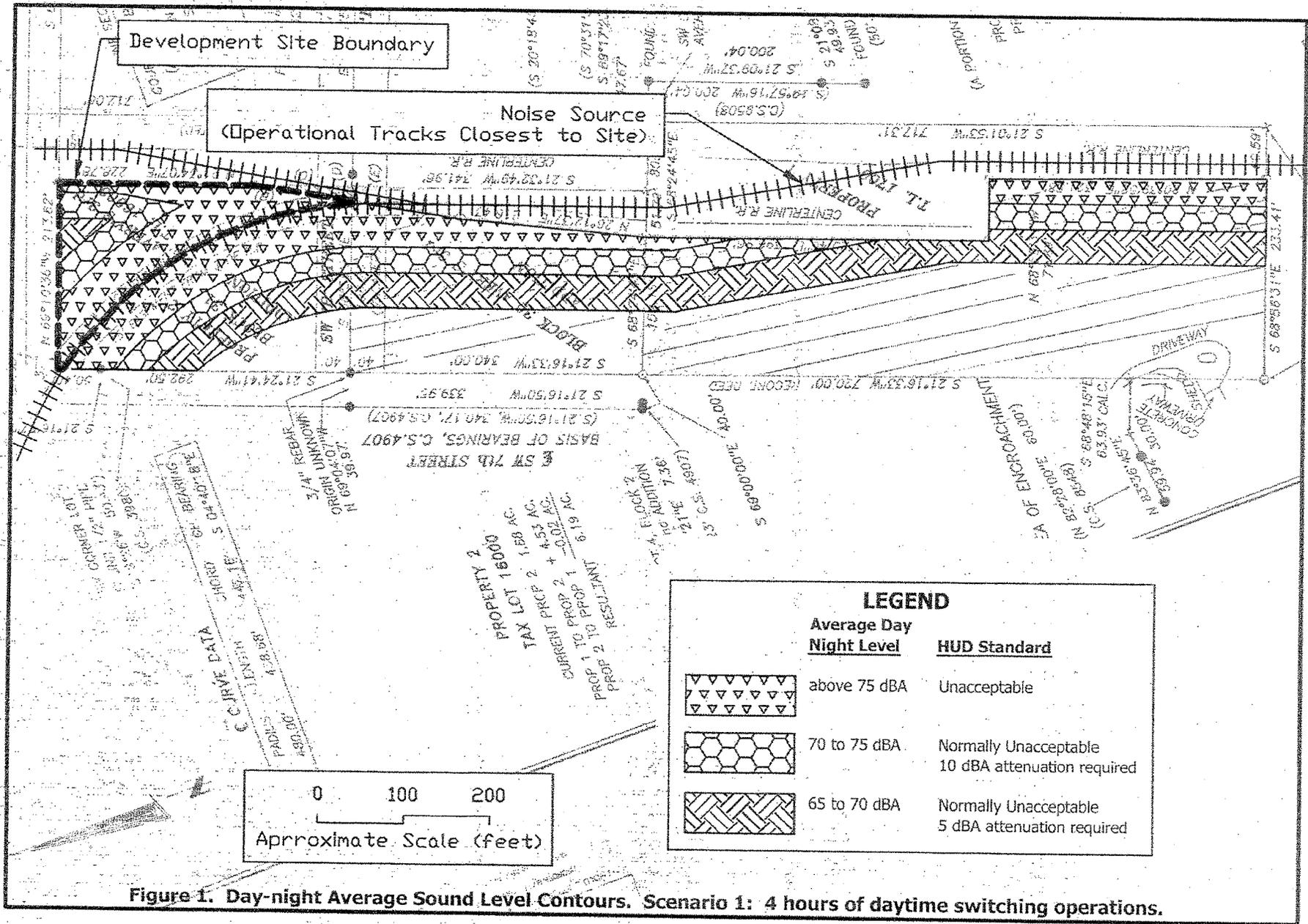


Figure 1. Day-night Average Sound Level Contours. Scenario 1: 4 hours of daytime switching operations.

LEGEND	
Average Day Night Level	HUD Standard
	above 75 dBA Unacceptable
	70 to 75 dBA Normally Unacceptable 10 dBA attenuation required
	65 to 70 dBA Normally Unacceptable 5 dBA attenuation required

APPENDIX

RAILROAD SWITCHING YARD NOISE CALCULATIONS

Summary: Standard engineering practices are used to determine potential noise levels generated by the active railroad switching yard adjacent to the development site. Noise contours are plotted to determine where outdoor noise levels meet acceptable levels established by U.S. Department of Housing and Urban Development (HUD).

References: Federal Transit Administration Office of Planning. (April 1995.) *Transit Noise and Vibration Impact Assessment, Final Report*. Washington, D.C.

U.S. Department of Housing and Urban Development Office of Community Planning and Development. *The Noise Guidebook*. Washington, D.C.

Operating schedules for rail yard vary and could not be provided by Willamette Pacific Railroad. Therefore assumptions need to be made regarding rail yard operations that impact noise level calculations. A number of neighbors who live in close proximity to the yard have observed two standard operating scenarios. A third, worst case scenario is also investigated:

Scenario 1: Approximately 4 hours of daytime operations.

Scenario 2: Idling diesel engine the entire night. This scenario is less frequent than scenario 1 and occurs only during the coldest nights of the year, approximately 4 hours of switching activities in a typical day of operation.

Scenario 3 (Worst case): 24 hours of continuous operations. This scenario is far beyond current yard operations, but there is no prohibition to it occurring at some point in the future.

Switching operations generate the loudest noise levels, but much of the current yard operations are simply an idling locomotive with intermittent switching. Because the objective is to obtain a reasonable operational noise estimate that does not inflate noise levels, and to simplify calculations, idling operations will be considered instead of a combination of idling and switching.

The Federal Railroad Administration, which governs interstate railroad traffic, recommends the use of Federal Transit Administration (FTA) procedures to determine noise levels generated by stationary rail facilities (<http://www.fra.dot.gov/us/content/167>). Chapter 5 of the FTA document entitled *Transit Noise and Vibration Impact Assessment, Final Report* provides a simplified procedure to estimate noise level contours generated by railroad switching yards. This procedure has been developed for the transportation planning process, and provides a well accepted mathematical model for establishing noise levels due to rail yard operations.

Noise level contours were plotted on the site plan. Contours assume that the noise source can be centered anywhere on the active railroad tracks adjacent to the site. It appears that two of the southwest most spurs in the switching yard are not utilized, so these tracks were not considered as a noise source location.

Scenario 1: 4 daytime hours of idling diesel locomotive

Determine reference sound exposure level at 50 ft

$$SEL_{ref} = 116 \text{ dBA}$$

(FTA table 5-5, One train with diesel locomotive idling for one hour)

Determine volume adjustment

$$C_N = 10 \log(2N_T)$$

(FTA table 5-5, layover tracks)

where $N_T = N$ number of train per hour = 1

$$\Rightarrow C_N = 10 \log(2) = 3.0$$

Determine hourly equivalent sound level at 50 ft

$$L_{eq}(h) = SEL_{ref} + C_N - 35.6$$

(FTA Table 5-6)

$$= 116 + 3.0 - 35.6 = 83.4 \text{ dBA}$$

Determine daytime equivalent sound level at 50 ft

$$L_{eq}(day) = 10 \log \left[\left(\frac{1}{15} \right) \sum_{7 \text{ am} - 10 \text{ pm}} 10^{L_{eq}(h)/10} \right]$$

(FTA Table 5-6, using 4 hours of daytime operation)

$$= 10 \log \left[\left(\frac{1}{15} \right) \left(4 * 10^{83.4/10} + 11 * 10^{0/10} \right) \right] = 77.6 \text{ dBA}$$

Determine nighttime equivalent sound level at 50 ft

$$L_{eq}(night) = 10 \log \left[\left(\frac{1}{9} \right) \sum_{10 \text{ pm} - 7 \text{ pm}} 10^{L_{eq}(h)/10} \right]$$

(FTA Table 5-6, using 0 hours of nighttime operation)

$$= 10 \log \left[\left(\frac{1}{9} \right) 9 * 10^{0/10} \right] = 0$$

Determine day night level at 50 ft

$$L_{dn} = 10 \log \left[15 * 10^{L_{eq}(day)/10} + 9 * 10^{L_{eq}(night)+10/10} \right] - 13.8$$

(FTA Table 5-6)

$$= 10 \log \left[15 * 10^{77.6/10} + 9 * 10^{0+10/10} \right] - 13.8 = 75.6 \text{ dBA}$$

$$\approx 75 \text{ dBA}$$

Determine distance of noise contours for 75, 70, and 65 dBA

$$L_{dn}(\text{new distance}) = L_{dn}(50 \text{ ft}) - C_{\text{distance}}$$

(FTA Section 5.3)

where $C_{30 \text{ ft}} = 5 \text{ dBA}$

$$C_{120 \text{ ft}} = 10 \text{ dBA}$$

$$\Rightarrow L_{dn}(80 \text{ ft}) = 70 \text{ dBA}$$

(FTA and Figure 5-2, stationary source)

$$L_{dn}(120 \text{ ft}) = 65 \text{ dBA}$$

Scenario 2: 9 nighttime hours of idling diesel locomotive

Determine reference sound exposure level at 50 ft

$$SEL_{ref} = 116 \text{ dBA}$$

(FTA table 5-5, One train with diesel locomotive idling for one hour)

Determine volume adjustment

$$C_N = 10 \log(2N_T)$$

(FTA table 5-5, layover tracks)

where $N_T = N$ number of train per hour = 1

$$\Rightarrow C_N = 10 \log(2) = 3.0$$

Determine hourly equivalent sound level at 50 ft

$$\begin{aligned} L_{eq}(h) &= SEL_{ref} + C_N - 35.6 \\ &= 116 + 3.0 - 35.6 = 83.4 \text{ dBA} \end{aligned}$$

(FTA Table 5-6)

Determine daytime equivalent sound level at 50 ft

$$\begin{aligned} L_{eq}(day) &= 10 \log \left[\left(\frac{1}{15} \right) \sum_{7 \text{ am}-10 \text{ pm}} 10^{L_{eq}(h)/10} \right] \\ &= 10 \log \left[\left(\frac{1}{15} \right) (15 * 10^{83.4/10}) \right] = 0 \text{ dBA} \end{aligned}$$

(FTA Table 5-6, using 0 hours of daytime operation)

Determine nighttime equivalent sound level at 50 ft

$$\begin{aligned} L_{eq}(night) &= 10 \log \left[\left(\frac{1}{9} \right) \sum_{10 \text{ pm}-7 \text{ pm}} 10^{L_{eq}(h)/10} \right] \\ &= 10 \log \left[\left(\frac{1}{9} \right) 9 * 10^{83.4/10} \right] = 83.4 \text{ dBA} \end{aligned}$$

(FTA Table 5-6, using 9 hours of nighttime operation)

Determine day night level at 50 ft

$$\begin{aligned} L_{dn} &= 10 \log \left[15 * 10^{L_{eq}(day)/10} + 9 * 10^{L_{eq}(night)+10/10} \right] - 13.8 \\ &= 10 \log \left[15 * 10^{0/10} + 9 * 10^{83.4+10/10} \right] - 13.8 = 89.1 \text{ dBA} \\ &\approx 89 \text{ dBA} \end{aligned}$$

(FTA Table 5-6)

Determine distance of noise contours for 75, 70, and 65 dBA

$$L_{dn}(\text{new distance}) = L_{dn}(50 \text{ ft}) - C_{\text{distance}}$$

(FTA Section 5.3)

where

$$C_{170 \text{ ft}} = 14 \text{ dBA} \Rightarrow L_{dn}(170 \text{ ft}) = 75 \text{ dBA}$$

(FTA and Figure 5-2, stationary source)

$$C_{290 \text{ ft}} = 19 \text{ dBA} \Rightarrow L_{dn}(290 \text{ ft}) = 70 \text{ dBA}$$

$$C_{440 \text{ ft}} = 24 \text{ dBA} \Rightarrow L_{dn}(440 \text{ ft}) = 65 \text{ dBA}$$

Scenario 3: (Worst case) 24 hours of idling diesel locomotive

Determine reference sound exposure level at 50 ft

$$SEL_{ref} = 116 \text{ dBA}$$

(FTA table 5-5, One train with diesel locomotive idling for one hour)

Determine volume adjustment

$$C_N = 10 \log(2N_T)$$

(FTA table 5-5; layover tracks)

where $N_T = N$ number of train per hour = 1

$$\Rightarrow C_N = 10 \log(2) = 3.0$$

Determine hourly equivalent sound level at 50 ft

$$L_{eq}(h) = SEL_{ref} + C_N - 35.6$$

(FTA Table 5-6)

$$= 116 + 3.0 - 35.6 = 83.4 \text{ dBA}$$

Determine daytime equivalent sound level at 50 ft

$$L_{eq}(day) = 10 \log \left[\left(\frac{1}{15} \right) \sum_{7 \text{ am} - 10 \text{ pm}} 10^{L_{eq}(h)/10} \right]$$
$$= 10 \log \left[\left(\frac{1}{15} \right) \left(15 * 10^{83.4/10} \right) \right] = 83.4 \text{ dBA}$$

(FTA Table 5-6, using 0 hours of daytime operation)

Determine nighttime equivalent sound level at 50 ft

$$L_{eq}(night) = 10 \log \left[\left(\frac{1}{9} \right) \sum_{10 \text{ pm} - 7 \text{ pm}} 10^{L_{eq}(h)/10} \right]$$
$$= 10 \log \left[\left(\frac{1}{9} \right) 9 * 10^{83.4/10} \right] = 83.4 \text{ dBA}$$

(FTA Table 5-6, using 9 hours of nighttime operation)

Determine day night level at 50 ft

$$L_{dn} = 10 \log \left[15 * 10^{L_{eq}(day)/10} + 9 * 10^{L_{eq}(night)+10/10} \right] - 13.8$$
$$= 10 \log \left[15 * 10^{83.4/10} + 9 * 10^{83.4+10/10} \right] - 13.8 = 89.8 \text{ dBA}$$

(FTA Table 5-6)

L_{dn} for scenario 3 is approximately the same as scenario 2. The reason is that both scenarios have the same nighttime noise characteristics and the 10 dBA weighting for the nighttime hours causes nighttime noise to govern the result.

To: City Planning Commission

RECEIVED

From: Ruby Moon - 19yr homeowner
608 S.W. 7th St
Corvallis 97333 7th and Western
753 7866

OCT 22 2008

Community Development
Planning Division

Re: Proposed building at 6th and Western

I spoke in front of commission re-
garding this proposal meeting statewide
goal #9 and "far". I hope you took
in my testimony and won't ask you read
it again; rather i want to speak to an
issue that was not addressed in enough
detail and that is the danger of
the driveway access. I spoke about
near misses i have seen and had at 7th
and Western and the cars entering into
the bike lane consistantly. The city
testified it was 5' - well it's 3'. I
spoke about the closeness of the driveway
access to a new intersection at 7th and
Western should the developers go forward
with plans to build in the other parcel -

and i am sure they will. In that case how close will the drive be to the then much used intersection? 30 feet?

The intersection at 7th & Western works because only a few people use it and all of us with caution, as most of us are "mature". Adding more distractions to this area will cause more problems for drivers that appear to be already distracted.

Let's not be facing this issue again when the plans come in for developing the larger parcel. (I'm sure you remember 11th st. is vacated and thus only 1/2 useable for new road access to Western).

To point out the danger of that stretch of road i nearly had a truck in my bedroom last Friday nite. The vehicle driving west on Western missed the curve going straight into the tracks, crashing into pole, spinning around and ending

up on the curb across from me, - and this is not the first such accident I have observed here. (the last one had serious injuries).

Please give consideration to the danger of allowing a reduced setback from the current 7th and Western intersection to the proposed driveway. LDC 4.140 standards for off street parking and access Point A#2

Finally, the plans as given could allow the owners, thru the single stair well, to combine this into one living space and I see no way to prevent that. The FAR is there to make sure what is proposed is reasonable not to manipulate to make "unreasonable" look like - "well maybe"!

Some real estate investments are just bad just like any investment - they don't come with a guarantee to make the top dollar but a smaller ^(SIZE) amount might do.

Thank you for all your volunteer hours!!

Young, Kevin

From: Mark Knapp [geocogent@yahoo.com]
Sent: Wednesday, October 22, 2008 4:46 PM
To: Young, Kevin
Subject: Western Boulevard

Kevin,

Here's another comment about PLD08-00009.

In response to questions from the Planning Commission at the October 15 public hearing, a traffic engineer stated that the eastbound bicycle lane in the vicinity of the subject site is never less than 5 feet wide on Western Boulevard.

That is incorrect. The bicycle lane is only three feet wide for several yards. Its narrowest point coincides with a bend in the road, which makes it doubly dangerous for bicyclists, because motor vehicle drivers often hug the right side of the lane as they speed through the bend.

I strongly oppose the development application, because the nonconforming driveway, so close to 7th and Western, would make a dangerous intersection even worse.

Mark Knapp

**Applicant's Final Written Argument
for the Western Station application
(PLD08-00009, SUB08-00005, PCR08-00004)
submitted October 29, 2008**



RECEIVED

OCT 29 2008

Community Development
Planning Division

October 29, 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:

As rebuttal to written testimony received prior to the Close of Record at 5:00pm on October 22, 2008, we are submitting the following:

A. Letter by Leslie Bishop; suggest maximum number of stories.

The MUC Zoning District standard for building height is 45' maximum and is not based upon the number of stories or floor levels. The Western Station building, as drawn in the application exhibits, is 43' feet in height. The Palazzo building, as presented in previous applications, and resubmitted with the Western Station application, was 45' in height.

B. Letter by Dale Hubbard; regarding bike lane width.

With the exception of an approximate 30' stretch of bike lane on the south side of Western Boulevard along the inside of the curve adjacent to the 7th Street intersection, the bike lane adjacent to the Western Station property is 5' wide. (Reference Photo No. 1)

This narrow condition is a marking layout error as all bike lane and travel lane striping have been shifted approximately two feet to the south through the curve at 7th Street. (Reference Photo No. 2) There is a consistent curb-to-curb distance across the frontage of all the Western Station property. This striping layout error could be corrected and a full 5' wide bike lane provided through the curve.

C. Letter by Matthew Bolduc; regarding rail yard noise.

In Mr. Bolduc's testimony concerning rail noise and its affect on compatibility between the new residential development and the adjoining industrial property, he correctly asserted that the intent of applying the Planned Development overlay on to this property was to "ensure that compatibility factors are considered prior to development of the property." He also asserts that "engineering practices exist that could be designed into the building to greatly reduce noise transmission from the outside."

The Land Development Code allows residential development in a Mixed Use Commercial zoning district to be constructed adjacent to industrial properties, provided that a 20' landscaped buffer is constructed. The applicant is proposing to reduce that setback to a 9' buffer, with the compensating benefit of providing additional soundproofing construction to the exterior walls of the residential structures that face the railroad.

The following calculations demonstrate that not only do the soundproofing construction methods proposed in Condition of Approval #7 adequately compensate for the reduction in buffer width, but actually exceed the sound attenuation that would be provided with a standard 20' landscaped buffer and standard exterior wall construction with no soundproofing, as would be allowed by the LDC and applicable building codes.

Sound levels decrease as they travel across distance in proportion to the square of the distance travelled. This decrease in level as a function of distance is characterized on a logarithmic, or non-linear, scale as decibels (dB). The mathematical equation that defines the quantity of loss is -6dB for every doubling of distance from a given point.

With respect to the landscaping of the setback distance, according to the American Society of Landscape Architects, adequate research has not been conducted which demonstrates the effectiveness of plants in controlling sound pollution.¹ Therefore, in comparing sound loss between one size of landscaped buffer and another, the effect of the plants themselves is negligible, and only the effect of the distance can realistically be considered. It is important to note, however, that the psychological effect of planting is significant, as it has been found that by removing the noise source from view, plantings reduce human annoyance to noise. The fact that people cannot see the railway line generally reduces their awareness of it, even though the noise remains.² This indicates that the psychological benefits derived from a 9' buffer are in every way equal to the same benefits derived from a 20' buffer.

Additionally, all building walls will reduce the transmission of sound by a certain amount, based on the construction methods used to build those walls. The amount by which the transmission of sound is reduced for a given wall construction assembly method is called its "Sound Transmission Class" rating, or STC rating. Appendix "A" demonstrates different STC ratings for various wall assemblies.

¹ <http://en.allexperts.com/q/Landscaping-Design-724/BUFFER-HIGHWAY.htm>

² www.tshwane.gov.za/documents/noise/NoiseAppendixD.pdf

Mr. Kevin Young
Senior Planner
October 29, 2008
Page 3 of 4

Figure 2 on Appendix "A" shows that using staggered stud walls can increase the STC rating of a wall anywhere from 8-12 dB. Additionally, Figure 5 indicates that the use of an additional layer of gypsum board also increases the STC rating of a wall from 1-5 dB. Therefore, the inclusion of the soundproofing measures required under Condition of Approval #7 will result in a decrease in sound transmission of approximately 9-17 dB.

According to the formula $\Delta D = 20 \log(d1/d2)$ where ΔD is the change in decibel level, $d1$ is the first distance and $d2$ is the second distance, reducing the setback distance from 20' to 9' results in a gain in noise transmission of +7dB. However, since the soundproofing construction provides a reduction in noise transmission of approximately 9-17dB, then the net change in noise from this compensating benefit is a loss of 2-10dB.

In fact, providing soundproofing construction at a 9' setback will result in the equivalent noise loss that the construction of an equivalent landscaped buffer that would at a minimum be 25' wide and could be up to 63' in width. This Condition of Approval meets the concerns raised by the City Council at the time of the issuance of the Planned Development overlay, in that the compatibility between the residential uses and adjacent industrial properties are being effectively mitigated, in excess of what the minimum LDC requirements would entail. This satisfies the requirement in the Planned Compatibility Review portion of the LDC that requires "suitable sound buffers" between neighboring land uses.

If you have any questions, please do not hesitate to call me.

Sincerely,

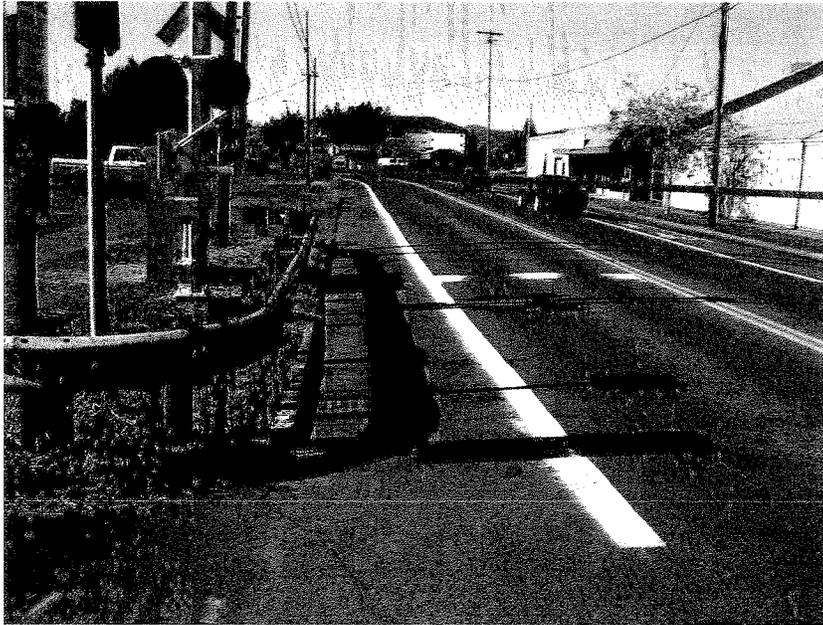


Lyle E. Hutchens
Project Manager

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

cc: Mr. Bob Cavell, 7th Street Station, LLC

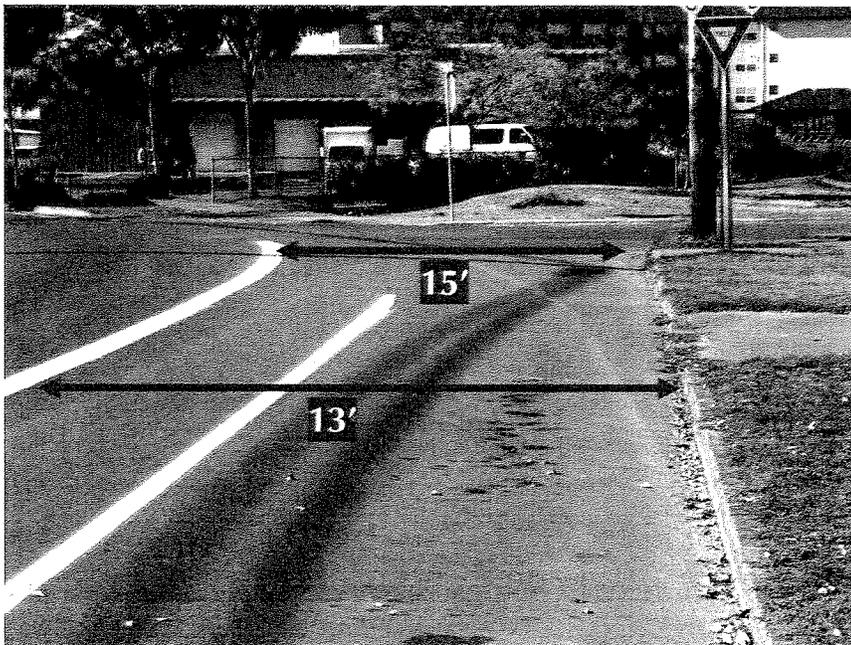
Reference Photo No. 1



● Curve where bike lane narrows

South side of Western Boulevard

Reference Photo No. 2



North side of Western Boulevard

STCratings.com

STC RATINGS FOR VARIOUS WALL ASSEMBLIES

Below are the STC ratings of various wall assemblies, each presented to help illustrate concepts, improvements and rules of thumb. The estimated ratings are based on laboratory test results from various compendiums of STC ratings. It is recommended to consult a professional acoustician for more detailed information or to analyze the specifics of your project/assembly.

To view different wall assemblies, click on each point below that may apply to your project.

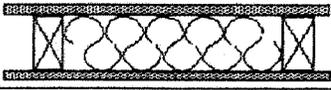
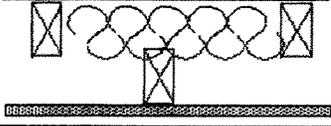
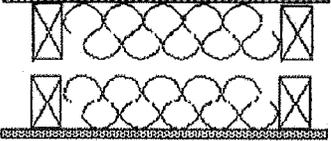
1. Insulation will noticeably improve the STC rating of an assembly.
2. Staggered or double stud walls are higher rated than single stud walls.
3. Metal stud walls perform better than wood stud walls.
4. Resilient channel can improve the STC rating of an assembly.
5. Adding additional layers of drywall can improve the STC rating of an assembly.
6. Drywall between double studs can dramatically reduce the STC rating of an assembly.

1. Insulation will noticeably improve the STC rating of an assembly.

Description	Estimated STC Rating	Wall Assembly
3 5/8" metal studs, 5/8" gyp (2 layers total), No insulation	38 - 40	
3 5/8" metal studs, 5/8" gyp (2 layers total), Batt insulation	43 - 44	

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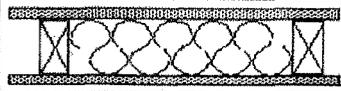
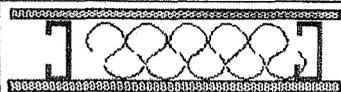
2. Staggered or double stud walls are higher rated than single stud walls.

Description	Estimated STC Rating	Wall Assembly
2x4 stud, 5/8" gyp (2 layers total), Batt insulation	34 - 39	
Staggered studs, 5/8" gyp (2 layers total), Batt insulation	46 - 47	
2x4 studs, 5/8" gyp (2 layers total), Batt insulation	56 - 59	

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3. Metal stud walls perform better than wood stud walls.

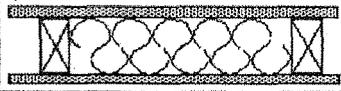
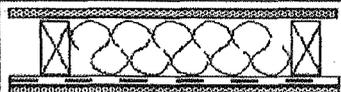
(NOTE: This only applies to single stud assemblies. For double stud assemblies, there is virtually no difference.)

Description	Estimated STC Rating	Wall Assembly
2x4 stud, 5/8" gyp (2 layers total), Batt insulation	34 - 39	
3 5/8" metal studs, 5/8" gyp (2 layers total), Batt insulation	43 - 44	

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4. Resilient channel can improve the STC rating of an assembly.

(NOTE: These ratings are based on laboratory tests. Because of the special care required when installing resilient channels, actual results could be substantially lower.)

Description	Estimated STC Rating	Wall Assembly
2x4 stud, 5/8" gyp (2 layers total), Batt insulation	34 - 39	
2x4 stud, 5/8" gyp (2 layers total), Resilient Channel, Batt insulation	45 - 52	

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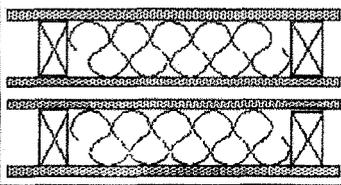
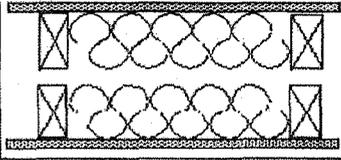
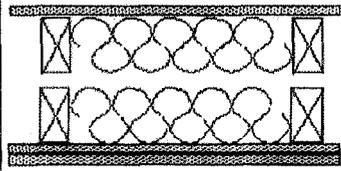
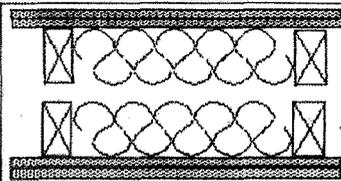
5. Adding additional layers of drywall can improve the STC rating of an assembly.

Description	Estimated STC Rating	Wall Assembly
2x4 stud, 5/8" gyp (2 layers total), Batt insulation	34 - 39	
3 5/8" metal studs, 5/8" gyp (3 layers total), Batt insulation	39 - 40	
2x4 stud, 5/8" gyp (4 layers total), Batt insulation	43 - 45	

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6. Drywall between double studs can dramatically reduce the STC rating of an assembly.

Description	Estimated STC Rating	Wall Assembly
2x4 studs, 5/8" gyp (4 layers total), Batt insulation	44 - 45	

		
2x4 studs, 5/8" gyp (2 layers total), Batt insulation	56 - 59	
2x4 studs, 5/8" gyp (3 layers total), Batt insulation	59 - 60	
2x4 studs, 5/8" gyp (4 layers total), Batt insulation	58 - 63	

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- [Rules of Thumb](#)
- [Recommended Ratings](#)
- [Weaknesses - What You Should Know](#)
- [The difference between STC and NRC](#)
- [STC Ratings for Masonry Walls](#)
- [Home](#)



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Western Station - PLD08-00009, SUB08-00005, PCR08-00002

Potential Condition of Approval # 15:

Deed Restrictions and CC & R's - In conjunction with final plat approval of the proposed subdivision, the applicant shall record deed restrictions on each of the four new lots to require that no commercial use on the lot may have a parking requirement greater than 1 space per each 400 square feet of commercial space. The deed restrictions shall also state that only commercial uses, and no residential uses, are allowed on the ground floor and mezzanine level of each unit. The deed restrictions shall note that the City reserves the right to enforce these provisions for as long as any lot is subject to Planned Development PLD08-00009 and its related conditions of approval. The required deed restrictions shall be provided to the Planning Division Manager for review prior to recordation of the deed restrictions and final subdivision plat.

In conjunction with final plat approval, the applicant shall also record conditions, covenants, and restrictions (CC & R's) governing all lots and tracts within the proposed development to address maintenance obligations for Tract A. The CC & R's shall also include the requirements noted by the deed restrictions above. The required CC & R's shall be provided to the Planning Division Manager for review prior to recordation of the CC & R's, deed restrictions, and final plat.

ATTACHMENT B



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

Approved as corrected, January 21, 2009
CITY OF CORVALLIS
PLANNING COMMISSION MINUTES
November 19, 2008

Present

Karyn Bird, *Chair*
 Jennifer Gervais, *Vice Chair*
 Frank Hann
 Tony Howell
 Steve Reese
 Jim Ridlington
 Patricia Weber
 Jeanne Raymond, *Council Liaison*

Staff

David Coulombe, Deputy City Attorney
 Fred Towne, Planning Division Manager
 Jeff McConnell, Development Engineering Supervisor
 Matt Grassel, Development Review Engineer
 Jason Yaich, Associate Planner
 Claire Pate, Recorder

Excused

Denise Saunders

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions			
II.	Public Hearing Deer Run Park Subdivision (PLD08-00013, SUB08-00007)			Record held open; Deliberations on December 3, 2008.
III.	Planning Commission Minutes none to consider			
IV.	Old Business			
V.	New Business A. Planning Manager's Update			
VI.	Adjournment			

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:

Michael Papadopoulos, 5370 NW Lawrence Avenue, asked that properties impacted by a land use planning application be posted with the notice as soon as possible, so that residents will have time to do research on and prepare testimony relating to the application. Mr. Papadopoulos said that there are three entities involved - the government, the developer, and the public. He said it is important that the public be given as much notice as possible so they can do research. Staff explained the process for posting the property, stating that they do not have all of the necessary information needed for the notice right away, so there is a bit of a delay from time of receipt of the application to posting. Corvallis exceeds State requirements for posting and notification, which are that everyone within 100 feet of any development proposal receive notification a minimum of 20 days in advance of the public hearing. Corvallis expands the notice area to all residents within 300 feet, and posts the property twenty days in advance of the hearing. Additionally, as soon as an application is deemed to be complete, a prenotification is sent out to all the neighborhood associations and interested parties on the Planning Division distribution list. This mailing is done in advance of the formal notification process. Deputy City Attorney Coulombe added that the substantive analysis included in the staff report does not come out until approximately seven days before the evidentiary hearing; therefore, the notice will likely not have all the substantive analysis which an opponent or proponent might need to evaluate a proposal.

II. PUBLIC HEARING - Deer Run Park Subdivision (PLD08-00013, SUB08-00007):

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 that Cole Surveying, Inc. is a subsidiary of Devco Engineering, her employer. However, neither she nor Devco were involved in any way with this project.
2. Ex Parte Contacts: None
3. Objections to declarations: None
4. Site Visits: All Commissioners present declared site visits.
5. Objections on Jurisdictional Grounds: None

C. Staff Overview:

Associate Planner Jason Yaich said the application is for a Conceptual and Detailed Development Plan and Tentative Plat approval for a nine-lot residential subdivision, to contain three groups of three attached single-family homes, served by a common driveway and parking area. The subdivision proposal also includes dedication of additional public right-of-way along the site's NW Ponderosa Avenue frontage and an open space tract of approximately 1.4 acres. The Planned Development request also includes requested variations to Land Development Code standards. The site is located at 5280 NW Ponderosa Avenue, north and west of the intersection of Glenridge and Walnut Boulevard. The Comprehensive Plan Designation is LD (Residential - Low Density), and zoning PD(RS-6) (Low Density Residential with a Planned Development Overlay). This designation was applied at the same time as it was applied to the Suncrest subdivision to the south, in 1984. The property immediately to the east, Ponderosa Point subdivision, has an RS-3.5 designation.

There are natural hazards and natural resources mapped on site. The natural hazards include a land-slide hazard and significant slopes which range from 10-35%. The natural resource is a Highly Protected Riparian Corridor.

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:

Creed A. Eckert, land use planning consultant, introduced the owner, Frankie Kent, and Peter Seaders of MSS Inc., project engineer. They have reviewed the staff report and, in general, concur with its findings. They are appreciative to staff for pointing out that two of the original variances appear unnecessary. In brief, no variation to the mass grading standards is required, along with one other variation which he could not immediately recall.

The applicants purchased the property in 2003 and subsequently wished to sell it, but potential buyers have been frustrated by design constraints of the property. Contrary to

one particular point in the staff report, the Kents have had conversations with City Planning staff since soon after the purchase of their property, not necessarily just associated with any violations that might have occurred, but in order to investigate the feasibility of developing the property. The layers of environmental natural resource and natural hazard protections and regulations on the property have made it a daunting project. It has taken a couple of years to clarify how it could be approached. They are happy to now have a proposal that is a very close mesh between the characteristics of the site, the significant restraints thereon, and the Land Development Code. The hope is that this will increase the site's marketability.

Mr. Eckert explained that though the applicants are mostly in agreement with the staff report, there are a couple of staff findings they would ask the Planning Commission to reconsider. Condition of Approval #25c would require extending street trees along the entire length of property frontage. They believe that there is Code support for and logical reasons for not requiring the street trees along the portion of the frontage that is part of Tract A, the natural riparian area that is already heavily treed. Staff cited Land Development Code section 4.0.30.a.1 as the passage that would require extending the street trees through the Natural Resource preservation Tract A, but it does not appear to apply to Collector streets. The corresponding section that does apply, Land Development Code section 4.0.30.a.2, normally requires a twelve-foot planting strip, but also states that the tree planting area shall not be provided adjacent to sidewalks where they are allowed to be located within Natural Resource areas governed by the Code. This statement appears to support the applicant's proposal to terminate street trees along the frontage of Natural Resources Tract A. It is also further reinforced by Land Development Code section 4.0.60.a.9. Both sections delete street tree planting areas when adjacent to Natural Resource areas, and neither of the sections make provision for relocating those street trees. The curb-side sidewalks were arrived at through much coordination with the City, and are consistent with the existing, improved profile for the sidewalks to the east.

Mr. Eckert said the staff report indicates that the applicants have not met the burden of approval for a variation to the sign area standard. Staff correctly observes the applicant's position that Land Development Code section 4.7.90.09, entitled *Signs in Planned Developments*, provides the criteria for approving signs in a Planned Development. It specifically requires findings of compliance with the Sign Code "and/or that the sign is compatible with the types of development existing in future surrounding the Planned Development." Admittedly, the applicants have not submitted testimony in that respect, but they are requesting that the Planning Commission find that a deviation of four square feet in sign size area would be generally compatible with what might be expected if a Planned Development were to occur across the street, or if one of the surrounding subdivisions had opted for an identification sign. Nonetheless, in addition to addressing that the application meets that particular separate set of standards, Mr. Eckert said that he would also like to submit that a minor deviation to the sign area can provide a compensating benefit by identifying the development for traffic safety, including fire and other emergency vehicles. It does not appear that granting this variance would require any changes to the language of Condition of Approval #27, although some amended findings in support of the sign area variation might be required.

Mr. Eckert said the applicants are agreeable to Condition of Approval #7, limiting the number of three vs. two bedroom units, which permits the development to provide five parking spaces in excess of the Land Development Code requirements in order to address overflow parking needs.

In conclusion, Mr. Eckert said the applicants would like to request that a correction be made to the Natural Hazard map in the staff report, removing the identified landslide area indicated on their property. He said the risk is relatively inconsequential for this application, since a geotechnical expert was hired to demonstrate the feasibility of developing on the sloping site. But, as the City compiles more specific information than what is currently available, it is the applicants' hope that future applicants will not be faced with the unnecessary burden of the mapped landslide area.

Mr. Eckert said a neighborhood meeting was held one week ago, and everyone on the City's notification list was invited. Around twelve people attended. He noted some of the suggestions that came out of the meeting, and asked that the Planning Commission consider them.

- With regard to the chip bark path to access the existing sanitary sewer manhole located off-site close to the southeast boundary, neighbors were concerned about proximity of the path to the fence and property line. The applicants would like to place the path directly on top of the sewer line, which would set it back from the property line. They could then retain and/or plant some trees as a buffer to the neighbors to the east.
- The school bus stop which is currently located in proximity to the northeast corner of the site might be more appropriately located in proximity of Lots 4 and 5 frontage.
- Neighbors were curious as to whether the street trees could be stipulated as evergreen.
- There was a request for a Covenant, Code & Restriction (CC&R) prohibiting parking on Cassia Place, and the applicants are 100% agreeable to that.

Mr. Eckert said there was also a request to reduce the number of units by one-third or more, and to provide double car garages. He said that, while the existing parking scenario is admittedly not ideal, the team determined that such a modification would make the property less marketable. A very major consideration is the cost of public improvements required for the site; improvement costs for Ponderosa Avenue will be substantial, and the project has to pencil out.

Mr. Eckert said it is a challenge to develop the site in the manner that the Corvallis Comprehensive Plan and Land Development Code envision, and that most of the neighbors have had the privilege of doing. He also pointed out that over two-thirds of the site will be deeded over to the public good, and neither of these two facts should preclude the owners from their ability to seek some residential use of the remaining usable portion of the site, as long as it is consistent with the residential density range assigned to it and to applicable standards. He said the staff report interprets that a minimum required density would be ten total units, but notes correctly that the applicants are given the option of exercising the provision to use net acreage to arrive at a lower required density. They have done so to arrive at nine units on one net acre of land. The maximum number of units allowed on the usable acre, by the City's maximum density standards, would be 15 units. The applicants are not interested in maximizing profit; they just want to arrive at what would be a marketable proposal that best fits the City's standards and requirements. Through a two-year process, they have submitted four design proposals, and each has been amended through working with the City staff. Mr. Eckert said the initial proposal was for seven single-family dwellings on the property, but the impacts to the riparian zone and the number of deviations required to realize such a plan led them to this final plan. This proposal appears to be a much better fit, with minimal impact to the natural resource area.

Questions of the applicant:

In response to a question from Commissioner Howell related to the two cited Land Development Code references to street trees in the riparian area, Mr. Eckert said that, to his knowledge, there would be no trees removed or impacted in the riparian area. If any were to be removed, it would be in relation to the storm detention facility, but he does not believe that this is the case. Mr. Eckert said there will be some grade change to accommodate the sidewalk in that area. Peter Seaders, project engineer, said that the easiest place to see where trees will be impacted is Exhibit A.2, Attachment K, page 3 of 17 in the staff report. He said there are a few trees listed in the Tree Table that are close to the "toe of road embankment" line, which might have some impact, though they are not slated to be removed.

Commissioner Weber cited Land Development Code section 4.2.30.a.1.d language requiring plantings in-lieu of street trees if planting strips are not provided along a Collector street. Mr. Eckert acknowledged this citation, but added that it is his belief that the section he cited, Land Development Code section 4.0.30.a.2, made specific reference and gave exception to frontage abutting a Natural Resource area.

Commissioner Weber asked if they had looked at the concept of having an alley serving the rear of the units instead of the access from the front. She suggested that adding an alley would allow five or six units on site. Mr. Eckert said they had first looked at a looped alley with two points of access to Ponderosa serving single-family dwellings, but it was never a matter of not being able to get enough units in; the issue is the amount of disturbance to the riparian area, and the fact that there would have to be a significantly-sized retaining wall put in along the boundary. He said the intent of this proposal is to keep grading activities 25 to 40 feet away from the boundary.

Commissioner Howell referred to the geotechnical report and its assumptions about foundation design and seismic design parameters. He asked whether the intent of the final design and construction methods was to comply with the recommendations. Mr. Eckert replied affirmatively, and said that the conceptual design of the retaining structures all came from consultation with the geotechnical engineer. Mr. Seaders said that the geotechnical engineer would continue to be involved through the construction phase.

Commissioner Hann asked why a larger sign was necessary, given the size of the project. Mr. Eckert said he was under the impression that for a Planned Development, a similar standard for signage as allowed in a Mixed Use-Residential zone would apply, so the sign was designed accordingly. It was a relatively minor point.

F. Staff Report:

Planner Yaich reviewed the three components of discussion relating to the proposed Conceptual and Detailed Development Plan. He gave a brief overview of the case history as contained in the staff report. He said the 1984 annexation included a District Change that had Conditions of Approval associated with it. The staff report notes the corresponding section in the existing Land Development Code for each of those conditions, which are mostly standard public improvement-type requirements for development.

Planner Yaich said the plan is for nine residential lots, in groupings of three attached, single-family, townhomes. There are common access, parking and utilities, as well as

common pedestrian and landscape improvements. He said the applicant is proposing improvements for NW Ponderosa Avenue and dedication of a 1.4 acre Natural Resource preservation tract.

Planner Yaich said the review criteria comes primarily from Land Development Code Section 2.5.40.04, which outlines compatibility criteria for Planned Developments, and points to other Code sections, including the RS-6 district standards and several chapters in Article 4 dealing with public infrastructure improvements.

Planner Yaich explained that Tract A, dedicated to the public as a Riparian Corridor and Drainageway Tract, is 1.4 acres in size and includes the 50-foot wide easement, as is required by Chapter 4.13. In addition, 25 feet are added to the riparian corridor, which will be placed on the rear yards of the residential lots. There is significant vegetation on site, and the applicant's Exhibit A.1 shows the significant trees and indicates which will be preserved and which will be removed. He said all trees within the Riparian Corridor will be preserved, with the exception of the trees associated with the Ponderosa Avenue road improvements. There is also a plateau of fill dirt that has been placed on the property over the past 15 years, which is unstable. The geotechnical report indicates that the fill needs to be removed from the site.

Relating to the density question, Planner Yaich explained that when land is divided within an RS-6 district, the requirement is for a minimum of 4 dwelling units per acre, even though the underlying Comprehensive Plan policy states 2 to 6 units per acre. Because of the way the Land Development Code defines net area and net density, he said the applicant has the option of removing the Natural Resource preservation tract from the total site net acreage, which allows a reduction in the minimum density. He said the gross density does not change, with or without the inclusion of Tract A. The 15 unit maximum density is a constant, but there is now a range in minimum density from 5 and 10 dwelling units, and the proposal complies with that range.

Planner Yaich then reviewed the Exhibits included with the staff report. Exhibits A.1 and A.2, relate to existing conditions and slopes. Exhibit C shows the grading plan. The applicant is proposing to vary from the eight-foot standard in a couple of locations towards the west end of the developed portion of the site, with fills of up to ten to fourteen feet. In Land Development Code Chapter 4.5, there are some exceptions for exceeding the eight-foot standard, particularly for preservation of natural features, and for road improvements. Exhibit C.3 shows some alternate development scenarios and the impacts of fill on the site. Exhibit C.4 provides cross-sections through the site, including cross-sections of the westerly areas where the "cut-and-fills" will exceed the eight-foot standard. Exhibits E.1 through E.3 relate to the utilities plan, with all extensions of utilities meeting requirements under Land Development Code chapter 4.0. Exhibit G shows the Natural Resources Preservation Plan, and Exhibit H shows the landscaping and irrigation plan. He said there are two types of landscaping associated with the development: a common area landscaping generally on the north side, and a small amount of private landscaping on the south side of the common sidewalk and adjacent to the homes.

Planner Yaich said the Minimum Assured Development Area (MADA) preliminary calculations show that the applicant could take advantage of the provisions. Depending on the amount of right-of-way the applicant proposes to dedicate, up to a possible 4,000 square feet of additional development area would remain, which could possibly allow encroachments into the Riparian Corridor. However, he said, the applicant has opted not to take advantage of MADA at this time.

Planner Yaich said that, except for the specific variations requested, the Detailed Development Plan complies with the RS-6 standards, particularly with respect to density, allowable residential use, building type, lot area and width, and front and rear setbacks. He then reviewed the specific variations requested with the compensating benefits as outlined in Table A, page 11 of the staff report. He highlighted the following:

- Variation to Land Development Code section 3.3.30.e.2 , wherein the applicant is proposing to provide the Usable Yard to the rear of the units, utilizing the 25-foot riparian corridor. Though allowed by Code, there are restrictions on how this area can be used, i.e. no play structures, sheds and no removal of vegetation. The applicant cited as compensating benefits natural resource protection in promoting the area as a passive recreation amenity and additional green area for most of the lots.
- Most of the variations are due to the constraints of the site, and locating the development in a certain portion of the site for which variances to the Land Development Code are required. The compensating benefit commonly cited for many of the variances is a higher level of protection for the Riparian Corridor.
- The variation requested to reduce the width of right-of-way dedication for improvements to Ponderosa Avenue by eliminating the 12-foot planter strip has compensating benefits of eliminating the large amount of fill and decreasing the height of retaining walls that would be required to achieve the increased road width.

