

**CITY OF CORVALLIS
COUNCIL WORK SESSION**



AGENDA

**April 13, 2009
7:00 pm**

**Downtown Fire Station
400 NW Harrison Boulevard**

COUNCIL ACTION

- I. ROLL CALL

- II. UNFINISHED BUSINESS
 - A. Sidewalk Safety Program
 - B. Corvallis Senior Center
 - C. Transportation Maintenance Fee
 - D. City/County Building Block Plan

- III. 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 TTD/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

*** MEMORANDUM ***
June 30, 2008

TO: URBAN SERVICES COMMITTEE
FROM: JON S. NELSON, CITY MANAGER 
SUBJECT: SIDEWALK AND RELATED REPAIRS CAUSED BY TREES LOCATED IN THE PUBLICLY OWNED RIGHT-OF-WAY (ROW)

I. Issue

Addressing fairness and ambiguities in meeting community expectations relating to urban forestry and public infrastructure.

II. Background

This issue was referred to USC by City Council as an outcome of a 2007 appeal of a staff decision not authorizing removal of a tree in the ROW.

Attached for reference are:

- * Corvallis Municipal Code 2.15: Sidewalk Improvements (Attachment A)
- * Corvallis Municipal Code 2.19: Street Trees and Park Strip Planting (Attachment B)
- * Corvallis Municipal Code 3.04: Public Right-of-Way (Attachment C)
- * Land Development Code Chapter 4.2: Landscaping, Buffering, Screening, and Lighting (Attachment D)
- * Council Policy 91-7.08: Sidewalk Policy (Attachment E)
- * Land Development Code Chapter 2.9: Historic Preservation Provisions (Attachment F)

Collectively, the above codes and policy establish adjacent property owners (private and City) as the responsible parties for infrastructure repairs necessary as a result of trees planted in the publicly owned ROW. A majority of the repairs are sidewalks with occasional curb, gutter, and street repairs. Less frequent are claims of trees in the ROW impacting steps and foundations.

III. Discussion

Historically, the current policy of requiring repairs by adjacent property owners has resulted in very few appeals. The City uses street funds to mitigate infrastructure repairs (curb, gutter, asphalt) caused by trees. The City will also use its resources to remove a tree in the ROW that could potentially cause personal injury. Citizens, for the most part, have been understanding of the need for safe pedestrian access, the value of trees to their property, and the resulting financial burden of making sidewalk repairs when necessary.

Citizens generally accept a natural "life" for sidewalk panels (30+ years) and their responsibility for replacement based on age, or due to the impact of trees from their private property. A very rough estimate is 75% of required repairs are attributable to tree damage. In most instances, sidewalk repairs are made without removal of the trees on the private property that are causing the repairs. The tree canopy amenity is valued higher than the tree removal and sidewalk repair costs.

On occasion, private property owners have preferred removal of the tree in the public ROW that is causing sidewalk damage or perceived to be causing steps, foundation, or other damage. In this instance, the tree is viewed as a liability versus an amenity because of the more frequent than usual repairs that will be necessary over the life of the tree.

The "fairness" argument made is that the entire community enjoys the ROW tree canopy, yet the adjacent property owners are being required to make sidewalk repairs on behalf of the community at a frequency greater than others without trees in the adjacent ROW.

IV. Alternatives

Depending upon City Council direction, modifications to municipal code and/or City Council policies may be necessary

Alternatives include:

1. Continue existing practices.
2. City pays for all sidewalk and infrastructure repairs after the initial improvement is made. In other cities, General fund and/or Street funds are commonly used. There are both positives and negatives in pursuing this course of action.

Positives

- * Public relations, consistent enforcement
- * Administrative time savings, staff availability for other priorities
- * Support community-wide value, including historic trees in right-of-way
- * Proactive and preventative

Negatives

- * Increased cost
- * Increased liability exposure
- * Individual "I just paid" fairness

V. Funding Sources

The annual estimated cost to make safety sidewalk program related public and private sidewalk and ramp repairs is approximately \$144,000 assuming a continuation of our current 11 districts approach. If the City assumed responsibility for all repairs, there may be additional costs associated with liability exposure. The annual estimated cost includes \$107,000 in tree-related damage repairs (75%) and \$37,000 in other repairs.

With static gas tax revenue and service pressures on property taxes, non-traditional sources have been considered. Discussions to date:

1. Inclusion of a sidewalk/street tree component was considered during the Transportation Maintenance Fee (TMF) process, but ultimately not pursued at the time of implementation. It could be re-considered in TMF sunset discussions (2009-10).
2. Urban forest advocates point to "natural features" being an important part of the community infrastructure and assert that consideration of a natural features utility for street trees and other natural features is appropriate.
3. Sidewalk repairs is a critical component of multi-modal travel goals and could fit with an alternates modes utility (transit, bike, pedestrian).

VI. Next Steps

Urban Services Committee discussion and eventual recommendation to City Council is requested. If Council pursues IV 2., it should be recognized that the work effort is a major initiative. Funding needs to be considered in the context of the revenue options to be considered by the Administrative Services Committee after the Business License program is completed. The issue may merit City Council goal consideration. A public process for considering changes and revenue source should be considered.

Reviewed:


Karen Emery
Acting Parks & Recreation Director


Ken Gibb
Community Development Director


Nancy Brewer
Finance Director


Steve Rogers
Public Works Director


Scott Fewel
City Attorney


Ellen Volmert
Assistant City Manager

Chapter 2.15

Sidewalk improvements.

Sections:

- 2.15.010** **Definitions.**
- 2.15.020** **Improvements required.**
- 2.15.030** **Compliance with standards/guidelines.**
- 2.15.040** **Standard specifications/guidelines.**
- 2.15.050** **When improvements required.**
- 2.15.060** **Abandoned driveway approach.**
- 2.15.070** **Permit requirements.**
- 2.15.080** **Concrete finisher's qualifications.**
- 2.15.090** **Order; notice to owner.**
- 2.15.100** **Performance of required work by City.**
- 2.15.110** **Notice of cost; lien.**
- 2.15.120** **Appeal.**
- 2.15.130** **Appeal procedures.**
- 2.15.140** **Hearing.**
- 2.15.150** **Improvement district.**
- 2.15.160** **Sidewalk repair implementation policy.**
- 2.15.170** **Liability of property owner.**
- 2.15.180** **Penalties.**
- 2.15.190** **Captions.**

Section 2.15.010 **Definitions.**

- 1) Curb - A raised concrete edging on the side of a street, forming a gutter.
 - 2) Driveway approach - The portion of a driveway in the public right-of-way, including, if applicable, the adjacent curb and gutter.
 - 3) Sidewalk - A paved pedestrian pathway located in the public right-of-way.
 - 4) Owner - A person who holds title to real property or a contract purchaser of real property of record according to the latest assessment roll in the office of the Benton County Assessor.
- (Ord. 94-20 § 3, 1994)

Section 2.15.020 **Improvements required.**

1) All owners of land adjoining any public street in the City shall construct, reconstruct, repair, and maintain in good condition the sidewalks and driveway approaches within the public right-of-way in front of, along, or abutting their land in accordance with the provisions of this Chapter. Construction, reconstruction, repair, and maintenance of sidewalks and driveway approaches is declared to be a routine obligation of the adjacent property owner and deemed necessary to protect the health and safety of persons in the City.

2) The City Manager shall, at such times as he or she determines appropriate, survey or inspect the condition of sidewalks in all or any part of the City. When a survey or inspection reveals sidewalk conditions that may pose a threat to the health and safety of persons in the City, the City Manager shall issue an order to repair the sidewalk pursuant to Section 2.15.090.

(Ord. 94-20 § 3, 1994)

Section 2.15.030 **Compliance with standards/guidelines.**

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No person shall construct, reconstruct, or repair any sidewalk, driveway approach, or curb in a public right-of-way within the City except in compliance with the specifications and guidelines of this Chapter, or exceptions thereto approved as provided in this Chapter.
(Ord. 94-20 § 3, 1994)

Section 2.15.040 Standard specifications/guidelines.

1) The City Manager shall adopt and, from time to time, may amend standard specifications for sidewalks, driveway approaches, and curbs to be built within the City. The specifications may include provisions relating to the kind, type, width, length, location, materials, elevation, and grade of sidewalks, driveway approaches, and curbs. The specifications shall be regarded as the minimum standards reasonably necessary for the health and safety of the public.

2) The City Manager shall adopt and, from time to time, may amend guidelines for the repair of sidewalks and driveway approaches within the City. The guidelines may establish conditions requiring repair provisions relating to the manner of repair, including materials and method, and standards for repair, including the kind, type width, length, location, elevation, and grade of sidewalks and driveway approaches. The guidelines shall be regarded as the minimum standards reasonably necessary for the health and safety of the public.

3) The City Manager may approve exceptions to the standard specifications or guidelines if the circumstances, including but not limited to topography, right-of-way width, pedestrian usage, landscaping, and other aesthetic considerations, reasonably require an exception and the public health and safety will not be unreasonably affected. When granting an exception to the specifications or guidelines, the City Manager may attach conditions which the Manager finds reasonably necessary to protect or enhance the public welfare.

(Ord. 94-20 § 3, 1994)

Section 2.15.050 When improvements required.

1) Newly developed property.

a) The owner of property which abuts any public street improved with hard surface paving and curbs but lacking a sidewalk shall construct a sidewalk within the public right-of-way along the entire frontage of the property when any building on the property, other than an accessory structure as defined in the Land Development Code is constructed, renovated added on to, or remodeled or within three (3) years from final recording of the plat, whichever comes first.

b) No building permit shall be issued for construction, renovation, or remodeling of any building on such property unless the construction plans filed to support the application for the building permit provide for construction of sidewalks and driveway approaches in accordance with this Chapter.

c) Construction of the required sidewalk must be complete and approved by the City within thirty (30) days of completion of the work described in the building permit or occupancy of the building, whichever is sooner.

2) Other property.

The City Manager may determine that the public health and safety require construction of sidewalks or driveway approaches adjacent to property other than that described in subsection (1) above. In that event, the City Manager shall issue an order as provided in Section 2.15.090.

(Ord. 2003-39 §1, 11/17/2003; Ord. 94-20 §3, 1994)

Section 2.15.060 Abandoned driveway approach.

When the City Manager determines that an owner or occupant of a property has discontinued the

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use of a driveway approach, the City Manager may issue an order, as provided in Section 2.15.090, requiring the owner to remove the driveway approach and restore or construct a curb and sidewalk in accordance with the provisions of this Chapter.

(Ord. 94-20 § 3, 1994)

Section 2.15.070 Permit requirements.

No person shall construct or repair any sidewalk, driveway approach, or curb within the public right-of-way unless the person holds a valid City permit to perform the specific work. Applications for the permit shall be made on forms provided by the City and shall specify the name and address of the owner of the property, the location of the property, and the name of the person who will perform the work. A person contracted to perform the work must be registered with the Construction Contractors Board, and must demonstrate to the satisfaction of the City Manager the ability to perform the work in accordance with the City's specifications. A permit fee for the construction of a sidewalk or driveway approach or the cutting or altering of a curb as provided in the fees code (Chapter 8.03) shall be paid to the City at the time the application is filed.

(Ord. 2003-39 §2, 11/17/03; Ord. 95-17 §2, 1995; Ord. 94-20 §3, 1994)

Section 2.15.080 Concrete finisher's qualifications.

No person shall accept remuneration for constructing or repairing any sidewalk, driveway approach, or curb in the public right-of-way unless the person is registered with the Construction Contractors Board, and has demonstrated to the satisfaction of the City Manager the ability to perform the work in a workmanlike fashion according to the City's specifications.

(Ord. 94-20 § 3, 1994)

Section 2.15.090 Order; notice to owner.

1) When the City Manager determines that construction, restoration, or repair of a sidewalk is necessary to protect public health and safety, she or he shall issue an order requiring the property owner to perform the required work.

2) Notice of the City Manager's order shall be served upon the owner by personal service or by certified mail, return receipt requested, directed to the owner at the address on the County assessor's most recent property tax assessment roll. The notice shall be deemed served at the time of personal service, or three days after mailing.

3) The notice shall state:

a) The work required to be performed;

b) That the City has determined the work is necessary for public health and safety;

c) That the work must be completed in accordance with City standards within sixty (60)

days of service of the notice;

d) That, if the owner fails to complete the work within the required time, the owner may be subject to a fine of \$250 per day, the City may perform the work at the owner expense, and the cost of the work performed by the City may become a lien against the property;

e) That the owner may appeal the order by filing an appeal within ten (10) days of service of the notice.

(Ord. 99-20 § 1, 11/15/1999; Ord. 94-20 § 3, 1994)

(99-20, Amended, 11/15/1999)

Section 2.15.100 Performance of required work by City.

If the owner fails to complete the required work within the time prescribed by a final order, the City may complete the work at the owner's expense. Upon completion of the work, the City Manager shall compile a report containing an itemized statement of costs, including actual administrative costs.
(Ord. 94-20 § 3, 1994)

Section 2.15.110 Notice of cost; lien.

1) Upon completion of the report required by Section 2.15.100, the owner shall be served with a notice of costs. The notice of costs shall be served in the manner prescribed by Section 2.15.090.

2) The notice of costs shall state:

- a) The total cost, including administrative costs, of the work performed by the City;
- b) That the costs will accrue interest at the rate of ten (10) per cent per annum, beginning 30 days from service of the notice, and that the costs will become a lien against the property unless paid within 30 days of service of the notice;
- c) That the owner may appeal the cost determination by filing an appeal within ten (10) days of service of the notice.

3) If the costs are not paid within 30 days of a final notice of cost determination, the costs as determined shall be entered in the docket of City liens, and from that time the City shall have a lien upon that described property for the total amount of the charge. That lien shall have priority over all other liens and encumbrances of any character, and may be enforced in any manner permitted by law.

4) Any lien imposed under this Chapter is hereby declared to be an incurred charge imposed on property by reason of the owner failure to meet routine obligations of ownership necessary to protect health and safety.

(Ord. 94-20 § 3, 1994)

Section 2.15.120 Appeal.

An owner may appeal the City Manager's order to construct, alter, or repair or the City Manager's determination of costs to a hearings officer. If an appeal is not filed within 10 days from service of the notice, the owner shall be deemed to have waived the right to appeal and the order or determination of costs shall become final.

(Ord. 94-20 § 3, 1994)

Section 2.15.130 Appeal procedures.

1) An appeal shall be filed in writing with the City Manager within 10 days of service of notice of an order or cost determination.

2) The appeal shall include a copy of the notice, and shall state the specific reasons for the owner's objection to the order or cost determination.

3) The appeal shall be accompanied by a \$50.00, nonrefundable appeal fee.

(Ord. 94-20 § 3, 1994)

Section 2.15.140 Hearing.

1) If an appeal is properly filed, a hearing shall be held in accordance with this Section.

2) The hearing shall be held before a hearings officer appointed by the City Manager. The hearing shall be set and conducted within 96 hours of receipt of the request, holidays, Saturdays and

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Sundays not to be included. The hearings officer may adopt rules and procedures for the conduct of the hearing. The hearing may be continued to a later date upon the request of the owner. Except as this Chapter or rules adopted by the City Manager prior to the hearing provide otherwise, the hearing shall be conducted in accordance with the Attorney General's Model Rules of Administrative Procedure, 1993 edition.

3) If the appeal is from an order to construct, restore, or repair a sidewalk, curb, or driveway approach, the issue before the hearings officer shall be limited to whether the work ordered is necessary for the health and safety of the public. If the hearings officer determines that it is necessary, the hearings officer shall issue an order requiring that the work be completed within sixty (60) days. If the hearings officer finds that the work is not necessary for the health and safety of the public, the hearings officer shall issue an order so stating.

4) If the appeal is from a cost determination, the issue before the hearings officer shall be limited to the accuracy of the costs assessed. The hearings officer shall issue an order affirming or modifying the costs assessed, and requiring payment within thirty (30) days.

5) The order of the hearings officer shall be made in writing, and shall include a statement of findings supporting the decision.

6) If the owner fails to appear at the scheduled hearing, the hearings officer shall issue an order affirming the City Manager's order or cost determination.

7) The order of the hearings officer shall be served on the City Manager and the owner, by personal service or first-class mail. The notice to the owner, if served by mail, shall be sent to the address provided in the notice of appeal.

8) The decision of the hearings officer shall be final, except that it may be appealed to the City Council as provided in Chapter 1.11. Any appeal to Council must be filed within 10 days of the decision of the hearings officer. If such an appeal is filed, no fines shall be levied, work performed by the City, or liens filed until after resolution of the appeal.

(Ord. 2003-39 §3, 11/17/2003; Ord. 99-20 §2, 11/15/1999; Ord. 94-20 §3, 1994)
(99-20, Amended, 11/15/1999)

Section 2.15.150 Improvement district.

Nothing in this ordinance shall prevent the City Council from forming a sidewalk improvement district or from improving a sidewalk as a part of any other improvement district.
(Ord. 94-20 § 3, 1994)

Section 2.15.160 Sidewalk repair implementation policy.

The City Manager will develop and maintain an administrative policy for sidewalk repairs abutting private property that provides for City financial and administrative assistance to property owners with the repair of sidewalks and driveways.
(Ord. 94-20 § 3, 1994)

Section 2.15.170 Liability of property owner.

It is not only the duty of all owners of land within the City to keep in repair all sidewalks and driveway approaches existing in front of, along, or abutting upon their respective lots or parcels of land or parts thereof, but the owners are hereby declared to be solely liable for all damages to whomsoever resulting or arising from their fault or negligence in failing to keep any sidewalk or driveway approach in repair.
(Ord. 94-20 § 3, 1994)

Section 2.15.180 Penalties.

Any person who violates any provision of this ordinance shall, upon conviction, be subject to a fine of not more than \$250.00. Each day's violation constitutes a separate offense.
(Ord. 94-20 § 3, 1994)

Section 2.15.190 Captions.

The Section captions and headings in this Chapter are for convenience and reference purposes only and shall not affect in any way the meaning or interpretation of this Chapter.
(Ord. 94-20 § 3, 1994)

Chapter 2.19**Tree and Park Strip Planting****Sections:**

2.19.010	Purpose.
2.19.020	Definitions.
2.19.030	Enforcement.
2.19.040	Tree Contractors Qualifications.
2.19.050	Standards/Guidelines.
2.19.060	Permit Requirement - Planting, Pruning, Removal.
2.19.070	Permit Issuance and Conditions.
2.19.080	General Conditions and Restrictions.
2.19.090	Appeals Procedure.
2.19.100	Prohibited Trees, Right-Of-Way.
2.19.110	Sewer Interference.
2.19.120	Removal.
2.19.130	Height Near Rights-Of-Way.
2.19.140	Sight Distances.
2.19.150	Nuisances.
2.19.160	Property Owner Compliance and Liability.
2.19.170	Abuse, Mutilation, Destruction or Topping.
2.19.180	Penalty.
2.19.190	Supplemental Materials.
2.19.200	Severability.

Section 2.19.010 Purpose.

The purpose of this ordinance is to promote and protect the public health, safety and general welfare by providing for the regulation of the planting, pruning and removal of trees, shrubs and vegetation in the public right of way or on public lands within the City of Corvallis. This ordinance will provide the framework to create a healthy, sustainable urban forest that contributes to the economic and environmental well being of Corvallis residents.

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.020 Definitions.

1) ANSI A300 - an American National Standard for Tree Care Operations covering standard practices for tree, shrub and other woody plant maintenance. These standards are intended to apply to any person, or entity engaged in the business, trade, or performance of repairing, maintaining, or preserving trees.

2) ANSI Z133.1 - an American National Standard for Safety for Tree Care Operations. These safety requirements are intended to apply to any person or entity engaged in the business, trade or performance of pruning, trimming, repairing, maintaining and removing trees, and cutting brush.

3) Appraised Value – the value attached to a tree as determined by the Council of Tree and Landscape Appraisers Guide for Plant Appraisal.

4) Hazardous Tree - a tree that is dead, or alive and is so affected by a significant structural defect, damage or disease that the potential of the tree or tree part to fall or fail appears imminent and the tree poses a threat to life or property.

5) Arborist - ISA Certified Arborist is a professional who possesses the technical competence through experience and related training to provide for or supervise the management of trees and other

woody plants in the residential, commercial and public landscape as defined by the International Society of Arboriculture. An ISA Certified Arborist has through experience, testing and ongoing education demonstrated a basic level of tree care knowledge. Ongoing education is a requirement to keep this certification. An ASCA Consulting Arborist is a professional who possesses the highest levels of technical and business skill in the industry as defined by the American Society of Consulting Arborist. An ASCA Consulting Arborist is versed in the legal, environmental and regulatory issues concerning trees.

- 6) Park strip - the space between the curb and sidewalk.
 - 7) Public trees - trees located in public rights of way not defined as street rights of way (i.e., drainage ways) or trees located on property designated as a public park or open space.
 - 8) Property owner - Any person, firm or corporation owning, possessing or having the right to control any property in the City. In the event that more than one person, firm or corporation has joint or concurring ownership in, or has a right to possession or control of the same parcel of ground, then each of said persons, firms or corporations shall be jointly and severally responsible to comply with this ordinance.
 - 9) Short Term Traffic Control Handbook - the most current edition of this quick reference manual for controlling traffic through short term work zones published by the Oregon Department of Transportation. A separate permit for traffic control may be required.
 - 10) Shrub - a low woody perennial plant usually having several major branches and less than 15 feet in height.
 - 11) Street trees - trees located in public rights of way within the City.
 - 12) Topping - the severe cutting back of limbs to stubs within the tree's crown to such a degree as to remove or alter the natural growth habit of the canopy and/or disfigure the tree.
 - 13) Tree - a self supporting, perennial woody plant characterized by one main trunk, or in some cases, multiple trunks with a trunk diameter of at least 1-1/2 inches at a point 6 inches above ground level at the base of the trunk and one main canopy of leaves, usually growing to a height of 15 feet or more.
 - 14) Vegetation - woody shrubs and trees.
- (Ord. 2005-06 §3, 04/18/2005)

Section 2.19.030 Enforcement.

The City Manager or her or his duly authorized representative shall be charged with the enforcement of this Chapter.
(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.040 Tree Contractors Qualifications.

No person shall accept remuneration for pruning, root pruning, planting or removing any street, or public tree(s) within the City of Corvallis without first meeting or exceeding the current State licensing requirements. That person shall be registered with the appropriate Contractors Board, carry the required insurance and bond, abide by all state and local safety standards and perform the work in a professional fashion according to the City's tree standards/guidelines.
(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.050 Standards/Guidelines.

The City Manager, with advice from the Citizens Advisory Commission on Civic Beautification and Urban Forestry (CBUF), shall adopt and from time to time update standards for pruning, planting, root pruning and removal of trees. In addition, a list of recommended trees shall also be maintained as a guide

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for citizens who are interested in planting trees in the public rights of way. The City Manager may approve exceptions to the standards or guidelines if these exceptions, including, but not limited to, rights of way width, pedestrian usage, landscaping, utilities and other aesthetic considerations and public health and safety, will not be unreasonably affected. When granting an exception to the standards or guidelines, the City Manager may attach conditions which the City Manager finds reasonably necessary to protect or enhance the public welfare.

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.060 Permit Requirement - Planting, Pruning, Removal.

1) No adjacent property owner shall plant, any tree, shrub or vegetation that has the potential to grow 24 inches or taller in the park strip areas and other public lands of the City without first obtaining a permit to do so from the City Manager. The City maintains a list of recommended trees.

2) No property owner shall prune or remove any street or public tree in the City without first obtaining a permit to do so from the City Manager. A separate permit for traffic control may be required, with a written plan that conforms to the Short Term Traffic Control Handbook.

3) In the event of a storm, freeze or other weather event resulting in damage to street and public trees, the City Manager may declare an emergency suspension of the permit requirements, for the removal and pruning only, of damaged trees set forth in this Chapter. Such declaration shall prescribe dates during which permits are not required, but in no event may any single declaration exceed 21 days.
(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.070 Permit Issuance and Conditions.

1) On receiving an application filed by an applicant containing all relevant facts relating to the request, the City Manager may, in his or her discretion, issue a permit or permits to the property owner or their authorized designee to plant, prune or remove trees, shrubs or vegetation in the park strip areas adjacent to his/her property. A separate permit for traffic control maybe required, with a written plan that conforms to the Short Term Traffic Control Handbook.

2) The City Manager shall give consideration to the following factors in granting such permits and shall not grant a permit if she or he finds that to do so would be detrimental to the public interest:

a) Width of the park strip or planting space.

b) Species and growth habit of tree, shrub or vegetation.

c) Location of parking meters, light standards, crosswalks, buildings, entrance and exit ways, streets, utility poles, alleys, loading zones, and other physical conditions and legal restrictions then existing or reasonably contemplated. Reference Corvallis Land Development Code 4.2.30 (Required Tree Planting), trees shall not be planted within 10 feet of fire hydrants and utility poles; within 20 feet of street light standards; or within 10' of a public sanitary sewer, storm drainage or water line.

d) Purpose of applicant's proposed action.

e) Any other factors found by her or him to be relevant.

3) The City Manager shall designate in the permit or in an exhibit attached to it the areas in which planting shall be allowed, the type of plantings allowed, and any other condition or restriction that she or he deems necessary or expedient to protect the public interest.

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.080 General Conditions and Restrictions.

1) Each property owner planting, pruning and removing trees, shrubs, or vegetation under permit shall comply with the following general conditions and restrictions:

a) The permittee shall abide by all of the terms, conditions and restrictions contained in the

permit and abide by the ANSI A 300 for Tree Care Operations, ANSI Z133 Safety for Tree Care Operations as well as all state and local safety regulations.

b) The permittee shall indemnify and save the City, its officers, agents, officials and employees, harmless from any claim or award for damages or injuries to property or persons, including costs and attorneys fees, allegedly arising in whole or in part out of the use, occupation, or disruption of park strip areas by permittee or those acting on his or her behalf or with his or her approval or ratification or allegedly arising in whole or in part out of the failure by the permittee to abide by the terms of this permit.

c) The permit shall be nontransferable.

d) The permit shall be revocable at any time with cause at the discretion of the City Manager and no expenditure of money, lapse of time, or any act or thing shall act as an estoppel against the City or be held to give permittee or the owner of any property any vested right.

e) The installation and care of such plantings shall be at the sole cost and expense of the permittee without cost to the City, and the park strip sidewalks and sidewalk areas in the vicinity of the plantings and the structure served thereby shall be maintained in a good state of repair and maintenance at the sole cost and expense of the permittee.

f) The permittee shall remove, replace or relocate individual plantings or vegetation as the public convenience or necessity warrants and at the request of the City Manager.

g) No permit shall become effective unless the permittee named shall simultaneously with the issuance file with the City Manager in form approved by her or him a notice of acceptance of the terms, covenants, and conditions and an agreement to abide by all of the terms, covenants, conditions, and obligations imposed on permittee.

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.090 Appeals Procedure.

Any applicant who feels aggrieved by any action taken by the City Manager may file a written appeal with the City Council, describing in detail the reasons for the appeal within 10 days of City Manager's decision. The Council shall hear the appellant's concerns, along with any other relevant information and thereupon may confirm the decision made by the City Manager, or may choose another appropriate action in relation to the application.

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.100 Prohibited Trees, Right-Of-Way.

Certain trees, due to their growth habits, invasive nature, fruit drop or tendency to block sight distance, cannot be planted in the park strip. The City Manager, with advice from CBUF, maintains an up-to-date list of the prohibited trees, which include but are not limited to the following trees: bamboo, poplar, willow, conifer, cottonwood, fruit and nut trees and ailanthus in or on any street rights-of-way or park strip in the City.

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.110 Sewer Interference.

It shall be unlawful to plant willow, cottonwood, or poplar trees anywhere in the City unless the City Manager approves the site as one where the tree roots will not be likely to interfere with a public sewer.

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.120 Removal.

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The City Manager may cause any trees, shrubs, plants, or vegetation in or upon any park strip, street rights-of-way, or other public place in the City to be pruned, or removed and said pruning, or removal may be done by anyone designated to do so by said City Manager. The City shall adopt an administrative policy to eliminate public trees known to be hazardous in a timely and efficient manner, in order to reduce unsafe conditions.

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.130 Height Near Rights-Of-Way.

Every property owner in the City shall have the duty to and shall prune or remove any tree, shrub, plant or vegetation in or upon a park strip abutting that owner's property to a height of not less than eight feet above any sidewalk and to a height of not less than 12 feet above any street pavement or curb. This work shall comply with current industry standards (ANSI A300, ANSI Z133).

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.140 Sight Distances.

Every property owner in the City shall have a duty to and shall prune, or remove any tree, shrub, plant or vegetation on her or his property so that such tree, shrub, plant, or vegetation shall not interfere with reasonable sight distance at street intersections, alley ways and private driveways. This work shall comply with current industry standards (ANSI A300, ANSI Z133).

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.150 Nuisances.

1) Any tree, shrub, plant, or vegetation growing in or upon any park strip, street rights-of-way, or public place, or on private property which is endangering or which in any way may endanger the security or usefulness of any public street, sewer or sidewalk, or which in any way may be dangerous to life or property is hereby declared to be a public nuisance, and the City or the City Manager may remove or prune such tree, shrub, plant, or vegetation or may require the property owner to remove or prune any such tree, shrub, plant, or vegetation in or upon private property or upon a street rights-of-way or park strip abutting said owner's property.

2) The failure by the property owner to remove or prune such tree, shrub, plant, or vegetation within 30 days after notice is given to do so by the City Manager shall be deemed a violation of this Chapter, and the City Manager or designee may at any time thereafter remove or prune said tree, shrub, plant, or vegetation and assess the cost against the property, consistent with the City's Administrative Policies regarding the removal of hazardous trees and vegetation. The amount of the assessment may be docketed by the City Manager in the City lien docket and shall be a lien against the property which can be foreclosed in the same manner as the foreclosure of a street assessment lien. That lien shall have priority over all other liens and encumbrances of any character.

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.160 Property Owner Compliance and Liability.

It is not only the duty of all property owners within the City to comply with each and every provision of this Chapter, but such property owners are also hereby declared to be liable for all damages to any person, firm or corporation whomsoever resulting or arising from such property owner's failure to comply with the provisions of this Chapter.

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.170 Abuse, Mutilation, Destruction or Topping.

1) It shall be unlawful for any person to abuse, destroy, top or mutilate any tree in or upon any street right-of-way, park strip or other public place in the City or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to, on or in any tree. Abuse and mutilation could include but not be limited to; pouring solvents on roots, girdling the tree, harming any part of the trunk or circumference of a tree, causing compaction around the tree roots, removing/ harming any part of the roots, breaking branches by hanging on or climbing a tree etc.

2) Trees severely damaged by storms or other causes or certain trees under utility wires or other obstructions where normal pruning practices are impractical may be exempted at the determination of the City Manager.

3) This action shall not be construed to prevent abutting property owners from minor pruning of a tree, shrub or plant in or upon a street rights-of-way or park strip abutting her or his property in accordance with the ANSI A300's, nor shall it be construed to prevent the City or the City Manager from pruning or removing any tree, plant, shrub or vegetation from any street right-of-way, park strip or other public place in the City.

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.180 Penalty.

Any person violating any provision of this Chapter shall, upon conviction thereof, be punished by a fine not to exceed \$500.00 per tree. A violation of this Chapter may be prosecuted as a Class A infraction under the procedures of ORS 153.110 to 153.310. The City Manager or duly authorized representative is authorized to issue a citation to any person violating any provision of this Chapter. In the event that a tree or trees are damaged, destroyed or wrongfully removed, the appraised value of the plant may be additionally applied to this penalty. The appraised value shall be determined by using the Council of Tree and Landscape Appraisers Guide for Plant Appraisal and applied by an ISA Certified or ASCA Consulting Arborist trained in this process. Fines shall be paid into the Urban Forestry Project Account. (Ord. 2005-06 §3, 04/18/2005)

Section 2.19.190 Supplemental Materials.

1) The City shall from time to time adopt supporting administrative policies, standards, guidelines and supplemental material which by this reference are incorporated within this code as if set out completely. These supplemental materials shall be set out by title in this section.

- a) SUPPORTING POLICIES
 - 1. Hazard Tree Abatement
- b) SUPPORTING STANDARDS/ GUIDELINES
 - 1. Planting materials
 - 2. Planting methods
 - 3. Tree establishment
 - 4. Pruning standards
 - 5. Excavation and construction standards
 - 6. Recommended tree list
 - 7. ISA Arborist Certification
- c) SUPPLEMENTS
 - 1. ANSI Z 133.1
 - 2. ANSI A 300 Tree Care Standards
 - Part 1: Pruning
 - Part 2: Fertilization

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Part 3: Cable and Bracing

3. Best Management Practices

Pruning

Tree & Shrub Fertilization

Cable/Bracing/Guying

4. Principals of Planting Trees & Shrubs (by G.W. Watson & E.B. Himelick)

(Ord. 2005-06 §3, 04/18/2005)

Section 2.19.200 Severability.

If any phrase, clause, or part of this Article is found to be invalid by a court of competent jurisdiction, the remaining phrases, clauses and parts shall remain in full force and effect.

(Ord. 2005-06 §3, 04/18/2005)

Chapter 3.04

Public Rights-of-way

Sections:

- 3.04.010** **Definitions.**
- 3.04.020** **Jurisdiction.**
- 3.04.030** **Scope of regulatory control.**
- 3.04.040** **City permission requirement.**
- 3.04.050** **Obligations of the City.**
- 3.04.060** **Severability.**

Section 3.04.010 **Definitions.**

- 1) City - The City of Corvallis, Oregon.
 - 2) Person - Individual, corporation, association, firm, partnership, joint stock company, and similar entities.
 - 3) Public rights-of-way - Include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, park strips, public easements on private property, and all other public ways or areas, including subsurface and air space over these areas.
 - 4) Within the City - Territory over which the City now has or acquires jurisdiction for the exercise of its powers.
- (Ord. 98-11, 04/05/1998)

Section 3.04.020 **Jurisdiction.**

- 1) The City of Corvallis has jurisdiction and exercises regulatory control over all public rights-of-way within the City under the authority of the City Charter and State law.

Section 3.04.030 **Scope of regulatory control.**

- 1) The City has jurisdiction and exercises regulatory control over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory control over each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure, or other means.

Section 3.04.040 **City permission requirement.**

- 1) No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses, leases, and permits. Failure by the City to enforce current ordinances regulating the use of public right-of-way will not constitute a waiver of the City's right to do so in the future.

Section 3.04.050 **Obligations of the City.**

- 1) The exercise of jurisdiction and regulatory control over a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.

Section 3.04.060 Severability.

1) Invalidity of a section or part of a section of this ordinance shall not affect the validity of the remaining sections or parts of sections.

CHAPTER 4.2 LANDSCAPING, BUFFERING, SCREENING, AND LIGHTING

Section 4.2.10 - PURPOSES

The City recognizes the aesthetic and economic value of landscaping and encourages its use to establish a pleasant community character, unify developments, and buffer or screen unsightly features; to soften and buffer large-scale structures and parking lots; and to aid in energy conservation by providing shade from the sun and shelter from the wind. The community desires and intends all properties to be landscaped and maintained.

This Chapter prescribes standards for Landscaping, Buffering, Screening, and Lighting. While this Chapter provides standards for frequently encountered development situations, detailed planting plans and irrigation system designs, when required, shall be reviewed by the City with this purposes clause as the guiding principle.

Section 4.2.20 - GENERAL PROVISIONS

a. Required Landscaping -

1. Landscaping and Irrigation Plans - Where a landscape plan is required by this Code, by a particular proposal, and/or by Conditions of Approval, detailed planting plans, irrigation plans and other related plans shall be submitted for review and approval with Building Permit applications and/or prior to the recordation of a Final Plat, as applicable. Building Permits, including Foundation Permits, shall not be issued until the Director has determined that the plans comply with the purposes clause and specific standards in this Chapter, any specific proposal(s), and/or Conditions of Approval that apply to the particular project. On a case by case basis, and where no Significant Natural Features would be impacted, the Director may grant an exception and allow the issuance of permits. Required landscaping shall be reviewed and approved by the Director, and in no case shall landscaping be less than that required by this Chapter. Landscaping shall consist of ground cover, shrubbery, and trees.
2. Installation - All required landscaping and related improvements, such as irrigation, etc., shall be completed prior to the issuance of a Certificate of Occupancy. Additionally, all required landscaping and related improvements within the public right-of-way, and/or required by Conditions of Approval in conjunction with recording of the Final Plat, shall be completed or financially guaranteed prior to the recording of a Final Plat. If an applicant chooses to financially secure landscaping and related improvements in order to record a Final Plat, such financial security shall be consistent with the provisions of this Code, shall be reviewed and approved by the Director, and shall be for an amount at least equivalent to 120 percent of the cost of the installation of the landscaping and related improvements.

3. Coverage within Three Years - All required landscaping shall provide a minimum 90 percent ground coverage within three years. A financial guarantee shall be provided for new residential development, with the exception of areas within single-family or Duplex lots. A financial guarantee shall also be provided for new nonresidential development, and nonresidential redevelopment that involves a 3,000 sq. ft. or 20 percent expansion, whichever is less, except that 20 percent expansions less than 500 sq. ft. are exempt. The financial guarantee shall cover maintenance for a three-year period from the date that the landscaping was installed by the applicant and accepted by the City. This guarantee shall be established prior to the issuance of a Final Certificate of Occupancy and prior to recording of a Final Plat. Additionally, this guarantee shall be consistent with the provisions of this Code, shall be reviewed and approved by the Director, and shall be for an amount that is at least equivalent to 50 percent of the cost of installation of required landscaping and related improvements, plus 20 percent of the 50 percent figure.

To release this guarantee at the end of the three-year period, the developer shall provide a report to the Director. This report shall be prepared by a licensed arborist or licensed landscape contractor and shall verify that 90 percent ground coverage has been achieved, either by successful plantings or by the installation of replacement plantings. The Director shall approve the report prior to release of the guarantee.

- b. Appropriate care and maintenance of landscaping on-site and landscaping in the adjacent right-of-way is the right and responsibility of the property owner, unless City ordinances specify otherwise for general public and safety reasons. A City permit is required to plant, remove, or prune any trees in a public right-of-way. Pruning shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Landscaping, buffering, and screening required by this Code shall be maintained. If street trees or other plant materials do not survive or are removed, materials shall be replaced in kind.
- c. **Protection of Shrub, Ground Cover and Tree Specimens in Inventoried Areas of the Adopted Natural Features Inventory Map dated December 20, 2004 -**
 1. For shrub, groundcover, and tree specimens within the areas inventoried as part of the Natural Features Inventory, preservation requirements shall be in accordance with the provisions of Chapter 4.5 - Natural Hazard and Hillside Development Provisions, Chapter 4.11 - Minimum Assured Development Area (MADA), Chapter 4.12 - Significant Vegetation Protection Provisions, and Chapter 4.13 - Riparian Corridor and Wetland Provisions. See Adopted Natural Features Inventory Map dated December 20, 2004, for information regarding areas inventoried as part of the Natural Features Inventory.
 2. Plants to be preserved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing trees and shrubs shall be considered preserved if the standards in Section 4.12.60.f are met.

d. **Protection of Significant Tree and Significant Shrub Specimens Outside of Inventoried Areas of the Adopted Natural Features Inventory Map dated December 20, 2004 -**

1. Significant Tree and Significant Shrub specimens outside of the areas inventoried as part of the Natural Features Inventory should be preserved to the greatest extent practicable and integrated into the design of a development. See Adopted Natural Features Inventory Map dated December 20, 2004, for information regarding areas inventoried as part of the Natural Features Inventory. See also the definitions for Significant Shrub and Significant Tree in Chapter 1.6 - Definitions.
2. Preservation -
 - a) Significant Trees and Significant Shrubs to be preserved and methods of protection shall be indicated on the detailed planting plan submitted for approval. Existing Significant Trees and Significant Shrubs shall be considered preserved if the standards in Section 4.12.60.f are met.
 - b) Where the preservation of Significant Trees or Significant Shrubs is required by this Code, by a particular proposal, and/or by Conditions of Approval, no development permits shall be issued until a preservation plan has been reviewed and approved by the Director. The preservation plan shall be developed by a certified arborist and shall comply with the purposes clause and specific standards in this Chapter and any proposal(s) and/or Conditions of Approval that apply to the particular project. Additionally, Significant Trees and Significant Shrubs to be saved and methods of protection shall be indicated on the preservation plan submitted for approval. Methods of preservation shall be consistent with Section 4.12.60.f.
- e. Planters and boundary areas used for required plantings shall have a minimum diameter of five ft., or 2.5 ft. radius, inside dimensions. Where the curb or the edge of these areas is used as a tire stop for parking, the planter or boundary plantings shall be a minimum width of 7.5 ft.
- f. **Irrigation Systems** - With the exception of individual lots for single-family and Duplex development, irrigation systems shall be required, provided, and maintained for all required landscape areas in all zones, unless waived by the Director. These irrigation systems are for the purpose of ensuring survival of plant materials in required landscape areas. The Director may waive the requirement for irrigation systems in areas containing established trees and shrubs that are more than five years old, and are retained as significant vegetation in common, open space tracts and areas. Irrigation systems needed to establish trees and shrubs in Natural Resource and Natural Hazard areas are required. Where required, a detailed irrigation system plan shall be submitted with Building Permit applications. The plan shall indicate source of water, pipe location and size, and specifications of backflow device. The irrigation system shall utilize 100 percent sprinkler head-to-head coverage or sufficient coverage to ensure 90 percent coverage of plant materials in three years.

- g. In no case shall shrubs, conifer trees, or other screening be permitted within Vision Clearance Areas of street, alley, or driveway intersections, or where the City Engineer otherwise deems such plantings would endanger pedestrians and vehicles.
- h. **Historically Significant Trees** - Definitions, procedures, and review criteria to remove Historically Significant Trees are located in Chapter 1.6 - Definitions and Sections 2.9.80.b, 2.9.90.02.a.11, 2.9.110.01.e, and 2.9.110.03.d of Chapter 2.9 - Historic Preservation Provisions.

Section 4.2.30 - REQUIRED TREE PLANTINGS AND MAINTENANCE

a. Tree Plantings -

Tree plantings in accordance with this Section are required for all landscape areas, including but not limited to parking lots for four or more cars, public street frontages, private streets, multi-use paths, sidewalks that are not located along streets, alleys, and along private drives more than 150 ft. long.

1. Street Trees -

- a) Along streets, trees shall be planted in designated landscape parkway areas or within areas specified in a City-adopted street tree plan. Where there is no designated landscape parkway area, street trees shall be planted in yard areas adjacent to the street, except as allowed elsewhere by "d," below;
 - b) Along all streets with planting strips in excess of six ft. wide and where power lines are located underground, a minimum of 80 percent of the street trees shall be large canopy trees;
 - c) Planting strips on Local Connector and Local Streets shall be planted with medium canopy trees; and
 - d) If planting strips are not provided on Arterial, Collector, and Neighborhood Collector Streets, an equivalent number of the required large and required medium canopy trees shall be provided in other locations within common open space tracts on the site, or within the front yard setback areas of the parcels and lots adjacent to the street. Such plantings in-lieu-of street trees shall be in addition to the mitigation trees required in Section 4.12.60;
- 2. Along alleys, trees shall be planted on the sides of the alleys at a minimum of one tree per lot; and the trees shall be located within 10 ft. of the alley;
 - 3. Along sidewalks and multi-use paths not located along streets, a minimum five ft.-wide landscaping buffer is required on either side of the facility. Examples of sidewalks and multi-use paths not located along streets include pedestrian and bicycle connections between Cul-de-sacs or between residential areas and neighborhood centers, etc. Within these buffers, trees

shall be planted at least every 30 ft., or as determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees;

4. Conditions of Approval for individual development projects may require additional tree plantings to mitigate removal of other trees, or as part of landscape buffering or screening efforts;
5. The distance between required trees shall be determined by the type of tree used. See Table 4.2-1 - Street Trees and Table 4.2-2 - Parking Lot Trees; and
6. Trees in parking areas shall be dispersed throughout the lot to provide a canopy for shade and visual relief.

Table 4.2-1 - Street Trees

Medium-canopy trees: trees that normally reach 30- 50 ft. in height within 30 years	- Maximum 30 ft. on-center spacing
Large-canopy trees: trees that normally reach 30- 50 ft. in height within 30 years, but exceed 50 ft. in height at maturity	- Maximum 50 ft. on-center spacing

Table 4.2-2 - Parking Lot Trees

Medium-canopy trees: trees that normally reach 30- 50 ft. in height within 30 years	- Minimum one tree per eight cars
Large-canopy trees: trees that normally reach 30- 50 ft. in height within 30 years, but exceed 50 ft. in height at maturity	- Minimum one tree per 12 cars

b. Areas Where Trees May Not be Planted -

1. Trees may not be planted within five ft. of permanent hard surface paving or walkways, unless special planting techniques and specifications are used and particular species of trees are planted, as outlined in Section 4.2.40.c or approved by the Director. These limitations apply most frequently in areas such as landscape parkways, pedestrian walkways, and plaza areas, where there may be tree grates.
2. Unless approved otherwise by the City Engineer, trees may not be planted:

- a) Within 10 ft. of fire hydrants and utility poles;
 - b) Within 20 ft. of street light standards;
 - c) Within five ft. from an existing curb face, except where required for street trees;
 - d) Within 10 ft. of a public sanitary sewer, storm drainage, or water line;
or
 - e) Where the Director determines the trees may be a hazard to the public interest or general welfare.
- c. **Tree Maintenance Near Sidewalks and Paved Surfaces** - Trees shall be pruned to provide a minimum clearance of eight ft. above sidewalks and 12 ft. above street and roadway surfaces; and shall be pruned in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations.
- d. **Trees Planted near Weather Protection** - Where street trees are required in combination with weather protection features such as awnings, the trees shall be allowed to grow and their canopies shall be trimmed above the weather protection features. Such trimming shall be in accordance with the American National Standards Institute (ANSI) A300 standards for Tree Care Operations.