Planner Yaich said the tentative Subdivision Plat is for a nine-lot residential plat, with right-of-way dedication for Ponderosa Avenue, public and private utility easements, and 1.4 acre Natural Resource Preservation Tract A. The proposed lots comply with all applicable standards.

Staff conclusions and recommendations are noted in the staff report.

G. Public Testimony in favor of the application: None

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

Alan Robinson, 2999 NW Cassia Place, read his written testimony (**Attachment A**). He said his chief concerns are visual compatibility with the existing area homes, the removal of trees and potential reduction in buffer along the east property line, and the spillover of parking onto Cassia Place. His request is that the number of units be reduced to 4 or 5; that all the trees be kept along the east property line; and that sufficient parking be provided for vehicles so that owners and guests would not routinely park in Cassia Place.

Michael Papadopoulos, 5370 NW Lawrence Avenue, said he has been a resident since 1966, and lives at the top end of Deer Run. He submitted written testimony (**Attachment B**). He objects to the name Deer Run Park Subdivision, as this is the name of the privately owned easement that provides access to each of 20 proposed parcels along the roadway. **Mr. Papadopoulos requested that the record remain open.** His second concern is about the public hearing notice, in that he was unaware of this application until about one month ago, even though the first proposal was submitted to the City in July of 2007. He believes that this is a complicated proposal. The neighborhood meeting was held only one week ago, but he was not notified; he had been on the list of interested

persons ever since Suncrest Subdivision was developed, and believes he should have been notified. He said one substantive issue pertains to Land Development Code section 4.5.70, dealing with landslide hazards. Section 4.5.70.02 prescribes a number of activities that cannot take place on property that is closer than 500 feet to a landslide hazard. Part of the site is only 470 feet away from the designated landslide hazard as shown on the map. Therefore, the applicant has to file a site assessment and geotechnical report meeting the criteria in section 4.5.70.03. He said the applicants appear to have followed this requirement, but no site assessment was done for Ponderosa Avenue or for the property on the north side of Ponderosa Avenue. He said nothing was done to show that development activity would not trigger inherent instability on lands abutting this property. He said the County does not have any subgrade plans or any geological information for the area under Ponderosa Avenue. When the City adopted Land Development Code section 4.5.70 in 2004, the ordinance language cited public safety as a concern and required that a site assessment and geotechnical report be done to all areas impacted. He does not believe the applicants have shown that the area to the north is safe.

Liz Frenkel, 4954 SW Hollyhock Circle, said that the lot has had a long history. She read from her written testimony (**Attachment C**) and related seven concerns about the application. The first concern mirrored Mr. Papadopoulos' testimony about the integrity of Ponderosa Avenue being compromised because of its proximity to the identified landslide hazard area. Concern #2 related to the fact that the property might not be appropriate for residential development at all because of the number of identified Natural Features. Her other concerns related to:

- ▶ lack of adequate emergency access;
- ▶ the number of variations requested; and staff Conditions of Approval;
- ▶ the fact that drainageway dedication should occur before any permits are issued;
- ▶ the fact that the "usable yard" space would be limited in terms of the use of the space and would be under a dual use by both the homeowner and the public, which could lead to conflict; and
- ▶ the fact that the proposal does not satisfy Statewide Planning Goal 6 relating to Energy Conservation because of its distance from jobs, banks, stores, etc.

For these reasons, Ms. Frenkel recommends denial of the application.

Madeline Sprague, 2992 NW Cassia Place, said she has lived there one year. She has the property on the east side that would be immediately adjacent to the proposed development. She is concerned about whether the property is indeed buildable. She has heard concerns about water drainage into the creek, and the landslide issues. Ms. Sprague said she is also very concerned about parking overflowing onto Cassia Place. Nine homes with a two-car, tandem parking situation, with only 5 extra spaces, will realistically not be enough. They cannot park on Ponderosa Avenue, so it is likely that people will go to the other cul-de-sacs for parking.

I. Neutral testimony:

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

J. Questions of staff:

Commissioner Howell said, in response to Ms. Sprague's testimony, that the geotechnical report indicates that test pits done on June 7, 2007, picked up water in holes down by the creek. He asked if tests done at that time of the year were adequate to show "up-slope" seepage that might affect later soil stability. Manager Towne said that he would have to rely on the geotechnical engineers for that determination, since they have the expertise and the certifications to make those determinations.

Commissioner Howell asked if there was an official process to remove mapped hazard areas, after a more thorough evaluation. Staff said that Land Development Code Chapter 4.5 provides a process for removing hazards from the map, but the submittal by the applicants and the geotechnical engineer does not include enough information. Chapter 4.5 would require a more extensive examination outside the site itself before this could happen. Staff said the applicants need to show through the geotechnical reports that the analysis finds the site suitable for development. The Land Development Code requires them to look at the site internally, as well as at how the development might create hazards downstream. The geotechnical report indicates that those standards have been met for development of the site.

Commissioner Weber asked how a private drive could serve more than four dwelling units. Development Review Engineer Grassel cited the first page of the Parking Lot Access standards, wherein the bottom paragraph states: "These standards are not intended to be a replacement for innovative design and concepts. If such a circumstance arises, and innovative design is consistent with objectives of the City, the design may be approved." Therefore, there is some flexibility in the standards. He said the site is constrained and meets the access requirements of Chapter 4.4 by providing the 25-foot standard in front. Therefore a driveway is allowed, and this proposal is just a variation from the standard. He said one of the problems with the private street standard is that the minimum standard is 20 feet, which would take up a lot of the site with the requirements for sidewalks and planting strips that go along with it.

In response to another question by Commissioner Weber, Engineer Grassel cited Section 4.4.20.03.b and stated that the difference between this proposal and some others is that, typically, alleys are used where the lot does not face the street, and therefore does not meet the 25-foot requirement for abutting a street. He agreed with Commissioner Weber that there is nothing in the Land Development Code that would preclude using an alley.

Commissioner Weber asked which Land Development Code section allows an applicant to choose either net density or gross density. Planner Yaich said that he is not familiar with any part of the Code that allows the choice, but that a section in the prior Land Development Code addressed the process for doing a transfer of density. He said it appears that the definition got left in, but the process got left out. In this particular case, there is no transfer of density per se. Commissioner Weber explained to the other Commissioners that she recalled from working on the Ashwood Preserve application that the Land Development Code states somewhere that, when applying density, the applicant can choose to use either net or gross density when working with a site that is constrained by natural features. She said she had interpreted that choice as an either-or decision, without the ability to choose both. In her mind, it is dubious whether this proposal meets the density requirement.

Commissioner Weber said that she is struggling with the interpretation that parking can be located on the development site as a whole rather than on the primary structure lot. She cited Hilltop Village as a case in which parking was tight and she does not believe the notion of dispersed parking was ever presented to them as a possibility. She is concerned that this interpretation could be applied to a much larger subdivision, wherein the houses would not have garages and there would be one great big parking lot removed from the houses. Manager Towne said he understands her concern, but the language does say *site*; this is a development site and the access easements are in place. He agreed with her that, theoretically, a larger subdivision could come in and apply the same interpretation.

Commissioner Weber cited the language in Land Development Code section 4.4.20.03.a where it says that lot "depth shall generally not exceed 2.5 times the average width." Though the word "generally" is a clarifier, and it would be better to have specificity in the standard, her belief is that, since the language is in there, the proposal should meet the standard. Use of the word "generally" leaves more of an opening for a variance, with perhaps less of a need to prove compensating benefit. She said the language should not be interpreted as *not* having to meet the standard at all if an applicant does not want to. Manager Towne said the language is intended as direction to encourage developments to be designed in a certain manner, but because the word "generally" is not a clear and objective standard, it therefore cannot be applied as such. Commissioner Weber said she has ongoing concerns with this situation and believes it should be looked at for a possible Code change.

Commissioner Weber then raised the concern about putting the "Usable Yard" in the protected natural feature area, as brought up in public testimony. She remembers the 7th Street Station application, in which staff specifically directed that the Highly Protected Significant vegetation portion of that site was not to be allowed to be considered as part of the usable common space for either active or passive recreation under the requirements of RS-12 zoning. She asked for clarification, stating that her belief is that there should be some consistency. Manager Towne said there is a difference between the requirements for the Highly Protected Significant Vegetation (HPSV) and Riparian Corridors and wetlands. The difference is that the entire HPSV area is protected. In this case, the part that is required to be protected is the 50-foot area, rather than the full 75-foot area. The remaining 25-foot area has limitations as to what is allowed to occur and how it is to be used. If the Planning Commission, as a discretionary decision-making body, believes that the limitations placed by the Land Development Code are adequate limitations and would still allow the use of that area as a Usable Yard, then the decision can be made to accept the variance. Conversely, they can decide not to accept the proposal.

Commissioner Weber then asked about proposed Condition of Approval #29 and the potential use of a deed restriction requiring a fire sprinkler system in perpetuity, since the technology might change eventually. Her preference would be for the applicant to submit a Fire Department-approved plan with adequate emergency access. Staff stated that the Fire Code can be met in a number of ways, and the fire sprinkler system is one of the means to meet it. The concern for the Fire Department has to do with the topography of the site, and the ability to run hose to the back of the site. Deputy City Attorney Coulombe said that deed restrictions are primarily used as a notification to a potential property owner who might be purchasing the property. It is not necessarily an enforcement tool, since it is only enforceable by the person who sells the property. The City is not going to enforce it.

In response to another question from Commissioner Weber referencing Condition of Approval #33, Planner Yaich said that this condition was more intended for staff as they review the final plat just to reconfirm compliance. The materials submitted by the applicants do indicate that both the lot width and lot area standards are satisfied.

Commissioner Weber asked if the front of the garages were on the same vertical plane as the buildings, and if so does it meet Land Development Code Chapter 4.10 requirements for garage placement. Mr. Yaich said that the design standards would allow them to be flush if the developers incorporate options under the Pedestrian-Oriented Design standards, such as providing porches in front of the home or overhangs.

Commissioner Weber said her biggest concern was why it is considered so terrible to have fill and a retaining wall at the edge of the 75-foot riparian corridor boundary, that it is worth wholesale chucking out the Pedestrian-Oriented Design standards. She views the site layout as absolutely antithetical to how the Land Development Code has been developed. She cited such features as pushing back the maximum setback and having the parking in between the homes and the street. The compensative benefit that is offered is that it keeps the retaining wall and fill from the edge of the boundary. She does not see the balance there, and would not vote to approve it if she were voting on it. Mr. Towne said that clearly if a Planning Commission does not see it as a benefit, then it is its prerogative to turn it down. One of staff's main concerns was to move the traffic activities away from the Riparian Corridor, as a means of protecting against the potential environmental hazards of oils, rubber from tires, etc.

Commissioner Weber said that for the variance to the maximum front yard setback the applicant lists a compensating benefit that the houses will have less presence on Ponderosa Avenue. This confounds her, since the entire purpose of having the maximum setback limitation is the benefit gained from houses being present on streets. Mr. Towne said that the fact the applicant views this as a compensating benefit does not mean that the Planning Commission necessarily has to view it that way. Commissioner Weber said she brought this up because staff had not commented on this as a compensating benefit, though they had commented on the reasonability of the compensating benefits offered by the applicant for the sign variance. Her interpretation of the lack of comment on this and perhaps other compensating benefits was that staff was accepting the validity of them. Mr. Towne said that the increased setback to allow for the access and parking is almost exclusively associated with the desire to keep the auto movement away from the riparian corridor. It is the main compensating benefit for allowing the variation from the POD standards.

Mr. Towne said that in terms of density considerations, a development proposal is required to fall within the range of minimum density and maximum density. Minimum density for this site is defined as the net density; using the net area of 1.1 acres gives a minimum density of 4.4 units, or 4 units minimum. The maximum density is based on the gross area for the site and the gross density allowed for the site; using the gross area of 2.55 acres times 6 units, it equates to 15.5 units. They are within that range, and they are developing it according to standards within the Land Development Code.

Commissioner Weber said that though they are not asking for variances to the minimum lot sizes, they are using a private driveway to serve all nine units and part of the driveway is on each of the lots. Everyone of the lots has a piece of the common driveway as part of it. City of Corvallis off-street parking and access standards Table 1 Minimum Driveway Width says that "any access drive for five or more dwelling units shall be considered a

private street and shall be constructed to City standards.” Her understanding has been for several years that the City has a position that no more than four dwelling units should be located on a private driveway. If this were required to be an alley or a street, it would be required to be in a separate tract. If the tract removes some of the land from each lot, minimum densities could not be met on any of the lots.

Mr. Towne reiterated that it was within the Planning Commission’s discretionary abilities to decide whether to accept or reject arguments raised as part of the applicant’s proposal.

Commissioner Howell said he would follow up on a couple of issues raised by Commissioner Weber. In response for a request for clarification, Mr. Towne said that he had not meant to imply that the 25 feet of riparian area was not protected; what he meant was that 50 feet of the 75 feet was set aside in a separate tract. The remaining 25 feet can be a part of the home lots but still has the same level of protection. It would be up to the Planning Commission to decide whether those protections would preclude its use as Usable Yard. Commissioner Howell then read the definition of yards, which allows for certain activities to take place which might conflict with protecting the area. Mr. Towne said the greater protections would be those that would prevail. Even though in the definition it describes what a yard might be used for, the protections afforded by the Highly Protected Riparian Corridor would trump them.

Commissioner Howell then cited Land Development Code Chapter 1.6. page 17, wherein it gives the definition for Development Site as “legally established lots, parcels, or tracts of land involved in a land use application...” with the word “lots” used in the plural. He then said that the vehicle parking standards for residential zones require that parking be provided on the development site of the primary structure, with the word “structure” being singular. There appears to be a grammar conflict between the definition and the standard. Mr. Towne said that because it is a Planned Development, it is possible to view it across the entire development site with some situations having to be addressed in a different manner from the base standard. Commissioner Howell said that if they were to interpret it strictly as one site, it could be treated as a request for a variation. If they considered is as allowed across multiple lots, then it could be considered as just part of the development.

Commissioner Howell then asked about the issue of street trees in Tract A. The code exempts them from having them in the Highly Protected area but then in another section of the code, if they are not required then they have to be put elsewhere. Mr. Yaich said that Land Development Code section 4.2.30.a.1.d is often used to require the same number of street trees for any particular development to be placed in the front yards or common areas behind the sidewalk. Often times this standard gets implemented such as with curbside sidewalks throughout the City with no designated planting strip. Staff is taking this to be the more restrictive standard versus the exemption that does not require the planter strip next to the Highly Protected Riparian Corridor. This is why Condition of Approval 25-c was put in. Commissioner Howell said that the standard for the Highly Protected Riparian Corridor would likely require certain types of native trees, which is not in the condition language. Mr. Towne said that language could be added to Condition of Approval 25-c to reference that requirement.

In response to Commissioner Howell’s questions relating to the parking area and screening/buffering along the eastern boundary, Mr. Yaich said that the area met the setback requirements and there is a Condition of Approval to ensure buffering and vegetation is provided. Additionally, the applicant is proposing a screening fence along

that property line as well. The buffer is specific to the parking area and the eastern property line.

Commissioner Howell asked if staff could accept the applicant constructing the sewer easement access path setback from the fence line. Staff said that as long as it is within the 15 feet of easement access it would be fine.

In response to questions from Chair Bird and Commissioner Gervais relating to parking, staff said that the applicant is proposing three spaces at the east end of the parking lot/accessway and two spaces at the west end. In terms of tandem parking, Mr. Towne said it is not allowed for four-plexes but is allowed for a triplex, duplex, or, as in this case, an attached three-unit development.

Commissioner Gervais commented that the combining of the rear yard with the Highly Protected Riparian Corridor sets up a situation where the owner cannot remove vegetation, do any dumping, or build any structures though the owner can consider it their land. She envisions a small yard with a lawn or vegetables or plantings, then a fence with a gate that leads to the rest of the yard which is in a Highly Protected Riparian Corridor in which a lot of the activities that an owner would assume with a yard cannot take place. Mr. Towne said that they would be able to remove noxious vegetation and maintain it as a nice riparian area to be enjoyed. In response to questions about impact of a fire fuel break on the Riparian area, Mr. Yaich said that a fire fuel break along property lines could be up to 25 feet in width, but is a determination of the Fire Chief. It does not necessarily mean removal of trees, but might require some limbing of trees.

Commissioner Weber referred to Exhibit B, and said it seems that the rear yard fences run about five feet from the structures, which means it would be a very limited area in which to put play structures and other items.

Commissioner Hann referred to Attachment G, and expressed concern about how the fencing as required by Condition of Approval #15 might impact animals transversing the Riparian corridor area. Mr. Grassel said that the fencing would only occur along the Ponderosa Avenue sidewalk where there are slopes in excess of 4:1. Specific locations of the fencing, which is to protect pedestrians, would be determined at the time the property owners come in with the grading plans. The height of the fence is limited to three feet. Commissioner Hann said he is concerned about deer and other wildlife. Staff said there would be opportunities to have fencing that might allow animal migration. Commissioner Howell said that the type of fence should be something that can be seen through and that has openings for animals to go through. Staff said their main concern is for pedestrian safety along Ponderosa but that language can be modified to accommodate animal migration as well.

J. Rebuttal by Applicant:

Mr. Eckert said he had taken notes of the substantive comments by everyone who had spoken during the evening and offered the following points as rebuttal:

- ▶ Three variances presented in the application are no longer necessary. Lot depth-to-width ratio is a guideline not a requirement, and therefore no variation is necessary. The mass grading standard is not exceeded, and they are compliant with the standard. The side setbacks between units 3 and 4 and 6 and 7 are compliant and meet the 8-foot requirement.

- ▶ A point of clarification with regard to the planter strip adjacent to the private sidewalk: they are proposing not to remove it completely but to have a two-foot wide planting strip in lieu of the five-foot wide strip. They are of the professional opinion that small trees could still be planted in the strip, but staff has recommended that for vision clearance purposes the trees indicated for that location be placed in the front yards, and keep them out of the area between driveways. Instead there will be a green strip between the sidewalk and the proposed circulation area.
- ▶ Because they are not utilizing the MADA, they are not proposing any encroachment into the Riparian zone as might have been permitted. This is a less impacting proposal as a result of this.
- ▶ They agree that there is a distinction between common area landscaping and the private landscaping on the south side.
- ▶ The right of way profile they are proposing, specifically the elimination of the twelve-foot wide planting strip, was a result of direction by City staff. Their most recent proposal was for including a planting strip adjacent to their development along the frontage of the whole site, six feet wide. For purposes of safety with respect to the retaining wall and the amount of fill that would be required, staff preferred not to have that planting strip, but to have street trees placed behind the sidewalk and have a curbside sidewalk.
- ▶ This is a constrained site and has its difficulties, but the applicant should not be precluded from its eligibility for residential development.
- ▶ With respect to staff's statement that encroachment upon the Circles of Protection for protected trees is permissible for storm drainage improvements, the improvements they are proposing will not have an impact on the roots.
- ▶ In response to points made by Mr. Robinson, the fact that the housing type proposed does not exactly match what is already in the neighborhood is actually a benefit to the community in that it adds to the variety of houses and provides a diversity of housing styles. This is an objective of the City of Corvallis. In general, they disagree with the statement that this is incompatible with the existing housing pattern. The square footage of the structures they are proposing, as specified in the application narrative, is in the area of 2300 square feet of living area.
- ▶ The parking is conforming with code requirements, and in fact exceeds the required number of spaces. Though some of the spaces are tandem parking, that is permitted for this housing type. There are actually seven total extra parking spots provided.
- ▶ They appreciate the neighbors concerns about parking and recognize that this might not be an ideal, but it avoids a parking lot scenario which is much less desirable. They are agreeable to a CC&R or other mechanism for ensuring that parking on Cassia Place is not exacerbated.
- ▶ They are willing to relocate the chip path and retain the trees along the eastern boundary, if desired by the Planning Commission.
- ▶ With regard to Mr. Papadopoulos' comments, the application describes the information given to them by staff which is from Department of Geology and Minerals Industries (DOGAMI). It is his understanding that DOGAMI has recommended further analysis of those mapped hazards in the inventory; they do not necessarily say that they are hazards. The data is from photo interpretation only, not field studies. So if property has that designation, then a geotechnical engineer has to be hired. They have done that and gotten the appropriate reports. It says that there are no signs of slope hazard on the existing property, and there is nothing to suggest that this development will exacerbate those types of conditions upstream, downstream, uphill or downhill. There is not a requirement in the code that they send their geotechnical engineer onto adjacent properties. They agree with Mr.

Towne's opinion that they have to go with the professional, geotechnical engineer's opinion. That opinion is that approval of this request will not create any risk of landslide or natural hazard.

- ▶ If there is a landslide hazard 415 feet to the northeast, there is not only Ponderosa Avenue right of way located between that but also engineered homes in residential development.
- ▶ In response to Ms. Frankel's testimony, no mass grading standard variation is needed. This had been mis-stated in the application.
- ▶ In terms of fire access, to their knowledge they have met the requirements for this. They are allowing the option of either fire sprinklers or the other improvements as discussed by staff in the Condition of Approval.
- ▶ With respect to the 25-foot rear yard being usable, it is not really of dual use. It is private, but abuts the 50 foot riparian zone that is public, but will likely not see public use as it is not developed and is rough terrain. The Land Development Code states that 25 feet of the 75-foot Protected Riparian zone may be private, and they clarified with staff that this could be counted as part of the rear yard. The question is whether it is usable rear yard, meeting the 15-foot usable yard standard.

Mr. Eckert read portions of the application relating to this:

"We understand staff may have some concerns regarding the applicants' proposal to include portions of the riparian corridor for inclusion as useable rear yard area for Lots 2-8. We agree with Staff's statements in the September 5th correspondence that the circumstances and particular characteristics of this planned development may reasonably warrant Staff's support of this aspect. In compensation for this deviation from the norm, the applicants' Conceptual and Detailed development Plan provides additional common yard areas in the northerly portions of lots 4-9; ensures protection of valuable natural resources through appropriate use restrictions and erection of a wooden fence on the boundary of the resource area; and maintains an adequate range of choice for making non-intrusive uses of the rear yard areas contained behind the natural resource protection fencing depicted on the applicants' exhibits to this application. Additionally, this Conceptual and Detailed Development Plan provides compensating benefits in the form of side yards for Lots 1 and 9 which exceed the 15-foot minimum standard, and 25-40-foot rear yards."

He noted that the code does not provide a definition of "Usable Yard," although both the terms "Use" and "Yard" are defined. "Use" is purpose of or activity on a site. "Yard" is: "open space unobstructed from the ground upward except as otherwise provided in the code. In the case of a corner lot, the front, rear, and side yards that were determined at the time of the original construction of structure(s) on the lot may be used for the purposes of remodeling, rebuilding, and/or constructing additions, accessory structures, etc." The code further describes rear yards: "Yard, Rear - As shown in Figure 1.6-31 - Rear Yard below, yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and a line parallel to the nearest point of the main building."

"The rear yards, as defined above, average just over thirty feet in depth, far exceeding the 15-foot minimum standard for usable yard. North of the proposed natural resource preservation fencing, rear yards are fairly narrow, particularly on the western end of the development area. Since these portions of the proposed rear yards average between 5-10 feet in width, full compliance with the 15-foot usable yard standard north of the fence is not feasible for some lots.

“The term “useable yard” does not inherently require that the available uses be wholly un-restricted; indeed, around the community, many yards or portions thereof are subject to setbacks and are reserved for tree and other resource protection, often at property owners’ discretions or not. These yards nonetheless remain useable for a wide variety of typical, non-intrusive yard uses. The use restrictions that they have imposed on the site plan are specific. It states: Natural Resource Preservation Tract A is proposed to be dedicated to the City of Corvallis. In addition, the Highly Protected Riparian Corridor extends for 25 feet northerly, beyond the northerly boundary of Tract A. Activities in the entire 75-foot wide Riparian Corridor are limited to a passive enjoyment of the natural features therein, including primarily hiking, picnicking and sight-seeing. No disturbance of any type is permitted of the soil, vegetation, or water feature associated with this reserve natural area. The wooden fence may be provided with one gate per dwelling, subject to the above restrictions of use. No structures may be placed or other disturbances occur within the Highly Protected Riparian Corridor, the boundary of which is to be demarcated on the ground by the wooden fence.”

The rear yard standard is five feet. In no case is that encroached upon with respect to the buildings and the fence. This does not provide a lot of room for swing sets either, hence the 15-foot useable yard standard. They are also looking at who they anticipate occupying the homes: people who do not want to maintain a huge yard. Types of uses that would still be permissible provide a sufficient range to be considered useable yards. Again, many useable yards may be subject to setback and other standards and preclude play structures, etc. and still be considered useable.

“Rather than request a reduction in or waiver of the 15-foot yard standard, they prefer to request that the privately owned rear yards south of the natural resource protection fencing be considered as contributing to, and in fact exceeding, the 15-foot minimum useable yard standard.”

He apologized for the length of his testimony, in this regard.

- ▶ Ms. Sprague asked questions about whether the site is buildable, and whether the drainage to the creek and landslide issues have been adequately addressed. They have had eleven meetings with over 24 hours of discussion relating to storm drainage and sanitary sewer. They believe they have arrived at the best storm drainage plan for the property. The extensive tests have established that the site is buildable. Mr. Seaders added that here is only one drainage outfall location that works, and every measure has been taken to treat water and provide detention.
- ▶ With regard to Ms. Sprague’s comments about parking not appearing to be adequate, the application exceeds the standard.
- ▶ With respect to some comments made by Planning Commissioners, geotechnical report finds no evidence the development will create or increase the risk of hazard on the property or on any surrounding property.
- ▶ Minimum density is calculated through net and maximum density through gross, as Mr. Towne has already clarified.
- ▶ When they are talking about useable yard, they are not talking about common space. He referred to the narrative in the application for more discussion along this line.
- ▶ Again, they prefer not to tie the hands of the developer by identifying which fire protection or access option would be exercised. Their preference is to be able to leave the options available.

- ▶ The garages are setback from the facade of the structures, as viewable in Exhibit B, particularly on the detail.
- ▶ It is clear to both their engineer and perhaps the City's engineers that keeping the fill away from the riparian zone is desirable and a reasonable compensating benefit. Placing a retaining wall immediately up against the boundary, while meeting the letter of the code, certainly has the potential for greater hydrological and root impacts. Mr. Seaders said that staff had asked them to demonstrate that they were minimizing the impacts to the existing surface and sub-surface drainage and moisture patterns on the vegetation in the riparian zone. The more impact that occurs in terms of filling and paving towards the boundary of the riparian zone increases the disturbance of those patterns. One of the things they did in the proposal was to incorporate disconnected rain drains for the buildings themselves, so that it would decrease the area of impact as much as they were able to. If the site design were flipped around it would increase the area that is taken directly to the detention facility and increase the hydrologic impacts. The intent is to try to maintain the natural drainage patterns.
- ▶ They do not believe that they are throwing the POD standards out the window. A look at those standards as a whole will reveal a substantial level of conformity with them. His belief is that the intent of the POD's is to orient the development towards the pedestrian. Along with that it is also about reducing visual impacts of development on adjacent properties and right-of-ways, substantiated by the prohibition of parking between buildings and the street. Here, the only deviations they are asking for are that the buildings be allowed to be greater than 25 feet from the front property line. It is a straight out variation to the standard, and is necessary in order to realize this application. The second variation is to have parking between the buildings and the street. With the exception of the three spaces on the east side for which there is a visual buffer of a hill, the parking is not technically located in between the buildings and the street. The buildings are oriented with the street, and are connected to the public sidewalk with private facilities that do not exceed the lengths given in the code. They believe that the reduced visual impact for neighbors is important.
- ▶ Staff has not indicated a problem with the number of units being served by the driveway. He was not clear whether Commissioner Weber was considering the entire vehicle circulation area as driveway, but if so did not believe that is accurate. He pointed out some areas that are vehicle circulation areas as opposed to driveway.
- ▶ The rear yards between the buildings and the Riparian Corridor fence average 10 feet which exceeds the 5-foot standard. The most restricted lot is Lot 1, and it has an extensive side yard.
- ▶ Mr. Seaders added that while laying the site out, with Ponderosa Avenue being a well-trafficked Collector street, it just felt better to have the front doors of the structures a bit further away from the street.

Commissioner Weber asked if by placing the vehicle circulation area to the north end of the site and thereby helping with the hydrology, will the stormwater detention system then exceed the design criteria in Appendix F from the King County standards? Mr. Seaders said both systems would have to meet the King County standard, but the point he was trying to make was that the natural drainage would allow for more dispersed sheet flows. The idea of a detached rain drain is that one allows the water to follow more of a natural course, and it is allowed and encouraged in King County standards. It is his opinion that they will work adequately. The water hits a rock dispersion pad, and then is allowed to sheet flow across the slope instead of being concentrated in one area.

In response to other questions from Commissioner Weber, Mr. Eckert said that there was a detail in the staff report, but he believed they were approximately 4 feet by 6 feet. The percentage of the impervious surfaces that are roof area is about 25%.

Commissioner Weber said that now that she has gotten the clarification from staff in response to questions she had earlier in the week, it appears that this application is in clear violation of the City of Corvallis off-street parking and access standards, wherein Table 1 gives driveway widths for access for up to 4 dwelling units, and then states: "any access drive for 5 or more dwelling units shall be considered a private street." Additionally, they have gotten confirmation from staff that an alley would be an acceptable option. If the vehicular access as shown in this layout were provided by an alley, which would be required to be in a separate tract, or a private street which would also have to be in a separate tract, how would they meet minimum lot areas and how would they meet the POD standard of having front doors within 200 feet of a street since they would not be allowed to have sidewalks cross alleys or private streets? Mr. Eckert said that they likely would not be able to meet the standards and would have to request a variance. The only feasible way of getting access to the street would be to go along the easterly boundary line, which would be an illogical route given the hillside. They might have to use a stairway on the west side to meet the 200 foot standard. Minimum lot areas could not be met if one considers it an alley, and the alley cannot be used as part of the lot area.

K. Sur-rebuttal: None

L. Request to Hold the Record Open:

Included in Mr. Papadopoulos' testimony. The record will be held open until Wednesday, November 26, 2008, at 5pm.

M. Additional time for applicant to submit final argument:

The applicant will have until Wednesday, December 3, 2008, at 5pm to submit final arguments. The Planning Commission will reconvene on December 3, 2008, at 7pm for deliberations.

N. Close the public hearing:

MOTION: Commissioner Gervais moved to close the public hearing. Commissioner Weber seconded the motion and it passed unanimously.

III. **PLANNING COMMISSION MINUTES**: There were no minutes for consideration.

IV. **OLD BUSINESS**:

V. **NEW BUSINESS**:

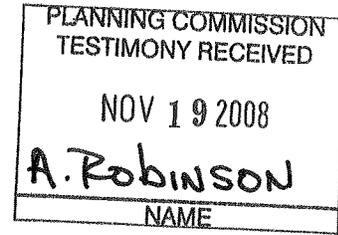
A. Planning Division Manager's Update:

Planning Division Manager Fred Towne called attention to the new meeting schedule on the back of the agenda.

VI. **ADJOURNMENT**: The meeting was adjourned at 10:45p.m.

2999 NW Cassia Place
Corvallis, OR 97330-3274

November 18, 2008



City of Corvallis Planning Commission
501 SW Madison Ave.
Corvallis, OR 97333

Ref: Deer Run Park Subdivision (PLD08-00013, SUB08-00007)

Dear Planning Commission:

We respectfully request that you deny the proposed application in its present form. Our reasons and suggested modifications are given below.

This application is long and complicated so it is difficult for us to address the specific variations or modifications of the applicable codes; nine of which are listed on pages 33 and 34 of the Narrative. Our principle concerns are compatibility with the surrounding neighborhood, landscaping (tree removal), and, especially, parking.

The proposed plan is not compatible with the existing surrounding neighborhood and would likely devalue nearby area homes. Area homes are single family dwellings while the proposed plan is for three triplexes. Area homes are generally larger than 2,500 sq ft, with some larger than 5,000 sq ft. The units of the proposed plan are all significantly smaller. Area homes have double garages and have visual green lawn and shrub front yards. The proposed plan does not. Area homes have large lot sizes (>5000 sq ft) with reasonable width. The proposed plan has smaller, narrow lots.

The proposed development plan "crams" in too many lots and thus requires too many exceptions from the land development code. Parking and driveway in front of the dwellings causes several violations in the front. Small, narrow lots require the dwellings to be narrow and long which violates the dwelling 2.5x ratio.

The proposed development plan requires the removal of trees along the East property line to accommodate the building and the East side path. This will destroy the important visual buffer, green area, and shade provided by these trees. This can be seen in the satellite images attached to this letter. The images show an approximate foot print of the planned development. The foot print includes, approximately, the area bounded by the south side of the three triplex buildings out to the 5 foot sidewalk that runs along the north side of the buildings. The foot print image was produced by scaling Exhibit B of the Narrative. Distances in the satellite photo were determined from Goggle Earth's measurement ruler and may be in error. Photos of the trees along the East property line are also attached.

ATTACHMENT A

The proposed development plan provides only single car garages with “tandem” parking for a second vehicle in front of the garage. We believe this will result in the owners using the “overflow” parking and also parking on Cassia Place on a daily basis. This, we believe, will result in constant conflicts with the owners on Cassia Place. The proposed parking plan is not realistic and is completely inadequate.

Finally, we are sympathetic to the owners of Deer Run Park that want to develop their valuable property. While we are not fond of the triplex concept, we would likely not object to the development if they would do three things: 1) Reduce the number of units to 4 or 5, which would allow for larger units and double car garages. 2) Keep all the trees along the East property line. 3) Provide sufficient parking for vehicles so that the owners, and guests, would not routinely park in Cassia Place.

Sincerely,

Alan and Kay Robinson

Attachments:

- 1) Satellite view of the surrounding area.
- 2) Satellite view of Deer Run Park and Cassia Place.
- 3) Photos of the trees along the East property line.







View Looking South Along East Boundary

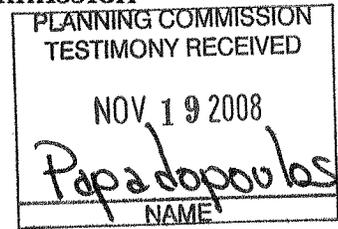


East Side Trees

Testimony before the City of Corvallis Planning Commission

by Michael Papadopoulos
5370 NW Lawrence Ave.
Corvallis 97330

(541) 753-3138
<papadop@peak.org>



RE: Deer Run Park Subdivision Review of an Application for a Major Modification to a Conceptual and Detailed Development Plan and Tentative Subdivision Plat PLD08-00013, SUB08-00007 (formerly, PD-93-3)

#####

I have the following objections to the proposal being reviewed.

Issues relating to notice and to neighborhood involvement.

According to the record on file the applicant first submitted a proposal on July 30 '07 relating to the subject 2.55 acre parcel under the name Ponderosa Heights The proposal was modified and final application was filed on February 11 '08, The original filing was under the name Ponderosa Heights; the name was changed to Madrona Oaks and is currently under the name Deer Run Park.

Although the final application of February 11 '08 included applicant's undertaking to hold a neighborhood meeting prior to mailing for public hearing [Application 02-11-08 at p.4] and where public notice is required to have been put out 20 days prior to this hearing date [Application 02-11-08 at p.5] there has been no neighborhood meeting.

And as to public awareness, the City has been involved with applicant about the subject parcel for approximately 14 months where there was no sign of pending action issued either to the neighbours or to the public at large. The 02-11-08 Application lists the addresses to which notice of this 19-11-08 hearing was mailed - that list includes the name of only one Deer Run resident.

The proposed name "Deer Run Park" should not be applied. What is now called "Deer Run" was created in the 50's as part of a development called Happy Acres, and was a privately owned easement providing access to each of 20 proposed parcels. The name Deer Run was given after the residents applied to the county. Four of the owners who thought up that name, and who petitioned the County Commissioners to have it recognized, still reside on Deer Run. They and the more recent arrivals have not been asked for their opinion about the name "Deer Run Park", indeed have mostly not been informed of that proposal.

It seems obvious that there has been minimal public involvement prior to this 19-11-08 hearing; the Planning Commission should accordingly adjourn this hearing and delay its decision until after the holding of a neighborhood meeting in order to allow the neighbours to be fully apprised of the issues involved.

ATTACHMENT B

Issues relating to public health and safety

I point to LDC 4.5.70 as being a regulation which deals with Landslide Hazards. Thus:

4.5.70.01 - Purposes - Standards for Development in Landslide Hazard Areas -

It is the purpose of these regulations to provide supplementary development regulations to underlying zones to ensure that development occurs in such a manner as to mitigate potential impacts from landslides in Corvallis. Landslide Hazard areas include High Landslide Risk areas, Existing Landslide areas, and Landslide Debris Runout areas. These areas are mapped on the Natural Hazards Map. The following regulations shall apply to development and other activities in identified Landslide Hazard areas.

4.5.70.02 - Applicability -

Except as provided under Section 4.5.70.03, below, no person shall engage in any of the following regulated activities on properties containing or abutting the Landslide Hazard areas designated on the Corvallis Natural Hazards Map, unless it can be shown that the proposed activity is located at least 500 ft. distant from any portion of the Natural Hazard area as mapped on the Natural Hazards Map:

- a. Excavation;
- b. Fill;
- c. Installation or construction of any accessory structure with a Building Code occupancy classification other than "U;"
- d. Construction, reconstruction, structural alteration, relocation or enlargement of any building or structure for which permission is required pursuant to this Code, or the adopted Building Code; and
- e. Construction or expansion of utilities, streets, driveways, or other accessways.

4.5.70.03 - Site Assessment and Geotechnical Report Requirement -

a. Applications for development on properties containing or abutting identified Landslide Hazard areas, including land use applications, Excavation and Grading Permits, Public Improvements by Private Contract Permits (PIPC), Building Permits, and any other development permits, shall include a Site Assessment and Geotechnical Report which meet the criteria identified in sections 4.5.60.04 and 4.5.60.05. In addition to the items identified in Section 4.5.60.05, the Geotechnical Report shall specifically address the presence, characteristics, and precise location of the identified hazard(s) on the subject property which is/are depicted on the Natural Hazards Map. If other reports are called for by the Site Assessment, these reports shall also be submitted.

b. Prior to issuance of permits for any work on the development site, the Building Official and/or City Engineer shall review the submitted Site Assessment, Geotechnical Report, and any other required reports. Permits shall not be issued until the Building Official and/or City Engineer approve the required reports. Upon approval of these reports, permits for construction activities may be issued, if they are in accordance with the findings and recommendations of the reports. Site inspections and submitted permit materials shall demonstrate that all necessary measures recommended by the reports and by City staff are addressed in the construction process.

In no case will permits be issued for development that would increase landslide risks on the development site, or upon neighboring properties, as indicated in the approved reports.

The LDC 4.5.70 standards have been only partially met. But those standards are not met with respect to the adjacent/abutting lands - In its December 6 '07 technical memorandum, the author announces that it did not conduct "site-specific examinations of properties to the north ... of the subject property" thus ignoring the possibility that development activity on applicant's property might trigger inherent instability on private lands or on Ponderosa.

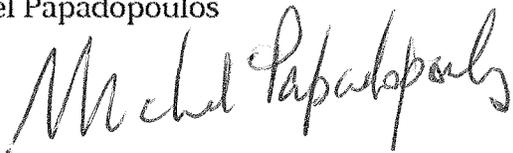
Thus LDC 4.5.70 and the other related provisions of the LDC are not specific as to the standard required when off-property hazards are situated within 500ft of any part of the subject property.

But when the City adopted LDC 4.5.70 on December 13, '04 as part of ORDINANCE 2004- 32 what it adopted included specific language indicating the City's concern for public safety. At page 28 of the attached EXHIBIT A the city noted with regard to a site assessment and a geotechnical report that

" ... any development proposed for sites containing or abutting landslide hazard areas may only be approved if a "site assessment" and a "geotechnical report" indicate that such development can be made safe Obviously avoiding these hazard areas is a matter of public safety, as improper excavation or other development activities could trigger landslides, which can cause problems off-site from the landslide. Such problems can include negative impacts to water quality. ..."

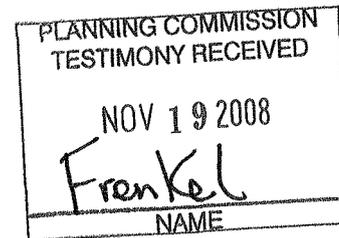
Given that the applicant has not shown that the adjacent public highway and the properties on the North side of Ponderosa can be made safe by what the applicant can do on the subject property, the planning commission should deny the application

Michael Papadopoulos

A handwritten signature in cursive script that reads "Michael Papadopoulos". The signature is written in black ink and is positioned below the typed name.

November 19, 2008

Testimony before the City of Corvallis Planning Commission
by Liz Frenkel
4954 SW Hollyhock Circle
(541) 754-6790
lizbobfrenkel@proaxis.com



RE: Deer Run Park Subdivision

Review of an Application for a Major Modification to a Conceptual and Detailed Development Plan and Tentative Subdivision Plat
PLD08-00013, SUB08-00007 (formerly, PD-93-3)

The history of proposals for this tiny 2.55 acre triangle is long. Prior proposals have been dropped or withdrawn. Since the lot was purchased by the present owners in 2003, the City completed its Phase III Natural Features Project. The new Code was finally implemented the end of 2006. The Natural Features Project identified portions of the area in the 100 year floodplain for "Partial Protection). This drainage area on the property also consists of a Highly Protected Riparian Corridor [Staff Attachment G.] Deer Run Creek drainage is upstream from Dixon Creek.

The Natural Features Project also identified portions of the area as Land Slide Runout Hazard Areas [Staff Report Attachment E] and identified a moderate landslide feature within 415' to the northeast of the property. [See Staff Report p. 3 and Attachment E] Slopes within the proposed development area vary from 10 to 35%, with a few areas exceeding 35%. [Staff Report Attachment F & October 2008 Applicant's Submittal p. 57]

The applicant attempts to resolve the Natural Features issues based on a "Geotechnical Investigation" [See Staff Report Exhibit M] and an additional report and Memorandum [Staff Report Exhibit N] The conclusions appear to be that the slope problems and grading problems and fill depths can be engineered around and that none of the features pose a threat to the proposed development. The Memorandum does state that they "did not conduct site-specific investigations of properties to the north and south of the subject parcel".

CONCERN #1

Section 4.5.70.03.b of the LDC is not satisfied by Exhibit N [See Staff Report]. The December 26, 2007 Memorandum by Foundation Engineering, Inc. clearly states that no "site-specific investigations" were made to the north of the property; only "visual observations looking north from Ponderosa Avenue". This is not adequate to assure there is no risk to public health and safety.

This is all the more significant because a collector road, Ponderosa Avenue, is between the identified landslide area "within 415 to the northeast". [Staff Report p. 3] At present

ATTACHMENT C

the road is in County jurisdiction. The integrity of the road and potential liability are of concern to both the City and the County as well as a concern to other land owners. .

CONCERN #2

Looking at the number of identified Natural Features identified by the public and included in the Natural Features Inventory and protected in the Land Development Code, it could certainly be argued that this property is not appropriate for residential development.

CONCERN #3

Emergency Access and Fire Protection provisions falls short of the applicable Corvallis Municipal Code and City Fire Code Section 2.08.130 regarding the proposed driveway for Fire Department Access. Mitigation, such as unit sprinklers is a great idea to slow down internal fire. In a tight area such as this proposed development, located in the vicinity of two other developed areas, and in a densely wooded landscape, external fire could be a much higher risk. Any development providing difficult access for fire trucks is dangerous. It should be noted that, according to the Applicant's Narrative [p. 24]. "The need for this level of fill [eight to ten feet] is necessary "to facilitate driveways" and that the proposed driveway is only "possible" if the 8' maximum fill can be exceeded. [Applicant's Narrative p. 24]

Both the emergency and fire protection plus the depth of fill represent a significant concern regarding public health and safety.

CONCERN #4

Going back to the Cauthorn Development (PD-93-3), drainageway dedication was required by the City before any permits were issued. Presumably this was based on the Condition #1 of the 1984 Annexation and Zone designation which included the area. The applicant is required to dedicate the drainageway on the property, not as a concession, not as a "benefit". The City would then have management of the drainageway. This was a condition known to the present owners at the time of purchase. The amount of land available for development was already known to be less than 2.55 acres.

This leaves a very little amount of land available for development on what is a very small lot.

CONCERN #5

There are 34 conditions (not counting the "a", "b" etc.) proposed by Staff to the development for this small area. There are also numerous waivers necessary for development: mass grading - LDC 4.5.80.04.c.3(a); 2% of development site exceed 8' limitation for fill standards - LDC 4.5.80.d.1; fire department access - FC Section 2.08.130. These particular waivers do represent significant concerns regarding public health and safety.

CONCERN #6

The "usable yard requirement" [LDC 3.3.30.e.2] requires a twist in that the "usable yard" back yard would be limited in terms of the use of the space (i.e. limited by the same

protections that apply to the Riparian Corridor. This dual use by homeowner and the public seems inherently incompatible and will likely lead to conflict

CONCERN #7

This proposal does not come close to satisfying Statewide Planning Goals 6: Energy Conservation. The nearest grocery store or shopping center would be at Walnut & Kings. There is no near-by public transit system. Living on the proposed site will require extensive use of automobiles and gasoline.

Given the present economic downturn, it is hard to imagine this peripheral homeowner development as being practical, particularly given the distance from jobs, stores, banks etc. Even rental units at this distance would appear problematic. Hence, Goal 10: Housing is probably not relevant.

In summary:

I recommend that the Planning Commission deny both the proposed Conceptual and Detailed Development Plan for the Deer Run Park subdivision and the proposed Tentative Subdivision Plat.

The "unknowns" present a far too great risk for Public Health and Safety and the need is highly problematic.

Thank you for this opportunity to speak to you.



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

**CITY OF CORVALLIS
 PLANNING COMMISSION MINUTES
 December 3, 2008**

Present

Karyn Bird, *Chair*
 Jennifer Gervais, *Vice Chair*
 Frank Hann
 Tony Howell
 Jim Ridlington

Excused

Steve Reese
 Denise Saunders
 Patricia Weber

Staff

David Coulombe, Deputy City Attorney
 Jeff McConnell, Development Engineering
 Supervisor
 Matt Grassel, Development Review
 Engineer
 Kevin Young, Senior Planner
 Jason Yaich, Associate Planner
 Terry Nix, Recorder

SUMMARY OF DISCUSSION

	Agenda Item	Information Only	Held for Further Review	Recommendations
I.	Visitors' Propositions			
II.	Deliberations Deer Run Park Subdivision (PLD08-00013, SUB08-00007)			Approved as conditioned.
III.	Planning Commission Minutes A. September 17, 2008 B. September 24, 2008 C. October 1, 2008			Approved as revised. Approved as revised. Approved as revised.
IV.	Old Business	X		
V.	New Business A. Planning Manager's Update	X		
VI.	Adjournment - 9:10 p.m.			

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. VISITORS' PROPOSITIONS: There were no propositions brought forward.

II. DELIBERATIONS - DEER RUN PARK SUBDIVISION (PLD08-00013, SUB08-00007):

The Chair welcomed citizens and stated that the public hearing on this item was held on November 19, 2008. By request, the record was held open for seven days for additional written public testimony. The applicant's final written comments were received on December 3, 2008. Planning Commissioners have received both the additional testimony (**Attachment A**) and the applicant's final written comments (**Attachment B**). Deliberations will proceed 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: None.
4. Objections on Jurisdictional Grounds: None.

B. Staff Update:

Associate Planner Jason Yaich called attention to the applicant's final written comments in response to the testimony submitted after the public hearing was closed on November 19, 2008, but before the record was closed on November 26, 2008.

C. Discussion and Action by the Commission:

Commissioner Ridlington asked for staff comment regarding the public testimony related to alleys. Planner Yaich said the Land Development Code offers alleys as one option to encourage pedestrian friendly design. In this case, the applicant proposes to locate access to the north side of the units in order to minimize impacts to the riparian corridor.

Commissioner Howell referred to public testimony regarding land slide hazard. He referred to drawings in Exhibit C-1 and said it appears that there is no significant cutting into the toe of the natural slope. Planner Yaich agreed. Planner Yaich added that the geotechnical report indicates that, as proposed, the foundation of the wall of the home would serve as the retaining wall for the newly placed fill. There will be monitoring throughout the construction process as the existing fill is replaced by the engineered fill which will be compacted and supported by the retaining walls. There are retaining walls proposed between the units as well.

Commissioner Howell asked about risks to Ponderosa Avenue if there was a landslide on the subject property. Development Engineering Supervisor Jeff McConnell stated that the curbside sidewalk, slope, and retaining wall are all proposed to protect the integrity of Ponderosa.

Commissioner Hann asked for additional information regarding cuts and fill. Planner Yaich reviewed the proposed cuts and fills as shown in Attachment K to the staff report. He noted that the greater amount of fill is associated with the retaining wall; that fill is proposed to be between 12 and 14.5 feet. In response to further inquiry from Commissioner Hann, Senior Planner Kevin Young noted that the staff report

discusses a balancing of issues and makes mention of the compensating benefit of keeping development out of the riparian area.

Commissioner Hann said he is struggling with this proposal due to the lack of pedestrian-oriented design; he envisions a large parking lot appearance from Ponderosa Avenue. Planner Yaich said the elevation for the parking and driveway would be below the grade of Ponderosa, and the retaining wall, berm, and street trees would provide some visual buffer.

Commissioner Ridlington opined that the site might be better served with fewer units than proposed. Planner Yaich noted that it is the City's job to weigh the applicant's proposal against the applicable criteria. Reducing the number of units would require a new site design and a new application. Throughout the long history of this project, staff has always encouraged the applicant to comply with as many of the development standards as possible. The number of units was discussed and the applicant ultimately submitted this design for consideration. Planner Young added that one of the applicant's considerations in proposing this number of units is that there will be street improvements and infrastructure improvements on this site that will be quite expensive.

In response to an inquiry from Commissioner Howell, Planner Yaich reviewed comments from the Fire Department and proposed Condition of Approval #29, which addresses those concerns. He noted that the applicant has indicated a willingness to sprinkler the units.

Commissioner Howell requested staff comment regarding why there has not been a request for a change to the mapped land slide hazard area. Planner Yaich said map refinements can be made to the land slide hazard areas based on information submitted by a geotechnical investigation. That investigation should occur on site and on adjacent properties. The applicant has not gone through that process and staff did not believe the requirements for modifying the maps were met. The requirements for building within 500 feet of a mapped hazard are met.

Commissioner Howell referred to testimony expressing concern about the loss of screening between this property and properties to the east. Planner Yaich said the proposal complies with screening requirements in the Land Development Code. The applicant has satisfied buffering requirements for parking at the east end of site. Regarding tree removal for the sewer line extension, the applicant's drawings show a fence along the east property line, and the applicant has indicated that landscaping could be enhanced in that area. Planner Young added that the retaining wall on the east side of the parking area and the landscaping on top will provide some buffering.

In response to an inquiry from Commissioner Ridlington, Planner Yaich said the existing fill was dumped illegally; the geotechnical investigation requires that the existing fill be exported from the site.

MOTION: Commissioner Gervais moved to approve the proposed Conceptual and Detailed Development Plan for Deer Run Park subdivision. The motion is based upon the staff recommendation to the Planning Commission. Commissioner Howell seconded the motion.

Commissioner Gervais initiated discussion about the possibility of adding a condition of approval to disallow pesticides or herbicides which pose a hazard to aquatic life in the riparian buffer. She noted that someone may not be aware that this is a riparian area because there is not always water present. Brief discussion followed.

MOTION TO AMEND: Commissioner Gervais moved to add a new Condition of Approval #35 as follows: "No pesticides, including herbicides, shall be used within the 25-foot riparian corridor easement if they contain statements within the label that indicate hazards to aquatic species. The applicant is required to include this language in the CC&R's". Commissioner Howell seconded the motion and it **passed** unanimously.

Commissioner Howell initiated discussion about ways to allow flexibility in the placement of the path and the utility easement to preserve the greatest amount of vegetation along the boundary. Staff provided suggested language to address his concerns.

MOTION TO AMEND: Commissioner Howell moved to amend Condition of Approval #17 to include the following language: "The alignment of the sewer and path shall consider impacts to the existing vegetation on the east property line." Commissioner Gervais seconded the motion.

Commissioner Ridlington suggested that the Condition also indicate that the path be centered over the sewer line. This was accepted as a **friendly amendment**. The motion to amend then **passed** unanimously.

Commissioner Hann stated that he is struggling with the applicant's decision to develop at this intensity level, which in his view drives many of the problems, and then to ask for variances to resolve the problems. He said it seems the pedestrian-oriented design standards are largely set aside to allow for parking in the front and use of the riparian area as back yard area. He is not convinced that this would not create something that is out of character with the area and which has too much emphasis on motor vehicles. He is not convinced that the applicants have met the requirements to justify the amount of variances they are requesting. The purpose of the application is to market the property, and Commissioner Hann does not believe that marketability is a rationale for Planning Commission decisions.

Commissioner Gervais said part of the rationale for sacrificing pedestrian-oriented design standards was to provide more protection for the riparian zone. Commissioner Hann agreed, but said the size of the proposed footprint creates a problem for which the applicant is requesting a variance.

Commissioner Howell described a potential design that would result in fewer units with similar impacts. He said he thinks the impacts are driven not as much by the number of units as by the site. He said this proposal would accomplish the goal of providing a variety of housing types. The design has impervious surface serving more units for the amount of vehicle movement area, which is a more efficient use of the site. He does not know that the views from Ponderosa would be very different with any other townhouse development that would happen at this location. Given the site, the grading is fairly benign. There are limited cuts and fill and the riparian area is fairly well protected from any slope activity. The proposed parking meets Land

Development Code requirements. Commissioner Howell is willing to allow an exception for the number of units served by the driveway because fire safety issues are being satisfied with the addition of sprinklers.

Commissioner Hann referred to testimony expressing concern about overflow parking. Commissioner Howell said occasional overflow parking is a risk whenever there is no on-street parking and he thinks this has been addressed as much as possible for this site.

In response to an inquiry from Commissioner Howell, staff further reviewed the options given by the Fire Department as outlined in Condition of Approval #29.

Commissioner Howell referred to a request from the applicant for a sign variance. He said the size allowed by the Land Development Code seems adequate for a residential development sign.

Commissioner Gervais recalled a previous discussion about ways to make the fences more wildlife-friendly. She suggested that a small opening be left at the bottom of fences to allow for movement of small wildlife such as frogs and salamanders. Brief discussion followed.

MOTION TO AMEND: Commissioner Gervais moved to add a sentence to Condition of Approval #34 as follows: "All fences adjacent to Ponderosa and the riparian buffer zone shall provide a small gap of at least one inch between the bottom of the fence and the ground for passage of small animals through the riparian area." Commissioner Howell seconded the motion and it **passed** unanimously.

The amended main motion **passed** by a vote of 3 to 1, with Commission Hann voting no.

Commissioner Hann stated that his vote in opposition is not a criticism of the project. He can see the thought and work that went into developing this proposal for this difficult property. His objection is to the level of reliance on automobiles, the presence of parking in front of the property, and the lack of empathy with the surrounding neighborhood.

MOTION: Commissioner Gervais moved to approve the proposed nine-lot tentative Subdivision plat, as described in Attachments K & L. This motion is based upon the staff recommendation to the Planning Commission. Commissioner Howell seconded the motion and it **passed** by a vote of 3 to 1, with Commissioner Hann voting no.

D. Appeal Period:

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

III. PLANNING COMMISSION MINUTES:

A. September 17, 2008:

Commissioners requested the following changes to the draft minutes: 1) Page 4, the fifth paragraph, start a new paragraph at the place which reads *Commissioner Howell seconded the motion, which passed unanimously.* 2) Page 18, the last paragraph, on the first line change *rezoning* to *rezone*, and on the second line delete the word *is*. 3) Page 24, the third paragraph, the fifth line, change *mug* to *mud*.

MOTION: Commissioner Hann moved to approve the minutes with the above revisions. Commissioner Gervais seconded the motion and it **passed** unanimously.

B. September 24, 2008:

Commissioners requested the following changes to the draft minutes: 1) Page 7, the fifth paragraph, the first line, change the word *amendment* to *amend*. 2) Page 9, the third paragraph, the first line, delete the word *the*. 3) Page 12, the first paragraph, the third line, delete the word *a*.

MOTION: Commissioner Hann moved to approve the minutes with the above revisions. Commissioner Gervais seconded the motion and it **passed** unanimously.

C. October 1, 2008:

Commissioners requested the following changes to the draft minutes: 1) Page 12, the last paragraph, remove the bolding from the bolded language. 2) Page 17, the fourth paragraph, the sixth line up from the bottom, change the sentence that begins on that line to read: *This site is at a critical place at the confluence of the Marys River, Mill Race, and the Willamette River, and merits the additional distance from the river.*

MOTION: Commissioner Hann moved to approve the minutes with the above revisions. Commissioner Howell seconded the motion and it **passed** unanimously.

Commissioner Howell noted that attachments were not provided for the minutes of September 24 and October 1. Following brief discussion, the Commission requested that staff ensure that the appropriate attachments are filed with the minutes on record. The Commission further requested that, in the future, attachments be included with the minutes when they are presented for approval.

IV. OLD BUSINESS:

Commissioner Howell recalled that some recent meetings have gone on quite late due to the number of hearings that were scheduled. Following brief discussion, it was agreed to

request that, when there are more than two public hearings scheduled for one meeting, staff consult with Planning Commissioners about the possibility of scheduling an additional meeting, if doing so would meet the 120-day schedule.

V. **NEW BUSINESS:**

A. **Planning Division Update**

Planner Young reviewed the updated meeting schedule on the back of the agenda. He advised that there will be no meeting on December 17, 2008. Several Commissioners stated a preference to begin the January 21, 2009 meeting at 5:30 p.m. Planner Young agreed to check on availability and scheduling.

VI. **ADJOURNMENT:** The meeting was adjourned at 9:10 p.m.



MEMORANDUM

DATE: November 26, 2008

TO: Planning Commission

FROM: Jason Yaich, Associate Planner

SUBJECT: Deer Run Park Subdivision - Additional Testimony Received
PLD08-00013 and SUB08-00007

On November 19, 2008, the Planning Commission held a public hearing on the above referenced cases. Testimony submitted by citizens at the public hearing included a request to hold the written record open for 7 additional days (November 26, 2008). Additional written testimony was submitted by three parties on November 24, 2008, and November 26, 2008, and is included with this memorandum.

The applicant will have seven additional days to provide final written arguments related to the testimony received, and will present the final written arguments at the December 3, 2008, Planning Commission meeting.

ATTACHMENT A

2999 NW Cassia Place
Corvallis, OR 97330-3274

November 25, 2008

City of Corvallis Planning Commission
501 SW Madison Ave.
Corvallis, OR 97333

RECEIVED

NOV 26 2008

Community Development
Planning Division

Ref: Deer Run Park Subdivision (PLD08-00013, SUB08-00007)

Dear Planning Commission:

After listening to the presentations at the Hearing, and studying the information provided in the application, we again respectfully request that you deny the proposed application. In its present form the development is totally incompatible with the surrounding neighborhood.

Our principle concerns are compatibility with the surrounding neighborhood, landscaping (tree removal), and, especially, parking.

The proposed plan uses some very creative designs to circumnavigate the Land Development Code, or at least the spirit and intent of the Code. Even after using these creative designs the plan requires 10 variations to the LDC standards.

For example, the building proposed is really a Nineplex. But it was split into three Triplexes in order to avoid the parking requirements. If a Nineplex was actually proposed the tandem parking would not be allowed. This would have required more parking; which is what is actually needed. The tandem parking is completely unrealistic. This will cause constant problems with the residents of Cassia Place.

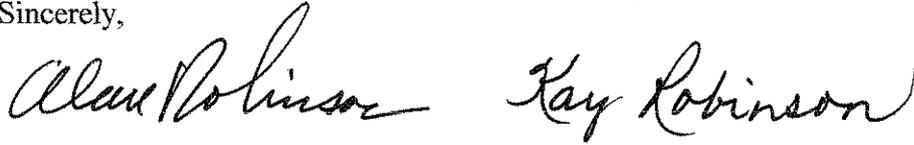
The proposed development plan requires the removal of trees along the East property line to accommodate the building and the East side path. This will destroy the important visual buffer, green area, and shade provided by these trees. We have provided some new photos of these trees. We request that removal of these trees not be allowed. These are large, old, oak and Douglas Fir trees.

We have also provided a new satellite photo of Deer Run Park and the Cassia Place Cul-de-sac. The photo shows the foot print of the proposed building area and the lots and houses on Cassia Place. The land area of the four houses on Cassia Place is approximately 1.8 Acres. The proposed plan is to put nine units on about 1.0 Acre. Further, all of the surrounding area consists of single family houses. A Nineplex is just not appropriate here.

As we previous stated we are sympathetic toward the owners of Deer Run Park and their desire to develop their valuable property. We would like to suggest three things: 1) Reduce the number of units to 4 or 5, which would allow for larger units and double car garages. 2) Keep all the trees along the East property line. 3) Provide sufficient parking for vehicles so that the owners, and guests, would not routinely park in Cassia Place.

We hope that the Commission will take a step back and look at the total picture, with its 10 variations, and just say no.

Sincerely,

Handwritten signatures of Alan Robinson and Kay Robinson in cursive script.

Alan and Kay Robinson

Attachments:

- 1) Photos of the trees along the East property line.
- 2) Satellite view of Deer Run Park and Cassia Place.



Lee's House



Sprague's House



44°35'43.84"N 123°18'26.07"W

© 2006 Tele Atlas

elev 485 ft

Google

Eye alt 1046 ft

November 21, 2008

Re: PLD08-00013 Deer Run Park

Corvallis Planning Commissioners,

We respectfully request the Proposed Development Plan and Subdivision Plat for the Deer Run Park property not be approved. The proposal has too many variations from the Corvallis Land Development Code making it incompatible with our neighborhood. Therefore, it would make our neighborhood less livable and devalue our property.

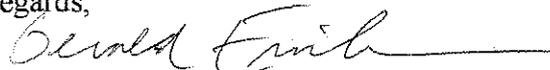
Objections to the proposed development plan:

1. The proposed development plan is not compatible with the surrounding neighborhood that already exists and would most likely devalue the livability and marketability of these nearby homes.
 - a. Area homes are single homes whereas the proposed plan has triplexes. The density of the proposed dwellings will cause extensive activity and noise in our area.
 - b. Area homes have double garages whereas the proposed plan has single garages with tandem parking. We fear overflow parking to the already minimal parking availability in our adjacent cul-de-sac.
 - c. Area homes have large lot sizes >5000 square feet with reasonable width whereas the proposed plan have smaller (5 of 9 are < 5000 square feet) and narrower lots. The area's larger lots allow for visually pleasing green lawn and scrub front and side yard areas. The proposed plan has concrete car road and driveways with little visual green area. This would create an eye-sore to our neighborhood.

2. The proposed development plan squeezes 9 lots into the 1 acre area requiring too many variations from the CLDC.
 - a. Road, driveway and parking in front of triplexes causes several variations to the CLDC in the front. (i.e. >25' from front property line, reduced landscaping strip, reduced side yards, <40% green area)
 - b. Small, narrow lots require the dwellings to be narrow and long and have separated overflow parking areas. (i.e. dwellings 2.5x ratio, lot depth requirements would have to allow inclusion of the restricted Riparian Corridor in rear, reduced side yards)

We are not opposed to development on this beautiful property. Please require a plan that will meet the CLDC to be consistent with the livability and value of our existing neighborhood.

Regards,



Gerald and Julie Erickson
2991 NW Cassia Pl
Corvallis, OR 97330

RECEIVED

NOV 24 2008

Community Development
Planning Division

RECEIVED

November 21, 2008

Ref: Deer Run Park (PLD08, SUB08-00007)

NOV 24 2008

Community Development
Planning Division

Dear Planning Commission,

Our home is 2992 NW Cassia Place, on the east side of this proposed nine-plex, and we are very concerned about this development under consideration by the city. We are firmly opposed to this plan for a number of reasons, some of the most important ones listed below.

- 1) A nine-plex (three tri's) would be completely inappropriate in this neighborhood
- 2) The site is not suitable for what the plans indicate. This is apparent by the number of variances needed in order to squeeze nine homes on this small parcel.
- 3) The homes have a one car garage with a tandem parking slot behind it. This type of parking is less than desirable. Additionally, for the entire 9 homes, there are 5 extra spaces scattered here and there. Where will people park? Wouldn't people living in these homes want to be able to have guests? Where are they going to park? The people in the nine-plex would have to coordinate their schedules so none of them have people over at the same time.
- 4) The tall, narrow tri-level home design is not desirable to easterly neighbors because it would feel like someone is watching you while you are in your backyard. This is particularly uncomfortable and unsettling when you have children. With this proposal, many of the trees that would serve as a buffer would be removed.
- 5) The owners of this property purchased the property knowing it was nothing more than a hole on the side of the road. They illegally brought in fill dirt and were fined as a result. Now, they want to sell the property and are trying to market it as "big profit potential" for a developer. The more dwellings they can squeeze together, the more dollar signs a developer sees and the more money the owners can ask for their property. The end result is the owners, designers, and developers make lots of money and then they are gone. The neighborhood is left dealing with an unsightly out of place structure, parking issues, major increase in traffic, and most probable decrease in property values.

We are not at all opposed to growth and are generally non complainers, however livability must be maintained. *This plan is not healthy for the neighborhood nor is there much consideration for the people who would be living in this nine-plex.* There are lots of "shortcuts" taken to squeeze it all in.

This is a plea to the Commission to please look at this holistically. Codes are a big part of it but there's more to it than that. We implore you to please take all of these concerns into consideration. This is weighing very heavily on us because if this were to be approved by the Commission, our neighborhood would be forever changed – and not for the better. Even if this proposal met every code, which it clearly doesn't, we would ask you to think of the following analogy. There can be many job applicants for a single position. They could all have the qualifications required to apply for

the position yet clearly there could be some candidates that would not be well suited for that particular position. This is how we feel about this plan for this site. It's just not a good fit.

They are trying too hard for big profits. The neighborhood should not have to pay the price.

We request that the Commission deny this proposed plan.

Respectfully,



Tom and Madeleine Sprague

2992 Cassia Pl

207-3395

MEMORANDUM

From: Jason Yaich, Associate Planner
To: Planning Commission
Date: December 3, 2008
Re: Deer Run Park Subdivision - Final Written Arguments from Applicant
(Cases PLD08-00013 and SUB08-00007)

On November 19, 2008, the Planning Commission held a public hearing on the above referenced cases. Testimony submitted by citizens at the public hearing included a request to hold the written record open for 7 additional days. The applicant requested an additional seven days in order to prepare a formal written response to the written testimony. Additional testimony was received and forwarded to the Planning Commission on November 26, 2008.

Enclosed with this memorandum is the written response from the applicant (submitted December 3, 2008).

ATTACHMENT B

SECTION I. INTRODUCTIONCommunity Development
Planning Division

Unique site characteristics, and the need to preserve an extensive area of significant natural features on the subject property, require some special considerations in designing a residential use for this site. Fortunately, the planned development chapter is intended "...to establish procedures that permit flexibility in the land development process, allow for better preservation of Significant Natural Features, and allow for innovation in site planning and architectural design." (CLDC 2.5.10, Planned Development, Background)

Resource Protection and Development Constraints Require Innovation

Sixty seven percent (67%) of the parent parcel's total area is required to be preserved forever as "highly protected riparian corridor", removing the most level elevations of the site from eligibility for development. The remaining developable portion is primarily located on southwesterly trending slopes ranging between 10-35 percent gradient, generally. Though constrained by its natural topography, size and irregular (triangular) configuration, this approximate one acre of residentially zoned land remains nonetheless legally buildable from all regulatory perspectives.

Providing the highest feasible level of protection for the "highly protected riparian corridor" is the driving force behind the most substantive of the applicants' requested deviations to city standards. Through over twenty four hours of meetings with City Engineering Department personnel alone, the (owners and their representatives) applicants and staff concurred on what they feel is the plan that provides the greatest protection for the soil, water, and biotic resources of the riparian area, both in terms of foreseeable, temporary impacts of construction as well as potential impacts of the ongoing residential activities. To ensure this, the current plan places buildings, rather than vehicle circulation, closest to the riparian corridor's boundary, and also proposes a single driveway to serve all nine proposed units, as opposed to a public or private street or alley (see discussions below).

Once high protection status is ensured, it is also necessary to address constraints of the remaining portion of the site.

Two Site Design Innovations in Particular are Elemental to Implementing the Above

1. Placing the buildings outside of the normal 25' maximum front setback permits implementation of the above best-case scenario for protecting the riparian corridor and its associated resources, in which parking and circulation are not placed behind the buildings.
2. Serving the residences with a private driveway as opposed to public or private street or alley further facilitates the above resource protection scenario.

Regarding item number 1, above: This plan achieves the highest possible level of protection for natural resources on this site primarily by maximizing the lineal separation between the proposed vehicle circulation and parking areas and the sensitive riparian corridor that comprises the southerly two thirds of this tract. As discussed and illustrated in the application materials, and as also shared in the public hearing, initial grading and fill impacts would be much greater under a scenario of constructing the circulation drive and parking behind the buildings, as is normally required under the December 2006 LDC.

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Significant fill materials (far in excess of the eight foot maximum standard to which the applicants are requesting minor deviation) would need to be placed in the southerly portion of the development to meet grade requirements for access. Please see Applicants' Exhibit C.3., Max. Front Yard Setback Analysis, compared with the Sections 1-1, 2-2, and 3-3 on Exhibit C.4., Site Cross Sections. These illustrations demonstrate the drastic change over existing grade that would be required to implement parking and circulation behind the buildings.

This scenario would also necessitate the installation of a four-foot high or larger retaining wall immediately abutting the development's entire shared boundary with the seventy-five foot wide riparian corridor. The retaining wall, coupled with the associated increased fill activities in close proximity to the riparian corridor, together would risk damage to trunks of trees and (surface and) subsurface hydrology along the natural resource area's boundary that would not otherwise be impacted under the applicants' plan. This retaining wall is not pictured on any current exhibits, as its potential for adverse impacts to the abutting riparian resources, in conjunction with those potential grading impacts discussed above and factors discussed in following paragraphs associated with placing parking behind the structures on this site, was deemed too great to warrant further consideration.

Aside from temporary impacts of construction, discussed above, the applicants are also concerned that petroleum, heavy metals and/or other pollutants associated with parking and circulation areas may have a greater chance of reaching the riparian corridor given a closer proximity to it. We understand that the Commission has, on at least one occasion, required relocation of a bicycle and pedestrian facility to a point fifty feet away from a riparian corridor, in order to avoid impacts of that hard surfacing and resulting ongoing activity on the protected resource. This was reportedly in association with a land use application from Evanite.

This prior reasoning on the part of the Commission appears to be consistent with the applicants' rationale described above. More specifically with regard to this site, while storm water from the applicants' proposed development will be detained and treated for water quality to standards, it is nonetheless expected that the potential for adverse impacts occurring from motor vehicles parking and operating adjacent to a riparian corridor is probably significantly greater than the risk of similar adverse impacts from pedestrians and bicyclists utilizing the same or a similar location.

For the reasons described above, and consistent with prior Commission action(s), the applicants determined that the current plan, providing parking in garages, driveways and to the sides of buildings, and placing the circulation area in front of the structures rather than behind, was the very best means available for protecting the riparian resources of this site and downstream properties from potential adverse impacts. This plan achieves the applicants' objective of doing so while still permitting reasonable residential use to occur within the parameters and intent of the comprehensive plan and land development code.

Other Proposed Deviations are Directly Related to this Request

Inherent in a deviation to relieve this site from the requirement to place parking and vehicle circulation to the rear of structures are certain other of the applicants' requested modifications to standards.

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These exceptions appear to necessarily 'fall out' of that action, or would, by nature, reasonably be assumed to go hand in hand with such an approval. Namely, there is the maximum front yard setback standard of the PD RS-6 Zone and POD's, which cannot accommodate vehicle circulation between the buildings and streets. This is discussed in more detail in the application, staff report and this document.

Similarly, protection of the riparian zone cannot be accomplished as envisioned by the applicants, and described above, in conjunction with development without approval of either:

- A) A variation to relieve Lots 2-8 from the 15' minimum useable side or rear yard standard, or
- B) An interpretation or variation to permit the 25' deep rear yards of those parcels (which are each part of a protected riparian corridor) to serve as part of the useable yard for Lots 2-8, in conjunction with those lesser restricted rear yards located between the structures and southerly fences on those lots. It is noted that side yards also make contributions to total useable yard area for Lots 3 and 4 and 7 and 8, as noted in the application narrative. Please see additional subsequent discussions of these aspects in this document.

Regarding item number 2, above, Table 1 of the Corvallis "*Off—Street Parking and Access Standards*" states:

“Any access drive for five or more dwelling units shall be considered a private street and shall be constructed to City standards.”

Page 1 of the document contains the following caveat:

“These standards are not intended to be a replacement for innovative design and concepts. If such a circumstance arises and the innovative design is consistent with the objectives of the City, the design may be approved.”

The above discussions of this section describe why innovations have been necessary in the design of this site, and which two innovative design techniques in particular are most crucial to the applicants' natural resource preservation plan and associated development proposal. As stated, this sub-section of this document addresses the question of access.

The applicants' access plan was approved by the City Engineer following formal written review of alternative access and development plans that had involved serving the site with a private street or alley. Staff's review comments revealed that serving the developable portion of the site in this manner would have required numerous additional variations to code standards, not the least notable of which may be the minimum green area / maximum impervious cover standard of the PD RS-6 Zone; setback and lot dimension / area requirements; and POD's relating to landscaping along private sidewalks.

{Note: this document, including Section I *Introduction*, contains no new information except as it may pertain to rebutting / responding to public testimony / Commissioners' questions received prior to the close of the public hearing}

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Further constraining the already meager developable portion of the parent parcel, by requiring a street or alley, would also mean greater potential impacts to the riparian zone, since site grading and other "improvements" would be forced southerly by the additional right of way width and other amenities required in association with such a relatively large-scale transportation facility. We have established in these discussions that the risk of such increased impacts is undesirable.

In addition to basically strangling an already severely size-constrained parcel, our homework revealed that construction of an alley or street also required importing substantially greater volumes of fill, representing a much larger deviation from the City's 8' maximum fill standard. This is due to the significant difference in grades between the subject property and adjacent public (Ponderosa Avenue) right of way. Such a development approach would constitute a significant departure from the current, relatively natural topography and resulting hydrology of the parent parcel; would be expected to have greater potential environmental impacts, and is inconsistent with the applicants' efforts to design the PD, to the greatest extent feasible, with the lay of the land.

To be clear, we didn't simply 'consider' an alternative access plan or two; much more, we went so far as to design and engineer the site with alley access, conforming to the best of our abilities with the code and submitting full 'detailed development plans'. We then received written comments on these alternative access and development plans from the City, and finally incorporated all city comments the best we could into our subsequent, evolved proposals. It was through this rigorous, time consuming and costly process that the applicants determined that the current conceptual and detailed development plan represents the best available means of providing vehicular access to this site.

It is our understanding that the City Engineer's approval of the applicants' access plan is entirely consistent with the above excerpted language from and intent of the City's "Off-Street Parking and Access Standards".

PLEASE NOTE: *Following is a point by point response to the concerns raised by neighbors and Commissioners to this proposed development, either in public hearing or written testimony following the close of the public hearing and prior to the close of the record.*

SECTION II. POINT-BY-POINT FINAL RESPONSE

A. RE: The Question of Compatibility

An Issue Raised in Public Testimony by Mr. And Mrs. Alan and Kay Robinson on 11/19,
Written Testimony dated 11/18/08
Gerald and Julie Erickson, 11/21/08

BRIEF POINTS FROM APPLICANTS' VERBAL RESPONSE ON 11/19/08:

Our average floor plan, depicting just over 2,000 square feet of living area (described in most detail in the narrative and verbal testimony as approximately 2,400 sq. ft. minus a 250 sq. ft. garage) does not appear to be inconsistent with the range of home sizes located in the general vicinity.

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Admittedly, some much larger homes occur in the area, but compatibility does not require carbon copying, and the City's comp. plan seeks diversity in housing types as an objective.

ADDITIONAL PERTINENT FACTORS / CONSIDERATIONS:

Contrary to the statement in par. 3, although not detached, the proposed dwellings are "single family dwellings", in private ownership, and in that respect are wholly consistent and compatible with the surrounding housing pattern. Comprehensive Plan policies 9.2.5.E. and 9.3.2. are specifically cited in the applicants' narrative as supporting this type of diversity in housing types, lot sizes. The following is excerpted from page 89 of that document:

"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:"

"E. Neighborhoods have a mix of densities, lot sizes, and housing types."

Zoning surrounding the subject property is almost entirely Low Density Residential. The proposed planned development is at a lower density than urban development that has occurred *immediately south of the site, while slightly denser than some other neighboring patterns (NOTE: italicized language added 12/2/08)*, lending to diversity in residential densities in the area in general. Lot sizes within the planned development represent a mix consistent with the above plan policy, and range from 2,833 square feet to 7,134 square feet.

The introduction of individually owned townhouses onto the subject property, *an outright permitted use in the subject zone*, lends diversity to the mix of housing types in the general area. *Further, as stated, the significantly larger lot sizes proposed in all but one instance (as compared with the city's minimum area standard) provide variation over some of the other low-density parcel sizes currently found in the vicinity (e.g., in the subdivision to the south of the subject property).*

The plan is consistent with this sub element of this comprehensive plan policy."

Please also see discussions in the applicants' narrative, Page 22; the applicants' extensive discussion of the code's compatibility factors, narrative Pages 68-79; and additional discussions on Pages 88 and 89. Finally, contrary to statements by Mr. and Mrs. Erickson in their correspondence of 11/21/08, the applicants' full sized Exhibits G and H illustrate the very green appearance that would be maintained under the applicants' plan.

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B. RE: "Too many lots...require(s) too many exceptions".
Par. 4, Written Testimony, Alan and Kay Robinson, 11/18/08
Also Tom and Madeleine Sprague, 11/21/08

FROM APPLICANTS' VERBAL REBUTTAL:

The record reflects that prior attempts to provide a lesser number of detached dwellings required a greater number and more significant deviations to city codes than does the current plan, and that's how we arrived at it. Detached dwellings served by a looping alley or street required significantly more, and more substantial, deviations to the lot development and other applicable standards of the CLDC than does the current plan.

FURTHER:

Applicants have no further response. Please refer to prior discussions of this document demonstrating our consistency with the lower end of the allowable density range for the developable portion of this site, and also discussions of alternative access scenarios that were evaluated by the applicants and city staff.

C. RE: Protection of Trees Along East Property Boundary

Par. 5, Alan and Kay Robinson, 11/18/08:

Reiterated in Verbal and Written Testimony from Madeline Sprague and John and Madeline Sprague, 11/19/08 and 11/___/08, respectively; also by Commissioner Howell following close of public hearing.

FROM APPLICANTS' VERBAL RESPONSE:

We proposed to relocate the proposed chip path, within the confines of it's associated sanitary sewer easement, westerly as necessary to permit the retention or replacement of buffering vegetation and the screening fence depicted on the plans. The City Engineer stated that this could be reviewed at the time of PIPC's, and relocation of the path within the easement would be acceptable to his office.

ADDITIONAL CONSIDERATIONS:

Although impacts to riparian trees associated with construction of the public sanitary sewer and its necessary access are permissible by the code, these impacts would be minimized to the greatest extent feasible. Applicants have since discussed with City Engineering and Planning Staff a potential condition of approval to require a screening fence (already depicted on our exhibits) and acceptable buffering plantings (promised in the existing narrative) within the sanitary sewer easement, since no mature trees may be located within the fifteen-foot sanitary sewer easement.

D. RE: Proposed Parking Plan – Not Enough Spaces, Encourages Parking on Cassia Place
Raised, Par. 6 and Verbally, Alan and Kay Robinson, 11/19/08
Verbally by Mrs. Madeline Sprague 11/19 & in writing 11/21

APPLICANTS' VERBAL RESPONSE IN HEARING:

The proposed parking is compliant with every aspect of the code, and in fact exceeds the parking space requirement by five spaces, providing for overflow parking on site. CC&R's prohibiting parking on Cassia Place or other adjacent public rights of way are further proposed as part of a homeowners' association agreement (HOA).

ADDITIONAL CONSIDERATIONS:

The cited paragraph suggests that tandem parking will encourage residents to park "second vehicles" in overflow spaces provided on the site, and on Cassia Place, rather than in their available driveways. We would suggest that, if some residents occasionally park in overflow parking spaces, any temporary visitors who would normally create demand for such overflow parking would then be encouraged to utilize either remaining overflow spaces which are unused or, if it is available because the resident has opted not to utilize it, the vacant driveway of the residence which they are visiting.

As noted in the hearing and confirmed by staff, tandem parking is specifically permitted for the subject housing type. The applicants have exceeded code requirements, and thereby demonstrated their prudence in addressing valid concerns of neighbors and staff relative to off-street parking. If desired, the Commission could conceivably require a condition of approval that requires marking overflow parking as reserved for such purposes, and perhaps requiring parallel language in the CC&R's / HOA.

While there may be aspects of the parking plan that do not appear optimal, the team is quite pleased to have avoided a *parking lot* scenario; to have successfully provided all required parking upon the lot it is intended to serve; and to have demonstrated compliance with all off-street parking standards applicable in the PD RS-6 Zone.

E. RE: Various Concerns (e.g., notice, naming of PD/Subdivision; geologic consultant's work)
Raised by Mr. Michael Papadopolous and reinforced in Written Testimony, 11/19/08

APPLICANTS' VERBAL RESPONSE:

We reiterated that the City's requirement for geo-technical data in this case was based upon a recommendation for further investigations from DOGAMI, not upon any site-specific investigations or an actual natural hazards inventory. We also stated that our application met the land development code's test for development approval in this respect.

ADDITIONAL FACTORS / CONSIDERATIONS:

We addressed those pertinent issues of Mr. Papadopolous' in verbal rebuttal, and have no further specific comments at this time. Please see subsequent discussions of this document relative to citizens' comments concerning the applicants' geo-technical report and site assessment.

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F. RE: Numerous Issues Raised by Ms. Liz Frenkel in Written and Verbal Testimony, 11/19

FRENKEL CONCERN 1: States CLDC 4.5.70.03.b. is not satisfied.

APPLICANTS' VERBAL RESPONSE:

Applicants stated that both they and staff feel the application meets code requirements for development approval on land preliminarily mapped on the City's natural resources inventory as a 'high potential landslide hazard'. Staff also advised the Commission to defer to the professional work of the applicants' geo-technical engineer regarding evaluating the adequacy of their on-site methodology, test pits, etc. Applicants noted the local consultants' local reputation was very much dependent upon their providing accurate and thorough professional service and conclusions.

ADDITIONAL INPUT:

"Site-specific investigations north and south of the subject property" are not required by the CLDC (and it would seem unlikely that permission would be granted for such investigations to occur, if the code did require it). Nor were these deemed necessary by the consultants in order to reach their professional conclusion that no increased risk of landslide, erosion or similar impacts, on or off-site, would appear likely to result from approval of this request.

Review of available records and on-site investigations, as detailed in the reports, were adequate in this case to permit the geo-technicians to arrive at their certified conclusions.

To answer the question more directly, CLDC Section 4.5.70.03.b. is satisfied as demonstrated below:

"4.5.70.03 - Site Assessment and Geo-technical Report Requirement -

...b. Prior to issuance of permits for any work on the development site, the Building Official and/or City Engineer shall review the submitted Site Assessment, Geo-technical Report, and any other required reports. Permits shall not be issued until the Building Official and/or City Engineer approve the required reports."

Consistent with the above, the appropriate city staff reviewed the submitted site assessment and geo-technical report, and approved the same.

" Upon approval of these reports, permits for construction activities may be issued, if they are in accordance with the findings and recommendations of the reports. Site inspections and submitted permit materials shall demonstrate that all necessary measures recommended by the reports and by City staff are addressed in the construction process."

The applicants have repeatedly stated their awareness and acceptance of their known obligation to follow requirements of the geo-technical engineer, and to adhere to any conditions of approval, during all phases of construction design and implementation.

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"In no case will permits be issued for development that would increase landslide risks on the development site, or upon neighboring properties, as indicated in the approved reports."

The approved reports do not anticipate or indicate any such increased risks as resulting from approval of the PD / Subdivision, so the above does not apply.

The following is excerpted from Page 65 of the applicants' narrative:

*"Page 3 of (Applicants') Exhibit F observes that site conditions **"do not represent a slope stability hazard."** (Page 3, Exhibit F, Foundation Engineering's Geo-technical Investigation). The report further states, **"Based on these conditions, we anticipate that the risk of slope instability will be low provided the fill is properly integrated into the native slope and compacted as recommended in this report."** (Same page)."*

In fact, the addendum report (Foundation Engineering, 12/26/07, Attachment N to the Staff Report, Page 1 of 24) not only finds that no increased risk described under Section 4.5.70.03.b. exists, but also that sufficient data was gathered on site to support removing the landslide hazard overlay from the subject property mapping altogether.

The applicants do not intend to argue for removal of the overlay mapping at this time, only for the reasonable, fully engineered use of the developable portion of the site. While the report notes that the mapping should not be corrected *off-site* until test pits and similar site-specific investigations can be performed for any other specific properties in question, at no point does it suggest that this measure is necessary to reach the development-supporting conclusions pertaining to the subject property, found in Attachment N and briefly summarized above.

Finally, the reports meet all substantive requirements of CLCD 4.5.60.04.b.1-9 and 4.5.60.05.a.-d. Based upon the above evidence, this concern does not appear to be supported by the facts in the record.

Additional note: The applicant is receptive to and familiar with the concerns of neighbors when Northwest Corvallis and other parts of the community grow, having once been charged, for instance, with writing the combined applications to the City of Corvallis for annexation, subdivision and planned development for the property that would become known as Brookside Meadows (Annexation, PD and Subd. 93-9). This is the neighboring planned development located at the northwest corner of Glenridge Drive and Ponderosa Avenue. Despite the fears expressed by some neighbors at the time concerning undisputed geologic challenges and other significant site constraints, we successfully planned, engineered and realized an attractive new contribution to the subject neighborhood, an addition that has proven good neighbors (and a physically sound residential development on solid ground) for nearly fifteen years. The current combined application is viewed as an opportunity to make a similarly positive contribution to this neighborhood and northwesterly sector of the community.

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FRENKEL CONCERN #2: Property "not appropriate for residential development".
Also, Mrs. Madeline Sprague's Verbal Testimony 11/19

VERBAL RESPONSE PROVIDED AT HEARING:

It would be an injustice to remove from eligibility for development the scant portion of the site that remains following adherence to environmental and natural hazard regulations. The property is zoned for low-density residential development and is buildable by code standards. Eleven meetings and over twenty four hours of face-to-face coordination with city engineering staff alone have resulted in the storm drainage and other utility plans herein. The property is clearly considered buildable by applicable city staff.

ADDITIONALLY:

The record is replete with evidence that non-riparian portions of the site are eligible for some type of low-density residential development (e.g., Cauthorn approval, '93). No evidence to the contrary, or in support of Concern #2, has been presented.

FRENKEL CONCERN #3: Suggests Emergency and Fire Access Standards not met
Concern reiterated by Commissioner Weber following public hearing

APPLICANTS' VERBAL TESTIMONY IN RESPONSE:

The access and development plans conform with all fire and life safety access requirements presented to the applicants, and simply leave an option to the developer for either providing sprinklers in each unit or ensuring additional vehicular and firefighter access provisions at final design. This concern is not supported by the facts of record.

FRENKEL CONCERN #4: Drainageway dedication not a benefit since it is required

VERBAL REBUTTAL:

None provided at public hearing.

OTHER INPUT:

There are numerous acknowledged public benefits from protecting riparian corridors, significant vegetation, and natural drainageways. Many of these are recognized in Section 4.13.10.a. and b., *Purpose of Riparian Corridor and Wetlands Provisions*, and the corresponding purpose section of Section 4.12.10. Clearly, city staff, and many of the Commission's precedent setting land use decisions, both concur with the applicants in supporting the consideration of these substantial public benefits as at least partial compensation for some related PD deviations.

Additionally, while the ultimate dedication of the drainage corridor has been an understanding since at least 1993, dedication has not occurred in the interim fifteen years, precisely because the current mechanism in place provides that dedication occurs at the time of issuance of development permits. Thus, dedication of Tract A, and the public assurances that provides, may be considered a direct public benefit of development approval on this site.

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Finally, it is noteworthy that when the owners purchased the property in 2003, the total extent of drainageway / riparian corridor protection reached for only **thirty-five** feet beyond the bank of the creek. That standard has since increased (with the Dec. 31, 2006 LDC) to seventy-five feet of riparian corridor protection, and a fifty foot wide dedication on either side of the drainageway / creek is now required.

FRENKEL CONCERN #5: 34 Conditions and "Numerous Waivers Necessary for Development"
Also, Alan and Kay Robinson, 11/25/08

APPLICANT'S VERBAL INPUT AT HEARING:

Applicants noted that approval does not require three variations to standards that were errantly requested in the application. Specifically:

1) Side yards are compliant with the minimum 8' standard of CLDC Table 3.3-1; 2) Mass grading as proposed is in fact compliant with code provisions; and 3) Deviation from the lot depth / width ratio stated in the code does not require a variance. This is due to the fact that this is not a clear and objective standard, but a guideline (clarification provided in hearing by City Staff). We did not, during the public hearing, address the number of conditions of approval recommended by staff .

ADDITIONAL CONSIDERATIONS:

The above information brought the total number of variations requested by the applicants to nine:

1. >25' front yard setback;
2. Parking, circulation not located behind buildings;
3. Exceed 8' fill on just over 2% of development area;
4. Reduced landscaping strip adjacent to private sidewalk;
5. A reduced right of way dedication, improvements for Ponderosa Avenue;
6. A four percent reduction in required green area for Lot 6;
7. An interpretation to permit 25' deep back yards, subject to riparian corridor protections, to be considered partial compensation for less than 15' of useable rear or side yard located elsewhere on Lots 2-8 (lots 1 and 9 are compliant);
8. Very minor impacts to the surface of soils atop the roots of some protected trees in the riparian corridor and the northeasterly sector of the site; and
9. A four (4) square foot increase in the maximum allowable area standard for signs in the subject zone.

Of the nine proposed deviations above, five are considered to be very minor in scope and hence potential impact. More particularly: less than two percent of the development would exceed the 8' maximum fill standard; Lot 6 would be within four percent of the applicable minimum green standard; impacts to protected trees is anticipated to be unsubstantial and potentially even invigorating to their vitality, according to the arborist; the circulation area would be largely screened from view from the public roadway by the difference in grades, existing and proposed vegetation, and proposed fencing; and the proposed sign is just four square feet larger in area than the code usually permits. The increased traffic safety from providing one more means of identifying where a driver wants to go is considered a compensating benefit for this minor deviation.

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Of the three deviations Ms. Frenkel cites in her letter in an attempt to demonstrate that their number and scope are excessive, two (mass grading / fire department access) are in fact not applicable, as discussed above. The applicants feel that the limited number and scope of deviations requested, and the public benefits associated with the protections for natural resources which many of the deviations are intended to facilitate, necessarily indicate consistency with the intent of the CLDC. Remaining deviations above have been described, and compensating benefits identified, in the application and staff report.

Concerning the number of conditions recommended by staff, of the 34 conditions of approval contained in the staff report, at least **twenty two, or sixty five percent (65%)** of them, are standard conditions that would be associated with any subdivision and/or planned development, and do not contain language that is specific to the characteristics of this proposal. The Commission may recognize that these boiler plate conditions are generally required in every case, and that they merely make provisions for filing the final plat; approval of construction drawings; timing of improvements; and the extension of public facilities, etc. Based upon the above, the number of conditions of approval recommended by staff in this case does not appear to indicate the complexity of this application, or to reflect that the proposal requires an inordinate number of conditions /and or deviations in order to implement. This concern does not appear founded.

FRENKEL CONCERN #6: "Dual use" by owners, 'public' of 25' riparian corridor yards seems likely to lead to conflict.

APPLICANTS' COMMENTS AT HEARING:

The proposed 25' rear yards are not in a public use easement or intended for public use, so no 'dual use' is envisioned. Code stipulates that the outer twenty five feet of riparian protection shall be private, consistent with the proposal.

ADDITIONALLY:

The easement across private riparian areas is intended to provide City access, oversight, and maintenance on as needed basis. Since located fifty feet from the top of bank of the creek, it's doubtful that City access to the 25' corridor will be required very frequently, but it would always be maintained as available. No conflict, as envisioned in this 'concern', is anticipated.

FRENKEL CONCERN #7: Proposal not consistent with Statewide Planning Goal 6.

APPLICANTS' REBUTTAL IN PUBLIC HEARING 11/19/08:

Applicants did not specifically address this question in their response of 11/19.

ADDITIONAL PERTINENT FACTORS & CONSIDERATIONS:

The application and staff report note that the subject property is located within the urban growth boundary and city limits, on a collector street, and is identified as appropriate for residential development by the comprehensive plan and land development code.

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Page 95 of the applicants' narrative states that Corvallis Transit System bus Route 1 has a stop near the intersection of Glenridge Drive and Walnut Boulevard, approximately ¼ mile from the subject property. Public sidewalks and improved bike paths provide connection to this transit stop and the bicycle and pedestrian facilities associated with Walnut Boulevard and adjacent streets.

No evidence of inconsistency with Goal 6 has been presented.

G. RE: Use is "illegal", inconsistent with maximum number of units served by one driveway
Commissioner Weber, following close of public hearing

APPLICANTS' VERBAL RESPONSE:

None provided at time. City Engineer indicated in the hearing that the source of this standard is Table 1 of the City's Off-Street Parking and Access Standards.

ADDITIONAL INFORMATION:

The "General Statement" of the above document grants the City Engineer the right to replace these standards with "innovative designs" that respond to unique circumstances and site characteristics. The City Engineer approved the applicants' access design consistent with this provision and the innovative sign design provisions of the PD section. Please see substantial additional discussions under Section I of this document, *Introduction*.

H. RE: Did applicant tweak density calculations/methodologies to appear compliant?
Commissioner Weber following close of public hearing

RESPONSE 11/19:

No, it is our understanding from staff and the definitions section of the code that net density is typically used for determining minimum density requirements, and gross density is usually utilized for calculating maximum density. That direction from city planners led us to our statement of the density range applicable to this site as between four and fifteen (4-16) units.

Planning Division Manager Fred Towne confirmed the above for the Commission.

I. RE: Useable Yard compared with Riparian Corridor Yard
Question Raised by Commissioners Howell, Gervais, following public hearing

APPLICANTS' RESPONSE 11/19:

Applicants re-entered into the record substantial portions of the application narrative addressing this question, and reiterated the lack of definitions provided in code for "useable yard" or "useable". Noted some restrictions apply to other useable yards in the community, e.g., setback requirements, public and private easements, and voluntary resource protected / green maintained / native planted areas. The term "useable yard" does not necessarily, or clearly and objectively, dictate that a yard must be wholly unrestricted as to use.

APPLICANTS' FINAL TALKING POINTS,
DEER RUN PARK SUBDIVISION AND CONCEPTUAL AND DETAILED DEVELOPMENT PLAN
12/2/08, Page 14

The remaining types of activities permitted within the riparian rear yards, e.g., picnicking, sight seeing / nature observing, are sufficient to provide a range of enjoyable yet passive uses of the proposed rear yard areas.