Section 4.2.40 - BUFFER PLANTINGS

Buffer plantings are used to reduce apparent building scale, provide a transition between contrasting architectural styles, and generally mitigate incompatible or undesirable views. They are used to soften rather than block viewing. Where required, a mix of plant materials shall be used to achieve the desired buffering effect. At minimum, this mix shall consist of trees, shrubs, and ground cover, and may also consist of existing vegetation, such as natural areas that will be preserved.

At minimum, buffering is required in areas identified through Conditions of Approval, in areas required by other provisions within this Code, and in Through Lot areas, and as required below.

Parking, Loading, and Vehicle Maneuvering Areas -

- a. Buffering is required for parking areas containing four or more spaces, loading areas, and vehicle maneuvering areas. Boundary plantings shall be used to buffer these uses from adjacent properties and the public right-of-way. A minimum five-ft.-wide perimeter landscaping buffer shall be provided around parking areas; and a minimum 10 ft.-wide perimeter landscaping buffer shall be provided around trees. Additionally, where parking abuts this perimeter landscape buffer, either parking stops shall be used or planters shall be increased in width by 2.5 ft. On-site plantings shall be used between parking bays, as well as between parking bays and vehicle maneuvering areas. Low-lying ground cover and shrubs, balanced with vertical shrubs and trees, shall be used to buffer the view of these facilities.

Decorative walls and fences may be used in conjunction with plantings, but may not be used alone to comply with buffering requirements.

- b. In addition to any pedestrian refuge areas, each landscaped island within and around parking lot areas shall -**
 - 1. Include one or more shade canopy trees;
 - 2. Be a minimum length of eight ft. at its smallest dimension;
 - 3. Include at least 80 sq. ft. of ground area per tree to allow for root aeration; and
 - 4. Include raised concrete curbs around the perimeter.
- c. Connecting walkways through parking lots shall have one or more canopy shade tree per 40 linear ft. Driveways to or through parking lots shall have one or more canopy shade tree per 40 linear ft. on each side. These trees shall be planted in landscape areas within five ft. of the walkways and driveways, respectively.**

Section 4.2.50 - SCREENING (HEDGES, FENCES, WALLS, AND BERMS)

Screening is required where unsightly views or visual conflicts must be obscured or blocked and/or where privacy and security are desired. Fences and walls used for screening may be constructed of wood, concrete, stone, brick, wrought iron, or other commonly used fencing/wall materials. Acoustically designed fences and walls shall also be used where noise pollution requires mitigation.

Where landscaping is used for required screening, it shall be at least six ft. in height and be at least 80 percent opaque, as seen from a perpendicular line of sight, within 18 months following establishment of the primary use of the site.

A chainlink fence with slats shall qualify for screening only if a landscape buffer is provided in compliance with Section 4.2.40, above.

4.2.50.01 - Height Limit

The height of hedges, fences, walls, and berms shall be measured from the lowest adjoining finished grade, except where screening is required for parking, loading, storage, and similar areas. In these cases, height shall be measured from the finished grade of such improvements. Screening is not permitted within Vision Clearance Areas, as determined by the City Engineer.

- a. Hedges, fences, and walls shall not exceed three ft. in height within any required yard adjacent to a street or within the Through Lot easement area of a lot. See Through Lot in Chapter 1.6 - Definitions. See also Chapter 4.4 - Land Division Standards for additional Through Lot requirements. The Director may grant an exception to this provision under the following circumstances:**

1. Where required by the Planning Commission to meet screening requirements;
 2. Where an applicant wishes to allow portions of a screen to encroach up to two ft. into an exterior side yard, excluding the front yard area. This type of encroachment pertains to a screen that is designed and constructed with off-sets to prevent visual monotony. In this situation, the hedge, fence, or wall shall not exceed five ft. in height and shall maintain Vision Clearance Area standards; or
 3. Where an applicant wishes to allow portions of a screen to encroach up to five ft. into a Through Lot easement area. This type of encroachment pertains to a screen that is designed and constructed with off-sets to prevent visual monotony. In this situation, the hedge, fence, or wall shall maintain an average setback of 20 ft. from the rear property line, shall not exceed five ft. in height, and shall maintain Vision Clearance Area standards. Gates are required in rear yard fences on Through Lots, since it remains the property owner's responsibility to maintain the area outside the fence. In Multi-dwelling developments or Planned Developments and Subdivisions, a 20 ft.-wide planting area shall be established between the sidewalk and the fence. The planting area shall be designed to minimize maintenance and to ensure that coniferous trees are planted at least 15 ft. from the sidewalk.
- b. Notwithstanding the height restrictions outlined in "a," above, the height of solid fences and walls shall be limited to a maximum of four ft. along the boundaries of sidewalks and multi-use paths that are not adjacent or parallel to streets. Examples of such situations include sidewalks and multi-use paths adjacent to pedestrian and bicycle connections between Cul-de-sacs or between residential areas and neighborhood centers, etc. The limitation on these solid forms of screening is intended to increase visibility and public safety. Portions of fences above four ft. in height are allowed, when they are designed and constructed of materials that are open a minimum of 50 percent. Fence and wall heights shall be measured from the grade of the sidewalk or multi-use path. Fences and walls along sidewalks and multi-use paths shall be located outside of any associated rights-of-way and/or easement areas.
- c. Hedges, fences, and walls may exceed three ft. in rear and interior side yards, except when these yards abut a sidewalk or multi-use path, in which case provisions in "b," above, apply. Fences and walls over six ft. high require Building Permit approval prior to construction.
- d. Earthen berms up to six ft. in height may be used to comply with screening requirements. The slope of a berm may not exceed 3:1. The faces of a berm's slope shall be planted with ground cover, shrubs, and trees.

- e. Long expanses of fences and walls shall be designed to prevent visual monotony through the use of off-sets, changes of materials and textures, or landscaping.
- f. Chainlink fences are prohibited within 100 ft. of the identified Gateway Street within the Limited Industrial-Office Zone, unless they are screened in accordance with landscape screening requirements in this Chapter.

4.2.50.02 - Service Facilities and Outdoor Storage Areas

Trash dumpsters, gas meters, ground-level air conditioning units and other mechanical equipment, other service facilities, and outdoor storage areas shall be appropriately screened with a fence, wall, or plantings, consistent with the landscape screening provisions in this Section. When located adjacent to a residential zone, outdoor components associated with heat pumps, ground-level air conditioning units and similar kinds of equipment that create noise shall not be placed within any required setback area. Additionally, if such equipment is located adjacent to a residential zone and between five - 10 ft. of a property line, it shall be screened with a solid fence or wall at least one ft. higher than the equipment. When such equipment is located adjacent to a residential zone and outside a required setback line, and is greater than 10 ft. from a property line, standard screening requirements in this Section shall apply.

4.2.50.03 - Swimming Pools

Swimming pools more than 18 in. deep shall be surrounded and screened with a minimum four ft.-high secured fence or wall. The fence or wall must have a self-latching gate in accordance with Chapter 9 of the City's Municipal Code.

4.2.50.04 - Detention Facilities

Detention facilities, such as ponds, shall be graded so that the sides of the facilities are no steeper than 3:1. Additionally, the facilities shall be landscaped with plant materials that provide erosion control and biofiltration. See also Section 4.0.130 of Chapter 4.0 - Improvements Required with Development.

Section 4.2.60 - PROHIBITED STREET TREES

- a. **Section 10.01.020 of the Municipal Code** - Section 10.01.020 of the Municipal Code prohibits the following species of trees within public rights-of-way and parking strips:
 - 1. Bamboo;
 - 2. Poplar;
 - 3. Willow;
 - 4. Conifer;

5. Cottonwood;
 6. Fruit and nut trees, other than ornamental; and
 7. Ailanthus.
- b. **Section 10.01.030 of the Municipal Code** - Because of concerns regarding tree root interactions with sanitary sewer lines, Section 10.01.030 of the Municipal Code prohibits the following trees from being planted anywhere in the City, unless the City Manager approves an exception for a situation where the tree roots are unlikely to interfere with a public sewer:
1. Willow;
 2. Cottonwood; and
 3. Poplar.

Section 4.2.70 - GATEWAY PROVISIONS

Development in designated Gateway areas, as defined in the Comprehensive Plan, shall comply with the additional provisions of this Section.

4.2.70.01 - Gateway Provisions for Development Along South Third Street

Within the Limited Industrial-Office (LI-O), Mixed Use General Commercial (MUGC), and Mixed Use Community Shopping (MUCS) zones, the following standards shall apply:

- a. **Street Trees and Streets** - A double row of street trees along street frontages shall be required, as shown below in Figure 4.2-1 - Gateway Features. Properties zoned MUCS are exempt from this double row of trees requirement. Other street improvements, such as for sidewalks, bicycle lanes, transit facilities, and roadways, shall conform to the provisions of this Code including all chapters in Article IV, unless more restrictive provisions are established in this Chapter.

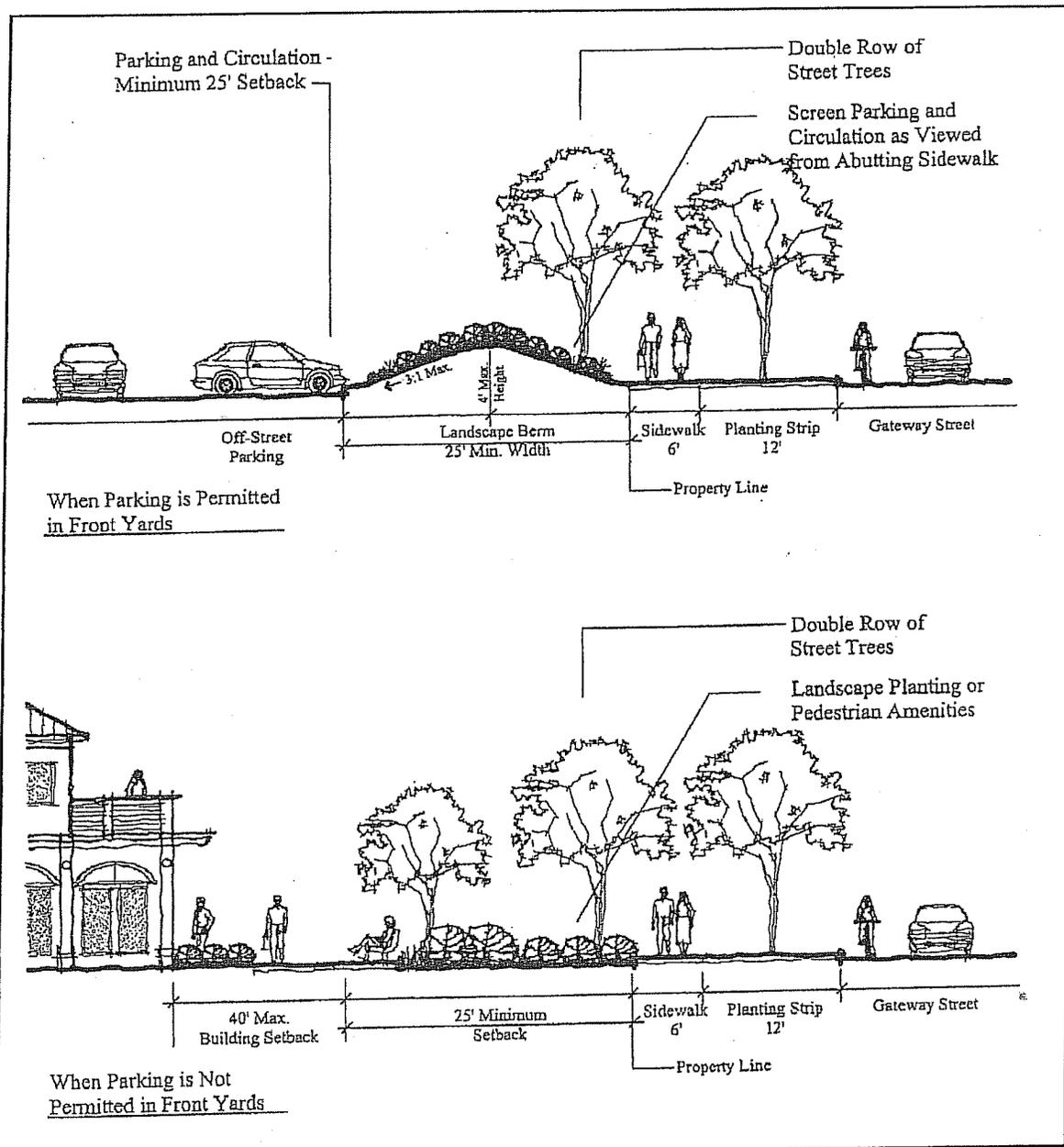


Figure 4.2-1 - Gateway Features

- b. **Landscaping** - Areas within required setbacks adjacent to a Gateway Street, considered to be the gateway landscape area, shall be landscaped with a combination of ground cover, shrubbery, and trees to serve as buffering between the development and the Gateway Street, in accordance with this Chapter. While properties zoned MUCS shall provide required landscaping, they are exempt from the portion of this requirement that pertains to buffering of buildings.

Screening shall block views of the paved surfaces of parking and circulation areas for pedestrians on the abutting public sidewalk, such as on South Third Street, in accordance with this Chapter and the following special screening standards:

1. Screening shall be provided with planted berms with a maximum slope of 3:1, or other effective terrain features, but shall not block the view(s) of building facades from the Gateway Street. See Figure 4.2-1 - Gateway Features; and
 2. Mulch, rocks, and other non-plant ground cover material shall not be permitted as screening, but shall be allowed to aid in the establishment of plants and to control erosion.
- c. **Fences and Walls** - Fences and walls within required setbacks adjacent to a Gateway Street shall not exceed three ft. above finished grade, and shall have a minimum average setback of 12 ft. from the Gateway Street right-of-way. The setback shall be landscaped in accordance with "b," above. Straight fence or wall segments shall not exceed 50 ft. in length without an off-set or pillar measuring at least two ft. in depth. Pillars shall have a clearly defined base and cap and be constructed of brick, masonry, wood, or similar quality material. Cyclone fences shall not be permitted. Fences and walls associated with required screening of service facilities shall be located no closer than 25 ft. from a Gateway Street. Service facilities include elements such as trash dumpsters, gas meters, ground-level air conditioning units, other mechanical equipment within required setback areas, etc.
- d. **Signs, Facilities, and Features** - Monument signs, pedestrian and transit facilities, and water quality/quantity features approved by the City are allowed within the Gateway landscape area. Examples of water quality/quantity features include drainageways, detention ponds, etc.
- e. **Parking and Vehicle Circulation** - Parking and vehicle circulation areas shall not be placed closer than 25 ft. from a Gateway Street right-of-way. Such areas shall not be visible from a Gateway Street, as provided in "b," above. Where the Gateway Street is used to comply with Section 3.22.40.09, parking and circulation areas shall not be placed between the subject building and the Gateway Street.
- f. **Pole-mounted Signs** - Pole-mounted signs are prohibited within 100 ft. of any Gateway Street's right-of-way.
- g. **Monument Signs** - Monument signs on properties along Gateway Streets shall be limited to eight ft. in height.

4.2.70.02 - Reserved for Gateway Provisions for other Parts of the City - These provisions are to be established as part of a future Code Update process.

Section 4.2.80 - SITE AND STREET LIGHTING

Pursuant to City Council Policy 91-9.04, *"The City of Corvallis is interested in well shielded, energy efficient street lighting sources that direct the light source downward where it is needed, not up or sideways where it is wasted and causes glare, light trespass, and bright skies."*

All developers shall submit a proposed lighting plan for approval that meets the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. This criteria is satisfied upon compliance with the provisions listed below and shall be substantiated by the applicant's submittal of the necessary information to demonstrate compliance, such as information including but not limited to manufacturers' specifications:

- a. For safety purposes, lighting shall be provided in all areas designed to include pedestrian activities, such as streets, sidewalks, multi-use paths, parking lots, buildings, and plazas.
- b. With the exception of lighting for public streets, which is maintained by the City through a contract with an electric company, all other lighting used to illuminate streets, buildings, sidewalks, multi-use paths, parking lots, plazas, or the landscape, shall be evaluated during the plan review process associated with requests for permits.
- c. Site lighting that may be confused with warning, emergency, or traffic signals is prohibited.
- d. Light sources shall be concealed or shielded to the maximum extent feasible to minimize the potential for glare and unnecessary diffusion on adjacent property. Compliance with this provision shall be demonstrated by ensuring that, when evaluated from a point four ft. above the ground, bulbs of light fixtures are not visible from adjacent property.
- e. All new Subdivision street lights and future street-light luminaire replacements within the existing street-light system shall be flat-lens fully shielded luminaires.
- f. Standard placement of street lights shall be at intersections, in the middle of long blocks, and in dead end streets and long Cul-de-sacs.
- g. Background spaces such as parking lots shall be illuminated as unobtrusively as possible to meet the functional needs of safe circulation and of protecting people and property. Foreground spaces, such as building entrances and plaza seating areas, shall use local lighting that defines the space without glare.

CITY OF CORVALLIS
COUNCIL POLICY MANUAL

POLICY AREA 7 - COMMUNITY IMPROVEMENTS

CP 91-7.08 **Sidewalk Policy**

Adopted September 18, 1961 & Revised September 8, 1970 (91-7.08.020)

Adopted May 21, 1973 (91-7.08.030)
Combined and Affirmed October 7, 1991
Revised June 20, 1994
Reviewed November 6, 1995
Revised November 3, 1997
Revised November 15, 1999
Affirmed October 16, 2000
Revised December 17, 2001
Revised November 4, 2002
Revised November 17, 2003
Revised December 20, 2004
Revised December 19, 2005

7.08.010 Purpose

To establish a policy regarding sidewalk construction and repair.

7.08.020 Policy - Sidewalk Construction

7.08.021 Sidewalk construction shall be as per Municipal Code Chapter 2.15 Sidewalk Improvements, as amended.

7.08.022 The criteria used to base an order to construct a missing sidewalk in an area that generally has sidewalks will be as follows:

Undeveloped Lot - Where the plat was recorded after November 1997 and has been recorded three years or longer, or when the missing sidewalk creates a threat to public safety and health as determined by the Public Works Director, and there is no sidewalk on the opposite side of the street unless there is no reasonably safe means for a person to cross the street.

Council Policy 91-7.08

Developed Lot - The City has received a complaint and review by City staff determines that the missing sidewalk presents a threat to public safety and health, and there is no sidewalk on the opposite side of the street unless there is no reasonably safe means to cross the street.

7.08.030 Policy - Sidewalk Repair

7.08.031 The owners of land adjoining any street in the City are responsible for the repair and maintenance of sidewalks in front of, along, or abutting their property as established by Municipal Code Chapter 2.15.

7.08.032 It is the responsibility of the City to construct and repair sidewalk wheelchair access ramps at intersections, repair and maintain sidewalks at public alley approaches, and repair and maintain sidewalks in front of, along, or abutting City owned property.

7.08.033 The City will maintain an ongoing annual program to identify hazardous sidewalk conditions, notify those responsible of necessary repairs, and ensure that repairs are completed.

7.08.034 The City will provide year round inspections of sidewalk hazards identified by citizen complaints in all areas of the City.

7.08.035 As per Municipal Code Section 2.15.160, as amended, the City will establish an optional program as per 7.08.040 Annual Program - Sidewalk Safety Program to assist property owners with repairs to hazardous sidewalks as well as the financing of those repairs as per 7.08.060 - Optional Financing of Repair Costs.

7.08.036 The City will attempt to accommodate trees and planting strips by considering sidewalk relocation options, including easements on private property.

7.08.040 Annual Program - Sidewalk Safety Program

7.08.041 Annually, the City will identify a district within the city limits containing public sidewalks to be inspected based on the Sidewalk Safety Districts map maintained by Public Works. The City will provide notification to all residents and owners of property within that year's district describing the program.

7.08.042 Sidewalk hazards will be identified and marked following guidelines prepared by the City Public Works Department.

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- 7.08.043 In conjunction with the annual sidewalk inspection, City Staff will identify locations in need of wheelchair access ramps as well as sidewalk repairs designated as City responsibility.
- 7.08.044 Property owners will be notified by letter of repairs to sidewalks abutting their property as per Municipal Code Section 2.15.090, as amended. An estimate of repair costs will be provided with the notification. For owners of property outside the Central Business District who participate in the annual program by utilizing the City's contract, if the sidewalk is wider than five (5) feet, the property owner shall be responsible for the costs related to a width of five (5) feet; the City shall be responsible for the cost of the additional width calculated on a proportional basis. Property owners who choose to arrange for the repairs themselves, regardless of sidewalk width, shall bear the entire cost of repairs.
- 7.08.045 Property owners will be given the option of insuring completion of the repairs themselves or notify their intent that the City coordinate repairs and will indicate their choice to the City. If a property owner chooses to insure the completion of the repairs, a permit must be obtained from the Development Services Division as per Municipal Code Section 2.15.070.
- 7.08.046 Property owners who choose to arrange for the repair work themselves will be required to complete all repairs by City permit, as per Municipal Code Section 2.15.070, as amended, and within 60 days of the initial notification of repairs. Property owners who fail to respond within 30 days from the date of the notice issued as per 7.08.044 will be issued an order as per Municipal Code Section 2.15.090. Copies of sidewalk construction standards and specifications are available from the Development Services Division.
- 7.08.047 Property owners who choose to complete the work themselves will be required to sign a statement that they have reviewed and understand the adopted City sidewalk standards and provide proof of liability insurance in order to receive a permit. Property owners may also contract directly with a qualified contractor.
- 7.08.048 The City will advertise all other work for bids according to City purchasing code and State law requirements in conjunction with its annual program to construct wheelchair access ramps and repair sidewalks designated as City responsibility.
- 7.08.049 Once bids are received, the City will provide a notification of the actual repair costs to the property owners who indicated their intent that the City coordinate the repairs. Repair costs will include the actual cost of construction plus administrative.

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- 7.08.050 Once actual repair costs are made available to them, property owners will be given an additional opportunity to decide whether to arrange for the repairs themselves or commit to an agreement that the City coordinate repairs.
- 7.08.051 Property owners who were notified as per 7.08.049 and choose to arrange for repairs themselves or fail to respond to the notification within 30 days from the date of that notification, will be given 60 days from the date of the notice in which to complete repairs.
- 7.08.052 Property owners who request that the City coordinate repairs must, within 30 days of the notification issued as per 7.08.049, either pre-pay the entire cost of repairs or apply for optional financing with the City.
- 7.08.053 Should the City coordinate repairs for the property owner and additional work that should have been identified by the City during the initial inspection be required during the course of construction, the additional cost to complete that work will not be passed on to the property owner.
- 7.08.060 Optional Financing of Repair Costs
- 7.08.061 An optional fixed rate loan will be made available to all property owners who request coordination of repairs by the City. The loan duration will be equal to one year for every \$250 borrowed up to a maximum of five years and will be secured by property liens. Loan applications will be distributed and collected by Public Works staff.
- 7.08.062 The Finance Department will set loan rates by April 1 of each year for the following fiscal year. It is the intent of this policy to set loan rates lower than those currently offered for unsecured loans, yet high enough to discourage those who can afford to pay the full cost of repairs from tying up available loan funds.
- 7.08.063 Financing will be offered within loan funding levels at no interest to those property owners who qualify for low income assistance. Low income is defined as income at or below 80% of Benton County median income based on family size.
- 7.08.070 Enforcement
- 7.08.071 Property owners who fail to construct new sidewalks or complete the required repairs within the time frames established in this document and by Municipal Code will be subject to fines as established in the Municipal Code Chapter 2.15, as amended.