The requested exception, to limit uses of the otherwise "useable" rear yard areas of Lots 2-8, is described in the staff report as compensated for by the extensive increase in each of the rear yards' total depths. Far exceeding the minimum requirement for rear yards in the PD RS-6 Zone of just five feet, these lots bear an average of ten feet in depth prior to the fence, and then another 25' of riparian rear yard extends beyond that in every case. Lots 1 and 9 also have side yards deeper than fifteen feet, and are thus compliant without a variation.

ADDITIONALLY:

Lot 4's rear yard between the structure and riparian fencing ranges from between about ten and sixteen (15.8) feet. Please see additional pertinent discussions in Section I, *Introduction*.

J. RE: Fencing adjacent to Natural Resource Preservation Tract A – can it be wildlife friendly?
Raised by Commissioner Hann following close of public hearing

APPLICANTS' INITIAL RESPONSE:

Our response was to listen to the experts in this regard; namely, the City Engineer indicated that this would likely be feasible, and that it could be conditioned and ensured at PIPC review.

ADDITIONAL CONSIDERATIONS:

The applicants are entirely supportive of this potential condition of approval.

SECTION III. CONCLUSION

The owners and applicant are grateful to the Commission for their time in poring over these materials; researching and considering the lengthy record associated with this property; and being attentive to the valid, and bearing with the other, comments of the noticed public and neighbors. We appreciate the concerns of our neighbors relative to new development and the potential impacts it can bring, and we strongly believe and sincerely hope that this application reflects the great pains we've taken to avoid or minimize those wherever possible.

We hope you will adopt positive findings of fact in favor of Wayde and Frankie Kents' Conceptual and Detailed Development Plan and Tentative Subdivision application for Deer Run Park, on which this team has worked so hard for the past nearly two years.

The applicants also wish to acknowledge the contributions from numerous members of city staff, who have been immensely helpful in getting through this application process.

{Note: this document, including Section I Introduction, contains no new information except as it may pertain to rebutting / responding to public testimony / Commissioners' questions received prior to the close of the public hearing}

MEMORANDUM

To: City Council Members

From: Charles C. Tomlinson, Mayor



Date: January 29, 2009

Subject: Vacancy on Planning Commission

Denise Saunders submitted her resignation from the Planning Commission; she accepted a new employment position with increased obligations on her time. Her term on the Commission expires June 30, 2010.

Filling Ms. Saunders' vacancy on the Planning Commission will involve a public notice and application process, in accordance with Corvallis Municipal Code provisions. This will be done in conjunction with our annual Planning Commissioner interview process this spring.

MEMORANDUM

To: City Council Members
From: Charles C. Tomlinson, Mayor *CCT/ku*
Date: January 28, 2009
Subject: Appointment to Watershed Management Advisory Commission

I am appointing the following person to the Watershed Management Advisory Commission for the term of office stated:

Charlie Bruce
Term Expires: June 30, 2009

Charlie is a retired wildlife biologist with the Oregon Fish and Wildlife Department. He specializes in forest wildlife and endangered species.

I will ask for confirmation of this appointment at our next Council meeting, February 17, 2009.

1009.

*** * * MEMORANDUM * * ***

JANUARY 28, 2009

TO: MAYOR AND CITY COUNCIL
FROM: JON S. NELSON, CITY MANAGER 
SUBJECT: JANUARY 28, 2009 CITY LEGISLATIVE COMMITTEE WORKING NOTES

1. Call to Order / Introductions

Mayor Tomlinson called the meeting to order at 9:00 am. Councilors Hamby, Brown, and Brauner were present. City Manager Nelson was also present.

2. Review of Committee Guidelines

The Committee reviewed the Committee guidelines memorandum dated December 22, 2008, and attached.

The Committee agreed, by consensus, to meet the second and fourth Wednesdays of each month at 9:00 am in City Hall Meeting Room A.

The Committee also agreed under the "Focus" section of the guidelines to use "primarily" in place of "directly" in considering legislative impacts on City Government.

Several other process related issues were discussed:

- ▶ Citizen requests for the City to take a legislative position may be scheduled directly before the Committee,
- ▶ Mayor Tomlinson will share his legislative related correspondence under Mayor Reports,
- ▶ Councilors may need to trade and replace each other on League of Oregon Cities (LOC) committees or the City Legislative Committee depending upon schedules, and
- ▶ Mayor Tomlinson will be the primary City participant in the Benton County Board of Commissioners sponsored legislative update breakfasts, with Senator Morse and Representatives Gelser and Olson. Councilors Hamby, Brown, and Brauner, and City Manager Nelson are back-ups should the Mayor have a scheduling conflict.

3. Schedule Next and Future Meetings

Meetings will be held in City Hall Meeting Room A beginning at 9:00 am unless otherwise noted.

February 11, 2009	April 8, 2009
February 25, 2009	April 22, 2009
March 11, 2009	May 13, 2009
March 25, 2009	May 27, 2009

4. Other – None.

5. Adjournment

The meeting adjourned at 9:30 pm.

Committee recommendations were by consensus and no action is necessary if Council concurs with the above outcomes.

Attachments

4015

*** * * M E M O R A N D U M * * ***

DECEMBER 22, 2008

TO: CITY LEGISLATIVE COMMITTEE
FROM: JON S. NELSON, CITY MANAGER 
SUBJECT: CITY LEGISLATIVE COMMITTEE GUIDELINES

Background

The City is a member of the League of Oregon Cities (LOC) which provides State legislative lobbying services on behalf of its members. In past sessions, Mayor Tomlinson, individual Councilors, and City staff have been called upon by League staff to present testimony at Legislative Committee meetings in Salem. League staff also count on individual cities to lobby their Representative(s) and Senator.

Past Councils have used a City Legislative Committee to discuss issues affecting City government. The Committee makes recommendations on City positions to City Council that are then forwarded to our legislators, usually by letter from Mayor Tomlinson.

The following reflects our past approach for the City Legislative Committee.

Composition

The Mayor and one member of each of the standing committees compose the City Legislative Committee. It is staffed by the City Manager's Office. The Mayor appoints members.

Meetings

Meetings have been held at 7:30 am on Wednesdays. This time and day best matched receiving LOC Legislative Bulletins and making recommendations to Council. Frequency of meetings is initially every two weeks but may change depending upon legislative issues. Departments provide briefings on legislative issues early in the session.

Staff Report

Summary minutes of the meetings are provided. Committee members help draft testimony, letters, resolutions, etc., as necessary and according to what the City Attorney's Office believes is appropriate for staff to be involved in (or not).

Focus

Past City Councils have discussed and forwarded City positions on those bills directly impacting City government. In the past, citizens and organizations have asked Council for support of their non-City related issues and Council, by and large, has declined.

Outcomes

We rely on LOC expertise for lobbying and legislative representation, since that is a part of our LOC dues. The Committee's role includes review of the LOC Bulletin, recommendations to Council, and communication with legislators and LOC staff. The department directors are prepared to support you in this endeavor through their impact analysis of legislation and their service through their professional associations.

In addition to periodic testimony, past Committees have traveled to Salem once during the session to meet with our legislators.

End of Session Flexibility

Committee recommendations come directly to Council under "Unfinished Business." Towards the end of the session, it is often not possible to seek Council action and meet Salem time constraints. Council has been supportive of recommendations in advance of Council review as long as Mayor, Council, and staff responses have been consistent with past Council or League positions.

Fiscal Impact

Minimal; travel expenses to Salem.

Recommendation

That the City Legislative Committee provide a recommendation to City Council on the above guidelines.

Public Employee Collective Bargaining

January 2009

Assistant City Manager Ellen
Volmert

Why it Matters



- 82% of respondents to the 2008 Citizen Attitude Survey rated the overall quality of services provided by the City as good or excellent. An important part of that satisfaction is the quality performance of City employees providing those services. 54% had in person or phone contact with a City employee in the last year and 89% rated their overall impression from that experience as good or excellent.
- Fair and sustainable compensation is an important element in social sustainability and a critical component of maintaining the City as an Employer of Choice. This enhances our ability to attract and retain top talent which is especially important as 25% of the current regular City workforce is eligible for retirement within the next five years.

Why it Matters



- About 54% of the FY 08/09 operating budget is attributable to Personal Services. For property tax supported funds, the percentage is 59%.
- Many of the larger components of Personal Services expenditures have risen at a rate faster than the general cost of living, especially public safety wages, health care, and retirement benefits.
- Collective bargaining with represented employees is largely governed by state law.

Oregon Public Employee Collective Bargaining Act (PECBA)



- PECBA governs who is entitled to representation, topics to be bargained, timeframes for bargaining, and impasse procedures.
- There are two basic types of employees under the Act, those with the right to strike and those who, due to the nature of their jobs (public safety), are prohibited from striking. This second group has a system of binding arbitration. Rules and procedures differ under the Act based on which type of employee is involved.

Oregon Public Employee Collective Bargaining Act (PECBA)



- Mandatory topics include wages, benefits and other conditions of employment.
- The most important factor an arbitrator must use when deciding between the Management and Union last best offers is the interest and welfare of the public. Other criteria include:
 - the reasonable financial ability of the agency to pay,
 - the ability to attract and retain qualified personnel, and
 - the overall compensation presently received in comparison to similar employees in comparable communities.
- Council has opposed legislation that would broaden the mandatory subjects of bargaining and thus the authority of an arbitrator to impose operating priorities different from the elected City Council.

City Application of PECBA



- City employees include those represented by one of four collective bargaining units, plus unrepresented exempt employees (supervisory), and casual/temporary employees.
- 3 represented units are strike prohibited and subject to binding arbitration: Corvallis Police Officers Association (CPOA), Corvallis Regional Communications Center Association (CRCCA), and the International Association of Fire Fighters (IAFF). CPOA reached a new contract with the City in 2008. IAFF and CRCCA will negotiate in 2009.
- The largest unit is the general unit represented by American Federation of State, County, and Municipal Employees (AFSCME). These employees have the right to strike in the event of a bargaining impasse. A new contract was reached with AFSCME in 2008.
- Each unit negotiates separately with the City. Most are three year contracts. IAFF negotiated a six year contract in 2006 with an opportunity to “reopen” negotiations in 2009 only on specified topics such as wages and health care.

Council Policy on Compensation



- Largely follows state law and connects to other City Council policies and goals, such as sustainability. Like state law, it relies upon the concept of equity in total compensation.
- Council policy recognizes 3 types of equity:
 - Relationship to similar positions in other Oregon cities of a similar population (external) targeting a position near the mean to remain competitive.
 - Relationship to other City positions of relative worth (horizontal)
 - Relationship to a career ladder or supervisory relationships within a family of positions (vertical equity or salary compression)
 - All three measures of equity are considered in determining fair total compensation.

Administrative Policy on Classification and Compensation

- A joint labor management team is charged with recommending “points” to measure the relative worth of each City position in comparison to other City positions. This creates an “apples to apples” comparison for horizontal equity. Points are based on level of responsibility, knowledge, physical requirements, work environment and interpersonal relations.
- Team recommendations go to the Assistant City Manager who recommends placement for approval by the City Manager.
- For represented employees, the salary ranges and job groupings are then negotiated with the unit. For exempt employees, ranges and groupings are approved by the City Manager.

Total Compensation



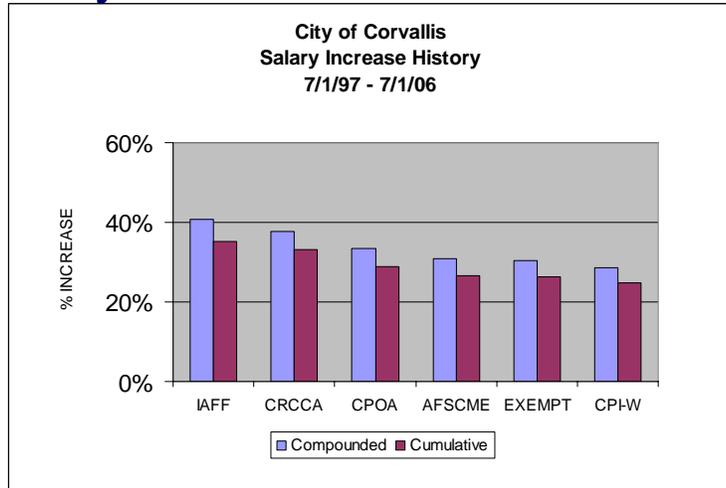
- Defined in Council Policy as “all rewards and recognition, including base wages, other salary or incentive compensation, benefits and perquisites and specifically all direct or indirect wages and benefits for a specific position.”
- Generally include: base wages, incentive and other types of special pay, shift differential, PERS retirement contributions, any employer paid deferred compensation or retirement health savings account contributions, accrual amounts and caps such as vacation, holiday, sick leave, and compassionate leave, sick leave cash outs, health, disability, and life insurance, wellness incentives, attendance incentives, uniform or clothing allowances, etc.

External Comparators



- Total compensation in comparison to similar positions in other Oregon cities with similar populations. For some strike prohibited units, the City also uses non-City agencies that have similar positions and serve similarly sized cities due to arbitration decisions requiring their inclusion. Such agencies (such as the Tualatin Valley Fire and Rescue District) may in fact serve much larger communities in total and their overall community served can bear little relationship to the City of Corvallis.
- Comparators can vary but generally include Albany, Bend, Grants Pass, Keizer, Lake Oswego, McMinnville, Medford, Oregon City, Springfield, and Tigard.

Labor 101: Salary Increase History 1997 - 2006



Health Care



- State and nationwide, medical insurance has been the single most difficult negotiating issue for agencies and employees for the last several years due to market changes and rapidly escalating cost trends.

The City provides medical, dental, vision, and drug coverage for all regular employees. Employee benefit plans and premium cost sharing differs between the units and for AFSCME, between full time and part time employees. CPOA health benefits are provided through the Teamsters Trust pool rather than through a City contract with an insurance carrier (currently ODS).

- Council has opposed legislation that would not allow a different benefit level for in and out of network providers.

Health Care



■ Invest in Health Strategy

- Changes to health benefits: 3 and 4 tier drug program, increased copays, deductibles and maximum out of pocket, addition of new consumer driven health plan coupled with health reimbursement arrangement (HRA) accounts (IAFF and Exempt), changed basis of premium cost sharing, and labor contract provisions allowing the City to opt out of any plan that is not offered by at least two carriers or without minimum employee participation, and each plan's rates tied to its own experience.
- Partnership with Benton County for Workplace Wellness Promotion, OSU for IAFF Nutrition Program, and Wellness vendor contract to provide expanded information and resources, health risk assessments and health coaching.
- Incentives for Wellness Program participation
- Availability of more wellness and health quality information through the intranet
- More health consumer and wellness information in the monthly employee newsletter, plus a monthly wellness newsletter in partnership with the County
- More promotion of flexible spending accounts, drug mail order, and evidence based information on drugs etc. to reduce costs for the City and for employees
- Tracking metrics on results and return on investment

Retirement



■ PERS

- For the 1997/2006 period shown for wages, the PERS employer contribution rate has gone from 9.42% to as high as 14.01% in 2001 and finally back to 9.62% in 2006 as a result of PERS reforms and the City's issuance of pension obligation bonds in 2002, lowering our employer rate, but adding debt service. The City also sold pension obligation bonds in 2006 so the total debt service amounts to \$1,864,001 for the current fiscal year, but resulted in a PERS rate drop in 2007 to 7.69%.
- In addition, Corvallis staff and elected officials have also taken a leadership role in advocating for responsible reform of PERS with the legislature and the PERS Board.
- The City has negotiated with some employee units (CRCCA and IAFF and CPOA) to pickup the 6% employee contribution to PERS.

Retirement



- GASB 45
- Accounting rule changes will require the City to disclose its unfunded liability associated with post-employment benefits such as retiree health care. This includes both the cost of single medical and dental coverage for employees hired prior to 1992 and the “assumed” subsidy associated with the legal requirement to offer equal premiums for active and retired employees.
 - The amount of the direct liability is estimated at over \$18 million.
 - Health benefit changes resulting in cost savings also produce cost savings associated with post-employment health benefits.

City’s Response- Legislation and Partnerships



- In addition to the City’s active participation in PERS reform, it also actively participates in League of Oregon Cities and Oregon City Managers Association legislative committees.
- The City is a member of the Oregon Coalition of Health Purchasers which is a strong network devoted to improving cost containment, accountability and health care quality.

Council Focus



- The City Council has maintained the following focus for compensation which meets the goals and standards of the Council policy while controlling total compensation costs for the long term:
 - 1. Restore a better total compensation balance between health benefits and wages. 1999= 12.54% vs. 2004= 23.93%
 - 2. Reduce the overall investment of the organization into “illness” (health care, sick leave, etc.) and increase our investment in health and wellness.
 - 3. Reduce future unfunded liabilities.
 - 4. Maintain sustainable compensation practices.

Compensation Alternatives



- Progress to date on these principles includes:
 - Increased leave cashout opportunities, decreased accrual caps and/or monthly accruals and end of employment cashouts, increased opportunities for contributing accrual cashouts on a pre-tax basis saving the employee and the City FICA taxes (losing this option based on IRS), and have examined combined leave alternatives (only implementation so far is for AFSCME seasonal parks employees).
 - City contributions of salary to deferred compensation or retirement health savings accounts vs. base salary saves FICA taxes and does not increase the base rate for overtime or future wage increases. PERS pickup for IAFF, CPOA and CRCCA employees in lieu of wages, same savings to base wage rate.
 - Increasing incentive pays for skills needed by the City, ex. bilingual pay.
 - Exempt cafeteria plan contribution allows employees to take ownership of the use of the dollars for health benefits or compensation and reducing claims exposure by incenting employees to not cover dependents if they have coverage elsewhere and equalizing total compensation regardless of marital or familial status.

Benefits Alternatives



- All regular employees are eligible to participate in a wellness incentive plan which includes annual health risk assessments.
- All medical plan benefits have been changed to some degree in an effort to reduce costs and encourage better use of the health care system (generic drugs, etc.). Employee cost sharing has also changed and varies by bargaining group. Changes have impacted claims experience.
- For IAFF, AFSCME and Exempt employees, the City has added a consumer driven health care plan option which has low copays for preventative care, higher deductibles and out of pocket expenses, much lower premiums and allows for more employee control of benefit dollars through City contributions to a health reimbursement arrangement account. For CPOA employees, the City and CPOA agreed to a move to the Teamsters Trust pool and to composite rates. The Trust has historically had lower rate increases based on the pool approach.
- All regular employees have a flexible savings account option to save for medical and dependent care expenses pre-tax. The City saves payroll taxes on these employee contributions, employees get a pre-tax benefit.

2009 CRCCA Negotiations and IAFF Reopener



- CRCCA is expected to continue their movement to more of a public safety model contract. They currently do not have a consumer driven health plan option.
- IAFF reopener is limited to base wages, health benefits, sick leave, and vacation.



2009 Labor Negotiations Process



■ Negotiations Process and City Councilors

- Executive Sessions
 - Initial Policy Guidance to, and briefing by management on major issues as well as periodic updates and check ins.
 - Allowed under state law, usual executive session rules apply.
- Ground Rules
 - Determined in early negotiation meetings, generally includes rules for joint and individual communications from each side - management communications with bargaining unit members and unit communications with City Council.
- Communications/Displays
 - Regardless of ground rules, as negotiations progress to the end, employees may stage events to provide visual support for their team (such as off duty time rallies in front of City Hall), or approach the City Council in Visitors Propositions, or one on one.
 - Council response should be polite, but reserve substantive comments for management staff in executive session.

Questions



MEMORANDUM

TO: Mayor and City Council

FROM: Ken Gibb, Community Development Director 

DATE: January 29, 2009

RE: PLANNING COMMISSION VACANCIES

I. ISSUE:

There are currently two (and possibly soon three) vacancies on the Planning Commission, which could result in problems achieving a quorum. Staff request that Council initiate a recruitment immediately.

II. BACKGROUND:

Although the Planning Commission has had a single vacancy for several months, staff had proposed filling it at the same time as other terms expired on June 30, 2009. This was done because several recruitment efforts had been completed, and no applications were received. However, with only six to seven Commissioners available, there arises a greater possibility that a quorum might not be possible. Because of requirement for completion of land use application approvals within the 120-day limit mandated by the state, little flexibility in scheduling of hearings is available. Consequently, immediate recruitment and appointment is necessary.

III. DISCUSSION:

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

Once a new Commissioner is selected, staff provides basic orientation and an overview of the planning process. Staff also provides copies of necessary planning related documents including the Statewide Planning Goals and Legislation, Comprehensive Plan, Land Development Code, and the Vision 2020 Statement. As needed, additional training is also available for the Planning Commission members.

IV. PROPOSED SCHEDULE:

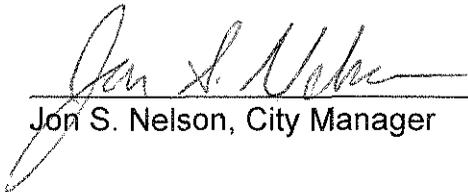
The recruitment schedule is tentatively proposed as follows:

Advertisement	Wednesday, February 11, and Sunday, February 1
Receive applications	Through 5 p.m. on Friday, March 20
Schedule interviews	Week of March 23 - 27
Council interviews	Monday, April 6 @ 5:00 p.m.
Appointments	Monday, April 20, 2009

V. ACTION REQUESTED:

City Council is asked to accept the schedule for filling the identified Planning Commission vacancies.

Review and Concur:



Jon S. Nelson, City Manager

*** MEMORANDUM ***

JANUARY 28, 2009

TO: MAYOR AND CITY COUNCIL
FROM: JON S. NELSON, CITY MANAGER 
SUBJECT: FEDERAL APPROPRIATIONS REQUESTS

Attached for your information are invitations to submit appropriation requests to Senators Wyden and Merkley, and Congressman DeFazio.

While much of the attention has focused on “earmarks,” appropriation requests have been a good mechanism for engaging our Senators and Representatives in securing their help locating existing, or soon to be funded, grant sources.

You will note the quick turn around. Staff intends to work on the following submittals, unless you direct us otherwise.

◆ Corvallis Fire Department Drill Tower	\$.6 million
◆ Highway 99 W four lane section between railroad crossing and Circle Boulevard	\$1.5 million
◆ Transit Operations Center	\$5.0 million
◆ Transit bus replacements (3)	\$1.1 million
◆ Waterline earthquake protection	\$1.6 million
◆ North Hills Reservoir seismic upgrades	\$2.1 million

Also attached for your information is the economic stimulus package potential project list for Corvallis.

Attachments

4016

SR staff - 1/27
in pickup 3/2

**FY 2010 - OREGON FEDERAL APPROPRIATIONS REQUEST
OFFICES OF SENATOR RON WYDEN AND SENATOR JEFF MERKLEY
INSTRUCTIONS**

Dear Oregonians,

Appropriations season is here again and this year is certain to provide yet another challenging federal appropriations environment. Senator Wyden and Senator Merkley will work very hard to advocate for your project throughout the process. The first steps of the process involve – you guessed it – paperwork. Please adhere to the following guidance when completing the appropriations request form below.

1. Do not alter the forms in any way, and do not leave any questions blank. In order to fully and properly advocate for your project, ALL of the information on the form is essential. Incomplete or altered forms will be rejected. However, you may include additional attachments, white papers, and letters of support.
2. All forms must be submitted electronically to Juine Chada at Juine_Chada@wyden.senate.gov **Completed, unaltered forms must be submitted by February 23, 2009. Late forms will not be accepted.** However, we encourage you to submit paperwork as expeditiously as possible.
3. Based on the information provided in this initial form, you will be sent an additional form specific to the subcommittee corresponding to your request. Deadlines for this form will be based on guidance provided by the Appropriations Subcommittees, but we encourage early submissions.

Forms must be turned in to any one of Senator Wyden or Senator Merkley's offices which are located around the State. If you have any questions or comments with regard to your project, please contact Juine Chada in our Eugene office at Juine_Chada@wyden.senate.gov or by phone at 541-431-0229.

Please keep in mind that projects submitted for consideration, as well as all information in these forms, will be made publicly available on both Senator Wyden's and Senator Merkley's websites *without exception*.

FY 2010 - OREGON FEDERAL APPROPRIATIONS REQUEST
Senator Ron Wyden and Senator Jeff Merkley
Please fill in ALL applicable fields!

Name of Project:	
Location: County(s):	City:
Requesting Organization:	
Project Description:	
How will the funds be spent? Please provide a detailed description of how the funds will be used and indicate whether funds will go toward <u>construction</u>, <u>planning</u>, or <u>programming</u>.	
Bill or Report Language Requested (if applicable, please provide language requested and indicate whether you are seeking bill or report language):	
Anticipated Appropriations Bill and Account:	
Federal Dollars Requested in FY10 from the account list above:	
Is this a multi-year project? No/Yes?	
Will you be requesting funding in future years?	
Are you seeking FY10 funds through other federal accounts? If yes, please specify account(s).	
Previous Federal Appropriations (Please indicate which appropriations bill(s) and year(s) received):	
Have you pursued federal grant funding? If yes, which Department and program?	
Non-federal Contribution (Please identify funding amount and who is contributing):	
Total Cost of Project:	
Amount for this project in President's FY10 Budget Request:	
Authorizing Statute (if authorized):	
Local Contact:	
Name:	
Address:	
City, State, Zip:	
Telephone:	
Fax:	
Email:	
DC Contact (if applicable):	
Name:	
Address:	
City, State, Zip:	
Telephone:	
Fax:	
Email:	
Other Organizations/Community Leaders who have expressed support of this project (please provide letters as PDF attachments or via United States Postal Service):	

Organization: Contact: Telephone:

How many jobs will be created by this project? What type of jobs?

Does your company or organization have any plans to move or close your facilities, reduce operations, or reduce employment in Oregon?

Is your company or organization currently engaged in, or does it plan to become engaged in, any merger or acquisition talks with an outside company or organization?

Please email the completed form to Juine_Chada@wyden.senate.gov

Nelson, Jon

From: Fore, Karmen [Karmen.Fore@mail.house.gov]

Sent: Monday, January 26, 2009 1:22 PM

To: Fore, Karmen

Subject: FW: Appropriations Requests Forms for FY 2010 Available on Rep. DeFazio's Website Now

Dear 4th CD City Government Official:

The Fiscal Year (FY) 2010 appropriation form for Congressman DeFazio's office is now available on his website at http://www.defazio.house.gov/index.php?option=com_content&task=view&id=230&Itemid=116. Forms are due **February 13, 2009**.

If you need immediate assistance, please contact Travis Joseph in the congressman's Washington, DC, office at 202-225-6416.

Sincerely,

Karmen Fore

District Director

Congressman Peter DeFazio

405 East 8th Avenue, Suite 2030

Eugene, OR 97401

541-465-6732

**OFFICE OF CONGRESSMAN PETER A. DEFAZIO
APPROPRIATIONS REQUEST FORM
FISCAL YEAR 2010**

DEADLINE FOR SUBMISSION: FRIDAY, FEBRUARY 13, 2009

PLEASE NOTE: As required by the House Appropriations Committee, all requests will be made public on the requesting Member's website.

- 1. Project Title:**
- 2. Organization Name and address:**
- 3. Primary Contact name, phone number, mobile phone number, fax number and email:**
- 4. Project Location Address (if different from Organization):**
- 5. Please describe the requesting organization's main activities, and whether it is a public, private non-profit, or private for-profit entity:**
- 6. Briefly describe the activity or project for which funding is requested (please keep to 500 words or less.)**
- 7. Has this project received federal appropriations funding in past fiscal years?**
 - 7a. If yes, please provide fiscal year, Department, Account, and funding amount of any previous funding.**
- 8. Federal agency and account from which funds are requested (Please be specific –e.g. Department of Housing and Urban Development, Economic Development Initiatives account):**
- 9. What is the purpose of the project? Why is it a valuable use of taxpayer funds? How will the project support efforts to improve the economy and create jobs in Oregon?**
- 10. Have you requested funding for this project from other Members of Congress?
If so, who?**
- 11. Funding Details:**
 - a. Total project cost (all funding sources and all years):**
 - b. Amount being requested for this project in Fiscal Year 2010:**
 - c. What other funding sources (local, regional, state) are contributing to this project or activity?
(Please provide specific dollar amount or percentage.)**
 - d. Do you expect to request federal funding in future years for this project?**

- e. Breakdown/budget of the amount you are requesting for this project in FY 2010.
(e.g. salary \$40,000; computer \$3,000):
- f. Please list public or private organizations that have supported/endorsed this project:
- g. Is this project scalable? (i.e. if partial funding is awarded, will the organization be able to use the funds in FY 2010?):

Please return this form *no later than* Friday, February 13, 2009 (via email) to:

OR04-AppropsFY10@mail.house.gov

Washington, D.C. Appropriations Contact for Rep. Peter DeFazio: Travis Joseph, 202-225-6416
Oregon Appropriations Contact for Rep. Peter DeFazio: Karmen Fore, 541-465-6732



CITY OF CORVALLIS, OREGON
POTENTIAL PROJECTS FOR AN ECONOMIC STIMULUS PACKAGE
 (used for State and Federal stimulus surveys)

	Project Name	Brief Description	Total Cost	Stimulus Portion	Project Type	County	Jobs*	Number of Days to Bid
<u>Local Government Facilities</u>								
	* City Hall Seismic Upgrade	Complete City Hall seismic upgrades utilizing FEMA Pre-disaster Mitigation Grant	\$1,191,600	\$812,500 (FEMA)	Modernization	Benton	20	30
	* Transit Operations Center	Provide operations center and repair, maintenance, and storage facility for transit system buses	\$3,125,000	\$2,866,500	Modernization	Benton	53	90
	* Fire Department Drill Tower	Construct training tower	\$566,000	\$566,000	Modernization	Benton	10	60
<u>Highway/Regional</u>								
	* Highway 99W Four Lane	Add two lanes; RR Overpass to Circle Blvd	\$1,500,000	\$1,500,000	Modernization	Benton	25	90
	* Highway 34/20 Intersection With 53rd Street	Add right turn lanes; upgrade traffic signal	\$506,100	\$179,700	Modernization	Benton	8	30
	* Corvallis to Albany Rails With Trails	Construct multi-use path between Corvallis and Albany	\$8,677,000	\$8,677,000	Modernization	Benton	147	90
<u>Airport</u>								
	* Runway Extension	Extend Corvallis Airport runway 17/35 to accommodate corporate and commercial jets	\$3,500,000	\$3,150,000 (FAA)	Modernization	Benton	59	90
<u>Local Transportation</u>								
	* Local Street Reconstruction	Reconstruct parking lane with pervious paving; 5,000 feet	\$1,500,000	\$1,500,000	Maintenance	Benton	25	30
	* 9th Street Reconstruction	Reconstruct failed pavement section	\$935,540	\$935,540	Maintenance	Benton	16	30
	* 35th Street Sidewalks and RR Crossing	Construct curb, sidewalks; widen and upgrade RR crossing	\$1,314,600	\$1,183,410	Modernization	Benton	22	30
	* Madison Avenue Improvements	Construct plaza, signing, pedestrian friendly street	\$1,182,730	\$976,376	Modernization	Benton	20	60
	* Monroe Streetscape	Construct bulbed intersections, crossing treatment, bike parking	\$1,538,460	\$1,380,460	Modernization	Benton	26	60
	* Walnut Pedestrian Crossings	Construct 4 signalized pedestrian crossings	\$280,000	\$255,000	Modernization	Benton	5	30
	* Highland Drive Sidewalks	Construct sidewalks	\$220,000	\$220,000	Modernization	Benton	4	30
	* Avery Drive RR Crossing	Widen crossing; add sidewalks and bike lanes	\$635,000	\$508,000	Modernization	Benton	10	60
	* Multi-Model Path Construction	MLK, Jr. Park to Oak Creek/McDonald Forest	\$700,000	\$700,000	Modernization	Benton	12	60

*Each \$1 million in project value creates 17 family-wage jobs

NOTE: Subject to additions based upon evolving stimulus funding programs

	Project Name	Brief Description	Total Cost	Stimulus Portion	Project Type	County	Jobs*	Number of Days to Bid
<u>COPS Program</u>								
	* Additional police officers	Address public safety needs	\$326,000	\$326,000	-----	Benton	4	120
<u>Housing/Community Facilities</u>								
	* Seavey/Alexander Affordable Housing (WNHS)	Infrastructure for 62-unit development	\$750,000	\$750,000	-----	Benton	13	180
	* Hilltop Village Affordable Housing (Habitat)	Infrastructure for 19-unit development	\$1,500,000	\$1,500,000	-----	Benton	25	180
	* Emergency Shelter and Drop-In Center	Services for homeless not meeting criteria to be served by existing providers	\$2,000,000	\$2,000,000	-----	Benton	34	720
	* South Corvallis Combined Services Facility	Service facility for food bank, furniture share, Headstart, and neighborhood center	\$2,000,000	\$2,000,000	-----	Benton	34	540
	* Detox Facility	Drug and alcohol detox services	\$1,000,000	\$1,000,000	-----	Benton	17	720
<u>Economic Development</u>								
	* Airport Industrial Park Electrical Substation	Create additional megawatt capacity at the Airport Industrial Park (AIP) by adding a transformer to existing South 3rd substation or building a new substation at the AIP	\$15,000,000	\$15,000,000	-----	Benton	255	90
<u>Energy Efficiency and Conservation Block Grant Program (EECBG)</u>								
	* Various	Multiple Corvallis Sustainability Coalition Community Plan actions may be accomplished if Congress capitilizes the EECBG program	TBD	TBD	-----	Benton	TBD	
TOTALS			\$49,948,030	\$47,986,486			844	

*Each \$1 million in project value creates 17 family-wage jobs
 NOTE: Subject to additions based upon evolving stimulus funding programs

*** * * M E M O R A N D U M * * ***

JANUARY 21, 2009

TO: MAYOR AND CITY COUNCIL

FROM: JON S. NELSON, CITY MANAGER *Jon*

SUBJECT: ECONOMIC DEVELOPMENT CONTRACTS

BACKGROUND

In addition to the economic development allocations-related contract with the Corvallis-Benton Chamber Coalition, the City has three other, smaller contracts for related services.

The City currently has an airport industrial park marketing and leasehold representative contract for approximately \$18,000 with the Coalition. There is also a small enterprise zone (EZ) administration contract with the Coalition for approximately \$2,000. Finally, the City contributes \$12,500 towards the implementation and administration of the Prosperity That Fits (PTF) Plan. The EZ contract is in its first year; the airport contract has been in place for more than one decade and was a product of City and Economic Development Partnership efforts; and the PTF contract is in its second year. All contracts run through June 30, 2009. The contracts are administered outside the economic development allocations process using airport funds and Council-designated general funds for the EZ and PTF contracts.

DISCUSSION

There have been inquiries from other entities interested in the airport contract. Staff believes economic development work should follow the City Council policy direction established through the economic development allocations process.

Staff intends to include in the economic development allocations process a scope of work for the existing airport, EZ, and PTF contracts, asking entities interested in providing economic development services (especially marketing, retention, and recruitment efforts) to consider the airport, EZ, and PTF services as well. Unless directed otherwise, funding for these services would continue to come from existing sources and will not reduce funds available from the economic development allocations process.

Staff believes that this approach will best ensure that the airport, EZ, and PTF services are appropriately integrated with Council policy direction on economic development.

No action on your part will result in implementing the above. Feedback is appreciated if you would like us to pursue a different direction.

RECEIVED COPY

OREGON LAND USE LAW

JAN 23 2009

375 W. 4th, Suite 204
EUGENE, OR 97401
TEL (541) 343-2674
FAX (541) 343-8702

E-MAIL BILLKLOOS@LANDUSEOREGON.COM

CITY MANAGERS
OFFICE
January 21, 2009

Kingsley W. Click
State Court Administrator
Supreme Court Building, Records Section
1163 State Street
Salem, OR 97301-2563

Cert. No.: 7006 2760 0004 1035 4399

Re: 7th Street Station, LLC, v. City of Corvallis, CA A _____

Dear Mr. Click:

Enclosed for filing, please find the original 7th Street Station, LLC's Petition for Review and a check for \$212.00 to cover the filing fee. Copies of the petition have been served on the other parties to the proceeding.

If you have any questions concerning this filing, please contact me. Contact information is provided above.

Sincerely,



Dan Terrell

1/23/09
M/CC:
- FYI
- State Court of Appeals
0 street closure appeal
Jm

cc: Client
Certificate of Service List

encl

JAN 23 2009

COPY

IN THE COURT OF APPEALS OF THE
STATE OF OREGON

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7th STREET STATION, LLC,)
)
 Petitioner,)
)
 vs.)
)
 CITY OF CORVALLIS,)
)
 Respondent,)
)
 and)
)
 SAMUEL HOSKINSON, LESLIE BISHOP,)
 and MATTHEW BOLDOC,)
)
 Intervenor-Respondents.)

LUBA No. 2008-069

CA A _____

PETITION FOR JUDICIAL REVIEW

22
23
24
25
26
27

Petitioner on Appeal, 7th Street Station, LLC., seeks judicial review of the final order
of the Land Use Board of Appeals in the case number 2008-069.

The parties to this review are:

Bill Kloos, OSB 811400
Dan Terrell, OSB 993793
LAW OFFICE OF BILL KLOOS PC
375 W. 4th Street, Suite 204
Eugene, OR 97440
Phone: 541-343-8596

Attorney for Petitioner

Leslie Bishop, *pro se*
Samuel Hoskinson, *pro se*
827 SW 10th St.,
Corvallis, OR 97333
Phone: 541-752-6518

Intervenor-Respondent

David E. Coulombe, OSB 022797
Fewel, Brewer & Coulombe
456 SW Monroe, Suite 101
Corvallis, OR 97333
Phone: 541-752-5154

Attorney for Respondent City of
Corvallis

Matthew Bolduc, *pro se*
1020 SW 10th St.
Corvallis, OR 97333
Phone: 541-753-4045

Intervenor-Respondent

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A.

Attached to this petition is a copy of the final opinion and order for which judicial review is sought.

B.

Petitioner 7th Street Station, LLC, was a party to the administrative proceeding which resulted in the final opinion and order for which review is sought. The record will show that the Petitioner on Appeal is the applicant in this matter. Thus, Petitioners have statutory standing under ORS 197.850 to invoke the jurisdiction of the court.

C.

Petitioners are not willing to stipulate that the agency record may be shortened.

DATED: January 21, 2009

Respectfully Submitted,



Dan Terrell, OSB No. 993793
Attorney for Petitioner
LAW OFFICE OF BILL KLOOS, PC
375 W. 4th Street, Suite 204
Eugene, OR 97401
(541) 343-8596

1 BEFORE THE LAND USE BOARD OF APPEALS

2 OF THE STATE OF OREGON

DEC31'08 AM11:27 LUBA

3
4 7TH STREET STATION, LLC,

5 *Petitioner,*

6
7 vs.

8
9 CITY OF CORVALLIS,

10 *Respondent,*

11
12 and

13
14 SAMUEL HOSKINSON, LESLIE BISHOP,

15 and MATTHEW BOLDUC,

16 *Intervenors-Respondents.*

17
18 LUBA No. 2008-069

19
20 FINAL OPINION

21 AND ORDER

22
23 Appeal from City of Corvallis.

24
25 Bill Kloos, Eugene, represented petitioner.

26
27 David E. Coulombe, Corvallis, represented respondent.

28
29 Samuel Hoskinson, Leslie Bishop and Matthew Bolduc, Corvallis, represented
30 themselves.

31
32 BASSHAM, Board Chair; HOLSTUN, Board Member, participated in the decision.

33
34 RYAN, Board Member, did not participate in the decision.

35
36 DISMISSED

12/31/2008

37
38 You are entitled to judicial review of this Order. Judicial review is governed by the
39 provisions of ORS 197.850.

NATURE OF THE DECISION

Petitioner appeals a city council decision, reflected in the minutes of a city council meeting, to close SW D Avenue to vehicular traffic.

MOTION TO INTERVENE

Samuel Hoskinson, Leslie Bishop and Matthew Bolduc move to intervene on the side of respondent. No party opposes the motion, and it is allowed.

JURISDICTION

The present appeal is apparently part of a long-standing history of disagreement between petitioner and the city regarding the development of petitioner's parcel. For additional history, see *7th Street Station, LLC v. City of Corvallis*, 55 Or LUBA 321 (2007) (remanding two ordinances that remove a planned development overlay from petitioner's property and rezone the property). Petitioner owns a long, narrow parcel that is currently zoned for residential use. Vehicular access to petitioner's property is currently limited to several streets to the west, due to a bordering highway on the south and a railroad track on the east. A north-south street, 7th Street, borders the long western boundary of petitioner's property. D Avenue intersects 7th Street from the west, connecting to 10th Street. D Avenue is a local street, which under the city's transportation system plan (TSP) has the primary function of providing access to immediately adjacent properties. D Avenue is not currently improved to city standards.

Following remand in *7th Street Station*, the city contemplated rezoning petitioner's property for commercial use. Apparently in an attempt to forestall those efforts, on April 1, 2008, petitioner filed preliminary applications to develop a residential use under the existing residential zoning. At an April 7, 2008 city council meeting, the city council directed staff to abandon efforts to rezone petitioner's property, and instead to present a proposal to close D Avenue to vehicular traffic with the apparent intent of reducing traffic impacts on the

1 neighborhood from petitioner’s proposed development. Record 7-8. At an April 21, 2008
2 meeting, the city council voted unanimously to close D Avenue to vehicular traffic, leaving it
3 open to pedestrian and bicycle access.¹ Record 4. That decision is reflected in the minutes of
4 the April 21 meeting, which the city council adopted at its May 5, 2008 meeting. On May 6,
5 2008, petitioner appealed to LUBA the city’s decision to close D Avenue.

6 Following appeal to LUBA, petitioner filed a motion to determine whether LUBA has
7 jurisdiction over the appeal. Petitioner argues that city’s decision is subject to LUBA’s
8 jurisdiction because it is either (1) a statutory land use decision as defined at
9 ORS 197.015(10) or (2) a “significant impacts” land use decision as described in *City of*
10 *Pendleton v. Kerns*, 294 Or 126, 653 P2d 992 (1982). The city disputes that the street closure
11 decision is a statutory or significant impacts land use decision, and requests that we dismiss
12 this appeal. For the reasons that follow, we agree with the city that the city’s action is not
13 subject to our jurisdiction.

14 **A. Statutory Land Use Decision**

15 For present purposes, a decision is a statutory “land use decision” subject to LUBA’s
16 jurisdiction if it is a final local government decision that “concerns * * * the application” of a
17 comprehensive plan provision or land use regulation. ORS 197.015(10)(a)(A).² Among the

¹ The parties dispute whether that closure is intended to be temporary or permanent. We need not resolve that dispute.

² ORS 197.015(10)(a)(A) defines “land use decision” to include:

“A final decision or determination made by a local government or special district that concerns the adoption, amendment or application of:

- “(i) The goals;
- “(ii) A comprehensive plan provision;
- “(iii) A land use regulation; or
- “(iv) A new land use regulation[.]”

1 exceptions to that definition is ORS 197.015(10)(b)(D), which provides that “land use
2 decision” does not include a decision of a local government that “determines final
3 engineering design, construction, operation, maintenance, repair or preservation of a
4 transportation facility that is otherwise authorized by and consistent with the comprehensive
5 plan and land use regulations.”³

6 Petitioner argues that the city’s action “concerns * * * the application” of a number of
7 city comprehensive plan policies and land use regulations that govern use of local streets.
8 The city advances a number of responses to that argument, but we consider only its
9 dispositive argument that to the extent the city’s action falls within the definition of “land use
10 decision” at ORS 197.015(10)(a)(A), it nonetheless falls within the exception to that
11 definition at ORS 197.015(10)(b)(D) and is therefore not a land use decision.

12 Few cases have interpreted or applied the ORS 197.015(10)(b)(D) exception for
13 decisions that determine “final engineering design, construction, operation, maintenance,
14 repair or preservation of a transportation facility that is otherwise authorized by and
15 consistent with the comprehensive plan and land use regulations.” The county relies on
16 *Leathers v. Washington County*, 31 Or LUBA 43 (1996), in which LUBA dismissed an
17 appeal of a county decision that authorized removal of two gates restricting access to a public

³ ORS 197.015(10)(b) provides, in relevant part, that “land-use decision”

“Does not include a decision of a local government:

“(A) That is made under land use standards that do not require interpretation or the
exercise of policy or legal judgment;

“(B) That approves or denies a building permit issued under clear and objective land use
standards;

“* * * * *

“(D) That determines final engineering design, construction, operation, maintenance,
repair or preservation of a transportation facility that is otherwise authorized by and
consistent with the comprehensive plan and land use regulations[.]”

1 right of way, effectively eliminating what the neighbors regarded as a *de facto* public park.
2 We concluded, albeit without much analysis, that the challenged decision fell within the
3 ORS 197.015(10)(b)(D) exemption for decisions determining design, construction, and
4 operation of roads. *Id.* at 46. We understand the city to argue in the present case that if
5 *removal* of gates to allow vehicular access to a right of way falls within the
6 ORS 197.015(10)(b)(D) exception, then the converse—*placing* barricades to restrict
7 vehicular access—also falls within the exception.

8 Petitioner first responds that the city’s decision to partially restrict access to D
9 Avenue does not relate to “final engineering design, construction, operation, maintenance,
10 repair or preservation of a transportation facility[.]” According to petitioner, the decision
11 does not determine the “operation” of D Avenue, within the meaning of
12 ORS 197.015(10)(b)(D), but rather determines that it will not “operate” at all. We disagree.
13 The decision restricts vehicular access, while still allowing pedestrian and bicycle access.
14 The decision clearly determines how D Avenue will “operate” and thus determines its
15 “operation” for purposes of ORS 197.015(10)(b)(D).

16 Petitioner comes closer in arguing that the city’s decision does not fall within the
17 exception at ORS 197.015(10)(b)(D) because the city’s action to close the street to vehicular
18 traffic is not “otherwise authorized by and consistent with the comprehensive plan and land
19 use regulations.” According to petitioner, ORS 197.015(10)(b)(D) applies only when the
20 city’s comprehensive plan and land use regulations specifically authorize the “final
21 engineering design, construction, operation, maintenance, repair or preservation of a
22 transportation facility,” and the local government’s action is simply a ministerial
23 implementation of that plan or code provision. Petitioner argues that nothing in the city’s
24 TSP or elsewhere authorizes closure of D Avenue to vehicular traffic. In addition, petitioner
25 argues that the city’s action is inconsistent with Corvallis Comprehensive Plan (CCP) Policy
26 11.3.13 and an identical provision in the TSP, both of which provide:

1 “In existing neighborhoods, changes in traffic control, such as the use of
2 diverters and traffic circles for local streets, shall be considered through use of
3 a neighborhood traffic management corridor plan. The area affected by the
4 change in traffic control shall be determined by traffic engineering studies.”

5 Petitioner contends that placing barricades to close D Avenue to vehicular traffic is a
6 “change[] in traffic control” in an existing neighborhood, that can therefore be accomplished
7 only through development of a neighborhood traffic management corridor plan, which the
8 city did not do in the present case. According to petitioner, if the city had such a traffic
9 management corridor plan in hand, then the city’s action would be a simple implementation
10 of that plan, and thus would be both “authorized by and consistent with” the city’s
11 comprehensive plan and land use regulations. Without such a plan, petitioner argues, the
12 city’s action is neither authorized by nor consistent with the city’s plan and code.

13 We disagree with petitioner’s understanding of ORS 197.015(10)(b)(D). The first
14 level of analysis in determining the meaning of a statute is to examine its text and context.
15 *PGE v. Bureau of Labor and Industries*, 317 Or 606, 610, 859 P2d 1143 (1993). In our view,
16 the sentence structure of ORS 197.015(10)(b)(D) is ambiguous. Petitioner apparently reads
17 ORS 197.015(10)(b)(D) so that the modifying clause “that is otherwise authorized by and
18 consistent with the comprehensive plan and land use regulations” modifies the entire
19 preceding clause, such that it is the “final engineering design, construction, operation,
20 maintenance, repair or preservation” of the transportation facility that must be authorized by
21 and consistent with the plan and regulations. However, the modifying clause “that is
22 otherwise authorized by and consistent with the comprehensive plan and land use
23 regulations” immediately follows the noun phrase “transportation facility,” and can be read to
24 modify only that phrase, as the last antecedent. Under that reading, it is the *transportation*
25 *facility* that must be “authorized by and consistent with” the plan and land use regulations.

26 Although both readings are textually plausible, we conclude that the second reading—
27 that the “otherwise authorized by and consistent with” language modifies “transportation

1 facility”—has more textual support and is more consistent with what we perceive to be the
2 intent of ORS 197.015(10)(b)(D). As noted, that language immediately follows
3 “transportation facility.” Modifying clauses are generally presumed to modify the last
4 antecedent, particularly where the last antecedent and the modifying clause are not separated
5 by a comma, as in the present case. *See Concerned Homeowners v. City of Creswell*, 52 Or
6 LUBA 620, 630 (2006), *aff’d* 210 Or App 467, 151 P3d 961 (2007) (applying the “last
7 antecedent” rule).

8 Further, the text of ORS 197.015(10)(b)(D) appears to describe two distinct classes of
9 transportation-related decisions that are removed from the otherwise broad sweep of the
10 definition of “land use decision.” The first class represents “final engineering design” and
11 “construction” approvals for what are presumably new or upgraded transportation facilities.
12 The second class of decisions involve a set of very limited actions (operation, repair,
13 maintenance or preservation) that by their nature apply only to *existing* transportation
14 facilities. The second interpretation—that it is the transportation facility that must be
15 authorized by and consistent with the comprehensive plan and land use regulations—readily
16 accommodates this distinction. With respect to the first class, what is exempted from the
17 definition of land use decision are final engineering design or construction approvals for new
18 or upgraded facilities, where those facilities have been conceptually approved in earlier
19 amendments to the local government’s TSP or comprehensive plan. With respect to the
20 second class, what is exempted are relatively routine decisions that relate to existing
21 transportation facilities that are already described and authorized in the TSP.

22 The interpretation apparently favored by petitioner—that it is the “final engineering
23 design, construction, operation, maintenance, repair or preservation” of the transportation
24 facility that must be authorized by and consistent with the plan and code, rather than or in
25 addition to the transportation facility—is problematic, because it suggests that decisions
26 regarding the operation, repair, maintenance, and preservation of existing transportation

1 facilities are “land use decisions” subject to LUBA’s review, unless the TSP or land use code
2 expressly authorizes those actions. It is highly doubtful that many transportation system
3 plans or land use regulations include express authorization for local governments to “repair”
4 or “maintain” local streets. It is also doubtful that many plans or codes expressly authorize
5 local governments to make routine, but still discretionary, decisions on how existing streets
6 will operate, such as speed limits, lane closures, bridge load capacity, the timing of traffic
7 signals, etc. In the present case, neither petitioner nor the city cites to any express authority
8 in the city’s transportation plan to make decisions regarding the operation, repair,
9 maintenance or preservation of city streets, which would mean under that alternative
10 interpretation that such city actions would be “land use decisions” that can be appealed to
11 LUBA. We do not believe that that result would be compatible with the text and apparent
12 purpose of ORS 197.015(10)(b)(D).

13 For those reasons, we interpret ORS 197.015(10)(b)(D) to provide that it is the
14 *transportation facility* that must be “authorized by and consistent with” the comprehensive
15 plan and land use regulations. That interpretation is consistent with our conclusion in
16 *Leathers* that a decision to open an existing street to vehicular traffic falls within the
17 ORS 197.015(10)(b)(D) exception for decisions affecting the operation of a transportation
18 facility. For the same reason, a decision to close an existing transportation facility to
19 vehicular traffic also falls within the exception. Because the challenged decision is exempt
20 from the definition of “land use decision” at ORS 197.015(10)(a), it is therefore not a
21 decision subject to our jurisdiction under that statute.

22 **B. Significant Impacts Land Use Decision**

23 Because the challenged decision is statutorily excluded from the definition of “land
24 use decision” at ORS 197.015(10)(a), LUBA cannot exercise jurisdiction over it, even if it
25 would otherwise fall within the ambit of a “significant impacts” land use decision as

1 described in *City of Pendleton v. Kerns*, 294 Or 126, 134, 653 P2d 992 (1982). *Oregonians*
2 *in Action v. LCDC*, 103 Or App 35, 38, 795 P2d 1098 (1990); *Leathers*, 31 Or LUBA at 46.

3 **RECORD OBJECTION; MOTION TO STRIKE**

4 Pending before the Board are petitioner's objections to the record and the city's
5 motion to strike portions of petitioner's objections. Because we have determined we do not
6 have jurisdiction over this appeal, we do not resolve the objection or the motion.

7 Petitioner has not filed a motion to transfer this appeal to circuit court, pursuant to
8 OAR 661-010-0075(11). Therefore, the appeal is dismissed.

Certificate of Mailing

I hereby certify that I served the foregoing Final Opinion and Order for LUBA No. 2008-069 on December 31, 2008, by mailing to said parties or their attorney a true copy thereof contained in a sealed envelope with postage prepaid addressed to said parties or their attorney as follows:

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

David E. Coulombe
Fewel, Brewer & Coulombe
456 SW Monroe, Suite 101
Corvallis, OR 97333

Samuel Hoskinson
Leslie Bishop
827 SW 10th Street
Corvallis, OR 97333

Dated this 31st day of December, 2008.

Kelly Burgess
Paralegal



Debra A. Frye
Executive Support Specialist

CERTIFICATE OF FILING AND SERVICE

I hereby certify that on January 21, 2009, I filed the original of this Petition for Judicial Review with the State Court Administrator at the address given below, by certified mail, deposited in the United States Post Office in Eugene, Oregon, postage pre-paid to:

Kingsley W. Click
State Court Administrator
Supreme Court Building
1163 State Street
Salem, OR 97301-2563

I also certify that on January 21, 2009, I served a true copy of this Petition for Judicial Review upon each of the following persons at the addresses given below, by certified mail, deposited in the United States Post Office in Eugene, Oregon, postage pre-paid to:

John Kroger, Attorney General
Mary Williams, Solicitor General
400 Justice Building
1162 Court St., NE
Salem, OR 97301

Land Use Board of Appeals
PUC Building
550 Capitol Street NE, Suite 235
Salem, OR 97301-2552

David E. Coulombe
Fewel, Brewer & Coulombe
456 SW Monroe, Suite 101
Corvallis, OR 97333

Leslie Bishop
Samuel Hoskinson
827 SW 10th St.,
Corvallis, OR 97333

Matthew Bolduc
1020 SW 10th St.
Corvallis, OR 97333

DATED: January 21, 2009



Dan Terrell, OSB # 993793
Attorney for Petitioner

COUNCIL REQUESTS

FOLLOW-UP REPORT

JANUARY 29, 2009

1. Holiday Parcel Collection Boxes – Location Determination and Notification to Neighbors (Brauner)

United Parcel Service (UPS) approached the City in September 2008 with a request to allow them to place storage pods on the street in five locations throughout the community from November 8th through December 27th as part of a new, more sustainable way to make local package deliveries during the holiday season. This is a new, national program UPS was piloting in certain cities (Eugene was another area city with the program) as a part of their corporate sustainability initiatives. They requested locations near high-density housing. As a part of the permitting process, staff inquired as to whether they could place the pods on private properties rather than in the right-of-way. They responded that they had approached a number of property owners or apartment managers in the areas where they wanted to place them asking to use space in the private parking lots but were unsuccessful with this approach. Staff visited the proposed street locations before issuing the permit to ensure minimal impact to the uses of the rights-of-way. Subsequently, Public Works staff issued a permit to occupy the rights-of-way for the five locations, as a pilot program.

UPS used the pods to reduce the number of trips that would otherwise be necessary in smaller delivery trucks, and the packages were delivered from the pods to the residences by delivery personnel who rode bicycles with trailers or walked using hand trucks. During the permitted period, City staff received very few inquiries and no complaints from the public regarding the pods in the streets. Staff confirmed that the pods had been removed when checked on the week of December 30th.

Although UPS made contact with the apartment managers close to the location of the pods, they did not notify the area neighbors. If UPS approaches the City next year for a similar program, staff will make documentation of notifying the area residents a condition of issuing the permit.

2. SW 14th/SW 15th Street Turn Lanes (Nelson)

During City Council's review and approval last spring of the Oregon State University (OSU) project to add bicycle lanes and right-turn lanes on SW 14th/SW 15th Street from SW Jefferson to SW Monroe Avenues, staff suggested and Council accepted a project modification to include signing restricting the use of the turn lanes to buses and bicycles. The turn lanes were constructed to facilitate time-competitive transit service. Restricting lane use was intended to reduce traffic speeds and to limit single-occupancy automobile capacity improvement.

The turn lanes have been operational for about three months, and several issues have been noted that have caused OSU staff and City staff to reconsider the restriction on the turn lanes:

- a. Almost no one making right turns is adhering to the restriction. In other words, the signs that were installed are not having any effect on the traffic. Even the Police Department has questioned why the restriction is in place.
- b. An architectural wall at the curb line of SW 15th Street and SW Jefferson Avenue causes right-turning vehicles some difficulty to make the turn.
- c. A second speed hump was added to the original design along this section of SW 14th/SW 15th Street which has helped to reduce traffic speed and made pedestrian crossings safer.

For these reasons, it is proposed to remove the signs, unless the City Council objects.

3. Crescent Valley Area Transit Service (Nelson)

As requested by the City Council and the Corvallis School District 509J Board, a working group has been investigating the feasibility of transit service to the Crescent Valley area. The working group includes City and 509J staff, Councilor Hamby, a Crescent Valley High School student, and a Crescent Valley-area resident. The group has developed a proposed route and schedule that could begin a two-year trial period as soon as the first of April. As enumerated in a staff enhancement request to the Budget Commission, funding for the proposed service would be shared, on a two-thirds/one-third basis between the District and the City.

Depending on the Budget Commission direction regarding the proposed enhancement, staff will provide a full report on the project to the 509J Board and then the City Council. It is anticipated that these reports will be made in February.


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	02-12-09	Nelson		Mark Knapp
Holiday parcel collection boxes – location determination and notification to neighbors	Brauner	01-05-09	01-27-09	Rogers	CCR 01-29-09	
SW 14th/SW 15th Street Turn Lanes	Nelson	01-23-09	01-27-09	Rogers	CCR 01-29-09	
Crescent Valley Area Transit Service	Nelson	01-27-09	01-27-09	Rogers	CCR 01-29-09	

**ADMINISTRATIVE SERVICES COMMITTEE
SCHEDULED ITEMS**

January 29, 2009

MEETING DATE	AGENDA ITEM
February 4	<ul style="list-style-type: none"> • Urban Renewal Plan Voters' Pamphlet Review • Council Policy Review: CP 91-2.01, "Meeting Procedures"
February 18	<ul style="list-style-type: none"> • Municipal Code Revision to Chapter 8.03, "Fees Chapter"
March 4	<ul style="list-style-type: none"> • Second Quarter Operating Report • Council Policy Reviews: CP 10.01 through 10.08, "Financial Policies"
March 18	<ul style="list-style-type: none"> • Ambulance Rate Review
April 8	<ul style="list-style-type: none"> • Allied Waste Services Annual Report • Economic Development Allocations Second Quarter Reports • daVinci Days Loan Agreement Status Annual Report
April 22	<ul style="list-style-type: none"> • Red Flag Policy
May 6	<ul style="list-style-type: none"> • Economic Development Allocations Orientation
May 12 (special)	<ul style="list-style-type: none"> • Economic Development Allocations Presentations
May 14 (special)	<ul style="list-style-type: none"> • Economic Development Allocations Deliberations
May 20	
June 3	<ul style="list-style-type: none"> • Third Quarter Operating Report
June 17	<ul style="list-style-type: none"> • Land Development Code Fee Review
July 8	<ul style="list-style-type: none"> • Economic Development Allocations Third Quarter Reports
July 22	
August 5	
August 19	
September 9	<ul style="list-style-type: none"> • Fourth Quarter Operating Report
September 23	
October 7	<ul style="list-style-type: none"> • Council Policy Reviews: <ul style="list-style-type: none"> • CP 94-2.08, "Council Liaison Roles" • CP 94-2.09, "Council Orientation" • CP 98-2.10, "Use of E-Mail by Mayor and City Council" • CP 91-3.04, "Separation Policy"

MEETING DATE	AGENDA ITEM
October 21	<ul style="list-style-type: none"> • Economic Development Allocations Fourth Quarter Reports • Council Policy Review: CP 08-1.11, "Identity Theft Prevention and Red Flag Alerts"
November 4	<ul style="list-style-type: none"> • Utility Rate Annual Review • Economic Development Application Process and Calendar • Funding Agreement Annual Report – Corvallis Environmental Center
November 18	<ul style="list-style-type: none"> • Comprehensive Annual Financial Report
December 9	
December 23	<ul style="list-style-type: none"> • Economic Development Allocations First Quarter Reports • First Quarter Operating Report

ASC PENDING ITEMS

- Benton County Fair Annual Report – Fiscal Year 2008-2009
 - Utility Rate Structure Review
- Community Development
Public Works

Regular Meeting Date and Location:

Wednesday following Council, 3:30 pm – Madison Avenue Meeting Room

**HUMAN SERVICES COMMITTEE
SCHEDULED ITEMS**

January 29, 2009

MEETING DATE	AGENDA ITEM
February 3	<ul style="list-style-type: none"> • Project Action Request – Barbara Ross
February 18	<ul style="list-style-type: none"> • Social Services Semi-Annual Report • Smoking Ban at Library Premises
March 3	
March 17	<ul style="list-style-type: none"> • Indoor Furniture Placed Outdoors • Public Art Selection Commission Annual Report • Corvallis Arts Center Annual Report • Council Policy Reviews: <ul style="list-style-type: none"> • CP 97-4.09, "Guidelines for Free Use of Park Facilities"
April 7	<ul style="list-style-type: none"> • Willamette Neighborhood Housing Services Second Quarter Report
April 21	<ul style="list-style-type: none"> • Majestic Theatre Annual Report • Boys and Girls Club Annual Report
May 5	<ul style="list-style-type: none"> • Liquor License Annual Renewals
May 19	<ul style="list-style-type: none"> • Corvallis Fall Festival Annual Report
June 2	<ul style="list-style-type: none"> • Boards and Commissions Sunset Review: <ul style="list-style-type: none"> • Commission for Martin Luther King, Jr. • Corvallis-Benton County Public Library Board • Library 2010 Legal Reserve Allocation Board • Corvallis Farmers Markets Annual Report
June 16	<ul style="list-style-type: none"> • Social Services Allocations – Fiscal Year 2009-2010
July 7	
July 21	<ul style="list-style-type: none"> • Willamette Neighborhood Housing Services Third Quarter Report
August 4	<ul style="list-style-type: none"> • Parks and Recreation Annual Fee Review
August 18	<ul style="list-style-type: none"> • Social Services Semi-Annual Report
September 9	
September 22	<ul style="list-style-type: none"> • Rental Housing Program Annual Report
October 6	<ul style="list-style-type: none"> • Council Policy Reviews: <ul style="list-style-type: none"> • CP 91-4.03, "Senior Citizens' Center Operational Policies" • CP 92-4.04, "Park Utility Donations" • CP 92-4.05, "Library Meeting Rooms Policy" • CP 92-4.06, "Library Displays, Exhibits, and Bulletin Boards" • CP 95-4.08, "Code of Conduct on Library Premises"

MEETING DATE	AGENDA ITEM
October 20	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 92-5.04, "Hate/Bias Violence"
November 3	<ul style="list-style-type: none"> • Willamette Neighborhood Housing Services Fourth Quarter Report
November 17	
December 8	<ul style="list-style-type: none"> • 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
- Municipal Code Revision to Chapter 5.01, "City Park Regulations" (Alcoholic Beverages in Parks) Parks & Recreation
- Reducing Potential for Fire Spread Involving Natural Resources Fire
- 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**

January 29, 2009

MEETING DATE	AGENDA ITEM
February 5	<ul style="list-style-type: none"> • Council Policy Reviews: <ul style="list-style-type: none"> • Council Policy Review: CP 91-7.04, "Building Permits" • CP 91-9.05, "Street Naming and Addressing Policies and Procedures" • Sidewalk Café Regulations Review
February 19	<ul style="list-style-type: none"> • City Hall Block Public Restroom Design
March 5	<ul style="list-style-type: none"> • Systems Development Charge Annual Review
March 19	
April 9	
April 23	
May 7	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • CP 02-7.15, "Fee-in-Lieu Parking Program"
May 21	
June 4	<ul style="list-style-type: none"> • Boards and Commissions Sunset Review: <ul style="list-style-type: none"> • Capital Improvement Program Commission
June 18	
July 9	
July 23	
August 6	
August 20	
September 10	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • 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	<ul style="list-style-type: none"> • Council Policy Review: <ul style="list-style-type: none"> • Cp 91-7.07, "Sanitary Sewers; Responsibility For" • CP 05-7.17, "Utility/Transportation Facility Extensions through Public Areas"
October 22	
November 5	

MEETING DATE	AGENDA ITEM
November 19	
December 10	
December 24	

USC PENDING ITEMS

- Council Policy Reviews: CP 91-7.08, "Sidewalk Policy" Public Works
- Fire Protection Services in Health Hazard Residential Areas Fire
- Fire Records Management System Fire
- 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 January 29, 2009)

JANUARY 2009

Date	Time	Group	Location	Subject/Note
29	2:00 pm	Corvallis Airport Tour	Corvallis Airport Industrial Park	
29	5:30 pm	City Council	Madison Ave Mtg Rm	work session
31	10:00 am	Government Comment Corner	Library Lobby - Dan Brown	

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	
3	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
3	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
3	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
3	7:00 pm	Budget Commission	Downtown Fire Station	department presentations
4	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
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	7:45 am	Investment Council	Madison Avenue Mtg Rm	
5	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
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 - Hal Brauner	
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 Rm	
12	7:00 pm	Budget Commission	Downtown Fire Station	public comment – final deliberations
13	1:00 Pm	City/509J Subcommittee	509J Board Room	
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	
18	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
18	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
18	5:30 pm	Watershed Mgmt Adv Cmsn	Madison Avenue Mtg Rm Library Board Room	
18	7:00 pm	Planning Commission	Downtown Fire Station	
19	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
19	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	

Date	Time	Group	Location	Subject/Note
21	10:00 am	Government Comment Corner	Library Lobby - Richard Hervey	
25	9:00 am	<i>City Legislative Committee</i>	<i>City Hall Meeting Room A</i>	
25	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
25	4:00 pm	Urban Forestry Strategic Plan Stakeholders Committee	Osborn Aquatic Center	
26	4:00 pm	<i>Boards/Commissions/Committees Chairs with Mayor</i>	<i>Madison Avenue Mtg Rm</i>	<i>training</i>
28	10:00 am	Government Comment Corner	Library Lobby - Mike Beilstein	

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	
3	7:00 am	Airport Commission	Madison Avenue Mtg Rm	
3	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
3	5:30 pm	Downtown Parking Committee	Madison Avenue Mtg Rm	
4	3:30 pm	Administrative 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	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
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 - David Hamby	
9	7:00 pm	<i>Mayor/City Council/City Manager Quarterly Work Session</i>	<i>Madison Avenue Mtg Rm</i>	<i>tentative</i>
10	7:00 pm	Historic Resources Commission	Downtown Fire Station	
11	8:20 am	Citizens Adv Cmsn on Transit	Madison Avenue Mtg Rm	
11	9:00 am	<i>City Legislative Committee</i>	<i>City Hall Meeting Room A</i>	
11	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
11	3:00 pm	Community Policing Forum	Police Conference Room	
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 Rm	
14	10:00 am	Government Comment Corner	Library Lobby - Mark O'Brien	
16	12:00 pm	City Council	Downtown Fire Station	
16	7:00 pm	City Council	Downtown Fire Station	
17	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
18	3:30 pm	Administrative 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	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
19	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
21	10:00 am	Government Comment Corner	Library Lobby - Charles Tomlinson	
25	9:00 am	<i>City Legislative Committee</i>	<i>City Hall Meeting Room A</i>	
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	
3	7:00 am	<i>Bicycle and Pedestrian Adv Cmsn</i>	<i>Madison Avenue Mtg Rm</i>	
4	10:00 am	Government Comment Corner	Library Lobby - Patricia Daniels	
6	12:00 pm	City Council	Downtown Fire Station	
6	7:00 pm	City Council	Downtown Fire Station	
7	7:00 am	<i>Airport Commission</i>	<i>Madison Avenue Mtg Rm</i>	
7	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
7	5:30 pm	<i>Downtown Parking Committee</i>	<i>Madison Avenue Mtg Rm</i>	
8	8:20 am	<i>Citizens Adv Cmsn on Transit</i>	<i>Madison Avenue Mtg Rm</i>	
8	3:30 pm	Administrative 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 Rm	
9	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
9	7:00 pm	<i>Budget Commission</i>	<i>Downtown Fire Station</i>	
11	10:00 am	Government Comment Corner	Library Lobby - TBD	
14	7:00 pm	Ward 1 meeting (O'Brien)	Grand Oaks Summit Clubhouse	
14	7:00 pm	Historic Resources Commission	Downtown Fire Station	
15	9:00 am	<i>City Legislative Committee</i>	<i>City Hall Meeting Room A</i>	
15	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
15	4:00 pm	Urban Forestry Strategic Plan Stakeholders Committee	Osborn Aquatic Center	
15	5:30 pm	<i>Watershed Mgmt Adv Cmsn</i>	<i>Madison Avenue Mtg Rm</i>	
16	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
18	10:00 am	Government Comment Corner	Library Lobby - Richard Hervey	
20	12:00 pm	City Council	Downtown Fire Station	
20	7:00 pm	City Council	Downtown Fire Station	
21	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
22	12:00 pm	Cmsn for Martin Luther King, Jr.	City Hall Meeting Room A	
22	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
23	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
25	10:00 am	Government Comment Corner	Library Lobby - Joel Hirsch	
29	9:00 am	<i>City Legislative Committee</i>	<i>City Hall Meeting Room A</i>	

MAY 2009

Date	Time	Group	Location	Subject/Note
1	7:00 am	<i>Bicycle and Pedestrian Adv Cmsn</i>	<i>Madison Avenue Mtg Rm</i>	
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	
5	7:00 am	<i>Airport Commission</i>	<i>Madison Avenue Mtg Rm</i>	
5	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
5	5:30 pm	<i>Downtown Parking Committee</i>	<i>Madison Avenue Mtg Rm</i>	
5	7:00 pm	<i>Budget Commission</i>	<i>Downtown Fire Station</i>	
6	3:30 pm	Administrative 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	

Date	Time	Group	Location	Subject/Note
7	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
7	7:00 pm	Planning Commission	Downtown Fire Station	
9	10:00 am	Government Comment Corner	Library Lobby - <i>Joel Hirsch</i>	
12	5:30 pm	Economic Development Committee	Madison Avenue Mtg Rm	
12	7:00 pm	Historic Resources Commission	Downtown Fire Station	
12	7:00 pm	<i>Budget Commission</i>	<i>Downtown Fire Station</i>	
13	8:20 am	<i>Citizens Adv Cmsn on Transit</i>	<i>Madison Avenue Mtg Rm</i>	
13	9:00 am	<i>City Legislative Committee</i>	<i>City Hall Meeting Room A</i>	
13	3:00 pm	Community Policing Forum	Police Conference Room	
13	5:30 pm	Downtown Commission	Madison Avenue Mtg Rm	
14	8:00 am	Citizens Adv Cmsn on Civic Beautification and Urban Forestry	Parks and Rec Conf Rm	
14	4:30 pm	Economic Development Committee	Madison Avenue Mtg Rm	
16	10:00 am	Government Comment Corner	Library Lobby - David Hamby	
18	12:00 pm	City Council	Downtown Fire Station	
18	7:00 pm	City Council	Downtown Fire Station	
19	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
19	7:00 pm	Ward 5 meeting (Beilstein)	TBD	
20	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
20	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
20	5:30 pm	<i>Watershed Mgmt Adv Cmsn</i>	<i>Madison Avenue Mtg Rm</i>	
20	7:00 pm	Planning Commission	Downtown Fire Station	
21	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
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	9:00 am	<i>City Legislative Committee</i>	<i>City Hall Meeting Room A</i>	
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	
2	7:00 am	<i>Airport Commission</i>	<i>Madison Avenue Mtg Rm</i>	
2	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
2	5:30 pm	<i>Downtown Parking Committee</i>	<i>Madison Avenue Mtg Rm</i>	
3	3:30 pm	Administrative 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	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
4	7:15 pm	Committee for Citizen Involvement	Madison Avenue Mtg Rm	
5	7:00 am	<i>Bicycle and Pedestrian Adv Cmsn</i>	<i>Madison Avenue Mtg Rm</i>	
6	10:00 am	Government Comment Corner	Library Lobby - <i>Joel Hirsch</i>	
8	7:00 pm	<i>Mayor/City Council/City Manager Quarterly Work Session</i>	<i>Madison Avenue Mtg Rm</i>	<i>tentative</i>
9	7:00 pm	Historic Resources Commission	Downtown Fire Station	
10	8:20 am	<i>Citizens Adv Cmsn on Transit</i>	<i>Madison Avenue Mtg Rm</i>	
10	9:00 am	<i>City Legislative Committee</i>	<i>City Hall Meeting Room A</i>	
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 Rm	
13	10:00 am	Government Comment Corner	Library Lobby - TBD	

Date	Time	Group	Location	Subject/Note
15	12:00 pm	City Council	Downtown Fire Station	
15	7:00 pm	City Council	Downtown Fire Station	
16	12:00 pm	Human Services Committee	Madison Avenue Mtg Rm	
17	12:00 pm	Housing and Community Dev Cmsn	Madison Avenue Mtg Rm	
17	3:30 pm	Administrative Services Committee	Madison Avenue Mtg Rm	
17	5:30 pm	<i>Watershed Mgmt Adv Cmsn</i>	<i>Madison Avenue Mtg Rm</i>	
17	7:00 pm	Planning Commission	Downtown Fire Station	
18	4:00 pm	Urban Services Committee	Madison Avenue Mtg Rm	
18	6:30 pm	Parks, Natural Areas, and Rec Brd	Downtown Fire Station	
20	10:00 am	Government Comment Corner	Library Lobby - Charles Tomlinson	
24	9:00 am	<i>City Legislative Committee</i>	<i>City Hall Meeting Room A</i>	
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

**ADMINISTRATIVE SERVICES COMMITTEE
MINUTES
January 22, 2009**

Present

Councilor Hal Brauner, Chair
Councilor Joel Hirsch
Councilor Mark O'Brien

Staff

Jon Nelson, City Manager
Ken Gibb, Community Development Director
Kathy Louie, City Recorder/Assistant to City Manager
Jim Brewer, City Attorney
Carla Holzworth, City Manager's Office

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Urban Renewal Plan Ballot Title Language Review			Adopt a resolution referring Ordinance 2008-16 to the voters and approve the incorporated ballot title, as amended to include a debt service estimate.
II. Other Business	*		

Chair Brauner called the meeting to order at 1:00 p.m.

CONTENT OF DISCUSSION

I. Urban Renewal Plan Ballot Title Language Review (Attachment)

Mr. Nelson said over the years, legal constraints have reduced Council's options related to ballot title language.

Mr. Brewer said a draft resolution, which includes the Urban Renewal Plan ballot title, is included in the staff report. The 2007-2008 Council wanted to ensure the new Council was informed about the Plan before it was forwarded to voters. Mr. Brewer echoed Mr. Nelson's comments about content and word count restrictions. He noted that the draft ballot title meets legal requirements, but there is space to add a little more information. The final ballot title will be forwarded to the City Recorder to file with Benton County Elections. Once filed, related City staff work on the issue would be prohibited.

In response to Councilor O'Brien's inquiries, Mr. Gibb said the total amount of debt service is not itemized because it is not known if the City will borrow money and if it did, the interest rate and total amount is not yet known. Mr. Gibb said the expenditure categories on page 3 of the resolution are estimates based on a multitude of assumptions.

In response to Councilor O'Brien's observation that voters would notice that the figures do not add up to the \$35,559,157 cap, Mr. Brewer noted there is sufficient word count capacity to add a debt service estimate category and bottom line total. Mr. Gibb added that the cap was provided to assure voters that, regardless, the total cost of the Urban Renewal Plan would not exceed \$35,559,157.

The Committee discussed the statement in the summary section that reads, "Use of tax increment funds would not directly increase property taxes in the City." Councilor O'Brien said his understanding is that tax increment financing would not increase property taxes. Mr. Brewer said the word "directly" is purposefully used because an indirect tax increase could occur. Money that would go toward the urban renewal district (URD) would not be available to fund other service needs, including those supported by the General Fund. If additional money was needed to support growing City services, taxes could be increased. Chair Brauner noted that such a tax increase would have to be approved by the voters as a levy, but the increase would not be the direct result of the URD. Mr. Gibb said staff's calculations show the amount that could be potentially diverted away from services is very small. Mr. Brewer said he believes it is more accurate to say that the URD would not *directly* increase property taxes. As advocates and opponents debate the measure, staff would rather see the public discussion occur up front. Councilor O'Brien expressed concern that voters would see the measure as a tax increase. Mr. Gibb said State law directs that notice of the hearing about the URD must clearly state that the URD may increase property taxes. Chair Brauner agreed that voters might be confused, but removing the word "directly" could result in a challenge to the ballot title summary. In response to his inquiry about that possibility, Mr. Brewer opined that the Benton County Circuit Court would most likely require inclusion of that word.

In response to Councilor Hirsch's suggestion to add language that explains that a vote of the people is required to increase taxes, Mr. Brewer said that the ballot title language must be based on fair and objective statements of the major effect of the measure; he opined that statements about tax increases are moving away from that. Chair Brauner noted that while unlikely, it is possible to have a tax increase without a vote. If valuations from a previously-approved bond issue dropped, the rate of payout would have to increase, thereby increasing taxes without a vote. Councilor O'Brien said, after hearing Mr. Brewer's explanation, he is comfortable with retaining the word "directly."

Mr. Gibb suggested that the entire statement could be removed. Mr. Nelson noted that public debate about a URD, such as letters to the editor, is already occurring and because of that he believes the statement should remain in the summary. Mr. Nelson said he supports adding an estimated debt service figure so the numbers add up. The Committee agreed.

Mr. Gibb said the explanatory statement will be discussed at a future Administrative Services Committee meeting.

The Committee unanimously recommends that Council adopt a resolution referring Ordinance 2008-16 to the voters and approve the incorporated ballot title, as amended to include a debt service estimate.

[A copy of the updated resolution is attached. (Attachment A)]

II. Other Business

Chair Brauner announced Administrative Services Committee meetings have been changed to 3:30 pm on the Wednesdays that follow Council meetings.

The next regular Administrative Services Committee meeting is scheduled for 3:30 pm, Wednesday, February 4, 2009 in the Madison Avenue Meeting Room.

The meeting adjourned 1:15 pm.

Respectfully submitted,

Hal Brauner, Chair

CITY ATTORNEY'S OFFICE
MEMORANDUM

To: Administrative Services Committee

From: Jim Brewer, Deputy City Attorney

Date: January 12, 2009

Subject: Draft resolution and ballot title referring formation of
Urban Renewal Plan to voters

Issue:

On December 1, 2008, the past City Council enacted Ordinance 2008-16, which, if effective, would form a Downtown Urban Renewal District. The Ordinance requires approval by a majority of votes in a City election to be effective. On the same day, the Council also adopted Resolution 2008- 27, scheduling a special election for the Ordinance to be referred to the voters. Consistent with direction from the last Council, attached is a draft resolution which incorporates a proposed ballot title for the referred ordinance.

Background:

In this case, Ordinance 2008-16 is the measure that would be referred to the voters. The ballot will contain a "title" for that measure. State law and administrative rules promulgated by the Elections Division set out specific requirements for the content, form and length of any City ballot title. According to the Secretary of State's City Elections Manual, a City ballot title must contain:

1. A caption that does not exceed 10 words.

The caption must reasonable identify the subject of the measure.

2. A question that does not exceed 20 words.

The question must plainly phrase the chief purpose of the measure so that an affirmative response corresponds to a yes vote on the ballot.

3. A summary of the prospective measure that does not exceed 175 words.

The summary must be concise and impartial and summarize the measure and its major effect.

The draft resolution contains a ballot title provided by our office. In our opinion it meets the statutory and administrative requirements for ballot titles. For your convenience, we've also attached a draft of the ballot title which includes the number of words in each of the required sections, expressed as a fraction over the total number of words allowed.

Discussion:

In the past, the City Council desired input and approval of ballot title language. The ballot title itself needs to meet the statutory requirements set out above, but must not be intended to persuade voters. At a later point in the elections process, the City must prepare objective explanatory materials for the voters pamphlet, but the City may not create campaign materials or forward persuasive arguments in favor or in opposition to the measure.

Recommendation:

Recommend that the City Council adopt the draft resolution referring Ordinance 2008-16 to the voters and approving the incorporated ballot title.

Recommended Motion:

I move that Administrative Services Committee recommend that City Council adopt a resolution referring Ordinance 2008-16 to the voters and approve the incorporated ballot title.

Review and Concur:



City Manager

RESOLUTION 2009-__

Minutes of the February 2, 2009, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 457.095 allows the City Council to approve a plan and a report that establishes an urban renewal district and urban renewal agency; and

WHEREAS, the Corvallis 2020 Vision Statement sets out a community vision that sees the Downtown as the commercial, civic, cultural and historic heart of the county, with a stable business core, easy access and attractive residential options for many residents; and

WHEREAS, the City Council supported efforts by the Downtown Corvallis Association to lead a community-based effort to complete a downtown vision and a strategic plan for the downtown area; and

WHEREAS, the Downtown Corvallis Association (DCA) Strategic Planning Committee developed, through a public process, an urban renewal plan and report to implement part of the vision and strategic plan for the downtown area; and

WHEREAS, the City Council and Planning Commission have held joint public work sessions to review the urban renewal plan and report; and

WHEREAS, the Planning Commission held a public hearing to review the Downtown Corvallis urban renewal plan and report and found that the Downtown Corvallis urban renewal plan and report conforms to the Comprehensive Plan; and

WHEREAS, the City Council concurs with the Downtown Corvallis Urban Renewal Plan and Report that concludes conditions exist within the Urban Area that meet the characteristics for a "blighted area" as set out in ORS 457.010(1). Treating these conditions is the reason for selecting this Urban Renewal Area; and

WHEREAS, the City Council finds that programs and projects set forth in the Downtown Corvallis Urban Renewal Plan for rehabilitation and redevelopment in the District are necessary to protect the public health, safety or welfare of Corvallis; and

WHEREAS, the City Council finds that the Downtown Corvallis urban renewal plan conforms to the Corvallis Comprehensive Plan, and implements the Downtown Strategic Plan and the Prosperity that Fits Economic Vitality Plan, for Corvallis, and provides an outline for accomplishing the urban renewal projects proposed in the plan; and

WHEREAS, while the Downtown Corvallis Urban Renewal Plan does not contain activities that would result in displacement of persons, provision has been made to house displaced persons within their financial means in accordance with ORS 35.500 to 35.530 and, except in the relocation of elderly individuals or

individuals with disabilities, without displacing on priority lists persons already waiting for existing federally subsidized housing; and

WHEREAS, if it is determined that acquisition of real property is necessary in the future, the Agency shall make findings that include a determination that the acquisition is necessary; and

WHEREAS, as described in the Downtown Corvallis Urban Renewal Plan and Report, the City of Corvallis has determined that the urban renewal plan is economically sound and feasible; and

WHEREAS, the City of Corvallis shall assume and complete the activities described in the urban renewal plan, and/or any subsequent amendments to the plan; and

WHEREAS, the City Council adopted Ordinance 2008-16 on December 1, 2008, relating to urban renewal, setting boundaries, approving the Downtown Corvallis Urban Renewal Plan and Report for the area, and establishing a downtown Corvallis urban renewal district; and

WHEREAS, the Downtown Corvallis Urban Renewal Plan and Report calls for a cap on the amount of tax increment revenue that could be collected and used over the life of the Downtown Urban Renewal District of \$35,559,157; and

WHEREAS, tax increment financing would allow the urban renewal agency to collect and use the increase in property tax dollars for urban renewal projects , as property values within the urban renewal district increase, without requiring new taxes or levies from properties not within the district; and

WHEREAS, Section 57 of the Corvallis Charter requires approval by a majority of voters for any urban renewal agency use or collection of tax increment funds; and

WHEREAS, Ordinance 2008-16, approving the Downtown Corvallis Urban Renewal Plan and Report as proposed, requires approval by a majority of voters for the use and collection of tax increment funds; and

WHEREAS, the City Council also adopted Resolution 2008-27 on December 1, 2008, scheduling a special election to be held on May 19, 2009, relating to the Urban Renewal Plan and Report.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES as follows:

Section 1. Approval of Ballot Measure for Referral to the Voters. The City Council renews its direction that at the special election to be held on May 19, 2009, there shall be submitted to the qualified electors of the City a measure approving the City Council enactment of Ordinance 2008-16, related to urban renewal, setting boundaries, approving the Downtown Corvallis Urban Renewal Plan and Report for the area, establishing a downtown Corvallis Urban Renewal District, and approving the use and collection of tax increment funds by the urban renewal agency for the uses, projects, and categories of uses and projects set forth in the Downtown Corvallis Urban Renewal Plan and Report. The ballot title for the referred measure is hereby approved as follows:

Caption: CITY OF CORVALLIS DOWNTOWN CORVALLIS URBAN RENEWAL PLAN

Question: Shall the Downtown Corvallis Urban Renewal Plan, including the use and collection of tax increment funds, be approved?

Summary: This measure approves the ordinance authorizing the Downtown Corvallis Urban Renewal Plan and Report, establishes an urban renewal district, and approves the use and collection of tax increment funds to finance projects undertaken as part of the plan. The cap for the tax increment funds that could be used or collected for projects and debt service is \$35,559,157.

Excluding debt service, the plan includes the following project categories, percentage of total funding that is devoted to that category, and estimated costs, anticipating inflation:

Public Improvements	(65%)	\$21,645,000
Assist Public and Private Development	(15%)	\$4,995,500
Rehabilitation and Historic Preservation	(10%)	\$3,330,000
Plan Administration	(10%)	\$3,330,000

Approval of the use and collection of tax increment funds by the urban renewal agency would allocate future increases in property tax revenues within the district to the agency. Use of tax increment funds would not directly increase property taxes in the City. Substantial amendments to the plan require approval by a majority of the voters. The City Council would be the Urban Renewal Agency.

Section 2. Submission to Elections Officer. The Council hereby directs that not later than March 19, 2009, the City Recorder, as the chief elections officer of the City, shall submit to the County Clerk for Benton County, Oregon a notice stating the date of the election together with a certified copy of this Resolution and the Ballot Title, all in order that the ballot title may appear on the ballot for the special election to be held on May 19, 2009. The City recorder shall submit to the County Clerk all necessary information, and shall do and perform all other acts and things necessary or appropriate, so that the ballot measure shall appear on the ballot for such special election.

Section 3. Additional Authorizations. The City Manager, Recorder and Finance Director are hereby authorized, empowered and directed , for and on behalf of the City, to do and perform all acts and things necessary or appropriate to cause the ballot measure to appear on the ballot for the May 19, 2009 special election and to otherwise carry out the purposes and intent of this resolution.

Section 4. Publication. The City Recorder is directed to give notice of the special election by publication in the Corvallis Gazette-Times, the official newspaper of the City of Corvallis, once a week for two successive and consecutive weeks within 30 days next preceding the election. The notice shall state the measure to be voted upon at the election, the ballot title thereof, the voting and polling places designated for the election, and the date and time of the election.

Section 5. Effectiveness of Resolution. This resolution shall take effect immediately upon its adoption by the City Council.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

RESOLUTION 2009-__

Minutes of the February 2, 2009, Corvallis City Council meeting, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 457.095 allows the City Council to approve a plan and a report that establishes an urban renewal district and urban renewal agency; and

WHEREAS, the Corvallis 2020 Vision Statement sets out a community vision that sees the Downtown as the commercial, civic, cultural and historic heart of the county, with a stable business core, easy access and attractive residential options for many residents; and

WHEREAS, the City Council supported efforts by the Downtown Corvallis Association to lead a community-based effort to complete a downtown vision and a strategic plan for the downtown area; and

WHEREAS, the Downtown Corvallis Association (DCA) Strategic Planning Committee developed, through a public process, an urban renewal plan and report to implement part of the vision and strategic plan for the downtown area; and

WHEREAS, the City Council and Planning Commission have held joint public work sessions to review the urban renewal plan and report; and

WHEREAS, the Planning Commission held a public hearing to review the Downtown Corvallis urban renewal plan and report and found that the Downtown Corvallis urban renewal plan and report conforms to the Comprehensive Plan; and

WHEREAS, the City Council concurs with the Downtown Corvallis Urban Renewal Plan and Report that concludes conditions exist within the Urban Area that meet the characteristics for a "blighted area" as set out in ORS 457.010(1). Treating these conditions is the reason for selecting this Urban Renewal Area; and

WHEREAS, the City Council finds that programs and projects set forth in the Downtown Corvallis Urban Renewal Plan for rehabilitation and redevelopment in the District are necessary to protect the public health, safety or welfare of Corvallis; and

WHEREAS, the City Council finds that the Downtown Corvallis urban renewal plan conforms to the Corvallis Comprehensive Plan, and implements the Downtown Strategic Plan and the Prosperity that Fits Economic Vitality Plan, for Corvallis, and provides an outline for accomplishing the urban renewal projects proposed in the plan; and

WHEREAS, while the Downtown Corvallis Urban Renewal Plan does not contain activities that would result in displacement of persons, provision has been made to house displaced persons within their financial means in accordance with ORS 35.500 to 35.530 and, except in the relocation of elderly individuals or

individuals with disabilities, without displacing on priority lists persons already waiting for existing federally subsidized housing; and

WHEREAS, if it is determined that acquisition of real property is necessary in the future, the Agency shall make findings that include a determination that the acquisition is necessary; and

WHEREAS, as described in the Downtown Corvallis Urban Renewal Plan and Report, the City of Corvallis has determined that the urban renewal plan is economically sound and feasible; and

WHEREAS, the City of Corvallis shall assume and complete the activities described in the urban renewal plan, and/or any subsequent amendments to the plan; and

WHEREAS, the City Council adopted Ordinance 2008-16 on December 1, 2008, relating to urban renewal, setting boundaries, approving the Downtown Corvallis Urban Renewal Plan and Report for the area, and establishing a downtown Corvallis urban renewal district; and

WHEREAS, the Downtown Corvallis Urban Renewal Plan and Report calls for a cap on the amount of tax increment revenue that could be collected and used over the life of the Downtown Urban Renewal District of \$35,559,157; and

WHEREAS, tax increment financing would allow the urban renewal agency to collect and use the increase in property tax dollars for urban renewal projects, as property values within the urban renewal district increase, without requiring new taxes or levies from properties not within the district; and

WHEREAS, Section 57 of the Corvallis Charter requires approval by a majority of voters for any urban renewal agency use or collection of tax increment funds; and

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Summary: This measure approves the ordinance authorizing the Downtown Corvallis Urban Renewal Plan and Report, establishes an Urban Renewal District, and approves the use and collection of tax increment funds to finance projects undertaken as part of the plan. The cap for the funds that could be used or collected for projects is \$35,559,157.

The plan includes the following project categories and estimated debt service, percentage of total funding that is devoted to that category, and estimated costs, anticipating inflation:

Public Improvements	(61%)	\$21,645,000
Assist Public and Private Development	(14%)	\$4,995,500
Rehabilitation and Historic Preservation	(9.3%)	\$3,330,000
Plan Administration	(9.3%)	\$3,330,000
Estimated Debt Service	(6.4%)	\$2,258,657

Approval of the use and collection of tax increment funds by the urban renewal agency would allocate future increases in property tax revenues within the district to the agency. Use of tax increment funds would not directly increase property taxes in the City. Substantial amendments to the plan require approval by a majority of the voters. The City Council would be the Urban Renewal Agency.

Section 2. Submission to Elections Officer. The Council hereby directs that not later than March 19, 2009, the City Recorder, as the chief elections officer of the City, shall submit to the County Clerk for Benton County, Oregon a notice stating the date of the election together with a certified copy of this Resolution and the Ballot Title, all in order that the ballot title may appear on the ballot for the special election to be held on May 19, 2009. The City Recorder shall submit to the County Clerk all necessary information, and shall do and perform all other acts and things necessary or appropriate, so that the ballot measure shall appear on the ballot for such special election.

Section 3. Additional Authorizations. The City Manager, City Recorder, and Finance Director are hereby authorized, empowered and directed, for and on behalf of the City, to do and perform all acts and things necessary or appropriate to cause the ballot measure to appear on the ballot for the May 19, 2009 special election and to otherwise carry out the purposes and intent of this resolution.

Section 4. Publication. The City Recorder is directed to give notice of the special election by publication in the Corvallis Gazette-Times, the official newspaper of the City of Corvallis, once a week for two successive and consecutive weeks within 30 days next preceding the election. The notice shall state the measure to be voted upon at the election, the ballot title thereof, the voting and polling places designated for the election, and the date and time of the election.

Section 5. Effectiveness of Resolution. This resolution shall take effect immediately upon its adoption by the City Council.

Councilor

Upon motion duly made and seconded, the foregoing resolution was adopted, and the Mayor thereupon declared said resolution to be adopted.

**URBAN SERVICES COMMITTEE
MINUTES
January 22, 2009**

Present

Patricia Daniels, Chair
David Hamby
Richard Hervey

Staff

Jon Nelson, City Manager
Jim Mitchell, Transportation and Buildings
Division Manager
Emely Day, City Manager's Office

Visitors

Dean Codo
Linda Duncan Allen
Ron Naasko
Brad Upton
Robert Wilson

SUMMARY OF DISCUSSION

Agenda Item	Information Only	Held for Further Review	Recommendations
I. Bicycle Lanes – NW Garfield Avenue from NW Highland Drive to NW Ninth Street			Approve removing parking from the north side of NW Garfield Avenue between NW Highland Drive and NW Ninth Street, re-establishing two parking spaces on the south side of Garfield nearest the service drive to Corvallis Market Center, and installing bicycle lanes to complete the bicycle facility, contingent upon further input from neighborhood property owners and residents
II. Other Business			

CONTENT OF DISCUSSION

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

- I. Bicycle Lanes – NW Garfield Avenue from NW Highland Drive to NW Ninth Street (Attachment)

Transportation and Buildings Division Manager Mitchell explained that the subject request would typically be processed through the Bicycle and Pedestrian Advisory Commission (BPAC), following notification to potentially affected property owners and residents. The request would then be submitted to the Council via the City Manager's Report. Former-Councilor Wershow asked that this request be submitted to the Committee because of a constituent's concern.

The proposed bicycle lane striping project was identified in the City's Transportation Plan, which was adopted in 1996 and updated with the Transportation Alternatives Analysis Chapter 11 in 1998. Through the project, staff recommended creating bicycle lanes on NW Garfield Avenue (Garfield) between NW Ninth Street (Ninth) and NW Highland Drive (Highland) to provide the missing portion of the existing bicycle lane system on Garfield west to NW 29th Street (29th). The Transportation Plan suggested removing parking from the north side of Garfield to allow room for bicycle lanes on both sides of Garfield.

Action on the proposed project was prompted by construction of Corvallis Market Center at Ninth and Garfield last year. In conjunction with the shopping center development, staff evaluated the street configuration, parking and curb changes, and driveway approaches. Staff and BPAC began discussing the project during March 2008. Striping the bicycle lanes was delayed for many reasons, including traffic control changes at Ninth and Garfield and associated lane alignments. The proposed bicycle lane would accommodate the right-turn vehicle travel lane for eastbound traffic on Garfield but would not be against the street curb. As with similar intersections in Corvallis, the bicycle lane would be between the right-turn and straight/left-turn vehicle travel lanes.