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- 7.08.072. To ensure that property owners who are noticed as a part of the annual sidewalk safety program as per 7.08.040 are given every opportunity to comply, a follow-up letter will be sent after the 60-day repair period has expired, reminding them of their responsibility, and requesting that repairs be made within 30 days.

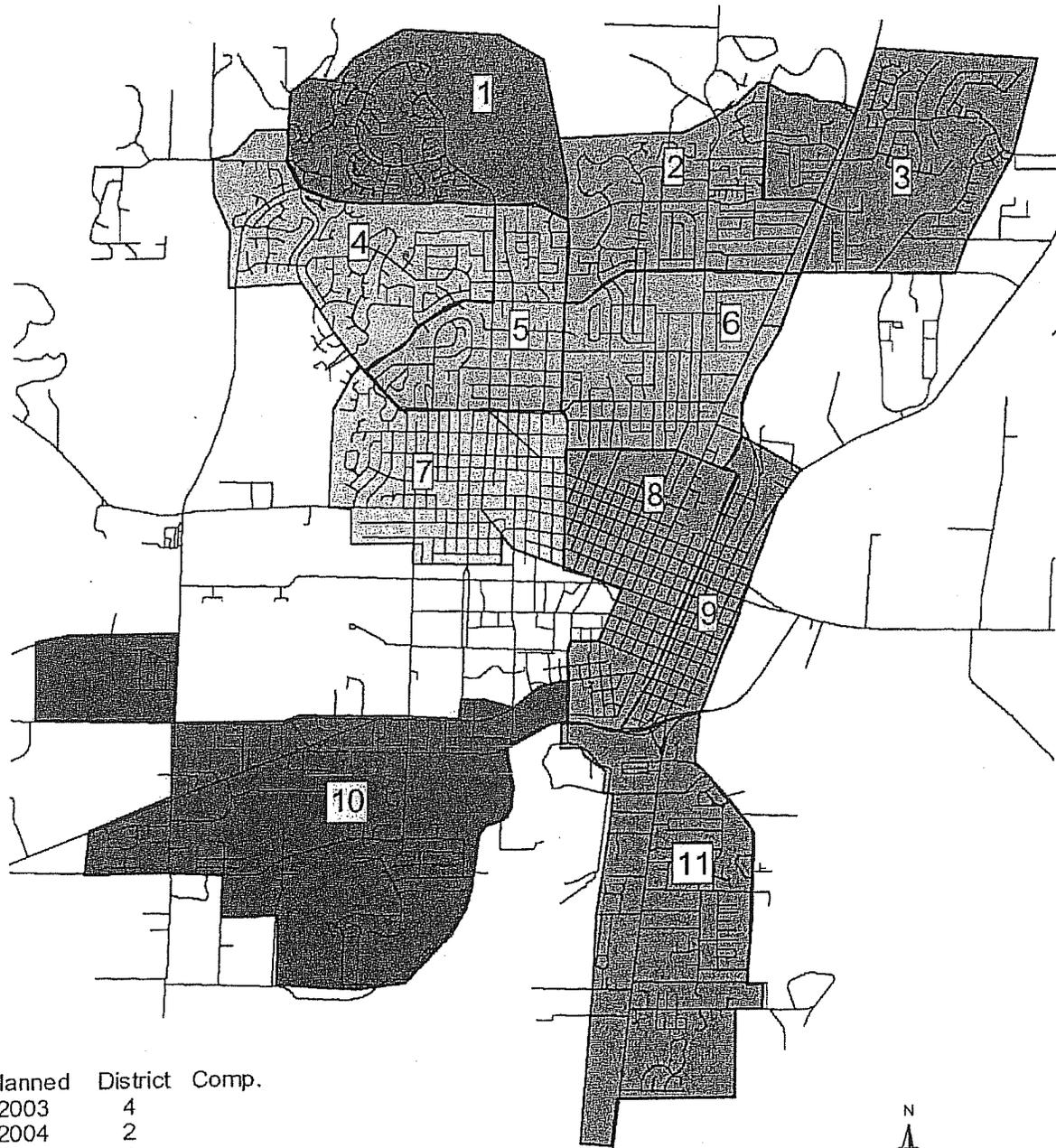
- 7.08.073 Those cases that do not respond to the follow-up letter sent as per 7.08.072 will be referred to the City Attorney's Office (CAO). The CAO will issue a new letter, requiring repairs to be made immediately.

- 7.08.074 Cases that are referred to the CAO will be evaluated individually to determine the reason for non-compliance. In each case, an effort to work out voluntary compliance will be exhausted before legal enforcement procedures are implemented. Legal action will seek compliance and recovery of legal costs incurred by the City.

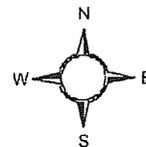
- 7.08.080 Review and Update

This Community Improvement Policy shall be reviewed by the Public Works Director triennially in October and updated as appropriate.

Sidewalk Safety Districts

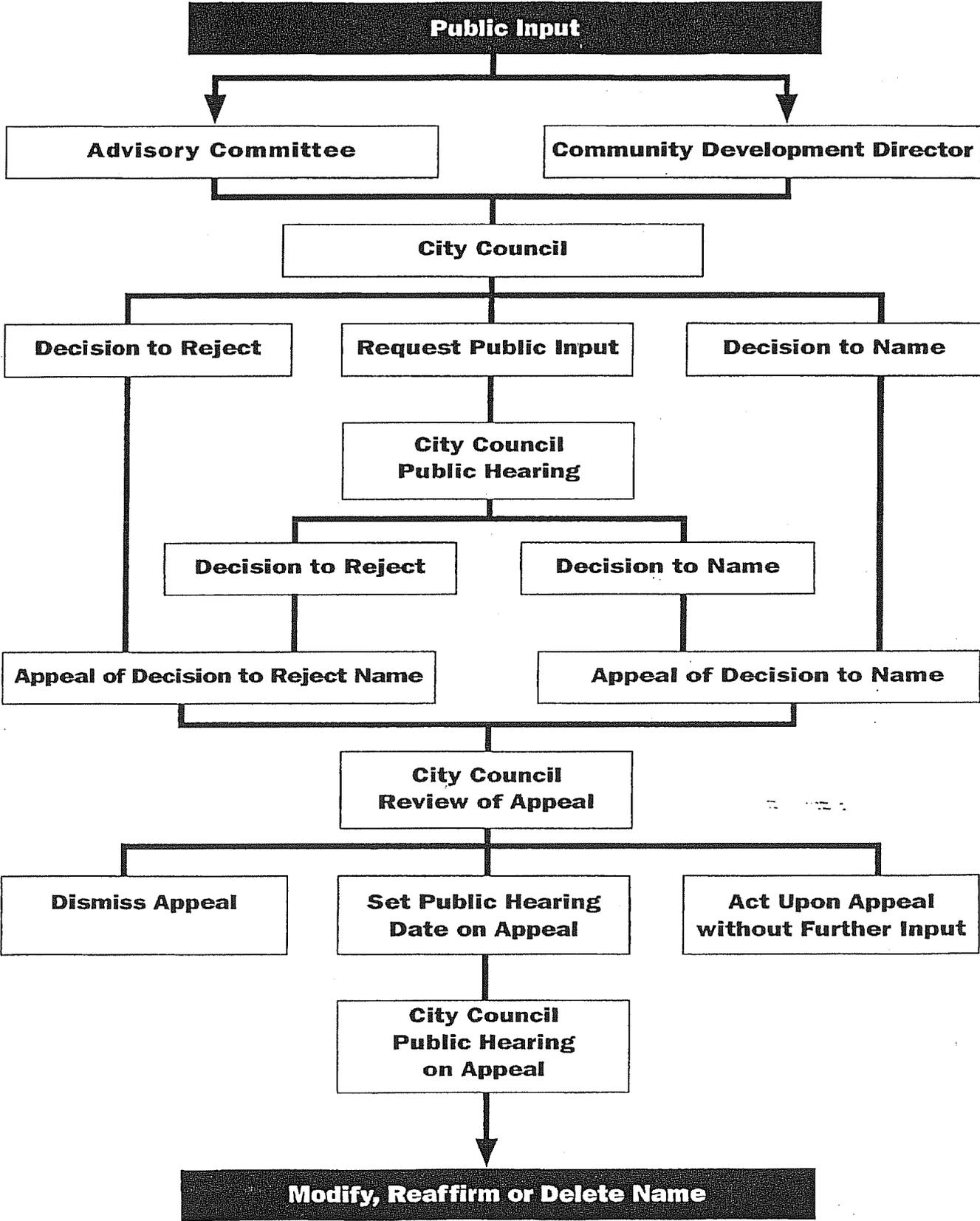


Planned	District	Comp.
2003	4	
2004	2	
2005	1	
2006	8	1989
2007	11	1995
2008	10	1996
2009	3	1997
2010	9	2000
2011	7	2001
2012	6	2001
2013	5	2002



October 7, 2002

Naming of Public Facilities and Lands



CHAPTER 2.9 HISTORIC PRESERVATION PROVISIONS

Section 2.9.10 - BACKGROUND AND APPLICABILITY

The City of Corvallis recognizes that historic resources located within its boundaries contribute to the unique character of the community and merit preservation. The City's Historic Preservation Provisions implement the policies in Comprehensive Plan Article 5, Section 5.4 - Historic and Cultural Resources. In doing so, the City's Historic Preservation Provisions establish procedures and standards for the review of development on properties involving Designated Historic Resources as defined in Chapter 1.6 - Definitions, and development on or within public rights-of-way and private street rights-of-way located within and adjacent to a National Register of Historic Places Historic District. These properties include those subject to a Historic Preservation Overlay (HPO) and historic resources listed in the National Register of Historic Places. As defined in Chapter 3.31 - Historic Preservation Overlay, the Overlay applies to all historic resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register). As a Certified Local Government, the City has authority delegated from the state and federal governments to evaluate Historic Preservation Permit changes to Designated Historic Resources listed in the National Register of Historic Places. Accordingly, the City's Historic Preservation Provisions apply to: historic resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register); historic resources listed in the National Register of Historic Places; and public rights-of-way and private street rights-of-way located within and adjacent to a National Register of Historic Places Historic District. These provisions also conform with Statewide Planning Goals and other state land use requirements.

Section 2.9.20 - PURPOSES

The purposes of the City's Historic Preservation Provisions are as follows:

- a. Implement historic and cultural resource policies of Comprehensive Plan Article 5, Section 5.4 - Historic and Cultural Resources;
- b. Encourage, effect, and accomplish the protection, enhancement, and perpetuation of historic resources, historic resource improvements, and of historic districts that represent or reflect elements of the City's cultural, social, economic, political, and architectural history;
- c. Complement any National Register of Historic Places Historic sites and/or Districts in the City;
- d. Foster civic pride in the beauty and noble accomplishments of the past;

- e. Promote the use of historic districts and landmarks for education, pleasure, energy conservation, housing, and the public and economic welfare of the City;
- f. Provide processes and criteria for the review of Historic Preservation Permit applications for Designated Historic Resources for the following actions:
 - 1. Alteration or New Construction;
 - 2. Demolition; and
 - 3. Moving;
- g. Provide a clear and objective listing of activities exempt from the Historic Preservation Permit process;
- h. Provide procedures for addressing emergency actions affecting the historic resources in the City; and
- i. Adequately implement the Secretary of the Interior's Standards for Rehabilitation¹ and the Secretary of Interior's Standards for Preservation,² since they were used in the development of review criteria for Historic Preservation Permit requests. The review criteria contained herein implement these standards in a manner that adequately protects Designated Historic Resources consistent with Secretary of the Interior's Standards for Rehabilitation and the Secretary of Interior's Standards for Preservation.

Section 2.9.30 - PROCEDURES FOR ESTABLISHING A HISTORIC PRESERVATION OVERLAY ZONING DESIGNATION

A Historic Preservation Overlay zoning designation may be established for a historic resource in accordance with the provisions in Chapter 2.2 - Zone Changes.

Section 2.9.40 - PROCEDURES FOR REMOVING A HISTORIC PRESERVATION OVERLAY ZONING DESIGNATION

A Historic Preservation Overlay zoning designation may be removed from a Designated Historic Resource in accordance with the provisions in Chapter 2.2 - Zone Changes.

¹ <http://www.cr.nps.gov/hps/tps/standards/rehabilitation.htm>

² <http://www.cr.nps.gov/hps/tps/standards/preservation.htm>

Section 2.9.50 - PROCEDURES FOR RECLASSIFYING HISTORIC RESOURCES IN A NATIONAL REGISTER OF HISTORIC PLACES HISTORIC DISTRICT

Reclassification of a Designated Historic Resource listed in the National Register of Historic Places shall be accomplished in accordance with the state and federal provisions identified in Section 2.2.60 of Chapter 2.2 - Zone Changes.

Section 2.9.60 - DETERMINING APPLICABILITY AND APPROPRIATE HISTORIC PRESERVATION PERMIT REVIEW PROCEDURE(S)

A Historic Preservation Permit is required for certain Alteration or New Construction, Demolition, or Moving activities affecting Designated Historic Resources, even if no Building Permit is required by the Building Official. Accordingly, the City's Historic Preservation Provisions apply to: historic resources listed in the Corvallis Register of Historic Landmarks and Districts (Local Register); historic resources listed in the National Register of Historic Places; and public rights-of-way and private street rights-of-way located within and adjacent to a National Register of Historic Places Historic District. Different review procedures and criteria apply, depending on the nature of the permit request, and if the Designated Historic Resource is located in a National Register of Historic Places Historic District, the classification of the resource.

- a. **Exempt Activities** - Section 2.9.70 outlines activities affecting a Designated Historic Resource that are exempt from the requirement for a Historic Preservation Permit.
- b. **Types of Historic Preservation Permits** -
 1. Director-level Historic Preservation Permit - The Director-level Historic Preservation Permit addresses Alteration or New Construction activities that are minor in nature and not covered in Section 2.9.70 - Exemptions from Historic Preservation Permit Requirements. Specific procedures and clear and objective review criteria for this type of permit are listed in Sections 2.9.60.c, 2.9.90, and 2.9.100. The Director-level Historic Preservation Permit is classified as General Development in Chapter 1.2 - Legal Framework, is a staff-level review, and acts as a double-check for compliance with Sections 2.9.90 and 2.9.100.
 2. HRC-level Historic Preservation Permit - The HRC-level Historic Preservation Permit addresses Alteration or New Construction, Demolition, and Moving activities not covered by "1," above, and not covered in Section 2.9.70 - Exemptions from Historic Preservation Permit Requirements. Specific procedures and discretionary review criteria for this type of permit are listed

in Sections 2.9.60.c, 2.9.90, 2.9.100, 2.9.110, and 2.9.120. The HRC-level Historic Preservation Permit is classified as a quasi-judicial land use decision in Chapter 1.2 - Legal Framework, involves public notice, and requires a Historic Resources Commission public hearing review for compliance with Sections 2.9.90, 2.9.100, 2.9.110, and 2.9.120.

c. Sources of Information that Assist the Director in Determining Historic Significance and Appropriate Historic Preservation Permit Review Process -

The Director may use any of the following information sources to determine the appropriate Historic Preservation Permit review process that applies:

1. This Code Chapter and others referenced by it;
2. The official historic inventory for the Designated Historic Resource;
3. Findings from a final approved Order or Notice of Disposition summarizing the rationale for the placement of a Historic Preservation Overlay on the resource;
4. An approved National Register of Historic Places nomination;
5. Applicable state law;
6. Other adopted City ordinances;
7. Primary source material provided by the applicant; and/or
8. Secondary source materials on history, architecture, design or style, materials, methods, or pertinent examples locally or elsewhere.

d. Emergency Actions - Section 2.9.80- Emergency Actions outlines how to address activities resulting from an emergency action when the City's Urban Forester, City Engineer, Building Official, and/or Fire Marshal determine(s) that an emergency action is needed for public safety due to an unsafe or dangerous condition. This Section also addresses requirements for obtaining the appropriate Historic Preservation Permit, when applicable, after the immediate hazard has been addressed.

Section 2.9.70 - EXEMPTIONS FROM HISTORIC PRESERVATION PERMIT REQUIREMENTS

The following changes to a Designated Historic Resource shall be exempt from the requirement for a Historic Preservation Permit. Property owners are advised that other permits may be required to make such changes, such as other land use permits, Building Permits, and other provisions of this Code, such as landscaping requirements in Chapter 4.2 - Landscaping, Buffering, Screening, and Lighting.

- a. **Interior Alterations** - Changes to the interior of a Designated Historic Resource that do not alter the building exterior.

- b. **Routine Maintenance and/or In-kind Repair or Replacement** - Routine maintenance of any exterior feature of a Designated Historic Resource that does not involve a change in the design or style, dimensions, or material of the resource. A complete definition for In-kind Repair or Replacement is contained in Chapter 1.6 - Definitions. The In-kind Repair or Replacement of deteriorated materials is also allowed; however, it is recommended that repair be considered prior to replacement. Also included in routine maintenance are the following:
 - 1. Routine site maintenance - Pertains to landscaping maintenance, brush clearing and removal of debris, pruning of shrubs, and removal of shrubs not listed as original plantings in the official historic inventory, or other sources of information listed in Section 2.9.60.c;
 - 2. Pruning of trees - Pruning of trees that are located on Designated Historic Resource properties shall be in accordance with the most current edition of American National Standards Institute (ANSI) A300 standards for Tree Care Operations. Under no circumstances shall the maintenance pruning be so severe that it compromises the tree's health, longevity, and/or resource functions; and
 - 3. Removal of trees that are not considered to be Historically Significant Trees, based on the definition in Chapter 1.6 - Definitions.

- c. **Painting** - Exterior painting or repainting of any portion of a Designated Historic Resource, including changes to paint color. Exemption does not apply to artwork attached to buildings, murals, or painting over existing architectural features, such as signs, or previously unpainted metalwork, brickwork, stonework, and masonry.

- d. **Signs or Tablets** - Installation of one permanent memorial sign or tablet per property, where the sign or tablet is exempt from the City's Sign Code regulations

per Section 4.7.70.e, and is consistent with the published dimensions and design guidelines established by the Historic Resources Commission.

- e. **Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - An exterior Alteration or New Construction to a property in a National Register of Historic Places Historic District that is classified in its entirety as Nonhistoric/Noncontributing shall be exempt from review, provided the Alteration or New Construction is not visible from public rights-of-way or private street rights-of-way, except for alleys, from which it may be visible, is 200 sq. ft. or less, and does not exceed 14 ft. in height.
- f. **Installation of Removable Storm Windows** - A storm window is a secondary window attached over a structure's primary window to protect the primary window against weather impacts. A storm window shall not function as a replacement for a primary window, and none of the external historic features of the resource shall be damaged or permanently altered with the installation.
- g. **Installation of a Removable Heating or Cooling Device** - Installation of a removable heating or cooling device, such as an air conditioning unit, in an existing building opening, provided that none of the external historic features of the resource are altered.
- h. **Accessory Development** - Accessory development meeting the criteria in Chapter 4.3 - Accessory Development Regulations that is not visible from public rights-of-way or private street rights-of-way, except for alleys, from which it may be visible, that is 200 sq. ft. or less, and that does not exceed 14 ft. in height.
- i. **Demolition or Moving of Freestanding Temporary or Small Accessory Structures that are Not Classified as Nonhistoric/Noncontributing** - Demolition or Moving of structures in a National Register of Historic Places Historic District that are classified as Nonhistoric/Noncontributing are addressed in Section 2.9.70.w. Demolition or Moving is also allowed for freestanding temporary accessory structures and other freestanding accessory structures less than 200 sq. ft. and less than 14 ft. in height provided that:
 - 1. The proposed Demolition or Moving does not damage, obscure, or negatively impact any Locally-designated Historic Resource or any Nationally-designated Historic Resource that is classified as Historic/Contributing or called out as being significant, based on any of the sources of information listed in Section 2.9.60.c; and

2. The affected structure is less than 50 years, old based on evidence submitted by the applicant; and
3. At least one of the following:
 - a) The affected structure is a Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register and/or National Register of Historic Places; or
 - b) The affected structure is a Nonhistoric structure on a Designated Historic Resource property listed in a National Register of Historic Places Historic District, even if the approved National Register of Historic Places nomination for the District is silent on the issue.
- j. **Installation of Satellite Dishes** - Installation of a satellite dish on a facade not facing public or private street rights-of-way, except for alleys, from which it may be visible, provided the dish is less than 30 in. in diameter.
- k. **Access Ramps Compliant with the Americans with Disabilities Act (ADA) Requirements** - Installation of an access ramp that is compliant with the Americans with Disabilities Act (ADA) requirements, provided that none of the external historic features of the resource is damaged or permanently altered and the ramp is 32 in. or less in height and is constructed in a manner that is Reversible.
- l. **Conversion of Existing Vehicular Parking Spaces to Achieve Compliance with the Americans with Disabilities Act (ADA)** - The conversion of existing vehicular parking spaces to vehicular parking spaces that are needed to achieve compliance with the Americans with Disabilities Act (ADA), provided no additional impervious surface is created.
- m. **Fencing Installation, Extension, or Removal** - The installation or extension of new wood fencing, or the repair or replacement of existing wood fencing, provided such fencing meets applicable development standards for fencing in Section 4.2.50. Additionally, the removal of an existing wood or chainlink fence, in whole or in part, provided the fence to be removed is not identified as Historically Significant, based on any of the sources of information listed in Section 2.9.60.c.
- n. **Freestanding Trellises** - Installation of a freestanding trellis that is less than 14 ft. in height and not visible from public street rights-of-way or private street rights-of-way, except for alleys from which it may be visible. The installation shall not damage any significant external architectural features of the historic resource.

- o. New, Repair, or Replacement Landscaping and Tree Planting** - Installation of new, repair, or replacement landscaping, including tree planting, and related appurtenances, such as irrigation sprinklers. The installation shall not damage any significant external architectural features of the historic resource or damage any Historically Significant Trees or other landscaping on the Designated Historic Resource site, as identified in the official historic inventory or other sources of information listed in Section 2.9.60.c.
- p. Building Foundations** - Alteration or New Construction activities to a building foundation that are required to meet present-day Building Code requirements, provided that the foundation material is not specifically identified as Historically Significant and the initial and finished foundation exposure is not more than 12 in.
- q. Repair or Replacement of Gutters and Downspouts** - Repair or replacement of gutters and downspouts using materials that match the appearance of the gutters and downspouts being replaced or match the appearance of those that were typically used on similar-style buildings from the same Period of Significance based on evidence supplied by the property owner. The installed gutters and downspouts shall not damage or obscure any significant architectural features of the structure , such as internal gutters, etc.
- r. Installation of New Gutters and Downspouts on Nonhistoric/Noncontributing Designated Historic Resources** - Installation of gutters and downspouts where none previously existed on Nonhistoric/Noncontributing Designated Historic Resources. Materials shall match the appearance of the gutters and downspouts that were typically used on similar-style buildings from the same Period of Significance, based on evidence supplied by the property owner. The installed gutters and downspouts shall not damage or obscure any significant architectural features of the structure.
- s. Uncovered Rear Deck or Patio Additions 350 Sq. Ft. or Less** - The installation or removal of an uncovered deck or patio, provided the deck or patio is obscured from view from public rights-of-way and private street rights-of-way, except for alleys, from which it may be visible by a fence, hedge, or other structure and meets the applicable setback requirements per the zone or as approved through a Lot Development Option or Planned Development process. The deck shall be 30 in. or less in height, and shall be constructed in a manner that is Reversible.
- t. Repair or Replacement of Windows or Doors Containing Glass with Energy Efficient, Double-paned Materials on Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - Repair or

replacement of windows or doors containing glass on Nonhistoric/Noncontributing resources in a National Register of Historic Places Historic District.