After construction of Corvallis Market Center, parking on the south side of Garfield was removed, in preparation for the planned bicycle lane. This prompted concern from a representative of the Vina Moses Center regarding lack of parking for donors, clients, and volunteers. Staff determined that two parking spaces could be restored on the south side of Garfield between the bus stop (which was established since March 2008) and the Vina Moses Center. The Center's representative indicated to staff yesterday that she had no further objections to the proposed project.

Mr. Mitchell reported that neighborhood property owners were notified of the proposed project last March. He just learned that the notice to neighborhood residents (sent earlier this month) regarding today's meeting misstated the meeting date as February 22nd.

Mr. Mitchell said staff evaluated the number of parking spaces that would be impacted if parking was removed from the north or south side of Garfield and where people parked (south side of street). More parking spaces were available on the south side of Garfield than on the north side of the street. Therefore, removing parking from the north side of Garfield would impact fewer parking spaces.

In response to Councilor Hamby's inquiries, Mr. Mitchell clarified that there was room for 13 parking spaces on the north side of Garfield between the motel driveways and Highland. There was room for 19 parking spaces on the south side of the street. He speculated that the neighborhood residents, rather than motel guests, would be most likely to use the on-street parking spaces. Striping of the proposed bicycle lane would occur during the spring, depending upon the weather, but should be completed before the end of the current fiscal year. Residents along the north side of Garfield did not respond to staff's notification of the proposed removal of parking spaces. He observed that off-street parking at the apartment building was not being fully utilized, but on-street parking on Garfield was

used. He speculated that the off-street parking could absorb some of the on-street parking that would be lost from the proposed project.

Councilor Hervey questioned whether the apartment building complied with the City's off-street parking requirements.

Mr. Mitchell responded that the apartment building was constructed before the 1993 Land Development Code, and parking requirements were changed in the 2006 Code update. Since the apartment building was constructed before 1993, it would have complied with the policy requirements in place at the time of construction.

Mr. Mitchell confirmed for Councilor Daniels that both sides of NW Division Street (Division) were used for on-street parking.

Dean Codo asked when the owners of The Fox and Firkin restaurant would be required to remove their sidewalk café tables and fencing, since the restaurant closed during late-December. He also inquired about the Committee's pending review of the sidewalk café regulations.

City Manager Nelson explained that the Committee will discuss on February 5th the process for reviewing the sidewalk café regulations; the regulations themselves would not be reviewed during that meeting. Public comment regarding the review process would be accepted February 5th.

Brad Upton, BPAC Chair, agreed with staff's recommendation regarding establishing bicycle lanes on Garfield. He said the BPAC extensively discussed the proposed project last winter and spring and received citizen input, primarily from a representative of the Vina Moses Center. He noted that there were no bicycle lanes along Garfield between Ninth and Highland. Garfield was heavily used as an east-west bicycle corridor between Ninth and 29th, particularly for accessing businesses along the east side of Ninth. The lack of bicycle lanes along Garfield between Ninth and Highland was a missing link in the bicycle corridor and should be completed.

Mr. Upton said he uses the subject section of Garfield extensively and noted that on-street parking along Garfield is used sporadically. Garfield has several property accesses and an intersecting street (Division). The scenario could create confusion for novice bicyclists regarding the best and safest way to travel the street. Marked bicycle lanes would indicate the safest place for bicyclists to travel.

Mr. Upton encouraged the Committee to recommend that the Council support staff's recommendation.

Committee members and staff discussed whether to postpone action until neighborhood residents were correctly notified of a Committee meeting date when they could testify regarding the project, or whether to proceed with action, contingent upon public comment.

Mr. Nelson explained that Tom Jensen contacted former-Councilor Wershow regarding the proposed bicycle lane project. Mr. Mitchell added that Mr. Jensen called staff this week and knew the issue would be discussed during today's meeting. Staff has received little feedback from neighborhood property owners or residents. Staff and the BPAC began reviewing the project last March, with several opportunities for people to speak with staff or the BPAC.

Mr. Nelson suggested that the Council take action, contingent upon a follow-up letter to neighborhood residents indicating the Council's decision and inviting feedback; further Committee review could be considered, depending upon the input.

Mr. Mitchell noted that the striping would not occur until April or May.

Based upon a motion moved and seconded by Councilors Hamby and Hervey, respectively, the Committee unanimously recommends that Council approve removing parking from the north side of NW Garfield Avenue between NW Highland Drive and NW Ninth Street, re-establishing two parking spaces on the south side of Garfield nearest the service drive to Corvallis Market Center, and installing bicycle lanes to complete the bicycle facility, contingent upon further input from neighborhood property owners and residents.

II. Other Business

- A. The next regular Urban Services Committee meeting is scheduled for February 5, 2009, at 4:00 pm, in the Madison Avenue Meeting Room.

Councilor Daniels adjourned the meeting at 4:20 pm.

Respectfully submitted,

Patricia Daniels, Chair

MEMORANDUM

To: Urban Services Committee

From: Steve Rogers, Public Works Director 

Date: January 6, 2009

Subject: Bike Lanes on Garfield Avenue from Highland Drive to 9th Street

Issue

Consistent with the Corvallis Transportation Plan, the Bicycle and Pedestrian Advisory Commission (BPAC) has recommended placing bike lanes on Garfield Avenue between Highland Drive and 9th Street to complete a missing segment of the bicycle infrastructure. Marking the bike lanes will necessitate removal of parking from one side of the street.

Background

The completion of bike lanes between Highland Avenue and 9th Street is listed as a priority in the Corvallis Transportation Plan. With the parking changes associated with the new shopping center at the southwest corner of Garfield Avenue and 9th Street, staff decided it was an opportune time to advance the striping work. The existing curb-to-curb width is insufficient to retain on-street parking on both sides of the street when bike lanes are installed. The recommendation is to retain parking on the south side of the street to preserve parking for Vina Moses and adjacent residents.

In March of 2008, property owners on both sides of this section of Garfield Avenue were notified by mail of the proposed parking change. Discussion took place over the next two months at the April and May BPAC meetings. Christine Duffney, Executive Director of Vina Moses, provided the only public input received at these meetings. Ms. Duffney expressed concern that parking be maintained for their clients and volunteers and questioned whether bike lanes were needed in this location. Following discussion at their May meeting, BPAC approved a motion to recommend removing parking on the north side of the street and installing bike lanes to complete the missing bike facility.

At their September meeting BPAC received input during Visitor's Comments from Mr. Tom Jensen, a Garfield Avenue apartment resident. Mr. Jensen requested that parking be retained on both sides of the street. The Commission discussed the reasoning for their previous recommendation and chose to stand by that decision. Mr. Jensen contacted his Councilor, Stewart Wershow, who requested that the recommendation be referred to the Urban Services Committee, rather than be forwarded to the City Council as a Traffic Order via the City Manager's Report.

Discussion

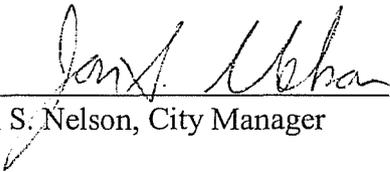
In the course of discussing the proposed work, staff and BPAC examined several different alternatives for striping the bicycle and vehicle lanes on Garfield Avenue at its intersection with 9th Street. The attached drawings represent the preferred alternative.

To help mitigate the loss of on-street parking, staff is proposing that several parking spaces removed for the new shopping center be restored. These spaces are located on Garfield Avenue between the driveway into the shopping center and the service driveway to the rear of the center. While a left turn lane extending beyond the shopping center driveway was originally envisioned, this is no longer the case, and the removed parking spaces may be reestablished. Some of the parking removed in this section is now in use as a transit stop for service established on this section of Garfield Avenue in late September, but two spaces will be restored.

Requested Action

Urban Services Committee recommend City Council approve removing parking on the north side of Garfield Avenue between Highland Drive and 9th Street; reestablishing two parking spaces on the south side of Garfield, nearest the service drive to the shopping center; and installing bike lanes to complete the missing bike facility.

Review & Concur:



Jon S. Nelson, City Manager

attachments:

Garfield bike lanes - drawing

Garfield and 9th Street intersection - drawing

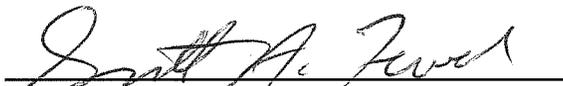
*** MEMORANDUM ***

JANUARY 27, 2009

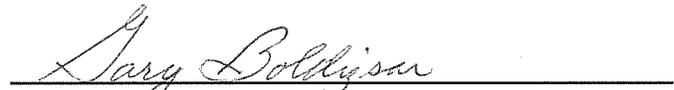
TO: MAYOR AND CITY COUNCIL
FROM: JON S. NELSON, CITY MANAGER *Jon*
SUBJECT: LIVING WAGE EXCEPTION

The attached ordinance implements Council direction on the living wage and animal shelter service providers.

Suggested contract language will be addressed through the Corvallis Police Department and Heartland Humane Society contract discussions.



Scott Fewel, City Attorney



Gary Boldizar, Police Chief

Attachment

2010

ORDINANCE 2009-_____

**AN ORDINANCE RELATING TO EXCEPTIONS TO THE LIVING WAGE,
AMENDING MUNICIPAL CODE CHAPTER 1.25, "LIVING WAGE," AS AMENDED**

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. Municipal Code Section 1.25.050 is hereby amended to include a new subsection 10), as follows:

Section 1.25.050 Exceptions.

Exceptions to the requirement for a contractor to pay the Living Wage are:

- 1) Employees who are hired through a youth employment program or as student workers;
- 2) Interns who participate in an established educational internship program;
- 3) Apprentices working in an approved apprenticeship program;
- 4) Volunteers working without pay;
- 5) Small independent contractors;
- 6) Employees working in a non-profit Qualified Rehabilitation Facility as defined in ORS 279;
- 7) Support staff or indirect employees;
- 8) Employees working for agencies that receive financial assistance from the City;
- 9) Collection agencies;
- 10) Employees working for a non-profit agency which provides animal shelter and animal education services.**

PASSED by the City Council this _____ day of _____, 2009.

APPROVED by the Mayor this _____ day of _____, 2009.

EFFECTIVE this _____ day of _____, 2009.

Mayor

ATTEST:

City Recorder



MEMORANDUM

To: Mayor and City Council

From: Karen Emery, Parks and Recreation Director *KE*
Deb Curtis, Parks and Recreation Program Coordinator

Date: January 16, 2009

Subject: Accept the Oregon Commission for Voluntary Action Grant

Issue: City Council's approval is required to accept a grant agreement between the Oregon Commission for Voluntary Action (OCVA) and the City of Corvallis.

Discussion: The Parks and Recreation Department has received a grant of \$3,750 from the OCVA for a Semester of Service Project. This grant provides funds to develop and implement three service learning projects that integrate youth of all physical abilities in a volunteer capacity.

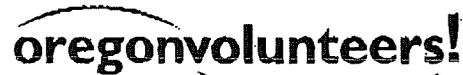
Recommendation: Staff recommends City Council approval of this grant agreement, including adoption of a Resolution authorizing the City Manager to execute the agreement, and any future amendments relating to this agreement.

Review and Concur:

Nancy Brewer 1/22/09
Nancy Brewer, Finance Director Date

Jon S. Nelson
Jon S. Nelson, City Manager Date

Attachment



MEMORANDUM OF UNDERSTANDING

Oregon Volunteers
P.O. Box 751-CSC
Portland, OR 97207

Corvallis Parks and Recreation: Deb Curtis and Jon Nelson
AmeriCorps Member: Andrew Ibarra
1310 SW Avery Park Drive
Corvallis, OR 97333

1/05/2009

This serves as a contractual agreement between Oregon Volunteers (OV) and Corvallis Parks and Recreation (the organization) in providing each other resources in coordinating a sustained semester of service-learning that includes a service project on Martin Luther King, Jr. Day, January 19, 2009, a learning activity or service project on César Chávez Day on March 31, 2009, and culminates with a service project and celebration during Global Youth Service Days, April 24-26, 2009. This shall reflect, when signed, a Memorandum of Understanding (MOU) being in effect until the completion and evaluation of the above named project.

OV wishes to work with Corvallis Parks and Recreation in coordinating service learning activities related to the approved application submitted by the organization. Andrew Ibarra and Deb Curtis will serve as the central liaisons between OV and the organization by way of project planning support and information dissemination. The organization will receive benefits as agreed by the representing, undersigned parties: Kathleen Joy, Oregon Volunteers and Andrew Ibarra and Deb Curtis, Corvallis Parks and Recreation.

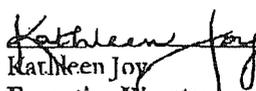
The representing parties will adopt the agreements in this MOU, as defined below. It is noted that both consenting parties may make changes (in consultation with the other party) to this MOU and, in such case, an addendum to this agreement shall be written and signed.

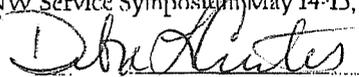
1. OV agrees to provide the organization with a \$3,750 fixed price award sponsored by the Corporation for National & Community Service to be used for supplies, food, recognition, books/videos, speakers, printing, reflection, planning meetings, and other related project expenses;
2. OV will provide program and press related support and resources through the Semester of Service AmeriCorps member;
3. OV agrees to provide the organization with printed/on-line materials including the Semester of Service Strategy Guide and connections to MLK Day and Chavez Day resources;
4. OV agrees to provide tools and resources for planning service learning activities;
5. OV agrees to promote the organization in its media campaign and provide media and public relations assistance leading up to and throughout the Semester of Service;
6. OV agrees to connect the organization with other local and statewide organizations planning MLK Day, Cesar Chavez Day and Global Youth Service Day events;
7. OV agrees to assist the organization in identifying and inviting local, state and elected officials to participate in Semester of Service events and;

8. OV agrees to provide mileage reimbursement to organization representatives that attend a mandatory training on December 2, 2008; mileage reimbursement for a youth representative and AmeriCorps member(s) to attend the NW Service Symposium on May 14-15, 2009; and overnight accommodations for one youth representative and AmeriCorps member(s) if necessary. Registration to the NW Symposium will be covered by OV for the AmeriCorps member(s) and youth representative.

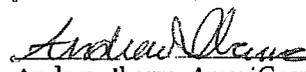
In return, the organization agrees to fulfill the following requirements, agreed upon by the undersigned parties.

1. Organization agrees to engage a youth based planning coalition in all aspects of planning and implementation phases. Projects will be supported by the AmeriCorps member(s). The AmeriCorps member(s) will serve as an example and role model with the aim of increasing interest in national service among project participants. Youth teams will select a national or global issue and carry that through the entire semester. Projects will show the engagement of disabled youth and foster inclusion in both the planning and implementation phases. The projects will address compelling community needs as described in the approved application. Any change to approved project design will be approved in advance;
2. Organization agrees to engage young people, ages 5-25, in a Semester of Service, launching on MLK Day with a service event, a learning activity or service project on Cesar Chavez Day March 31, 2009 and culminating on GYSD with a service event, in cooperation with organization's planning committee. (Note that while the Semester of Service program aims to engage youth in service throughout the January to April period, it is important that grantees hold highly-visible events on MLK Day and GYSD.)
3. Organization agrees to engage disabled youth as an essential part of the volunteers described above;
4. Organization agrees to invite members of the media, VIPs and local, state and federal government officials to participate in events and build political support for youth service;
5. Organization agrees to promote service-learning and educate youth about how to make their projects service learning projects (assistance and tools to be provided by OV);
6. Organization agrees to produce, disseminate and provide OV with press releases and media advisories based on templates provided by OV prior to MLK Day;
7. Organization agrees to post MLK Day/Semester of Service projects developed by coalition to www.YSA.org/nysd and www.MLKDAY.gov websites by January 12, 2009;
8. Organization agrees to help young people learn about and incorporate Dr. King's teachings into their project planning and implementation, with support from OV;
9. Organization agrees to brand all service activities as MLK Day/Semester of Service/Cesar Chavez/GYSD events (this may be in conjunction with other branding), and to brand all promotional materials with the GYSD, Cesar Chavez and MLK Day logos (in addition to other relevant logos);
10. Organization agrees to provide OV with photos, copies of media clips and internal marketing materials from MLK Day;
11. Organization agrees to complete two progress reports and one final report. Progress reports will include Semester of Service activities as well as work plans for Service Day Events. The final report will include an evaluation of the overall Semester of Service. Reports will be due January 5, March 2 and June 1, 2009.
12. Organization will submit a budget plan on January 5, 2009. Fixed price grant award funds will be available to organization in three payments with one payment following the submission of each report. The first two payments will be in the amount of \$1,000 with a final payment of \$1,750 following submission of the final report. The applicant agency must be prepared to cover initial costs until grant funds are received and contribute information on effective practices for MLK Day/Semester of Service;
13. Organization agrees to participate in one training on Semester of Service (December 2, 2008); conference calls hosted by OV as arranged; and the NW Service Symposium May 14-15, 2009.


 Kathleen Joy 1/05/09
 Executive Director Date
 Oregon Volunteers


 Deb Curtis, Corvallis Parks and Recreation 1/6/09
 Date

Jon Nelson, City of Corvallis Date


 Andrew Ibarra, AmeriCorps 1/6/09
 Date

RESOLUTION 2009 - _____

A Resolution submitted by Council Person _____.

Minutes of the meeting of _____

WHEREAS, ORS 294.326 (2) allows the City Council to accept grants after the budget has been approved; and

WHEREAS, the City of Corvallis has been awarded a grant in the amount of \$3750 from Oregon Volunteers, Commission for Voluntary Action and Service - Semester of Service Mini-Grants 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 awarded by Oregon Volunteers, Commission for Voluntary Action and Service and authorizes the City Manager to execute agreements accepting the grant and any future amendments relating to the agreements.

Upon motion duly made and seconded, the foregoing resolution was adopted and the Mayor thereupon declared said resolution to be adopted.

MEMORANDUM

January 23, 2009

To: Mayor and City Council
From: Steve Rogers, Public Works Director 
Subject: Water Recycling Feasibility Study Grant

Issue:

The Oregon Water Resources Department (OWRD) has offered a grant to the City of Corvallis. City Council action is required to accept these funds.

Background:

The City of Corvallis is seeking a strategy to comply with the Oregon Department of Environmental Quality, Willamette River Temperature Total Daily Maximum Load (TMDL). The temperature TMDL limits the amount of heat in treated wastewater discharged to the Willamette River. Evaluations of regulatory requirements and economic impacts of long-term discharge to the Willamette have been conducted. The evaluations have identified water reuse as a viable option for TMDL regulation compliance, providing both water quality protection and a sustainable water resource.

OWRD provides a grant program (Water Conservation, Reuse and Storage) to fund feasibility studies of water conservation, reuse or storage projects. The City submitted to OWRD a \$356,000 planning study project to perform a comprehensive feasibility and cost analysis of water reuse alternatives. The OWRD responded to the grant application with an offer to fund a limited portion of the total request. The grant as offered would fund 95% (\$23,738) of the cost to conduct a Water Reuse Citizen Survey.

The survey of Corvallis residents will assess public knowledge, level of concern, and opinion of water reuse in the City. It will also identify which water recycling options are acceptable to the general public and to assess the public's level of understanding of wastewater treatment and water recycling.

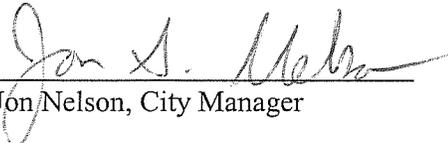
Discussion:

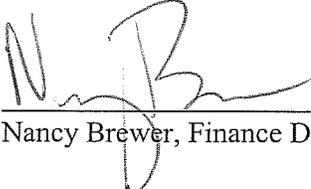
This grant offer was not known at the time the FY 2008/09 budget was prepared and is not included in that budget. To accept the grant, the City Council must approve a resolution to include the grant amount in the budget and authorize the City Manager to sign the grant agreement.

Recommendation:

Staff recommends that the City Council authorize the City Manager to sign the grant agreement (attached) and adopt the resolution (attached).

Review and concur:


Jon Nelson, City Manager


Nancy Brewer, Finance Director

RESOLUTION 2009-

Minutes of the Meeting of _____, continued.

A resolution submitted by Councilor _____.

WHEREAS, ORS 294.326(2) allows the City Council to establish appropriations to authorize the expenditure of grants, gifts or bequests after the budget has been approved; provided that the funds are for a specific purpose and that they are not anticipated at the time the budget was approved, and;

WHEREAS, the City of Corvallis has received a grant in the amount of \$23,738 from the Oregon Water Resources Department to procure consultant services to conduct a Water Reuse Citizen Survey, and;

WHEREAS, the grant was unanticipated at the time the fiscal year 2008-2009 budget was adopted;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CORVALLIS RESOLVES that the grant in the amount of \$23,738 for the purpose of the feasibility study is accepted.

BE IT FURTHER RESOLVED that the Finance Director be authorized to make the proper adjustments in the budget appropriations.

<u>WASTEWATER FUND</u>	<u>AMOUNT</u>
Public Works	\$ 23,738

Upon motion duly made and seconded, the foregoing resolution was adopted and the Mayor thereupon declared said resolution to be adopted.



WATER CONSERVATION, REUSE AND STORAGE GRANT PROGRAM
OREGON WATER RESOURCES DEPARTMENT

GRANT AGREEMENT

GR0022 09

BETWEEN: **State of Oregon, acting by and through its** (Grantor)
Oregon Water Resources Department,

The Grantor's Coordinator for this Grant is
Bob Rice
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
Phone Number: (503) 986-0927
Facsimile Number: (503) 986-0904
E-Mail Address: Robert.D.Rice@wrđ.state.or.us

AND: **City of Corvallis** (Grantee)
Attn: Tom Penpraze
Title: Utilities Division Manager
PO Box 1083
Corvallis, OR 97330
Contact: Nancy Brewer
Telephone Number: (541) 766-6990
Facsimile Number: (541) 754-1729
E-Mail Address: Nancy.Brewer@ci.corvallis.or.us
Federal Identification Number: 93-6002145

SECTION 1
LEGAL BASIS OF AWARD

Pursuant to Oregon Laws 2008, Chapter 13, Section 1, and OAR 690-600-0000 through 690-600-0070, Grantor is authorized to enter into a Grant Agreement and to make an award, from the Water Conservation, Reuse and Storage Investment Fund, to Grantee for the purposes set forth herein. Grantor is willing to make the grant and Grantee is willing to accept the grant on the terms and conditions of this Agreement. Accordingly, the parties hereby agree as follows:

SECTION 2
GRANT AWARD

Section 2.01. Grant. In accordance with the terms and conditions of this Agreement, Grantor shall provide Grantee with a maximum of \$23,738 (the "Grant") from the Water Conservation, Reuse and Storage Investment Fund to financially support and assist studies or activities falling within the Service Areas set forth in Exhibit A and B attached hereto and incorporated herein by this reference. Grantee shall provide a dollar for dollar match of the amount of the Grant. Grantee agrees and acknowledges that Grantor may need to change the amount of the Grant based upon fluctuations in

revenue, assessments to the Water Conservation, Reuse and Storage Investment Fund and other factors. Changes to the Grant amount will be implemented through amendments to this Grant Agreement.

Section 2.02. Grant Budget. The Grant Budget is as follows:

Budget Category	Approved Budget
Staff Salary/Benefits	\$0
Contractual	\$23,738
Equipment	\$0
Other	\$0
Administration	\$0
Subtotal	\$23,738
Expenditures from sources other than this grant program	\$101,400
Grand Total	\$125,138

If there is a conflict between the budget in this Section and the budget described in the Grant Application in Exhibit B, the budget in this Section supersedes the Application Budget.

Changes within the budget categories can only be made with approval of the Grantor.

Section 2.03 Disbursement of Grant Moneys. Subject to Sections 2.04 and 2.05, Grantor shall disburse the Grant moneys to Grantee as follows:

All fund requests must be submitted using a Request for Release of Funds form signed by the Grantee or the Grantee authorized agent. This form can also be used to request an advance. Receipts/invoices should not be submitted, but must be available, pursuant to Section 5.05. If receipts and invoices share costs with other studies or projects, grant specific costs or percentage of shared costs should be noted.

Applicants may request an advance pursuant to the following:

	Funds needed within 6 months	Funds needed within 12 months
Grant Awards Less than or equal to \$50,000	90% of award	90% of award
Grant Awards Greater than \$50,000	90% of award	50% of award

If a Feasibility Study concerns a proposed storage project that would impound surface water on a perennial stream, divert water from a stream that supports sensitive, threatened or endangered fish or divert more than 500 acre-feet of surface water annually, a Grantee is eligible for one-half of the

advance shown in the table above, unless the Grantor determines that an additional amount is necessary for meeting the statutory requirements described in Exhibit A.

The final 10% of the grant will be released for payment upon receipt of all quarterly reports and acceptance of the Study Completion Report.

Section 2.04. Conditions Precedent to Each Disbursement. Grantor's obligation to disburse Grant moneys to Grantee pursuant to Section 2.03 is subject to satisfaction, with respect to each disbursement, of each of the following conditions precedent:

- a) Moneys are available in the Water Conservation, Reuse and Storage Investment Fund to finance the disbursement;
- b) Grantor has received sufficient appropriations and other expenditure authorizations to allow Grantor, in the reasonable exercise of its administrative discretion, to make the disbursement;
- c) Grantee's representations and warranties set forth in Section 4 are true and correct on the date of disbursement with the same effect as though made on the date of disbursement;
- d) Grantee is in compliance with all reporting requirements of all active or prior Water Conservation, Reuse and Storage Investment Fund grants; and
- e) No default as described in Section 6.03 has occurred.

Section 2.05. Grant Availability Date. The availability of Grant moneys under this Agreement and Grantor's obligation to disburse Grant moneys pursuant to Sections 2.02 and 2.03 shall begin as described in Section 2.03 following signature by all parties and end on the Grant Availability Termination Date (the "GATD") of June 30, 2010 or upon exhaustion of the Water Conservation, Reuse and Storage Investment Fund, whichever occurs first. Grantee shall not submit any payment or reimbursement request and Grantor shall not disburse any Grant moneys after the GATD unless agreed upon by both Grantor and Grantee to extend. If agreed upon, Grant will be amended to reflect the new GATD.

SECTION 3 USES OF GRANT

Section 3.01. Eligible Uses of Grant. Grantee's use of the Grant moneys is limited to those expenditures necessary for the purposes described in Exhibit A and Exhibit B (the "Study" or "Feasibility Study").

Section 3.02. Ineligible Uses of Grant. Notwithstanding Section 3.01, Grantee shall not use the Grant moneys to retire any debt, to reimburse any person or entity for expenditures made or expenses incurred prior to the date of this Agreement. Any equipment purchases must be specifically authorized in writing by the Grantor. The aggregate of all disbursements of the Grant shall not exceed \$23,738. Unless specified differently in the authorization, any equipment purchased shall revert to Grantor after 15 days from the GATD.

Section 3.03. Unexpended Grant Moneys. Any Grant moneys disbursed to Grantee, or any interest earned by Grantee on the Grant moneys, that are not expended by Grantee in accordance with this Agreement by the earlier of the GATD or the date this Agreement is terminated shall be returned to Grantor. Grantee shall return all unexpended funds to Grantor within fifteen (15) days after the GATD.

SECTION 4
GRANTEE'S REPRESENTATIONS AND WARRANTIES

Grantee represents and warrants to Grantor as follows:

Section 4.01. Existence and Power. Grantee has full power and authority to transact the business in which it is engaged and full power, authority, and legal right to execute and deliver this Agreement and incur and perform its obligations hereunder.

Section 4.02. Authority, No Contravention. The making and performance by Grantee of this Agreement (a) have been duly authorized by all necessary action of Grantee, (b) do not and will not violate any provision of any applicable law, rule, or regulation or order of any court, regulatory commission, board or other administrative Grantor or any provision of Grantee's articles of incorporation or bylaws and (c) do not and will not result in the breach of, or constitute a default or require any consent under any other agreement or instrument to which Grantee is a party or by which Grantee or any of its properties are bound or affected.

Section 4.03. Binding Obligation. This Agreement has been duly authorized, executed and delivered on behalf of Grantee and constitutes the legal, valid, and binding obligation of Grantee, enforceable in accordance with its terms.

Section 4.04. Approvals. No authorization, consent, license, approval of, filing or registration with, or notification to, any governmental body or regulatory or supervisory authority is required for the execution, delivery or performance by Grantee of this Agreement.

SECTION 5
GRANTEE'S AGREEMENTS

Section 5.01. Study Completion. Grantee shall complete the Study by the end date in Section 2.05 (the "Study Completion Date") or such later date as the Grantor may designate, in Grantor's sole and absolute discretion, by written notice to Grantee; provided however, that if the total amount of the Grant is not available solely because one or more of the conditions set forth in Sections 2.04(b) or (c) are not satisfied, Grantee will not be required to complete the Study.

Section 5.02. Quarterly Reports. No later than 30 days after the end of each calendar quarter, Grantee shall provide the Grantor with quarterly reports. The report must utilize the forms provided by the Grantor which will include information regarding the expenditure of Program and non-Program related funds, progress toward completion of the Study, and a narrative on the activities completed as part of the Study.

Section 5.03. Accounting for expenses. Grantee shall account for funds distributed by the Grantor using Study expense forms provided by the Grantor.

Section 5.04. Release of Reports. All Study reports that the Grantor determines to be final and complete may be made available to the public.

Section 5.05. Records and Inspection. Grantee shall keep proper books of account and records on all

activities associated with the Grant including, but not limited to, books of account and records on expenditure of the Grant moneys and on the services financed with the Grant moneys. Grantee will maintain these books of account and records in accordance with generally accepted accounting principles and shall retain the books of account and records until the later of three years after the date set forth in Section 2.05 or the date that all disputes, if any, arising under this Agreement have been resolved. Grantee will permit Grantor, the Secretary of State of the State of Oregon, and/or their duly authorized representatives to inspect its properties, all work done, labor performed and materials furnished in connection with the activities financed with Grant moneys, and to review and make excerpts and transcripts of its books of account and records with respect to the receipt and disbursement of funds received from Grantor. Access to these books of account and records is not limited to the required retention period. The authorized representatives shall have access to records at any reasonable time for as long as the records are maintained.

Section 5.06. Compliance with Laws. Grantee shall comply with all applicable federal, state, and local laws, regulations, executive orders and ordinances related to expenditure of the Grant moneys and the activities financed with the Grant moneys. Without limiting the generality of the foregoing, Grantee expressly agrees to comply with (a) Title VI of the Civil Rights Act of 1964, (b) Section V of the Rehabilitation Act of 1973, (c) the Americans with Disabilities Act of 1990 and ORS 659A.142, (d) all regulations and administrative rules established pursuant to the foregoing laws, and (e) all other application requirements of federal and state civil rights and rehabilitation statutes, rules and regulations.

Section 5.07. Work Product.

(a) The Grantor and Grantee each acknowledge that performance of this Agreement may result in the discovery, creation or development of inventions, combinations, machines, methods, formulae, techniques, processes, improvements, software designs, computer programs, strategies, specific computer-related know-how, data and original works of authorship (collectively, the "Work Product"). Grantee agrees that it will promptly and fully disclose to the Grantor any and all Work Product generated, conceived, reduced to practice or learned by Grantee or any of its employees, either solely or jointly with others, during the term of this Agreement, which in any way relates to the business of the Grantor. Grantee further agrees that neither Grantee or Grantee's employees, nor any party claiming through Grantee or Grantee's employees, will, other than in the performance of this Agreement, make use of or disclose to others any proprietary information relating to the Work Product. All Services performed hereunder will include delivery of all source and object code and all executables and documentation. Grantee agrees that the Grantor shall have a copy of the most recent source code at all times.

(b) As part of the Work Product, the Grantee shall produce a Study Completion Report documenting the findings of the feasibility Study. The Study Completion Report shall describe the findings of each of the project planning study elements (also known as key tasks).

(c) All right, title, and interest constituting copyrights, trademarks, trade secrets, patents, or any other state or federal intellectual property rights (collectively "Intellectual Property Rights") arising out of or embodied in the Work Product will be owned by Grantor. Without limiting the generality of the foregoing, Grantee agrees that all Work Products which are protectable by copyright are "works made for hire," as that term is defined in the United States Copyright Act, with all copyrights in the Work Product owned by Grantor. Grantee hereby irrevocably assigns to the Grantor all of its Intellectual Property Rights in and to all Work Products. Grantor forever waives any and all rights relating to such Work Products, including without limitation, any and all rights arising under 17 USC 106A or any

other rights of identification of authorship or rights of approval, restriction or limitation on use or subsequent modifications or the development of derivative works. Grantee shall execute such documents and instruments as the Grantor may reasonably request in order to record or perfect the assignments required under this Section 5.07(b) and to fully vest such rights in Grantor. In the event any right (including, without limitation, any moral right) in such Work Products cannot be assigned, Grantee hereby waives enforcement anywhere in the world of such right against Grantor and exclusively licenses such right to Grantor.

(d) Grantee's and its employees' obligations to assist the Grantor in obtaining and enforcing patents, copyrights, trade secrets and other rights and protection relating to the Work Product shall continue beyond the termination of this Agreement.

(e) If and to the extent that any preexisting rights are embodied or reflected in the Work Product, Grantee hereby grants to the Grantor the irrevocable, perpetual, non-exclusive, worldwide, royalty-free right and license to (a) use, execute, reproduce, display, perform, distribute copies of and prepare derivative works based upon such preexisting rights and any derivative works thereof and (b) authorize others to do any or all of the foregoing.

SECTION 6 TERMINATION AND DEFAULT

Section 6.01. Mutual Termination. This Agreement may be terminated by mutual consent of both parties.

Section 6.02. Termination by Grantor. Grantor may terminate this Agreement, for any reason, upon 30 days advance written notice to Grantee. In addition, Grantor may terminate this Agreement effective immediately upon written notice to Grantee, or effective on such later date as may be established by Grantor in such notice, under any of the following circumstances: (a) Grantor fails to receive sufficient appropriations or other expenditure authorization to allow Grantor, in the reasonable exercise of its administrative discretion, to continue making payments under this Agreement, (b) there are not sufficient funds in the Water Conservation, Reuse, and Storage Investment Fund to permit Grantor to continue making payments under this Agreement, (c) there is a change in federal or state laws, rules, regulations or guidelines so that the Study funded by this Agreement is no longer eligible for funding, or (d) in accordance with Section 6.04.

Section 6.03. Default. Grantee shall be in default under this Agreement upon the occurrence of any of the following events:

- a) Grantee fails to perform, observe or discharge any of its covenants, agreements or obligations contained herein or in any exhibit attached hereto; or
- b) Any representation, warranty or statement made by Grantee herein or in any documents or reports relied upon by Grantor to measure progress on the activities funded by the Grant, the expenditure of Grant moneys or the performance by Grantee is untrue in any material respect when made; or
- c) Grantee (i) applies for or consents to the appointment of, or the taking of possession by, a receiver, custodian, trustee, or liquidator of itself or of all of its property, (ii) admits in writing its inability, or is generally unable, to pay its debts as they become due, (iii) makes a general assignment for the benefit of its creditors, (iv) is adjudicated a bankrupt or insolvent, (v) commences a voluntary case under the Federal Bankruptcy Code (as now or hereafter in effect), (vi) files a petition seeking to take advantage of any other law relating to bankruptcy,

insolvency, reorganization, winding-up, or composition or adjustment of debts, (vii) fails to controvert in a timely and appropriate manner, or acquiesces in writing to, any petition filed against it in an involuntary case under the Bankruptcy Code, or (viii) takes any action for the purpose of effecting any of the foregoing; or

- d) A proceeding or case is commenced, without the application or consent of Grantee, in any court of competent jurisdiction, seeking (i) the liquidation, dissolution or winding-up, or the composition or readjustment of debts, of Grantee, (ii) the appointment of a trustee, receiver, custodian, liquidator, or the like of Grantee or of all or any substantial part of its assets, or (iii) similar relief in respect to Grantee under any law relating to bankruptcy, insolvency, reorganization, winding-up, or composition or adjustment of debts, and such proceeding or case continues undismissed, or an order, judgment, or decree approving or ordering any of the foregoing is entered and continues unstayed and in effect for a period of sixty (60) consecutive days, or an order for relief against Grantee is entered in an involuntary case under the Federal Bankruptcy Code (as now or hereafter in effect).

Section 6.04. Remedies Upon Default. If Grantee's default is not cured within fifteen (15) days of written notice thereof to Grantee from Grantor or such longer period as Grantor may authorize in its sole discretion, Grantor may pursue any remedies available under this Agreement, at law or in equity. Such remedies include, but are not limited to, termination of this Agreement, return of all or a portion of the Grant moneys, payment of interest earned on the Grant moneys, and declaration of ineligibility for the receipt of future Water Conservation, Reuse and Storage Investment Fund awards. If, as a result of Grantee's default, Grantor demands return of all or a portion of the Grant moneys or payment of interest earned on the Grant moneys, Grantee may, at Grantee's option, satisfy such demand by paying to Grantor the amount demanded or permitting Grantor to recover the amount demanded by deducting that amount from future payments to Grantee from Grantor. If Grantee fails to repay the amount demanded within fifteen (15) days of the demand, Grantee shall be deemed to have elected the deduction option and Grantor may deduct the amount demanded from any future payment from Grantor to Grantee, including but not limited to, any payment to Grantee from Grantor under this Agreement and any payment to Grantee from Grantor under any other contract or agreement, present or future, between Grantor and Grantee.

SECTION 7 MISCELLANEOUS

Section 7.01. No Implied Waiver, Cumulative Remedies. The failure of Grantor to exercise, and any delay in exercising any right, power, or privilege under this Agreement shall not operate as a waiver thereof, nor shall any single or partial exercise of any right, power, or privilege under this Agreement preclude any other or further exercise thereof or the exercise of any other such right, power, or privilege. The remedies provided herein are cumulative and not exclusive of any remedies provided by law.

Section 7.02. Governing Law; Venue; Consent to Jurisdiction. This Agreement shall be governed by and construed in accordance with the laws of the State of Oregon without regard to principles of conflicts of law. Any claim, action, suit, or proceeding (collectively, "Claim") between Grantor (and/or any other Grantor or department of the State of Oregon) and Grantee that arises from or relates to this Agreement shall be brought and conducted solely and exclusively within the Circuit Court of Marion County for the State of Oregon. GRANTEE, BY EXECUTION OF THIS AGREEMENT, HEREBY CONSENTS TO THE IN PERSONAM JURISDICTION OF SAID COURT.

Section 7.03. Notices. Except as otherwise expressly provided in this Agreement, any

communications between the parties hereto pertaining to this Agreement or notices to be given hereunder shall be given in writing by personal delivery, facsimile, or mailing the same, postage prepaid to Grantee or Grantor at the address or number set forth on page 1 of this Agreement, or to such other addresses or numbers as either party may hereafter indicate pursuant to this section. Any communication or notice so addressed and mailed shall be deemed to be given five (5) days after mailing. Any communication or notice delivered by facsimile shall be deemed to be given when receipt of the transmission is generated by the transmitting machine. Any communication or notice by personal delivery shall be deemed to be given when actually delivered.

Section 7.04. Amendments. This Agreement may not be waived, altered, modified, supplemented, or amended in any manner except by written instrument signed by both parties.

Section 7.05. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of Grantor, Grantee, and their respective successors and assigns, except that Grantee may not assign or transfer its rights or obligations hereunder or any interest herein without the prior consent in writing of Grantor.

Section 7.06. Entire Agreement. This Agreement constitutes the entire agreement between the parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement.

Section 7.07. Indemnity. Grantee shall defend, save, hold harmless, and indemnify the State of Oregon and Grantor and their officers, employees and agents from and against all claims, suits, actions, losses, damages, liabilities, costs and expenses of any nature resulting from or arising out of, or relating to the activities of Grantee or its officers, employees, Grantees, or agents under this Agreement.

Section 7.08. Time is of the Essence. Grantee agrees that time is of the essence under this Agreement.

Section 7.09. Survival. All provisions of this Agreement set forth in the following sections shall survive termination of this Agreement: Section 3.03, Unexpended Grant Moneys; Section 5.05, Records and Inspection; Section 5.07, Work Product; and Section 7, MISCELLANEOUS.

Section 7.10. Counterparts. This Agreement may be executed in several counterparts, all of which when taken together shall constitute one agreement binding on all parties, notwithstanding that all parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.

Section 7.11. Severability. If any term or provision of this Agreement is declared by a court of competent jurisdiction to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected, and the rights and obligations of the parties shall be construed and enforced as if this Agreement did not contain the particular term or provision held to be invalid.

Section 7.12. Relationship of Parties. The parties agree and acknowledge that their relationship is that of independent contracting parties and neither party hereto shall be deemed an agent, partner, joint venture or related entity of the other by reason of this Agreement.

Section 7.13. Headings. The section headings in this Agreement are included for convenience only; they do not give full notice of the terms of any portion of this Agreement and are not relevant to the interpretation of any provision of this Agreement.

Section 7.14. No Third Party Beneficiaries. Grantor and Grantee 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, indirectly or otherwise, to third persons.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the dates set forth below their respective signatures.



STATE OF OREGON
acting by and through its **Water Resources Department**

By: _____
Name: Tracy Louden
Title: Administrator, WRD Admin Services Division
Date: _____

GRANTEE

By: _____
Name: Tom Penpraze
Title: Utilities Division Manager
Date: _____

EXHIBIT A
Grant Award Service Areas

Not needed (only used for storage projects).

EXHIBIT B

Grant Application is attached and is hereby part of the entire Grant Agreement.

Use of the grant funds is limited to the following study element:

Task 2.1: Conduct Water Reuse Citizen Survey

The grant funds **cannot** be used for the following study elements:

- Task 2.2: Water Recycling Screened Alternatives Evaluation
- Task 2.3: NEPA Checklist
- Task 2.4: NEPA Environmental Report
- Task 2.5: Prepare Water Recycling Feasibility Study Report
- Task 2.6: Investigate Successful Water Recycling Public Involvement Programs
- Task 2.7: Prepare Public Information and Involvement Plan
- Task 2.8: Prepare Water Recycling Project Presentations and Graphics
- Task 2.9: Public Meetings and Open Houses
- Task 2.10: Conduct Ongoing Public Information Activities



GR0022 09

OREGON WATER RESOURCES DEPARTMENT
WATER CONSERVATION, REUSE AND STORAGE
GRANT PROGRAM

RECEIVED

SEP 02 2008

WATER RESOURCES DEPT
SALEM, OREGON

I. Grant Information

Project Name: City of Corvallis Wastewater Reclamation Plant Water Recycling Project

Type of Grant Requested: Water Conservation Reuse Above Ground Storage
 Storage Other Than Above-Ground [Including Aquifer Storage and Recovery (ASR)]

Program Funding Dollars Requested: \$ \$174,700 Total cost of planning study: \$ \$356,000
Note: Request may not exceed \$500,000

II. Applicant Information

Applicant Name: <i>Mr. Tom Penpraze</i>	Co- Applicant Name:
Organization: <i>City of Corvallis</i>	Organization:
Address <i>PO Box 1083</i>	Address:
<i>Corvallis, OR 97330</i>	
Phone <i>(541) 754-1752</i>	Phone:
Fax: <i>(541) 766-6920</i>	Fax:
Email: <i>Tom.Penpraze@ci.corvallis.or.us</i>	Email:

Fiscal Officer Name: <i>Ms. Nancy Brewer</i>	Principle Contact: <i>Mr. Daniel R. Hanthorn</i>
Organization: <i>City of Corvallis</i>	Organization: <i>City of Corvallis</i>
Address: <i>PO Box 1083</i>	Address: <i>PO Box 1083</i>
<i>Corvallis, OR 97330</i>	<i>Corvallis, OR 97330</i>
Phone: <i>(541) 766-6990</i>	Phone: <i>(541) 754-1757</i>
Fax: <i>(541) 754-1729</i>	Fax: <i>(541) 766-6753</i>
Email: <i>Nancy.Brewer@ci.corvallis.or.us</i>	Email: <i>Dan.Hanthorn@ci.corvallis.or.us</i>

Certification:

I certify that this application is a true and accurate representation of the proposed work for a project planning study and that I am authorized to sign as the Applicant or Co-Applicant. By the following signature, the Applicant certifies that they are aware of the requirements of an Oregon Water Resources Department grant and are prepared to implement the project if awarded.

Applicant Signature: *May Stockel for* Date: *8/29/08*

Print Name: *Tom Penpraze* Title: *Utilities Division Manager*

III. Planning Study Summary

Please give a brief summary of the planning study using no more than 150 words.

The City of Corvallis is looking for alternate discharge options for treated wastewater to comply with the Willamette River Temperature TMDL and eliminate direct discharge to the river. Evaluations on regulatory requirements and economic impacts of current and continued long-term discharge to the Willamette over the next 50 years have been conducted to date. In addition, a screening evaluation was conducted for alternate in-direct river discharges. Because of this screening evaluation, three water reuse alternatives were identified as potential solutions to protecting water quality in the future and enhancing community livability by providing a sustainable water resource.

The purpose of this planning study is to perform a comprehensive feasibility, cost analysis for the three-water reuse alternatives, and select the most suitable alternative. The feasibility study will be presented to the public for input and opinions to determine the most acceptable reuse alternative.

IV. Grant Specifics

Section A. Common Criteria

Instructions: Answer all questions in this section by typing the answer below the question. It is anticipated that completed applications will result in additional pages.

1. Describe how the planning study will be performed. Include:
 - a. A description of the planning schedule/timeline, which includes identifying all key tasks. (Section VI provides an opportunity for a “graphical” representation of the schedule.)

CORVALLIS WASTEWATER RECLAMATION PLANT WATER RECYCLING PROJECT

Phase 1 - Project Planning:

I. Preliminary Scope or Assessment of Recycled Water Facilities. Completed July 2006.

II. Task 1 - Regulatory and Economic Impacts Evaluation and Reuse Alternatives Preliminary Screening. Completed July 2008.

III. Task 2 - Water Recycling Feasibility Study:

2.1 Conduct Water Reuse Citizen Survey. Assess public knowledge, level of concern, and opinion of water reuse. This task will include one meeting with the City to review and discuss the proposed water recycling survey. Summarize findings from the Citizen Survey and use in the development of the Public Information and Involvement Plan. Start and Complete 1st quarter 2009.

2.2 Water Recycling Screened Alternatives Evaluation. Develop conceptual plans and detailed capital and life-cycle costs for the three alternatives selected from the alternatives presented in the City of Corvallis WWRP Willamette TMDL Alternatives Evaluation. Update the Triple Bottom Line (TBL) matrix-based evaluation for the three alternatives and rank them using the TBL evaluation procedure developed for the alternatives screening. Rank the alternatives and identify the preferred recycling alternative. Start and Complete 1st quarter 2009.

2.3 NEPA Checklist. Complete a NEPA checklist for the three reuse alternatives. Start and Complete 2nd quarter 2009.

2.4 NEPA Environmental Report. Complete NEPA Environmental Report for the preferred water recycling alternative. Start and Complete 2nd quarter 2009.

2.5 Prepare Water Recycling Feasibility Study Report. Prepare a draft Corvallis WWRP Water Recycling Feasibility Study for City review, incorporate comments and finalize. Provide 5 hard copies of the Draft Report and 10 hard copies and one electronic copy in PDF format of the Final Report. Start 2nd quarter 2009 and complete 3rd quarter 2009.

2.6 Investigate Successful Water Recycling Public Involvement Programs. Contact other communities that have implemented water recycling programs to obtain recommendations regarding the City's public involvement plan. Anticipated communities to be contacted will include Santa Rosa and Redwood City, California, as well as other communities identified by the City and Kennedy/Jenks. Start and complete 3rd quarter 2009.

2.7 Prepare Public Information and Involvement Plan. Quantify and summarize results of the Citizen Survey and prepare a detailed plan to engage interested and concerned citizens in the benefits of, and opportunities for, water recycling in the Corvallis area. The plan will identify stakeholders and interested local citizen groups and public participation and outreach goals and objectives, potential venues for citizen outreach efforts related to water recycling and summarize tools for public education and involvement. Start and Complete 1st quarter 2009.

2.8 Prepare Water Recycling Project Presentations and Graphics. Prepare presentations and graphics summarizing the Willamette TMDL Alternatives Evaluation and Water Recycling Feasibility Study to be used for City presentations and public meetings. The presentation and graphics will summarize long term issues associated with year-round Willamette River discharge, alternatives evaluated, and results of the Water Reuse Citizen Survey. Start and complete 3rd quarter 2009.

2.9 Public Meetings and Open Houses. Attend up to two meetings with interested and concerned citizen and stakeholder groups and conduct a series of open houses to discuss the need for water recycling from the Corvallis WWRP, introduce the public to the potential alternatives that meet WWRP water recycling demands, answer questions and gather feedback from the general public and interested citizens. It is assumed that two open houses will be conducted. Start and complete 3rd quarter 2009.

2.10 Conduct Ongoing Public Information Activities. Present the Water Recycling Project at two City meetings and two public open houses. Prepare two articles for the City newsletter and other local publications. Prepare and print brochures and conduct other public outreach activities consistent with the Public Information and Involvement Plan. Start 2nd quarter 2009 and complete 4th quarter 2009.

b. When the planning study could begin.

The Corvallis WWRP Water Recycling Project Phase 2 Water Recycling Feasibility Study will begin January 2009.

2. Provide a description of the relevant professional qualifications and/or experience of the person(s) that will play key roles in performing the planning study. If the personnel have not been decided upon, include a description of the professional qualifications and/or experience of the person(s) you anticipate will play key roles in performing the planning study.

CONSULTANTS (Kennedy/Jenks):

1. Preston Van Meter, PE - Project Manager & Design and Construction Lead

Preston's professional experience spans a broad range of municipal and environmental engineering projects involving the planning, design, and construction management of wastewater, stormwater, and water system improvements. He has worked with the City of Corvallis in the past as Project Engineer for the City's Wastewater Reuse Alternatives Evaluation. Preston maintains an active presence in wastewater and water reuse in Oregon and the Pacific Northwest and has a proven ability to lead large project teams on complex and challenging projects.

2. Mark Cullington - Regulatory, Permitting and Acquisition Lead

Mark is a senior scientist with 14 years of professional experience as a project manager, consulting soil scientist and as a regulator. Before joining Kennedy/Jenks, Mark was Oregon's Water Quality Program Manager, with statewide responsibility for multiple federal and state regulatory programs. This included managing Oregon's reclaimed water program and he has numerous local, state, regional, and national relationships associated with recycled water issues. His knowledge of

regulations and his negotiating abilities will provide the City of Corvallis with a critical set of skills for moving projects through the complexities of environmental permitting and compliance. Mark has direct experience working with the regulatory personnel that will likely be involved in the decision-making and permitting aspects of Corvallis' recycled water project. In addition to Mark's regulatory proficiency, he has a strong technical background as a soil scientist with expertise in nutrient cycling, pollutant fate and transport, operations, design and treatment associated with reclaimed water. He is proficient in the technical issues of land application and beneficial reuse of reclaimed water in agriculture, siculture, and reclamation of disturbed land.

3. Heather Stephens, PE – Planning Lead

Heather is a senior project manager with 12 years of experience working on complex wastewater projects in Oregon. Her expertise includes wastewater facilities planning, predesign, and design; wastewater treatment process engineering; collection system master planning and predesign; and asset management. Heather has worked on projects for Clean Water Services, the Water Environment Foundation, and the cities of Portland, Salem, Gresham, Wilsonville, Hermiston, Silverton, and Battle Ground. Many of these projects included evaluating potential water reuse opportunities and determining regulatory, process, and infrastructure elements required to successfully implement reuse programs.

4. Craig Lichty, PE – Technical Advisor

Craig has 23 years of consulting experience with specialized expertise in water recycling. He is a nationally recognized expert in the area of water recycling. Craig's primary role will be as technical reviewer of project plans and documents as they relate to water reuse projects for Corvallis. Craig will be able to advise on important issues associated with master planning, public information and outreach, funding assistance, regulatory and inter-agency liaison, design and construction services, operations troubleshooting and program management. Craig serves as Kennedy/Jenks Consultants' Practice Leader for Water Recycling and represents Northern California on the Water Reuse Association's California Section, Board of Trustees.

5. Allen Shewey, PE – Technical Advisor

Al has 30 years experience in consulting engineering, and has been design engineer and project manager on numerous projects. Al is Kennedy/Jenks' pipeline expert and has focused the majority of his career with small to medium sized municipal clients. He has worked on all phases of the projects including planning, design and construction administration/inspection. Al has been involved in the completion of 17 wastewater studies, the design of nine wastewater treatment plants from 0.5 to 3.0 mgd, as well as the design of wastewater pump stations and collection systems. Treatment plant design includes SBRs, oxidation ditches, donut style extended aeration plants, recirculating gravel filters and lagoons. He has also worked on many alternative effluent disposal systems including community drainfields, deep and shallow well injection, spray irrigation, direct discharge, and ocean outfalls.

6. Eric Ward, PE – Pipelines & Irrigation Systems

Eric has a broad range of experience in civil engineering and project management with a focus on potable water projects. His experience includes project management, municipal water infrastructure design projects, water system master plans, water treatment projects, and small wastewater treatment projects. Major strengths include: client interaction and service, project planning and organizing, guiding projects from inception to completion, and technical review of project designs. Eric will assist the project team by overseeing the hydraulic modeling of the new diversion to the Taylor Water Treatment Plant. He will interact with the WTP staff to identify issues affecting the hydraulics and the current and planned operation of the WTP. Additionally, as necessary, he will coordinate any planned improvements to the WTP or associated facilities with the Oregon Department of Human Services Drinking Water Program.

7. Michael Humm, PE – Construction Office Engineering

Michael has worked on a broad range of projects including pump station design, elevated reservoir structural modifications, wastewater treatment facility evaluations, and hydraulic modeling. His hydraulic modeling experience includes over 72 miles of gravity and pressure system for the Santa Anna Regional Interceptor as well as system modeling and master planning for both the City of Forest Grove and The Dalles.

8. Jennifer Coker, PE – Design WWTP Upgrades

Jenny has worked on numerous projects in Oregon as a project and design engineer. She provides expertise in wastewater and reclaimed water master planning, wastewater plant design, and construction management. Her project experience also includes: Geographic Information System (GIS) development, permitting and regulatory negotiation, and cost estimating. She is currently the project engineer for the City of Vernonia's multi-million dollar wastewater facility expansion and upgrade which involves the production of Level IV reclaimed water.

9. Jeff Foray, PE – Pump Stations

Jeff is a mechanical engineer with 16 years experience in the construction and design of water, wastewater, and industrial facilities. His areas of expertise include pumping system design, building mechanical systems, standby power systems, chemical feed systems, cost estimating, and code compliance. Jeff also has extensive experience in construction management, inspection, and field engineering. He is also the Quality Assurance Manager for Kennedy/Jenks Consultants Pacific Northwest Region.

10. Paul Reardon, PE – Electrical I&C

Paul is an electrical engineer with more than 30 years of experience in the design and project management of electrical and control systems. He has numerous project experience throughout Kennedy/Jenks' service area including Tillamook, Vernonia and Gearhart Oregon. Paul's experience includes all aspects of project planning, execution, quality control, and systems engineering, specification and proposal development.

11. Tony Wakim, PE – Electrical I&C

Tony has 35 years of experience in the design of electrical and instrumentation and control systems for water and wastewater treatment plants and pumping stations. Tony is an expert electrical engineer in the design of process control systems for water treatment, chemical batching and chemical feed systems for a number of projects that have involved the use of programmable controllers and computer systems including distributed control systems, SCADA, operator-interface software and telemetry.

12. Mike Flanigan, PE – Pipelines & Pump Stations

Mike is a professional engineer with 19 years of consulting experience. He has performed a variety of tasks, ranging from project management to technical support for planning, design, and analysis projects. Mike has experience in the fields of water, wastewater, and stormwater engineering. He also has a background in construction management and field engineering. He has special expertise in water-hammer analysis, which he has displayed on more than three dozen pump station and pipeline designs throughout the United States and Canada.

13. Chris Defferding – Architecture

Chris has had a variety of experience in his 30 year career including Water and Wastewater Treatment Plants and their associated buildings such as pump stations and offices to name a few.

14. Stan Lasselle – CAD

Stan's responsibilities include AutoCAD/Land Development Desktop Design, and Mapping for GIS projects. His experience includes various aspects of computer-aided design using AutoCAD and Softdesk (Land Development desktop) civil software. His design experience includes site layout and grading and earthworks, sanitary sewer piping, pump stations, storm sewer piping, water and wastewater treatment plant layout and piping, streets and subdivision layout and design, and route and topographic surveying.

15. Brooke Harrison, PE – Construction Inspection

Brooke has 8 years experience in civil site design, including design of underground utilities and site improvements. She has worked on a variety of projects, both public and private. Design experience includes municipal water and wastewater, residential and commercial development, and high tech facilities in the U.S. and People's Republic of China. Brook has participated in all project phases, from basis of design through services during construction.

16. Susan Kohnle – Construction Administrative Support

Susan Kohnle has 30 years experience in administrative and marketing services in several industries, both public and private, including engineering consulting. She currently works as a construction administrator for a variety of engineering projects, participating in all project phases, from basic design through construction services. Susan has been performing in the lead role on three large water and wastewater programs (Woodburn, Tillamook, and Washoe County) that have a total constructed value of approximately \$38 million. She has excellent editing and technical writing skills creating software user manuals and maintaining online content.

17. John Eggers, PE – Structural

John has a civil engineering background with knowledge in pre-stressed concrete design, earthquake design, structural dynamics, and foundation design. He has provided technical support, prepared work plans, prepared construction specifications, and provided construction support for several projects related to water and wastewater infrastructure projects. John has provided clients with detailed seismic evaluations of water retaining structures including prestressed and normally reinforced water tanks and other facility structures.

18. Mark Ochsner, PE – Railroad Liaison

Mark has 21 years experience in providing project management and technical expertise in geological, hydrogeological, and geotechnical related issues for hazardous waste-related projects. Mark is currently the Industrial Services group manager. As a program and project manager, Mark has also worked extensively with the Union Pacific Railroad and Burlington Northern Railroad Santa Fe Companies.

19. Laura Kennedy – Risk Perception

Laura is an environmental scientist with experience managing risk assessment, risk management, risk communication, environmental investigation, remediation and regulatory permitting and compliance projects. She has specialized experience in human health and ecological risk assessments and risk management. She is also actively working on risk analysis and communication associated with recycled water applications.

20. Aaron Eder, PE – Pipelines & Irrigation Systems

Aaron has 12 years of experience predominantly in water system engineering. His experience includes design and construction management services for pipelines, wells, pressure reducing stations and water treatment plants throughout Oregon, Washington, California, and Nevada.

21. Tyler Anderson, EIT – Construction Inspection

Tyler's experience includes technical writing, AutoCAD, Arc GIS, hydraulic calculations, cost estimation, flow calculations, thermal load calculations, and pipeline design. He is currently working on preliminary design cost evaluation of Subsurface Discharge and MBR Alternatives for the Pendleton WWTP Facility plan, drafting pre-selection specs for the City of La Center's WWTP expansion.

22. Stuart Childs, Ph.D, RG – Wetlands Treatment

Stuart is an experienced project manager specializing in the development and evaluation of alternative effluent discharge methods for municipalities and industry. He recently completed a feasibility study of effluent discharge to flood channels adjacent to the South Santiam River for the City of Lebanon. This project was intended to address effluent and river temperature issues based on the proposed Willamette River TMDL. Stuart has also been project manager for two other effluent discharge projects in Dallesport and Battle Ground, WA and Pendleton. Stuart has also been involved in a number of effluent reuse projects in Oregon including in Camp Rilea, Molalla, Silver Falls State Park, CleanWater Services, and Gervais.

23. Jean Debroux, Ph.D – Emerging Contaminants

Dr. Debroux is utilized as a water quality expert, a research scientist, and as a design engineer. His expertise in the understanding and evaluation of water quality will be a valuable asset to the City of Corvallis if these issues arise during project implementation. Jean's project experience includes the development of an analytical protocol of 287 water quality parameters in conjunction with the Santa Clara Valley's Recycled Water Treatment Plant. He was co-investigator for a Water Reuse Association's study on the effects of membrane and micro-pollutant properties leading to indirect potable reuse. Jean was also the Project Engineer on the City of Santa Rosa's wastewater effluent discharge project.

24. Charles Wright, PE – Engineering Staff

Charles has 9 years of experience providing engineering services for the study, design, and construction of both wastewater and water treatment facilities. He has extensive experience in wastewater treatment plant design with special expertise in the design of biological treatment processes and pumping stations. Charles' recent wastewater treatment plant experience includes design work Reedsport, Myrtle Creek, Brookings and Florence.

25. Monty Hazelhurst, PE – Engineering Staff

Monty has 15 years of professional experience including studies related to and the design of water and wastewater treatment plants, wastewater collection systems, water distribution systems, pumping stations, sludge handling facilities, stormwater management systems, and solid waste facilities. Marty has been the project engineer responsible for the planning and specifications for numerous Oregon wastewater treatment facility projects including Brookings, Reedsport, Myrtle Creek, Brookings, Klamath Falls, Portland, Woodburn and Washington County.

26. Tom Pinit – Engineering Staff

Tom is an ecologist with 8 years of experience specializing in Endangered Species Act (ESA) compliance, risk assessment, sediments, fisheries, wildlife, water quality, and wetlands issues in various locations nationwide. He has completed or assisted in the completion of ecological and human health risk assessments for contaminants in multiple environmental media. Tom has experience in National Environmental Policy Act (NEPA) compliance, as well as Washington (SEPA) and California (CEQA). He has prepared local, state and federal permits related to the Clean Water Act for various projects.

27. Rob Peacock, PE – Engineering Staff

Rob Peacock has 12 years of experience. His primary area of expertise is the planning and design of water and wastewater treatment facilities, mixing zone studies, storm water management, and soil and groundwater remediation. He has conducted water quality impact evaluations including in-stream dye studies and computer mixing zone modeling to determine environmental effects of effluent on receiving streams.

SUBCONSULTANTS:

1. Dan Sullivan, Ph.D. – Technical Advisor

Dan is an associate professor in Oregon State University's Department of Crop and Soil Science specializing in the development, implementation and project lead in applied research and educational programs on sustainable agricultural utilization of byproducts generated by municipal, agricultural, and industrial sources. Dan has worked on numerous northwest applied research projects involving the use of waste byproducts. His experience in applied research, teaching, and extension activity coupled with Dan's pragmatic approach to his work will provide Corvallis with a tremendous local university resource as a technical advisor of agricultural issues associated with their water reuse project. Dan is not a paid sub-consultant to Kennedy/Jenks but is an available resource to the City.

2. Chuck Lobdell – Technical Advisor

Chuck is a wildlife biologist and manager of the Conservation Programs for Ducks Unlimited located in their Vancouver, WA field office. He is Responsible for managing Ducks Unlimited's Living Floodplains and Estuaries Initiative, encompassing SW Washington, the Lower Columbia River, Oregon Coast, Willamette Valley and NE Oregon. This duty involves leading a team of 3 biologists, and 5 engineers and managing 60 wetland restoration projects. Chuck will be available to the City and its partners regarding wetlands funding, habitat development, and public support.

3. Vaughn Brown – Public Involvement

Jeanne Lawson & Associates, Portland

Vaughn has over 20 years experience with wastewater, surface water and watershed restoration projects large and small. He has been a planner, project manager, facilitator and consultant on more than 50 projects addressing wastewater system improvements, water supply upgrades and protection, and watershed planning. Vaughn has led citizen groups considering issues such as NPDES permit action planning and funding, salmon recovery, water quality improvement and TMDL compliance, storm and surface water management goals. Before becoming a consultant he was statewide water resource program manager for the USDA- Natural Resource Conservation Service in Oregon where he helped initiate the Oregon Watershed Enhancement Board.

4. Brian Sailor – Surveying

Brian's responsibilities at Cole Surveying include deed and survey research, field work to recover and document existing monumentation, determining parcel boundaries based on found monuments and other evidence pertaining to boundary location, partition plats, property line adjustments, drafting the survey to meet the requirements specified in the Oregon Revised Statutes (ORS), writing legal descriptions, marking the parcel boundaries in an accurate and precise manner, and submitting the approved survey for recording. He also has performed flood certifications that meet FEMA standards and foundation surveys.

5. Linda Naoi Goetz – Cultural Resources

At Landau Associates, Linda has been conducting archaeological studies serving as a project manager, field director, and crew member on cultural resource management and research projects throughout Oregon, Washington, and Idaho. Her duties have included project management, conducting background research and archaeological/architectural surveys, performing subsurface

testing and data recovery excavations, analyzing prehistoric and historic artifacts, documenting historical buildings and structures, writing professional reports, and drafting figures and maps.

6. Shannon Khounnala – Environmental Permitting

Shannon is a Senior Project Scientist for Landau Associates with over 12 years of experience in water resource assessments, evaluation of wetland and terrestrial habitats, water quality monitoring, environmental permitting, and mitigation design. She is experienced with regulatory requirements at the local, state and federal levels. Her experience also includes participation of numerous habitat and mitigation projects and water quality monitoring studies throughout the Pacific Northwest, and permitting for dozens of local, state, and federal development and/or restoration efforts.

7. John van Staveren – Wetlands Treatment

John is a wetland scientist and directs Pacific Habitat Services' environmental and regulatory compliance activities throughout the Pacific Northwest. He has conducted over 1,000 wetland delineations, 27 Local Wetland Inventories and riparian inventories, designed and implemented dozens of freshwater and estuarine wetland mitigation plans, provided expert witness testimony, and testified at numerous public hearings. John served on two state-appointed Technical Advisory Committees concerning wetland policy Oregon.

CITY OF CORVALLIS:

1. Daniel R. Hanthorn - Wastewater Operations Supervisor

Dan has supervised the Corvallis Wastewater Reclamation Plant for 20 years. In addition to wastewater facility, he manages an EPA award winning state-of-the-art Combined Sewer Overflow treatment facility. He serves on the Oregon Governor's Water Reuse Taskforce and has worked with other organizations and agencies for water reuse support and legislation. Dan will be instrumental in connecting with potential water reuse users for the project, participating in open houses for feasibility study information, meeting with DEQ and overseeing the project

2. Tom Penpraze - Utilities Division Manager

Tom manages the Utility Division for the City. His department protects public health and improves water quality through operation and maintenance of the drinking water, wastewater and storm water systems. All services meet or exceed state and federal water quality requirements. Tom will review the feasibility study and provide input, participate in project meetings and community open houses.

3. What local, state or federal project permitting requirements/issues do you anticipate in order for the planning study to be conducted?

The Phase 1 Project Planning 2 - Water Reuse Feasibility Study will include a National Environmental Policy Act (NEPA) checklist on all three reuse alternatives identified in Task1- Reuse Alternatives Preliminary Screening. A NEPA Environmental Report will be completed on the preferred reuse alternative, two additional alternatives, and one no-action alternative. Letters of notification and requests for comment from state and federal resources agencies and potentially affected tribes will be sent.

4. Are permits/governmental approvals required for the planning study? If yes, indicate whether you have obtained the necessary permits/governmental approval. If you have not obtained the necessary permits/governmental approval, describe the steps you have taken to obtain them.

No permits are required for Phase 1 Project Planning: Task 2 - Corvallis WWRP Water Recycling Feasibility Study. A NEPA checklist on all three reuse alternatives will be completed as part of the feasibility study to determine potential permits and governmental approvals needed to complete the selected reuse alternative. Upon completion of Task 2, a meeting will be held between the City, DEQ, and Kennedy/Jenks to review the feasibility study and discuss permitting requirements and issues, as well as potential funding opportunities through DEQ and EPA.

5. Describe your goal (which must be based on evaluating the feasibility of developing a water conservation, reuse or storage project) and how this study helps to achieve the goal.

The goal of the City is to comply with the Willamette River Temperature TMDL. A comprehensive feasibility study will evaluate three water reuse alternatives for sustainability based on social, economical, and environmental considerations or the Triple Bottom Line (TBL). The water reuse alternative with the highest TBL ranking will be selected with input and opinions from the public and other stakeholders. The reuse feasibility study will help the project goal of meeting the Willamette River Temperature TMDL by supporting proceeding project tasks of identifying funding opportunities and permit requirements and establish a basis to complete the last two project phases: 1) Phase 2 – Preliminary and Final Design; and 2) Phase 3 – Bidding, Construction and Post-Construction.

6. Describe the technical aspects of the planning study and why your approaches are appropriate for accomplishing the goal of the planning study.

1) South Alternative #1– Construction of a reclaimed water pipeline to Greenberry Irrigation District (GID) with constructed wetland for effluent polishing and reuse for agricultural irrigation.

2) East Alternative #2 – Golf course irrigation at Trysting Tree Golf Course along with a constructed wetland at Berg Park and using the Knife River irrigation ponds for Willamette River hyporheic or indirect discharge.

3) North Alternative – Hyporheic discharge to the Willamette River through constructed wetlands north of the Wastewater Reclamation Plant near the Hewlett-Packard Campus with limited agricultural irrigation.

The feasibility study will utilize the following methodologies to select the preferred reuse alternative:

1) Conduct a citizen water reuse survey to assess public knowledge, level of concern, and opinion of water reuse in the City. Identify water recycling options acceptable to the public and assess the public's level of understanding of wastewater treatment, water recycling and information to generate a public involvement plan and identify potential; and

2) Evaluate the three-reuse alternatives by developing conceptual plans and detailed capital and life-cycle costs along with updating the Triple Bottom Line evaluation. Select the preferred alternative based on ranking from the TBL evaluation; and

3) Complete a National Environmental Policy Act (NEPA) checklist on all three reuse alternatives; and

4) Complete a NEPA Environmental assessment on the preferred alternative; and

5) Provide an Environmental Impact Statement if require; and

- 6) *Present feasibility study on selected reuse alternative to the public*
- 7) *Complete feasibility study and review with DEQ.*

The feasibility study will also include information on soils, geology, water tables, acres of land available, and habitat assessments. All of these methodologies will help select the preferred water reuse alternative.

7. Describe the level of involvement, interest and/or commitment of different entities associated with the planning study (attach letters of support). Describe how these entities will benefit or be impacted by the planning study.

The City and Greenberry Irrigation District have collaborated extensively from the beginning on the project to utilize recycled wastewater for irrigation. As a result of the project, Greenberry could have a source of water to meet demands to grow higher commodity crops and Corvallis could meet temperature TMDL requirements for its effluent. The City and Greenberry have conducted tours and presentations on the project and have developed contacts and support from other stakeholders and agencies. Finley National Wildlife Refuge and Ducks Unlimited could also benefit by expansion of wetlands for wildlife habitat. League of Oregon Cities, Mary's River Watershed Council, Natural Resources Conservation Service, Water Enhancement Board, Oregon Economic Community Development, and the Department of Environmental Quality have all also expressed support.

Please see attached letters of support.

Section B. Unique Criteria

Instructions: Answer the set of questions below that applies to the type of planning study that this grant will fund.

Water Conservation or **Reuse**

1. Water Conservation or Reuse projects that may result from this planning study are requested to be included in the Water Resources Department's "Inventory of Potential Conservation Opportunities". Though you may have already submitted this information earlier in the year through a separate survey, we ask that all applicants complete the information on the form provided at the end of this application.
 I have filled out the application or I have not filled out the application.

2. Describe the water supply need(s) that the project associated with the planning study is intended to meet. Applicant should reference supporting documentation that would be available upon request.

1. *Agricultural irrigation*

2. *Urban irrigation*

3. *Wetlands construction and/or restoration*

4. *Wildlife habitat expansion*

5. *Improve water quality*

6. *Augment stream flow*

7. *Meet Willamette River Temperature TMDL requirements*

8. *Conserve water by reducing water withdrawals from the Willamette and local streams*

Reference: Willamette River TMDL Alternatives Evaluation Project Technical Memorandum 01: Regulatory Requirements and Economic Impacts Evaluation; and Technical Memorandum 02: Alternatives Screening Evaluation.

3. Explain how the associated project will mitigate the need to develop new water supplies and/or use water more efficiently. Reference documentation and/or examples of the success of similar or comparable water conservation/reuse projects that would be available upon request.

The reuse project would offset irrigation withdrawal demands during the dry weather season.

Examples of similar reuse projects:

1. *CITY OF WALLA WALLA, WA - Water Reclamation Plant supplies 7.2 MGD of recycled water to two irrigation districts for agricultural use. The remaining recycled water is discharged into a nearby creek for habitat enhancement and additional irrigation uses.*

2. *CITY OF COLLEGE PLACE, WA - Reclamation Facility provides recycled water to augment summertime flows for nearby stream.*

3. *CITY OF CHENEY, WA - Recycled water is discharged into a series of constructed wetlands which provide habitat to various wildlife species.*

4. CITY OF PENDELTON, OR - Pilot and demonstration tests have been completed for a new subsurface discharge outfall to the Umatilla River involving the discharge of treated effluent into the river hyporheic zone.

4. Explain how the project associated with the planning study will meet the water supply need(s), and indicate what percentage of that need will be met. (For example: If your water supply need is 20,000 acre-feet of additional water and the project will supply 10,000 additional acre-feet, 50% of your need will be met).

The reuse alternative with the highest water demand is the South Alternative #1 (Greenberry Irrigation District) requiring 9.5 MGD during the dry season. Currently, the Wastewater Reclamation Plant discharges 8 MGD or 84% of the Districts' demand. Greenberry would like to grow higher commodity crops which would require approximately 12 MGD. Corvallis monthly maximum flows are projected to be 10.3 MGD in 2028 and 15 MGD in 2058.

5. Provide data and information on the associated project and the project's sources of water supply:
- a. The location of the associated project. (Include the basin, county, township, range and section.)

The Corvallis Wastewater Reclamation Plant is located in the Willamette River Basin, Benton County, Township 11S Range 5W. Recycled wastewater from the facility will be supplied to one of three selected reuse alternatives; the locations are:

*1. South Alternative #1 (Greenberry Irrigation District) -
Willamette, Benton, Township 12S Range 5W;
Willamette, Benton, Township 13S Range 5W;
Willamette, Benton, Township 14S Range 5W.*

*2. East Alternative -
Willamette, Linn, Township 11S Range 5W;
Willamette, Linn, Township 12S Range 5W.*

*3. North Alternative -
Willamette, Benton, Township 11S Range 5W.*

- b. The name(s) and river mile(s) of the source water and what they are tributary to, if applicable.

Not Applicable. The source water is not from a waterbody or stream. The outfall of the Corvallis Wastewater Reclamation Plant currently discharges into the Willamette River on the west side at river mile 130.8.

- c. Environmental flow needs and water quality requirements of supply source water bodies and water bodies downstream of associated and/or affected return flows.

1. South Alternative #1 (Greenberry Irrigation District) - Recycled wastewater after treatment in constructed wetlands will improve water quality and quantity to Muddy Creek by augmenting flows and providing temperature cooling due to over allocation of water.

2. East Alternative - Hyporheic flow of recycled wastewater to the Willamette would provide cooling and pollutant reduction.

3. North Alternative - Provides hyporheic flow of water into the Willamette reducing temperature and pollutant loading and limited reduction in water withdrawal for irrigation.

d. Reliance on return flows by downstream water right holders.

1. South Alternative #1 (Greenberry Irrigation District) - Water supplies a constructed wetlands and is conveyed to an over allocated stream for downstream irrigators during the May 1 to October 31 season. The water supply would reduce Willamette River withdrawals making water available for downstream users as well.

2. East Alternative - The water supply provides irrigation of golf courses and mining operations wash water and leaves water in the stream for downstream users.

3. North Alternative - The water supply provides irrigation of nursery stock and leaves water in the stream for downstream users.

V. Match Funding Information

Applicants must demonstrate a minimum dollar-for-dollar match based on the total funding request. The match may include a) secured resources, b) previously expended resources, and/or c) pending resources. For secured funding, you must attach a letter of support from the match funding source that specially mentions the dollar amount shown in the "Amount/Dollar Value" column. For pending resources, documentation showing a request for the matching funds must accompany the application. For resources that have been previously expended, the expenditure must have occurred on or after July 1, 2005. Resources expended prior to July 1, 2005 are not eligible for match purposes.

The Type of matching funds may include:	The Status of matching funds may include:
<ul style="list-style-type: none"> The value of in-kind labor, equipment rental and materials essential to the planning study provided by the applicant or partner*. 	<ul style="list-style-type: none"> Secured funding commitments from other sources.
<ul style="list-style-type: none"> Cash is direct expenditures made in support of the planning study by the applicant. 	<ul style="list-style-type: none"> Associated and documented expenditures for the planning study from non-program sources incurred on or after July 1, 2005.
	<ul style="list-style-type: none"> Pending commitments of funding from other sources. In such instances, Department funding will not be released prior to securing a commitment of the funds from other sources. Pending commitments of the funding must be secured within 12 months from the date of the award.

*"Partner" means a non-governmental or governmental person or entity that has committed funding, expertise, materials, labor, or other assistance to a proposed planning study. OAR 690-600-0010.

Match Funding Source (if in-kind, briefly describe the nature of the contribution)	Type (✓ One)	Status (✓ One)	Amount/ Dollar Value	Date Match Funds Available (Month/Year)
<i>Project No. 250562: Consulting Services to Determine Recycled Water Project Scope. The Project Scope was required to conduct Task 1 - Regulatory/Economic Impacts and Reuse Alternatives Preliminary Screening and ultimately to proceed with Task 2 - Water Recycling Feasibility Study. FY 2006.</i>	<input checked="" type="checkbox"/> cash <input type="checkbox"/> in kind	<input type="checkbox"/> secured <input checked="" type="checkbox"/> expended <input type="checkbox"/> pending	\$9,800	June 06
<i>Project No. 250562: Consulting Services for Phase 1: Task 1 - Regulatory/Economic Impacts and Reuse Alternatives Preliminary Screening. Task 1 necessary to proceed with Task 2 - Water Recycling Feasibility Study.</i>	<input checked="" type="checkbox"/> cash <input type="checkbox"/> in kind	<input type="checkbox"/> secured <input checked="" type="checkbox"/> expended <input type="checkbox"/> pending	\$101,400	July 08
<i>Project No. 250562: Personal Services City Wastewater Operations Supervisor for Phase 1: Task 1 - Regulatory/Economic Impacts and Reuse Alternatives Preliminary Screening. Task 1 necessary to proceed with Task 2 - Feasibility Study. FY 05/06: \$6,480; FY 06/07: \$16,140; FY 07/08: \$14,500; FY 08/09: \$3,700. FY 08/09 to current date.</i>	<input checked="" type="checkbox"/> cash <input type="checkbox"/> in kind	<input type="checkbox"/> secured <input checked="" type="checkbox"/> expended <input type="checkbox"/> pending	\$40,820	July 08
<i>Project No. 250562: Personal Services City Utilities Division Manager for Phase 1: Task 1 - Review of Regulatory/Economic Impacts document and associated communications. Task 1 necessary to proceed with Task 2 - Feasibility Study. FY 07/08.</i>	<input type="checkbox"/> cash <input checked="" type="checkbox"/> in kind	<input type="checkbox"/> secured <input checked="" type="checkbox"/> expended <input type="checkbox"/> pending	\$3,000	July 08

<i>Project No. 250562: Personal Services City Wastewater Operations Supervisor for Phase 1: Task 2 - Water Recycling Feasibility Study.</i>	<input type="checkbox"/> cash <input checked="" type="checkbox"/> in kind	<input type="checkbox"/> secured <input checked="" type="checkbox"/> expended <input type="checkbox"/> pending	\$20,300	July 08
<i>Project No. 250562: Personal Services City Utilities Division Manager for Phase 1: Task 2 - Water Recycling Feasibility Study.</i>	<input type="checkbox"/> cash <input checked="" type="checkbox"/> in kind	<input checked="" type="checkbox"/> secured <input type="checkbox"/> expended <input type="checkbox"/> pending	\$3,350	July 08
<i>Project No. 250562: Personal Services City Administrative Staff for Phase 1: Task 2 - Water Recycling Feasibility Study.</i>	<input type="checkbox"/> cash <input checked="" type="checkbox"/> in kind	<input checked="" type="checkbox"/> secured <input type="checkbox"/> expended <input type="checkbox"/> pending	\$1,400	July 08
<i>Project No. 250562: Equipment and Supplies for Phase 1: Task 2 - Water Recycling Feasibility Study presentations: 1. Room Rental: \$500; 2. Food & Beverages: \$200; 3. Printing supplies such as paper and printing: \$500.</i>	<input checked="" type="checkbox"/> cash <input type="checkbox"/> in kind	<input checked="" type="checkbox"/> secured <input type="checkbox"/> expended <input type="checkbox"/> pending	\$1,200	July 08
	<input type="checkbox"/> cash <input type="checkbox"/> in kind	<input type="checkbox"/> secured <input type="checkbox"/> expended <input type="checkbox"/> pending		
	<input type="checkbox"/> cash <input type="checkbox"/> in kind	<input type="checkbox"/> secured <input type="checkbox"/> expended <input type="checkbox"/> pending		

VI. Project Planning Study Schedule

Estimated Project Duration: January 1, 2009 to December 31, 2009

Place an "X" in the appropriate column to indicate when each element (key task) of the project will take place.

Project Planning Study Element (Key Tasks)	2009				2010				2011 & Beyond
	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr	1 st Qtr	2 nd Qtr	3 rd Qtr	4 th Qtr	
<i>Phase 1: Reuse Project Scope Assessment; this task necessary to proceed with Phase 1 and ultimately Phase 2. Completed.</i>									
<i>Phase 1: Task 1 - Regulatory/ Economic Impacts and Reuse Alternatives Preliminary Screening. Completed.</i>									
<i>Phase 1: Task 2 - Water Recycling Feasibility Study</i>									
<i>2.1 Conduct Water Reuse Citizen Survey.</i>	X								
<i>2.2 Water Recycling Screened Alternatives Evaluation.</i>	X								
<i>2.3 NEPA Checklist.</i>		X							
<i>2.4 NEPA Environmental Report.</i>		X							
<i>2.5 Prepare Water Recycling Feasibility Study Report.</i>		X	X						
<i>2.6 Investigate Successful Water Recycling Public Involvement Programs.</i>			X						
<i>2.7 Prepare Public Information and Involvement Plan.</i>	X								
<i>2.8 Prepare Water Recycling Project Presentations and Graphics.</i>			X						
<i>2.9 Public Meetings and Open Houses.</i>			X						
<i>2.10 Conduct Ongoing Public Information Activities.</i>		X	X	X					

VII. Project Planning Study Budget

Section A

Please provide an estimated line item budget for the project planning study. An example would include: labor, materials, equipment, contractual services and administrative costs.

Line Items <i>Note: Administrative costs may not exceed 10% of the total funding requested by the Department.</i>	Unit Number <i>(e.g. # of hours)</i>	Unit Cost <i>(e.g. hourly rate)</i>	In-Kind Match	Cash Match Funds	OWRD Grant Funds	Total Cost
Contractual Services - Carollo Engineers; Project #250562 City of Corvallis WWRP Water Recycling Project: Project Preliminary Scope Document	Job	\$9,800		\$9,800		\$9,800
Contractual Services - Kennedy/Jenks; Project Phase 1: Task 1 Documents: 1) Regulatory Assessments & Economic Impacts Evaluation; and 2) Alternatives Screening Evaluation	Job	\$101,400		\$101,400		\$101,400
Labor - Corvallis Wastewater Operations Supervisor; Project Preliminary Scope and Task 1: reuse legislative meetings, stakeholder contacts, project review, regulatory agency communications etc.	748 hrs	\$55	\$40,820			\$40,820
Labor - Corvallis Utilities Division Manager; Task 1: reuse meetings, customer contacts, project review, regulatory agency communications etc.	45 hrs	\$67	\$3,000			\$3,000
Labor - Corvallis Wastewater Operations Supervisor; Task 2: communications, meetings, document review and preparation, presentations etc.	338 hrs	\$60	\$20,300			\$20,300
Labor - Corvallis Utilities Division Manager; Task 2: communications, meetings, document review etc.	50 hrs	\$67	\$3,350			\$3,350
Contractual Services - K/J; Task 2: 1) Project Manager; 2) Planning Lead; 3) Permitting Lead.	298 hrs	\$154			\$45,892	\$45,892
Contractual Services - K/J; Task 2: Engineer 5	184 hrs	\$139			\$25,576	\$25,576
Contractual Services - K/J; Task 2: Engineer 3	248 hrs	\$118			\$29,264	\$29,264
Contractual Services - K/J; Task 2: CAD Designer	36 hrs	\$102			\$3,672	\$3,672
Contractual Services - K/J; Task 2: Engineer 2 Graphics	92 hrs	\$113			\$10,396	\$10,396
Contractual Services - K/J; Task 2: PI Staff	420 hrs	\$75			\$31,500	\$31,500
Contractual Services - K/J; Task 2: Engineer 8 QA/QC	46 hrs	\$159			\$7,314	\$7,314
Materials: paper and printing supplies		\$500		\$500		\$500
Materials: food and beverages		\$200		\$200		\$200
Equipment: meeting room rental		\$500		\$500		\$500
Contractual Services - K/J; Task 2: Communications and Other Direct Costs	%	10			\$15,885	\$15,885
Administrative Costs	68 hrs	\$77			\$5,236	\$5,236
Administrative Costs	40 hrs	\$35	\$1,400			\$1,400

Total for Section A	\$68,870	\$112,400	\$174,735	\$356,005
Percentage for Section A	19.3%	31.6%	49.1%	100%

Section B

*If Grant amount requested is \$50,000 or greater, you **Must** complete Section B. Elements (key tasks) in Section B should be the same as the elements (key tasks) in Section VI (Project Planning Study Schedule).*

Request to be added to the Oregon Water Resources Department's
Inventory of Potential Conservation Opportunities

The purpose of this inventory is to catalogue potential conservation projects that water users themselves have identified but not yet pursued because of financial, institutional, or other barriers. For the purpose of this application, water storage other than above-ground are included as conservation opportunities and are most likely capital conservation projects.

As a water provider or user, you know your water demands and water conservation opportunities better than anyone. We would appreciate your assistance with this important data collection effort by completing this survey. Your participation will help provide the building blocks we need to begin to identify and achieve potential future water supplies. Please answer the questions as completely as possible, to the best of your ability. We appreciate your help with this important effort.

This inventory of already-identified, potential conservation projects includes both capital and programmatic projects. Capital projects are defined as one-time, large investments resulting in water savings. Examples include reclaimed water plants, reservoir covering, transmission line upgrades reducing leaks, or industrial engineering modifications to re-use process water. Programmatic projects are defined as ongoing investments resulting in water savings. Examples include facilitating upgrades to more efficient water using devices (e.g., distributing free showerheads, toilet rebates) and distribution system leak detection programs. The conservation inventory is primarily intended to include "planned" projects rather than projects that are currently being implemented. However, currently active programmatic projects may be listed if they will continue or expand in future years. The inventory of projects submitted will be compiled by county or basin.

Examples are provided below.

	Example Capital Conservation Project	Example Programmatic Conservation Project
Project Description Provide brief sentence	Line 3 miles of unlined ditch.	Toilet rebate program for residential customers
Estimated Future Savings Provide brief sentence, including information regarding savings seasonality.	20 acre feet of water per year	If we spend our full budget each year, we estimate 50,000 gallons of water save per year
Seasonality Indicate what part of the year savings are generated (e.g. year-round; summer only; etc.).	Peak (irrigation) season savings.	Savings should occur throughout the year.
Estimated Future Costs Provide brief sentence.	\$500,000 total project costs.	\$40,000 a year.
Implementation Schedule Provide brief sentence.	Not set. Have conducted cost and savings estimate, but still seeking funding.	We started the program in 2005 and plan to implement until 2015.
Project Funded? Designate either "yes", "no", or provide brief sentence if necessary	No. Pursuing grant funding.	Yes. IN our CIP through the next 5 years.

To add a project to the inventory of potential conservation opportunities, please provide the following information for each conservation project.

This is a <input checked="" type="checkbox"/> Capital Conservation Project <input type="checkbox"/> Programmatic Conservation Project	
Project #/Name	250562/City of Corvallis Wastewater Reclamation Plant Recycling Project
Project Description	<p>One of the following three potential reuse alternatives will be selected based on a feasibility study.</p> <ol style="list-style-type: none"> 1. South Alternative #1 (GID) - Reclaimed pipeline to Greenberry Irrigation District with constructed wetland for effluent polishing and reuse for agricultural irrigation. 2. East Alternative - Golf course irrigation at Trysting Tree Golf Course along with a constructed wetland at Berg Park and using the Knife River irrigation ponds for Willamette River hyporheic or indirect discharge. 3. North Alternative - Hyporheic discharge and constructed wetlands north of the Wastewater Reclamation Plant near Hewlett-Packard and limited agricultural irrigation.
Estimated Future Savings	<p>Potential water supply available during dry weather season:</p> <p>Stage-Based Effluent Discharge for Willamette Temperature TMDL -</p> <ol style="list-style-type: none"> 1. 2007: 460 acre feet 2. 2028: 1,300 acre feet 3. 2058: 3,100 acre feet <p>Indirect Effluent Discharge for Willamette Temperature TMDL -</p> <ol style="list-style-type: none"> 1. 2007: 3,100 acre feet 2. 2028: 4,000 acre feet 3. 2058: 5,700 acre feet
Seasonality	<ol style="list-style-type: none"> 1. South Alternative #1 (GID) - 9 months (Spring, Summer and Fall) 2. East Alternative - Year round 3. North Alternative - 6 months (dry weather season)
Estimated Future Costs	<ol style="list-style-type: none"> 1. South Alternative #1 (GID) - \$25,000,000 to \$30,000,000 2. East Alternative - \$20,000,000 to \$25,000,000 3. North Alternative - \$15,000,000 to \$20,000,000
Implementation Schedule	<ol style="list-style-type: none"> 1. South Alternative #1 (GID) - 3 to 5 years 2. East Alternative - 3 years 3. North Alternative - 5 years
What are the barriers to implementation, e.g. funding?	<ol style="list-style-type: none"> 1. South Alternative #1 (GID) - \$25,000,000 to \$30,000,000. 2. East Alternative - \$20,000,000 to \$25,000,000 3. North Alternative - \$15,000,000 to \$20,000,000.
This is a <input type="checkbox"/> Capital Conservation Project <input type="checkbox"/> Programmatic Conservation Project	

Project #/Name	
Project Description	
Estimated Future Savings	
Seasonality	
Estimated Future Costs	
Implementation Schedule	
What are the barriers to implementation, e.g. funding?	

- Include this form with your application -



Public Works Department

1245 NE 3rd Street
 P.O. Box 1083
 Corvallis, OR 97339-1083
 (541) 766-6916
 FAX: (541) 766-6920
 TTY: (541) 766-6477
 E-MAIL: public.works@ci.corvallis.or.us

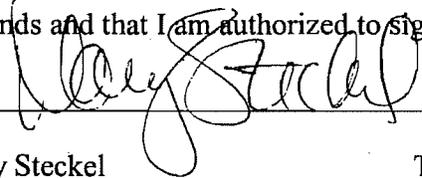
August 29, 2008

Attention: Bob Rice
 Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301

This letter is a commitment to matching funds from cash and in-kind sources by the City of Corvallis for the Oregon Water Resource Department Water Conservation, Reuse and Storage Grant Program application regarding project #250562 - City of Corvallis WWRP Water Recycling Project.

Match Funding Source	Type	Status	Amount/Dollar Value
Wages/Benefits: Wastewater Operations Supervisor FY 05/06 - \$6,480 FY 06/07 - \$16,140 FY 07/08 - \$14,500 FY 08/09 - \$3,700 YTD	in-kind	expended	\$40,820
Wages/Benefits: Wastewater Operations Supervisor FY 08/09 & 09/10	in-kind	secured	\$20,300
Wages/Benefits: Utilities Division Manager FY 07/08	in-kind	expended	3,000
Wages/Benefits: Utilities Division Manager FY 08/09 & 09/10	in-kind	secured	\$3,350
Wages/Benefits: Administrative Assistant FY 08/09 & 09/10	in-kind	secured	\$1,400
Equipment & Supplies for Water Feasibility Study presentations: 1. Room Rental: \$500; 2. Food & Beverages: \$200; 3. Printing & Printing Supplies such as paper: \$500.	cash	secured	\$1,200
Total:			\$70,070

I certify that this information is a true and accurate representation of the proposed matching funds and that I am authorized to sign as the Financial Representative.

Signature:  Date: 8/29/08
 Name: Mary Steckel Title: Administrative Division Manager

CITY OF CORVALLIS - VENDOR ACTIVITY LISTING
 Consultant Payments related to Willamette River TMDL Alternatives

Date: 8/28/2008

Anthony King 8/29/08 AIC
 Finance Director

<u>Vendor #</u>	<u>Vendor Name</u>	<u>P.O. #</u>	<u>Account Number</u>	<u>Project Number</u>	<u>Invoice Number</u>	<u>Amount</u>	<u>Check Date</u>	<u>Check #</u>
7807	KENNEDY/JENKS CONSULTANTS	029983	520-5801-530.30-01	250247	32935	\$3,750.00	6/20/2008	2129857
		029983	520-5801-530.30-01		33468	\$3,750.00	7/25/2008	2130979
		029983	520-5801-530.30-01		33710	\$7,500.00	7/25/2008	2130979
Project Subtotal						\$15,000.00		
		029983	520-5801-530.30-01	250249	32935	\$12,500.00	6/20/2008	2129857
		029983	520-5801-530.30-01		33468	\$12,500.00	7/25/2008	2130979
		029983	520-5801-530.30-01		33710	\$25,000.00	7/25/2008	2130979
Project Subtotal						\$50,000.00		
		029983	520-5801-530.30-01	250277	32935	\$3,500.00	6/20/2008	2129857
		029983	520-5801-530.30-01		33468	\$3,500.00	7/25/2008	2130979
		029983	520-5801-530.30-01		33710	\$7,000.00	7/25/2008	2130979
		029983	540-5801-530.30-01		32935	\$5,600.00	6/20/2008	2129857
		029983	540-5801-530.30-01		33468	\$5,600.00	7/25/2008	2130979
		029983	540-5801-530.30-01		33710	\$11,200.00	7/25/2008	2130979
Project Subtotal						\$36,400.00		
Vendor Total:						\$101,400.00		

CITY OF CORVALLIS - VENDOR ACTIVITY LISTING
Consultant Payments - Determine Project Scope of Water Re-use Project

Date: 8/29/2008

Jerry Krueger 8/29/08
A/C FINANCE DIRECTOR

<u>Vendor #</u>	<u>Vendor Name</u>	<u>P.O. #</u>	<u>Account Number</u>	<u>Project Number</u>	<u>Invoice Number</u>	<u>Amount</u>	<u>Check Date</u>	<u>Check #</u>
7078	CAROLLO ENGINEERS, PC	025985	520-5231-530.31-01	250562	0087448	\$9,800.00	7/21/2006	2107001
Project Subtotal						\$9,800.00		
Vendor Total:						\$9,800.00		

MEMORANDUM

January 27, 2009

TO: Mayor and City Council
FROM: Steve Rogers, Public Works Director 
SUBJECT: Municipal Code Chapter 4.03 Title Change

Discussion

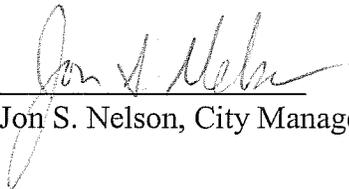
Recently, during the process to change various sections of Chapter 4.03 of the Municipal Code, the title was also incorrectly renamed the Industrial Wastewater Pretreatment Program. The correct title should be Sewer Regulations.

Attached is a proposed City Council ordinance to reestablish the correct title of Chapter 4.03.

Recommendation

Staff recommends that Chapter 4.03 of the Municipal Code be renamed Sewer Regulations.