- u. **Re-roofing Flat Roofs or Roofs Otherwise Obscured by a Parapet** - Where a roof is a flat roof or a roof otherwise obscured by a parapet, and the roofing material is not specifically identified as Historically Significant, the roofing material may be repaired or replaced. Skylights shall be addressed in accordance with Sections 2.9.70.x, 2.9.100.03.l, or 2.9.100.04, as applicable.
- v. **Installation of New or Expanded Pathways 100 Sq. Ft. or Less** - Installation of new or expanded pathways, provided the pathways are 100 sq. ft. or less and are either constructed of softscape (e.g. bark mulch, etc.), or constructed of stone steps or flagstone that is installed in a manner that is Reversible.
- w. **Demolition or Moving of Structures in a National Register of Historic Places Historic District that are Classified as Nonhistoric/Noncontributing** - Demolition or Moving of a structure in a National Register of Historic Places Historic District, provided the structure is classified as Nonhistoric/Noncontributing in the relevant National Register of Historic Places nomination.
- x. **Skylights** -
 1. Skylights from a structure's relevant Period of Significance shall be retained, and their repair or replacement shall be considered through the same processes used in this Code for repair or replacement of windows or doors with glass.
 2. Skylights that are existing but are not from a structure's relevant Period of Significance may be removed or retained and repaired in accordance with "1," above. However, in order for these skylights to be retained and repaired, they shall have been constructed prior to the establishment of the relevant Individual or National Historic Designation, or via an approved Historic Preservation Permit. Otherwise, the skylight shall be removed when deteriorated beyond repair or when a structure is being re-roofed, whichever comes first, unless a Historic Preservation Permit is subsequently approved to retain the skylight in accordance with Sections 2.9.100.03.l or 2.9.100.04, as applicable.
 3. New skylights may be installed in accordance with Sections 2.9.100.03.l and 2.9.100.04, as applicable.

Section 2.9.80 - EMERGENCY ACTIONS

- a. **Emergency Actions** - Emergency actions include the Alteration or New Construction, Demolition, or Moving of a Designated Historic Resource when the City Engineer, Building Official, or Fire Marshal determines that emergency action is required to address public safety due to an unsafe or dangerous condition or to resolve an immediate threat to the Designated Historic Resource itself. After the immediate hazard has been addressed, if the emergency action was not an exempted activity as defined in Section 2.9.70, the property owner shall apply for the appropriate Historic Preservation Permit and address any additional requirements specified by the Historic Preservation Permit. In the application, the property owner shall submit information documenting the need for the emergency action. Such documentation shall include photographs and a written evaluation by an engineer, architect, or a historic preservation consultant. Once a building is determined to be unsafe or dangerous in accordance with these provisions, property owners are encouraged to consider, while addressing the hazard, the re-use of the structure or its materials, to the extent feasible under the hazardous circumstances. To decide upon the Historic Preservation Permit, the decision-maker shall consider information from the City Engineer, Building Official, or Fire Marshal, depending on the authority(ies) that deemed the emergency removal necessary. Once made aware of the emergency action, the City shall notify the Historic Resources Commission that the action has occurred.

- b. **Emergency Removal of a Historically Significant Tree** - Emergency removal of a Historically Significant Tree is defined as a situation where failure of a tree or tree part is imminent and response time is critical (e.g., the hazard needs to be removed within 24 hours or less). In the event that a tree is deemed an immediate hazard, the emergency removal of a Historically Significant Tree as defined in Chapter 1.6 - Definitions, or its hazardous portion, is allowed if the City's Urban Forester, City Engineer, Building Official, Fire Marshal, or, for trees on the Oregon State University campus, a certified arborist employed by Oregon State University, determines that emergency action is required for public safety due to an unsafe or dangerous condition. After the immediate hazard has been addressed, the property owner shall submit to the Director information documenting the need for the emergency action. Such documentation shall include photographs and a written evaluation by a certified arborist. The Director shall consider information from the City's Urban Forester, City Engineer, Building Official, Fire Marshal or, for trees on the Oregon State University campus, a certified arborist employed by Oregon State University, depending on the authority(ies) that deemed the emergency removal necessary. Once made aware of an emergency action involving the removal of a Historically Significant Tree, the City shall notify the Historic Resources Commission that the action has occurred.

Section 2.9.90 - PROCEDURES FOR ALL REQUIRED HISTORIC PRESERVATION PERMITS (DIRECTOR-LEVEL AND HRC-LEVEL)

2.9.90.01 - Initiation of Application

A property owner, or his/her designee, may initiate a Historic Preservation Permit application. Property owner(s) consent to the application shall be required.

2.9.90.02 - Application Requirements

- a. A Historic Preservation Permit application for a Designated Historic Resource shall be made on forms provided by the Director and shall include, for both types of Historic Preservation Permits, Director-level and HRC-level, the items listed below. The Director may waive any of the below requirements when he/she determines the information required by a part of this Section is unnecessary to properly evaluate the proposed Historic Preservation Permit:
1. Applicant's name, address, and signature;
 2. Owner's name, address, and signature, if different from applicant's. If the Designated Historic Resource is owned by more than one property owner, the consent of all owners shall be required;
 3. Location of the Designated Historic Resource, including address and tax assessor map and tax lot number;
 4. Map(s) illustrating the location of the Designated Historic Resource;
 5. Historic name of the resource, whether listed in the Local and/or National Register of Historic Places, and (if pertinent) classification within a National Register of Historic Places Historic District;
 6. A narrative description of the request in sufficient detail to allow for the review of the proposal;
 7. A narrative explanation of what the applicant proposes to accomplish;
 8. A narrative description regarding how the request complies with applicable review criteria, including applicable zone standards;

9. A site plan, drawn to scale, showing the location of structures, driveways, and landscaped areas on the site, setback dimensions, and the general location of structures on adjacent lots;
10. Elevation drawings, drawn to scale, in sufficient detail to show the general scale, mass, building materials, and architectural elements of the proposal;
11. Information regarding whether or not there are any Historically Significant Trees on the site;
12. A copy of any relevant historic resource inventory information;
13. As applicable, any recommendations from SHPO or other state or federal agencies relative to any reviews required under state or federal law, including:
 - a) Section 106 of the National Register Historic Preservation Act;
 - b) Consultation review as required by ORS 358.653, as amended;
 - c) Special Assessment Program requirements per ORS 358.475, as amended;
 - d) National Transportation Act;
 - e) National Environmental Protection Act; or
 - f) Any other applicable state or federal law.

Such recommendations shall be required only if the proposed changes that are the subject of any of the above required state or federal reviews also require Historic Preservation Permit approval under the provisions of this chapter;

14. Photographs or drawings of the resource from the applicable Period of Significance to provide context; and
15. Any additional information reasonably necessary to evaluate compliance with the provisions of this Code as determined by the Director.

b. The narrative description for Historic Preservation Permits involving an HRC-level Alteration or New Construction Permit per Section 2.9.100 to install a Moved Designated Historic Resource on a site within the City limits shall include the following information, in addition to "a," above:

1. A rationale for the new location for the Designated Historic Resource that also addresses the zone standards that apply to the new site;
2. A site plan, drawn to scale, for the proposed new location for the Designated Historic Resource showing: the location of existing and proposed structures, driveways, and landscaped areas; setback dimensions; the general location of structures, walkways, sidewalks, and driveways on adjacent lots; the historic designation of adjacent properties; existing and proposed legal access and infrastructure for the proposed new site; and existing and proposed infrastructure improvements adjacent to the proposed new site; and
3. A description of the Historic Integrity and Historic Significance of the specific structure, building, plant, or other historic element for which the change is requested.

c. The narrative description for Historic Preservation Permits involving an HRC-level Demolition shall include the following information in addition to that outlined in "a," above:

1. A description of the Designated Historic Resource's current physical condition, and its condition at the time it was inventoried;
2. If within a National Register of Historic Places Historic District, a narrative description of the Designated Historic Resource's contribution to the District and the subsequent Historic Integrity of the District if the resource were to be demolished;
3. A statement as to whether the applicant considered Moving the resource as an alternative to Demolition. If Moving was not found to be feasible, a description as to why not;
4. A narrative explanation of why the proposed Demolition is needed and what alternatives were explored; and
5. A statement regarding whether denial of the request will result in substantial economic or other hardship to the owner of the Designated Historic Resource.

- d. The narrative description for an HRC-level Historic Preservation Permit involving a Moving shall include information required in "a," "c.1," and "c.4," above, stated with respect to a Moving. Additionally, the narrative description for the proposed Moving shall, if the resource is listed in a National Register of Historic Places Historic District, address the Designated Historic Resource's contribution to the District and the subsequent Historic Integrity of the District if the resource were to be moved. This provision pertains to the site from which the Designated Historic Resource is being moved and, if the site to which the Designated Historic Resource is moving is inside the City limits, then it also pertains to the new site.

2.9.90.03 - Acceptance of Application

The Director shall review the application to determine whether it is complete per the requirements in Section 2.9.90.02. If the application is incomplete, the Director shall notify the applicant and state what information is needed to make the application complete. The applicant shall have up to 10 days from the date of the Director's notification to submit additional information and make the application complete.

2.9.90.04 - Public Notice

- a. **Director-level Historic Preservation Permits** - No public notice is required.
- b. **HRC-level Historic Preservation Permits**
 - 1. Public notice shall be provided in accordance with Sections 2.0.50.04.b; 2.0.50.04.c.1-3, and 6-10; and 2.0.50.04.e-g; and
 - 2. For a proposed Demolition or Moving, public notice shall be published in a newspaper of general circulation at least 10 days in advance of the Historic Resources Commission's public hearing.

2.9.90.05 - Staff Evaluation

- a. **Director-level Historic Preservation Permits** - All applications for Director-level Historic Preservation Permits shall be reviewed to ensure consistency with the review criteria in Section 2.9.90.06 "a" and "b," below.
- b. **HRC-level Historic Preservation Permits** - For all HRC-level Historic Preservation Permits, the Director shall prepare a report that evaluates whether the permit request complies with the review criteria in Section

2.9.90.06 "a" and "c," below. The report shall also include, if needed, a list of approval conditions for the Historic Resources Commission to consider.

2.9.90.06 - Review Criteria

- a. **General Review Criteria for All Historic Preservation Permits** - All Historic Preservation Permits shall comply with the Building Code, as adopted and amended by the State of Oregon; and other applicable state and local Codes and ordinances related to building, development, fire, health, and safety, including other provisions of this Code. When authorized by the Building Official, some flexibility from conformance with Building Code requirements may be granted for repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a building or structure. In considering whether or not to authorize this flexibility from some Building Code standards, the Building Official will check to ensure that: the building or structure is a Designated Historic Resource; any unsafe conditions as described in the Building Code are corrected; the rehabilitated building or structure will be no more hazardous, based on life safety, fire safety, and sanitation, than the existing building; and the advice of the State of Oregon Historic Preservation Officer has been received.
- b. **Director-level Historic Preservation Permits** - The review of a Director-level Historic Preservation Permit may be accomplished concurrently with the review of any accompanying permit application(s), or individually if no accompanying permit application(s) exists. Applications for a Director-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.100.03.
- c. **HRC-level Historic Preservation Permits**
 1. Alteration or New Construction - Alteration or New Construction requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.100.04.
 2. Demolition - Demolition requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.110.03; and
 3. Moving - Moving requiring an HRC-level Historic Preservation Permit shall be reviewed to ensure consistency with the review criteria in Section 2.9.120.03.

2.9.90.07 - Action on Application

- a. **Director-level Historic Preservation Permits** - Based on applicable review criteria, the Director or his/her designee, shall approve, conditionally approve, or deny the Historic Preservation Permit application. Conditional approval must be limited to conditions that address specific defects in the application and are required for the application to comply with the criteria. The decision shall be made in writing. Staff shall strive to process the application as quickly as possible, but in no case shall the initial decision be made later than 45 days from the date the application is deemed complete.

- b. **HRC-level Historic Preservation Permits** - The Historic Resources Commission shall conduct a public hearing in accordance with Chapter 2.0 - Public Hearings. Following the close of the hearing, the HRC shall approve, conditionally approve, or deny the Historic Preservation Permit application. Conditional approval must be limited to conditions that address specific defects in the application and are required for the application to comply with the criteria. The Commission's decision shall include findings that specify how the application has or has not complied with the applicable review criteria. The Director shall strive to process the application as quickly as possible to ensure that the initial HRC decision is made no later than 75 days from the date the application is deemed complete.

2.9.90.08 - Notice of Disposition

- a. **Director-level Historic Preservation Permits** - The Director, or his/her designee, shall provide a Notice of Disposition that includes a written statement of the decision, a reference to the findings leading to it, any conditions of approval, and the appeal period deadline to the following:
 - 1. The applicant and the property owner(s) (if different from the applicant);
 - 2. The Historic Resources Commission;
 - 3. Any person who resides on or owns property within 100 ft. (excluding street right-of-way) of a parcel of land;
 - 4. Any person who requested notice on the proposal; and
 - 5. Any persons who submitted written comment on the proposal.

- b. **HRC-level Historic Preservation Permits** - The Director shall provide the applicant and the Historic Resources Commission with a Notice of Disposition in accordance with Chapter 2.0 - Public Hearings, that includes a written statement of the Historic Resources Commission's decision, a reference to the findings leading to it, any conditions of approval, and the appeal period deadline. The Notice of Disposition also shall be mailed to the property owner(s) (if different from the applicant), any persons who presented oral or written testimony at the public hearing, and any person who requested notice on the proposal.

2.9.90.09 - Appeals

- a. The Director-level Historic Preservation Permit decision may be appealed to the Historic Resources Commission in accordance with Chapter 2.19 - Appeals. The HRC-level Historic Preservation Permit decision may be appealed to the City Council in accordance with Chapter 2.19 - Appeals.
- b. **Undue Hardship Appeals** - The hearing authority for an appeal may consider claims of economic or undue hardship in cases where an applicant was either denied a Historic Preservation Permit or granted a Historic Preservation Permit with conditions of approval that the applicant believes to be an economic or undue hardship. The applicant must provide adequate documentation and/or testimony at the appeal hearing to justify such claims. In addition to the information the applicant believes is necessary to make his/her case to the appeal hearing authority, the information listed in "1-6," below, as applicable, shall be submitted for the appeal hearing authority to consider a hardship appeal. Not every item listed in "1-6," below will apply to every case:

1. Three estimates of:
 - a) The cost of the activity(ies) proposed under the denied or conditionally-approved Historic Preservation Permit; and
 - b) Any additional costs which would be incurred to comply with the modified activity(ies) recommended by the decision-maker.

All such cost estimates shall be accomplished by contractors licensed in the State of Oregon.

2. An estimate of the appraised value of the property:
 - a) In its current state;

- b) With the improvements that were denied or conditionally-approved for the Historic Preservation Permit; and
- c) With the modified activity(ies) proposed by the applicant.

All such appraisal estimates shall be performed by an appraiser who is licensed or certified in the State of Oregon. Additionally, appraisal estimates of the property shall fall within the scope of practice of the appraiser's license or certification in order for the appraisal to meet this provision.

- 3. Information regarding the soundness of the affected structure(s), and the feasibility for rehabilitation which would preserve the historic character and qualities of the Designated Historic Resource. All such information shall be developed by a contractor licensed in the State of Oregon.
- 4. Any information concerning the mortgage or other financial obligations on the property which are affected by the denial or approval, as conditioned, of the proposed Historic Preservation Permit.
- 5. Any past listing of the property for sale or lease, the price asked, and any offers received on that property.
- 6. Information relating to any nonfinancial hardship resulting from the denial or approval, as conditioned, of the proposed Historic Preservation Permit.

If the hearing authority determines that the denial or approval, as conditioned, of the Historic Preservation Permit would pose an undue hardship on the applicant, then a Historic Preservation Permit noting the hardship relief shall be issued, and the property owner may conduct the activity(ies) outlined in the Historic Preservation Permit as modified by the appeal hearing authority.

2.9.90.10 - Effective Date

Unless an appeal has been filed, the Historic Preservation Permit decision shall become effective 12 days after the Notice of Disposition is signed.

2.9.90.11 - Effective Period of Approval

Historic Preservation Permits shall be effective for a two-year period from the date of approval. In the event that the applicant has not begun the development or its identified and approved phases prior to the expiration of the established effective period, the approval shall expire.

2.9.90.12 - Re-application Following Denial, Modification(s) to an Approved Historic Preservation Permit, and Partial Approval of a Historic Preservation Permit

- a. Re-application Following Denial** - Re-application for a Historic Preservation Permit following denial of that Permit is allowed in accordance with Section 2.0.50.15.
- b. Modification(s) to An Approved and Unexpired Historic Preservation Permit** - A proposal to modify an approved Historic Preservation Permit shall be processed as a new Historic Preservation Permit application, in accordance with the provisions of this Chapter. The new Historic Preservation Permit application shall be considered in the context of the existing Historic Preservation Permit, the subject Designated Historic Resource, and any completed improvements done in accordance with the original Historic Preservation Permit. Approval of the new Historic Preservation Permit shall replace the existing Permit in whole or in part, whichever is applicable.
- c. Partial Approval of a Historic Preservation Permit** - An application for a Historic Preservation Permit may be approved in part, with a condition(s) clearly outlining the part(s) that is denied and the associated rationale (incompleteness and/or lack of compliance with applicable criteria). Re-application for a subsequent Historic Preservation Permit addressing the denied part of the original Permit is allowed, consistent with the criteria in Section 2.0.50.15. The new Historic Preservation Permit application shall be considered in the context of the existing Historic Preservation Permit, the Designated Historic Resource, and any completed improvements done in accordance with the original Historic Preservation Permit.

Section 2.9.100 - ALTERATION OR NEW CONSTRUCTION ACTIVITIES INVOLVING A DESIGNATED HISTORIC RESOURCE

2.9.100.01 - Definition of Alteration or New Construction Involving a Designated Historic Resource

An activity is considered an Alteration or New Construction involving a Designated Historic Resource when: the activity is not an exempt activity, a Demolition, or a Moving, as defined in Sections 2.9.70, 2.9.110, and 2.9.120, respectively; and the activity meets at least one of the descriptions in "a" through "c," below.

- a. The activity alters the exterior appearance of a Designated Historic Resource. Exterior appearance includes a resource's facade, texture, design or style, material, and/or fixtures;
- b. The activity involves a new addition to an existing Designated Historic Resource or new freestanding construction on a Designated Historic Resource property; and/or
- c. The activity involves installation of a Designated Historic Resource at a new site location, following a Moving, if the new site is within the City limits. If the new site of the Designated Historic Resource is outside the City limits, no City evaluation of the resource's installation at that new site will occur because the City has no jurisdiction in such locations.

2.9.100.02 - Historic Preservation Permit Required for Alteration or New Construction Involving a Designated Historic Resource

If an activity meets the definition for an Alteration or New Construction involving a Designated Historic Resource, as outlined in Section 2.9.100.01 above, then one of the two types of Historic Preservation Permits (Director-level or HRC-level) outlined in this Section and summarized in Section 2.9.60.b is required.

2.9.100.03 - Alteration or New Construction Parameters and Review Criteria for a Director-level Historic Preservation Permit

A Historic Preservation Permit request for any of the Alteration or New Construction activities listed in Sections "a" through "o," below, shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria imbedded therein, listed below. Such Alteration or New Construction activities are classified as a Director-level Historic Preservation Permit. Some activities that are similar to Director-level Historic Preservation Permits may be

exempt from permit review per Section 2.9.70 or may require review by the Historic Resources Commission.

- a. **Building Foundations** -Alteration or New Construction activities to a building foundation that are required to meet present-day Building Code requirements, provided that similar materials are used and the building elevation is not raised by more than 12 in.
- b. **Solar or Hydronic Equipment** - Installation of solar or hydronic equipment parallel to the roof surface with no part of the installation protruding more than 12 in. above the roof surface, provided the subject roof surface does not directly front a street. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be Reversible.
- c. **Re-roofing** - Replacement of existing wooden shingles or shakes with architectural composition shingles or other materials documented to have been used on the structure during its Period of Significance and that are not otherwise prohibited by the approved Building Code. The new roof shall not damage or obscure any significant architectural features of the structure. Skylights shall be addressed in accordance with Section 2.9.70.x, 2.9.100.03.I, or 2.9.100.04, as applicable.
- d. **Mechanical Equipment** - Installation of mechanical equipment, limited to equipment not visible from public rights-of-way or private street rights-of-way, except that the equipment may be visible from alleys. The equipment shall be attached to the Designated Historic Resource in a manner that does not damage any significant architectural features of the structure. Additionally, the installation shall be Reversible.
- e. **Replacement, Using Dissimilar Materials or a Different Design or Style for Select and Limited Site Features** - Replacement, using dissimilar materials and/or a different design or style, of existing driveways, including paving of these existing areas; existing paths and sidewalks; existing bicycle parking areas; and/or existing vehicular parking areas that involve 800 sq. ft. or less, including paving of these existing areas, provided the extent of such features is not increased in size.
- f. **Addition of Vehicular Parking Spaces Needed to Achieve Compliance with the Americans with Disabilities Act (ADA)** - Addition of vehicular

parking spaces, if required to achieve compliance with Americans with Disabilities Act (ADA) requirements, unless exempt per Section 2.9.70.l.

- g. Certain Alteration or New Construction to Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District** - An exterior Alteration or New Construction more than 200 sq. ft. to a property in a National Register of Historic Places Historic District that is classified in its entirety (including all structures on the site) as Nonhistoric/Noncontributing, provided the Alteration or New Construction is not visible from public rights-of-way and private street rights-of-way, except for alleys, from which it may be visible, and does not exceed 14 ft. in height.
- h. Gutters and Downspouts** - Unless already exempt per Section 2.9.70.r, the addition of gutters and downspouts to a Designated Historic Resource or a portion thereof that previously had none, using materials that match the appearance of those that were typically used on similar-style buildings during the resource's Period of Significance, provided that the new gutters and downspouts do not damage or obscure any significant architectural features of the structure.
- i. Extension of Fencing Other than Wood** - The extension of existing fencing other than wood fencing, which is exempt under Section 2.9.70.m, with In-kind Repair or Replacement materials, provided that the type of fencing material was used during the Period of Significance for the Designated Historic Resource and the fence is not extended beyond the facade of the Resource facing a front or exterior side yard.
- j. Freestanding Trellises** - Unless exempt per Section 2.9.70.n, installation of a freestanding trellis that is less than 14 ft. in height and visible from public or private rights-of-way. The installation shall not damage any significant external architectural features of the structure.
- k. Awnings** - Installation of canvas awnings, limited to Designated Historic Resources and situations where awnings are required by this Code. Such canvas awnings shall either be installed where none previously existed or may reproduce historic canvas awnings from the applicable Period of Significance, as shown in documentation submitted by the applicant. In-kind Repair or Replacement of existing awnings is exempt per Section 2.9.70.b.
- l. Skylights** - Activities involving existing skylights that are not already exempt via Section 2.9.70.x and new skylights are allowed on:

1. Nonhistoric/Noncontributing structures;
2. Structures with flat roofs or where the skylight would otherwise be obscured by a parapet;
3. Portions of structures that are not visible from private street rights-of-way and public rights-of-way, except for alleys from which they may be visible.