Reviewed and concur;



Jon S. Nelson, City Manager

Attachment

ORDINANCE 2009-_____

AN ORDINANCE RELATING TO SEWER REGULATIONS, AMENDING MUNICIPAL CODE CHAPTER 4.03, "Industrial Wastewater Pretreatment Program," AS AMENDED

THE CITY OF CORVALLIS ORDAINS AS FOLLOWS:

Section 1. The title of Chapter 4.03, Industrial Wastewater Pretreatment Program, is hereby amended as follows:

Sewer Regulations

Chapter 4.03

Sewer Regulations Industrial Wastewater Pretreatment Program

PASSED by the City Council this _____ day of _____, 2009.

APPROVED by the Mayor this _____ day of _____, 2009.

EFFECTIVE this _____ day of _____, 2009.

Mayor

ATTEST:

City Recorder

Chapter 4.03

Sewer Regulations (title amended by Ord. 2009-xx; Ord. 2009-01; Ord. 2006-07)

Sections:

- 4.03.010 General.
- 4.03.010.010 General.
- 4.03.010.020 Definitions.
- 4.03.010.030 Promulgation of rules and regulations.
- 4.03.020 Sewer Use.
- 4.03.020.010 Use of public sewers required.
- 4.03.020.020 Private sewage disposal.
- 4.03.020.030 Building sewers and connections.
- 4.03.020.040 Prohibited discharges.
- 4.03.020.050 Control of prohibited wastes.
- 4.03.020.051 High strength wastes.
- 4.03.020.060 National categorical pretreatment standards.
- 4.03.020.061 Compliance schedule for meeting categorical pretreatment standards.
- 4.03.020.070 Reporting of accidental discharge or slug load.
- 4.03.020.080 Protection from accidental discharge or slug discharge.
- 4.03.020.081 Reporting of changes in wastewater characteristics.
- 4.03.020.082 Notification of the discharge of hazardous wastes.
- 4.03.020.083 Notification of violation and sampling requirement.
- 4.03.020.090 Licensing of sewer and septic tank workers.
- 4.03.030 Industrial Sewer Use.
- 4.03.030.010 General provisions.
- 4.03.030.020 Fees.
- 4.03.030.030 Permits.
- 4.03.030.040 Permit application.
- 4.03.030.050 Permit conditions.
- 4.03.030.051 Permit appeal process.
- 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 Periodic compliance reports.
- 4.03.030.081 Recordkeeping.
- 4.03.030.085 Signatory requirements for industrial user reports.
- 4.03.030.090 Monitoring facilities.
- 4.03.030.100 Right of Entry: Inspection and sampling.
- 4.03.030.105 Analytical requirements.
- 4.03.030.106 Sample collection procedures.
- 4.03.030.110 Pretreatment.
- 4.03.030.120 Local limits.
- 4.03.030.121 Industry specific limits.
- 4.03.030.122 BMPs and local limits.
- 4.03.030.130 Confidential information.
- 4.03.030.131 Public notification of industrial users in significant noncompliance.
- 4.03.030.140 Harmful discharges enforcement.
- 4.03.030.150 Revocation of permit.



City Manager's Office

501 SW Madison Avenue

P.O. Box 1083

Corvallis, OR 97339-1083

(541) 766-6901

FAX: (541) 766-6780

e-mail: city.manager@ci.corvallis.or.us

January 29, 2009

Isaiah H. Williams

Corvallis, OR

Dear Mr. Williams:

Thank you for meeting with me on January 27, 2009 concerning the City not re-newing your taxi drivers permit.

I have reviewed your appeal points and the pertinent Corvallis Municipal Code sections. I have also had follow-up conversations with Police Chief Gary Boldizar and City Attorney Scott Fewel.

As written and adopted, Section 8.07.120 "Eligibility for Permit," does not provide me the flexibility to grant your appeal. I understand the offense occurred in 1999 and I have no reason to doubt your assertions regarding the ORS 163.190 Menacing-Domestic Abuse conviction. I also do not doubt that the Oregon cities of Portland, Oregon City, and Albany, among others, do not forever prohibit a taxi driver permit as a result of a conviction under ORS 163. However, under the Corvallis Municipal Code, it is ORS 164 offenses that offer relief to the permit prohibition based upon time from a previous offense, and this relief is not extended to ORS 163 offenses.

I am sorry this is not the news you wanted. Should you disagree with my decision, you have the right to appeal to the City Council asking them to revise the Corvallis Municipal Code.

Sincerely,

Jon S. Nelson
City Manager

c: City Attorney Scott Fewel
Police Chief Gary Boldizar

To Whom it may concern,
I would like to appear
before the city Council
concerning this matter
Thank you

4017

Isaiah H. Williams



***** MEMORANDUM *****

FEBRUARY 2, 2009

TO: MAYOR AND CITY COUNCIL
FROM: JON S. NELSON, CITY MANAGER 
SUBJECT: FEMA GRANT CANCELLATION APPEAL

Attached for your information is a letter to Chief Emery from FEMA cancelling the \$341,760 fire ladder truck grant award and a response to FEMA from Chief Emery, requesting reconsideration.

Congressman DeFazio's and Senator Wyden's staff are aware of the cancellation and have made contact with FEMA officials.

We will keep you apprised of the appeal.

Should the grant award cancellation stand, the City's property tax-supported fund balance will be reduced by \$341,760.



FEMA

JAN 26 2009

Mr. Roy Emery, Chief
Corvallis Fire Department
400 NW Harrison Boulevard
Corvallis, Oregon 97330-4816

Re: EMW-2008-FV-01144

Dear Chief Emery:

I regret to inform you that we must cancel your grant award referenced above. On November 14, 2008, your department was awarded a vehicle grant from the Assistance to Firefighters Grant (AFG) program office. On December 1, 2008, your department requested approval for pre-award expenditure to reimburse you for a vehicle ordered on October 2, 2008, i.e., prior to the AFG award.

Page 54 of the 2008 Program Guidance states: “. . . grantees cannot use grant funds to pay for products and services contracted for, or purchased prior to, the effective date of the grant . . . expenses incurred after the application deadline but prior to award may be eligible for reimbursement if the expenses were justified, unavoidable, consistent with the grant’s scope of work, and specifically approved by [DHS].”

In your request for approval of pre-award expenses, you have provided no urgent or compelling reason for acting prior to award. Secondly, while you formalized the contract for purchase of the new vehicle after the end of the application period, it is evident that you had the intentions and wherewithal to purchase the vehicle independent of the grant. Finally, the fact that your department had the fiscal ability to execute such a large procurement independent of the grant raises questions regarding your statements of financial need contained in your application. Since your department was able to satisfy the need for a vehicle without the AFG’s assistance, we have no recourse but to deny your request and cancel your award.

If you believe we have made a material or procedural error in the decision iterated above, you can submit a request for a reconsideration of this decision. Requests for reconsideration should be directed to: Chief, Assistance to Firefighters Grants Program Office, DHS/FEMA/Grant Programs Directorate, 800 K Street, N.W., Washington, DC 20472-3620. If you decide to apply for reconsideration, the director of the grants program office must receive your request within 60 days of the date of your receipt of this notice.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Gary Rogers".

C. Gary Rogers, Director
Grant Development and Administration Division
Grant Programs Directorate

cc: Chief, Assistance to Firefighters Program Office
Director, Grants Management Division



Fire Department
400 NW Harrison Blvd.
Corvallis, OR 97330
(541) 766-6961
Fax: (541) 766-6938
email: fire@ci.corvallis.or.us

January 28, 2009

Chief, Assistance to Firefighter Grants Program Office
DHS/FEMA/Grant Programs Directorate
800 N.W. K Street
Washington DC 20472-3620

Re: EMW-2008-FV-01144

Chief:

I received notification from Mr. Rogers that our grant is going to be canceled. In his letter, he states that the decision can be reconsidered if I believe a material or procedural error has been made regarding the decision. I am informing you that I wish this decision to be reconsidered.

Mr. Rogers' letter sets forth several statements, which I have included below, with my responses.

First, "...you have provided no urgent or compelling reason for acting prior to award." The process for specification writing, review, bidding, evaluation, awarding, allowing time for contesting the bid, contract signing and actual build time for an aerial device far surpasses the one-year grant performance period. By the time our ordered truck arrives, we will have over fourteen months' time invested in the procurement process. DHS/FEMA has made it very clear that they want projects completed within the performance period and discourage the extension of the performance period. With the process outlined above, we had no choice but to start our process early. This is coupled with the fact that there is no communication from DHS/FEMA about the status of the application between the time it is submitted and the time it is awarded, a period of approximately six to nine months. Our department has applied several previous times for this same grant with no success.

It is imperative that our truck (over 25 years old) is replaced. By the time we were notified of the possibility of getting the award, we were in contact negotiations with the vendor. It would have been bad faith on our part to forestall the process until final notification from DHS/FEMA.

Second, "...while you formalized the contract for purchase of the new vehicle after the end of the application period, it is evident that you had the intentions and wherewithal to purchase the vehicle independent of the grant." The monies for the aerial device were allocated after much discussion by our Budget Commission and City Council. The reason for this is that the funds would be coming out of the City's limited and diminishing reserves. The department also had to come up with monies to make this purchase possible. Multiple initiatives are being delayed and/or will not be pursued.

Finally, "...the fact that your department had the fiscal ability to execute such a large procurement independent of the grant raises the questions regarding your statements of financial need contained in your application." I have included our narrative from the grant outlining our financial need.

Tax revenues across the State of Oregon have been significantly reduced due to ballot measures 47 and 50. These voter-approved tax measures, which took effect in 1997, dissolved serial levies (including fire levies), rolled back taxable property values to their 1995 levels, subtracted 10 percent from that amount, and capped the amount property values could grow at 3 percent per year. The state and local taxing environments have evolved to the point where property tax revenue are stable or declining in the face of a steadily increasing population, increasing demands for service, and costs rising more than five percent. Therefore, funding at the local level is decreasing; and it is becoming more and more difficult to fund basic programs which are required by law. Oregon's economy is in relatively poor health. The unemployment rate, which hit 8.5 percent in 2003, is still one of the nation's highest; and signs of a tentative economic recovery have been slow to arrive in Oregon.

Furthermore, Corvallis is home to Oregon State University (OSU), with buildings valued at more than \$800 Million; but, as state-owned buildings, they are exempt from paying taxes. Therefore, while the presence of the University significantly increases our call volume and necessitates the purchase of expensive aerial fire apparatus, the University contributes no tax monies to help fund these requirements.

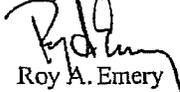
In recognition of our impending financial decline, for the past ten years the Corvallis Fire Department has reduced the cost of apparatus replacement through the purchase of good used apparatus for low use applications such as brush engines, tenders, staff cars etc. More than ten pieces of equipment have been obtained in this manner saving the City over \$1,000,000 over the life of the apparatus. We have chosen not to replace high-use apparatus such as Type 1 Engines in this manner. In addition, the Department has been innovative in its approach to equipment purchase, relying on multi-purpose apparatus whenever possible.

Our financial need has not been misrepresented. Oregon's unemployment rate is now well over 9 percent. As with most municipalities in Oregon, our costs are increasing faster than tax revenues. The decision by City leaders to fund the purchase of the truck from reserves exacerbates this situation. Leadership was explicitly clear in directing the department to seek all opportunities to defray all or part of the cost of the aerial device so that monies could be returned to these reserves.

Also I would like to express my disappointment with the lack of communication from FEMA/DHS. We sent an inquiry about this issue on December 1, 2008. Over the next two months, there were multiple follow-up e-mails as well as telephone messages left asking about progress on this issue. It took an inquiry by our state elected officials to finally get a response from your agency.

I appreciate your time in reconsidering this decision, and I look forward to your response. If you have need of any further clarification or additional information, please do not hesitate to contact me.

Regards,



Roy A. Emery
City of Corvallis Fire Chief
400 NW Harrison Blvd.
Corvallis, OR 97330

roy.emery@ci.corvallis.or.us

Memorandum

To: Mayor and City Council

From: Ken Gibb, Community Development Director 

Date: January 29, 2009

Subject: Response to City Council questions regarding the proposed Brooklane Heights Planned Development and Subdivision (PLD06-00018, SUB06-00006)

At the close of the public hearing regarding the LUBA Remand of the Brooklane Heights Planned Development and Subdivision City Council asked Staff several questions. Answers to these questions are provided here, and are organized into the following categories:

- A. Applicable Standards and Policies
- B. Cut and Fill Standards, and Grading
- C. Home Owners Association and HOA requirements
- D. Archeological Resources
- E. Neighborhood Compatibility
- C. Stormwater and Drainage

A. Applicable Standards and Policies

- **Is the City required to use the 2000 CCP and 1993 LDC to evaluate the proposal?**

The decision on the Planned Development for Brooklane Heights is to be based on the review criteria in Land Development Code Chapter 2.5 - Planned Development, and those for the Subdivision are based on Chapter 2.4- Subdivisions and Major Replats. The 1993 LDC is the set of standards in place at the time the Brooklane Heights application was submitted, and as a result, the 1993 LDC standards must be used in the review of the project.

ORS227.178(3)(a) If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted and the city has a comprehensive plan and land use regulations acknowledged under ORS 197.251, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

- **Explain the different types of applicable criteria: standards vs. Comprehensive Plan policies.**

Standards are generally clear and objective. Setbacks in the RS-3.5 Zone under the 1993 LDC are an example. Front and Rear Yards were 25 feet, and Side Yards were 8 feet. The 8,000 sq. ft. Minimum Lot Size for the Zone is another example.

When addressing a criterion such as compatibility, no such clear and objective standard is identified in the LDC. Both Planned Developments and Subdivisions in the 1993 LDC require a consideration of the policies of the Comprehensive Plan and several other factors (Basic Site Design, Visual Elements, etc.) to determine compatibility. In addition, the Brooklane Heights Planned Development, as conditioned, includes requests to vary from 3 development standards, and Comprehensive Plan policies may be used to help in determining if the variations may be allowed. The Comprehensive Plan policies are used as review criteria but are not necessarily "standards." Often, the language used in a Comprehensive Plan policy is not clear and objective, and there are also policies that contradict one another. This is why these decisions are "discretionary." They require a balancing of the various, sometimes conflicting policies and the facts associated with the site to determine if the review criteria are met. This is further discussed with respect to the questions regarding cuts and fills, below.

B. Cut and Fill Standards, and Grading

- **Is it correct that there is no number associated with the cut and fill standard?**

There are no cut/fill standards in the 1993 LDC. For non-discretionary development (no public hearing required) under the 1993 LDC, the Building Code was used in the review of the development to determine what cuts or fills were allowed. Consequently, cuts and fills associated with the Brooklane Heights Planned Development are evaluated for compatibility in terms of consistency with the Comprehensive Plan and based on several other criteria. The discretionary nature of these decisions is apparent in the consideration of cuts and fills on this site. As an example, the Council must determine what is meant by the following in CCP 4.6.7:

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.**
 - D. Align the built surface infrastructure, such as roads and waterways, with the natural contours of terrain and minimize cutting and filling in developments.**
- **Please clarify the significance and history of the eight ft. cut/fill standard.**

In past land use decisions under the 1993 LDC, the concept of an 8-ft cut or an 8-ft fill was used as a means of determining if the concepts of "plan development to fit the topography" and "minimize cutting and filling in developments" were being achieved. These figures were arrived at by researching cut/fill standards in other communities and comparing them to local conditions. In this effort, it was determined that the 8-ft cut and fill limits generally would allow a local street to be constructed along the contours of a hillside with up to a 21 percent slope. Likewise, Arterial/Collector streets could be built along the contours of hillsides with 17

percent slopes. This was not an adopted standard, but something staff, the Planning Commission, and the City Council used as a yardstick. It was recognized that there were situations where this limit on cuts and fills would be difficult to achieve, and several developments (e.g. Meadowridge at Timber Hill: PLD00-00030; Park at Timberhill: PLD00-00011) were approved by the Planning Commission, or City Council (if appealed) through the Planned Development discretionary process that included cuts and fills greater than 8 feet.

- **Is the geotechnical report sufficient?**

The original application contained an initial Geotechnical Report and a supplemental report, both of which were stamped by the engineer. These were the reports upon which the City Council decided to approve the proposed development in September 2007. Staff continue to believe they are sufficient.

- **Does staff believe the grading, as proposed, is acceptable, safe, and not detrimental?**

In the December 24, 2008, Staff Report to City Council, all of the issues associated with the LUBA remand were evaluated against the criteria. This included an evaluation of the issues associated with cuts and fills on this site. It was staffs' conclusion and recommendation to the City Council that the development could be approved as consistent with the criteria.

- **Lots may be graded under the mass grading plan, and not developed for decades. What protections are in place to prevent erosion?**

The City is required by the Department of Environmental Quality to maintain a program to ensure erosion resulting from development is controlled. The City has a staff member whose job is to issue such permits and inspect them for consistency with the requirements of the permit. Enforcement of the permit is accomplished in the same manner as other city-issued permits.

- **Are the authors of the geotechnical report liable for their findings? Should/can the report be stamped by a certified engineer?**

The authors of the geotechnical report are liable for any negligent errors or omissions in the report. That liability extends to parties that the authors should reasonably know would rely upon the report.

It would seem reasonable to impose a condition that requires the applicant to provide the same report, signed and stamped by an appropriate PE, prior to the issuance of any permit allowing the movement of soil, grading, filling, excavation, cutting, or the stockpiling of soil or fill on the site.

C. Home Owners Association and HOA requirements

- **Is there a requirement to form an HOA?**

Yes, and this requirement is clarified in Revised Condition 1, provided at the end of this memorandum.

- **Is there a requirement for the HOA to maintain the tracts?**

Yes. Refer to Condition 3, and Revised Condition 5, which is provided at the end of this memorandum.

- **Can landowners be required to not use fertilizers, pesticides, and other chemicals that could potentially pollute the wetland?**

Please refer to the proposed Condition of Approval for "Maintenance Obligations" provided at the end of this report.

D. Archeological Resources

- **Can Staff provide follow-up information regarding the archeological test pits?**

The site is known to contain archeological resources. The presence of such resources is not, in and of itself, reason to prevent development from occurring on the site. Adverse impacts to resources caused by the development proposed need to be mitigated. Mitigation typically is in the form of collecting data that may contribute to the body of knowledge regarding the history of the area and region. The applicant is currently working with a SHPO approved archeologist to survey the site, and recommend actions that should be taken to mitigate adverse impacts to identified resources. SHPO will review the report and recommendations, and will either concur with the recommendations or require additional actions to mitigate adverse impacts. This report has not yet been submitted to SHPO, and SHPO has not made its final determination of the adequacy of mitigation. However, there is no reason to believe that adequate mitigation could not occur.

E. Neighborhood Compatibility

- **Does the LDC specify protection of the viewshed? Who owns the viewshed?**

The LDC does not specify protection of the viewshed. Certain Comprehensive Plan policies, such as those in CCP 4.6.7 address views to and from the hills. For example CCP 4.6.7. states:

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.**

This policy acknowledges that development on certain hillsides is permitted, and it directs standards in the LDC to create standards to achieve certain goals. One of which is to "demonstrate a concern" of views to and from hills. The 2006 LDC arguably achieves CCP 4.6.7 through the establishment of clear and objective hillside development standards. In the absence of clear and objective hillside

development standards in the 1993 LDC, CCP 4.6.7 was used to guide decisions relative to the compatibility of hillside development. While the language of CCP 4.6.7.G directs the Land Development Code to demonstrate a concern for views to and from hills, the Council can apply the same concept to the development proposal, and consider if the proposed development demonstrates a concern for views to and from the hills. There is no measurable standard for determining if a concern for views has been demonstrated by the applicant. It is a discretionary decision.

- **Can a condition of approval be created to address the height of buildings for lots adjacent to the existing homes on Fairmont Drive?**

Staff has proposed revisions to Condition 22 to address building height for new structures, found at the end of this memorandum.

F. Storm Drainage / Wetlands

- **Will rainwater landing on roofs be channeled into the drainageway or the storm sewer?**

Both, the majority of the lots would direct stormwater through weep holes in the curbs where it would be collected by the storm drain system in the streets. A few of the lots, 14 through 17, are shown to drain to private easements that either direct water to the streets or to drainage easements located in the open space tract.

- **Please evaluate issues raised by Diane Safford.**

The proposed development has shown it can comply with standards adopted in the City's Stormwater Master Plan for water quality and quantity. 2-yr through 10-yr storm flow will be detained to predevelopment levels and the multiple water quality facilities that have been proposed have been shown to meet the City's requirement of removing 70% of TSS (Total Suspended Solids).

- **Please comment on testimony claiming that two of the existing drainageways are not functioning.**

Brooklane Park Estates, located to the southeast of the proposed site, currently has two public storm drainage pipes located in easements that carry storm drainage through Brooklane Park Estates to the Marys River Natural Park. These pipes appear to be functioning correctly, however, if there are issues with these pipes they can be inspected and maintained by the City. Existing conditions of the pipes are not the responsibility of future development.

The drainage problems located along the private access drive on the northwest side of Brooklane Park Estates is due to poor grading and lack of a ditch that would direct water to the public storm drainage inlets. This is a private (Brooklane Park Estates) drainage issue.

- **Is the developer responsible for ensuring drainageways are functioning?**

It depends. If it is an existing off site public drainageway, the City has the obligation to maintain it. However, the developer is required to ensure safe passage of up to the 100-yr storm such that stormwater does not flow through or inundate existing structures. Improvements may be required to satisfy the above requirement if identified during full design of the system.

On site public drainageways are maintained and warranted for two years by the developer after being accepted by the City.

- **Address ability to use BaySeparators and compliance with City standards.**

The City has water quality performance standards as adopted in the Storm Water Master Plan, removal of 70% of the TSS (Total Suspended Solids). 3rd party testing, as submitted by the applicant shows that the proposed water quality facilities can meet or exceed the City's standards as a stand alone system.

Appendix F of the Storm Water Mater Plan states that water quality facilities shall be designed in accordance with criteria as established in the King County, Washington Surface Water Design Manual (SWDM). The facilities listed in the SWDM require a large area of flat or gently sloped ground. In order to minimize extensive grading (cuts and fills) the City has typically allowed sloped and otherwise constrained sites to use proprietary water quality facilities, as long as they can demonstrate compliance with the City's performance standard. These types of facilities have been approved with prior land use applications and are in use at various locations within the City.

Revised Conditions of Approval

Based on City Council discussion, Staff recommend the following conditions of approval from City Council Order 2007-111 be revised as shown below. Italicized text is new, struck-out text is proposed to be deleted.

Condition 1 - Revised

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.

A Home Owners Association shall be established and shall be subject to the requirements stated in the following Conditions of Approval.

Condition 22

Revised

House Size and Deed Restrictions - *Concurrent with final plat approval, the applicant shall record the following deed restrictions: Dwelling unit size on lots 19-29 shall not exceed 1,200 square feet.*

Buildings on Lots 2-13 and 44 and 45, shall be limited to one story above grade, with the option to construct daylight basements. The roof pitch of all buildings on all lots shall not exceed a 6:12 ratio. Cuts within any building footprint may exceed eight feet.

Original

House Size and 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.

Condition 5 - Revised

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.

Unless approved for removal through this application, 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.

Condition 27

Revised

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.

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

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.

Condition 28 - New

Maintenance Obligations - Individual homeowners shall be prohibited from applying pesticides, herbicides, fungicides, or fertilizers to their property. For the entire subdivision, the Homeowners Association (HOA) shall hire a Licensed Commercial Operator to apply any and all pesticides or herbicides on the site. The commercial operator shall be licensed by the Oregon Department of Agriculture, with licenses in the categories of Ornamental and Turf/Herbicide and Ornamental and Turf/Herbicide and Fungicide, or other applicable categories, with the appropriate insurance for that license. The Licensed Commercial Operator is to practice Integrated Pest Management as defined in Oregon Revised Statutes 634.650. The use of any pesticide material that contains any of the top ten leachable ingredients, as identified by the Oregon Department of Agriculture, Department of Environment Quality, and/or USGS for Oregon is strictly prohibited. Prior to recordation of the final plat, the applicant shall submit for review and approval by the Planning Division Manager draft CC&Rs for the development that provide notice to homeowners of this condition of approval. The CC&Rs shall clearly state that the obligation for maintenance of all tracts within the subdivision will be held by the HOA.

PO Box 3004-113

Corvallis, OR 97339



NAACP 100 Years Young!

Come celebrate with us!

Thursday, February 12, 2009, 7:00 PM

at 101 NW 23rd St. (Westminster House)

Monthly business meeting is moved up to 6:00 PM.

At 7:00, Mr. Ronnie Brooks, an education equity activist and NAACP leader from Texas will make a short presentation about the early history of the NAACP and its founding in New York City on February 12, 1909. The festivities will include ice cream and cake and singing of the Black National Anthem, **Lift Every Voice and Sing**. Long time Corvallis Branch members are encouraged to come and share memories of 36 years of NAACP history in Corvallis. Everyone is welcome. Invite your friends.

Heads up! The **2009 Freedom Fund Banquet** is scheduled for May 9

*Corvallis Branch NAACP activities are open to all interested persons.
For further information call Branch President Peter Leung at 207 4488.*

My Name is John D. Price

I live at

My House is bordered BY: N.W. Ponderosa,
N.W. Acacia Dr. , and N.W. Rosemarie Place

I live at the tip of the traffic funnel, and, without exception,
all traffic on Ponderosa west, of N.W. Acacia passes by my house.

By using County Maps: 11520DC, 11529AA and 11529AB, There are
approximately 169 homes in the Ponderosa West Community. This does
not include the home sites north of Ponderosa outside of the city.

All traffic and households on N.W. Ponderosa, West of Acacia St.,
are trapped into only one choice for travel, BY MY HOUSE, to and from
the city. Until they go East to N.W. Acacia, which it allows them to
get to N.W. Glenridge Going North., OR N.W. Audine, going south which
gives them access to Walnut.

Someone in there infinite wisdom in years gone by, decided that N.W.
Dear Run St. SOUTH OF Ponderosa should not or would not be finished.
Why was this not completed ?

The N.W. Fair Oaks Dr Extension shown on Benton County map #11528
Was planed, but never completed. It was to connect the Skyline area
to Walnut street.

In my opinion, All CONSTRUCTION SHOULD BE HALTED, until, another
Access road is furnished, and Fire and Water mains are extended to
all the city development west of Acacia St.

The last fire, that occurred west of Acacia St. Necessitated water
Tanker trucks to use the Hydrants at N.W. Acacia and N.W. Rosemarie
streets. This Blocked all traffic on Ponderosa, west of Acacia until
they finished fighting the fire.

The council needs to get the Fire Department's input on this matter.

WILLAMETTE ANGEL CONFERENCE

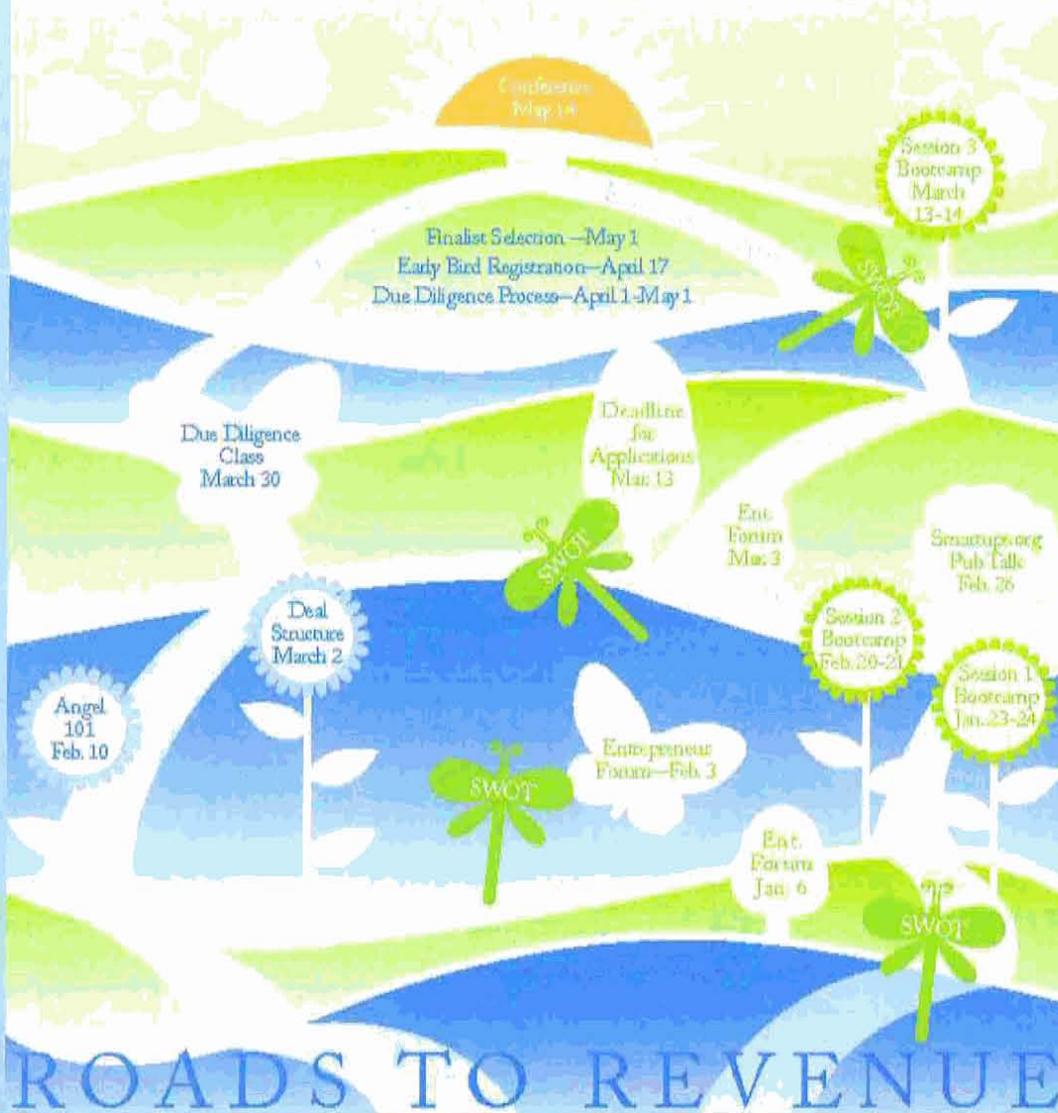
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The Business Enterprise Center, Inc. Annual Marketing Report for 2008

There were 12 resident client companies located at 1965 SW Airport Ave. Corvallis, Oregon on January 1, 2008. There are 12 resident client companies located at the same address on December 31st, 2008 but they are not the same 12. In addition to the current companies shown as enclosure (1), eight companies passed through the incubation program with two of them relocating to the Eugene area, Oregon Software and State Logic, both software start-ups, two failing—Quality Innovators, Inc. due to lack of revenue and customer generation and Paleotech due to health crisis and lack of transitional focus. Four client companies graduated to other locations in the local area, Administrative Insights, Markurapoint, 3G Design, and Renewable Energy Systems were the graduating companies. All in all, the Business Enterprise Center, Inc. continues to accomplish its mission to “stimulate and support the development of emerging business resulting the creation and retention of jobs in the region” and its vision of “effectively accelerating the conversion of innovation of traded-sector businesses”.

Clearly recognized as the region’s primary and most successful accelerator, in addition to the residents reported on above, the BEC has worked with 10 affiliate clients during 2008 and finishes the period with 7 affiliates. Since coming out of hibernation in 2006, 70 net jobs were created.

In close cooperation with the Service Corps of Retired Executives (SCORE), the BEC hosted business development classes quarterly at the recently refurbished, improved and updated BEC classroom. The SCORE trainers presented classes on writing a Marketing Plan, writing a Business Plan, reading business financials and Appropriate Exit Strategies.

Along with the Oregon Bioscience Association of Portland, the BEC assisted in the establishment of the Willamette Valley Bioscience Industry Consortium hosted by Linn Benton Community College. Through a grant from Community Services Consortium part-time staffing was made possible.

Business professionals from the community presented 16 brown bag lunch sessions for the clients of the BEC and the community. 202 people attended these free sessions at the center.

Over 900 hours were donated as kind-in through this regional community and economic development tool. If computed at \$50.00 per hour this amounts to a donation of \$45,000. Many of our volunteers are highly compensated professionals such as attorneys and certified public accounts who bill at a much higher rate than \$50 per hour this fact would increase the worth of this contribution substantially.

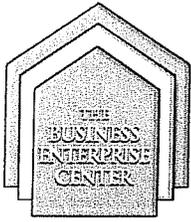
The BEC continues to improve its programs and offerings and is rapidly becoming one of the most cost effective tools for economic development in the economic development tool kit. The BEC is a charter member of the Economic Vitality Partnership and participates regularly in the Prosperity That Fits Plan.

Part of Team Corvallis and sponsor of the HiTech After Hours and Business Is Good Here, the BEC promotes a strong and growing entrepreneurial environment.

The BEC nominated graduate affiliate Perpetua Power, Inc.’s CEO Jon Hofmeister as the Entrepreneur of the Year as part of the Corvallis Chamber Coalition’s Celebrate Corvallis event and he won. Bill Ford was nominated as Business Person of the Year, board member Curtis Wright was recognized as volunteer of the year, and former client ViewPlus Technologies, Inc. a current BEC tenant was chosen as Business of the Year for 2008. All in all, a very strong showing for the BEC.

Recipient of a one-time grant from Benton County, the BEC was able to hire staff and recruit a full-time Executive Director to further expand its role and purpose in the region.

Thank you all for your on-going and continued support.



Success Starts Here

The Business Enterprise Center

1965 SW Airport Avenue
Corvallis, Oregon 97333
Tel: 541.758.4009
Fax: 541.758.7319

BEC Resident Client Listing

Acewl Company, Inc. President: Bill Dean Phone: 541-905-3733
International Manufacturing and Supply Chain Consultancy

AnOvation Group LLC – President: Victoria Martinez Phone: 541-752-5238 Cell: 541-250-9643
Shaping Ideas That Grow Market

Online Media Development - (541) 207-2969
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Imaging Processing, Color Science & Lighting

Orange Software, LLC Jesse Chaney – 541-760-6207
Software & IT Consulting

Precision Plant Systems, Inc.

CEO/President - Larry Plotkin Phone: 541-760-3282
Vice President – Dr. Les Fuchigami
Chief Scientist – Dr. Ping Hai Ding

Agricultural Resource Optimization Systems

project.net Owner: Ed Lee Phone: 541-752-0706

Dustan Kassman Phone: 541-758-4364

Toggle 3D / Rory Plaire – info@toggle3d.com

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Yema Measho, Attorney at Law / 503-930-4413

Concentrates her practice in the areas of immigration, health care, and business law.

BEC Affiliates

Administrative Insight, LLC Owner: Barbara Murry Phone - 541.602.5885

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Oregon Soil Corporation - Dan Holcombe 503-557-9742

Organic Waste Processing – Vermiculture www.oregonsoil.com

Perpetua Power Source Technologies, Inc. - Jon Hofmeister

www.perpetuapower.com

info@perpetuapower.com

503-922-3169

Perpetua delivers renewable and reliable power solutions to the wireless sensor industry

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Solar Energy System Design and Education

SynnOps, LLC –

Boyd Lyon, Stephen Shields & Dave Young

541-760-3625

Operations partnership, affiliated with Influent Corporation; dedicated to the commercialization of miniature pump technologies

Ideal-Logic.com – Damien Forkner (541-752-6125) and Paul Bollman (541-752-6125)

Bio-Algene – Stan Barnes Phone: 206-2232-2272 Cell: 206-734-7323

P.O. Box 219 Mercer Island, WA 98040

Advanced Fuels & Products from Algae

***Destiny – Electric Vehicle Innovations** – Kirk Swaney – 541-760-1895 (possible)

***Culture Synergy Team** - Ahmed Sharbini – 541-272-7837

***Synteck Global** - Gary Boxall - 503-851-7286



OREGON CHAPTER SIERRA CLUB

January 20, 2009

Testimony before the Mayor and Members of the Corvallis City Council

Re: Appeal of the Corvallis Planning Commission Decision of November 19th,
approving the Deer Run Park Conceptual and Detailed Development Plan and
Tentative Subdivision plat.

From: Marys Peak Group - Sierra Club
Barry Wulff, Chair
P.O. Box 863
Corvallis, OR 97339

The Marys Peak Group recommends denial of the proposed Deer Run Park Conceptual and Detailed Development Plan, thereby reversing the Planning Commission's decision.

The Marys Peak Group is no stranger to land use issues and strongly believes that wise planning is a gift to the future. Our 1,300 members in the area are probably more familiar with the nooks and crannies of the City of Corvallis than many a surveyor. They are walkers, hikers, bikers, young and old, singles and families – and all care about our community's future.

We have three areas where we have objections.

Section 2.5.40.04 of the Land Development Code states that a variation from a standard of the NATURAL HAZARD AND HILLSIDE DEVELOPMENT provisions: Significant Vegetation, Riparian Corridor and Wetlands Chapters "shall provide protection equal to or better than the specific standard requested for variation." It further states that the variation "shall involve an alternative located on the same development site where the specific standard applies." The same section of the Code allows "Compensating Benefits" for variations being requested as a criterion.

The number of variations being requested to "specific standards" in the Deer Run proposal is 9. The number of "conditions" required by the Planning Commission for approval of the proposal is 35.

This tiny 2.55 acre site bordered to the west by an open drainage way was annexed as a part of a larger 141 acre parcel in 1984. The City Planning Commission placed "Special Requirements and Conditions" on the requested Planned Development Overlay for the parcel proposed for annexation, noted as: "CONDITIONS OF APPROVAL FOR THE DISTRICT CHANGE UPON ANNEXATION". One of those conditions requires "dedication [to the City] of open drainageways as adjacent areas are approved for development." That drainage way is Deer Run Creek, a tributary to Dixon Creek. The property today is zoned with the Planned Development Overlay – just as annexed.

The site is mapped by the City for protection of a Highly Protected Riparian Corridor (75 feet from top-of-the-bank of Deer Run Creek). The site is also mapped for Steep Slopes, Landslide Runout Hazards and is within the 500-foot buffer area of another mapped Landslide area, off-site. Much of the site has slopes exceeding 15% with areas 35% or greater.

Variations to specific standards requested by the applicant are justified by “compensating benefits.” A variation to the requirement that “parking lots should be located to the rear of buildings” is justified by the benefit of “fully” protecting the Riparian Corridor. This already *is* fully protected. [Staff Report, p. 12, TABLE A]. The Staff Report notes that “Swapping the locations of the parking and dwellings allows the limits of grading to be moved further north (to between 24 feet and 40 feet of the 75-foot Riparian Corridor line).

Another requested variation from the required 25 foot maximum front yard setback also cites compensating benefits as “greater protection of the Riparian Corridor “from the effects of fill necessary to support vehicle driveway and parking areas.” [Staff Report p. 12, TABLE A] The **Riparian Corridor has specific constraints as to fill**. The site in general has already suffered from fill, none authorized for building construction: approximately 200 cubic yard of fill, a maximum of 2,000 cubic yards of loose fill, 9,440 cubic yards of compacted fill, 2-3 hundred yards in the street. [Case Number EXC99000018, EXC92-00001, VIO06-00138, corvallispermits.com]

LDC 4.0.30.a.2 requires a twelve-foot wide buffer to safely separate pedestrians from high-speed vehicular traffic on Collector streets. The variation requested [Staff Report, pp. 14-15, TABLE A] proposes to provide buffers only on the south side of the common sidewalk. The compensating benefit is providing “additional protection for the Riparian Corridor.” The Riparian Corridor is already protected under Phase III of the Natural Features and Hazards Section of the LDC.

The Code requires eight-foot Standard and Terracing in proposing fills. The extenuating provisions for variations to the eight-foot standard, according to staff, do not apply. [Staff Report, p. 15.] Compensating benefits are described as moving the development to the north half of the site (requiring the variation), which would more “fully” protect the Highly Protected Riparian Corridor. But again, there is no proposed protection beyond what is already required by code.

The Land Development Code “strongly” discourages development for sites with slopes equal to or greater than 10%. Much of the site proposed for residential use is between 15 and 35% and some greater than 35%. Topographical and hydrological changes to the slopes with development are presumed minimized through the assurance of a geotechnical engineer’s report and subsequent monitoring. It is not specified in the conditions whether building can be stopped or must just be monitored and re-engineered if greater risk is identified.

LDC 2.5.20.h states that one of the purposes of a Planned Development is to “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 Sierra Club does not believe that the benefits stated meet this test in terms of equity to the resource impacted or in meeting the intent of the development standards. Avoiding a development impact does not increase protection per se. **A compensating benefit should have some relationship to the resource affected or lost.**

The Sierra Club recommends that you deny the Deer Run Park application, considering the environmental impacts of this proposal – particularly considering the limited area remaining within the City in the Dixon Creek watershed – and the extent of variations from the City of Corvallis Land Development Code, which was developed with the help of many, many citizens.

February 2, 2009

TO: Mayor and Members of the Corvallis City Council

FROM: Liz Frenkel, Appellant

Corvallis, OR

RE: Appeal of Corvallis Planning Commission Approval
Deer Run Park Subdivision (PLD08-00013 / SUB08-00007)

“Compensating benefits for variations being requested” that are allowed by the Planning Commission’s Disposition Order 2008-098 do not meet Land Development Code standards either as to intent or specificity. The “Highly Protected Riparian Corridor” on the Deer Run site does meet the test of the Land Development Code requirements both as to intent and specificity. More “fully” protecting this Corridor, described as the intent of the “compensating benefit” for several of the “variations to the Code in this Order, implies that the standard for the “Highly Protected Riparian Corridor has not been met. To “provide protections equal to or better” does not fill that implied gap. Expanding the protected boundary beyond the present proposed 75 foot buffer, if there is a gap, would. For these reasons, elaborated below,

I request that you deny the proposed Conceptual and Detailed Development plan, thereby supporting the appeal and reversing Planning Commission Order 2008-098.

1. RIPARIAN CORRIDOR PROTECTION

The purposes of LDC Planned Development review as stated in 2.5.20 include:

(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 LDC Conceptual Development Plan review as stated in 2.5.40.04 include:

a. Compatibility Factors

1. “Compensating benefits for variations being requested.”

b. Natural Resources and Natural Hazards Factors.

1. “Any project variation shall provide protections equal to or better than the specific standard requested for the variation.

The Planning Commission’s decision, Order 2008-098, assumes that certain variations to the Land Development Code, as noted in Table 4 of the November Staff Report, can be allowed as providing “compensating benefits” for exemption to the Code. The Code cited above related to Natural Resources and Natural Hazards Factors does not authorize just any compensating benefit but rather the compensation must provide protection “equal to or better than the specific standard requested for the variation.”

Staff Memo of Jan 8, 2009, to the City Council is explicit: “protection of the Riparian Corridor is required by LDC Section 4.13.50, regardless of the type of development that occurs on the subject site.” [p. 8] The Comprehensive Plan 4.6.2 states: “Development

on hillsides shall not endanger life and property nor land and aquatic resources determined to be environmentally significant.” Variances to the 10-Ft. Code standard [45.5.80.04] are not justified by assuming more protection to the Riparian Corridor. The Corridor is either protected or not. If the applicant had proposed decreasing cut and fill in other areas of the site, that could be considered “equal to or better than the specific standard requested for the variation.” Cut and fill standards are “Hillside” specific standards not “Riparian Corridor” standards, which must be met irrespective of the “type of development that occurs on the subject site.”

The variance to the 25 foot maximum front yard set-back [3.3.30 e.1] also is justified by “fully” protecting the Riparian Corridor. [Nov. Staff Report, Table A]

There are two variances to the Location of Vehicle Parking and Circulation Areas Standards: specifically, parking not allowed between buildings and parking lots must be located at the rear. [4.10.60.01.a.3] and [4.10.60.02.a.1] Both presume to justify the requested variances as “fully protecting the Riparian Corridor” and adding “protection to the Riparian Corridor.” [Nov. Staff Report, Table A]

LDC 4.2.30.a.3 and 4.10.60.08.f, Pedestrian Walkway Landscaping and Vehicle Circulation Separation require 5-ft. landscape buffers and on both sides of internal walkways. These two requested variances, reducing the buffer to 2-ft. and providing the buffer on only one side of the internal walkway, are justified as providing “additional protection for the Riparian Corridor”.

2. RIPARIAN CORRIDOR AND USEABLE YARDS

This variation of the standard that requires each unit to have a 15-ft. “useable yard either on the side or to the rear [3.3.30.e.2], unlike the above six variations, compromises the protection of the Riparian Corridor. The variation reduces the 15-ft to 25-ft. standard for a “useable yard” back yard ^{length of 15 ft. for all the units} ~~either~~ ^{requirement} for all the units or alternately allows the Riparian Corridor to be used as the units backyards. The Riparian Corridor constraints do allow for passive public use. A fenced backyard, however, impinging into the Riparian Corridor, does not add protection and reduces public use. A “Private Outdoor Space” [3.3.40.c], for example, is not a substitute for passive public use. The justification that this intrusion provides more “Green Area” hardly resolves the conflict.

3. PEDESTRIAN REQUIREMENTS – COLLECTOR STREETS

While an exception is made for buffers within a Natural Resource area, this exception only would apply to a very small portion of the 600 foot northern border of the property. The off-set requested for Collector Street Improvements [4.0.30.a] requiring a minimum of a 12 ft. wide landscaped planter area, separating the curb from the sidewalk, is an “environmental assessment” [Condition #11] in exchange for the possible loss of the buffer. The intent of the 12 foot buffer is both for a pedestrian amenity and a protection for pedestrians. Enhanced “Common landscaping” elsewhere or additional protection of existing Significant Trees cannot off-set pedestrian safety. This is a long, long way from the original clear and objective standard.



LWV Corvallis

PO Box 1679, Corvallis, OR 97339-1679
541-757-2276 • <http://lww.corvallis.or.us>

January 20, 2009

TO: Mayor and Members of the Corvallis City Council
FROM: Annette Mills, President, LWV Corvallis
RE: Deer Run Park Subdivision. PLD08-00013 / SUB08-00007

The Corvallis League of Women Voters appreciates this opportunity to present testimony regarding the Deer Run Park Conceptual and Detailed Development Plan and Tentative Subdivision Plat.

Many members of the League worked with the City in the development of the new Land Development Code. Among our many League positions, we support implementation of the Comprehensive Plan, impartial enforcement of that implementation, regulation of natural hazard lands where redevelopment could endanger life and property, preservation of riparian corridors, as well as pedestrian safety and pedestrian orientation. The League also has many positions that support protection of water quality.

While the League supports “efficient use of land” and recognizes it as a purpose for Planned Development, the League does not support the Deer Run Park proposal as an “efficient use of land”. A proposal that requires 35 conditions, numerous variations to the Land Development Code and extensive grading, excavation, as well as retaining walls that change the topography in order to enable development is not “efficient use of land.” Furthermore, the site is not accessible by public transportation and is a considerable distance from any public services such as grocery stores etc.

The proposal requests a minimum five foot-wide landscaping buffer on only one side of inner pedestrian sidewalks rather than both sides as required by the Land Development Code. It asks to reduce the buffer to only two feet on one side. This variance does not comply with connectivity codes [LDC.4.0.40]. The claimed trade-off is protection of the Riparian Corridor. This is not an equitable trade-off, because the application would not provide any more Natural Features protection than what is already required under the code.

The League has safety concerns with the reduction of the 12 ft. planter strip with setback sidewalks on NW Ponderosa [4.0.1]. The trees in the buffer would provide protection from errant traffic to pedestrians on that well-traveled (and fast) street, as well as supplying pleasant amenities. The trade-off for protection for “Significant Trees” is not equitable.

The proposal for the 2.55 acres site is in the Dixon Creek Watershed. Water quality should be a major City concern when considering “efficient use of land”. It should be integral to the planning approval, not just left to post-approval permitting.

The League recommends that the City Council deny the proposed Conceptual and Detailed Development plan.

Annette Mills, President Corvallis League of Women Voters of Corvallis
PO Box 1679 Corvallis OR 97339-1679

Alan Robinson