All other modifications or installations of skylights shall be processed via Section 2.9.100.04.

- m. **Repair or Replacement of Windows or Doors Containing Glass with Energy Efficient, Double-pane Materials** - Except for situations involving decorative art glass, windows or doors containing glass may be repaired or replaced using energy efficient, double-pane glazing, provided the replacements otherwise match the replaced items in materials, design or style, color, dimensions, number of divided lights, and shape. Repair or replacement of windows or doors containing glass with energy efficient, double-pane materials on Nonhistoric/Noncontributing Resources in a National Register of Historic Places Historic District are exempt per Section 2.9.70.t.
- n. **Installation of Sidewalk Wheelchair Ramps** - In public or private street rights-of-way that are within or adjacent to a National Register of Historic Places Historic District, sidewalk wheelchair ramps may be installed or reconstructed to City of Corvallis Engineering Division Standard Specifications, provided they are installed at the same width as the existing sidewalk or widened only to the minimum extent necessary to comply with Americans with Disabilities Act (ADA) requirements.
- o. **Single (First) Story Exterior Steps and/or Stairways** - Changes in step or stairway design or style that may be required to meet present-day Building Code requirements, including handrail or guardrail installation, provided such changes are conducted within the height of the first story of a Designated Historic Resource. When authorized by the Building Official, some flexibility from conformance with some Building Code requirements relative to this design, including the question of whether or not handrail or guardrail installation is required, may be granted as outlined in Section 2.9.90.06.a. The design or style shall be architecturally compatible with the Designated Historic Resource based on documentation provided by the applicant.

2.9.100.04 - Alteration or New Construction Parameters and Review Criteria for an HRC-level Historic Preservation Permit

Some exterior Alterations or New Construction involving a Designated Historic Resource may be needed to ensure its continued use. Rehabilitation of a Designated Historic Resource includes an opportunity to make possible an efficient contemporary use through such alterations and additions. A Historic Preservation Permit request for any of the following Alteration or New Construction activities shall be approved if the Alteration or New Construction is in compliance with the associated definitions and review criteria listed below. Such Alteration or New Construction activities are classified as an HRC-level Historic Preservation Permit.

- a. **Parameters** - Any Alteration or New Construction activity involving a Designated Historic Resource that is not exempt per Section 2.9.70, or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03, is an HRC-level Alteration or New Construction activity. This includes, but is not limited to:
1. Nonexempt Exterior Painting - Exterior painting or the application of artwork to buildings, murals, or existing architectural features such as signs, stonework, brickwork, and masonry. Other types of exterior painting are exempt in accordance with Section 2.9.70.c.
 2. Signs - Signs that are not exempt per Section 2.9.70.d, provided they meet the applicable sign allocation standards outlined in Chapter 4.7 - Sign Regulations.
 3. Alteration or New Construction Replicating Historic Features - Alteration or New Construction activities that are not exempt per Section 2.9.70 and that reconstruct historic exterior features of the Designated Historic Resource as determined from a historic photograph taken during the structure's Period of Significance, original building plans, the Designated Historic Resource inventory, or other evidence submitted by the applicant.
 4. Alteration or New Construction with Dissimilar Materials or Which Impact Significant Architectural Features - Alteration or New Construction activities involving changes in material or that impact historically significant architectural features, unless exempt per Section 2.9.70, or allowed to be reviewed as a Director-level Historic Preservation Permit per Section 2.9.100.03.

5. Alteration or New Construction to Later Additions - Unless exempt per Section 2.9.70, Alteration or New Construction activities involving a later addition for the following:
 - a) A Designated Historic Resource in a National Register of Historic Places Historic District where the addition was constructed after the Resource's Period of Significance; and/or
 - b) A Designated Historic Resource listed in the Corvallis Register of Historic Landmarks and Districts (Local Register) and/or an individually listed Designated Historic Resource listed in the National Register of Historic Places where the addition was constructed within the last 50 years based on documentation provided by the applicant.

The Alteration or New Construction shall not damage any Historically Significant architectural features of the structure.

6. Alteration or New Construction to Historic/Noncontributing structures that do not replicate features, on a site that is located in a National Register of Historic Places Historic District, unless exempt per Section 2.9.70 or allowed as a Director-level Historic Preservation Permit per Section 2.9.100.03.
7. Alteration or New Construction to individually designated Historic Resources that are not located within a National Register of Historic Places Historic District and that do not replicate the original features of the structure, unless exempt per Section 2.9.70 or allowed as a Director-level Historic Preservation Permit per Section 2.9.100.03.
8. Building Foundations - Alteration or New Construction to a building foundation where dissimilar materials are used and the foundation's exposure is greater than 12 in., and/or where the building elevation is raised by more than 12 in.
9. Awning Installation - Installation of awnings that are not exempt as an In-kind Repair or Replacement per Section 2.9.70.b or that are not eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03.k.
10. Solar or Hydronic Equipment - Installation of solar or hydronic equipment not eligible for Director-level review per Section 2.9.100.03.b.

11. Mechanical Equipment - Installation of mechanical equipment not eligible for Director-level review per Section 2.9.100.03.d.
12. Re-roofing - Unless unless exempt under Section 2.0.70 or eligible for Director-level review per Section 2.9.100.03.c, replacement of the existing roofing material with a new material that is different from the original.
13. Fencing - The installation of new fencing or replacement fencing with dissimilar design or style or dissimilar materials unless exempt per Section 2.9.70.m or eligible for Director-level review per Section 2.9.100.03.l.
14. New Freestanding Construction - Any new freestanding construction for a Designated Historic Resource site that is not exempt per Section 2.9.70 or eligible for review as a Director-level Alteration or New Construction activity per Section 2.9.100.03.
15. Accessory Development - Unless exempt per Section 2.9.70 or eligible for Director-level review per Section 2.9.100.03, Accessory Development meeting the criteria in Chapter 4.3 - Accessory Development Regulations.
16. Other - Any other Alteration or New Construction activity that meets the definition for an Alteration or New Construction activity in Section 2.9.100.01, and is not exempt per Section 2.9.70 or allowed to be reviewed as a Director-level Historic Preservation Permit in accordance with Section 2.9.100.03.

b. Review Criteria

1. **General** - The Alteration or New Construction Historic Preservation Permit request shall be evaluated against the review criteria listed below. These criteria are intended to ensure that the design or style of the Alteration or New Construction is compatible with that of the existing Designated Historic Resource, if in existence, and proposed in part to remain, and with any existing surrounding comparable Designated Historic Resources, if applicable. Consideration shall be given to:
 - a) Historic Significance and/or classification;

- b) Historic Integrity;
- c) Age;
- d) Architectural design or style;
- e) Condition of the subject Designated Historic Resource;
- f) Whether or not the Designated Historic Resource is a prime example or one of the few remaining examples of a once common architectural design or style, or type of construction; and
- g) Whether or not the Designated Historic Resource is of a rare or unusual architectural design or style, or type of construction.

2. **In general, the proposed Alteration or New Construction shall either:**

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

3. **Compatibility Criteria for Structures and Site Elements -** Compatibility considerations shall include the items listed in "a -n," below, as applicable, and relative to the applicable Period of Significance. Alteration or New Construction shall complement the architectural design or style of the primary resource, if in existence and proposed in part to remain; and any existing surrounding comparable Designated Historic Resources. Notwithstanding these provisions and "a-n," below, for Nonhistoric/Noncontributing resources in a National Register of Historic Places Historic District or resources within such Historic District that are not classified because the nomination for the Historic District is silent on the issue, Alteration or New Construction activities shall be evaluated for compatibility with the architectural design or style of any existing Historic/Contributing

resource on the site or, where none exists, against the attributes of the applicable Historic District's Period of Significance.

- a) Facades - Architectural features, such as balconies, porches, bay windows, dormers, or trim details on main facades shall be retained, restored, or designed to complement the primary structure and any existing surrounding comparable Designated Historic Resources. Particular attention should be paid to those facades facing street rights-of-way. Architectural elements inconsistent with the Designated Historic Resource's existing building design or style shall be avoided.
- b) Building Materials - Building materials shall be reflective of, and complementary to, those found on the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. Siding materials of vertical board, plywood, cement stucco, aluminum, exposed concrete block, and vinyl shall be avoided, unless documented as being consistent with the original design or style, or structure of the Designated Historic Resource.
- c) Architectural Details - Retention and repair of existing character-defining elements of a structure, such as molding or trim, brackets, columns, cladding, ornamentation, and other finishing details and their design or style, materials, and dimensions, shall be considered by the property owner prior to replacement. Replacements for existing architectural elements or proposed new architectural elements shall be consistent with the resource's design or style. If any previously existing architectural elements are restored, such features shall be consistent with the documented building design or style. Conjectural architectural details shall not be applied.
- d) Scale and Proportion - The size and proportions of the Alteration or New Construction shall be compatible with existing structures on the site, if in existence and proposed in part to remain, and with any surrounding comparable structures. New additions or New Construction shall generally be smaller than the impacted Designated Historic Resource, if in existence and proposed in part to remain. In rare instances where an addition or New Construction is proposed to be larger than the original Designated Historic Resource, it shall be

designed such that no single element is visually larger than the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding comparable Designated Historic Resources.

- e) Height - To the extent possible, the height of the Alteration or New Construction shall not exceed that of the existing primary Designated Historic Resource, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. However, second story additions are allowed, provided they are consistent with the height standards of the underlying zoning designation and other chapters of this Code, and provided they are consistent with the other review criteria contained herein.
- f) Roof Shape - New roofs shall match the pitch and shape of the original Designated Historic Resource, if in existence and proposed in part to remain, or any existing surrounding compatible Designated Historic Resources.
- g) Pattern of Window and Door Openings - To the extent possible window and door openings shall be compatible with the original features of the existing Designated Historic Resource, if in existence and proposed in part to remain, in form (size, proportion, detailing), materials, type, pattern, and placement of openings.
- h) Building Orientation - Building orientation shall be compatible with existing development patterns on the Designated Historic Resource site, if in existence and proposed in part to remain, and any existing surrounding comparable Designated Historic Resources. In general, Alteration or New Construction shall be sited so that the impact to primary facade(s) of the Designated Historic Resource, if in existence and proposed in part to remain, is minimized.
- i) Site Development - To the extent practicable, given other applicable development standards, such as standards in this Code for building coverage, setbacks, landscaping, sidewalk and street tree locations, the Alteration or New Construction shall maintain existing site development patterns, if in existence and proposed in part to remain.

- j) Accessory Development/Structures - Accessory development as defined in Chapter 4.3 - Accessory Development Regulations and items such as exterior lighting, walls, fences, awnings, and landscaping that are associated with an Alteration or New Construction Historic Preservation Permit application, shall be visually compatible with the architectural design or style of the existing Designated Historic Resource, if in existence and proposed in part to remain, and any comparable Designated Historic Resources within the District, as applicable.
- k) Garages - Garages, including doors, shall be compatible with the Designated Historic Resource site's primary structure, if in existence and proposed in part to remain, based on factors that include design or style, roof pitch and shape, architectural details, location and orientation, and building materials. In a National Register of Historic Places Historic District, the design or style of Alteration or New Construction involving an existing or new garage, visible from public rights-of-way or private street rights-of-way, shall also be compatible with the design or style of other garages in the applicable Historic District that were constructed during that Historic District's Period of Significance.
- l) Chemical or Physical Treatments - Chemical or physical treatments, if appropriate, shall be undertaken using the gentlest means possible. Treatments that cause damage to historic materials shall not be used.
- m) Archeological Resources - Activities associated with archeological resources shall be carried out in accordance with all State requirements pertaining to the finding of cultural materials, including ORS 358.905, as amended, which pertains to the finding of cultural materials; ORS 390.235, as amended, which describes steps for State permits on sites where cultural materials are found; and OAR 736.051.0080 and OAR 736.051.0090, as amended, which describe requirements for cultural materials found on public versus private land, respectively.
- n) Differentiation - An Alteration or New Construction shall be differentiated from the portions of the site's existing Designated Historic Resource(s) inside the applicable Period of

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

4. **Additional Review Criteria for the Installation of a Designated Historic Resource on a New Site, Following a Moving** - To complete its review of a request to install a Designated Historic Resource on a new site following its being moved, the Historic Resources Commission shall receive from the Director a finding that indicates the following:

- a) The zone designation for the proposed site is appropriate to accept the Designated Historic Resource that was moved, in terms of land use(s) and development standards;
- b) Legal vehicular and Fire Department access to the proposed new site is available or can be provided; and
- c) Required infrastructure improvements for or adjacent to the proposed new site have been or will be provided.

2.9.100.05 - Status of Properties for Which an Alteration or New Construction HRC-level Historic Preservation Permit has been Approved to Install a Moved Historic Resource

- a. **Local Register Historic Resources** - If approval has been granted for the installation of a moved Designated Historic Resource that was a Local Register-Designated Historic Resource at its previous location, a Historic Preservation Overlay may be applied to the new site to which the Designated Historic Resource is being moved through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Alteration or New Construction Historic Preservation Permit associated with the Moving. Once the City's Historic Preservation Overlay has been applied, future

modifications affecting the Designated Historic Resource at its new site shall be subject to the provisions of this Chapter.

- b. Historic Resources listed in the National Register of Historic Places -**
The City shall notify the State Historic Preservation Office when a Historic Preservation Permit authorizing the installation of a moved Designated Historic Resource listed in the National Register of Historic Places becomes effective. A proposed listing or the maintenance of an existing listing of a National Register of Historic Places Historic Resource at its new site shall be processed through state and federal procedures. Upon receipt of official notification from SHPO that a listing has occurred or has been maintained and is in effect and when the affected Designated Historic Resource is not listed in the Local Register, the affected Designated Historic Resource at its new site shall be subject to the Historic Preservation Provisions of this Code. In such cases, a Historic Preservation Overlay may be added to the new site to which the Designated Historic Resource is being moved through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Alteration or New Construction Historic Preservation Permit.

Section 2.9.110 - DEMOLITION INVOLVING A DESIGNATED HISTORIC RESOURCE

2.9.110.01 - Definition of a Demolition of a Designated Historic Resource

An activity is considered a Demolition of a Designated Historic Resource when the activity:

- a.** Is not an exempt activity as defined in Section 2.9.70;
- b.** Is not an Alteration or New Construction as defined in Section 2.9.100;
- c.** Is not a Moving as defined in Section 2.9.120;
- d.** Involves destruction of a Designated Historic Resource; and/or
- e.** Involves the removal of a Historically Significant Tree as defined in Chapter 1.6 - Definitions, unless the tree is officially sanctioned for emergency removal via Section 2.9.80.b.

2.9.110.02 - Historic Preservation Permit Required for Demolition of a Designated Historic Resource

An HRC-level Historic Preservation Permit is required for all activities meeting the definition for Demolition of a Designated Historic Resource, as outlined in Section 2.9.110.01 above.

2.9.110.03 - Review Criteria - An HRC-level Historic Preservation Permit for the Demolition of a Designated Historic Resource other than a Historically Significant Tree, shall be evaluated against the criteria in "a" through "c," below. Approval may be granted for a Demolition only where a proposal has been demonstrated to have met criterion "a" and either "b" or "c". Removal of a Historically Significant Tree is addressed in "d", below.

- a.** The Historic Integrity of the Designated Historic Resource has been substantially reduced or diminished due to unavoidable circumstances that were not a result of action or inaction by the property owner. Historic Integrity is defined in Chapter 1.6 - Definitions.

- b.** If the proposed Demolition involves one of the structures identified in "1 -2," below, and is not exempt per Section 2.9.70, it may be allowed, provided the applicant submits evidence documenting the age of the affected structure and documentation that the Demolition will not damage, obscure, or negatively impact any Designated Historic Resource on the property that is classified as Historic/Contributing or that is called out as being Historically Significant, based on any of the sources of information listed in Section 2.9.60.c. To be considered under this criteria, the Demolition shall involve only the following:
 - 1. A Nonhistoric structure on an individually Designated Historic Resource listed in the Local Register or National Register of Historic Places; or
 - 2. A Nonhistoric structure on a Designated Historic Resource property listed in a National Register of Historic Places Historic District, even if the approved National Register of Historic Places nomination for the District is silent on the issue.

- c.** If the Demolition involves a Designated Historic Resource other than the structures outlined in "b," above, the Demolition may be allowed provided:

1. The physical condition of the Designated Historic Resource is deteriorated beyond Economically Feasible Rehabilitation and either:
 - a) Moving of the Designated Historic Resource is not feasible; or
 - b) If within a National Register of Historic Places Historic District, Demolition of the Designated Historic Resource will not adversely affect the Historic Integrity of the District. To address this criterion, the applicant shall provide an assessment of the Demolition's effects on the character and Historic Integrity of the subject Designated Historic Resource and District. Historic Integrity is defined in Chapter 1.6 - Definitions.

2. Alternatives to Demolishing the Designated Historic Resource have been pursued, including the following, as appropriate:
 - a) Public or private acquisition of the Designated Historic Resource with or without the associated land has been explored;
 - b) Alternate structure and/or site designs that address the property owner's needs, and which would avoid Demolition of the Designated Historic Resource, have been explored and documented;
 - c) A For Sale sign and a public notice have been posted on the Designated Historic Resource site. The sign and public notice shall read: "HISTORIC RESOURCE TO BE DEMOLISHED -- FOR SALE." Lettering on the sign shall be at least five inches in height and posted in a prominent place on the property for a minimum of 40 days;
 - d) The Designated Historic Resource has been listed for sale in local and state newspapers for a minimum of five days over a five-week period;
 - e) The Designated Historic Resource has been listed for sale in at least two preservation publications for at least 30 days;
 - f) A press release has been issued to newspapers of local and state circulation describing the Historic Significance of the

resource, the physical dimensions of the property, and the reasons for the proposed Demolition; and/or

- g) Notification through other means of advertisement has been accomplished (e.g. internet, radio).

d. Trees - A Historic Preservation Permit to remove a Historically Significant Tree as defined in Chapter 1.6 - Definitions, shall meet at least one of the criteria in "1-6," below. If removal of a Historically Significant Tree is approved, a replacement tree(s) may be required as mitigation if, in the opinion of the decision-maker, there is an opportunity either on the subject site, or within 750 ft. of the site, to plant an additional tree(s):

1. The Historically Significant Tree, in the opinion of the City's Urban Forester and City Engineer, negatively impacts existing public infrastructure, and both officials recommend removal of the tree;
2. The Historically Significant Tree, in the opinion of the Building Official and the City's Urban Forester, negatively impacts existing structures on the development site that are intended to remain, and both officials recommend removal of the tree;
3. The location of the Historically Significant Tree precludes the reasonable use of the property because the area needed to ensure preservation of the Historically Significant Tree, in the opinion of a certified arborist and the City's Urban Forester, encompasses an area that does not allow for the property owner to make improvements on up to 75 percent of the otherwise buildable portion of the lot - the area excluding required setback areas, after consideration of lot coverage and landscaping standards;
4. For the determination of buildable area in "3," above, an automatic 15 percent reduction in setbacks and 10 percent increase in height limitation shall be allowed and used to assist a property owner in achieving reasonable use of property;
5. In the case of public infrastructure, the location of the Historically Significant Tree precludes construction of necessary public infrastructure improvements and, in the opinion of the City Engineer and the City's Urban Forester, design alternatives to accomplish the necessary public infrastructure and preservation of the tree are not feasible; and/or

6. A non-emergency tree hazard exists where failure of the Historically Significant Tree is anticipated but is not imminent, and the tree site is stabilized. In such situations, a Historically Significant Tree is determined to be hazardous or in serious decline for reasons including, but not limited to, storm damage, structural defects, poor past pruning methods, history of failure, and disease. This determination must be based on a Hazard Tree Evaluation that has been performed by an ISA Certified Arborist or ASCA Consulting Arborist trained in this method and the associated report must be filed with the Director and the City's Urban Forester. Removal may only occur following the City's Urban Forester's review and approval of the Hazard Tree Evaluation which recommends for removal of the tree.

2.9.110.04 - Documentation Required Prior to Demolition of a Designated Historic Resource

- a. Documentation of a Designated Historic Resource that has been approved for Demolition through the issuance of a Historic Preservation Permit shall occur using one or more of the methods outlined in "1-3," below. The method(s) of documentation shall be specified in the Historic Preservation Permit. The required documentation must be approved by the Director prior to the issuance of a Building Permit for Demolition.
 1. Documentation using guidelines in the Historic American Buildings Survey, including architectural drawings, photographs, and historical narrative;
 2. Documentation by cataloging historic and contemporary photographs of the Designated Historic Resource and site; or
 3. Documentation by salvaging Historically Significant architectural elements or artifacts from the Designated Historic Resource and site.
- b. Dispensation of Documentation Materials:
 1. Original documentation materials shall remain the property of the owner of the Designated Historic Resource being demolished;
 2. Copies of documentation materials identified in Sections "a.1" and "a.2," above, shall be submitted to the Director for storage by the City or its designee; and

3. The Director may require an applicant to submit a plan for dispensing of the documentation materials identified in Section "a.3," above. The plan shall describe all re-use, sale, donation, or other actions investigated by the applicant.

2.9.110.05 - Status of Properties for Which Demolition Approved

- a. **Local Register Designated Historic Resources** - If approval has been granted for the Demolition of a Locally-designated Historic Resource, the Historic Preservation Overlay may be removed through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Historic Preservation Permit, and provided the applicable provisions of Chapter 2.2 - Zone Changes are met. Once the City's Historic Preservation Overlay has been removed, the affected resource shall no longer be subject to the provisions of this Chapter, provided it is not listed in the National Register.
- b. **Historic Resources listed in the National Register of Historic Places** - The City shall notify the State Historic Preservation Office when a Historic Preservation Permit authorizing the Demolition of a Designated Historic Resource listed in the National Register of Historic Places becomes effective. A proposed delisting of such a Designated Historic Resource shall be processed through state and federal procedures. Upon receipt of official notification from the Oregon State Historic Preservation Office (SHPO) that a delisting has occurred and is in effect, and when the affected Designated Historic Resource is not also listed in the Local Register, the affected Designated Historic Resource shall no longer be subject to the Historic Preservation Provisions of this Code. Upon receipt of official notification from SHPO that a delisting has occurred and is in effect, and when the affected resource is still listed in the Local Register, a Zone Change consistent with the provisions in Chapter 2.2 - Zone Changes, pertaining to the removal of the related Historic Preservation Overlay will need to be approved for the Designated Historic Resource to no longer be subject to the Historic Preservation Provisions of this Code. See "a," above.

2.9.110.06 - Temporary Stay of Demolition Building Permit for Publicly-owned Historic Resources Subject to a Pending Nomination for Listing in the National Register of Historic Places

- a. If the Director has received from the State Historic Preservation Office official notification that a publicly-owned historic resource is the subject of a nomination application to list the resource in the National Register of Historic

Places, and the nomination application is currently being reviewed by the State Historic Preservation Office and/or the National Park Service, a Building Permit shall not be issued for the Demolition of that publicly-owned historic resource for the period that the nomination application is under review, provided:

1. The Director's receipt of official notification of the pending nomination of the publicly-owned historic resource for listing in the National Register of Historic Places occurred prior to the Director's receipt of an application for a Building Permit for Demolition of the affected publicly-owned resource;
 2. For a pending National Register of Historic Places Historic District nomination, if applicable, the temporary stay of the Demolition Building Permit applies only to any publicly-owned resources proposed for classification as Historic/Contributing or Historic/Noncontributing in the nomination application. Any publicly-owned resources proposed for classification as Nonhistoric/Noncontributing in the nomination application are not subject to this Section's stay requirement;
 3. For a pending nomination for a Historic Resource proposed to be individually listed in the National Register of Historic Places, if applicable, this Section's temporary stay does not apply to the issuance of a Demolition Building Permit for any publicly-owned resources on the subject site that are Nonhistoric as defined in Chapter 1.6 - Definitions; and
 4. The affected Historic Resource is owned by the City of Corvallis, Benton County, the Corvallis School District, a publicly-owned special district, the State of Oregon, and/or the federal government.
- b. **Removal of a Temporary Stay** - The temporary stay of the Demolition permit shall end upon the Director's receipt of official notification from the Keeper of the National Register, the National Park Service, and/or the State Historic Preservation Office regarding the final outcome of the proposed National Register of Historic Places listing. If the Historic Resource has been approved for listing in the National Register of Historic Places, the Demolition provisions of this chapter apply in addition to any required Building Permits.

Section 2.9.120 - MOVING A DESIGNATED HISTORIC RESOURCE

2.9.120.01 - Definition of Moving a Designated Historic Resource

An activity is considered to be Moving a Designated Historic Resource when the activity:

- a.** Is not an exempt activity as defined in Section 2.9.70.i;
- b.** Is not an Alteration or New Construction to a Designated Historic Resource as defined in Section 2.9.100;
- c.** Is not a Demolition as defined in Section 2.9.110; and
- d.** Involves relocating the Designated Historic Resource, in whole or in part, from its current site to another location. Review of the Moving request shall be limited to an evaluation of the removal of the Designated Historic Resource from its current location. Evaluation of the installation of the Designated Historic Resource at its new location is considered an Alteration or New Construction, and shall occur in accordance with the provisions of Section 2.9.100, if the new site is within the City limits. If the proposed new site of the Designated Historic Resource is outside the City limits, no City evaluation of the resource's installation at that new site will occur because the City has no jurisdiction over such locations.

2.9.120.02 - Historic Preservation Permit Required for Moving a Designated Historic Resource

An HRC-level Historic Preservation Permit is required for all activities meeting the definition for Moving a Designated Historic Resource, per Section 2.9.120.01, above.

2.9.120.03 - Review Criteria - For an HRC-level Historic Preservation Permit involving Moving of a Designated Historic Resource, the following review criteria shall be used, as applicable:

- a.** Evaluation of the current and potential future Historic Significance and Historic Integrity of the Designated Historic Resource, independent of its setting.
- b.** The review criteria in Section 2.9.110.03.b, but with respect to Moving instead of Demolition.

- c. Moving the Designated Historic Resource will save it from Demolition.
- d. Moving the Designated Historic Resource has benefits that outweigh the detrimental impact of removing the resource from its designated site.

2.9.120.04 - Documentation Required Prior to Moving for an HRC-level Historic Preservation Permit Issued for Moving a Designated Historic Resource

A Designated Historic Resource that has been approved for Moving through the issuance of an HRC-level Historic Preservation Permit shall be documented in accordance with Section 2.9.110.04, but with respect to Moving instead of Demolition, as applicable.

2.9.120.05 - Status of Properties for Which Moving is Approved

- a. **Local Register Historic Resources** - If approval has been granted for Moving a Locally-designated Historic Resource, the Historic Preservation Overlay may be removed from the site from which the Designated Historic Resource is being moved, through use of the provisions of Chapter 2.2 - Zone Changes, following the effective date of the approved Historic Preservation Permit for Moving. Once the City's Historic Preservation Overlay has been removed, the affected resource site shall no longer be subject to the provisions of this Chapter.
- b. **Historic Resources listed in the National Register of Historic Places** - The City shall notify the State Historic Preservation Office when a Historic Preservation Permit authorizing the Moving of a Designated Historic Resource listed in the National Register of Historic Places becomes effective. The Historic status of the original site shall be addressed in accordance with Section 2.9.110.05.b, except with respect to Moving instead of Demolition.

2.9.130 - ADMINISTRATIVE

2.9.130.01 - Enforcement

The Director shall administer and enforce these regulations and, to ensure compliance with these regulations, is authorized to take any action authorized by Chapter 1.3 - Enforcement, as well as those contained in Section 2.9.130.02, below.

2.9.130.02 - Ordered Remedies

- a.** Violations of these regulations shall be remedied in accordance with Chapter 1.3 - Enforcement. Additionally, if an after-the-fact Historic Preservation Permit is required to address a violation of these regulations, the decision-maker for that Historic Preservation Permit shall have full authority to implement these regulations, regardless of what improvements have been made in violation of these regulations. This includes requiring the Designated Historic Resource to be restored to its appearance or setting prior to the violation, unless this requirement is amended by the decision-maker. This civil remedy shall be in addition to, and not in lieu of, any other criminal or civil remedy set out in this Chapter and/or Chapter 1.3 - Enforcement.

- b.** Where the Alteration or New Construction, Demolition, or Moving of a Designated Historic Resource within a National Register of Historic Places Historic District or on any individually-listed property is in violation of these regulations, that Designated Historic Resource is protected by these regulations. Any person who intentionally causes or negligently allows the Alteration or New Construction, Demolition, or Moving of any Designated Historic Resource shall be required to restore or reconstruct the Designated Historic Resource in accordance with the pertinent architectural characteristics, guidelines and standards adopted by this chapter. These remedies are in addition to any other civil or criminal penalty set out in this Chapter and/or Chapter 1.3 - Enforcement.

In response to Councilor Daniels' inquiry regarding the timing of construction with the decrease of the Federal Investment Tax Credit December 31, 2008, Mr. Rogers confirmed that SEP could complete construction of one phase of the project by December 31st. "Whereas" preamble C was added to the agreement because of the project timing to ensure that some work could be completed while the tax credit was still at the 30-percent level. The facility can be constructed very quickly.

Councilor Grosch asked that the Council be advised if City Legislative Committee recommendations should be submitted to the City's Congressional delegates regarding the Federal tax credit.

Based upon a motion moved and seconded by Councilors Grosch and Daniels, respectively, the Committee unanimously recommends that Council approve the Solar Services Agreement with SunEnergy Power and authorize the City Manager to sign the agreement.

II. Sidewalk and Related Repairs Caused by Trees in the Right-of-Way (Attachment)

City Manager Nelson noted that the issue represents extensive work. Peter Ball appealed a tree removal decision to the Council, which asked the Committee to review Municipal Code and master plan provisions and recommend any appropriate changes. One concern regarding the issue is a sense of equity for property owners with trees that cause sidewalk damage on their properties, even though the trees are considered public amenities. These property owners repair their sidewalks more often than people without trees in the public right-of-way.

Staff reviewed alternatives other than requiring the adjacent property owner to make the repairs. The existing practice requires extensive Public Works staff time and results in some negative public relations perceptions. Alternatively, the City could pay to repair sidewalks and infrastructure damaged by trees. The staff report outlines advantages and disadvantages of this option.

Annual costs for sidewalk and ramp repairs are estimated to be \$144,000, with \$107,000 related to tree damage repairs and \$37,000 related to other damage causes. In terms of program funding options, gasoline and property tax revenues are relatively stable but are dedicated to other services. Staff proposed three funding options:

- Include a sidewalk/street tree component in the next Transportation Maintenance Fund program update. The fund is dedicated to specific projects. Staff will seek renewal of the program to continue street repairs, but the program could be expanded to include sidewalk repairs.
- Establish a natural features utility to support sidewalk repair necessitated by street tree damage and other natural feature needs.
- Establish an alternate transportation modes utility to respond to sidewalk repairs, bicycle facility improvements, and public transportation.

Review of this issue could become a major revenue discussion that could involve a Council work session discussion and a possible future Council goal. This issue probably could not be concluded by the end of the current Council term. If the Council so directs, staff could develop a public process and evaluate the various options from the City's perspective.

Councilor Grosch concurred that the project is large. A new Council will assume office in a few months and will establish its goals for its term of office. He believes the new Council should discuss the issue, rather than the current Council making decisions. The issue should be addressed, but action cannot be completed during the remainder of the current Council term. He concurred with evaluating the funding source options.

Mr. Nelson said he suggested that the current Council discuss the issue during a work session because the Council has goals of alternative revenue sources.

Councilor Grosch said he did not want to bind the next Council in terms of actions it can take. A work session discussion by the current Council would provide some information to the next Council.

Mr. Nelson added that a full Council discussion would help guide future Council action regarding other revenue issues – all revenue issues would be presented for initial consideration.

Councilor Daniels noted that the issue involves factors of tree removal, public process, street tree maintenance, and Urban Forester involvement. She would appreciate the Council conducting a comprehensive discussion. She would, therefore, support forwarding the issue to the Council for further consideration. She asked that "sustainability" be listed as a positive aspect of the City assuming responsibility for sidewalk repairs necessitated by street tree damage. She also asked that Comprehensive Plan Section 5.3 be included with the information forwarded to the Council because it states that the urban forest is considered a public asset with a monetary value, referencing the 1997 inventory of street trees, which were valued at more than \$12 million.

Councilor Grosch summarized that the Committee would recommend that the Council forward the issue to a Council work session for a broad discussion to give direction to staff.

III: Other Business

- A. The next regular Urban Services Committee meeting is scheduled for August 7, 2008, at 12:00 pm, in the Madison Avenue Meeting Room.

Councilor Daniels adjourned the meeting at 12:50 pm.

Respectfully submitted,

Patricia Daniels, Chair

The motion passed unanimously.

Councilor Daniels announced that Ashland's Electric Utility Director is scheduled to meet with Council on October 6 to share information about Ashland's Utility District and activities for alternative energy. A public presentation is also being scheduled for the same date.

2.

Sidewalk and Related Repairs Caused by Trees in the Right-of-Way

Councilor Daniels reported that staff requested direction about a number of right-of-way issues including street trees, sidewalks, maintenance, and expenses. Staff proposed a comprehensive review, and after a lengthy discussion, the USC concurred that this issue should be forwarded to a Council work session for further discussion and staff direction. Council concurred.

C. Administrative Services Committee – July 24, 2008

1. Business License Program

Councilor York reported that the Business License Program (BLP) Committee focused on rate structure, use of BLP funds, and a sunset date. The Committee agreed that funds would be dedicated to economic development and the Committee would sunset after five years. There was consensus of some rate structure details, but not the actual rate structure. The Committee will discuss rate structure further at their next meeting. One item left open was how to deal with multiple locations.

Councilor Daniels noted there has been a considerable amount of misunderstanding about the BLP, including how the proposal started and how funds will be used. The newspaper has reported on many of the community discussions already held. She encouraged those citizens concerned about this program to attend a meeting or contact staff.

Councilor Wershow added that the BLP meeting materials are available online through the archives link on the City's Web page (www.ci.corvallis.or.us) under Administrative Services Committee.

This item was presented for information only.

D. Other Related Matters

1. A resolution forwarding a Senior and Community Center/Chintimini Park bond measure to the voters at the November 4, 2008 election

Mr. Fewel read a resolution referring to the electors of the City a ballot measure authorizing the issuance of \$13,610,000 in general obligation bonds to finance improvements of the Senior and Community Center and Chintimini Park; and authorizing other matters in connection therewith.



MEMORANDUM

To: Mayor and City Council
From: Karen Emery, Director
Date: April 9, 2009
Subject: Senior Center/Chintimini Park/Playground Equipment/Softball Fields

Issue: The City Council approved placing the Senior Center, Chintimini Park (SC/CP) capital improvement project, system-wide playground equipment improvements and the development or improvements of softball fields on the November 2008 ballot as a bond measure. The bond failed by a narrow margin and direction by the City Council is needed regarding next steps for the project(s).

Background: The SC/CP improvement project began in the late 1990's. In Fall 2004, the City Council adopted the master plan for building and site improvements. In Summer 2006, the City Council approved placing a general obligation bond measure on the May 2007 ballot to fund the SC/CP project. In Fall 2006, the Parks, Natural Areas and Recreation Board recommended including system-wide playground improvements in the bond measure, which was affirmed by City Council. At its September 2007 work session, City Council endorsed moving forward with the project and re-scheduling the bond measure for the November 2008 ballot to allow for more time to prepare for the election and address relocation of the softball fields displaced by this project.

The Senior Center and Chintimini Park adopted Master Plan eliminates the south Chintimini softball field to create necessary parking. In addition, the plan restricts the north Chintimini softball field to youth only due to the proximity of the playgrounds. City Council voted in 2008, to modify this master plan to keep the north softball field as an adult playable field and to move the location of the playgrounds. Council also added to the bond measure that lights would be added to this field to extend play after dark. Council chose this direction to help meet the demands of the adult softball program which were compromised with the loss of south Chintimini field.

The following is the language of the November, 2008 bond measure:

QUESTION: Shall City issue \$13,610,000 in general obligation bonds to expand Senior Center, enhance Chintimini Park, and update park playgrounds citywide?

If the bonds are approved they will be payable from taxes on property or property ownership that are not subject to the limits of sections 11 and 11b, Article XI of the Oregon Constitution.

SUMMARY:

This measure provides funds for renovating the Senior and Community Center, enhancing Chintimini Park, improving accessibility, and safety of system-wide playgrounds, and enhancing softball fields.

The bond proceeds will be used for:

- Senior and Community Center renovation: 8,500 square foot addition with new Dial-A-Bus, Senior Meals offices, classrooms, enlarged commercial kitchen, new dining area, new fitness room, new craft room, all built to LEED Silver standard. Project includes increased parking area.
- Chintimini Park improvements: picnic area, covered play area and new play equipment, lighted and enhanced softball field, and new restrooms.
- City-wide park playground updates: accessible tile surfacing and age appropriate playground equipment, and wheelchair accessible playground equipment at Avery Park.
- New lights and reconditioning of a public softball facility, or for the identification and purchase of property for new softball fields if new lights are not viable.

The estimated tax rate is 32¢ per \$1,000 of assessed value, which would result in a \$72 tax increase for the owner of a home assessed at \$225,000.

The voting results were as follows: 13,021 people voted no for this bond and 11,910 voted yes, not passing by 1,111 votes.

Discussion:

Implementing the Senior Center expansion and improvements to Chintimini Park are key projects for the Department. Placing lights on north Chintimini field or any other fields within the City system should go through public process ideally. Upgrading playgrounds is difficult to fund through internal resources or grants, however this project is not the top priority. The Parks, Natural Areas and Recreation Board would consider discussing repackaging the bond if the Council so directed.

The Senior Citizen Council of Benton County, the Parks, Natural Areas and Recreation Board and the Corvallis Community Activities Political Action Committee are interested in these capital projects coming into fruition. They have asked staff to determine the next steps through City Council direction.

Transportation Maintenance Fee
Process Summary

	Date	Item
USC	May 20, 2003	Transportation Funding Alternatives process and initiation of a Task Force.
	July 2003	Task Force begins meeting monthly for the next 11 months
	March 2004	Press release on Task Force Phase I Report.
	March 24, 2004	Task Force takes public comment on Phase I Report (notice in the <i>Corvallis Gazette-Times</i>).
City Council	April 19, 2004	Task Force Phase I Report and recommendations.
City Council	June 21, 2004	Policy issues in the Task Force Phase I recommendations.
City Council	July 6, 2004	Task Force Phase II Report and recommendations.
USC	July 20, 2004	Follow-up on eliminating some of the Phase I recommended reductions.
City Council	January 4, 2005	Update to new Council on transportation funding for goal setting discussion.
ASC	April 21, 2005	Transportation Maintenance Fee proposal and outreach timeline.
	May 5, 2005	<i>Corvallis Gazette Times</i> editorial on fee.
	May - July 2005	Presentations to eleven service and business groups, Benton County Roads Committee, representatives from major employers, and at two public meetings
	June 20, 2005	Two-page insert to City newsletter on funding situation and revenue alternatives.
	July 25, 2005	City newsletter article on maintenance fee proposal.
ASC	August 4, 2005	Update on the public outreach process and feedback
City Council	September 6, 2005	Public hearing on Transportation Maintenance Fee
City Council	October 3, 2005	Deliberations and direction to staff to prepare a TMF ordinance
City Council	November 7, 2005	Approved TMF ordinance
	Dec - May 2006	Staff work to determine fee for each property in Corvallis
	June 26, 2006	City newsletter article on new fee
	July 1, 2006	Fee implemented

Transportation Maintenance Fee (TMF)
Activity to Date
April 9, 2009

	Actuals		Adopted	Revised	FY 09-10
	FY 06-07	FY 07-08	FY 08-09	FY 08-09	
Beginning Balance	0	13,955	0	64,072	74,577
TMF revenue	407,910	410,300	409,500	420,000	436,100
Write-offs	(916)	(1,238)			
Bad debts recovered	99	396			
Total Resources	407,093	423,413	409,500	484,072	510,677
Administration Costs	20,000	20,000	20,000	20,000	20,000
Resources available	387,093	403,413	389,500	464,072	490,677
Capital Improvement Program (62.5% of total annual receipts minus administration costs)					118,150
Project #656318 - Street Recon 2006/07	168,532				
Project #657338 - Street Recon 2007/08	59,446	119,508			
Project #658345 - Street Recon 2008/09		73,786	389,500	389,500	
Subtotal	227,978	193,294	389,500	389,500	118,150
Overlays on arterial/collector streets (37.5% of total annual receipts minus administration costs)	145,160	146,046	0	0	300,000
Subtotal	145,160	146,046	0	0	300,000
Ending Reserve Balance	13,955	64,072	0	74,577	72,527

Corvallis Municipal Code

Chapter 3.05

Transportation Maintenance Fee

Sections:

3.05.010	Purpose.
3.05.020	Definitions.
3.05.030	Revenue.
3.05.040	Transportation Maintenance Fee.
3.05.050	Exceptions to Transportation Maintenance Fee.
3.05.060	Determination of Transportation Maintenance Fee.
3.05.070	Billing and Collection of Fees.
3.05.080	Waiver of Fee in Case of Vacancy.
3.05.090	Appeal.
3.05.100	Inspection of Premises.
3.05.110	Severability.

Section 3.05.010 Purpose.

1) A transportation maintenance utility has been created to provide a stable source of funds for the maintenance of streets under the jurisdiction of the City of Corvallis.

2) A Task Force charged with the review of street maintenance funding recommended to the City Council, and the City Council agreed that additional funds are necessary to protect the investment in street infrastructure made by the community. The City Council determined a Transportation Maintenance Fee based on trips generated by property uses is the most appropriate method to provide the necessary funds.

3) The fee shall be used to generate revenue for five years and these funds will be used to complete specific street maintenance projects.

(Ord. 2005-17 §1, 11/07/2005)

Section 3.05.020 Definitions.

As used in this chapter, the following means:

1) City Engineer. The person appointed by the City Manager through the Director to perform the functions of City Engineer or the City Engineer's designee acting under his or her direction.

2) Developed property. A parcel or legal portion of real property, on which an improvement exists or has been constructed. Improvement on developed property includes, but is not limited to buildings, parking lots, outside storage, and other uses that impact the transportation system.

3) Director. The person, or duly authorized representative designated by the City Manager to supervise the Public Works Department.

4) Dwelling unit. A facility designed for permanent or semi-permanent occupancy by a person or a single family and, which contains, at a minimum, sleeping facilities and shared or individual sanitary and cooking facilities.

5) Gross square footage. The calculation of the area of all structures located on a site, measured along the exterior walls of such structures, and including but not limited to enclosed courtyards and stairwells, but not including fences and parking areas which are not enclosed within a building.

6) Multi-family residential unit. Residential property consisting of two or more separate dwelling units.

7) Non-residential. A use of property which is primarily not for personal, domestic accommodation. Includes, but is not limited to, industrial and commercial uses.

Corvallis Municipal Code

8) Residential property. A use of property which is primarily for personal, domestic accommodation, including single family and multi-family residential property, but not including hotels, motels, bed and breakfast establishments, and assisted living facilities.

9) Trip generation. The average number of vehicle trips, as determined by reference to the manual entitled, Trip Generation, published by the Institute of Transportation Engineers (ITE).

10) Utility account customer. The person in whose name a water, sewer and/or storm drainage account exists and who is responsible for payment of charges for said account.
(Ord. 2005-17 §1, 11/07/2005)

Section 3.05.030 Revenue.

1) All Transportation Maintenance Fee revenue shall be used only for the following. Up to \$20,000 per year on an average annual basis to be used for related administration costs. Thirty-seven and a half percent of the remaining shall be used to contract for overlays on arterial and collector streets as selected from a pavement management system. Sixty-two and a half percent shall be used to reconstruct portions of Western and Walnut Boulevards. These projects shall be completed during fiscal years FY 06-07 to FY 10-11.

2) All funds collected pursuant to this chapter shall be deposited in the City's Street Fund.
(Ord. 2005-17 §1, 11/07/2005)

Section 3.05.040 Transportation Maintenance Fee.

1) A Transportation Maintenance Fee is imposed upon the owners of all developed property within the City. The fee shall be based on the developed property's direct and indirect use of, or benefit derived from the use of, public streets. The fees imposed under this chapter shall become due and payable from and after the effective date of this chapter, and for property developed after the effective date of this chapter, from and after the date the property becomes developed.

2) The Transportation Maintenance Fee imposed under subsection (1) of this section may be paid by the owner, occupant or anyone designated by the owner or occupant; however if the Transportation Maintenance Fee is not paid promptly, when due, the City shall proceed to collect such charges in any manner provided by law.

3) The fees imposed under this chapter shall begin with utility bills issued on or after July 1, 2006 and shall continue to be charged monthly on utility bills issued on or before June 30, 2011, at which time the fee will expire.

(Ord. 2005-17 §1, 11/07/2005)

Section 3.05.050 Exceptions to Transportation Maintenance Fee.

The following shall not be subject to the Transportation Maintenance Fee:

1) City-owned parking lots, which are not associated with public services other than parking.

2) Publicly owned parkland, open spaces, and greenways, unless public off-street parking designed to accommodate the use of such areas is provided.

3) Areas encompassed by railroad and public rights-of-way, except for developed railroad property such as maintenance areas, non-rolling storage areas and areas used for the transfer of rail-transported goods to non-rail transport.

4) Undeveloped properties.

(Ord. 2005-17 §1, 11/07/2005)

Corvallis Municipal Code

Section 3.05.060 Determination of Transportation Maintenance Fee.

- 1) There shall be three customer groups as follows:
 - a) Single family residential
 - b) Multi-family residential
 - c) Non-residential
- 2) The fee shall be based on the following factors:
 - a) The developed use of the property which includes the amount of vehicular traffic generated by the property, as determined by the City Engineer per subsection (4) of this section.
 - b) For non-residential properties the developed square footage on the property or parcel.
- 3) The monthly fee for each customer group is as follows:
 - a) Single family residential, \$1.36 per unit (\$0.142 per trip).
 - b) Multi-family residential, \$0.94 per unit (\$0.142 per trip)
 - c) Non-residential, \$0.021 per daily trip

These rates shall not change during the term of this chapter.

4) For non-residential properties, the City Engineer shall determine the category of use from the ITE Manual that shall apply to each developed lot or parcel within the City. In the absence of a specific use category from within the ITE Manual for a particular developed use, the City Engineer shall determine the appropriate category by interpreting the ITE Manual and assigning the category which most accurately reflects the traffic generated by the particular developed use. After determining the appropriate use category for a developed parcel, the City Engineer shall use the estimated trip generation figures for the assigned use category from the ITE Manual to calculate the total fee using the rate in 3.c above.

The City Engineer may require and consider the results of a traffic study, provided that such study shall be conducted in conformance with the methodology outlined in the ITE Manual. The determination of a use category shall not be considered a land use decision as that term is defined in ORS 197.015.

5) A reduction in the monthly Transportation Maintenance Fee may be available to non-residential properties where the premises has developed and implemented a transportation demand management program that has been approved by the Director.

6) If the use of a property changes such that its impact on the transportation systems either increases or decreases, the person responsible for the property must notify the City Engineer within 30 days to obtain a new determination regarding the fee for that property. The new fee will be applied with the next City services billing. If the person responsible for the property neglects to notify the City, and the change would result in a lower monthly Transportation Maintenance Fee, no refund will be made for the time between when the change was made and when the City became aware of the change. If the change would result in a higher monthly Transportation Maintenance Fee, the City will calculate the amount owed back to the time the change was made and apply that to the next City services billing. (Ord. 2005-17 §1, 11/07/2005)

Section 3.05.070 Billing and Collection of Fees.

1) The Transportation Maintenance Fee shall be billed and collected monthly with and as part of the combined City services billing which includes water, sewer and drainage fees.

2) In the event funds received from the City's billings, described in subsection (1) of this section, are inadequate to satisfy in full all of the water, sewer, drainage and Transportation Maintenance Fees, credit shall be given first to penalty fees, second to the Transportation Maintenance Fee, third to the drainage utility, fourth to the sewer utility and last to the water utility.

3) If the Transportation Maintenance Fee is not paid when due, the City shall proceed to collect such charges in any manner provided by law.

(Ord. 2005-17 §1, 11/07/2005)

Corvallis Municipal Code

Section 3.05.080 Waiver of Fee in Case of Vacancy.

1) When any property within the City becomes vacant a waiver of the Transportation Maintenance Fee may be granted if the person responsible for the property notifies the City in writing reasonably well in advance of the desired date of vacancy. All outstanding water, sewer, drainage and Transportation Maintenance Fee charges must be paid before a waiver will be granted.

2) For purposes of this section, "vacant" shall mean that an entire building or utility billing unit has become vacant or continuously unoccupied for at least 30 days. "Vacant" shall not mean that only a portion of a property without a separate water meter has become vacant or unoccupied.

3) Fees shall be waived in accordance with this section only while the property remains vacant. The person responsible shall notify the City within 5 days of the premises being occupied, partially occupied or used, regardless of whether water service is restored.

(Ord. 2005-17 §1, 11/07/2005)

Section 3.05.090 Appeal.

1) Any person responsible for a property who disputes the City Engineer's decision in assigning a customer group classification or monthly fee billing rate for non-residential property, may present the reason for their dispute to the City Engineer who will review the information and render a decision, along with an explanation of how that decision was reached.

2) If the person responsible for a property is not satisfied at this point, they may appeal such decision to the City Manager by filing a written notice of appeal within 30 days of the date of the notice of customer group or monthly billing rate, together with payment of an appeal fee of \$100.

3) The City Manager shall notify the appellant not less than 10 days prior to the date of the consideration of the appeal. The decision of the City Manager shall be limited to whether the appellant's property has been assigned the appropriate customer group or monthly billing rate.

4) In the event that the City Manager changes or otherwise overturns the City Engineer's decision on appeal, any appeal fee paid by the appellant shall be refunded.

(Ord. 2005-17 §1, 11/07/2005)

Section 3.05.100 Inspection of Premises.

Notwithstanding Municipal Code Section 1.15.010, the City Engineer may apply for an administrative warrant to enter upon private property for purposes of conducting any studies or collecting information bearing upon the determination of the appropriate use category or Transportation Maintenance Fee in accordance with this chapter.

(Ord. 2005-17 §1, 11/07/2005)

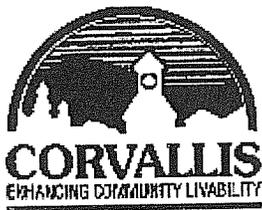
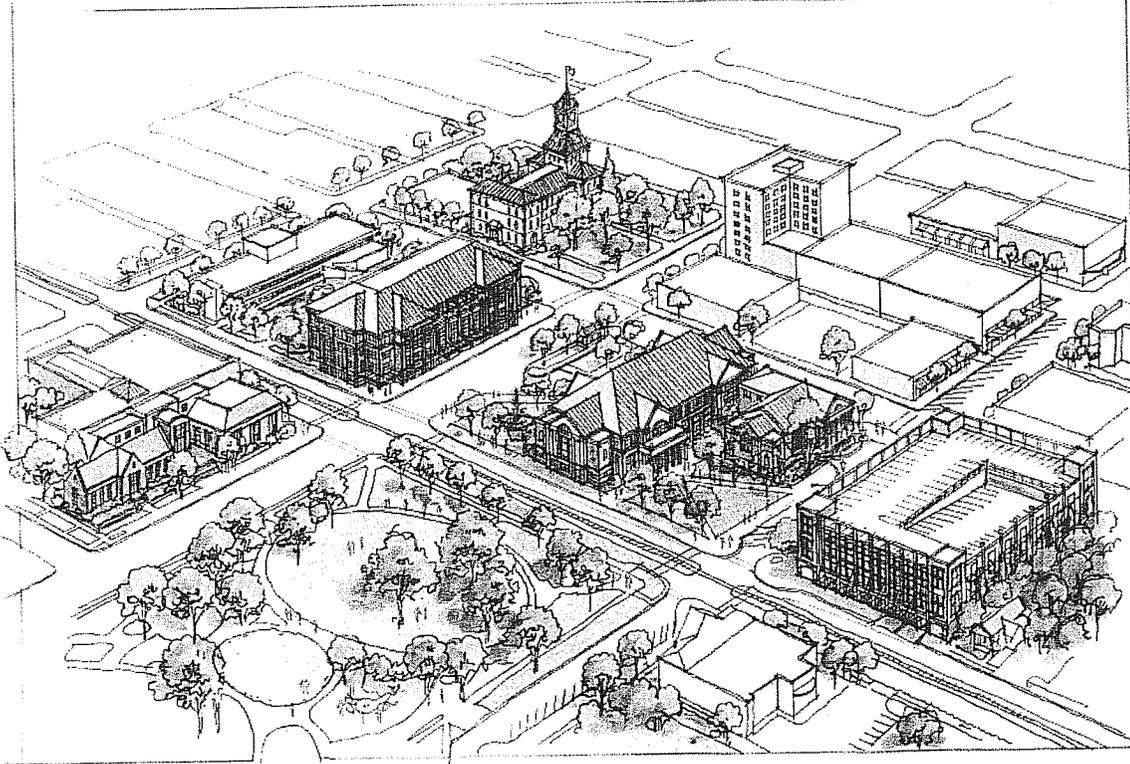
Section 3.05.110 Severability.

If any provision, paragraph, word, section, or article of this chapter is invalidated by any court of competent jurisdiction, the remaining provisions, paragraphs, words, sections and chapters shall not be affected and shall continue in full force and effect.

(Ord. 2005-17 §1, 11/07/2005)

City of Corvallis & Benton County

City/County
Master Plan and
Facility Planning Study



SERA Architects, Inc.

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June 2003

EXECUTIVE SUMMARY

SCOPE OF THE STUDY

The purpose of this Master Plan and Facility Planning Study is to plan for the current and future needs of the City and County, primarily focusing on the City Hall Block and the Law Enforcement Block in downtown Corvallis. In November 1995 the City of Corvallis and Benton County conducted a Downtown Facilities Study which projected space needs based on high population growth and increasing service delivery; those projections have not proven valid over the last eight years and funding for increased service delivery has not materialized. Thus, the City and County decided that it was necessary to conduct a study to guide them in the economics and viability of various facilities decisions.

During the last thirty years, the City of Corvallis has experienced a thirty-eight percent increase in population, but in the last ten years the rate of increase has slowed considerably. Benton County's statistics reflect much the same in terms of a significant slow-down in population growth. *(See the Demographics and Forecasts in Section 2 for specific figures.)*

Today, the majority of City and County offices have become crowded, lack necessary support functions and inhibit efficient operations; many of Benton County's departments are located in leased facilities spread out in Corvallis which adds to inefficiency in service delivery and increased costs.

This study evaluates the functional and long term needs of City and County facilities located in downtown Corvallis, and provides a master plan for new and existing facilities. The following buildings have been included in the study:

City of Corvallis

City Hall
City Hall Annex
Moose Building (site)
500 SW Madison Building
Municipal Court Building (limited)
Law Enforcement Building

Benton County

Assessors' Building
Courthouse
Hoyer Building
Humphrey Building
Kairos House
Law Enforcement Building
NIRSA Building
Public Service Building

The following departments have been included in the study:

City of Corvallis

City Council/Mayor
City Manager
Assistant City Manager/Personnel

Benton County

Board of Commissioners
County Administrator
County Counsel

EXECUTIVE SUMMARY

Finance Department
Management Information Systems
Public Works – Develop. Review Eng.
Community Development
Police Department

Assessor's Office
Records and Elections
District Attorney
Juvenile Department
Health Department
OSU Extension Office
Sheriff's Department
Parole and Probation

THE STUDY PROCESS

The following is a brief overview of the process utilized for this study.

Information Gathering:

In an initial "kick-off" meeting the SERA Architects team met with representatives of the City of Corvallis and Benton County. The meeting was attended by elected officials, management representatives, key staff members and members of the steering committee. Discussion items included project scope and schedule, roles and responsibilities of team members, expectations of the City and County, and the study process. Initial goals and objectives were decided, and a discussion of the project objectives related to community concerns was initiated.

Background information was gathered by SERA team members including review of the 1995 Berry Architects study for information content and conclusions of the study. Statistical information related to population for the City of Corvallis and Benton County was gathered from the US Census and Portland State University's Population Research Center. Meetings were held with each City and County department manager to discuss current facilities and develop space needs projections.

Space Standards:

SERA Architects assisted the Benton County Board of Commissioners in updating space standards for typical functional areas such as work stations, offices and conference rooms. The adopted recommendations are based on space standards comparisons with Clackamas County, City of Portland and the State of Oregon. *Space Standards are included in Section 7 Appendix.*

Space Needs:

The City and County project managers instructed the team to use the 1995 department staffing needs and space standards as a basis for space needs

EXECUTIVE SUMMARY

programming, but that the population projections and funding levels for service delivery were not applicable based on current operations. In a series of meetings, we worked with each of the City and County department managers to determine their current operations, staffing and space needs, and anticipated future needs. Staffing projections were looked at for current (2002), 5-year, 10-year and 20-year projections based on such issues as population projections, funding availability, service needs and federal and state regulatory issues. Draft summaries of the personnel projections were provided to the department managers and to the City and County project managers for review.

The City of Corvallis requested minor modifications to the staffing, which was incorporated into the programming data that forms the basis of City of Corvallis space needs for Year 2022 in this study. *Personnel Projections for the City of Corvallis are included in Section 2.*

Benton County requested more extensive revisions to the data. The Board of County Commissioners reviewed the growth projections for department personnel and directed department managers to re-evaluate their staffing based upon the seventeen percent population growth projections and demographics for Benton County. Department managers revised their projections for staffing, and SERA assisted the County in establishing updated space standards which were incorporated into the programming data that forms the basis of Benton County space needs for Year 2022 in this study. *Personnel Projections for Benton County are included in Section 2.*

After review of the personnel projections, a draft projection of the 2022 Space Needs was prepared for review. In addition, an adjusted square footage for current space need was prepared for review. The adjusted need or "right sizing" reflects the application of the space standards to current operations. *For the City of Corvallis and Benton County the adjusted and 2022 projections of square footage are shown under Department Space Needs in Section 2.*

Adjacencies:

Through the course of meetings with the Steering Committee and the City and County project staff it became apparent that the City and County wanted to consider co-location of functions and take advantage of space savings that could be gained by sharing facilities. Areas that were identified for sharing included the large chambers for City Council and Board of County Commissioners meetings, specialized space for information systems training, a building reception function, parking facilities, and adjacency of departments that serve similar public functions for development. *The Master Plan drawings in Section 6 illustrate the co-location of City and County functions in Phase I and Phase II.*

EXECUTIVE SUMMARY

Existing Building and Site Analysis:

Building conditions were evaluated for all City and County owned facilities, including on-site observations and review of previous studies of mechanical/electrical systems, ADA compliance, seismic condition and hazardous materials. *The Existing Building Analysis is included in Section 4.* The team investigated city zoning and parking/transportation issues; urban planning considerations included consideration of downtown housing, retail and commercial lease space. *The Site Analysis is included in Section 3.* Financial analysis of current facilities expenses highlighted the cost of leased space, potential revenue generation of leasing to other public agencies and to commercial/retail enterprises. *The property report and financial analysis is included in the appendix.*

Conceptual Alternatives:

Conceptual alternatives were developed for review with the Steering Committee and City/County project staff. Schemes were then refined for review at evening public forums to gain input from community members. The public forums were well attended and valuable input was obtained for use in further refining the options and direction for facilities development. *A detailed description of the conceptual alternatives can be found in Section 5.*

STATEMENT OF NEEDS

City of Corvallis

The City of Corvallis is currently housing administrative departments in the historic City Hall building and City Hall Annex - the old train depot; Community Development and some storage are directly across the street in the Madison Building; and the Police department is in the City/County owned Law Enforcement Building. The Municipal Court function is in leased space adjacent to the Madison Building. Also, the Moose Building located directly north of City Hall was acquired by the city in anticipation of future needs. In general, City departments are minimally accommodated in their current locations; they are crowded, lack adequate support space and have no room for growth.

The 2002 personnel count for the departments included in this study is 187 staff, which are currently located in 46,315 gross square feet (gsf) as noted above. If the appropriate space standards were applied today for these same departments they would need an additional 20,000 gsf for a total of 66,377 gsf of space to fully meet today's service delivery needs.

EXECUTIVE SUMMARY

Staffing projections indicate an increasing need to accommodate growth: 187 in 2002, 202 in 2007, 210 in 2012 and 225 in 2022. Based on the space needs projections the City will require 79,154 gsf by the year 2022, which is an additional 33,000 gsf over space available today.

This study evaluates options for accommodating growth for the City of Corvallis departments, in separate space developed by the city and options for shared development and co-location with Benton County. *The options are illustrated in Section 5, and final recommendations are illustrated in Section 6.*

Benton County

Benton County departments included in this study are housed in several locations throughout Corvallis, in both owned and leased space. Departments are typically crowded and lack adequate working and support space which results in inefficiencies in service delivery. From an economic standpoint several departments are housed in leased space which is not the most cost effective solution. The county's current space situation does not have any room for growth of staff or programs.

The personnel count for departments included in this study was 326 in 2002; currently these departments are located in ten buildings totaling 102,069 gsf. With application of the County's adopted space standards to these same departments, the needed space would jump to 123,752 gsf, or an increase of almost 22,000 sq. ft. to meet today's needs.

Benton County departments are projecting a modest 14% increase in staffing over the next 20 years: 326 staff in 2002, 348 in 2007, 359 in 2012, and 374 in year 2022. Based on the space needs projections Benton County will require 143,936 gsf by the year 2022, which is an additional 42,000 gsf above the current space being used.

Several alternatives were explored to provide for the increased space requirements, including re-use of existing facilities and construction of new space as shown in Section 5. The county also brought other public agencies for inclusion in the overall development, which is illustrated in Phase I and Phase II of the Master Plan in Section 6.

Phase I of the Master Plan is based on providing space for the County departments at roughly the same square footage as they currently occupy, but with the expectation that the facilities would be inherently more efficient and accommodate the majority of department needs. *Phase II is based on meeting the space requirements as indicated in the Department Space Needs summaries, which are in Section 2.*

EXECUTIVE SUMMARY

Phase I of the Master Plan also includes space Benton County will lease to generate an income stream. *The Benton County financial analysis is included in the appendix.* This commercial lease space could include retail or commercial offices lease at the ground level of the Benton County Building, and leases to the State of Oregon offices of CSC (Community Services Consortium) and DHS (Department of Human services). This lease space generates income for Benton County in Phase 1, and becomes growth space for all departments as well as provides space for the Benton County Health Department and the District Attorney's office in Phase 2.

RECOMMENDED MASTER PLAN

Phase One:

Phase One Construction:

Demolish the Humphrey, Hoyer, and Cascade View Apartment Building for Phase One on the Benton County Block. Benton County builds a new office building on the south side of the County Block of 93,528 gsf (4 story). The Phase One building does not include the Benton County Health Department, Records and Elections and District Attorney. The new building includes ground floor commercial lease space along Monroe Ave, and commercial lease space on upper levels for the State of Oregon offices of CSC (Community Services Consortium) and DHS (Department of Human services).

There will be no change to the City Block in Phase One.

Phase One Parking:

A new below grade parking structure will be built under the new County office building for secure police and sheriff vehicles that ties into the existing LEB at the basement level. Access is provided from 5th Street. 78 secure parking spaces for City of Corvallis Police vehicles and Benton County Sheriff vehicles are provided.

A new visitor surface parking lot for 24 vehicles is provided north of the new Benton County office building.

The existing surface parking at City block will be retained.

EXECUTIVE SUMMARY

Benton County employee parking will be provided off site at other County owned properties, and employees will be shuttled to the new office building. New City of Corvallis development standards for parking require 1 space per 1,000 gsf of building area in the central business district within 3.5 blocks of the subject properties. Based upon this standard, 150 parking spaces are required for the City and the County in Phase One. If parking spaces can not be found within the required distance of the property, the County may be required to pay a charge of \$3,500 per space not provided.

Phase Two:

Phase Two Construction:

Demolish the Moose lodge on the City block. Relocate the City Hall Annex building (old Wells Fargo building) off site and re-develop as a new use. Build a new joint facility building of 57,800 gsf to be shared between the City of Corvallis and Benton County at the City Block. Benton County BOC/Administrative services, County Counsel, County Assessor, Finance, and Human Resources departments all relocate from the Phase One building into the new shared building on the City block. The Benton County Health Department and the District Attorney's office moves into the Phase One Benton County building, and the commercial lease space in the phase one building is absorbed by the growth of the other Benton County departments. Renovate Corvallis City Hall and link to the new shared building.

Shared City/County building includes:

- Shared lobby, assembly chambers and meeting rooms
- Shared support space
- Intermix of City and County departments in new building
- County space in new building includes: BOC/Administrative services, County Counsel, County Assessor, Finance, and Human Resources

County share: 25,000 SF

City share: 25,000 SF

Shared Space: 7,800 SF

EXECUTIVE SUMMARY

Total 57,800 gsf building (3 stories)

Phase Two Parking

City/County acquires the Municipal Court property (not currently owned by the City). Demolish the Municipal Court building and the Benson Building. City/County builds a shared parking structure (4 stories total plus a basement) with retail space along Madison Avenue. Access to the upper levels of the garage is provided off of 5th Street, and access to the basement parking is provided off of 6th Street.

320 parking spaces are provided in the new garage

Phase One required City/County Parking: 150 spaces

Phase Two required City/County Parking: 70 spaces

Total required City/County Parking 220 spaces

The remaining 100 spaces could serve local business employee parking in the central business district.

Housing:

There is a recognition by the Steering Committee that an increase in housing Downtown is essential for its long-term vitality. Although it was found that housing as a part of this project was not feasible, the City And County are committed to fostering housing in other areas of Downtown.

EXECUTIVE SUMMARY

IMPLEMENTATION PLAN AND COSTS

	Phase One	Cost	Cost/sf
Benton County Office Building			
General Conditions		\$845,000	
Benton County Office Building		\$11,563,941	\$121.59
Basement Parking/Sitework		\$2,841,400	
margin		\$610,014	
insurance		\$39,651	
bond		\$103,350	
contingency		\$160,034	
Construction total		<u>\$16,163,390</u>	
Construction total		\$16,163,390	
Soft Costs (fees, permits, furniture)		\$3,880,965	
Escalation to 2005		\$400,887	
Project Contingency		\$956,565	
Total Benton County Office Building		<u>\$21,401,807</u>	
Total Phase One Costs		\$21,401,807	
	Phase Two	Cost	Cost/sf

Shared City/County Administration Building			
General Conditions		\$625,000	
Shared City/County Building		\$8,562,377	\$147.63
Sitework		\$1,386,200	
margin		\$422,943	
insurance		\$27,491	
bond		\$71,656	
contingency		\$109,965	
Construction total		<u>\$11,205,632</u>	

EXECUTIVE SUMMARY

Construction total	\$11,205,632	
Soft Costs (fees, permits, furniture)	\$2,938,047	
Escalation to 2007	\$1,468,114	
Project Contingency	\$675,581	
Total Shared City/County Building	<u>\$16,287,374</u>	

City Hall Renovation

General Conditions	\$175,000	
Renovation/Link to Shared Building	\$1,913,307	\$92.43
Sitework	\$121,725	
margin	\$110,502	
insurance	\$5,801	
bond	\$15,121	
contingency	\$116,027	
Construction total	<u>\$2,457,483</u>	

Construction total	\$2,457,483	
Soft Costs (fees, permits, furniture)	\$810,925	
Escalation to 2007	\$339,261	
Project Contingency	\$151,048	
Total City Hall Renovation	<u>\$3,758,717</u>	

Parking Structure

General Conditions	\$455,000	
New structure	\$5,582,640	
Sitework	\$976,900	
margin	\$420,872	
insurance	\$18,589	
bond	\$48,451	
contingency	\$148,708	
Construction total	<u>\$7,651,160</u>	\$23,910 per stall

EXECUTIVE SUMMARY

Construction total	\$7,651,160
Soft Costs (fees, permits, furniture)	\$1,438,081
Escalation to 2007	\$943,463
Project Contingency	\$422,631
Total Parking Structure	<u>\$10,455,335</u>
 Total Phase Two Costs	 \$30,501,426



0 50 100 Feet

Alleyway

Hanson

Alleyway

Subject Property

Van Buren

5th

4th

Alleyway

Jackson

3rd